

# Trafficking in children in Asia; a regional overview

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# **I. An Overview of Child Trafficking for Labour Exploitation in the Region**

## **Introduction**

Child labour is a fact of life in many parts of the world. With 60 percent of the world's nearly 250 million child workers, Asia is a major area of concern. In South Asia, for example, one in every four children is working.<sup>1</sup> Many would argue that children should be learning rather than working, but the economic and cultural realities in many Asian nations require or allow children to enter the workforce. Still, few would disagree that children should be prohibited from certain types of work. At the initiative of its member states, the International Labour Organization (ILO) passed a new Convention on the Worst Forms of Child Labour (No. 182)<sup>2</sup> that addresses the worst forms of child labour, including:

- Slavery or practices similar to slavery;<sup>3</sup>
- Child prostitution and the use of children for pornography;
- The use of children for illicit activities – particularly within the drug trade;
- Work that is likely to endanger the health, safety, or morals of children.

Under the convention, the protection afforded to children applies to anyone under the age of 18 years.

This paper addresses a subset of child labour – cases in which children are trafficked for labour exploitation. Although researchers define trafficking in different ways, generally it refers to the recruitment, and potentially the transportation, of persons within or across borders by use of deception, force, or coercion. In many cases, trafficking is a precursor to exploitative labour. But trafficking should not be confused with voluntary labour migration – there is evidence that some children migrate voluntarily into even exploitative labour situations. Also, while prostitution is the most-prominent reason for trafficking, it is not the only form. Moreover, not all child prostitutes are victims of trafficking, although the two are often intertwined.

This paper focuses on trafficking in children for labour exploitation in South and South-East Asia. For the purposes of this report, South Asia includes the nations of Bangladesh, India, Nepal, Pakistan, and Sri Lanka; South-East Asia refers to Cambodia, China's Yunnan Province, Laos, Myanmar,<sup>4</sup> Thailand, and Viet Nam.

## **The magnitude of the problem**

The available research shows that the number of children trafficked – particularly for sexual exploitation – across South and South-East Asia is rising.<sup>5</sup> It is unclear, however, whether this increase reflects better reporting and heightened awareness of the issue or an actual increase in the number of cases. In addition, data collection is notoriously difficult. Owing to the

clandestine nature of child trafficking, it is very difficult to count the number of children victimized by the practice. Moreover, even in places where prostitution is openly practiced, the participation of children in the industry is often concealed making it difficult to count child sex workers. Many children in the commercial sex industry lie about their age to authorities and use fake identity cards.<sup>6</sup> As a result, available data are often estimates derived from statistics on adult workers. In addition, because international attention and research – particularly in countries such as Cambodia and Thailand – focuses on child prostitution, data are scarce on the number of children trafficked for other exploitative purposes like begging gangs or domestic work.

Further complicating the problem, if researchers can generate a credible statistic for the number of child labourers in a field like prostitution, they face the challenge of deciphering what proportion were trafficked and what proportion entered the employment willingly. Given this caveat, the section below presents the best available information. Because various studies use different methods to estimate the number of children trafficked, it would be unwise to provide an aggregate figure. Instead, this discussion summarizes the magnitude of the problem by discussing country data by sub-region.

In both South and South-East Asia, prostitution is the dominant reason behind child trafficking.<sup>7</sup> Although the precise number of children who have been trafficked into prostitution is unknown, a 1996 UN report estimated that one million children work as prostitutes in Asia.<sup>8</sup> In South-East Asia, meanwhile, some observers assert that prostitution has grown to such an extent that it is now one of the sub-region's largest employers.<sup>9</sup>

## **South Asia**

In Bangladesh, trafficking in children for labour exploitation occurs both within and across the country's borders over well-known routes. Bangladeshi children are trafficked for prostitution, forced and bonded labour, camel jockeying, marriage, and even the sale of organs.<sup>10</sup> Girls are generally trafficked into domestic or commercial sex work, boys are most often sent to work in manufacturing industries and sweatshops in India and Pakistan. Some 90 percent of Bangladeshi children go to India, the balance to Pakistan and some Middle Eastern countries. The country's Ministry of Home, Social Welfare, and Women estimates that between 1993 and 1997, over 13,320 children were victims of trafficking out of Bangladesh. A separate report by UNICEF and the SAARC asserts that about 4,500 Bangladeshi children are trafficked into Pakistan annually for bonded marriage or bonded labour.

Non-governmental organizations (NGOs) working with child prostitutes estimate that in 1997, some 820 children were trafficked within Bangladesh into the commercial sex industry.<sup>11</sup> And this only gives a glimpse of the total number of children working in Bangladesh's sex industry who may be victims of trafficking. Bangladeshi police estimate that there are between 15,000 and 20,000 child street prostitutes.<sup>12</sup> A recent study commissioned by ESCAP revealed that 68 percent of child prostitutes interviewed were forced into their work. Even

larger numbers of Bangladeshi child prostitutes, it appears, are working in neighboring countries. Research suggests about 200,000 Bangladeshi children work in the brothels of Pakistan,<sup>13</sup> with another 300,000 employed in the brothels of India.<sup>14</sup> Meanwhile, Lawyers for Human Rights and Legal Aid (LHRLA) of Pakistan has reported that over 19,000 boys from the region, ranging in age from two to 11 years old, have been trafficked as camel jockeys to the Middle East – a trade that can cost them their lives.

Though also a major receiving country, most of India's trafficking takes place within its borders. A study by the Central Social Welfare Board reported that most children brought to cities like Bombay, Calcutta, and Delhi come from states like Karnataka, Maharashtra, West Bengal, and Tamil Nadu.<sup>15</sup> Estimates of the number of children trafficked for prostitution in India vary widely depending on the source – from a low of 25,000 children to a high of 500,000 children. Only about five percent of these children were trafficked from Nepal or Bangladesh. By most estimates over 20 percent of these foreign prostitutes were children.<sup>16</sup>

Within Nepal, child labour is found mainly in the agriculture, manufacturing, service, and sex industries. Many children are trafficked to Kathmandu, where they work in manufacturing, sweatshops, hotels, or as domestic workers and child prostitutes. Here again exact figures are lacking, but we can get a sense of the scope by looking at estimates of child prostitutes – which range from 3,000 to 40,000 children.<sup>17</sup> A recent ESCAP study found that most of Nepal's child prostitutes were forced or deceived into entering the sex industry.<sup>18</sup> Of course, children are trafficked within Nepal for reasons other than prostitution, though data on such cases are lacking. What we do know is that approximately 5,000 children in Nepal are living apart from their families and that the cause for this separation is generally due to trafficking for labour purposes or voluntary labour migration.<sup>19</sup> While some of these children are prostitutes who would be included in the estimates above, others are trafficked into forced labour including domestic servitude.

Cross-border trafficking also victimizes children from Nepal. Girls are sent to India -- generally for prostitution -- while boys are sent to work on construction sites, brick kilns, tea plantations, and in manufacturing. To get a sense of the total magnitude of the problem, consider estimates of child sex workers in India. One report suggests that about 200,000 Nepali prostitutes work in Indian cities – 20 per cent or 40,000 of whom are under the age of 16.<sup>20</sup> While some of these children may have entered the sex industry willingly, to be sure a significant portion was trafficked into the trade under false promises of gainful employment. Maiti Nepal (a local non-governmental organization (NGO)) estimated that between 5,000 and 7,000 girls are trafficked from Nepal into prostitution in India annually.<sup>21</sup>

Research on the issue of child trafficking for labour exploitation in Pakistan is perhaps the weakest in South Asia. Anecdotal evidence and testimony from government and NGO officials suggests that the trafficking of children for prostitution is increasing in Pakistan. While the trafficking of children out of Pakistan has decreased in recent years, in-country trafficking may have risen.<sup>22</sup> It appears further that Pakistan is a receiving country for children trafficked

from Bangladesh and India to work in farming, fishing, and sex industries. There are no available estimates, however, of the number of children trafficked for any purpose, nor are there estimates of the numbers of child prostitutes.

Some argue that because Sri Lanka is an island, it does not have significant problems with exporting trafficked children.<sup>23</sup> But by all accounts, in-country trafficking is a growing problem. Part of the reason for the increase may be that the use of child labour is widespread in Sri Lanka. In fact, about 70 percent of all children between the ages of 15 and 19 years are employed in Sri Lanka. A government report from 1991 estimated that 500,000 children in Sri Lanka are working in the informal sector including the commercial sex, agricultural, gem, fishing, and service industries as well as in private homes, armed conflict, street work, and begging.<sup>24</sup>

In Sri Lanka, unlike other countries in the region, the majority of the child prostitutes are boys. These boys are often referred to as “beach boys” because of where they live and work. Estimates of boys working as prostitutes vary wildly depending on the source – from 200 to 30,000 boys.<sup>25</sup> Of these child prostitutes, up to the full 30,000 may have been trafficked into the industry.<sup>26</sup> Child sexual exploitation is closely linked to pornography in Sri Lanka, which is one of the main export routes for child pornography in the region.<sup>27</sup> Estimates of children trafficked into pornography in Sri Lanka are not available, though the numbers are believed to be high.

Domestic work is another fate that trafficked children face in Sri Lanka. The industry often uses recruiters who deceive parents and children about the working conditions.<sup>28</sup> Children are also often promised a good education that never materializes. Many of these children were recruited from poor Sinhalese and Tamil families working on tea plantations. Girls working as domestic servants are often physically and sexually abused. Because of the stigma attached to premarital sex, abused girls may run away from their workplace and end up as street prostitutes. Although Sri Lankan law prohibits the employment of children under 12 years old, middle-class urban families and affluent rural families employ younger child servants because women workers are scarce due to increased labour migration from the country’s armed conflict. A 1997 UNICEF report states that in Colombo, one in every three middle-income households has a domestic worker under the age of 14 years, amounting to between 40,000 and 150,000 children.<sup>29</sup>

An emerging type of trafficking is the use of children to work in begging gangs. This phenomenon is on the rise in Sri Lanka.<sup>30</sup> There have also been reports of trafficking of children out of Sri Lanka to the Middle East for camel racing. Again, data for these forms of trafficking as well as data on the number of children forced to serve in the nation’s armed conflict are unavailable.

## **South-East Asia**

In South-East Asia, the majority of child trafficking victims are forced into prostitution. Other destinations include bonded labour situations, domestic work, forced marriages and adoptions, and more recently begging.<sup>31</sup> While Thailand and Cambodia are the hotbeds of trafficking activity, all countries in the Greater Mekong Sub-region (GMS) witness in-country trafficking for the purpose of sexual exploitation, usually from rural to urban centers.<sup>32</sup>

In Cambodia, most trafficked children end up in the commercial sex industry. Most of the prostitution-related trafficking occurs within Cambodia, although sizeable numbers of children are trafficked from Viet Nam.<sup>33</sup> There are no reliable estimates of the number of children trafficked into prostitution in Cambodia, or even of the number of children working as prostitutes. We do know, however, that children comprise a significant proportion of the prostitutes working in Cambodia – estimates range from 15.5 to 33 percent.<sup>34</sup> Within the youngest age group of these prostitutes – those between 9 and 16 years – about three-quarters of selected samples were reported to be Vietnamese.<sup>35</sup> While one third of these children worked in Phnom Penh or Battambang provinces, more rural provinces like Takeo and Kompong Chhang also employ a significant proportion of child prostitutes – respectively 47 percent and 37 percent of the total number are under the age of 18.<sup>36</sup> Moreover, at least one small-scale study has shown that as many as 80 percent of prostitutes working in Cambodia have been trafficked into the trade.<sup>37</sup> Cambodia also faces notable problems of children trafficked to enter begging gangs. About 500 Cambodian children – mostly boys – are known to work for begging gangs in Thailand, a phenomenon also surfacing in Myanmar.<sup>38</sup>

The majority of children who are trafficked from China are sold to work in the sex industry in Thailand. These children are generally trafficked from China's southern provinces, through Myanmar, and into northern Thailand.<sup>39</sup> Available government data on the number of trafficking victims does not disaggregate by victim's age. The Chinese government does keep records, however, of the number of children "rescued" from trafficking networks – in 1995 and 1996, the government reported over 3,200 such cases.<sup>40</sup> But the trade flows both ways. China's one-child policy that originated in the late 1970s has left its mark on the demography of China with more boys than girls being born. Today this imbalance has led to the trafficking of women from Viet Nam and other nations into China for forced marriages.<sup>41</sup>

Child trafficking in Laos occurs both as in-country trafficking from villages to urban areas and across the Thai-Lao border either for prostitution or other types of bonded labour.<sup>42</sup> Reports indicate, however, that an increasing number of these Laotians who are trafficked into Thailand are actually transported on to other countries as their final destination.<sup>43</sup> There are also reports of Laotian girls being trafficked into China for forced marriages. And there is anecdotal evidence that Laos may be used as a transitory route for trafficking of Viet Nameese girls into Thailand. Child trafficking data are particularly scarce. Laotian government reports do not count the number of prostitutes, victims of trafficking, or even children in especially difficult circumstance.<sup>44</sup> But a UNICEF report indicates the potential for exploitative trafficking when it estimates that in 1995 over 15,000 youths – at least 50 percent under age 18 – in Savannakhet Province alone moved across the border with Thailand in search of work.<sup>45</sup> Of this group, most crossed the border illegally and were girls under the age of 15 years. A 1995 report by the

Ministry of Labour and Social Welfare and UNICEF found that an increasing number of Lao children are being trafficked to Thailand to work in the sex and slave labour industries. Moreover, the sexual exploitation of girls within Laos is reported to be rising. Many experts believe that Laos is uniquely poised for increased out-migration and more children becoming victimized by trafficking due to the opening of its borders with other countries and the infrastructure changes that will make migration out of Laos much easier. These changes combined with several other factors -- a stagnant economy that does not create sufficient jobs, a low educational level among most children, and a high portion of the population from ethnic minority groups considered to be especially vulnerable to trafficking -- may increase the number of children trafficked for labour exploitation in the coming years.<sup>46</sup>

Thailand, well known for its sex industry, is also thought to receive the greatest numbers of trafficked children in the GMS,<sup>47</sup> with the known majority coming from Myanmar. Private-sector estimates for the number of child prostitutes are as high as 800,000, while some government figures put the number at 15,000. Government estimates clearly understate the problem, however, because they are extrapolated from the adult commercial sex worker population. These adult figures, in turn, are flawed because they are compiled from venereal disease clinics or openly commercial sex establishments – sex workers who do not visit these clinics or who work in underground brothels (where children are more likely to work) are not counted.<sup>48</sup> Likewise, the high-end NGO figures are questionable. One NGO has stated that there are two million adult prostitutes and an additional 800,000 child prostitutes in Thailand. Critics point out that these figures are demographically impossible, because they would imply that in Thailand one of every 15 women and one of every four girls age 12 to 18 years is a prostitute.<sup>49</sup>

One of the most reasonable estimates was compiled by the Office of the National Commission on Women's Affairs – the government office responsible for overseeing issues of prostitution and sex worker trafficking.<sup>50</sup> The office estimates that in 1994, Thailand had between 150,000 and 200,000 prostitutes; between 15 and 20 percent were children less than 18 years old. This would amount to somewhere between 22,500 and 40,000 child prostitutes in Thailand. Yet this figure does not account for the significant – and growing – number of boys working as prostitutes in Thailand. Just as importantly, it ignores the large number of women trafficked into Thailand from neighboring countries. We can, however, approximate that number thanks to recent estimate calculated by the Institute of Population and Social Research at Mahidol University that was commissioned by the ILO International Programme on the Elimination of Child Labour (ILO-IPEC). This research found that there are 16,423 foreign prostitutes in Thailand, 30 percent of whom are under 18 years old. Up to 75 percent of these prostitutes started working in the sex industry before they were 18 years old. The majority of these trafficking victims are from, in descending order, Myanmar, Yunnan Province, and Laos.<sup>51</sup> Taken together with estimates of ethnic Thai prostitutes, these figures indicate that there are somewhere between 27,400 and 44,900 children working as prostitutes in Thailand.

But the sex industry is not the only industry where child trafficking plays a role. In 1996, Thailand hosted an estimated 194,180 foreign child labourers. About 70 percent of these children are boys – mainly from Myanmar, Laos, and Cambodia. Generally, these child workers are exposed to extremely hazardous working conditions in construction sites, small shops, factories, or homes. Often these children are treated like slaves and sometimes entire families are trafficked for these types of work.<sup>52</sup>

Begging gangs are another form of labour that uses trafficked children. Previously, these begging gangs functioned only in and around Bangkok, but child-begging gangs can now be found across the country.<sup>53</sup> The majority of these child beggars are foreigners, trafficked in primarily from Cambodia, but also Myanmar and even Bangladesh. But child beggars are also recruited to work in urban areas during the dry season from villages in Thailand. The available government statistics from the Department of Social Welfare show that the total number of foreign child beggars in Thailand is increasing. While only 763 child beggars were identified in 1997, by 1999 the figure had grown to 1,062 – an increase of nearly 40 percent.

Trafficking of children for labour exploitation occurs both within and across the borders of Viet Nam. Viet Nameese children and women are trafficked out of Viet Nam to China, Cambodia, and to other countries through Cambodia.<sup>54</sup> Prostitution is the primary reason for this cross-border trafficking to Cambodia, while marriage is the market in China. Trafficking of children for the purpose of becoming domestic servants has also been reported.<sup>55</sup>

While the overall labour migration of Viet Nameese to Cambodia has decreased over the last several years, there are no signs that the trafficking in women and girls has similarly declined. In one study conducted by the International Organization for Migration (IOM), one Viet Nameese representative in Phnom Penh estimated approximately 20 young Viet Nameese girls are trafficked to brothels in Cambodia each month.<sup>56</sup> Over time, at least 3,000 girls have been trafficked from Southern Viet Nam into Cambodia for prostitution.<sup>57</sup> And of these trafficking victims, over 15 percent are below the age of 15 years. Within Viet Nam, child trafficking revolves around sexual exploitation – a problem that appears to be on the rise. The percentage of prostitutes under the age of 18 years has increased from 2.5 percent in 1989 to 11.4 percent in 1995.<sup>58</sup> Other recent research studies have consistently reported a total of up to 200,000 prostitutes in Viet Nam, between 7 and 11 percent of whom are children.<sup>59</sup>

There have also been reports of the trafficking of children into begging gangs in Ho Chi Minh City and Hanoi. Traffickers bring these children from rural areas and may drug them to stay awake and work.<sup>60</sup>

## **Profile of the children trafficked**

Across the region, available research shows a striking similarity in the characteristics of children who are trafficked for labour exploitation. These child and family characteristics are discussed below. Unfortunately, due to the lack of research on child trafficking for purposes other than prostitution, this profile of trafficked children largely represents child prostitutes alone.

## **Age**

Globally, the age of child prostitutes is dropping,<sup>61</sup> at least in part due to the misconception that young children will not carry or transmit HIV/AIDS and other sexually transmitted diseases.<sup>62</sup> In Thailand, for example, the Ministry of Public Health annual surveys of “confirmed” prostitutes working in “known” establishments showed a 20 percent increase in the number of child prostitutes from 1996 to 1999 – a period during which the total prostitute population only increased by 3 percent<sup>63</sup>. Literature on child prostitution in Viet Nam shows that most children working in the industry are between 13 and 18 years old.<sup>64</sup> A broader study of child prostitutes in South Asia found that the majority of the sexual exploitation victims were between 12 and 15 years, although some were much younger. A companion study conducted in South-East Asia found that most children trafficked for sexual exploitation were of pubescent age, between 13 and 17 years.

## **Gender**

Although there are increasing reports of boys being trafficked for labour exploitation – including into the sex industry – in both South and South-East Asia, the overwhelming number of child victims of trafficking are girls.<sup>65</sup> The exception is Sri Lanka, where, boys are more likely to be victims of commercial sexual exploitation. Another interesting case is Pakistan, where boys are more visible victims of child sexual exploitation but not necessarily more numerous than girls.<sup>66</sup>

## **Ethnicity**

In many nations, children from ethnic minorities are particularly vulnerable. For example, many hill-tribe children from north Thailand are trafficked to the nation’s urban areas for prostitution. Thailand also draws children from ethnic minorities in Yunnan Province, China and Laos.<sup>67</sup> In Viet Nam’s mountainous areas, ethnic minorities like the Tay and Muong are thought to be easy prey for child traffickers owing to their low-income and educational status. However, some researchers in Viet Nam believe that ethnic minorities would be the least likely to be trafficked due to their fierce guardianship of traditional cultural values.<sup>68</sup> In India, religious and ethnic groups have been reported as being at increased risk of trafficking.

## **Education Level**

Across the region, child prostitutes generally have lower educational levels than other children.<sup>69</sup> Many have dropped out before completing primary school because of financial

difficulties in their families. The educational levels of the parents of children working as prostitutes are also very low.

### **Family characteristics**

Reports on every nation in this region state that children who are trafficked for labour exploitation generally come from low-income families.<sup>70</sup> Likewise, in virtually every country in the region, most children are trafficked from rural to urban areas. In many countries we also see that children who were victims of trafficking – especially those sent to work as prostitutes – come from large, often agrarian, families. In Nepal and India, children from the lower castes and classes are more susceptible to being trafficked.<sup>71</sup>

### **Push and pull factors**

Current research has consistently presented a group of factors that make children more vulnerable to trafficking for labour exploitation. Generally, these forces can be divided into two categories – those at the individual or family level and those operating at the community or societal level.

#### **Individual/family factors:**

##### Poverty

Increased poverty and food insecurity in the region has made many children vulnerable to trafficking. Virtually every study on the issue lists poverty as a root cause of trafficking in each country in the region.<sup>72</sup> The ongoing Asian economic crisis may exacerbate the situation. But while it is true that a desire for greater economic stability may force a child into a trafficking network, this alone does not explain when children are trafficked.<sup>73</sup> Other stresses and family or individual dysfunction can also be significant predictors of trafficking. For example, several studies and reports noted that orphaned children and children living on the street in Bangladesh, India, and Sri Lanka are more vulnerable to trafficking.

##### Dysfunctional Home Life

Children whose parents have divorced or died are widely cited as at-risk for trafficking.<sup>74</sup> One study in Viet Nam also found that children with family members abusing drugs or involved in illegal activities were at heightened risk. An ESCAP study conducted in the GMS found that many of the families of children working as prostitutes exhibited signs of dysfunction – parental drug addiction, remarriage, frequent fighting. Also, children who are neglected by their parents – and therefore perhaps more easily influenced by trafficking recruiters – are at high risk.<sup>75</sup>

##### Poor Educational Background

Virtually every report on the causes of trafficking reports low educational levels among the children.<sup>76</sup> Indeed, children who lack social skills or knowledge about the world are good targets for traffickers who present themselves as potential friends. Findings in all six GMS countries link illiteracy and low education levels to increased vulnerability of children to sexual exploitation. Several nations in the region have extremely low literacy and education rates. Moreover, in many nations, literacy rates for girls are often much lower than for boys, leaving girls more vulnerable to trafficking. Another factor is cost of education. In Sri Lanka, although education is free up to the university level, expenses such as uniforms and books cause significant drop-out rates. We see a similar phenomenon in Viet Nam, where private tutoring often suggested by teachers and other unforeseen expenses puts the costs of schooling at about 200,000 VND per month – a crushing burden when we consider it is about 50 percent higher than the average family’s monthly income.<sup>77</sup>

### Personal Problems

Some studies have found that when children experience personal problems such as relationship break-ups or drug addiction, they are more vulnerable to recruiters’ offers.<sup>78</sup> Some even voluntarily enter prostitution in the wake of these problems. Children who socialize with prostitutes may also be easily drawn into the trade because their friendship with these prostitutes can be used to deceive them and to “normalize” sex work.

### History of Sexual Abuse

There is a link between past history of sexual abuse and future sexual exploitation – several studies report that such children are particularly vulnerable to sex industry traffickers.<sup>79</sup> This correlation was reported for nearly every country in the region, including Bangladesh, Cambodia, China, India, Laos, Nepal, Thailand and Viet Nam. In many countries, children who are sexually abused are shunned for losing their virginity and prostitution may be their only option. Social taboos against premarital sex and rigid conceptions of “good” and “bad” girls have led many girls victimized by sexual abuse to feel that they have no prospect of being accepted by their society.

### Easy Money

Many studies report that increasing numbers of children are entering prostitution and other exploitative labour situations willingly. This willing movement of children as well as children’s susceptibility to traffickers’ false promises of “good” jobs can be partially explained by the attraction of earning “quick and easy” money. Studies in India, Nepal, Sri Lanka, Thailand, and Viet Nam have reported that many children are attracted to the “easy” job and high pay of prostitution.<sup>80</sup> In fact, one study found that children working as prostitutes in central Hanoi could earn up to 15 million VND (US \$1,000) per month, depending on their brothel. Meanwhile, the current average monthly income in Viet Nam is just over US \$25 per month,

and closer to \$8 per month in many rural areas.<sup>81</sup> Several studies have also cited increased consumerism and a desire for material objects, on the part of both parents and children, as a force that pushes children into trafficking networks.<sup>82</sup>

### **Societal Factors:**

#### Underemployment and a lack of income-generating opportunities

Underemployment of children and their families and a lack of alternate income-generating activities leads many children to accept the offers of traffickers. Studies across the regions point to this set of factors as increasing a child's chances of being trafficked.<sup>83</sup> In Viet Nam, children from peasant families are tied to plots of land that produce very low yields, and as a result are unable to escape poverty. A lack of skills leaves these children and families unable to find other gainful employment, leaving children at high risk for trafficking. Up to one-third of children interviewed in the Le study "voluntarily" accepted a job in prostitution because no other income-generating option would let them help alleviate the poverty of their family.

#### Cultural values

In many countries in the region, cultural values persist that help feed the trafficking industry and in particular the child sex industry.<sup>84</sup> In Thailand and in Viet Nam, for example, cultural values expect girls – from a very young age – to help support their parents and family. In Thailand this is often referred to as a daughter's responsibility to "pay back the breast milk money." That burden would clearly be harder to bear in poorer families. Some parents even encourage their children to enter prostitution and because children respect their parents, they may well follow this advice.

In Thailand it is culturally accepted for men to use prostitutes or to keep mistresses as "minor wives."<sup>85</sup> This keeps the demand for women – and children – in the sex industry high. In Indian states such as Karnataka, Maharashtra, and Andhra Pradesh, the Devadasi system is prevalent. Under this system, pre-pubescent girls are dedicated to a particular deity of a temple. Traditionally, the girls were meant to undertake religious work in the temple and might have a lifelong sexual relationship with one of the priests. Today, however, they may be seen as money-making opportunities and sent by priests to work as prostitutes in brothels, often in Mumbai.<sup>86</sup> Priests may also auction off their virginity.

#### Village traditions

In some Indian villages, like Wadia in Gujarat, prostitution is a traditional profession. As such, families celebrate the birth of a girl as a way to earn income, with her father or brothers often serving as pimps. Some poor communities with low literacy rates – such as the Bancharas of Malwa and the Bedia of Bundelkhand – often push girls into prostitution with community

approval.<sup>87</sup> In Nepal, the customs of some ethnic groups – such as the Badi, Deuki, and Jhuma – force girls into prostitution. Traditionally, this practice was limited to the red-light districts of the country's west, but has been spreading across the country. It is common for a Badi man to involve his wife and daughters in prostitution in order to support the family financially. Estimates suggest that 35 to 40 percent of Badi women involved in prostitution are less than 15 years old.<sup>88</sup>

### High price for virginity

High prices paid for girls' virginity – across the region and particularly in the GMS – are drawing more and more children into trafficked situations. The sale of a girl who is a virgin into prostitution can bring an enormous sum of money to poor families in the GMS countries, ranging from US \$100 to US \$150.<sup>89</sup> This amount can be yet higher if the girl is considered very attractive. Once a girl has lost her virginity, her earning power decreases.

### Increasing demand for young girls

Studies have reported that the spread of HIV/AIDS has increased demand for ever-younger girls in the sex industry in most countries in the region. Men mistakenly believe that having sex with young children is safe because they are not infected with HIV/AIDS or other sexually transmitted diseases (STDs).<sup>90</sup> Moreover, many men believe that having sex with young girls will improve their virility – or perhaps even cure a STD or make them more successful in business. As a result, child prostitutes as young as five years old are in high demand. The influx of tourists in the region has also increased the demand for child prostitutes – especially in Nepal, India, and Sri Lanka. The same goes for South-East Asia, with Cambodia, Laos and Viet Nam in particular facing increased numbers of reports on pedophile cases.

### Fragile Environment

Children are also more vulnerable to trafficking when they live in communities affected by political instability and armed conflict, environmental disasters and crises of modern development schemes that result in mass displacements of people, and the recent Asian economic crisis.<sup>91</sup>

### Weak Law Enforcement and Community Support

Communities with weak law enforcement of existing trafficking and labour laws and communities lacking in general recreation activities for children are more vulnerable to traffickers.<sup>92</sup> In such places, unsupervised children have little to occupy their time and – without positive forces in their lives – may be easily lured by the promises of traffickers. A study in

South-East Asia found that communities that had a lack of awareness and enforcement of laws relating to child labour and prostitution, a lack of adequate recreational facilities for children, and a lack of awareness of children's rights suffered greater incidence of child sexual exploitation.<sup>93</sup>

### Globalization and Related Trends

Heightened competition in the global marketplace has generated demand for a steady supply of cheap labour. A consequent increase in underground and unregulated labour is leading to more and more children being trafficked for labour exploitation.<sup>94</sup>

In the GMS, improved political relationships facilitated by ASEAN have led to greater economic cooperation. While the opening of borders and the improvement of infrastructure and roads between nations had led to increased trade, it has also made migration easier. Once-remote areas are now easily accessible and challenges to traditional ways of life are many. All of these changes make children and communities more vulnerable to trafficking. And, as the region struggles to recover from the economic crisis of 1997, movements of people in search of work across borders and increased illegal activity – including the trafficking of children is likely.<sup>95</sup> In Viet Nam, some cite market reforms that have resulted in a greater disparity between the rich and the poor and opened the country to “negative” influences from the West as creating risks of trafficking.<sup>96</sup>

### Profitability of the Trade

An underlying factor is that trafficking is very profitable and currently it is easy to sidestep laws designed to limit it. The Le study in Viet Nam reported that employers of prostitutes could net the equivalent of US \$2,000 a month – staggering profits given that the average per capita income in Viet Nam is just US \$300 per year.

## **Mechanics of the trafficking system, actors involved**

Trafficking networks are highly complex and evolved. Recruiters, transporters, employers, and law enforcement officials rely on each other to ensure that in-country and cross-border transportation routes remain active.<sup>97</sup> The methods used by traffickers are becoming more complex and there is a greater reliance on organized crime syndicates to move children within and across borders in places like Bangladesh, India, and Nepal.<sup>98</sup> Generally, the mechanics of trafficking do not vary according to the type of work into which a child is being brought.

Cross-border trafficking in South Asia runs along well-organized networks. Often traffickers are women who themselves were victims of trafficking. In some countries, trafficking peaks during festival time when women return home and recruit other women from their villages. Trafficking generally originates in the home villages of the child victim. Victims are usually transported over land, though air and water routes are sometimes used. Ploys to

procure children include promises of a fake marriage or job, or simply kidnapping. Deception is always involved. Sometimes parents receive advance payment – which children are then forced to pay back. Children are often beaten when, upon reaching their final destination, they realize the promise of a marriage or job is false.

## **Recruitment**

In general, kidnapping is a decreasing phenomenon, as increasing numbers of children are being led into exploitative labour under false pretenses – often by their friends and relatives.<sup>99</sup> The prevalent method is to promise a child good wages, education or marriage that never materialize.

### Promises of respectable employment

In Sri Lanka, children are generally trafficked by a middleman who goes to a poor village and entices children with promises of good employment, good food, clothes, and sometimes an education or adoption by a foreigner. Parents normally receive some money and are promised future wages. Children are then brought to guesthouses or massage parlors in the urban areas and sold into prostitution or they are handed over to affluent families to work as domestic servants. In India, local leaders of communities are often involved in the trafficking process by making false promises of respectable work.<sup>100</sup> Most of the Nepali girls trafficked to India are lured through offers of employment in the garment and carpet industries. About 35 percent of Nepali prostitutes entered the trade after promises of marriage or “good” jobs.

Promises of good jobs in the tailoring, shop keeping, or hair-styling industries attract Viet Nameese children into exploitative labour. Sometimes, however, traffickers use force. Once children discover the true nature of their work many accept the job because of the potential earnings, but do not realize the hazards they face. In the Le study, 45 percent of the children trafficked into prostitution accepted the job once they realized its nature. Other children, who protested, reported being beaten up or locked in rooms for days until they complied.

### Use of recruiters known to children

Many studies show that most of the children working as prostitutes were persuaded by their friends or people living in their commune to take the job. For example, most children engaged in commercial sex work in Bangladesh entered the trade when someone from their home village – generally a woman – brought them to the city with the promise of a job. After leaving these children to fend for themselves on the street for a few weeks, the same woman generally brought the children into commercial sex work.<sup>101</sup>

### Payment structures

Generally, recruiters provide advance payments to parents who willingly part with their children. These payments have the effect of bonding children to their traffickers.<sup>102</sup> In Viet Nam, this advance price has been reported to be around one million VND (\$76.92 US). The Le study found that the price paid to the recruiter for each child varied by the child's perceived desirability from one to nine million VND. Younger, virgin, and "beautiful" girls were more expensive.

### **Actors involved**

Each actor involved in the trafficking of children has a specific job and way to profit from the transfer of children. The recruiter and pimp can be the same person, though most of the times the recruiter is a friend or villager of the child. Other actors include brokers, who help transport children from their village to their final destination.

### Recruiters/ Procurers

Recruiters play the role of convincing the child – and often their parents – to travel to a new city for employment or travel. Many of these procurers are substance abusers or gamblers.<sup>103</sup> These procurers are usually former prostitutes who take on these jobs either for personal income or because they think they are helping the children. In Viet Nam, about 70 percent of these facilitators are women; likewise employers of child prostitutes are usually female.<sup>104</sup>

### Agents/ Brokers

These people also generally have links to the home villages of the victims but will travel with the children from the recruitment site to their final destination. Often these agents speak several languages and may have been former prostitutes.

### Families

Families may encourage a child to leave home for work by saddling the child with responsibility for the family's economic survival. Sometimes, though, the dynamic is more subtle. Activists working to prevent trafficking in Sri Lanka have reported that parents of boy prostitutes ask what is so harmful since 'boys don't get pregnant.'<sup>105</sup> Some studies, however, conclude that the image of parents consenting to the trafficking of their children is inaccurate. For example, most parents do not know what becomes of daughters sent to "work" in Kathmandu.

### Law Enforcement

In many of the Greater Mekong Sub-region countries, police and military are involved in the child trafficking and prostitution. Sometimes, these officers own sex establishments and profit from child trafficking.<sup>106</sup> But even if the officials are not always directly implicated, the Le study showed that brothel owners and recruiters form networks with law enforcement officials in order to get protection for their establishments and business.

## **II. Legal and Policy Framework**

This section outlines the legal and policy framework at the regional, sub-regional, and national levels surrounding the issues of trafficking of children for labour exploitation in South and South-East Asia. Included are regional and sub-regional agreements, national laws, and major government and non-governmental initiatives. The section ends with a discussion of the strengths and limitations – including gaps and loopholes – of the existing legal and policy framework.

### **Assent to International Conventions and Declarations**

#### **United Nations Instruments**

There are several international conventions and declarations that address the issue of child trafficking for labour exploitation. Many of the countries in South and South-East Asia have ratified these conventions and created national plans to implement their provisions. Table 1 outlines how each country has dealt with these conventions.

#### **Stockholm World Congress against Commercial Sexual Exploitation of Children**

In 1996, Stockholm hosted a World Congress against the Commercial Sexual Exploitation of Children. Several countries in the region participated in the conference and agreed to its final declaration.<sup>107</sup> In response to the Stockholm Congress, many nations developed national plans of action. In Sri Lanka, for example, a Presidential Task Force on Child Protection will coordinate these activities.

#### **Regional Level**

In 1992, the ILO created the International Programme on the Elimination of Child Labour (IPEC). Under this programme, the ILO-IPEC works with governments, workers' and employers' organizations, and NGOs in over 60 countries – including many in South and South-East Asia – to combat child labour. At the initiative of its member states, the ILO created a new ILO convention on the Worst Forms of Child Labour (No. 182), which was adopted unanimously by its 174 member states in June 1999.<sup>108</sup> The accompanying Recommendation (No. 190) prescribes possible implementation mechanisms in a national context. Under the IPEC programme a new Mekong Sub-regional project to combat trafficking in children and women has started in February 2000. The project aims to design and implement replicable mechanisms to combat trafficking through capacity building, awareness raising and advocacy, and direct assistance. Activities will be implemented in Cambodia, China's Yunnan Province, Laos, Thailand, and Viet Nam<sup>109</sup>.

The UN Economic and Social Commission for Asia and the Pacific (ESCAP) is also working on a regional level to address the issue of child trafficking. The ESCAP project, however, focuses on sexual abuse and exploitation of children and therefore only addresses trafficking for the purpose of prostitution. In April 1997, ESCAP adopted Resolution 53/4 on the “Elimination of sexual abuse and sexual exploitation of children and youth in Asia and the Pacific.” In response, the Human Resources Development Section of ESCAP has started to implement a regional programme to eliminate sexual abuse and exploitation of children and youth. The countries participating in this program include: Bangladesh, Cambodia, China (Yunnan Province), India, Laos, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Viet Nam. The ESCAP programme aims to train social and health service providers who work with sexually abused and exploited children. The programme will also address access to health and social services for these children, their reintegration into home communities and families, and the development of alternative income-generating skills.<sup>110</sup>

UNDP has initiated a Mekong sub-regional UN-interagency working group to combat trafficking in children and women. The group is composed of 16 relevant UN specialized agencies and other international organizations and aims to improve information sharing and co-ordination mechanisms at national and sub-regional level. UNDP in South Asia is planning similar undertakings in South Asia.

## **Sub-Regional Level**

### **Actions of the South Asian Association for Regional Co-operation**

The member nations of the South Asian Association for Regional Co-operation (SAARC) have put the issue of trafficking of children and women high on their regional agenda. To date, that commitment manifests itself in three significant actions taken by SAARC member states, which include Bangladesh, Bhutan, India, the Maldives, Pakistan, Nepal, and Sri Lanka.

The Rawalpindi Resolution of 1996 commits SAARC member states to combat inter- and intra-country trafficking in children and to assist the victims of prostitution and sexual exploitation. Under this resolution, member states pledge to abolish hazardous child labour by the year 2000 and to end all forms of child labour by 2010.<sup>111</sup> At the 1997 SAARC summit in the Maldives, member states promised to improve the regional coordination of efforts to combat trafficking and to simplify repatriation procedures for trafficking victims. This declaration also called upon member states to consider creating a regional convention against trafficking in women and children for prostitution.<sup>112</sup> At the 10<sup>th</sup> SAARC meeting in Colombo in 1998, member states received a draft convention. NGOs and UN agencies alike have critiqued this draft because it focuses strictly on the trafficking of women and children for prostitution and ignores other reasons why people are trafficked.<sup>113</sup> Critics have also attempted to insert language distinguishing between women who may consent to work in the sex industry versus

children who lack the ability to give proper consent. Such language equates child involvement in prostitution to sexual abuse. The convention has not been ratified yet.

### **Actions of the Association of South-East Asian Nations**

The Association of South-East Asian Nations (ASEAN) has addressed child trafficking under the rubric of transnational crime. In 1997, member states made a declaration calling for joint efforts to combat transnational crime – including the trafficking in children and women – in the region. This declaration – known as the 1997 ASEAN Declaration on Transnational Crime – urges member states to sign bi-lateral and mutual assistance agreements in order to facilitate the prosecution of cross-border crimes. The declaration also called for the creation of an ASEAN Center on Transnational Crime (ACTC) to coordinate regional efforts to fight such crimes. In 1999, the member states adopted this declaration and ordered a feasibility study regarding the creation of the ACTC.

### **National Level**

At the national level, countries in the region have a variety of laws and government agencies at their disposal to protect children from trafficking, prosecute traffickers, and coordinate awareness-raising campaigns. Laws related to the trafficking in children for labour exploitation fall into three main areas – trafficking-specific laws, prostitution laws, and child-labour laws. Although every country studied here has anti-trafficking laws, weak enforcement, corruption, contradictory laws, and traditional biases against women and girls undercut the effectiveness of these laws designed. Existing laws often make it easier to penalize the trafficked children rather than the traffickers and employers. And, in the case of trafficking for child prostitution, clients are rarely penalized or even mentioned in national laws.<sup>114</sup>

### **Trafficking laws**

All of the nations studied for this paper have laws forbidding the trafficking of human beings.<sup>115</sup> Throughout the region, governments have been revising their national trafficking laws in an attempt to bring them in line with international standards and to address the expanding nature of the problem. Several countries in the region – including Nepal and India – are currently considering new bills on trafficking. Laos is also currently examining how to bring legislation in line with international conventions related to the trafficking of children.

Bangladesh, Sri Lanka and Thailand have recently revised their laws relating to trafficking and increased their penalties with the hope of deterring future crimes.<sup>116</sup> Bangladesh recently modified its key law dealing with trafficking. Under the new law, the Women and Children Oppression Act of 1995, trafficking in children carries a penalty of life imprisonment or the death penalty. Accomplices can receive the same punishment. Thailand recently raised its penalties for trafficking in children and women for sexual purposes – from small fines to up to 20

years in prison. Amendments to Sri Lanka's Penal Code in 1995 and 1998 address both child labour and the trafficking in children for sexual and labour exploitation and introduce the concept of minimum mandatory sentences for trafficking-related offences. Under the law, procurement of children for sexual exploitation is punishable by a term of imprisonment not under five years and up to 20 years. In 1998, Sri Lanka added three new offenses related to child trafficking to its penal code: the use of children for begging; the use of children for sexual intercourse; and the use of children for trafficking restricted articles. All of these offences carry a minimum jail term of five years.<sup>117</sup> A unique feature of India's law addressing trafficking is that it presumes the guilt of the accused in cases where children are found in brothels and medical evidence shows that they were sexually abused.<sup>118</sup>

### **Child labour laws**

Many countries in the region have recently revised their labour laws to restrict the entry of children into the workforce. In general, these revisions either raise the minimum work age or restrict the employment of children in certain industries before a certain age. For example, Nepal's recent constitution forbids the employment of children under 16 years old in factories, mines, or hazardous work situations.<sup>119</sup> Sri Lanka is currently considering an amendment to its child labour laws to increase the minimum age for employment of children in the domestic sector from 12 years to 14 years.<sup>120</sup> Pakistan appears to be moving in the opposite direction. In 1995, the Employment of Children Act lowered the minimum age for employment from 15 to 14 years in several sectors including mining, factories, shops, and other commercial and industrial establishments. And a provision in the 1991 Child Labour Act allows children to be employed in "hazardous" professions if they are carried out with the help of family members or in a formal school that is recognized by the government.<sup>121</sup>

### **Prostitution laws**

Some countries in the region, such as Nepal and Pakistan, have strict laws against prostitution.<sup>122</sup> Offenders in Nepal face imprisonment for up to 15 years. These laws help complete the legal framework addressing the trafficking in children by punishing those clients who purchase sexual services from children who may have been trafficked into the sex industry.

## **Government mandates and programs addressing child trafficking**

All countries in the region have a government agency charged with addressing the issue of child trafficking. Indeed, the sheer number of government entities and officials tasked with combating child trafficking suggests substantial political will – or at least the awareness of the magnitude of the current problem – to reduce the extent of trafficking. The Prime Minister of Nepal and President of Sri Lanka each initiated a government agency to coordinate national responses against child trafficking. That proved necessary because child trafficking is an issue that reaches across typical governmental divisions and brings in labour, migration, and human development agencies. As such, some countries in the region have several government entities to

address trafficking in children. Thailand, for example, established a National Committee on Trafficking in Women and Children in February 1998. But the country also has several bodies under the Ministry of Labour and Social Welfare (MOLSW) to deal with child trafficking. Meanwhile, the National Committee on Child Labour Protection addresses the issue of Thai and foreign child labour. Further, the Thai Coordinating Committee on Migrant Children is supposed to protect and assist migrant children. The committee also seeks to repatriate children in collaboration with agencies and organizations in the sending countries.<sup>123</sup>

The constitutions of at least two countries in the region – India and Nepal – include provisions outlawing the trafficking of persons.<sup>124</sup> And all the South Asian countries – Bangladesh, India, Nepal, Pakistan, and Sri Lanka – have national programmes to combat child labour.<sup>125</sup> These bodies generally focus on child prostitution and/or child trafficking. Nepal is establishing a Central Child Welfare Board to monitor and eliminate child labour. Bangladesh has declared the elimination of trafficking as one of its priority policy initiatives. To achieve this goal, the government submitted and recently received funds from the Norwegian government to run a three-year project to combat trafficking. UNICEF and the ILO will provide technical assistance for this project.

Most countries in the region have signed memorandums of understanding with the ILO-IPEC to work jointly against child labour.<sup>126</sup> In most countries the activities include those aimed at combating sexual exploitation of children. The planned activities to combat trafficking in children will focus particularly on children of migrants and minorities, the very young (under 12 years of age), and girls. Some states in India are supplementing national actions to combat the problem of child labour exploitation and trafficking. For example, in 1997 the government of Andhra Pradesh created a project to rehabilitate HIV-positive victims of prostitution. The government of Maharashtra has established a similar project that provides counseling, vocational training, and health care for children in a residential setting.<sup>127</sup>

## **Strengths of the existing framework**

It is notable that all countries in the region have laws that address the issue of child trafficking. Similarly, all the countries also have government entities established to address the issue of child trafficking. Several countries in the region also have taken action to strengthen their legal responses to cases of child trafficking. Laws and regulations alone cannot, however, eliminate the problem – nor can government committees ensure that child victims of trafficking receive fair legal treatment. A common problem with national anti-trafficking laws is the tendency to treat child victims as offenders rather than victims. But some countries are revising this framework. Under Thailand's Prevention and Suppression of Prostitution Act (1996), for example, sexually exploited children are not to be penalized – rather the state has a positive duty to protect and rehabilitate them.<sup>128</sup> That process is underway in India, where the National Law school in India has proposed a draft bill called the Prevention of Immoral Traffic Act and the Rehabilitation of Prostitute Persons Bill. The bill seeks to rehabilitate trafficking victims rather than treat them as victims.

Many observers believe that the legal system re-abuses children trafficked for prostitution by asking inappropriate questions during investigations, forcing them to identify abusers in a face-to-face confrontation, and punishing them for illegal entry. Some countries are taking strides to limit this re-victimization.<sup>129</sup> A new Thai law stipulates that an experienced child psychiatrist, psychologist, or social worker must conduct the investigation of child abuse and exploitation cases. Videotape will be used to save children from multiple interrogations. In Sri Lanka, proposed changes to evidence gathering procedures would permit videotaping of the preliminary interview of a child victim or witness. Cambodia has also proposed innovations to its legal system that would greatly improve the handling of child trafficking cases. These reforms would include the establishment of special courts, judges, and prosecutors for such cases.<sup>130</sup> As already noted, several countries have made recent changes to their laws and penal codes to impose more stringent sentences on traffickers. Sri Lanka, in particular, has introduced the concept of “mandatory minimum jail terms” for several offences, including inappropriate forms of child labour and for child trafficking. These provisions establish a benchmark punishment for trafficking offenses and ensure sentencing uniformity.

Countries such as Thailand have taken steps to restrict the trafficking of children by making it more difficult for cross-border networks to profit from the trade.<sup>131</sup> Money laundering laws arm governments in their fight to attack traffickers’ bottom line profits. Thailand’s new law prohibits the influx of money from the traffic of persons into the commercial sex industry or from illicit drugs.

## **Weaknesses of the existing framework**

Despite incipient movements in many countries to suppress child trafficking, the current array of counter measures has serious shortcomings. Though every country has anti-trafficking laws, with the possible exception of Thailand, none meets international standards. Incomplete laws are only part of the issue, though – a lack of strong enforcement is at least as serious a problem.

### **Lack of enforcement**

The biggest problem with the current laws on trafficking in the region is the lack of consistent enforcement.<sup>132</sup> In many Greater Mekong Sub-region countries, laws related to trafficking of children are new and methods for law enforcement and judicial proceedings are still under development. As such, these laws do not offer adequate protection for children.<sup>133</sup> In several countries in the region (Bangladesh, Cambodia, India, Nepal, Pakistan, Thailand, and Viet Nam), corruption of officials contributes to the lack of proper enforcement and some policemen and soldiers reportedly own brothels or protect brothels that they personally frequent.<sup>134</sup>

### **Lack of coordination between key players**

Child trafficking touches on many issues including human rights, child labour, and sexual exploitation. In many countries, no one government agency oversees all of these areas. Further splintering occurs because key players like the police, the courts, and NGOs do not coordinate their activities. Furthermore, officials and community members may not even be aware of new laws protecting children's rights. That ignorance surfaced in studies on Bangladesh, India, Laos, Nepal, and Viet Nam.<sup>135</sup>

### **Weak punishments for trafficking offenders**

In some countries, the existing laws are too weak to deter traffickers from entering the very profitable trade. For example, India's law relating to trafficking for sexual exploitation has been criticized for its feeble punishment.<sup>136</sup> In Cambodia, the legal provisions relating to trafficking are so unclear that many offenders may escape prosecution. Cumbersome and time-consuming judicial processes are also to blame.<sup>137</sup> In Bangladesh, alleged perpetrators can walk free because overwhelmed courts cannot prosecute them within the statute of limitations. Crowded court dockets also limit the effectiveness of prosecutors in Cambodia. Unwieldy evidence requirements also may prevent successful prosecution of child trafficking cases in Bangladesh, Cambodia, and Nepal.<sup>138</sup> In Nepal, because victims are required to be physically present in the court during the investigation many victims avoid pressing charges. In Bangladesh, since trafficking was declared a non-bail offence in 1997, it has become very difficult to gather the necessary "conclusive" evidence to prosecute trafficking cases. Perversely, the move to strengthen trafficking laws may actually deter prosecutors. In the border district of Jessore, where the bulk of the border trafficking into India takes place, not a single trafficking case has been brought since the tightening of Bangladesh's trafficking laws.

### **Incomplete legal frameworks**

Many countries use incomplete definitions of trafficking in their laws. In addition, many national programs to address trafficking only focus on the issues of trafficking for the purpose of prostitution.<sup>139</sup> Nepal and Bangladesh provide two examples of countries with significantly limited trafficking laws.<sup>140</sup> Nepal's Human Trafficking Control Act only covers trafficking for the purpose of prostitution and does not prohibit in-country trafficking. There are also many loopholes in Bangladesh's laws dealing with child trafficking. The country's Special Provision Act of 1995, for example, does not address pornography, sex tourism, or mail-order bride services. The anti-trafficking laws of several nations also reflect societal gender biases – that is, they offer limited protections to women and girls.<sup>141</sup> India's trafficking law, for example, has yet to remove all gender biases. In Pakistan, to successfully report a case of rape the charge must be substantiated by medical evidence or by four male Muslim witnesses.

Moreover, trafficking of children is increasingly a cross-border issue, making the prosecution of traffickers increasingly complex. Violators of one nation's trafficking laws and the victims of these crimes may often be residents of a neighboring nation. There is a clear need

for cross-border extradition agreements between countries in the region to facilitate prosecution. For example, while Thailand has many extradition agreements with other nations, it does not have any with its South-East Asian neighbors from which many children are trafficked into Thailand.<sup>142</sup>

One of the most cited weaknesses in the legal responses to trafficking is that child victims are often treated as offenders.<sup>143</sup> This problem is particularly serious when children who are trafficked are treated first as illegal aliens and second – if at all – as victims of crime. In Pakistan, the Hudood Ordinance states that adultery and premarital sexual relations are criminal offences against the state – and so a sexually assaulted girl can be punished with a two-year jail sentence, whipped or even stoned (to date, no stonings have been reported based on this law). In Bangladesh, there are many examples of police arresting the victims of trafficking rather than the traffickers. In India, police reportedly harass Nepali girls who run away from Indian brothels. Even Thailand – which passed a 1996 law removing punishments against victims of trafficking – is not above victimizing children trafficked into Thailand from other countries.<sup>144</sup> Under the Immigration Law of 1969, these foreign children who bring cases against their traffickers are often put in detention centers and deported under this law once their trafficking case is closed.<sup>145</sup> Children trafficked into Cambodia from other countries face a similar fate. Because Cambodia lacks an organized repatriation programme for these children, they are generally jailed as violators of immigration law.<sup>146</sup>

Another shortcoming is that several nations do not define children as all people under the age of 18 years, the guideline set out in the Convention on the Rights of the Child. For example, in Nepal while the Children's Act of 1992 states that children are considered to be below age 16 years, the act enumerates several exceptions to this definition. In order to work in a factory under "hazardous" conditions or to work outside of the hours from 6 a.m. to 6 p.m. children must be 16 years old. However, Nepal's Labour Act of 1992 allows children to work in "non-hazardous" environments and between the hours of 6 a.m. and 6 p.m. at the age of 14 years.<sup>147</sup> In Pakistan, there is no single clear definition of who is a child – the age varies from 14 to 18 years under different laws.

### **Cumbersome repatriation process**

In several countries there are extremely bureaucratic procedures for getting a passport to repatriate victims of trafficking. These procedures have been noted to be particularly cumbersome in Bangladesh, China, and Viet Nam.<sup>148</sup> Problems often occur when the nationality of the rescued child is at issue. Some children have been detained at airports because they did not have proper papers. It can take up to two years to determine a child's nationality and secure the passport needed to complete this repatriation process.<sup>149</sup> Another problem is that often children who are victims of trafficking cannot pay their way back to their countries of origin and languish in jails or immigration detention centers.

### **III. What Can be Done? A Look at Anti-Trafficking Initiatives Across the Region**

#### **Recent government initiatives**

Over the last decade, governments in the region, NGOs, and UN agencies have initiated numerous anti-trafficking activities. These can be grouped into three main areas – prevention activities; interventions to protect and remove children already in trafficking networks; and the rehabilitation, repatriation, and reintegration of child victims of trafficking. This section reviews key initiatives in each area and discusses interventions that are considered particularly effective, as well as the limitations of these initiatives.

#### **Prevention**

Many governments in the region have funded and designed trafficking prevention or awareness-raising activities.<sup>150</sup> These initiatives are designed to reach children before they are trafficked and are the most cost-effective way of addressing the problem. Ironically, these activities receive the smallest portions of governments' anti-trafficking funds.

Prevention activities take two general forms – those designed to increase community-level awareness of the problem and those designed to provide alternative income-generating or educational opportunities to at-risk children. Countries in the region have created more general awareness-raising programmes than alternative income programmes. In Thailand, for example, NGOs have produced prevention videos in local languages and conducted a child labour radio programme.<sup>151</sup> The former programme has been lauded as being particularly successful for its ability to reach out to hill tribe communities that do not speak Thai and are often overlooked by government campaigns. Another recent innovation is the emergence of sex worker organizations, particularly in South Asia.<sup>152</sup> Several organizations in Calcutta, Mumbai and Dhaka have formed groups to prevent the trafficking in children into the industry. Former sex workers in India who were rescued and repatriated to Nepal also formed a group called Shakti-Samuh to do anti-trafficking outreach work among street children and factory and industrial workers. Testimonials of former sex workers are thought to be particularly effective in convincing parents and children of the dangers of trafficking.

Several governments and NGOs have created income-generation, vocational training, and alternative education programs to reduce the risk of girls being lured into trafficking situations.<sup>153</sup> In India, the government has established several such programmes. China has focused its prevention strategies on keeping girls in school. The government's "bud program" finances the education of young girls from low-income families with the hope of keeping these girls in school, thereby reducing their risk of being trafficked. An ILO-IPEC study of 20 education programmes in five Asian nations gives some indication of how best to design government interventions.<sup>154</sup> The study found that the most effective programmes were those

that took children's special needs into account. For example, successful awareness-raising activities targeted local communities and were often translated into local dialects to reach remote populations. Effective income-generation and educational programmes were those that provided children skills that could immediately be utilized to improve the quality of their lives. Programmes that were able to deliver such results tailored income-generation schemes to growth sectors of the economy. Successful programmes also recognized that many children have hard lives and family responsibilities that leave little time for relaxation. To address this, many incorporated recreation time for children into their curriculums.

One key limitation of prevention activities is that many reach only children in capital cities. In South-East Asia, a recent ESCAP study reported that the few prevention programmes addressing the issue of child trafficking for sexual exploitation generally exist only in the capital cities or urban areas. The same study reports that Laos, China's Yunnan Province, and Myanmar completely lack these prevention programmes.<sup>155</sup> Many countries in South Asia also lack prevention programs to address child trafficking – especially those designed to provide alternative income sources.<sup>156</sup>

### **Protection and the removal of children from trafficking situations**

Government and NGO initiatives to protect and remove children from trafficking situations are spotty at best. Governments may raid brothels and other establishments where children are trafficked and exploited for labour purposes, but they lack comprehensive policies to protect these children and remove them from trafficking circles. Often, once children are rescued by police they find themselves in a state of limbo – potentially in a detention center or prison – with little support and an unclear path to repatriation or reintegration into their home communities or new areas.

To address these complex problems, a section of India's trafficking law recommends that the government appoint and specially train a group of police officers to work solely on trafficking-related offenses. Although discussions have been held to implement this recommendation, as of the end of 1999 no concrete steps had been taken.<sup>157</sup> Similarly, in Nepal, Pakistan, and Sri Lanka, police stations have set up women and children desks to deal with other crimes against women and children, including forced labour and sexual exploitation.<sup>158</sup> Sri Lanka has established 31 such units. Thailand has achieved considerable success in the area of protection and removal of children trafficked into the sex industry. The relative strength of the organizations addressing child sexual exploitation in Thailand lies in the improved cooperation between the government and NGO sectors. For example, an NGO caseworker may assist police who are investigating a potential case of child sexual exploitation. Children who need to be removed from their living situations are taken to a shelter where they are given a psychological assessment and sometimes a medical exam. After these results are compiled, a rehabilitation plan is developed for the child to reintegrate them into the community.<sup>159</sup>

The Pakistani government has taken a community-level approach to the issue of removing children from exploitative labour conditions, including victims of trafficking. Under Pakistan's laws to abolish child labour, district vigilance committees as well as civil servants monitor implementation of the bonded labour law. Recently, several other South Asian countries have recognized the need to establish temporary shelters for children removed from trafficking situations. Whereas in Sri Lanka, these children were being put into juvenile facilities with child offenders and delinquents, now they are brought to a separate shelter system.<sup>160</sup> Nepal has build similar transit homes.

### **Healing, return, and integration of child victims**

The rehabilitation or healing and successful return and integration of trafficked children into their home or new communities are difficult, time-intensive processes. The processes, however, are extremely important because many children exposed to prostitution and other exploitative labour situations will return to harmful environments if not properly assisted. Without increased integration efforts, governments that step-up enforcement of trafficking laws may see a revolving-door pattern of kids re-entering exploitative conditions.

#### Healing

Trafficked children experience very traumatic situations that often carry a great deal of shame. Consequently, they cannot just be picked up by the police one day and dropped off in their home villages the next. Successful integration of these child victims back to their home villages or new environments must address their medical, psychological, and economic needs. Healing services are new to governments in the region, though NGOs have a track record of providing these services.

Within South Asia, Bangladesh, India, and Nepal address the psychological needs of children removed from trafficking situations.<sup>161</sup> In Nepal, for example, most government shelters for children – as well as NGO programmes for child victims of trafficking – provide counseling and medical care services. In India, the government has erected 80 protective homes to provide girls and women who are detained under the trafficking law with residential care, education, vocational training, and psychological services. Similarly, the government's Department of Women and Child Development (DWCD) sponsors a network of short stay homes that provide medical services and counseling to child victims.<sup>162</sup> Thailand may have the most tailored shelter system in the region.<sup>163</sup> There are four homes for sexually exploited children in Thailand that provide psychological services, three of which serve girls and one of which serves boys. Children arrested for working as prostitutes are sent to these homes, where they receive counseling, education, job training, family counseling, and medical care. No child remains in these homes for over two years.

Nonetheless, the provision of health and social services to children who are trafficked into prostitution is very limited in the two regions.<sup>164</sup> Although all five South Asian countries

provide health services to victims, these services generally do not address the children's psychological needs. Instead, these services focus more on treating acute conditions such as sexually transmitted diseases like HIV/AIDS. In Sri Lanka and Pakistan, the government has not taken any substantial action to provide psychological services to children who are rescued from trafficking situations. Moreover, the few NGOs that provide institutional psychological care for these children generally do not have sufficiently qualified staff or infrastructure. In South-East Asia, psychological services that exist for child trafficking victims are almost always located in urban centers. This problem was reported in Cambodia, Thailand, and Viet Nam.<sup>165</sup> Psychological programmes in China's Yunnan Province, Laos, and Viet Nam have taken the form of re-educating victims of trafficking.

### Return and integration

Interception and repatriation efforts are not well coordinated among various actors at the governmental and NGO levels. However, recent efforts by several NGOs in South Asia have led to the creation of national and cross-border anti-trafficking networks. These new efforts are limited by a lack of resources and mutual cooperation.<sup>166</sup> For example, one study of Viet Nameese prostitutes in Cambodia revealed that when girls are not arrested, it can take NGOs, government organizations and government agencies about a year to complete their return to their home country.<sup>167</sup> Clearly, there is a need to accelerate this process.

Sending countries have begun to develop programmes to address the needs of their returning children who were trafficked abroad. The Laotian government's Department of Social Welfare has begun returning children who were exploited in Thailand. The department also works to provide alternative employment opportunities for children. One successful reintegration programme for child prostitutes trafficked out of Cambodia is run by the NGO Agir pour des Femmes en Situations Precaires (AFESIP). Before children are sent back to their home villages, AFESIP social workers visit their families to assess the chances of recidivism, reduce the stigmatization attached to returning children, and identify a local contact for employment. A returning child will receive visits from these social workers during the first three months back home. In its two years, the program has aided 74 Cambodian and Viet Nameese children and achieved a 60 percent success rate.<sup>168</sup>

at a loss for what to do with the victims. Eventually they determined that the 200 Nepali victims should be returned to their home nation. The Nepal government, however, was unwilling to accept responsibility for their return. Luckily, several NGOs in Nepal worked together to achieve the successful return and readjustment of many of these victims.<sup>170</sup>

## IV. Recommendations and Conclusions

**More work is needed.** Despite the range of government and NGO action on the issue of child trafficking for labour exploitation, more work remains to be done. Data seems to indicate that the increased number of projects and governments involved in combating child trafficking has not stemmed the tide of children who fall prey to traffickers. In fact, accounts in many South and South-East Asian nations show the problem is growing. Summing up this feeling, the Report of the Committee on Prostitution of India's DWCD states, "In spite of the many interventions for prevention, law enforcement, rescue and rehabilitation, there does not appear to have been much impact on the prevalence of commercial sexual exploitation of women and children."<sup>171</sup>

**Few programs address trafficking for purposes besides prostitution.** The vast majority of research and interventions at the international, regional, and national levels address the issue of child trafficking for labour exploitation only from the perspective of prostitution. But trafficking in children for other purposes – including begging gangs, camel racing, and other forms of bonded labour – is also increasing. We need more research and interventions designed to address these forms of child trafficking.

**Interventions need to be tailored to boys.** Boys are increasingly becoming victims of child trafficking and sexual exploitation. Still, few government interventions, prevention initiatives, or NGO programmes take into account their special needs and vulnerability.

**Prevention programmes should go beyond community-awareness.** While still informing communities of the dangers of child trafficking, prevention efforts must go beyond information campaigns. To diminish the attractiveness of traffickers' promises, they must also provide viable alternatives to children in local communities. Income-generation and vocational programmes must be tailored to growth areas of local economies. Education programmes must be relevant to the lives of children and must show parents that the cost of children attending school today will pay off with profitable jobs.

**Enforcement of trafficking laws must be improved.** No country in the region lacks a law related to the trafficking of children. Yet they fall flat when it comes to implementation. To enhance enforcement of existing provisions, law enforcement training should focus on issues of child exploitation.

**More casework should be provided under the rubric of prevention and repatriation programmes.** A review of the best practices in the area of trafficking prevention and victim repatriation shows that programmes providing comprehensive services are most effective. Prevention programmes that include vocational training or income-generation components should include casework with children to monitor their experience in these classes and provide after-training services to ensure successful job placement. Repatriation

programmes, similarly, should use casework before the return of children to understand and address children's fears about returning home. Casework should be continued after children are back in their communities to ensure they do not return into exploitative work.

**Increased cooperation between countries is essential.** As trafficking across borders has increased, the problem becomes more complex. Bi-lateral agreements are needed among countries to effectively collaborate on the repatriation of child trafficking victims and the prosecution of traffickers. Such agreements would include mutual assistance arrangements allowing countries to extradite alleged criminals to face charges in the country where the offense occurred.

**More careful research is needed to design effective interventions.** There is a need for carefully designed research studies in all countries of the region to help governments and NGOs design appropriate intervention strategies. Standard definitions and measures of trafficking for labour exploitation must be used to allow for comparisons over time and across countries. Priority should be given to data collection on the trafficking in children for purposes other than prostitution and on the trafficking of boys. An effort should be made to conduct studies that provide representative samples of the total population of children trafficked. Attention should focus on acutely understudied countries like Laos and Pakistan. Decision making processes and perceptions of families on the viability of alternative options should be another research priority. Initiatives undertaken by the Regional Working Group on Child Labour to improve research methods on worst forms of child labour - including trafficking, might result in useful materials.<sup>172</sup>

There is also a need for more recent data on child trafficking. Virtually all of the papers and studies on child trafficking cite the same numbers, some of which are out of date. Research efforts should be designed to take into account the issues of cross-border trafficking. The most effective arrangement for studying this issue would be cooperation among governments and research organizations from sending and receiving countries.

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<sup>1</sup> *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998.

<sup>2</sup> Worst Forms of Child Labour Convention, 1999.

<sup>3</sup> This would include debt bondage, the sale of children, serfdom, and the forced or compulsory recruitment of children for use in armed conflicts.

<sup>4</sup> In this report, Myanmar will only be discussed in the context of trafficking of children to other nations in the region.

<sup>5</sup> Asis, Maruja, *Trafficking in Children in Southeast Asia*, Scalabrini Institute, Paper prepared for the Regional Consultation on "Challenging the New Millennium: the Rights of the Child and the Issue of Displacement in Southeast Asia, National Youth Bureau, 2000; *Sexually Abused and Sexually Exploited Children and Youth in the Greater Mekong Subregion: A Qualitative Assessment of their Health Needs and Available Services*, Economic and Social Commission for the Asian Pacific (ESCAP), forthcoming, 2000; Kelly, Paula Frances and Duong Bach Le, *Trafficking in Humans From and Within Vietnam: The Known*

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from a Literature Review, Key Informant Interviews, and Analysis, prepared for the International Organization for Migration (IOM), Radda Barnen, Save the Children (United Kingdom), and UNICEF, September, 1999; *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998; and MB Ghaley, *Child Trafficking in Some South Asian Countries as Portrayed by Various Existing Research, Studies, Publications, and Reports*, Save the Children Alliance, unpublished document, October, 1998.

<sup>6</sup> *Sexually Abused and Sexually Exploited Children and Youth in the Greater Mekong Subregion: A Qualitative Assessment of their Health Needs and Available Services*, Economic and Social Commission for the Asian Pacific (ESCAP), forthcoming, 2000.

<sup>7</sup> Asis, Maruja, *Trafficking in Children in Southeast Asia*, Scalabrini Institute, Paper prepared for the Regional Consultation on “Challenging the New Millennium: the Rights of the Child and the Issue of Displacement in Southeast Asia, National Youth Bureau, 2000.

<sup>8</sup> cited in Lim, Lin Lean, “Child Prostitution,” in Lim, Lin Lean, ed, *The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia*, Geneva, International Labour Office, 1998.

<sup>9</sup> Ibid.

<sup>10</sup> MB Ghaley, *Child Trafficking in Some South Asian Countries as Portrayed by Various Existing Research, Studies, Publications, and Reports*, Save the Children Alliance, unpublished document, October, 1998 and *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998.

<sup>11</sup> *Sexually Abused and Sexually Exploited Children and Youth in South Asia: A Qualitative Assessment of their Health Needs and Available Services* ESCAP, 2000.

<sup>12</sup> MB Ghaley, *Child Trafficking in Some South Asian Countries as Portrayed by Various Existing Research, Studies, Publications, and Reports*, Save the Children Alliance, unpublished document, October, 1998.

<sup>13</sup> *Summary Report on the Regional Conference on Trafficking in Women and Children in South Asia*, Lawyers for Human Rights and Legal Aid (LHRLA) and UNESCO, Karachi, 1997.

<sup>14</sup> MB Ghaley, *Child Trafficking in Some South Asian Countries as Portrayed by Various Existing Research, Studies, Publications, and Reports*, Save the Children Alliance, unpublished document, October, 1998.

<sup>15</sup> *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998.

<sup>16</sup> *Sexually Abused and Sexually Exploited Children and Youth in South Asia: A Qualitative Assessment of their Health Needs and Available Services* ESCAP, 2000.

<sup>17</sup> *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998.

<sup>18</sup> *Sexually Abused and Sexually Exploited Children and Youth in South Asia: A Qualitative Assessment of their Health Needs and Available Services* ESCAP, 2000.

<sup>19</sup> Poudyal, Nepal Country Paper prepared for the Regional Consultation on “Challenging the New Millennium: the Rights of the Child and the Issue of Displacement in Southeast Asia, National Youth Bureau, 2000.

<sup>20</sup> Cited in *Sexually Abused and Sexually Exploited Children and Youth in South Asia: A Qualitative Assessment of their Health Needs and Available Services* ESCAP, 2000.

<sup>21</sup> *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998; Poudyal, Nepal Country Paper prepared for the Regional Consultation on “Challenging the New Millennium: the Rights of the Child and the Issue of Displacement in Southeast Asia, National Youth Bureau, 2000; *Sexually Abused and Sexually Exploited Children and Youth in South Asia: A Qualitative Assessment of their Health Needs and Available Services* ESCAP, 2000. This figure, however, is based on data from 1985 and, therefore does not represent the magnitude of the current scope of trafficking in Nepal.

<sup>22</sup> *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998 and *Sexually Abused and Sexually Exploited Children and Youth in South Asia: A Qualitative Assessment of their Health Needs and Available Services* ESCAP, 2000.

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- <sup>23</sup> In the 1980s, there was a problem with trafficking of children for adoption by foreigners. But due to strict enforcement of new laws restricting the adoption of children by foreigners, this problem has been virtually eradicated. See the Sri Lanka Country Paper prepared for the Regional Consultation on “Challenging the New Millennium: the Rights of the Child and the Issue of Displacement in Southeast Asia, National Youth Bureau, 2000 and *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998.
- <sup>24</sup> Cited in the Sri Lanka Country Paper prepared for the Regional Consultation on “Challenging the New Millennium: the Rights of the Child and the Issue of Displacement in Southeast Asia, National Youth Bureau, 2000 and *Combating Trafficking in Children for Labour Exploitation in South Asia: Reports on South Asian Consultation*, ILO-IPEC, 1998.
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<sup>39</sup> Caouette, Therese M. *Needs Assessment on Cross-border Trafficking in Women and Children: The Mekong Sub-region*, Prepared for the UN Working Group on Trafficking in the Mekong Sub-region, 1998 and Personal communication with He Zhixiong, 2000.

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<sup>42</sup> Samrane, Paul, *Lao People's Democratic Republic Country Report, to the National Workshop on Illegal Labour Movements: The Case of Trafficking in Women and Children*, January, 2000.

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<sup>50</sup> Ibid.

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<sup>172</sup> Materials are expected in a forthcoming publication entitled: 'Improving research methods on worst forms of child labour: Workshop proceedings and resource materials', by Regional Working Group on Child Labour in Asia (of which ILO-IPEC is a member).

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