



Global Monitoring

status of action against commercial
sexual exploitation of children

INDIA



2nd EDITION

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Correction: An earlier version of this publication omitted information in the Protection, Support services for children section. This updated version corrects these omissions.

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GLOSSARY OF TERMS AND ACRONYMS

- **AHTU:** Anti Human Trafficking Unit
- **ATSEC:** Action Against Trafficking and Sexual Exploitation of Children
- **AIDS:** Acquired Immune Deficiency Syndrome
- **BPL:** Below poverty line
- **CACCP:** Central Advisory Committee on Child Prostitution
- **CBATN:** Cross Border Anti Trafficking Network
- **CERT-IND:** Computer Emergency Response Team of India
- **The Code:** Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. An industry driven responsible tourism initiative in collaboration with ECPAT International, funded by UNICEF and supported by the UNWTO.
- **CBO:** Community-based organisation
- **CERT:** Computer Emergency Response Team
- **CPHCSA:** Centre for the Prevention and Healing of Child Sexual Abuse
- **CRC:** United Nations Convention on the Rights of the Child
- **CSE:** Commercial sexual exploitation
- **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. 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.
- **ECPAT:** End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
- **EQUATIONS:** Equitable Tourism Options
- **EU:** European Union
- **HIV:** Human Immunodeficiency Virus
- **IAHTU:** Integrated Anti-Human Trafficking Units
- **ICDS:** Integrated Child Development Scheme
- **ICT:** Information and Communication Technologies
- **IDP:** Internally Displaced People
- **ILO:** International Labour Organization
- **INGO:** International non-governmental organisation
- **IOM:** International Organization for Migration
- **ICRC:** International Committee of the Red Cross
- **ISP:** Internet service provider
- **IT:** Information Technology
- **JJB:** Juvenile Justice Board

- **MHA:** Ministry of Home Affairs
- **MLJ:** Ministry of Law and Justice
- **MWC:** Ministry of Women and Child Development
- **MOU:** Memorandum of Understanding
- **NASSCOM:** National Association of Software and Service Companies
- **NCPCR-** National Commission for Protection of Child Rights
- **NCRB:** National Crime Records Bureau
- **NCW:** National Commission for Women
- **NGO:** Non-governmental organisation
- **NPA:** National plan of action
- **NHRC:** National Human Rights Commission
- **ODHIR:** Office for Democratic Institutions and Human Rights
- **QCS:** Quality of care standards
- **SAARC:** South Asia Cooperation for Regional Cooperation
- **SCs:** Scheduled Castes
- **STs:** Scheduled Tribes
- **SAFAHT:** South Asia Forum against Human Trafficking
- **SAPAT:** South Asia Professionals against Trafficking
- **SHG:** Self help groups
- **SJPU:** Special Juvenile Police Unit
- **STOP:** Stop Trafficking and Oppression of Children and Women
- **STD:** Sexually transmitted disease
- **TDHIF:** Terre des Hommes International Federation
- **TIP:** Trafficking in persons
- **UN:** United Nations
- **UNDP:** United Nations Development Programme
- **UNFPA:** United Nations Fund for Population Activities
- **UNGIFT:** United Nations Global Initiative to Fight Human Trafficking
- **UNHCR:** United Nations High Commissioner for Refugees
- **UNICEF:** United Nations Children's Fund
- **UNIFEM:** United Nations Development Fund for Women
- **UNODC:** United Nations Office on Drugs and Crime
- **UT:** Union Territory
- **OHCHR:** United Nations Office of the High Commissioner for Human Rights
- **UP-CTSP:** Unlimited Potential – Community Technology Skills Program
- **WPC:** Women Protection Cell
- **WHO:** World Health Organization
- **UNWTO:** UN 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 2nd 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 2nd 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 2nd 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 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.



INDIA

INTRODUCTION

India is a federal, parliamentary democracy with a population of approximately 1.1 billion people. India is also home to 19% of the world's children.¹ In the past decade, the country has seen sustained economic growth, as well as progress in terms of human development. India has emerged as a global power, boasting the fourth largest world economy.² The economy experienced growth rates as high as 9% in 2006-07, while the percentage of the population below the poverty line has gradually shrunk.³ Still, approximately 37% of the population (approximately 410 million people) remained below the poverty line in 2010.⁴ The Government has made progress in reducing incidents of communal violence, expanding efforts against human trafficking and reducing the exploitation of child workers.⁵

Nevertheless, several problems persist. While a part of India is on a rapid development trajectory, large sections of the society comprised of farmers, labourer, minorities and other socially excluded communities* have been left behind and further marginalised.⁶ Wide gender, caste, ethnic and regional disparities continue. Poverty and malnutrition are realities for millions of women and children. India has an estimated 220,000 children infected by HIV and as many as 60,000 children are born every year to mothers who are HIV-positive.⁷ According to the National Commission on Population, only 55% of national births were registered in 2009, and the registration rate varies substantially across states.⁸ Twenty percent of children aged 6 to 14 are not attending school.⁹ In some states, like Bihar, Mizoram, Rajasthan and Uttar Pradesh, 60% of girls drop out before completing their fifth

year of primary education.¹⁰ Child labour is also a significant problem for India, which has the highest number of child labourers under 14 in the world (an estimated 12.6 million children are engaged in hazardous occupations). Not just poverty, but also other deep-rooted problems, such as socio-cultural practices of gender discrimination; societal tolerance for child labour; lack of awareness and limited access to quality education are causes underlying India's child labour problem.¹¹

India's many states are diverse in terms of economics, natural resources, ethnicities and customs, level of education, child labour, poverty and government integrity.¹² All these factors affect the protection and vulnerability of children from state to state, and these varying degrees of protection shape the form of child sexual abuse and exploitation throughout the country by, for example, driving migration from state to state.¹³ Children's rights violations in India are various, ranging from child labour to commercial sexual exploitation (CSE) and many other forms of violence and abuse. The UN Committee on the Rights of the Child (CRC) has expressed concern about the high prevalence of violence, abuse (including sexual abuse) and neglect of children in India, as well as the lack of effective measures to combat these problems.¹⁴

In April 2007, the first ever *National Study on Child Abuse in India* was released by the Ministry of Women and Child Development (MWCD), PRAYAS, UNICEF and Save the Children. It covered 13 states and sampled 12,447 children, bringing out some troubling facts about the extent of child abuse in India,

* Scheduled Castes (SCs) and Scheduled Tribes (STs) are population groups that are explicitly recognised by the Constitution of India as marginalised groups in need of special assistance.

including that over 53% of children report having faced one or more forms of sexual abuse.¹⁵ The study pointed out that child sexual abuse is still a taboo in India, and a very large percentage of people do not believe that child sexual abuse occurs in India.¹⁶ According to the MWCD, part of the reason for this mistaken belief lies in a traditional, conservative family and community structure that does not discuss sex and sexuality.¹⁷ As a result, many acts of sexual abuse go unreported. Often, children themselves do not even realise that they have been abused. Children 5-12 years of age appear to face the highest risk of abuse and exploitation.¹⁸

According to the *Compendium on Child Prostitution*, compiled by the Socio Legal Information Centre for UNICEF Maharashtra, sexual abuse of children is a major problem in India and is being escalated due to the inadequacy and non-implementation of current laws, as well as to the attitudes of authorities, society and families.¹⁹

While data on child protection issues are not always available, evidence suggests that the children especially vulnerable to commercial sexual exploitation and trafficking are those belonging to disadvantaged communities and communities that suffer from social exclusion, such as ethnic minorities and scheduled castes and tribes.²⁰ According to the India Center for Indigenous and Tribal Peoples in 2005, more than 40,000 tribal women (mostly from the states of Orissa and Bihar) were forced into economic and sexual exploitation.²¹

Following the 1996 Stockholm and the 2001 Yokohama global forums on Commercial Sexual Exploitation of Children, India reaffirmed its commitments at the 2008 World Congress III against Sexual Exploitation of Children and Adolescents in Rio de Janeiro, Brasil. The World Congress III renewed global commitments and galvanised international resolve to combat the sexual exploitation of children and adolescents.

Child prostitution

The problem of child prostitution in India is widespread. In 2006 ECPAT reported that there are estimated to be more than two million people involved in prostitution on the Indian subcontinent, 30% of whom are believed to be girls.²² UNICEF reports that approximately 1.2 million children are exploited in prostitution throughout the country.²³ UNICEF's numbers are based on surveys that identified approximately three million women exploited for prostitution in India, 40% of whom were minors.²⁴ Child sexual exploitation through prostitution is fuelled in part by human trafficking²⁵ and is reportedly on the rise.²⁶ Although the exact figure may never be known, it is clear that hundreds of thousands of children are being sexually exploited in India, about 20% of whom are brought in annually from Nepal.²⁷

Mumbai is the capital of India's sex industry. Girls and young women are often kept in 'closed' brothels in Kamatipura and Falkland road. The conditions that children face in the brothels of cities like Delhi or Mumbai are analogous to slavery and torture. The Indian magazine, *Tehelka*, in a 2008 investigation of the brothels of GB Road, situated across from New Delhi Railway Station, illustrated the living conditions of minor girls from Nepal and northeast India.²⁸ The girls are

kept in tiny, unsanitary rooms containing only a mattress, without ventilation or light.²⁹ The girls are exposed to disease and infection and are typically unpaid, in addition to being tortured and raped by brothel managers if they refuse to service costumers.³⁰ A large number of minor girls are being exploited there.³¹ Since sections of the Indian population still believe in the myth that intercourse with a virgin cures sexually transmitted diseases (STDs), the demand for

children is high.³²

In India the vast majority of women and children exploited for prostitution are from the Dalit, or 'untouchable', caste. Young *Dalit* girls in India face triple discrimination as poor women from the lowest caste. The sexual abuse and exploitation of *Dalit* girls and women has been well documented.³³

A recent investigation by *India Today* uncovered a prostitution racket operating in villages of the Alwar region. The team found that kidnapped children from across the country are being trafficked into Sodavas and Girvas villages where they are given shots of Veterinary Oxytocin, a growth hormone meant for animals, to hasten the onset of puberty. The girls are then sent to Mumbai and the Middle East for prostitution. The region purportedly has a long 'tradition' of prostitution. Although Delhi Police raided Girvas village to rescue some trafficked girls, the local police denied the presence of a prostitution ring and the drugging of girls.³⁴

Sexual exploitation of children in India is often viewed as being limited to girls. However, recognition of the prostitution of boys in the country is slowly emerging. Unfortunately the magnitude of the problem is not known, as many cases are unreported due to the stigma and shame attached to this type of crime. Consequently, the prostitution of boys is little understood, and addressed by few programmes.

One study addressing the prostitution of boys was conducted in 2006 by ECPAT International. The study concluded that the selling of sex by boys is prevalent in Hyderabad, the area studied, and, according to local perceptions, the number of boys selling sex had increased by alarming proportions in the preceding three years. Many of the boys involved in prostitution ran away from home at a young age, often because of parental abuse, financial difficulties and/or the death of one or both parents. The study found that the first sexual exploitation of these boys often occurred

between the ages of 11 and 13, sometimes by a female. The boys involved in prostitution typically started when they were 15 or 16, mostly because of peer pressure. Many of the boys reported using drugs, drinking alcohol and watching pornography.³⁵

The ECPAT study also looked at the commercial sexual exploitation of boys in the city of Mumbai. Most of the boys victimised by CSEC are in the 10 to 18 age group, and are migrants from various states of India. The study found that sexual exploiters of boys include migrant workers, business people, employees and students. Exploiters are primarily male. Poverty and dysfunctional families often push boys to migrate to cities like Mumbai. There, peer pressure and abuse from older boys pushes the younger ones into prostitution. A need for money to buy drugs also forces boys into prostitution. Boys, especially those in the 16 to 18 years age group, often fall prey to the glamour that is rampant in the Mumbai film, television and modelling industries. The influence of older boys who have already been victimised also plays a major role. There are no fixed places of exploitation, such as red light areas, and most of the boys operate from populated public places like train stations, parks, public toilets and bus stops.³⁶

According to a 2008 UNICEF Innocenti Working Paper, many brothels provide the services of boy children, and brothels with transgendered boys are particularly prevalent in western India.³⁷ The research indicated that the exploiters are predominantly bisexual or heterosexual men. It also highlighted the sexual exploitation and abuse of boys that sometimes occurs in transgender communities, including *hijra* or *zenana* communities. Many boys exploited for prostitution cover up as masseurs. According to Jasbir Thakur, Secretary and EO of Samabhavana Society, there are almost 10,000 such 'masseurs' in Mumbai alone, with as many as a dozen new boys under the age of 18 arriving each month from the rural areas for this work.³⁸

Hijras, the third gender

Hijras, referred to as the 'third gender', have a long tradition in south Asian society. As boys or young men, hijras wear feminine clothing, and most are castrated. Through ritual, hijras are inducted into hijra communities, and initiates become the 'daughter' of the head of the household (the guru). The young hijra is considered the 'property' of the guru and is provided food, shelter and clothing.³⁹

Traditionally, the *hijras* performed important social functions in the community, particularly at the blessing ceremonies of newborn children. These traditions have largely eroded, leaving most hijra communities to survive through begging and dance performance. Some communities also engage in prostitution.⁴⁰

As a result, while these groups can offer a community of support for children that might otherwise be stigmatised, they also provide avenues for sexual abuse and exploitation.⁴¹

Luanda 'dancing boys'

A study by PLUS Kolkata, supported by UNDP, reports that transgender boys who perform at weddings and other celebrations in India are often subjected to sexual exploitation. The study was conducted among 400 primarily transgender boys, aged 15 to 25. The boys were primarily from West Bengal, and migrated to Bihar and Uttar Pradesh during the peak marriage seasons. They are called *Luanda* dancers and they perform in marriage processions and ceremonies, dressed in women's clothing. The groom's family usually hires the dancers that perform in a procession to the bride's house. As the marriage ceremony progresses, the dancers are often sexually abused by groups of drunken men.⁴²

Trafficking of children for sexual purposes

Child sex trafficking is one of the primary manifestations of commercial sexual exploitation of children in India. India is a significant source, destination and transit country.⁴³ It also experiences large scale internal trafficking.⁴⁴ In fact, according to the US Department of State, 90% of India's trafficking is internal.⁴⁵ The main trends of cross border child trafficking are from Nepal and Bangladesh to India, and from India and Pakistan to the Middle East. India also provides a layover for traffickers and children in transit, primarily from Bangladesh to the Middle East.⁴⁶

A common means of trafficking young girls into the sex industry is through the promise of work. Victims of sexual slavery, mostly women and children, often fall prey to traffickers who offer false promises of safe and well-paid employment.⁴⁷ Instead, traffickers deliver victims into brothels where they are forced into prostitution. In other cases, parents and other relatives sell women and girls directly to brothel owners. One report found that, in the majority of the cases

studied, traffickers made contact with their victims through family members, relatives and other familiar persons.⁴⁸ The report also showed that most female traffickers are themselves victims, or former victims, of CSEC.⁴⁹ The low status of women in some societies also contributes significantly to trafficking in India. Victims of trafficking in Tamil Nadu, for example, are mostly from remote villages and are bound by customary obligations relating to dowry and marriage

expenses.⁵⁰ These conditions are exploited by traffickers.

Trafficked children are subjected to prostitution, forced into marriage or illegally adopted. They provide cheap or unpaid labor, work as house servants or beggars, are recruited into armed groups and are used for sports. Trafficking exposes children to violence, sexual abuse and HIV infection and violates their rights to be protected, grow up in a family environment and have access to education. The root causes of poverty, discrimination, exclusion and violence need to be addressed along with altering the social attitudes that create demand.⁵¹

An alarming trend in India is the trafficking of increasingly younger girls into the sex trade. In 2005, the National Human Rights Commission (NHRC) estimated that almost half of the children trafficked within India are between the ages of 11 and 14.⁵² While the majority of trafficking in women and children for sexual exploitation and forced marriage happens internally.⁵³ A 2007 study by CHILDLINE India Foundation reported that an average of 44,476 children go missing in India every year and that, out of these, 11,008 children remain untraced,⁵⁴ possibly victims of trafficking. Poor rural areas of Andhra Pradesh, Bihar, Karnataka, Uttar Pradesh, Maharashtra, Madhya Pradesh, Rajasthan and West Bengal are the main sources of trafficked children, while Mumbai, Delhi and Goa are main destination states.⁵⁵ In recent years, sex trafficking to medium-sized cities and satellite towns of large cities has increased.⁵⁶ Many girls are reported to be trafficked from Orissa to Uttar Pradesh every year under the guise of marriage.⁵⁷ Some are reportedly 'sold' by their parents to 'bridegrooms' who, in turn, sell them into commercial sexual exploitation.⁵⁸

The state of Andhra Pradesh is reportedly one of the main sources of trafficking in human beings for various forms of exploitation.⁵⁹ The region is home to large

number of SCs and STs, along with a substantial population of Muslims.⁶⁰ These groups are among the most marginalised in the region. Droughts are regular in the state, resulting in long and widespread periods of unemployment. The region is also subject to political violence. The status of women and children is low and they have little access to education. An investigation by UNICEF found that in the majority of the districts of Andhra Pradesh (17 out of 23), interstate and inter-district trafficking of children for sexual exploitation was widespread.⁶¹ Women and girls are trafficked to Mumbai, Calcutta, Goa, Chennai and Orissa, as well as within the state for prostitution and marriage.⁶² According to the NHRC, around 30% of the trafficked victims in the country from 2002-2004 were from Andhra Pradesh.⁶³ UNICEF data reveals that most of the girls and women trafficked from Andhra Pradesh belong to the Lambada (Roma) community, and that some girls were as young as 14. The data verified that these children were being trafficked for sexual exploitation by a network of traffickers operating within and across districts. The majority of traffickers were relatives or people known to the girls.⁶⁴

The northeast region of India is made up of seven states: Assam, Arunachal Pradesh, Mizoram, Nagaland, Meghalaya, Manipur and Tripura. Trafficking of women and children in these regions occurs at both the internal and international levels. Internally, victims are trafficked from conflict affected rural areas for the purposes of prostitution and domestic labour. At the international level, women and children are trafficked to South East Asian countries for sexual and other forms of exploitation. Due to ethnic conflict, the Bodoland Territorial Council in the state of Assam is one of the most affected areas. Women and children are recruited from relief camps, lured by false promises of employment. An increasing number of girls are also sexually exploited in and around national highway 31, which connects the northeast region to the rest of the Indian

states bordering Bhutan and provides a direct route to Nepal and West Bengal.⁶⁵

In recent years, Mumbai, the financial capital of the country, has emerged as one of the leading destinations for children trafficked for commercial sexual exploitation.⁶⁶

According to estimates released by international agencies and reported by the media, trafficking in girls is a billion dollar business in India, which is thriving due to increased sex tourism in Mumbai, Goa and adjoining coastal areas.⁶⁷ According to a 2006 article written by then Special Rapporteur on Trafficking in Persons for OHCHR, Sigma Huda, 60% of the women in prostitution in Mumbai are HIV positive.⁶⁸ As instances of HIV and AIDS reach alarming proportions, the demand for younger girls has increased.⁶⁹ Girls as young as seven and eight are being trafficked and forced into prostitution.⁷⁰ According to conservative estimates released by NGOs, trafficking for sexual purposes in Mumbai exploits approximately 400,000 individuals, including 180,000 children.⁷¹ Police estimate that there are about 35,000 Nepalese nationals in Mumbai's red light areas, although social activists insist the number is closer to 100,000, the majority of whom are minors.⁷²

The NHRC Action Research Study conducted in 2005 found that the majority of trafficking victims in India belong to socially deprived sections of society, including scheduled castes and tribes.⁷³ Field studies by Fellowship, the nodal organisation of ATSEC (Action Against Trafficking and Sexual Exploitation of Children) in Orissa, show that 90% of trafficking victims' families are "Below Poverty Line" (BPL), of which 35% are *Dalit* households.⁷⁴ Burdened with large families and without the capacity to marry off their daughters, these families can easily fall prey to traffickers.⁷⁵ Most trafficking victims, some as young as 10 to 14 years old, are from segments of society that are highly marginalised by caste and tribal discrimination, as well as by socio-economic

deprivation.⁷⁶

Children from drought-prone areas and places affected by natural disasters, street children, children in refugee camps and children whose family and community lives have been disrupted are all especially vulnerable to human trafficking. In 2006 58 girls and 22 boys were rescued from trains originating in the conflict-scarred state of Assam. Civil society groups have alleged that women and children are also being trafficked for sexual exploitation from internally displaced people (IDP) camps in Chhattisgarh for displaced tribal persons caught in fighting between Naxalites and the Salwa Judum.⁷⁷

In terms of cross border child trafficking, girls as young as seven years are trafficked from economically depressed areas in Nepal and Bangladesh, to the major prostitution centres of Mumbai, Calcutta and Delhi. Though the exact numbers are not known, it is estimated that between 5,000 and 7,000 Nepalese girls are trafficked into India for sexual exploitation every year.⁷⁸ Most of them are sold to brothels in Mumbai and New Delhi. In Mumbai, half of prostitutes are estimated to be from Nepal (and 90% are estimated to have entered prostitution as children). An estimated 200,000 Bangladeshi children have been trafficked to Pakistan, the Middle East, and India, specifically to West Bengal and Assam States.⁷⁹ 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. Open borders make it easy for traffickers to infiltrate entry points along Bihar State.⁸⁰

Enforcement, prosecution, protection and rehabilitation remain challenges in India. According to the US State Department's 2010 Trafficking in Persons Report, despite significant efforts to combat trafficking, India faces several challenges: lack of capacity among law enforcement to effectively

combat intrastate and interstate trafficking; poor quality victims' shelters; inadequate prosecution of traffickers; and, significantly, public officials' complicity in trafficking.⁸¹ The legal framework addressing trafficking remains inconsistent with the relevant international standards.⁸²

Prevention efforts for at-risk communities, victim identification, systematic access for children to adequate assistance services and policies regarding criminalisation of victims are also flawed and in need of government attention.⁸³ State authorities often fail to recognise girls as victims of trafficking and instead treat them as criminals. In Bihar

over 500 Nepalese girls were jailed in 2008 on charges of using false documents while attempting to transit through India to the Middle East.⁸⁴ For rescued child trafficking victims, opportunities for rehabilitation remain scarce and the reintegration process arduous. Families and communities are sometimes unwilling to accept returned trafficking victims, and a significant number of girls rescued from commercial sexual exploitation are re-trafficked.⁸⁵ Lack of alternative sources of income or livelihood options contributes to the re-trafficking of victims.

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into "tiers" based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act's* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made "significant efforts" to meet the standards are placed in **Tier 2**. **Tier 2 Watch List** is for countries that are making "significant efforts", but have very significant numbers of victims, or a significantly increasing number of victims; have failed to show increasing efforts to combat trafficking; or were determined to be making "significant efforts" based on their commitments to take future steps. Countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.⁸⁶

India was upgraded to Tier 2 in the 2011 *Trafficking in Persons Report*,⁸⁷ after six years on the Tier 2 Watch List.

Child pornography/ child abuse images

The problem of child pornography has only recently gained some momentum in India. Data on this form of exploitation was collected for the first time in 2007 by the Ministry of Women and Child Development (MWCD), but documented evidence of the extent of child pornography in India remains insufficient. Interpol has indicated that while there is a growing trend of child pornography material linked to India, the issue does not appear to be a significant concern of enforcement officials in the country.⁸⁸

The production, distribution and possession of child abuse images is an alarming problem in India. According to a 2007 study by the MWCD, of the over 12,000 children studied, nearly 4.46% reported being photographed in the nude. Approximately, 52% of these children were boys and approximately 48% were girls. The Ministry compared its finding

to one by the Recovery and Healing from Incest (RAHI) Foundation's study. The RAHI study had asked children whether they had ever been asked "to pose for dirty pictures". When asked this way, the question solicited a positive response among only 0.1% of respondents.⁸⁹

Exposure to sexually explicit content is also creating concern in the country. More than 30% of child respondents in the 2007 MWCD study reported being exposed to pornographic materials.⁹⁰ Roughly 67% of these children were boys and roughly 33% were girls.⁹¹ The majority (about 66%) were exposed to pornography by their friends or classmates, followed by uncles and neighbours (about 13%).⁹² Many children throughout South Asia are exposed to pornography at internet cafés, including in India where computer terminals are often in small cabins allowing adults and children to view pornographic material in privacy.⁹³

According to some, the lower cost of new media technologies has contributed to an

increased production of child sex abuse images in India. Furthermore, widespread use of the Internet and other new ICTs by children and young people exposes them to a variety of risks, including child-to-child solicitation, which is reported to be a serious concern in India. Social networking sites like Orkut have been one tool for abuse. Pictures of girls with lewd allusions and the victims' phone numbers have been posted on some communities. Three girls in Kerala State committed suicide following threats that a film of their classmates raping them (taken on a mobile camera) would be publicly circulated. Indian families purportedly fear reporting such abuse because of unwanted publicity and possible victimisation by law enforcement.⁹⁴

Indian authorities fail to protect children from sexual exploitation through pornography

India lacks comprehensive policies and legislation against child pornography, though the Information Technology (Amendment) Act 2008 has expanded legal protections (See Protection section of this report). Efforts to implement the existing legal provisions to protect children from this form of sexual exploitation remain limited.

In November 2009, cyber crime police arrested a Dutch national living in Chennai for uploading child pornographic materials onto the Internet, following a tip-off from the Child Exploitation Online Protection Centre in Germany. This was the first time a case had been registered against an offender under Section 67(B) of the Information Technology Act, 2008. The offender was already facing a case in a Chengalpattu court for sexually abusing children of Little Home, an orphanage he had opened near Mamallapuram. He had been arrested for these acts in 2002 and then released on bail.⁹⁵ In 2011 the offender was convicted and sentenced to 10 years' imprisonment by a fast-track court. This is the first case of arrest and conviction in the country under the amended Information Technology Act 2008.

Child sex tourism

As in other countries, growth of the tourism industry in India⁹⁶ has contributed to an increase in the sexual exploitation of children by tourists. Breaking the myth that child sex tourism is a phenomenon limited to Goa and foreign tourists, a series of studies published by the National Human Rights Commission (NHRC), the National Commission for Women (NCW), the Ministry of Women and Child Development (MWCD) and ECPAT International have highlighted child sexual abuse by both foreigners and nationals in various parts of the country.⁹⁷

Child sex tourism in India involves hotels, travel agencies and tour operators, with some companies openly advertising the availability of child prostitutes.⁹⁸ A 2003 *Situational Analysis of Child Sex Tourism in India*, conducted by the ECPAT affiliate group EQUATIONS, found child sex tourism is facilitated by a variety of intermediaries who assist tourists in accessing children, such as local hotels and lodges, tour operators, motorcycle taxi drivers and shack owners.⁹⁹ Most reported cases involve male tourists victimising male children.¹⁰⁰ Social misperceptions about homosexuality and the fact that, until recently, it was criminalised in India, makes the problem less visible.¹⁰¹

The weekly magazine Outlook featured an article in 2006 on Puri in Orissa, which reported that there are children less than 13 years of age involved in prostitution in massage parlours, often for only 100-600 rupees, depending on the sexual act. Group sex with both boys and girls can be purchased for 1,500-2,000 rupees, and many foreigners film these acts.¹⁰²

In 2007, a situational assessment report prepared by Global Humanitaria, Barui pur Sitakundu Sneh Kunja and Action Pour Les Enfants further raised awareness on the situation of the sexual exploitation of children in the town of Puri and reported that “Puri is a place frequently visited by sex offenders who also visit other places in Orissa (Gopalpur on Sea, Chilika Lake, Konarak) and other Indian states. It is possible to live very cheaply in India, which makes it easier for foreign visitors to prolong their stay in the country. As some dubious visitors are used to staying in Puri and mixing with locals, taking pictures of naked children, sending money to families, supporting schools and orphanages and doing the same in other parts of India, this report emphasised that it is essential that Puri be monitored.”¹⁰³

Another 2007 study commissioned by the Institute of Social Sciences, reiterated that Kerala is slowly turning into a hub of child-sex tourists. According to the study, along with the growth of tourism in Kerala, there is increasing victimisation of children and an increase in sex tourism. According to the study, hoteliers in areas such as Alappuzha and Ernakulam promote sex tourism because such services bring in extra income. The victims are often presented by agents as college girls in search of fun and excitement or wanting to earn an extra buck. In places like Alappuzha, foreign tourists stay in houseboats, making houseboat sex tourism a new and thriving form more insulated from law enforcement concerns, as there are rarely raids on houseboats. The beaches of Goa and Kovalam in Kerala are increasingly becoming main destinations for those seeking child prostitutes. Many children mentioned that they had sex with a varied range of tourists for Rs 50 to Rs 200. The study noted the difficulty of conducting quantitative research on such a clandestine and illegal industry.¹⁰⁴

Goa is a leading tourist destination and the industry is increasing rapidly with an inflow of around one million domestic and foreign tourists every year. Sex tourism too is being reported in large numbers. In the coastal areas, many children are approached by sex tourists directly, though intermediaries also exist, and connect tourists with children to exploit.¹⁰⁵ Children in Goa’s sex industry can be found in Baina, a red light district frequented by locals as well as foreign tourists, and the Children’s Park at Panaji.¹⁰⁶ Many of the children in these areas have been trafficked into prostitution from the states of Andhra Pradesh and Karnataka.¹⁰⁷ Organised rackets are reportedly involved in sexual abuse of children and trafficking young boys and girls into Goa from other states as well, such as Orissa, West Bengal, Jharkhand, Rajasthan and Kashmir.¹⁰⁸

Concerns that Lamani children are exploited by tourists in Goa

Children from ethnic minorities, such as scheduled tribes, continue to be particularly vulnerable to trafficking and sexual exploitation in tourism in India. According to a 2008 report funded by UNODC to assess the role and level of involvement of the Lamani (nomadic tribe or Bhanjaras from Karnataka) tribe in commercial sex, Lamani children are exploited in tourism-related business in Goa that give them an opportunity to tout for sex services.¹⁰⁹

The survey was conducted across eight villages in the Bardez and Pernem districts in Goa, which are known to be 'hot spots' for commercial sexual exploitation. Job opportunities in the tourism industry have reportedly attracted Lamanis into Goa, many of whom hail from the underdeveloped arid regions of Karnataka, where making a living from agriculture is very difficult. Lamani children's involvement with foreigners include 'live-in' relationships and work as domestic help. They are reported to accompany tourists for meals and outings within Goa, as well as abroad.¹¹⁰

The report notes insufficient evidence to show that Lamanis are involved in sexual exploitation as there are almost no police records that link Lamanis to sexual exploitation in Goa. Furthermore, because traffickers of the Lamani are most often close relatives or husbands, the activity is difficult to detect.¹¹¹

Aside from Goa, child sex tourism is prevalent in Mumbai, Karnataka, Kerala, Tamil Nadu, Orissa, West Bengal and Rajasthan.¹¹² A study on *Trafficking in Women and Children in India*, commissioned by the NHRC provides evidence of the growing phenomena of child sex tourism in Delhi, Uttar Pradesh, Andhra Pradesh and Pondicherry as well.¹¹³ Another report, released by the Institute of Social Sciences in New Delhi, warned of India becoming a destination for child sex tourists in the so-called 'Golden Triangle' of Delhi, Agra and Jaipur.¹¹⁴ Indian nationals reportedly travel

to Nepal and within the country for child sex tourism.¹¹⁵

In response to a written question from the Lower House of Parliament (Lok Sabha) in 2007, the Women and Child Development Minister, Renuka Chowdhury, admitted that studies conducted by the National Human Rights Commission (NHRC) and the National Commission for Women (NCW) show that pilgrimages and coastal tourism facilitate the widespread exploitation of children.¹¹⁶

Prostitution of boys in India's pilgrimage sites

A study released in June 2008 by EQUATIONS, and supported by ECPAT International, provides clear evidence that prostitution and sexual abuse of male children occurs in the pilgrim tourist areas of Tirupati (Andhra Pradesh), Puri (Orissa) and Guruvayoor (Kerala).

Tirupati is one of the most visited religious sites in the world; in 2007 the temple drew over 20 million visitors, mostly domestic and non-resident Indians. Children interviewed by EQUATIONS spoke of domestic tourists who visit them regularly for sex. They reported being contacted directly through the phone or by e-mail in cyber cafés. Some of the children were abused when they were as young as six to ten years old. Sexual abuse reportedly takes place in a wide variety of places including hotels, lodges, on street corners, in tourists' rooms, at deserted construction sites, playgrounds, parks, cinemas, railway stations, stadiums, and cemeteries.¹¹⁷

In Puri, a religious and beach destination, male children interviewed reported that building relationships with foreign tourists was more “profitable” than with domestic tourists. They reported sexual abuse taking place in railway stations, hotels, dhabas (small local food joints), lodges, on the beach, in tourists’ rooms, in massage parlours and in local prostitution houses. The children said that in exchange for sex they received clothing, food, toys, chocolates, movies and money.¹¹⁸

In Guruvayoor child sexual abuse was less visible due to government enforcement of the ban on child labour, perhaps pushing the problem underground. Focus group discussions with community members revealed that several male children are involved in prostitution – a practice they reported was culturally acceptable in the region.¹¹⁹

Other issues

Harmful traditional practices

Sexual exploitation of children in India is linked to the existence of harmful religious practices. The prostitution of children is accepted in some communities through the institution of *devadasi*, whereby young girls are offered in servitude to the gods and sexually exploited. Although this practice was banned by the *Karnataka Devadasis (Prohibition of Dedication) Act, 1982* it continues, especially in the south of India.

The term *devadasi* literally refers to a female servant of god. Under the ‘modern’ religious practice, eight to ten year old girls of low status from impoverished families are dedicated to a temple in an official ceremony. When these girls reach puberty they are ‘married’ to the deity in another ceremony and forced to spend their ‘wedding’ night with a village elder. After this ceremony, the *devadasi* is available for sexual exploitation by the entire community. The practice essentially forces the young girls into prostitution, as the dedication to Hindu deities not only requires the girl to become sexually available for

community members, but also prohibits her from marrying. Children of *devadasis* cannot enjoy legitimacy and are exposed to sexual exploitation at a very early age. Almost all of the girl children of *devadasis* follow the path of their mothers, while male children often end up as criminals, pimps and traffickers.¹²⁰

The *devadasi* system is peculiar to the states of Karnataka, Tamil Nadu, Andhra Pradesh, Maharashtra, Orissa and Goa. These states have enacted laws prohibiting and penalising the dedication of girls as *devadasis*.¹²¹

Early marriage

Although the *Indian Child Marriage Restraint Act, 1929* set the minimum age of marriage for women at 18 years, according to UNICEF 47% of women aged 20-24 were married before reaching 18 years of age.¹²² Another report, by India’s Health Ministry, estimates that 50% of girls were married by the age of 15.¹²³ National Family Health Survey data suggests that the median age for the marriage of girls is 16.4 years.¹²⁴

In poor regions of the country there is enormous social and economic pressure to agree to early marriage due to the high cost of dowries. Child marriages are often negotiated by a third party for financial benefit. After marriage, child brides are often exploited, abused, kept in isolation and even resold to other 'buyers' to suffer further sexual abuse and exploitation. According to a 2005 report from the Office of the Registrar General of India, an average of 240 girls involved in early marriages died every day due to pregnancy-related complications.¹²⁵ These girls are also twice as likely to experience abuse by their husbands (compared with women who married later) and three times more likely to report marital rape according to the International Center for Research on Women.¹²⁶

In 2007 the MWCD found that the practice of child marriage is rampant in many parts of the country, with the highest incidence of it occurring in the states of Rajasthan, Bihar, Uttar Pradesh, Chattisgarh and Madhya Pradesh. According to the Rapid Household Survey 58.9% of women in Bihar were married before the age of 18, as well as 55.5% in Rajasthan, 54.9% in West Bengal, 53.8% in Uttar Pradesh, 53.2% in Madhya Pradesh and 39.3% in Karnataka. Further, the 2001 census revealed that nearly 300,000 girls under 15 had given birth to at least one child.¹²⁷

Imbalance in the sex ratio in some states - due to female feticide- is emerging as one reason for trafficking young girls for the purposes of marriage.¹²⁸ Haryana and Punjab states, for example, have some of the most imbalanced sex ratios in the country: 861 women per 1,000 men in Haryana and 876 women per 1,000 men in Punjab.¹²⁹ In these states girls are sold as sexual brides from villages in Orissa, Jharkhand, Bihar, Assam and West Bengal.¹³⁰ In some cases, girls may be forced to serve as a wife to two or three brothers.¹³¹

In an attempt to end the practice of child marriages the Government in 2006 passed *The Prohibition of Child Marriage Act*, strengthening the *Child Marriage Restraint Act, 1929* and declaring all existing child marriages as null and void.¹³² Despite this, child marriage continues in many communities as a family tradition governed by religion and culture. In a separate case, the Supreme Court of India ruled that all marriages irrespective of the religion of the couple, existing and future would have to be registered.¹³³ Mandatory registration and the declaration of age at the time of registration would be another step in the direction of preventing child marriages and/or false marriages.¹³⁴

NATIONAL PLAN OF ACTION

The major policies formulated in India to ensure child protection and child rights are the *National Charter for Children, 2003* and the *National Plan of Action for Children, 2005*. Specifically addressing CSEC are the *National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, 1998*, the *Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women, 2008* and, launched in 2009 by the MWCD, the *Integrated Child Protection Scheme (ICPS)*.

The *National Charter for Children 2003* is a policy document adopted by the Central Government highlighting the roles and responsibilities of the state and the community towards children, as well as the duties of children towards their families, society and the country. The document emphasises the Government's commitment to children's rights and specifically the right to be protected from economic exploitation and all forms of abuse. The document also provides for the protection of vulnerable children, children in conflict with the law and children in need of special care and protection.¹³⁵

The *National Plan of Action for Children* was prepared by the MWCD in 2005. In keeping with rights enshrined in the *Convention on the Rights of the Child (CRC)*, the plan is divided into four sections: child survival, child development, child protection and child participation. Key elements of the plan include the abolition of female feticide and child marriage; protection of children from all forms of abuse, exploitation and neglect; and abolition of all forms of economic exploitation of children. It also includes measures to combat the criminal use of information technologies, including the Internet, for purposes of the sale of children, for child prostitution, child pornography, child sex tourism, paedophilia and other

forms of violence and abuse against children and adolescents.

The plan includes strategies to fight child sexual exploitation, trafficking and pornography and is implemented through state-level plans of action for children.¹³⁶

The plan was developed with participation of civil society organisations, and each organisation working with children was directed to consult with children to provide feedback on the draft plan. The National Plan of Action for Children 2005 was the first major piece of policy that involved such child consultations. Though there are timeframes for some specific objectives in the plan, most of the indicators listed have not been assigned concrete timelines or particular methods for implementation.¹³⁷

The Ministry of Women and Child Development has set up a National Coordination Group for monitoring implementation of the NPAC and the status of child rights in the country. The members of this coordination group are the Joint Secretaries to the Ministries of Education, Health, Drinking Water Supply, Family Welfare, Social Justice & Empowerment, Labour, Youth Affairs & Sports, Information and Broadcasting, Planning Commission, some NGOs and statutory commissions such as the National Commission for Women and

the National Human Rights Commission of India. However, the meetings of this group have been irregular and often long intervals of time elapse between meetings. A group of this nature needs to be rejuvenated to become more active and take on the role of coordination of inter-sectoral inputs for achieving the national goals for children. In the working group on Development of Children for the Eleventh Five Year Plan (2007-2012), MWCD will take the necessary steps to motivate and revitalize this important group. The National Coordination Group should meet quarterly under the Chairpersonship of the Secretary, Ministry of Women and Child Development, Government of India.

A working group commissioned by MWCD found that structuring the Commission to ensure that all the Ministries and Departments understand the importance of progress on child indicators is an important part of the country's broader development goals. There is also a need to set up coordination mechanisms at State and District levels. A State Child Rights Coordination Committee shall be set up under the Chief Secretary/Secretary (dealing with child protection services in the State). The District Magistrate/Collector shall head a District Child Rights Coordination Committee. These coordination committees should meet quarterly.¹³⁸

In implementing the NPA, the MWCD works closely with the Central Advisory Committee on Child Prostitution (CACCP), which was established at the direction of the Supreme Court of India in 1990, along with state advisory committees on

child prostitution.¹³⁹ Based on a report of the Central Advisory Committee on Child Prostitution, the recommendations of the National Commission for Women and the directions of the Supreme Court of India, in 1998 the MWCD drew up a *National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children*.¹⁴⁰ The plan's primary objective is to reintegrate women and child victims of commercial sexual exploitation into society.¹⁴¹ The Central Advisory Committee on Child Prostitution monitors the overall implementation of the plan, while state advisory committees monitor implementation at the state level. Having failed to reach the 2010 goals for the NPA for children adopted in 2005, the MWCD is in the process of drafting a successor plan.¹⁴²

In 2008, the Government completed a long consultation process with the MWCD, the MHA, the NHRC and the NCW, and launched an *Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women*.¹⁴³ The plan addresses all forms of human trafficking and contains community-based initiatives to prevent trafficking, including awareness raising programmes directed at vulnerable populations and encouraging communities to act as informants on trafficking cases.¹⁴⁴

Also in 2008, the Ministry of Labour and Employment issued the *Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour* to ensure the smooth rescue, repatriation and rehabilitation of exploited children.¹⁴⁵

COORDINATION AND COOPERATION

Local and national levels

The Ministry of Women and Child Development is the primary ministry dealing with issues concerning women and children in India. It is also the government entity responsible for coordinating anti-trafficking policies and programmes, though according to the US Department of State its ability to enhance interagency coordination and accelerate anti-trafficking efforts remains weak.¹⁴⁶

Various inter-state operations, some of which have been supported by UN agencies such as UNICEF and UNODC, have led to arrests and the rescue of child victims of trafficking for sexual purposes. India has an active and wide network of civil society organisations and NGOs working to combat commercial sexual exploitation of children. Several of these NGOs are actively involved in rescuing minors.

In 2006 the Government of India approved the *Commissions for Protection of Child Rights Act, 2005* which provides for the creation of a national commission and mandates the creation of state commissions to promote and defend children's rights.¹⁴⁷ The act also provides for the creation of children's courts to try cases involving offences against children and violations of children's rights.¹⁴⁸ So far only 9 of India's 29 states and 6 UT (Assam, Bihar, NCT of Delhi, Goa, Maharashtra, Sikkim, Karnataka, Madhya Pradesh and Rajasthan) have constituted the commissions.¹⁴⁹ However, it appears that Kerala is in the process of organising such a commission, which would bring the total to 10 states.¹⁵⁰ The National Commission for Protection of Child Rights (NCPCR) was created in March 2007 with a mandate to ensure that all of India's laws, policies, programmes and administrative mechanisms are in line with The Constitution of India and the CRC.¹⁵¹ One of the core mandates of the commission is to inquire into child rights complaints, as well as to inquire, upon its own initiative, into serious child rights violations and to examine the factors that hamper the enjoyment of child rights.¹⁵² The NCPCR is also in charge of reviewing existing laws, policies and programmes for the protection of child

rights and recommending measures for their implementation, looking into matters relating to children in need of special care and protection and undertaking research in the field of child rights.¹⁵³

The Central Advisory Committee on Child Prostitution (CACCP) consists of multiple stakeholders derived from the central and state governments, UN agencies and national and international NGOs.¹⁵⁴ The CACCP leads and monitors the *Integrated Plan of Action to Prevent and Combat Human Trafficking with special focus on Children and Women*, while state advisory committees do so at state level. The state committees are made up of members from police authorities, social welfare institutions, local and international NGOs and UN agencies.

In order to improve monitoring of the functioning of India's expansive bureaucracy, the government has instituted the "Performance Monitoring and Evaluation System (PMES) for Government Departments," under the guidance of the Cabinet Secretariat and with the approval of the Prime Minister. As part of this framework, the Ministry of Women and Child Development has developed a Results Framework Document (RFD) for the last

quarter of 2009-2010 and for 2010-2011. The Ministry's overarching goal of promoting the survival, protection, development and participation of both women and children is reflected in the priorities delineated in the RFD. The development of the annual RFD is an important step toward aligning people, systems, programmes and processes towards the fulfilment of the Ministry's vision and mission for women and children.¹⁵⁵

The development of an implementable Five Year Strategy Plan (2011-16) is a component of RFD-mandated requirements. The Ministry of Women and Child Development initiated the strategic planning process by putting together an 'Action Plan' for the development of the plan by the end of 2010, with implementation slated to begin in 2011. The Ministry conducted a series of stakeholder consultations between June-November 2010 to seek the views of civil society as well as international development partners (including UN Bodies) and independent experts.¹⁵⁶

The Ministry of Home Affairs (MHA) has also set up a Nodal Cell (Anti Trafficking Cell) for dealing with matters related to

trafficking in human beings. The main function of the cell is to coordinate, network and provide feedback to state governments and other concerned agencies. The cell is responsible for collecting and analysing data related to trafficking from the state governments/UT Administrations; identifying problem areas and analysing the causes for their being source/transit/destination areas; monitoring action taken by the states for combating the crime; and organising coordination meetings with nodal Police Officers of the state.¹⁵⁷ The MHA is also preparing a comprehensive witness protection programme to provide for the protection and security of trafficking victims pending the prosecution of their traffickers.¹⁵⁸

Under the MWCD, there is a Pilot Project to Combat the Trafficking of Women and Children for Commercial Sexual Exploitation in source and destination areas by providing care and protection to trafficked and sexually abused women and children. Components of the scheme include networking with law enforcement agencies, rescue operations, temporary shelter for victims, repatriation and legal services.¹⁵⁹

The Integrated Child Protection Scheme

The Ministry of Women and Child Development has proposed combining the multiple vertical schemes for child protection currently scattered under different Ministries under one Integrated Child Protection Scheme (ICPS). The ICPS aims to create a protective environment for children by strengthening structures and professional capacities at the national, state and district levels to address all child protection issues and ensure child friendly services. The ICPS will specifically target vulnerable children, including children of socially excluded groups, children of potentially vulnerable families, child beggars, trafficked or sexually exploited children, children living on the street, working children, orphans, children infected and/or affected by HIV/AIDS and child drug abusers.¹⁶⁰

India also has several NGO networks working to combat the commercial sexual exploitation of children. The first such network to specifically address trafficking, Action against Trafficking and Sexual Exploitation of Children (ATSEC), works on prevention, prosecution and protection

in Bangladesh, Nepal, Pakistan, Sri Lanka and India.¹⁶¹ Member NGOs take on a wide range of activities including awareness and sensitisation of police and the judiciary; training of prosecutors on trafficking related issues; rescue and trauma counselling of victims; development and maintenance

of homes for victims; restoration and repatriation of victims; liaison with the media to reduce the stigma against trafficking survivors; networking with lawyers; and training on various aspects of trafficking.¹⁶² The National Inter Religious Priest Forum (IRPF) is a unique anti trafficking initiative. Launched by ATSEC Bihar in recognition of the role that religious sentiments play in individuals' lives, IRPF is a forum for priests of different religions (Hindu, Muslim, Sikh, Christian) who are interested in helping people to make informed choices about human rights abuses.¹⁶³ Another group, the Network Against Commercial Sexual Exploitation and Trafficking, has roughly 250 members throughout the country seeking to begin a dialogue with girls working in the red light districts where trafficking occurs.¹⁶⁴

India has also benefited from some collaboration between the private sector and civil society. Since 1997, Jet Airways has

operated an in-flight collection - the Magic Box Program - in association with Save the Children India. This fundraising programme is implemented on all of its domestic flights.¹⁶⁵ Apne Aap Women Worldwide has linked its *mahila mandals* (self-help groups) for at risk girls and trafficking victims in Mumbai, Kolkata, Delhi and Bihar with locally owned small businesses and international markets to facilitate income generating activities.¹⁶⁶ In 2007 the Kolkata Police and UNODC established the Kolkata Core Group on Anti Human Trafficking, a landmark initiative that partners the police, the corporate sector and NGOs in responding to human trafficking.¹⁶⁷ More recently, in 2008, the MWCD created a Think Tank on Public Private Partnership to Prevent and Combat Trafficking of Women and Children to involve the corporate sector in a multi-stakeholder approach to addressing human trafficking.¹⁶⁸

Regional and international level

In recent years, various initiatives between India and other south Asian countries have begun addressing the problem of trafficking in women and children. While governments are becoming active, most programmes are carried out by NGOs with a focus on local communities. Concerted efforts have also been undertaken at the sub-regional level in south Asia. In January 2010 the South Asian Initiative to End Violence Against Children (SAIEVAC) signed the *Kathmandu Commitment for Action* to end violence against children. There remains a lack of international coordination to combat other forms of sexual exploitation of children, such as child pornography and child sex tourism.

REGIONAL LEVEL

There are several regional networks in south Asia that address issues related to the commercial sexual exploitation of children. The South Asia Forum on Violence against Children (SAF) is a ministerial regional forum that was formed during the regional consultation for the UN Study on Violence against Children held in Pakistan in 2005.¹⁶⁹ The vision of SAF is to end all forms of violence against children.¹⁷⁰ In January 2010, at the 4th SAF

Consultation in Kathmandu, participants agreed to change SAF into a south Asian Initiative to End violence Against Children (SAIEVAC).¹⁷¹ SAIEVAC's priority issues include human trafficking, child marriage, strengthening child protection systems, corporal punishment, child labour and the sexual abuse and exploitation of children.¹⁷² The South Asia Coordinating Group against Commercial Sexual Exploitation and Trafficking of Children and Women in South

Asia was established in 2004 to follow up on the 2001 *Yokohama Global Commitment*.¹⁷³ In 2005, the group was renamed the South Asia Coordinating Group on Action against Violence (SACG).¹⁷⁴ SACG has sub-groups addressing early marriage, physical and psychological punishment and human trafficking.¹⁷⁵ These sub groups are mandated to provide technical input to SACG and SAIEVAC.¹⁷⁶

The Cross Border Anti Trafficking Network (CBATN) is a regional coalition of NGOs established in 2004 to act as an instrument for coordination and cooperation among the countries of south Asia in combating human trafficking. The CBATN is active in India, Nepal and Bangladesh and is working in the areas of prevention, prosecution and protection. With regard to prevention, the coalition seeks to prevent cross border and interstate trafficking in women and children at cross border transit points, transport hubs and villages along Indo-Nepal border. In the area of prosecution, CBATN is involved in capacity building of prosecutors. Finally, in the area of prosecution, the coalition is involved in programmes that contribute to safeguarding the rights of trafficking survivors at the state, national and regional levels.¹⁷⁷

The South Asia Forum against Human Trafficking (SAFAHT) was formed out of UNIFEM's Regional Anti-Trafficking Initiative in Bangladesh, India, Nepal, Pakistan and Sri Lanka. SAFAHT facilitates and supports the anti-trafficking activities

of national, regional and local networks. South Asia Professionals against Trafficking (SAPAT), made up of police, prosecutors and lawyers, judges and magistrates, doctors and media professionals, has also been established as an informal pressure group.¹⁷⁸

South Asian Association for Regional Cooperation (SAARC), for whom the development of children and the promotion of their well-being is a principal area of cooperation¹⁷⁹ is another mechanism for regional coordination on CSEC. The *SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia* and the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* were both signed on 5 January 2002 in Kathmandu to facilitate the development of the full potential of south Asian children and to effectively address trafficking for sexual exploitation.¹⁸⁰ Regional task forces have been formed in each of the SAARC member states in order to monitor implementation of the conventions.¹⁸¹ In India, the SAARC task force includes one NGO representative, ECPAT affiliate STOP. A standard operating procedure to implement provisions of the conventions relating to reporting and repatriation of trafficking victims was finalised at SAARC's Third Meeting of the Regional Task Force in May 2009.¹⁸² The Joint Secretary of India's Ministry of Home Affairs announced the adoption of the standard operating procedure at the meeting of the State's key officers for human trafficking in August 2009.¹⁸³

UN agencies present another mechanism for regional cooperation and coordination

In 2009, UNIFEM and UNODC signed a memorandum of understanding (MOU) to strengthen cooperation against human trafficking and improve coordination with regard to the South Asian countries of Bangladesh, Bhutan, India, Nepal, the Maldives and Sri Lanka.¹⁸⁴ In March 2010, UNODC, in association with ATSEC India, organised South Asia's first regional workshop on "International Cooperation in Trafficking in Persons/Smuggling of Migrants Cases" in Kolkata.¹⁸⁵ Representatives from the executive and the judiciary departments of Bangladesh, Bhutan, India, the Maldives, Nepal and Sri Lanka attended the workshop, as well as representatives from the

International Justice Mission, the International Organization for Migration (IOM), UNIFEM, ATSEC and UNODC.¹⁸⁶ UNODC and UNIFEM are also collaborating on a legal and policy review of responses to human trafficking in India, Nepal, Bangladesh and Sri Lanka to prepare a matrix of the gaps in legislation, policies and institutional responses to human trafficking in those states.¹⁸⁷

Innovative regional collaborations have also been developed at the NGO level. A consortium of Terre des Hommes organisations implemented the EU-funded project, “Developing a rights-based approach for anti-trafficking actions in South Asia” in India, Bangladesh and Nepal between 2006 and 2009.¹⁸⁸ The project undertook a comparative analysis of the three countries’ anti-trafficking legislation, as well as advocacy, awareness raising and victim protection activities aimed at harmonising and improving the legal framework.¹⁸⁹

The US Department of State reports that some Indian diplomatic missions in destination countries, especially those in the Middle East, provide significant services, including temporary shelter to Indian trafficking victims.¹⁹⁰

In 2006, Bangladesh and India requested assistance from UNICEF to strengthen rescue, recovery, repatriation and reintegration efforts with regard to children trafficked between the two countries. UNICEF’s Regional Office for South Asia initiated a rapid assessment of the problems

faced in the rescue and repatriation of Bangladeshi victims back to their country of origin and found the process to be slow, complex and problematic. Drawing on these research findings, in 2007 a draft *Joint Plan of Action for the Rescue, Recovery, Repatriation and Reintegration of Child victims of Trafficking between Bangladesh and India, 2007–2010* was developed. The plan aims, among other things, to develop a checklist for victim identification and a shared database on missing, kidnapped and trafficked children. It also calls for strengthened family tracing through the use of protocols and guidelines for interviewing families and communities, and recommends strengthening follow-up support for children through newly developed procedures that emphasise active community participation in the reintegration process.¹⁹¹ However, the plan appears to still be at draft stage.

India has also worked with Bangladesh to resolve cross border trafficking issues by designating one government official to handle such issues during Home Secretary-level discussions.¹⁹²

Cross border cooperation rescues trafficked girls

Jogbani, a small town situated near the Nepal border in Bihar State, is an important transit point for traffickers from Nepal. When suspected traffickers arrive in Bihar by bus from across the border with their victims, activists of the Bhoomika Vihar Counselling Centre, dressed in uniform, try to befriend the girls and ask them simple questions that will reveal whether they are victims of trafficking. Once it is clear that the girls are victims, the police are informed. A corresponding team across the border, staff of ABC-Nepal, is contacted to deliver the girls to the Nepal police. Between June 2004 and May 2007, 200 victims were repatriated to Nepal in this manner.¹⁹³

The UN Office on Drugs and Crime (UNODC) has been very active in supporting and coordinating government efforts to combat human trafficking, including trafficking in children. UNODC, along with the Kerala State Government support a victim care support initiative for children in after care homes in that state.¹⁹⁴ Additionally, UNODC provided training to 600 caregivers in shelter care homes in Andhra Pradesh, Bihar, Goa, Karnataka, Kerala, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal, as well as career counselling services to 200 children.¹⁹⁵ UNODC has also successfully engaged various Bollywood film personalities to endorse and promote its anti human trafficking activities.¹⁹⁶ In 2007 the organisation released the film, “One Life, No Price”, in partnership with PRAJWALA and Touch River Pictures, to raise awareness around human trafficking.¹⁹⁷ The film was released at the inauguration of the UN Global Initiative to Fight Human Trafficking Conference in New Delhi.¹⁹⁸

A number of Microsoft initiatives demonstrate successful public-private partnerships in combating human trafficking and sexual exploitation in India and beyond. One such initiative, Microsoft’s Unlimited Potential - Community Technology Skills

Program, supports a number of initiatives in the Asia-Pacific region by imparting information and communication technology (ICT) skills to victims and potential victims of trafficking and exploitation. Through this programme, local NGOs have established Community Technology Learning Centers to teach a specially adapted ICT curriculum to trafficking victims to provide skills for local employment and rehabilitation. In India, the centres are run through the Communities and Progress Foundation, a national non-profit organisation which assists disadvantaged youths, disaster victims and refugees. The foundation is coordinating efforts to establish 95 centres in key human trafficking areas across India, Nepal, Bangladesh, Sri Lanka and Vietnam. Among the foundation’s partners is the Delhi-based NGO, Prayas, which runs learning centres in rural and semi-urban areas of the country. The foundation has also partnered with the India police’s Cyber Crime Division to educate cyber café owners about online dangers.¹⁹⁹

Microsoft has also developed a Child Exploitation Tracking System to enable law enforcement officers in different countries to collaborate in the pursuit of child sex offenders and the rescue and repatriation of abused children.²⁰⁰

PREVENTION

While the Government made some efforts to prevent trafficking for commercial sexual exploitation, the issues of child prostitution, child pornography and child sex tourism have been largely neglected in India’s prevention activities. Specific provisions for community-based prevention programmes and education on trafficking in children are included in the *Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women*.

Trafficking in children for sexual purposes

UJJAWALA is the *Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for Commercial Sexual Exploitation* implemented by the Ministry of Women and Child Development since 2007.²⁰¹ Objectives of the scheme are to prevent trafficking of women and children for commercial sexual exploitation through mobilisation and involvement of local communities and awareness raising; to facilitate rescue of victims and provide them with rehabilitation services; and to facilitate reintegration and repatriation.²⁰² The scheme sets forth specific community-based programmes to prevent trafficking, including the formation of Community Vigilance Groups and youth groups.²⁰³ Unfortunately, implementation of the scheme at the central and state levels appears to have been weak due to a lack of financial resources (in 2010–2011, only .04% of India's budget was allocated to the child protection sector).²⁰⁴

The *Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women*, launched in 2008,

aims to organise mass scale information campaigns on the issue of trafficking, though no such campaigns have been organised to prevent trafficking in children. The plan also provides for students to receive specific education on the issue of trafficking. However, in practice, the information provided in schools is largely insufficient.²⁰⁵

Prevention initiatives have been taken by India's police as well. The West Bengal police, for example, are raising awareness in vulnerable source areas for human trafficking on the modes, methods and consequences of trafficking, as well as the importance of reporting incidents to the police. Bhopal police introduced community policing as a strategy to prevent trafficking in Madhya Pradesh. Bangalore police operate a child helpline that received more than 12,000 calls between 2006 and 2007 (300 of which were related to the rescue of trafficking victims). The Delhi police's preventive strategy involves identifying vulnerable children at risk of being trafficked at railway and bus stations through an alliance between the police and local vendors and hawkers.²⁰⁶

The Anti-Trafficking Network

The Anti-Trafficking Network, which is managed and administered by district government officials with UNICEF's technical assistance, seeks to prevent trafficking by identifying the key vulnerabilities of families and communities that lead to trafficking and by supporting community-based activities to sensitise family members. The network identifies the governmental and other initiatives available to help vulnerable people, including programmes that provide livelihood training to youth and women, and loans for establishing businesses and obtaining housing. The network also provides support to those who have escaped or been rescued from sexual exploitation and who do not want to return to their communities. Community-based teams identify vulnerable children and link them with self-help groups and skills development initiatives. School campaigns inform young people on how to protect themselves against exploitation. *Balika sanghas* (girls' collectives) focus on out-of-school girls and those from vulnerable families. Using a peer-to-peer approach, the collectives promote solidarity among girls and inform them about abuse and trafficking. Over 500 girls have participated. Sensitising police and judicial officials is another key component. Members of the police have been trained on trafficking, including India's relevant laws and victim's rights. District administrations maintain databases that include information on vulnerable families, trafficked children, rescued and repatriated children and traffickers.²⁰⁷

Many NGOs are undertaking prevention work within government programmes and independently. To prevent trafficking of women and children from refugee camps in the north-eastern states, NEDAN Foundation works to generate alternative livelihood options using existing traditional skills such as weaving. SAKHI, an NGO based in Bihar, runs education centres for adolescent girls, called *Kishori Shiksha Kendras*, in Madhubani. Supported by World Education USA, these centres seek to prevent vulnerable children from being trafficked by providing them basic education on a number of topics, including abuse and exploitation, trafficking and safety. STHREE, a Bangalore-based NGO runs skill centres to train vulnerable children and women in crafts work in an effort to provide an income source and prevent trafficking for commercial sexual exploitation.²⁰⁸

PRAJWALA is an NGO based in Andhra Pradesh that is devoted to the cause of women and child victims, and potential victims, of trafficking, particularly for prostitution. Its initiatives focus on second generation and community-based prevention. PRAJWALA's community-based prevention programmes teams sensitise adolescent girls, men and women in high source communities for trafficking to educate them on how they can play a role in preventing those close to them from being trafficked.²⁰⁹ PRAJWALA's second generation prevention activities seek to end the cycle that forces the children of prostitution into the same trade.²¹⁰ To that end, PRAJWALA runs transition and drop-in centres to provide for the psycho-social and scholastic needs of vulnerable children and prevent sex trafficking. The first transition centre started in 1996 with just five children; by 2007 the transition and drop in centres had reached more than 5,000 children.²¹¹

SANLAAP, an ECPAT affiliate, is also focused on preventing the second generation from being driven into prostitution. SANLAAP works with 27 CBOs in nine districts in West Bengal. SANLAAP activities include awareness raising on the issues of safe migration, trafficking and commercial sexual exploitation; establishing child protection units (more than 70 have been established in West Bengal) that provide coaching support to students who attend formal schools, non-formal education to children to prepare them to enter into mainstream schools and vocational training for children that will not be pursuing formal schooling; capacity building of CBOs to work on trafficking and commercial sexual exploitation; and sensitisation of Panchayat members, district administration personnel, law enforcement agencies and members of the judiciary. As a result of SANLAAP's sensitisation work, anti trafficking task forces have been formed in some districts of West Bengal.²¹²

JABALA is also active in West Bengal, one of the poorest and most trafficking-prone districts in India, with a 65.5% unemployment rate and a 79% rate of child marriage according to the 2001 census. JABALA's key areas of work include preventing child marriage and human trafficking. The NGO provides training to Panchayat members, Integrated Child Development Scheme (ICDS) workers and self help groups on these issues. It also runs the Swadhar Shelter Home for survivors. In addition, JABALA has established a partnership with the business, C3 Market Place, to create a community-based skills development programme to prevent trafficking by establishing a viable economic base for the poor and vulnerable and to rehabilitate those who have been victims of trafficking. The programme is reported to have saved many girls and women from trafficking.²¹³



STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this three-year campaign, launched in

2009, seeks to provide immediate relief to child victims with funds raised and to create long-term changes through engaging the public in awareness raising and lobbying decision makers to strengthen concerted action against child trafficking for sexual purposes.

ECPAT network member, Stop Trafficking and Oppression of Children and Women (STOP)

and The Body Shop launched the campaign in India in August of 2009 with awareness raising events, such as the one at the Miranda House Cafeteria at Delhi University. An information booth distributed campaign brochures to students, while staff provided information about the trafficking of children and young people in India and encouraged the students to join the national campaign.

Child prostitution

There are several NGOs active in the fight against the *devadasi* system that fuels child prostitution in India. They have mainly been working to increase awareness among devadasis and local villages on the consequences of the system, including the spread of HIV and other venereal diseases.²¹⁴

One of those NGOs, Vimochana Devadasi Punarvasati Sangha, aims at eliminating the practice in north Karnataka and southern Maharashtra. In one district of Karnataka, Vimochana has achieved a 95% reduction in the practice of *devadasi*. Vimochana's strategy involved approaching religious leaders, the police and various Dalit organisations in the area. With their support, mass awakening programmes were undertaken in the district. In order to prevent the second generation from entry into this system of religious prostitution, Vimochana worked to reintegrate *devadasis* and their children into society. Since 1990, Vimochana has run a residential school for the children of

devadasis. Other children in the locality were also given admission to ensure that it did not turn into an exclusive school for devadasi children. Over the years, a secondary school and a pre-university college have been added.²¹⁵

Another NGO trying to rehabilitate former *devadasis* and prevent new initiations is the Andhra Pradesh Anti-Devadasi System Struggle Committee (APJVVPS). APJVVPS began in 1993 by setting up a school for the daughters of 22 *devadasis*. APJVVPS' objectives include limiting the *devadasi* tradition, facilitating the marriage of devadasis, developing community-based organisations to create awareness against the custom and ensuring education for children born to *devadasis*. This association also provides self-help groups, leadership training, financial advice and support for women to find the strength to stand up to the social pressure that keeps them in this situation.²¹⁶

Child sex tourism

The Code for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code) is a voluntary code of conduct to be adopted and implemented by tourism companies. This tool for corporate social responsibility is directed by industry

representatives and ECPAT International, and supported by UNICEF and the UNWTO. As a member of The Code and as part of their corporate responsibility strategy, Kuoni Group and the ECPAT affiliate, EQUATIONS, facilitated and organised a

series of workshops in Goa and Kerala in May 2009.²¹⁷ The aim of these workshops was to sensitise the local tourism industry about how to protect children from sexual exploitation.²¹⁸ In total, 145 representatives of the tourism industry, NGOs and governmental institutions participated in three workshops.²¹⁹ For this initiative, Kuoni Destination Management India was declared the winner in the category “Education and Training” of the Pacific Asia Travel Association (PATA) in August 2010.²²⁰

In June 2010, Kuoni invited management representatives of its hotel partners to follow-up workshops designed to transfer practical knowledge. Hotel partners were also encouraged to join *The Code*. These workshops were attended by 160 participants from the tourism industry. To strengthen its child protection programme in India, Kuoni has also supported the children activity centres of Children’s Rights Goa. The centres seek to provide a safe environment for children forced to work in markets and, therefore, particularly vulnerable to sexual and other forms of exploitation.²²¹

In 2009, the Ministry of Tourism finally acknowledged the negative impacts on children and initiated steps to protect them.

In July 2010, Ministry of Tourism., officially launched its Code of Conduct for Safe and Honourable Tourism. This code of conduct was drafted by the Ministry of Tourism and UNODC in association with the Pacific Asia Travel Association, Save the Children and EQUATIONS. It aims to strengthen safe tourism in India for both tourists and the local population. After its launch, the Ministry of Tourism planned to engage with the partners who helped to design the code of conduct to design training materials and build the capacity of tour operators and tourism employees in advance of the Commonwealth Games, which were held in New Delhi in October 2010.²²²

Subsequently, in January 2011, MoT revised the guidelines for hotels, travel agents, travel associations, etc. and incorporated a mandatory reporting section on the Code of Conduct for Safe and Honourable Tourism, which serves as a prerequisite for the approval of all licenses. Records of compliance efforts in accordance with guidelines must be kept and displayed for Committees during the license renewal process.²²³ However, monitoring mechanisms for this Code remain weak and should be developed further.

Child pornography

The Indian Government has recognised the need for blocking obscene and pornographic websites for years. In an order dated February 2003, the central Government laid out the procedure for blocking pornographic websites.²²⁴ The Computer Emergency Team-India (CERT-IND) has been appointed as the authority for issuing instructions to block websites. CERT-IND, after verifying the authenticity of a complaint and after determining that blocking a website is essential, is empowered to instruct the Department of Telecommunications (DOT) to block the website.²²⁵

State-level hotlines, supported by CERT-

IND, are being considered. There is a problem of children recording and transmitting sexual images using mobile phone cameras, so the hotlines should involve telecom providers to prevent children from having access to such content.²²⁶

“Indian Child” is a website dedicated to internet safety. Apart from guiding parents to appropriate authorities to report cyber crime, online harassment or child pornography, they have developed child safety tips and have researched and contributed to articles on internet safety.²²⁷

India’s Fight Against Online Pornography

is another website created to counteract the growing number of pornographic and other adult/disruptive websites and their hazardous effects, especially on young people. Aimed mainly at educating parents about the threat of on-line pornography, the website provides an overview of cyber laws, on-line tips for parents, tools to combat cyber pornography and indication of whom to report sexually explicit materials, including child abuse images.²²⁸

Consistent with *The Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism* initiative, hotels in India are required to supervise guests' internet and TV usage and block access to child pornography websites and TV channels. Tourists are forbidden from seeking out children for sex online. Staff in hotels and cyber cafes at all tourist spots have been asked to alert local police if they find customers accessing child pornography material.²²⁹

PROTECTION

| International instruments | | |
|--|--|---|
| Human rights bodies related to child rights | Comments | |
| Charter-based bodies | | |
| Working Group of the Universal Periodic Review – Human Rights Council | 2008 | |
| Special Rapporteur on the sale of children, child prostitution and child pornography | No visit so far | |
| Special Rapporteur on trafficking in persons, especially in women and children | No visit so far. | |
| Treaty-based bodies | | |
| Committee on the Rights of the Child | No report has been submitted to the OPSC . | |
| Children's rights instruments | Date of ratification | Date of submitted reports |
| Convention on the Rights of the Child - 1989 | 1992 (acceptance) | 2004 – Second Periodic Report Submitted (due in 2000) 2000- Initial periodic report submitted (due in 1997) |
| Optional Protocol on the sale of children, child prostitution and child pornography – 2000 | 2005 | |
| ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182) | Not yet ratified | |
| UN Convention against Transnational Organized Crime – 2000 | 2011 | India had signed but not yet ratified the UN convention against TOC. In May 2011, the Ministry of external affairs ratified this convention |

| | | |
|--|------------------|--|
| UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime) | 2002 | |
| Regional instruments | | |
| SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution – 2002 | 2002 | |
| SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia | 2002 | |
| ILO convention on “Minimum Age Convention 1973 ” (No.138) | Not yet ratified | |

National legislation

The Indian legal system is composed of a central legislative body and state legislative bodies. All national laws passed centrally apply to the entire country, except the State of Jammu and Kashmir.²³⁰ The *Indian Penal Code*, 1860, complemented by the *Code of Criminal Procedure*, 1973, is the base law relevant to CSEC prosecution. Other laws specific to CSEC include: the *Immoral Traffic (Prevention) Act*, 1956; the *Indecent Representation of Women (Prohibition) Act*, 1986; the *Juvenile Justice (Care and Protection of Children) Act*, 2000, amended in 2006; the *Child Marriage (Restraint) Act*, 1929, repealed by the *Prohibition of Child Marriage Act*, 2006; and the *Information Technology Act*, 2000, amended in 2008. There are also state laws related to CSEC: the *Andhra Pradesh (Andhra Area) Devadasis (Prevention of Dedication) Act*, 1947; the *Karnataka Devadasis (Prohibition of Dedication) Act*, 1982; and the *Goa Children’s Act*, 2003.

Definitions of ‘child’ vary throughout India’s laws. Whereas the *Juvenile Justice Act* defines a child as being below 18 years of age, the *Immoral Traffic (Prevention) Act* defines a ‘child’ as a person who has not yet completed the age of 16, and a ‘minor’ as one between the ages of 16 and 18. The definition of child/minor under Indian Penal Code varies with the offence, for example, under section 372 (procuring children for purpose of prostitution) a minor is a person under 18; in section 375, which discusses rape of women in general, the provision is extended to cover children where the victim is under 15 years. The legal age at which a person is currently competent to consent to sexual intercourse is above 16 years. The consequence of this is that it complicates the legal procedure by offering various gaps, which is often used by offenders to escape

punishment for crimes against children.

In addition to legal complications, judicial proceedings and investigations are normally long processes during which there are many procedural problems and victims’ families are often pressured to withdraw complaints.²³¹ Keeping the prevention and protection of children from sexual offences as a priority, the government initiated the *Offences Against Children Bill* in 2006. After several rounds of consultations the Union Cabinet has cleared the Bill, paving the way for a new law to be enacted by the Parliament for protection of children against sexual offences;²³² however, the bill has not yet been passed into law. Among the states, Goa has pioneered in protection of children against sexual offences. The *Goa Children’s Act*, 2003,²³³ was the first to define child abuse and child trafficking, but it has not been successfully implemented.

Section 377 of the IPC penalises “*unnatural sexual offences*.” Proven acts of sodomy against minor boys are punishable under this section. This provision, however, has a history of being used by law enforcement to target gay men. In a recent case, the Delhi High Court ruled that section 377, insofar as it criminalises consensual sexual acts in private,

is violative of the Indian Constitution and called for decriminalising homosexuality. The Court however added that section 377 “*will continue to govern non-consensual penile, non-vaginal sex and penile non-vaginal sex involving minors*”. The case is pending before the Supreme Court along with other petitions with similar matters.²³⁴

Offences against Children Bill and Sexual Violence Against Children Bill

In 2006 the Ministry for Women and Child Development (MWCD) initiated a draft Offences Against Children Bill, to address gaps in laws protecting children. The draft bill specifically sought to define the different offences against children and provide legal remedies; to make the laws uniformly applicable to both boys and girls; and to bring the existing laws and procedures in conformity with international, regional and national standards. It contained specific chapters dealing with sexual abuse and exploitation, child pornography, trafficking and prostitution. The proposed bill made reporting of offences mandatory and fixed individual responsibility on persons in specific positions of trust or authority.²³⁵ However, the bill was rejected by the Ministry of Law and Justice which concluded that most of the provisions already existed in other laws.²³⁶ Subsequently, in January 2009, the National Commission for Protection of Child Rights (NCPCR) held a national consultation on the bill. The consultation recommended focusing instead on a bill specifically addressing sexual offences against children rather than general legislation covering all offences against children. A committee was established to work on a *Sexual Violence Against Children Bill*, expected to be finalised by June 2010.²³⁷ The draft Bill (now being referred to as the *Protection of Children from Sexual Offences Bill*, 2011), introduced by *Rajya Sabha*, was approved by the Lower House of Parliament and is pending with the Department-related Parliamentary Standing Committee on Human Resource Development, for review and submission of a report by mid- June.²³⁸

PROSTITUTION OF CHILDREN

India has multiple legal standards related to prostitution of children, including provisions of the *Immoral Traffic (Prevention) Act*, 1956, (ITPA) and the *Indian Penal Code*, 1860, (IPC). The ITPA contains an ambiguous definition of prostitution that does not clearly specify the activities prohibited by the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (OPSC). Similarly, the IPC fails to define prostitution, so it is unclear whether it prohibits all sexual acts with a child in exchange for remuneration. Moreover, the IPC offers almost no protection for boys involved in prostitution.

Section 2(f) of the *ITPA* defines prostitution as “the sexual exploitation or abuse of persons for commercial purposes”.²³⁹ However the term ‘sexual exploitation’ is not defined by the act. Although the *ITPA* penalises the act of selling, procuring, and exploiting of any person for prostitution, it does not directly state that prostitution is illegal. Section 3 of the *ITPA* provides punishment for keeping a

brothel or allowing premises to be used as a brothel.²⁴⁰ Punishments include two to three years of imprisonment and a fine for a first conviction and three to seven years and a fine for subsequent convictions.²⁴¹ Under section 7, anybody who carries on prostitution, or anybody with whom such prostitution is carried on, in the vicinity of public places may be imprisoned for up to three months.²⁴²

The *ITPA* provides for more severe punishment when the offences are committed against a child (under 16) or minor (under 18) and contains some other special provisions related to children. For example, section 4 punishes living on earnings from the prostitution of another person with imprisonment for a term of two years and a fine; if a child or minor is involved, imprisonment is for a term of seven to ten years.²⁴³ Under section 5, “procuring, inducing or taking a person for the sake of prostitution” is punishable with a minimum of three years; if a minor is involved imprisonment ranges from seven to 14 years and if a child is involved, it ranges from seven years to life.²⁴⁴ Section 6 provides that if any person is found with a child in a brothel it shall be presumed that they have committed the offence of “detaining a person in premises where prostitution is carried on”.²⁴⁵ Punishment consists of imprisonment for seven years to life or up to 10 years and a fine.²⁴⁶

Provisions of the *ITPA* also hold customers liable. For example, under section 5(1) (d) a person who “causes” or “induces” another person to carry on prostitution is liable.²⁴⁷ Moreover a person can be liable as one “with whom prostitution is carried on” under section 7(1).²⁴⁸ Further under section 7, if prostitution is carried on with a child or minor then the customer is liable for a more severe imprisonment and fine.²⁴⁹ Additionally, a hotel licence can be suspended for prostitution on the premises; or, if the prostitution involves a child, the licence can be cancelled.²⁵⁰

The *Indian Penal Code (IPC)* contains some sections relevant to the prostitution

of children, although it does not define prostitution. Under section 366A, “Procurement of [a] minor girl”, inducing a girl under the age of 18 years to go from any place or to do any act with intent that such girl may be forced or seduced to have illicit intercourse (sexual intercourse between persons not united by marriage) shall be punishable with imprisonment up to 10 years and a fine.²⁵¹ Under sections 372, “Selling [a] minor for purposes of prostitution”, and 373, “Buying [a] minor for purposes of prostitution”, selling or hiring a person under the age of 18 for the purpose of prostitution or illicit intercourse, shall be punished with imprisonment for up to 10 years, and a fine. The explanations to these sections create a presumption that a person delivering a girl under 18 years of age to a prostitute or brothel is presumed to have done so with the intent that she be used for prostitution. The same presumption exists for a brothel manager that receives, hires or buys a girl.²⁵²

In recent years there have been some arrests and rescue operations in the country. In 2005, the Tirupati police busted a prostitution racket and arrested a female professor at Sri Venkateswara University for her involvement. One of the girls forced into prostitution tipped off the police who conducted a raid and rescued two girls, including one 14-year-old girl. During the investigation, police arrested 11 of 16 people accused of being involved in the racket. In August 2007 the court sentenced the professor to seven years in jail.²⁵³ In Mumbai, a 16-year-old girl was rescued from a brothel and the brothel manager was arrested. Save the Children India (STCI) and the local police found several girls locked up in one bedroom of the brothel.²⁵⁴

Sexual exploitation due to cultural practices

States like Karnataka, Andhra Pradesh, and Maharashtra have passed laws that seek to abolish the *Devadasi* system and punish offenders. The *Karnataka Devadasi (Prohibition of Dedication) Act, 1982*, declares unlawful the act of dedication, whether the dedication is done with or without the consent of the dedicated woman. Under the *Andhra Pradesh Devadasi (Prohibiting Dedication) Act,*

1989, anyone who performs, promotes, abets or takes part in a dedication ceremony is subject to imprisonment for three years and a fine. The Goa Children's Act, 2003, also contains provisions with respect to the custom of dedication. A child who has been dedicated is deemed to be a "child in need".²⁵⁵ It defines 'dedication' as "the performance of any act or ceremony...by which a girl child is dedicated to the service of any deity, idol, object of worship, temple, other religious institutions or places of worship".²⁵⁶ Dedication, regardless of consent, is unlawful and shall not render the child incapable of entering into a valid marriage.²⁵⁷ A person responsible for the dedication shall be punished with a maximum of three years' imprisonment and fine.²⁵⁸ Punishment increases to imprisonment of two to five years and a fine if the dedication is made by a parent, guardian or relative of the child.²⁵⁹

Goa Children's Act, 2003 targeting sexual exploitation of children in travel and tourism

With sexual abuse of children becoming increasingly associated with tourism, the *Goa Children's Act, 2003*, was the first separate act in India to address child sexual abuse, especially tourism-related abuse. Under the act, child prostitution is prohibited in Goa, and it is the duty of the State to remove all children exploited for prostitution and ensure that they are rehabilitated and integrated into society.²⁶⁰ It also established that the State should prepare a comprehensive plan of action to provide education and livelihood skills for children and prevent child prostitution.²⁶¹ Children are not allowed to enter any hotel or other establishment with an unrelated adult and are also not to be allowed access to prohibited internet sites.²⁶² The responsibility of ensuring the safety of children in hotels has been assigned to the owner and manager of the establishment who can be held accountable if any child is allowed to enter a room without registration.²⁶³ The law authorises airport authorities, border police and railway and traffic police to report any case of adults travelling with a child in suspicious circumstances or any suspected case of trafficking.²⁶⁴ However, imprisonment for committing CSEC is only one year, which is not a severe enough penalty.²⁶⁵ The act also introduced the establishment of a Children's Court to try all offences against children.²⁶⁶ Eight years after its enactment, only seven cases have come up before different courts in Goa, of which only two offenders have been convicted.²⁶⁷ Only three cases have come before the Children's Court (which was set up as prescribed under the Goa Children Act 2003), with not a single conviction.

TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

The primary legislation that deals with the problem of trafficking is the *Immoral Traffic (Prevention) Act, 1986*, (ITPA). The *Indian Penal Code, 1860*, (IPC) contains several provisions related to trafficking in children for sexual purposes, but none of them contains a comprehensive definition of trafficking in line with the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol)*. To arrest traffickers, authorities use sections 366(A), 372 and 373 of the IPC, which prohibit procuring, selling and buying minors for prostitution. In general, enforcement of these laws is weak and convictions of traffickers are infrequent.

As examined above, under the *Indian Penal Code (IPC)*, sections 366A, "Procurement of [a] minor girl", 372, "Selling [a] minor for purposes of prostitution", and 373, "Buying [a] minor for purposes of prostitution", are used to prosecute cases of trafficking for the purpose of prostitution.²⁶⁸ Additionally,

section 366B, "Importation of [a] girl from foreign country", prohibits importing a girl under 21 years of age for illicit intercourse.²⁶⁹ However, these provisions do not provide a comprehensive legal framework protecting children from trafficking as they are not in line with the *Trafficking Protocol*. The IPC's

prohibition on selling or buying a minor for purposes of prostitution fails to include many other activities related to trafficking that are prohibited by the *Trafficking Protocol*, such as recruiting, harbouring, transporting, transferring or receiving trafficked children.

The definition of trafficking for sexual purposes can be found in section 5 (A) of the *ITPA*. Under section 5, procuring, inducing or taking a person for the sake of prostitution is punishable by imprisonment of three to seven years and a fine. Terms of imprisonment are increased to seven to 14 years if it is against a person's will; seven years to life if it involves a child; and seven to 14 years for minors.²⁷⁰

The definition of trafficking in human beings under the *ITPA* is not in line with the *Trafficking Protocol*, as it only focuses on trafficking for sexual exploitation. Additionally, while section 21 provides that states have discretion to establish and license "protective homes", the *ITPA* has not made mandatory provisions regarding victim protection, the integration and rehabilitation, age verification of the victim, or the confiscation of assets amassed by the traffickers.²⁷¹

A definition of child trafficking is available in the *Goa Children's Act*, 2003, but it only applies to the state of Goa. That act defines 'child trafficking' as "the pro-curement, recruitment, transportation, transfer, harbouring or receipt of persons, legally or illegally, within or across borders, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise".²⁷² This definition is not in line with the *Trafficking Protocol*, which states that the recruitment, transportation, transfer, harbouring or receipt of a child for the

purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means listed above.²⁷³

A major problem in the justice delivery mechanism is the lack of dissemination of laws and the consequent ignorance of the provisions. A study published in 2004 illustrated that a vast majority of rescued victims did not know of any law prohibiting child sexual abuse and trafficking. Even the victims who were aware of the law on trafficking were ignorant of the specific provisions dealing with its prevention and the rights of trafficked victims.²⁷⁴ This lack of awareness is being exploited with impunity by exploiters.

Convictions and punishments of sex traffickers are infrequent. The central Government's National Crime Records Bureau provides limited data compiled from state and union territory governments on actions taken in sex trafficking cases. Official data is normally not available until two years later. The 2007 data indicated that 4,087 cases were registered (investigations started), which likely includes sex trafficking cases referred to courts for prosecution, as well as cases investigated and closed without such referrals. This data did not include reported prosecutions and convictions. Data for 2008 is not yet available.²⁷⁵

In a judgment given in the 5th Metropolitan Session Judge Court, Hyderabad, two traffickers were convicted in Andhra Pradesh in a child trafficking case. The victim, age 16-17, ran away from home and was approached by a woman who offered her a job. She was taken to another woman and forced into prostitution. She eventually managed to escape and was rescued by PRAJAWLA, an anti trafficking NGO based in Hyderabad. During investigations, two women were arrested. The trial started in May 2007 and the two women were convicted and sentenced to seven and five years' imprisonment.²⁷⁶ In another case, Guntur

police, with the assistance of the Women Protection Cell (WPC) and the CID, arrested 22 traffickers on January 2007 who had been involved in trafficking for at least five years. They also rescued 10 trafficked women and children.²⁷⁷ In October 2007 the Jammu and Kashmir high court criticised the Central Bureau of Investigation (CBI) for “lax and deficient” handling of the 2006 arrest of the former state minister for tourism and his wife for allegedly trafficking 40 girls into prostitution. In May 2008 the Jammu and Kashmir State Government asked the high court to reconsider the case. The CBI and the High Court Bar Association disagreed, and the case was pending at the end of 2009.²⁷⁸ According to news reports, the hearing had to be adjourned when one of the principle accused failed to appear before the CBI special Court in Chandigarh and witnesses turned hostile repeatedly at the time of testifying before the Court.²⁷⁹

In 2008, in Andhra Pradesh, Bihar, Maharashtra, Goa, and West Bengal, government officials registered 964 sex trafficking cases, conducted 379 rescue operations, helped rescue 1,653 victims, arrested 1,970 traffickers (including 856 customers), convicted 30 sex traffickers, helped rehabilitate 876 sex trafficking victims and trained 13,490 police officers and prosecutors. In Mumbai, authorities prosecuted 10 sex trafficking cases but obtained no convictions in 2008. In Andhra Pradesh, courts convicted and sentenced 11 traffickers to imprisonment for 10 to 14 years. Tamil Nadu’s State Government reported arrests of 1,097 sex trafficking offenders in 2008, though the number of trafficking prosecutions and convictions during the reporting period was not reported. The city of Pune attained its first sex trafficking conviction in 2008.²⁸⁰

The US Department of State reports that the significant problem of public officials’ complicity in sex trafficking remains largely unaddressed by central and state

governments. Corrupt law enforcement officers reportedly continue to facilitate the movement of sex trafficking victims, and protect traffickers and brothel keepers from arrest. India reported no prosecutions or convictions of government officials for trafficking-related offenses.²⁸¹

In 2009, the city of Mumbai and the state of Andhra Pradesh took significant law enforcement actions against sex trafficking, but prosecutions in other parts of India were minimal. Obtaining convictions in most parts of India was difficult due to many causes, including overburdened courts and a lack of commitment by some local authorities. In Mumbai, the special anti-trafficking court recorded convictions in 81 cases under the *ITPA*.²⁸² These cases included convictions of exploiters as well as sex trafficking victims. Sentences ranged from \$2 fines to three-year prison terms for traffickers and customers.²⁸³ Mumbai police, working with an NGO, secured the convictions of eight sex traffickers in the Mumbai Sessions Court with sentences from one to five years’ imprisonment.²⁸⁴ From October 2008 to February 2010, the Andhra Pradesh court convicted 55 sex traffickers and exploiters and sentenced them to four to 14 years’ imprisonment.²⁸⁵ In May 2009, a Delhi court sentenced a sex trafficker to nine years’ imprisonment and ordered the trafficker to pay approximately \$24,000 to the underage victim.²⁸⁶

The *Juvenile Justice (Care and Protection of Children) Act*, 2000, is a comprehensive statute to provide justice and opportunities to children for their growth and development.²⁸⁷ In order to strengthen the country-wide implementation of the act, the Government of India proposed some key amendments,²⁸⁸ which were enacted in 2006.²⁸⁹ The act recognises a child who is found vulnerable and is likely to be inducted into trafficking as a child in need of care and protection and includes provisions for rescue and rehabilitation.²⁹⁰ The focus of the act is to

provide for care, protection and treatment in the best interests of children and for their ultimate rehabilitation.²⁹¹ Section 29 of the act empowers state governments to constitute Child Welfare Committees in each district with the authority to dispose of cases for

the care, protection, treatment, development and rehabilitation of the children.²⁹² Every state government should also establish and maintain children's homes for their care and protection.²⁹³

CHILD PORNOGRAPHY

CHILD ABUSE IMAGES

India has three laws that could be used to prosecute cases of child pornography: the *Indecent Representation of Women (Prohibition) Act, 1986*, (IRWPA); the *Indian Penal Code, 1860*, (IPC); and the *Information Technology Act, 2000*, amended in 2008 (ITA). India's laws do not meet international standards to protect children against pornography. IRWPA is limited to visual representations, leaving out audio materials and simulated images and does not include boys. Although the ITA covers digital and electronic media, it suffers from the same defects as the IPC provisions given its vague ban of "obscene or indecent" materials.

The IRWPA defines 'indecent representation of women' as "the depiction in any manner of the figure of a woman; her form of body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating of women, or is likely to deprave, corrupt or injure public morality or morals".²⁹⁴ Indecent representations of women in various forms are prohibited and may be punished with up to two years' imprisonment and a fine.²⁹⁵

The IPC has several provisions on obscenity that can be used to prosecute cases of child pornography. Sections 292 and 293, respectively, prohibit the sale of obscene materials, and obscene objects to young persons.²⁹⁶ Section 294 prohibits the performance of obscene acts and songs with imprisonment up to 3 months, but does not punish the audience or those who make the person perform the obscene act or song.²⁹⁷ Thus, hypothetically, under this act a young girl dancing in a bar can be prosecuted while the person(s) making the girl perform are exonerated. Offences under section 293

may be punished with imprisonment for up to three years, and a fine; in the event of a subsequent conviction it is punishable by imprisonment for up to seven years, and a fine. Under section 292, offences may be punished with imprisonment up to 2 years and a fine and, for repeat offences, up to five years imprisonment and fine.

Section 67 of the ITA penalises the publication or transmission of any material, in electronic form, "which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely...to read, see or hear the matter contained therein..."²⁹⁸ Under the 2000 act, 'electronic form' was limited to: "any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device".²⁹⁹ Violators may be punished by imprisonment of up to five years and a fine; and up to 10 years' imprisonment and a fine for subsequent offences.³⁰⁰

Information Technology (Amendment) Act, 2008

The *Information Technology (Amendment) Act, 2008*, contains a new section 67B, which punishes whoever: “publishes or transmits...material in any electronic form which depicts children engaged in sexually explicit act or conduct or “creates...collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner.”³⁰¹ Punishment for a first conviction includes imprisonment for up to five years and a fine.³⁰² Imprisonment may be up to seven years for a subsequent conviction.³⁰³ While this provision does not mention the term “grooming”, it also applies to whoever “cultivates, entices or induces children to online relationship with one or more children for a sexually explicit act or in a manner that may offend a reasonable adult on the computer resource” or whoever “facilitates abusing children online” or “records in any electronic form own abuse or that of others pertaining to sexually explicit act with children”.³⁰⁴ With the use of wording like “sexually explicit act or conduct” or “obscene or indecent or sexually explicit manner”, the amendment’s new provision is a generally worded section that fails to specifically define and prohibit “child pornography”. On the other hand, the amendment has enlarged the scope of the definition of “computer network” so as to include “communication device which means cell phones, personal digital assistance or combination of both or any other device used to communicate, send or transmit any text, video, audio or image”.³⁰⁵

The *Goa Children’s Act, 2003*, prohibits making children available for commercial exploitation, including posing obscenely.³⁰⁶ Developers of photographs or films are required to report sexual or obscene depictions of children or will be subject to one to three years of imprisonment and a fine.³⁰⁷ Stringent control measures have been introduced to regulate access of children to pornographic materials.

The *Young Persons (Harmful Publications) Act, 1956*, may be used to counter pornography when a publication is harmful or corrupts the mind of young persons (under 20). Harmful publications can include books, magazines, pamphlets, leaflets, newspapers or like publications. Possessing, buying, making or distributing harmful publications is punishable by imprisonment for up to six months and a fine.³⁰⁸

In May 2010, the cyber crime cell of the Mumbai Police arrested a serving lieutenant colonel of the Indian Army for uploading child pornography content on websites. The arrest followed a report by German police to Interpol in September 2009 that traced the transmission of child pornography videos to a server in Mumbai. The information was passed on to the cyber crimes investigation cell through diplomatic channels. They traced

the IP address of the computer involved. The lieutenant colonel was arrested in his residence. He had allegedly posted and downloaded pornographic photos and videos of children between three and 10 years of age. The army officer was charged under section 67B of the *Information Technology (Amendment) Act*.³⁰⁹

In November 2009, a case was registered against an offender under Section 67 (b) of the Information Technology Act (Amendments) 2008. A 56 year old Dutch citizen started his stay in India as a tourist but eventually ended up running an orphanage, in which he sexually abused five boys. On 7th November 2009, he was arrested by the cyber crime wing of the Tamil Nadu police, after INTERPOL discovered that he was uploading child pornography materials on the internet. In 2011, he was convicted and sentenced to 10 years’ imprisonment by a fast-track court in Chennai, Tamil Nadu. This is the first case of arrest and conviction in the country under the amended Information Technology Act 2008. Subsequently, many cases of child abuse have been unearthed, many of them with direct links to tourism; however, the record of convictions in these cases has been low.³¹⁰

In cases where an Indian national has committed CSEC-related offences abroad, action can be taken under section 188 of the *Code of Criminal Procedures*, 1973, to treat the offence as if it had been “committed at any place within India at which he may be found” as long as the offence has been previously sanctioned by the central Government.³¹¹ Indian laws on child sex offences do apply to foreign sex tourists that commit offences in Indian territory, but inefficacy of implementation has led to many cases of offenders escaping prosecution.

Two British nationals were sentenced to six years’ imprisonment by the Bombay High Court in March 2006 in a landmark judgement known as the Anchorage case, which was later overturned. In early 2001, a court-appointed panel concluded that the management of the Anchorage shelter homes, run by British nationals, was physically and, possibly sexually, abusing children. When CHILDLINE India filed a police complaint based on the boys’ signed statements and videotaped interviews, the two men fled the country. Concerted pressure from NGOs resulted in Interpol being asked to move against the two British. One of them was extradited from the US to Mumbai in 2004, while the other was tracked down to Tanzania, where he had started another children’s shelter. He later surrendered to the Mumbai police in June 2005. In July 2006, based on an appeal, the high court acquitted the accused, overturned and dismissed the judgment. CHILDLINE appealed to the Supreme Court.³¹² The Supreme Court in March 2011 upheld the appeal against

the Mumbai High Court Judgement and confirmed the conviction by the trial court.³¹³ In a 2008 case, the Kovalam police, Kerala, arrested an Australian national, for indulging in sex with male children. He left the country, having received bail in July 2008 on grounds that his mother was seriously ill. The Sessions Court in Trivandrum released his passport on the condition that he would return in three months. Though his deadline to return has long expired, the court has not yet issued a warrant.³¹⁴

In another high profile case, a 54-year old Australian male was found guilty by the assistant sessions Judge Panaji under Section 373 and 377 of the Indian Penal Code (IPC). He fled from India to Australia, but in 2005 he was extradited from Australia to India by the Australian Federal Government to face charges over his role in an infamous paedophile network. He was placed in police custody in Delhi on 4th August 2006, but the case is still ongoing in the Courts in Goa before the additional Sessions Judge.³¹⁵

Challenges in law enforcement

In October 2008 a team, including EQUATIONS and a reporter from Indian Express, conducted an investigation in Kovalam, Kerala, based on a tip from a Swiss tourist couple. The investigation revealed that over 20 young boys had been abused over 15 years by an 82-year-old Swiss national. A complaint was lodged by three boys and a 21-year-old man who had been abused for the previous five years. The police seized the passport of the Swiss man. Links with ECPAT member PEACE in Sri Lanka confirmed that the man had a history of abuse of boys in Sri Lanka as well. The day after the complaint was filed in the local police station, the three minor boys withdrew their cases, but the 21-year-old persisted. Although the case was filed under section 377 of the IPC, “Unnatural offences”, which does not permit bail, the man approached the Sessions Court for bail and within a month of filing the complaint, the man secured bail and left the country. He later returned to India, but has not been arrested.³¹⁶

The extradition of an offender from India to a foreign country is governed by the *Extradition Act*, 1962. The *Extradition Act* also provides the procedures for the arrest and extradition of such fugitive criminals.³¹⁷

India has signed a number of extradition treaties and extradition arrangements with foreign states that provide for what qualifies as extradition offences vis a vis those states.³¹⁸ As for non-treaty states, extradition offences can include offences punishable by imprisonment of at least one year under the laws of India or of the foreign state.³¹⁹

Under section 3 of the *Extradition Act*, the Government has discretion in extending the provisions of the act to foreign states or to restrict their application.³²⁰ Where there is no extradition treaty between India and a foreign state, the Government may “treat any Convention to which India and a foreign State are parties, as an extradition treaty with a foreign State providing for the extradition

in respect of offences specified in that Convention.”³²¹ Presumably, for example, that could include the *Convention on the Rights of the Child* and its *Optional Protocol on the sale of children, child prostitution and child pornography*.

Fugitive criminals may also be liable for prosecution in India according to the *Extradition Act*. Under section 34, an extradition offence committed by someone in another country is deemed to have been committed in India, and the person shall be liable to prosecution in India.³²² Under section 34A, in the event the Government decides that a fugitive criminal cannot be surrendered to a foreign state, it also has discretion to prosecute the person in India.³²³

A call for extradition under Australia's child sex tourism laws

In November 2008, an Australian man was arrested in Puri, in the Indian state of Orissa, charged with child sex offences and possessing pornography. He was first charged with having sex with 12 boys and possession of pornography in August 2001 in the neighbouring state of Andhra Pradesh, but he escaped custody and continued to volunteer at local orphanages. The Australian is alleged to have abused several boys as young as 11-years-old at an orphanage in Puri. He had been living in India on a false Australian passport for more than 35 years. He fled Australia in 1973, having been accused of embezzlement. Throughout his time in India he was known by a variety of different names and identities including a charity worker, priest and doctor. In November 2008, six children in the orphanage made statements before a magistrate in Puri confirming sexual abuse by the Australian. He asked the Orissa High Court for bail, citing cardiac problems, which was granted. In January 2010 he was still out on bail, living in the community with unrestricted access to children. Child Wise (the ECPAT group in Australia) called for his immediate extradition to Australia under extra-territorial child sex tourism laws there, but the Federal Government of Australia said the current case must be dealt with by the Indian courts first. Child protection groups fear the case against him will collapse because Indian prosecutors have been too slow to act. In July 2010 the lead prosecution witness was finally produced in court but he asked for more time to prepare. The longer the case drags on the greater the chance the witnesses may back down.³²⁴ Recent reports indicate that after receiving bail he has been missing, and the police and Australian High Commission are unaware of his present whereabouts.³²⁵

Child protection units

While legal provisions exist for the establishment of specific police units for investigating CSEC and the identification of specific police officers in all police stations to work as anti-trafficking officers, these have not been formed everywhere yet. Investigating and prosecuting crimes against children still face a number of difficulties in India, particularly in gathering evidence and testimonies and in identifying victims and ensuring their protection.

The *Juvenile Justice (Care and Protection of Children) Amendment Act, 2006*, mandates one Child Welfare Committee (CWC) in each district to ensure the care and protection of children.³²⁶ The *Juvenile Justice (Care and Protection of Children) Act, 2000*, (*Juvenile Justice Act*) stipulates that Special Juvenile Police Units (SJPU) should be created in every district and city to coordinate and improve the police treatment of juveniles and children.³²⁷ Furthermore, it states that in every police station at least one officer with appropriate training may be designated as the 'juvenile or the child welfare officer'.³²⁸ In accordance, Delhi Police have created SJPU in each of the 13 police districts³²⁹ as well as in Crime and Railways and Airport Units.³³⁰ Every police station has designated two or three police officers as juvenile or child welfare officers.³³¹ The Ministry of Women and Child Development has identified inadequacies in the infrastructure of the juvenile justice system and has recommended improvements for the child welfare committees and SJPU.³³²

In Karnataka, with the support of UNICEF, State Juvenile Police Units have been created in all police stations, based on a zone system. Each police station has provided space for NGO assistance with counselling of children/parents. There are 2 Child Welfare Officers in each police station: police constable and sub-inspector. In all zones, two social workers must be present. For each case, police are supposed to inform social workers, whereby the case is taken before the *Juvenile Justice Board* (JJB). The police cannot take the

case directly to JJB but rather must wait for social workers to file a report. Social workers also train police on child rights issues.³³³

The *Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women* foresees the establishment of a specialised police rescue team for victims of trafficking.³³⁴ As of 2009, the Government of India has set up 38 Anti-Human Trafficking Units (AHTUs). AHTUs are task forces created within local law enforcement agencies, which are responsible for investigating human trafficking cases, and are meant to be comprised of specially-trained police officers. The states of Assam, Bihar, West Bengal, Andhra Pradesh and Tamil Nadu police have established AHTUs. Despite some progress in increasing the number of AHTUs at both district and state level, the effectiveness of these units remains limited as they are not adequately equipped to identify child victims of trafficking or children at risk of being trafficked and to respond to the specific needs of these children. According to a few NGOs, some AHTUs also lack support personnel and funding.³³⁵

Under the *ITPA*, the Government of India can notify anti-trafficking police officers (ATPOs) with powers throughout India to investigate offences. ATPOs can be appointed to investigate offences under the *ITPA* or any law dealing with sexual exploitation of persons committed in more than one state, including child trafficking and pornographic rackets, which have inter-state ramifications.³³⁶

The Indian police force has been equipped with the establishment of cyber police stations in various states to combat cyber crime, including ‘cyber pornography’.³³⁷

However, these units are far from being effective due to a lack of specialised training.³³⁸

Support services for children

India’s efforts to provide support services for child victims of sexual exploitation often suffer from a lack of sufficient financial and technical support and vary from state to state. While there have been considerable efforts to combat trafficking in children, this has resulted in less attention on other forms of CSEC, particularly child pornography. India does have a large number of NGOs working to prevent CSEC and provide care and rehabilitation to child victims. Very little has been done, however, to develop and coordinate rescue, rehabilitation and welfare programmes for male victims.

The Ministry of Women and Child Development (MWCD) has developed a *Protocol for Pre-Rescue, Rescue And Post-Rescue Operations Of Child Victim Of Trafficking For Commercial Sexual Exploitation*. It contains guidelines for state governments to develop anti-trafficking policies; create anti-trafficking cells at the state and district levels and a database on traffickers, brothel owners, informants, decoy customers, number of cases registered, status of each case, source and destination areas in the state/district and any other relevant information; form Community Vigilant Groups (CVGs) at the community level; and repatriate victims from the destination state to the home state. The protocol also contains strategies for pre-rescue, rescue and post-rescue operations and rehabilitation of children victims.³³⁹

In 2001, the Government launched a scheme called *Swadhar* for women in difficult circumstances, including women and children rescued from trafficking. It provides funds for the immediate shelter of rescued victims, counselling, social and economic rehabilitation through education, medical and legal support. This programme is implemented in partnership with NGOs.³⁴⁰ Under its *Swadhar* programme, the Government supports over 200 shelters to provide care for more than 13,000 women

and girls rescued from a range of difficult circumstances.³⁴¹ The MWCD runs Swadhar shelter-based homes and short-stay homes that cater to trafficked women and girls who were rescued or escaped from brothels and victims of sexual crimes who are disowned by their families or who do not want to go back to their families. They provide women and children with shelter, food and clothing; counselling, clinical, medical, legal and other support; and training and economic rehabilitation. Over 146 Swadhar shelter-based homes and more than 342 short-stay homes are run in different parts of the country.³⁴²

Government shelters for sex trafficking victims are found in all major cities, but the quality of care varies widely. These shelters are not all specialised for child victims of trafficking, but in Maharashtra, West Bengal, Tamil Nadu and Andhra Pradesh, state authorities operate homes for child victims.³⁴³ These government shelters are working closely with NGOs and the Child Welfare Committees to improve the care standards in these institutions, but significant efforts are still necessary. Furthermore the demand far outweighs the supply of shelters for child victims of trafficking and “protection efforts often suffered from a lack of sufficient financial and technical support

from government sources”.³⁴⁴ Although states have made some improvements to their shelter care, victims in these facilities do not receive comprehensive protection services, such as psychological assistance from trained counsellors.³⁴⁵ These services are often unavailable, remain inadequate in light of the needs and are mostly provided by NGOs. The MWCD also gives grants under its UJJAWALA programme for the prevention, rescue, rehabilitation and reintegration of sex trafficking victims. Andhra Pradesh established a fund specifically for victim rehabilitation, giving victims rescued from sexual exploitation USD 200 in temporary relief. Tamil Nadu began providing free legal aid and counselling services in state shelters to trafficking victims.³⁴⁶

Additionally, the states have established Child Welfare Committees (CWCs) in each district, comprised of members trained on child rights. They look to the care and protection of children in need. Child victims of abuse, violence, exploitation and trafficking can be referred to the CWCs for assistance, although assistance for child victims of trafficking is lacking.³⁴⁷

In 1996, Mumbai launched the CHILDLINE, a 24/7 free telephone helpline, which can be accessed by a child in distress by dialling the number 1098. It provides emergency assistance and rescue services. It is the only service of its kind, now operating in 83 cities and districts in 22 states and three union territories in India. It has responded to a total of 15,883,547 calls from its inception to March 2009, and has assisted three million children.³⁴⁸ The hotline is not specialised for child victims of CSEC; however, CHILDLINE has a crisis intervention programme outlined for all child victims, including victims of CSEC and trafficking. Once a call is received CHILDLINE provides emotional support to the victims via phone indicating/guiding the victim to the services available. In case of rescue, CHILDLINE assists victims to

receive intensive counselling and assists the victim to receive short term care where repatriation is possible. Where the child victim cannot be reunited with the family, CHILDLINE assists in referring the child for long term care.³⁴⁹

Koshish is a unique self-help group initiated by Stop Trafficking and Oppression of Children and Women (STOP) to rehabilitate survivors of trafficking. *Koshish* was formed in November 2006 and runs a cafeteria on the Delhi University Campus. Its 10 members are girls who have come from highly difficult and exploitative situations and are now the owners and managers of the venture. All the girls in the group have been trained in cooking by chefs of reputed hotels and in managing the finances of the venture. One member is a 19-year-old girl, victim of trafficking, who at the age of 13 was rescued from a brothel in Delhi.³⁵⁰

Prayas Juvenile Aid Centre, is a national NGO engaged in anti-trafficking initiatives. Its work focuses on issues related to rescue, repatriation, rehabilitation and reintegration of child victims of sex trafficking. It has been working in several states: the Andaman and Nicobar Islands, Assam, Arunachal Pradesh, Bihar, Delhi, Gujarat and Haryana, providing direct support to 50,000 children with shelter, education, vocational training, counselling, health care and rehabilitation. Prayas is working in partnership with UNODC on developing a replicable model for addressing child trafficking and creating a centre for the neglected and destitute children. Prayas set up the Institute of Juvenile Justice in New Delhi, the only one of its kind in India, which conducts research, training and policy advocacy in different parts of the country. Prayas Jan Shiksan Sansthan, an agency established in collaboration with the Ministry of Human Resources Development, runs vocational and life skills education, supports self-help groups and offers placement services to over 6,000 marginalised youth and women.

The partnership with Amul (Gujarat Milk Cooperative and Marketing Federation) and International Organization for Migration (IOM) is one model for providing livelihood alternatives. This project has employed 35 victims of trafficking.³⁵¹

Prerana's victim care services include night-care and day-care centres, an educational support programme, an institutional placement programme, drop-in-centres and anti-trafficking networking for voluntary sector organisations. Through its programme *Victims of Commercial Sexual Exploitation and Trafficking*, Prerana is working in the red light area of Mumbai to end second generation trafficking of children of red light area-based women. A growing trend, perceived by Prerana, was that a very high percentage of them were becoming orphans, having lost their mothers to HIV/AIDS.³⁵² The care and support model of STOP for rescued trafficked girls is an innovative pilot intervention. The survivors of Human Trafficking, vulnerable and at risk young adults are the main animators and change agents for the management of the non-judgmental, safe space at STOP family home, which houses 50-60 affected girls regularly. They are being trained to take control of decision making regarding their own lives. Recently, ECPAT under its YPP (Youth Partnership Project) successfully conducted an orientation training workshop on 'Child Survivors and At-Risk Youth of Commercial Sexual Exploitation in South Asia - (YPP-SA)' in STOP's Home during 28th – 30th

June 2011.

SANLAAP runs four *Sneha* shelter homes in and around Kolkata for minors rescued from commercial sexual exploitation, girl children of women in prostitution and other vulnerable girl children. *Sneha* is a multi-disciplinary psychosocial and economic rehabilitation programme, encompassing education, mental health interventions, vocational training and economic initiatives, dance movement therapy and legal aid.³⁵³ SANLAAP also runs a Child Protection Programme in the red light areas of Kolkata and its suburbs, through 14 drop-in-centres with volunteers catering to more than 5,000 children. The children are provided education, health services and an opportunity to develop natural skills and creative faculties.³⁵⁴

PRAJWALA provides rescue, rehabilitation and reintegration for women and child victims of trafficking. PRAJWALA, as the nodal agency in the Anti Human Trafficking Unit (AHTU) in Andhra Pradesh collaborates with the state police on all aspects of rescue and post rescue operations. Over 371 victims were rescued within three months of the AHTU's establishment. These rescues were done both within and outside the state.³⁵⁵ The NGO also provides for civic, economic and psychological rehabilitation.³⁵⁶ In terms of reintegration, PRAJWALA works towards three forms, depending on the circumstances of the victim: family reunion, marriage or independent living.³⁵⁷

'Delhi returned'

'Delhi returned' has become a derogatory term for girls who return to their home village after a time working in Delhi and are perceived to be of loose morals. Among the 'Delhi returned' are those who were trafficked for sexual exploitation. Instead of being treated as victims, they are treated as offenders by their communities and very often not accepted back.³⁵⁸

The *Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women* states that training on the issue of trafficking in human beings should form a core component of the curriculum of the law enforcement personnel.³⁵⁹ In practice, however, the provision of ongoing specialised training to ensure early identification of victims of trafficking and child-sensitive investigations is still lacking. Most police trainings have been with the help of UNODC, but further trainings are required, especially focusing on child trafficking, and should be expanded to all states. The training and capacity building of other stakeholders in the juvenile justice system is also inadequate.

Microsoft is working with the International Centre for Missing and Exploited Children (ICMEC) and Interpol to help fight online child abuse in India. The organisations are training Indian law enforcement agencies, such as the Central Bureau of Investigation (CBI), to use new technologies for countering online child pornography. The training is focused on the prevention and detection of online child pornography and other crimes against children. After a pilot training programme for the CBI and the police in Kerala, the company plans to extend

the programme to other states in India.³⁶⁰

The India Cyber Labs established by the Mumbai Police and the National Association of Software and Service Companies (NASSCOM) provide a six-day training programme on investigating cyber crime, including child pornography, for police officers from various police units in Mumbai and other areas of Maharashtra.³⁶¹ The National Judicial Academy at Bhopal and State Judicial Academies are also running short-term cyber courses for judges.³⁶²

UNODC strengthening law enforcement response to human trafficking

UNODC has provided training to law enforcement agencies in the South Asia region to increase their technical capacity and investigation skills to combat human trafficking. UNODC has so far trained 13,490 law enforcement officials in the region. It has also established nine anti-human trafficking units in districts of India, developed 12 publications on training, standard operating procedures and educational communication materials.³⁶³

In 2008, the Ministry of Home Affairs created 297 anti-human trafficking units across the nation to train and sensitise law enforcement officials. NGOs have reported that the officials who have received such training in the past are increasingly recognising women in prostitution as possible trafficking victims, rather than arresting them for solicitation.³⁶⁴

More recently, in 2009, the Central Bureau

of Investigation (CBI), the Bureau of Police Research and Development (BPRD), and other government agencies conducted training courses, seminars, workshops and “training of trainers” trafficking awareness programmes for close to 300 law enforcement officials, some of which addressed sex trafficking. The BPRD also prepared training materials on sex trafficking that are being used in police colleges and institutes. It is difficult to measure the

impact of these training initiatives. Although NGOs in West Bengal and Andhra Pradesh reported some improvements among law enforcement, NGOs in other states perceived few tangible results.³⁶⁵

The MWCD, in collaboration with UNICEF, has developed a *Judicial Handbook on Combating Trafficking of Women and Children for Commercial Sexual Exploitation*.³⁶⁶ *A Resource Book on the Legal Framework on Anti Human Trafficking* for law enforcement officials and other stakeholders has also been developed by the National Law School of India University, Bangalore, in association with UNODC.³⁶⁷ It has been designed to collect, review and analyse the relevant national legislation, international and regional instruments and judicial

precedents related to the full range of crimes which comprise human trafficking; to analyse the existing legal framework in the light of international and regional legal standards on trafficking; and provide, where necessary, recommendations.³⁶⁸

In 2006, a pilot project on multidisciplinary training was initiated by the UNODC Regional Office South Asia (ROSA), New Delhi through cooperation with the India and US governments. This project resulted in a wide array of resource materials, including handbooks, posters, pictures, films, etc., all of which were utilised in relevant sessions. The two-year project reached approximately 15,000 police officers, 750 prosecutors, 500 NGOs, 500 judicial officers and 500 other government officials.³⁶⁹

CHILD AND YOUTH PARTICIPATION

The National Commission for Protection of Child Rights (NCPCR) has a policy that child participation is integral to addressing child rights. However, there is scarce information on the NCPCR's initiatives to facilitate child participation. Most child and youth participation activities are carried out by NGOs.

The *Rules of the Commission for Protection of Child Rights Act*, 2005, mandates that the NCPCR's work be directly informed by the views of children in order to reflect their priorities and perspectives and that it promotes, respects and seriously considers the views of children in its work and in that of all government departments and organisations dealing with children.³⁷⁰

In South Asia, the NGO SANLAAP has been implementing the Youth Partnership Project for Child Survivors of Commercial Sexual Exploitation in South Asia (YPP) since 2005. The objective of this programme is to encourage, support and strengthen youth participation and partnership in the fight against CSEC. Young survivors of

CSEC and at-risk youth living in red light districts are the key participants in this project, which enables trained youth to create peer support groups in vulnerable and high-risk communities. Peer support is also offered to child victims of trafficking. Through community awareness programmes and information, education and communication materials, YPP youth are raising awareness about the risks of CSEC and trafficking. The group is also involved in organising workshops on specific issues of CSEC. The youth group also provides information to SANLAAP about cases of trafficking in their area. However, most victims do not come forward due to the fear of repercussions.³⁷¹ SANLAAP has carried out local, national and regional youth consultations on issues

of CSEC. Other activities and campaigns of SANLAAP with an active participation of children and youth have been the peer support programmes in schools, shelters and drop-in-centres; the “YOU(TH) SPEAK” consultation in 2006, when 90 youth delegates issued a set of recommendations to address gaps in existing policies and practices and to ascertain better implementation; and the Green Band Campaign in August 2007, led by marginalised youth from the red light areas of Calcutta, survivors of trafficking and commercial sexual exploitation and slum and street children. In addition, YPP Youth Micro Projects are small grants made to youth to develop and implement initiatives that they have identified as priorities.³⁷²

A 2010 national consultation organised by UNICEF, called *Listening to Adolescents*, was held in New Delhi. Children and youth from 14 states in India joined the workshop. ECPAT YPP-trained peer supporters were child representatives from West Bengal.

The South Asia Initiative to End Violence against Children (SAIEVAC) has developed a range of materials for children and those working with them to help children develop advocacy campaigns and other initiatives that raise awareness on children’s rights and protection. Resources for children and young people are available at SAIEVAC’s website.³⁷³

Recommendations on CSEC from children and youth at the 2nd South Asia Forum for Ending Violence against Children (SAF):

1. Governments should enact laws against child pornography, child-sex tourism and child marriage and ensure their effective implementation and include children and youth in raising awareness on these issues.
2. Governments should incorporate information on CSEC into academic curricula, including providing free education and educational materials, as well as lend support to child- and youth-led peer support programmes in schools.
3. Governments should conduct research on CSEC to collect data on the number of children involved and other relevant information involving children, where appropriate. Follow-up actions should be taken by governments based on the research findings.
4. Governments should work in partnership with non-governmental organisations to provide comprehensive rehabilitation and reintegration programmes, with the involvement of children and youth.
5. The quality of care in existing rehabilitation homes/centres should be improved and new homes/centres should be established where they do not exist.
6. Children and youth should participate in committees supervising care and protection services.
7. Government should mobilise media to ensure birth and marriage registration so that children can be protected from early and forced marriages and from trafficking.³⁷⁴



STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system, which ECPAT and The Body Shop have created to assess the progress of state action on specific commitments and promises to uphold the rights of the child to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the *2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children* from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' action to combat child trafficking, specifically with regard to the three goals of the campaign:

1. Community-based prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

| India: summary of progress card* | | | |
|--|----------------------|----------------------|---------------------------|
| Goal 1: Community-based Prevention Programmes | | | |
| Prevention | Collaboration | Awareness-raising | Teacher-training |
| | | ★ | |
| Goal 2: Legal Framework | | | |
| Optional Protocol | Trafficking Protocol | National legislation | Special police units |
| | | | |
| Goal 3: Specialised Services for Child Victims | | | |
| Helpline | Shelters | Medical services | Psychological counselling |
| ★ | ★ | ★ | |

Green = significant action taken by state; Yellow = partial action taken by state;
Red = inadequate level of state action; Star = work is undertaken by NGOs

Based on a global assessment of the progress cards, India is among the 26% of countries reviewed that have taken limited measures to stop sex trafficking of children and young people. Although the Government of India has made progress through the adoption of several policies to address the issue of child trafficking, the implementation of anti-trafficking prevention needs strengthening. Similarly, the legal framework for addressing child trafficking is inconsistent with the relevant international standards, especially the lack of adequate assistance and services for children throughout the country.

* The India Progress Card is available at www.ecpat.net.



PRIORITY ACTIONS REQUIRED

National plans of action

- State Advisory Committees must be made functional in all states to allow for the effective implementation of India's *Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children*;
- The budget allocated for the plan's implementation at both the national and state levels must be increased;
- State action plans should include provisions to tackle boys' prostitution.
- The National and State Tourism Policies need to acknowledge that tourism in its current forms can exploit children, clearly denounce sexual exploitation of children and commit that tourist destinations in India will be child-exploitation-free zones.
- The MWCD and Ministry of Tourism should collaboratively develop a "National Plan of Action to Counter Child Abuse In Tourism" by involving all stakeholders, including industry, tour operators, travel agents, hotels, local authorities, the judiciary, the police, child rights and other civil society organisations and communities for the protection of children and combating child abuse.
- Mechanisms and structures, such as the State Commission for Protection of Children, must be formed. The functioning of Hotline and Childline services must be revived, strengthened and monitored.

Coordination and cooperation

- Indian police cyber cells should coordinate with agencies like the Virtual Global Taskforce and Europol to jointly combat online child sex abuse;
- Law enforcement should enhance cooperation with countries of origin of child sex tourists to ensure effective investigation and prosecution of child sex offences.
- Coordination between different ministries and departments is essential in providing protection to children. There must be concerted efforts by all the related ministries and departments, law enforcing agencies, local self governing institutions, judiciary, media, Child Line and NGOs. All the concerned Ministries/ departments must develop Terms of Reference.

Prevention

- The Government should implement more awareness raising programmes on CSEC with a focus on programmes directed at children and communities at high risk;
- The Government should make compulsory sensitization and awareness programmes on trafficking for students within school curricula and teachers training programmes;

- The Government must combat religious and culturally-sanctioned prostitution of children, particularly among scheduled tribes and castes through awareness raising and strict enforcement of laws;
- The Government should conduct extensive media campaigns in partnership with the tourism industry to inform tourists that exploitation of children and child sex tourism is not acceptable.
- Efforts must be undertaken to involve the panchayats (elected bodies responsible for administration at district level, usually in charge of local development issues), in monitoring the situation in their areas, including checking children who come into and leave villages. A system for record keeping must be created. In addition, community-based organizations must work more closely with the police to provide legal assistance to victims as well as to ensure that the police systematically lodge each First Information Report (FIR)³⁷⁵ with the relevant details and actively pursue cases.
- Care facilities and human resources should be made available to adequately support sexually exploited boys. These services must be based on minimum standards of care, which are yet to be developed. Moreover, greater access to viable alternative livelihood options must be made available to sexually exploited boys.

Protection

- The Government should include the specific offense of trafficking in children within the *Indian Penal Code (IPC)*;
- The *IPC* provisions on child trafficking must include all the activities that constitute trafficking as per the *Trafficking Protocol*. The law should be amended to also provide equal protection for boys. In addition, the legislation should be reviewed to criminalise trafficking in children for any purpose and not only for prostitution;
- The Government should amend provisions on prostitution to specifically address children; clearly define which activities and types of remuneration are prohibited; and criminalise all acts of obtaining, procuring or providing a child for prostitution, as required under the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)* ;
- The Government must grant boys legal protection from sexual exploitation;
- The Government should strengthen extraterritorial laws and extradition laws to treat child sex tourism offences as non-bailable;
- The Government should identify and address gaps in relevant domestic legislation vis a vis provisions of the SAARC conventions;
- The Government should create special police units that are adequately staffed and equipped to identify and assist child victims of trafficking and sexual exploitation and at-risk children and expand the mandate of tourist police to monitoring and reporting child sex tourism;
- The Government should implement the national policy regarding the training of all law enforcement agents who may come into contact with child victims of trafficking or at-risk children, including police officers. The Government should also include specific child rights laws and methods of handling child abuse cases in the Police Training School curriculum;
- The Government should increase the capacity of the police, relevant government employees and local NGOs to address child pornography;
- The Government should set up child-friendly procedures within the legal system;

- ✚ Law enforcement must decrease official complicity in trafficking and increase its efforts against sex traffickers.
- ✚ Include specific child rights laws and methods of handling child abuse cases in the Police Training School curriculum.
- ✚ Conduct mapping of the children in need of care and protection or of the services available for them at the district/city/state level with the help of local CSO.
- ✚ Related to the protection of children from all forms of exploitation in tourism, a corporate ethical policy against sexual exploitation of children should be established and proper reporting and monitoring mechanisms put in place to promote socially responsible tourism. The tourism industry must be willing to take and demonstrate accountability and be willing to be subject to stringent laws.

Recovery and reintegration

- ✚ The Government should improve implementation of its protection programmes and compensation schemes to ensure that trafficking victims receive benefits;
- ✚ The Government should prevent re-trafficking and further exploitation of victims through implementation of reintegration programmes in the most affected state districts;
- ✚ The Government should establish specific shelters for child victims of trafficking or better equip existing shelters to provide adequate assistance and protection services;
- ✚ The Government should develop special support and care facilities for sexually exploited boys;
- ✚ The Government should ensure that the special 24/7 nationwide toll-free helpline adequately responds to the needs of child victims of trafficking;
- ✚ The Government should make provisions for the forfeiture of property, proceeds or assets that result from activities related to child sexual abuse. These funds should be used to support reintegration programmes for abused children, children at risk of being abused, and child victims who are in need of special care.

Child and youth participation

- ✚ Prioritise child and youth participation in planning, implementation, monitoring and evaluation of policies and programmes affecting their lives at all levels, i.e. local, state, national and international.
- ✚ Research/study should be undertaken by the National and/or State Commission for Protection of Child Rights in collaboration with youth-led NGOs to gauge the present status of child and youth participation in the decision-making process of recovery and juvenile justice systems, residential care homes, shelters, schools, healthcare facilities etc. and recommend ways to improve participation methods.
- ✚ The government, in collaboration with NCPCR, should disseminate information on children's and young people's rights, policy reforms and services available through various child friendly methods to raise awareness and promote participation.
- ✚ The government should make child and youth participation mandatory in key processes of amending existing laws and reviewing policies affecting children to ensure that due consideration is given to the perspective of their experience in the past.

ANNEX

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

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 psycho-social 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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