

The Commercial Sexual Exploitation of the Girl-Child in Commonwealth countries: *The Asian Perspective*

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Introduction

Commercial sexual exploitation of the girl child in the Asian region is a complex phenomenon that covers sexual exploitation of girls for financial as well as other considerations in a wide range of circumstances. Sex tourism and trafficking are particular manifestations of a wider problem of sexual exploitation of women and girls for economic gain. The phrase is used in this paper in a narrow sense to refer to sexual exploitation in sex tourism and in trafficking within countries and across national borders. The paper will discuss this particular form of commercial sexual exploitation of girls within and between Commonwealth countries of Asia, and the links that have emerged in the sex trade between Asia and regions outside Asia.

Sex tourism has manifested itself only in some countries, while trafficking represents a more common problem that has surfaced in many countries. Trafficking is the wider problem, even though it does not necessarily emerge in countries in which girls are exploited in sex tourism. Commonwealth countries in the region have become part of the problem of sex tourism and trafficking because they either provide the girls or the clients. The phenomenon of cross border trafficking has created a situation where some countries have foreign nationals involved in the sex trade and also provide girls for cross border trade in commercialised sex.

In the past, many national legal systems distinguished between youth and childhood so that only a pre-adolescent girl under 12 or 14 years would have been considered a child. However, the near universal ratification of the UN Convention on the Rights of the Child (1989) has made it clear that the concept of childhood can be interpreted to cover girls under the age of 18 years. The term "girl-child" will be used in that sense, in this paper. This extended definition has particular significance in Asia. An adolescent is invariably considered a woman rather than a child. The legal age for expression of consent to sexual intercourse and or marriage can be as low as 12, 14 or 16 years. The phenomenon of the sexual exploitation of girls thus becomes linked with the wider problem of the sexual exploitation of adult women in an environment which parallels enslavement and bondage rather than autonomous involvement in "sex work" by individual choice.

The Incidence of Sex Tourism and Trafficking: *Some Current Trends*

Sex tourism in the Asian region occurs in some countries in the Commonwealth as well as some non-Commonwealth countries. Within the Commonwealth, sex tourism or a tourist industry geared to the institutionalised exploitation of children can be found in some countries. Many non-Commonwealth countries are familiar with sex tourism and have a tourist trade which is linked to prostitution. Clients for the trade come from established industrialised countries as well as the newly industrialised economic powers of Asia.

Trafficking within and across borders by contrast is found in many of the Commonwealth countries of South Asia. Extensive trafficking in girls and women within and across borders is considered an entrenched feature of the sex trade. It is difficult to delink the flourishing sex trade in non-Commonwealth countries of Asia from the sex trade in Commonwealth countries, particularly because the clients for East Asian prostitutes are male tourists from some Commonwealth countries.

In view of the widespread nature of the problem in Asia and its very nature as an illegal activity, it is difficult to estimate the number of children involved in the sex trade, or the numbers of girls as opposed to boys affected by sex tourism and trafficking. Available information consistently indicates however, that where adult female prostitution exists, increasingly young adolescents and very small girl-children are being absorbed into the commercial sex trade. It is evident that there is a growing demand by male clients for sexual activity with virgins or girls in the younger age group. The prevalence of adult female prostitution in Asia thus tends to both foster and further entrench the commercial sexual exploitation of girl-children.

In all these countries there is a high incidence of girl prostitution. The phenomenon of boy prostitution is in general not so widespread, and is concentrated in specific countries. Boy prostitution is associated and linked to tourism and is also associated in general with beach resorts. Young girls, and girl-children seem however to be more vulnerable and placed at greater risk of being exploited in the commercial sex trade.

The available statistics and estimates in regard to some South Asian countries are found in a range of publications. There are discrepancies between government and non-governmental organisation (NGO) estimates and this data cannot be authenticated. Data can therefore be best described as "impressionistic". Though the data has not been disaggregated by gender, the impressionistic estimates indicate that girls are most vulnerable to exploitation in the commercialised sex trade.

Although the statistics on prostitution and trafficking that are available may not be accurate, they create a general picture of the reality of young children, especially girls, enslaved in prostitution. The commercial nature of the transaction indicates that market rules of supply and demand impact to deprive children of their rights to grow and develop and be protected, even though these rights have all been guaranteed by the near universal ratification of the UN Convention on the Rights of the Child.

Tourism and the demand of visitors for sex with children clearly foster prostitution and trafficking across borders, even as it encourages and stimulates the local trade. The involvement of local entrepreneurs who link to international operators institutionalises the phenomenon and gives it legitimacy. In some countries a local trade flourishes with the complicity of small time operators who become procurers for tourists.

"Safe houses" used by both tourists and local patrons can be found not merely in beach resorts but in other areas of the island. Taxi drivers, small hoteliers and hotel employees have become procurers for tourists and locals, while children themselves become procurers who obtain child prostitutes for clients. The phenomenon of the often wealthy travelling male paedophile from Commonwealth countries visiting Asian countries as tourists, ensures that they have opportunities to make contact with local racketeers. Together they establish "safe houses" and a network of clients who continue to travel in the region and create a demand for the sexual services of children provided in different countries. The availability of modern means of communication including the Internet has facilitated the growth and expansion of these enterprises.

In all countries in Asia there appears to be a growing demand by men for sexual experiences with young girls, both locally and in sex tourism,¹ and it is estimated that the average age for child prostitutes has dropped from 18 to 12-13 years. Myths connected with sexual intercourse with virgins as a way of sustaining sexual potency creates a demand for very young girls. The idea that sex with virgins does not create a risk of HIV/AIDS has further entrenched the demand for virgins. Customers now seem to move directly into villages in what is known as "one step trafficking" so as to abduct or obtain virgins for sex. Virginity is sometimes simulated by treatment in a brothel with pills and drugs that result in bleeding on intercourse. Though very young boys are used by travelling paedophiles who visit countries as tourists, young girls are placed at greater risk of sexual abuse. Paedophiles, as well as tourists from the West and neighbouring Asian countries, are increasingly demanding safe sex with virgins or sex with very young and "exotic" Asian girls. Wealthy male tourists from the newly developed Asian countries patronise very young Asian girls.

Cross border trafficking in South Asia is fostered by the practice of child marriage which is traditional on the subcontinent. Girls are lured into brothels in other parts of a country or across borders, with the promise of marriage. These children are taken across borders in arduous land journeys under primitive conditions. They are eventually absorbed into the sex trade to serve tourists and paedophiles. The girls and their families are often duped into thinking that they are being transported as brides for foreign men. In fact the solemnisation of fake marriages is a path to becoming trapped in brothels as child prostitutes. Cross border traffic takes place on known routes and some countries have become both sending and receiving countries.

The demand for young girls in the sex trade in Asia is thus leading to exploitation of girls from low income families in organised criminal enterprises connected to trafficking in human beings. In addition it is fostering other grave crimes such as abduction, kidnapping, forced prostitution and illegal detention when these girls are kept in brothels in conditions of illegal detention and bondage including the phenomenon of "cage prostitutes".

There is clear evidence in the research and case studies that sale and trafficking into prostitution is with the complicity of parents, relatives and friends and people known to the children. Though some low income parents particularly in South Asia may be duped by promises of what are in fact fake marriages, parents and families of low income children force them into prostitution and barter them to settle debts or for other financial considerations, in the knowledge that beauty and virginity increase the demand for very young girls.

The nature of these illegal activities, makes the girls more vulnerable to extreme violence. They are controlled by the owner or procurer who has paid for them. They suffer physical injury, rape, abuse and beatings and are exposed to sexually transmitted diseases and live in poor working conditions. They also suffer from complete social isolation, and have no support system except that which is found within their place of work. There is less documentation of violence associated with boy prostitution.

Child prostitution also fosters the connected commercialised trade in child pornography, and thus is both a source of supply and demand for these publications. Child prostitutes are coerced or stimulated to participate in sexual activity for the purpose of making the product. They are also made to view these products and perform similar acts. Child pornography is thus doubly exploitative. Photographs and video films of child pornography have a local market and are also distributed widely overseas.

The demand for child prostitution and pornography provides an incentive to tour operators to organise sex tours, while some commercial establishments are known to provide services in the form of sex tours for their business associates, as a reward for good performance. The reaction of Japanese and Korean women's groups against this type of sex tours indicates the extent to which sex tourism has become entrenched, particularly in Asian countries. Organised tourism and business practice in some East Asian firms thus encourage clients to patronise child prostitutes and brothels where young girls are sexually exploited. Japanese and Korean women's groups have collected data, and published pamphlets on sex tours organised by the travel trade. They have demonstrated at airports and engaged in a public campaign to compel travel agents to conform to a code of practice in regard to tour operations. They feel that they have been successful in containing the incidence of sex tourism.

In recent years an NGO, End Child Prostitution in Asian Tourism (ECPAT) has spearheaded a campaign to persuade the travel trade to react against the phenomenon of sex tourism involving child prostitution, trafficking and pornography.

Sex tourism and the commercial sexual exploitation of children appears to have created a situation where girls are exposed to trafficking and enslavement in prostitution, while boy prostitution flourishes in an environment where children are self-employed, and solicit for clients individually or in groups or even act as procurers for clients.

Many women trafficked across borders in South Asian countries are supposedly migrant workers who are offered fake jobs. Women from Asia who expect to obtain work in other countries find that they have been duped, and end up as illegal immigrants exploited in prostitution. These women workers sometimes fall into the age group under 18 years and can therefore be considered as girl-children exploited in prostitution. Prostitution connected to internal migration from one area to another is also a phenomenon familiar to developing countries in South and South East Asia.²

The phenomenon of young girls in the older age group migrating overseas voluntarily for employment or willingly becoming “mail order” brides and ending up as prostitutes, is an emerging trend in the sexual exploitation of young girls from Asia.

The mail order bride business³ involves women, but also includes young girls below the age of 18 years. The racket in “mail order” brides, is initiated invariably with the consent of a young girl looking for greener pastures, though family pressure to contract a glamorous marriage is also a factor in persuading them to take the risk of contracting a “marriage” with any unknown foreigner. In any event these girls are placed in a situation of total dependence and vulnerability to exploitation in prostitution.

The globalisation of the phenomenon of trafficking has created criminal networks within countries even as it has encouraged international crime syndicates that make large profits in the sex trade. In the near absence of regulations on money laundering, untaxed profits can be transferred by them with the complicity of local officials. The existence of crime syndicates, both local and foreign, which thrive on the sex trade in women and children, encourages corruption, while it undermines effective law enforcement even when there are legal controls against these activities. Though police and official responses can be co-operative, there is potential for bribery and corruption. Border controls can be completely ineffective when immigration and law enforcement authorities act in collusion with traffickers, and themselves abuse women.⁴ It has been difficult to motivate political will, to initiate law reform or proactive policies, and obtain a committed official response to the phenomenon of child prostitution.

The Causes of Commercial Sexual Exploitation⁵

Poverty and economic deprivation are often considered the major causes for child prostitution. However, there are indicators that it is poverty combined with unstable family relationships and consumerism that place children at risk of sexual exploitation within their communities. Inadequate resources have been allocated to the provision of basic needs such as health, sanitation and education in many developing countries.

It is also clear that new market economic policies, and international policies such as structural adjustment, have resulted in a cut back on employment opportunities as well as “safety nets” of health and education where they existed. This has placed low income families and children under greater risk of destabilisation in family relationships, and community support systems. The gap between rich and poor has increased, and there is a struggle for survival and high unemployment, even as the new economic policies flood markets in low income countries with a variety of consumer goods that are not accessible to the vast majority of people who desire these items. The push for migration from rural to urban areas within Asian countries, and overseas migration in search of employment, represents a phenomenon of “economic refugees” – those seeking a new world of employment opportunities that they believe exist and will provide a strategy for family survival as well as access to baubles that only money can buy.

The economic context as well as the factor of unemployment and poverty and consumerism encourage legal and illegal migration. The Asian experience shows that migration often becomes a path to prostitution. It links with trafficking, and also places the worker in a situation of dependence until loans obtained have been paid off. Migration then leads to debt bondage in prostitution.

The economic context also creates a predatory family and community environment in which some of the worst exploiters are parents, family members, relatives or friends. What are described as “traditional communitarian Asian values” become distorted, encouraging the exploitation of children rather than providing them with family and community support and care. Family values regarding obedience to elders combine to give legitimacy to the exploitation of children in general, and girls in particular.

In some countries and communities in Asia, traditional practices foster prostitution. It is easy for girls from these communities to be absorbed into the commercial sex trade. The legitimacy of child marriage in the countries of the sub-continent of India, also encourages couriers to purchase young girls under the pretext of solemnising traditional marriages. In some countries, values of subservience of girls to family authority and the filial duty to contribute to family survival are manipulated in a consumer culture to give social legitimacy to parental exploitation of children in prostitution. In those circumstances it is girls more than boys who are pressurised into prostitution.

This corrosive consumerism impacts on children themselves and has created the phenomenon of the self-employed child prostitute who solicits for sex, alone or in a group, or even acts as procurer in order to purchase and obtain consumer goods. Boys more than girls then find themselves trapped in this type of prostitution which they cannot escape by the exercise of the same individual choice. These children also become vulnerable to exploitation by traffickers, procurers or pimps, who act as intermediaries for individual clients or criminal syndicates.

The current economic environment therefore has perpetrated and developed rather than eliminated the exploitation of girls in prostitution. The earlier limited demand for girl prostitution to serve foreign clients that was created by the establishment of foreign military bases has been absorbed into a new and expanding commercial sex trade in Asia that is linked to tourism. The economic prosperity of the North and some countries has created a demand for sex at little cost with Asian children, mainly girls, which in turn encourages a continuous supply. The abduction, kidnapping and forced prostitution of Asian girls represents the most violent form of this exploitation. The travelling paedophile from the West seeking exotic Asian children, or the wealthy Asian tourist seeking sex with virgins, create a constant demand for even younger girls and boys. The profitable nature of these enterprises as unregulated business, encourages investment for quick profits, as well as criminality at the highest levels. The absence of political will to intervene, and the weakness of cross border and immigration controls and law enforcement where laws do exist, become a cause and part of the manifestation of the problem. The focus on efforts to “rehabilitate the victim” and “wean children away from the trade” are not effective in reducing the problem because they do not present a real challenge to the legitimacy of the sex trade in children. Inevitable arguments of “national sovereignty” are also used to legitimise the disinclination of governments to enter into bilateral arrangements, even when they are mandated by the UN Convention on the Rights of the Child which has been ratified by most countries in Asia.

The low status of girls in many Asian countries and the attitude of social legitimacy to criminal assault and other acts of violent criminality perpetrated against them, also foster sexual abuse and exploitation in the sex trade and prostitution. There is evidence that girls who are raped and sexually abused in the family are socially alienated and marginalised so that they run away or leave home and become easy prey to pimps and procurers. The concept of son preference in some countries and the subordinate role of females in the family in many countries of East Asia lead to a denial of life chances for girls. Early marriage or migrant work is considered a first option in low income families which may be willing to shed a burden by taking the risk of a young girl travelling unaccompanied to a distant place. In the worst cases, intimidation, violence and forced prostitution will be considered part of the fate of a girl from a low income family. She is expected to submit to family authority or give in to the demands of a feudal overlord. Selling her into prostitution thus becomes socially legitimate and acceptable treatment. There is some evidence that girls from low income families are actually sold at public auctions held in remote areas or openly bartered and traded into prostitution.

The prevalence of armed conflicts in the region has also made girls from ethnic communities more vulnerable to commercial exploitation, particularly in cross border trafficking. Many of these girls are refugees, displaced persons or internally displaced persons seeking international protection. Girls from these groups can easily be recruited into prostitution by couriers and pimps who are also known to enter camps and sites where these groups are located so that they can either abduct children, or persuade families to part with them for a modest payment.

The Impact of Trafficking and Commercial Sexual Exploitation on Children⁶

The nature and incidence of child prostitution and the complex web of causes indicates dramatically the manner in which all the rights of children guaranteed in the UN Convention on the Rights of the Child are infringed when children are sexually abused in this manner. They are denied the right to survival, growth and development, their right to be protected from exploitation and abuse, and in most cases, their right to exercise a choice in regard to the kind of life they would like to have.

It is clear that girls are exposed to health risks such as HIV/AIDS, sexually transmitted diseases and vaginal infections. They may be forced to have sexual intercourse during menstruation and denied medical attention when they contract sexually transmitted diseases. The demand for sex with a virgin exposes girls to special forms of abuse. They are forced to take drugs and treatment to force them to service many clients or hasten growth or simulate virginity. They are often denied food or meals. They are locked up and their physical liberty is restrained so that they cannot escape. A brothel fire some years ago and a raid revealed that girls had been manacled and chained in the premises. Girls suffer violent physical abuse, repeated rape and sodomy as they are handed to different brothels. The act of “breaking a virgin” is often ritualised in abusive treatment, in order to condition her to have sex repeatedly with several men and destroy her sense of dignity and personal identity. Efforts are sometimes made to simulate virginity through treatment with pills or drugs that cause vaginal bleeding. Permanent injury is often caused to the sexual and other organs since young girls are immature for vaginal and oral intercourse. Commercial trafficking in girl-children, therefore, has all the manifestation of sexual slavery and bondage. There is no exercise of choice except in a very rare case where a girl may voluntarily decide to solicit for sex with older men.

Since boy prostitutes in the few countries where the phenomenon exists often operate as self-employed prostitutes, it would appear that they are less exposed to such violence and physical abuse. Boys, however, also face health risks, risks of permanent damage to genital organs, and can contract HIV/AIDS and sexually transmitted diseases.

The psychological stress, trauma and sense of guilt vary with the nature and extent of abuse, and will thus clearly be different in the case of boys and girls used in prostitution. It has been found that many boy prostitutes continue to go to school. Girls kept in brothels or other locations in slave-like conditions will clearly be denied any access to education or the chance to acquire life skills that will provide opportunities for regular employment.

Trafficking seems to affect girls more than boys and they are thus more displaced and alienated from their environment. Trafficking in Asian boys for camel riding is a known phenomenon and can lead to sexual abuse.⁷ However, the highest incidence of trafficking for sexual purposes is found in Asian girls. For this reason girls are more vulnerable to abduction, kidnapping and rape, including gang rape. In the process they are exposed to higher risks of disfigurement and murder, and beatings that cause permanent injury.

Girls also run the risk of pregnancy and all the physical and psychological stresses associated with pregnancy. If they have children, they become further marginalised and pushed into prostitution to

survive and support a child. They are also under pressure to face abortion, abandon their children or give them up for adoption.

Prostitution dehumanises a girl, stereotypes her into a position of hopelessness and reinforces her subordinate status in relationships with men. She is made to feel like merchandise with no human or individual identity, and this process is part of her subjugation as a man's sex slave. The phenomenon of child prostitution therefore entrenches gender discrimination against girls, and can undermine other efforts within countries and societies to move towards a recognition of their human rights as citizens to equal life chances. For these very reasons girls seem more subject to abuse and exploitation by parents, and both male and female relatives. They seem to have fewer chances to escape from abusive relationships and start a life of their own, both before and after being drawn into prostitution.

The Response to Commercial Sexual Exploitation of Girl-Children in Commonwealth Countries of Asia

It has been observed that the problem of commercial exploitation of the girl-child in Asia has links to trafficking and prostitution in non-Commonwealth countries of Asia. It has also been noted that clients who create a demand for the commercial sexual exploitation of girls come from both Commonwealth and non-Commonwealth countries of Asia. The commercial sexual exploitation of girl-children also has deep rooted socio-economic causes and specific implications which must be addressed if effective strategies and actions are to be developed to deal with this problem. Bilateral agreements, inter-country co-operation and effective legal and policy changes based on an interdisciplinary approach, seem vital if there is to be a meaningful response to the problem. This type of holistic approach has in general been lacking.

1990 was declared the Decade of the Girl-Child in South Asia. However the South Asian Association for Regional Co-operation (SAARC) Decade Plan of Action for the Girl-Child 1991-2000 does not refer to sexual exploitation as a priority concern though it has a statement which requires each country to accept the commitments of the global goal on "improving protection for children in difficult circumstances" developed by the World Summit for Children (1990).⁸ An expert panel on children has been set up but it has not been active, though many conferences with government and non-governmental participation have been held to discuss the situation of the girl-child. Accurate statistical data is not available but country experiences based on micro studies of the problem in general and individual case studies have been collected and shared. A SAARC Conference of officials and NGOs held in Colombo in 1995, specifically addressed the issue of girl-children "placed in difficult circumstances", using the UNICEF terminology which covers the sexual exploitation of children.

In the Association of South East Asian Nations (ASEAN) region there are desk officers in each country who can act as focal points to network and develop action plans and strategies on the commercial sexual exploitation of children. A meeting of Desk Officers of ASEAN, facilitated by UNICEF, that was held in Kuala Lumpur, Malaysia in late 1995 indicated that some initial proposals are being put forward to facilitate inter-country co-operation and develop country projects on critical issues such as cross border trafficking and the commercial sexual exploitation of children. The commercial sexual exploitation of girls which is a critical area of concern for the region and one that is intrinsically linked to gender and children's rights has not emerged strongly on the agenda of the regional organisations.

All countries of Commonwealth Asia have ratified the UN Convention on the Rights of the Child (1989). Article 35 of the Convention specifically refers to the concept of bilateral agreements to respond to the problem of commercial sexual exploitation of children. Nevertheless, there has been no action in the area of inter-country co-operation. Commonwealth countries have developed many national strategies and action plans to respond to the problem of gender discrimination.

Governments have established Ministries of Women's Affairs or Women's Bureaux, obtained support from international donor agencies, local and international NGOs and developed programmes to improve the situation of women and girl-children. The Gender Development Index of the UNDP's Human Development Report 1995, indicates that progress in Asian countries has been very slow. The social indicators for women and girls in critical areas such as health, nutrition and education in the developing countries of South Asia, continue to raise concern.

Adequate financial resources have not been allocated to basic needs such as health, education, and sanitation. Poverty has led to rural-urban migration within countries, and the phenomenon of economic refugees or overseas migrant workers. These phenomena have made girls more vulnerable to commercial sexual exploitation. Safety nets have either not been developed or have been eroded in countries which have a developed social and economic support system. Low and even middle income families have not been cushioned against financial stress in the transition to free market policies. They have had to cope with problems of poverty and indebtedness, and it is children, and young girls in particular, who have been pushed into prostitution as a strategy for family survival.

Poverty, illiteracy and ill health in the countries of South Asia have contributed to the entrenchment of the commercial sexual exploitation of girls, in the environment of consumerism generated by new economic policies. The fact that economic development alone cannot be an effective strategy against the commercial sexual exploitation of girls is seen in the experience of the developed countries of Asia. Even where the economic status of women discourages the local industry, women from outside the country are trafficked into it to satisfy the demand of affluent male clients. Thus, trafficking in turn creates an environment for the exploitation of local girls who are attracted into this trade because they desire a better life style in a consumer culture. Thus, consumerism can encourage prostitution and commercial sexual exploitation for reasons that go beyond mere survival. The breakdown of family values and concern about individual dignity have not been addressed in the newly developed countries in Asia so they are not used to stop the sexual exploitation of young girls and children.

Limited initiatives have been taken to respond to the problem. These initiatives are, in the main, focused on legal changes introduced by governments, and efforts by NGOs to empower and support the victims of sexual exploitation. The latter programmes sometimes include advocacy against the commercial sexual exploitation of children, and are targeted at the community, policy-makers and officials who can initiate an official response.

Countries in South Asia in particular have made some efforts to introduce law reform. Temple prostitution was prohibited in the colonial period in India, and post-independence legislation in several states has made the Devadasi practice illegal.⁹ Legislation has also been enacted to respond to the problem of cruelty and violence against women. Violence against children in the family and the community has been considered a critical area of concern in the Criminal Law (Second Amendment Act) 1983 which introduced radical changes in the nineteenth century Indian Penal Code. The law on rape, in particular, was strengthened and new offences such as custodial rape and a concept of minimum sentences was introduced. Significantly the age of rape irrespective of consent (statutory rape) was raised from 12 to 16 years. The concept of rape of a child bride below the age of statutory rape was an early nineteenth century recognition of marital rape in India. It has been retained in the amended Indian Penal Code and the age raised to 16 years. This offence, therefore, can cover intercourse in situations where marriage precedes forced prostitution. However, incest, following the approach in early English common law, is not included as an offence, and can be prosecuted only as rape. Indian criminal law also refers to rape exclusively as vaginal penetration by the penis, and does not cover other acts of violent sexual abuse. Prostitution has been dealt with in several post-independence statutes. The Suppression of Immoral Traffic in Women and Girls Act (1956) was extensively amended some years later by the Immoral Traffic in Persons Prevention Act (1986).

Forced prostitution and living on the prostitution of a child is punished with a sentence of 7 to 10 years imprisonment. Procuring and brothel keeping is also illegal. New legislation is currently under

consideration to deal with the award of compensation to women and girls who are victims of violence. The National Commission for Women has also proposed strengthening the law and procedure on rape to widen the offence, and help women and children receive fair treatment in criminal trials for rape. Legislation enacted in 1986 has expanded the Indian Penal Code provision on obscene publications involving the representation of women.¹⁰

All these new initiatives cover girl-children, and do not appear to address problems of boy prostitution or pornography. Such cases have to be prosecuted under offences involving “unnatural acts” and obscene publications in the Penal Code of India.

The Bangladesh Penal Code which has provisions on rape has been expanded by the Suppression of Immoral Traffic Act 1933 and post-independence statutes, in an effort to respond to the problem of violence against women and children.

These statutes, one of which was enacted in 1995, specifically address the problem of cruelty and the oppression of women and children.¹¹ Kidnapping and abduction attract a sentence of life imprisonment, while the sentence of death has been imposed for trafficking and for death or grievous hurt during rape. A sentence of death or life imprisonment can be imposed even in cases where rape has not been combined with homicide. The concept of statutory rape and marital statutory rape of a child bride, is the same as in the Indian Penal Code, and the relevant age has been raised to 16 years.

In 1995 Sri Lanka introduced significant amendments to its nineteenth century Penal Code, modelled on the Indian Penal Code.¹² This legislation was a response to the specific problem of child prostitution, but resulted in radical changes to the law on violence against women and children. The Act has extensively modified the law on rape by introducing the concept of minimum sentences and, particularly, a higher minimum sentence of 10 years imprisonment for rape of a girl under 18 years. The age of statutory rape has been increased to 16 years, but a proviso has prevented this age being applied so as to impact on child marriages, though the earlier concept of marital rape of a child bride under 12 years has been retained. The maximum punishment for rape remains at 20 years imprisonment. Incest, defined as sexual intercourse within certain prohibited relationships, has been made an offence with a minimum sentence of 15 years when a girl under 16 years is a victim of incestuous rape. The amendment introduces higher minimum sentences of imprisonment for gang rape and custodial rape. This amendment has also repealed earlier provisions on sexual exploitation of children, and introduced new comprehensive offences on procurement for prostitution of both males and females, and sexual exploitation of both boys and girls. This covers sexual abuse of all forms and commercial sexual exploitation of children. A new general offence of trafficking has been introduced and would cover trafficking for sexual purposes. The amended act also introduces a new offence of “grave sexual abuse” to cover cases of sexual abuse which involve acts other than vaginal penetration by the penis. The minimum sentence for such acts is higher if the victim is a child under 18 years.

The old Penal Code offences on homosexuality have been retained, and even widened to include lesbians. The child victim has also to be prosecuted as an offender! The law on pornography has been strengthened, and possession of pornography for the purpose of distribution or circulation has been criminalised. The new law creates an offence of cruelty to children, and the law on acts causing grave physical harm has been strengthened.

The law in these countries may have gaps but it is generally in place. There are instances in which police raids take place, and well publicised prosecutions have been initiated against foreign paedophiles, particularly in the last two years. However, in all these countries, enforcement of the law is in general weak. There seems to be an absence of an effective infrastructure for enforcement, due to inadequate resources, corruption, and lack of awareness of changes in the law. In Bangladesh, for instance, prosecutions continue to be filed under the Penal Code though the special statutes impose higher sentences. In Sri Lanka, amendments to the Penal Code have not been accompanied by a widening of the sentencing power of Magistrates’ Courts. Consequently they cannot impose

the sentences provided for. Victims seem unable to use the law, due to their own lack of awareness. There is also a lack of co-ordination between the medical and legal professionals and law enforcement agencies, including the judiciary. Courts have a tendency to mitigate or suspend sentences or order low sentences, often ignoring the violence and infringement of human rights of the victim.

Developments in South East Asian Commonwealth countries by contrast have focused not merely on law reform but on providing an infrastructure of support services for effective investigation and prosecution of offenders who sexually exploit children. Consequently these countries have introduced the concept of interdisciplinary child abuse or child protection teams or committees, consisting of government social welfare officers, prosecutors, the police and medical personnel who network with each other in the preliminary stages of investigation and ultimate prosecution. Government crisis centres and family counselling centres have also been established to provide support and shelter for victims. This system also helps the child to be perceived as a victim rather than an offender and provides for institutional support for the victims and the family, or an alternative system of care. Malaysia's Child Protection Act 1991, and Women and Girls Protection Act 1993 which specifically deal with prostitution are particularly important initiatives in this regard. Malaysia has also introduced a sustained advocacy and training campaign for law enforcement agencies, including the police and the judiciary, and made efforts to combine legislative reforms with a campaign to increase community awareness of the law.¹³ Hong Kong has improved its laws on procedure and now provides facilities for recording evidence of child victims of sexual exploitation on video, and permits this evidence to be used in trials. In Malaysia, the Government has worked closely with women's NGOs in both changing the law and establishing and maintaining the supportive infrastructure.

In Asian countries the NGO community has made significant efforts to advocate against commercial sexual exploitation, alleviate the situation of victims, and promote law reform. Amendments to the laws on violence, prostitution and trafficking have been initiated largely through NGO activism.

NGO programmes take the forms of victim support and rehabilitation, advocacy and lobbying for legal and policy change, raising awareness of the situation among professional groups and the community, and para-legal training to demystify the law and help victims and families obtain access to justice. Women's associations sometimes address prostitution as part of their general aim to improve the status of women.¹⁴

NGOs have established links with international counterpart organisations in the West and within Asia to lobby the tourist trade to get their support for undermining the criminal elements that organise sex tours and use tourism to promote child prostitution. Travel agencies have been persuaded to include statements in travel brochures and airline tickets on child prostitution so that *bona fide* tourists themselves are made aware and can be persuaded to react against pimps and procurers operating within the industry. This type of programme seems to be operative on a very modest scale within the Asian region, but does not appear to be well established in the sub-continent or in East Asian countries of the Commonwealth where trafficking occurs.

Some NGOs have general programmes to improve the status and situation of women and the girl-child, and link their efforts to gender sensitisation and strengthening the capacity of affected girls, women and families to understand the need to break out of the cycle of violence and sexual exploitation. They focus on establishing centres for victims, counselling, skills training and basic education, and a general effort at rehabilitating the victims of sexual exploitation. Some facilitate the participation of the victims in planning programmes for themselves. Shelters have been established and women's resource centres have training and rehabilitation programmes.

Ministries of Social or Women's Affairs in these countries also have such resource centres and training and rehabilitation programmes with limited coverage. Special programmes have been established for the children of prostitutes to prevent them being absorbed into the trade. NGOs also work in high risk areas such as red light districts in major cities.

Professional associations and colleges of the medical and legal profession have in recent years begun to address the problem of exploitation of children in the sex trade. Some research has been done, and they have assisted NGOs in their advocacy and law reform efforts. Lawyers have also been willing to offer free professional services to assist NGOs to prosecute offenders. Occasionally groups of lawyers have established their own hotlines. They have also put greater emphasis on the establishment of programmes for para-legal training aware that it is impossible to provide easy access to legal services at all stages of court proceedings. Public awareness of the law and the intervention of para-legals at the initial stages can help victims and their families obtain access to justice through the legal system.

The phenomenon of public interest litigation developed in the Supreme Court of India has also been used in Pakistan. The situation of child victims of prostitution and sexual exploitation in the flesh trade has been brought to the attention of the Superior Courts by way of writ petitions filed by concerned persons. Courts have often made orders regarding the facilities offered to children in state shelters and homes, and the maintenance of standards so as to safeguard children from further abuse.¹⁵ In a recent Indian case an investigative newspaper report on prostitution was used by the Chief Justice of the Bombay High Court as a writ petition by the public. He went on to order the police and the municipality to take action to develop a rehabilitation scheme for the victims. Although this initiative of the courts has been criticised, public interest litigation has been effective in giving publicity to violations of children's rights, and promoting government accountability in the administration of shelters and homes run by the state.

NGOs have also focused attention on advocacy programmes.¹⁶ The media, particularly newspapers and radio, have been used to create public awareness and sensitivity to the issue and lobby for changes in law and policy. Street theatre has been used in these programmes using the high risk groups. In Malaysia the focus has been on sensitising families and girls in particular so that they are not cheated by offers of employment and marriage, which are a front for forced prostitution. Some of these programmes, in countries such as Malaysia and Sri Lanka, have also been linked to awareness raising on HIV/AIDS and prevention of this illness.

Conclusion and Recommendations

The experience of Asia indicates that for many years child prostitution was a phenomenon that was ignored in policy intervention and planning because of silence on the part of governments and the public. In the last few years international publicity and scrutiny has compelled awareness and some intervention at the national level. International efforts must therefore be sustained in order to ensure national action and even promote a regional response.

International and Regional

Commercial sexual exploitation can lead to a denial of the right to life, health, freedom of personal liberty, reproductive rights and education. A child's right of survival, development and participation are therefore denied. Besides, the concept of protection rights includes protection from all forms of sexual exploitation and connected violence such as abduction and trafficking.

Article 35 of the Convention on the Rights of the Child specifically mandates States Parties to take all appropriate bilateral and multilateral measures to prevent the abduction, sale or traffic in children. National and international NGOs and children also have a role in protecting children's rights as Articles 42 and 45 state that they must be made aware of the standards, and their voices must be heard in monitoring the situation of children within countries. Arguments of national sovereignty and political correctness can no longer be used to undermine the legitimacy that has been given to international scrutiny of the situation of children within countries. Consequently the Convention should be used to develop concerted strategies, build up such strategies and create

solidarity to combat what is obviously a contemporary form of slavery of children in the Asian region, and a gross denial of human rights.

This dimension is relevant for forging links with other human rights groups and with processes within the United Nations systems. The Commission on Human Rights and the Economic and Social Council have conferred a mandate on the Special Rapporteur on the Sale of Children, Child Prostitution and Pornography. This mandate must be retained and strengthened to provide an effective global monitoring system through networking at the national and regional levels. Violation of children's rights in commercial sexual exploitation must be perceived as a human rights and gender issue, since it is a violation of human rights and gender equality. Common recommendations should be developed by the Human Rights Committee, the Child Rights Committee and CEDAW – the three important monitoring bodies set up under the International Covenant on Civil and Political Rights, and the Women's Rights and Children's Rights Conventions. This concerted action may urge governments to regard it as a critical area of concern.

Promoting government awareness about the need to give priority to this issue will help to promote collaboration and bilateral agreements so as to prevent cross border trafficking. As it is, some governments, such as Sweden, encourage their police to provide local police in Asia with information on travelling paedophiles. Liaison officers have been appointed in some countries to deal with special problems such as drug trafficking or monitoring the situation of migrant workers. Bilateral arrangements of a similar nature can be approved by governments to deal with the problem of commercial sexual exploitation. INTERPOL has already taken some measures of its own, and has supported a recommendation of an earlier special Rapporteur on the need to promote a "pro-child-anti-crime network" and provide training for law enforcement personnel.¹⁷ The use of international standards in this regard and promotion of networking in law enforcement is crucial to prevent cross border trafficking as well as the phenomenon of the travelling paedophile. Currently Western countries of the Commonwealth such as Canada and Australia have taken initiatives to introduce laws conferring extra-territorial jurisdiction, to prosecute nationals who commit offences against children in other countries. Britain is also considering the enactment of this legislation. These efforts will strengthen law enforcement capacity since most countries have laws against trafficking and sexual abuse of children. This type of initiative can encourage other States Parties to the UN Convention on the Rights of the Child to take similar action against child sexual exploitation. If Commonwealth countries and regional organisations can promote the adoption of this type of legislation in all countries, this will be a powerful contribution to fighting sexual tourism, cross border trafficking and the exploitation of girls in the sex trade.

Regional initiatives and inter-country collaboration are vital and will be fostered only if there is some international scrutiny and pressure and positive examples of international collaboration and networking in immigration matters and law enforcement.

Similar collaboration is necessary in responding to the problems of migrant workers since migration is often connected to the sexual exploitation of Asian girls. Countries in the region must be persuaded to ratify the UN Convention on Migrant Workers and work towards realising these standards on overseas migration for employment. Many Asian countries have "open policies" on migration but do not address the problem of exploitation of these workers in host countries. Similarly the Tourism Bill of Rights and Tourist Code (1985) of the World Tourist Organisation should be disseminated within the trade, and this international organisation should be encouraged to work with governments to ensure accountability in tourism.

NGOs and some government units have some resources for networking and sharing information, and there have been many meetings on the girl-child which have addressed the issue of sexual exploitation. Governments need to work more closely with the Special Rapporteur on the sale of children, child prostitution and pornography.

The UN Convention on Traffic in Persons and the Exploitation of the Prostitution of Others (1949) is the current international instrument that specifically deals with these subjects. India and

Singapore are amongst the few countries in the Commonwealth to have ratified this Convention, which has been ratified by only 67 countries.¹⁸ Reporting under the instrument is said to be inadequate. The Convention adopts an abolitionist approach to prostitution. It does not seek to prohibit it so as to penalise the client, the intermediary and the prostitute. Nor does it seek to legalise and regulate prostitution. Consequently the client and the prostitute are not prosecuted but penalties are imposed on intermediaries such as brothel owners, procurers and pimps. The Convention also does not reflect the experience of Asia on child prostitution. Though it deals with forced prostitution it does not cover practices such as fake marriages, fake adoption, illegal employment and overseas migration, which lead to prostitution.

The definition of force in the Convention should be widened. It should be revised so as to become an instrument that can be used to set standards on child prostitution as a contemporary form of slavery. Since there is a strong case for dealing with child prostitution differently, and not treating it as an expression of choice, a separate part of the Convention should deal with that aspect. This should reflect the concept of protection rights in the UN Convention on the Rights of the Child, and the concept of gender discrimination and right to freedom from violence found in the latter Convention, CEDAW and the UN Declaration on Violence against Women (1993).

A major weakness in the implementation of the UN Convention on the Rights of the Child as well as the Trafficking Convention is the absence of an effective monitoring system. An expert Committee has been established under the UN Convention on the Rights of the Child, and it has been innovative and dynamic in trying to persuade parties to take their regular reporting obligations to the Committee seriously. Goals or targets, however, have not yet been set, and a plan of action has not been developed to eliminate exploitation of children, though the World Summit for Children (1990) developed time-bound goals and a plan of action for monitoring aspects of survival and development such as health and education.¹⁹ In addition, the UN Convention on the Rights of the Child does not permit individual complaints to the Committee, since international monitoring is considered a state-to-state accountability.

There has been some effort to promote a Protocol on Children in armed conflict. The Asian region's problem of child prostitution in general, and sexual exploitation of girl children in particular, suggests that an individual complaints procedure in a Protocol should cover sexual exploitation. If such an Optional Protocol is introduced to the Convention on the Rights of the Child, governments may be under pressure to obtain international approval for their commitment to child rights by permitting complaints to be made to the international monitoring Committee. The development of a plan of action and time-bound goals on elimination of sexual exploitation and a process of regional monitoring can promote scrutiny and accountability at the regional level. If the sexual exploitation of children is considered a contemporary form of slavery, there will be greater pressure to treat it as a critical concern. Such a development with regard to effective monitoring represents an urgent area for regional collaboration in Asia. Collaboration within a broader group such as the Commonwealth may be a catalyst for promoting collaboration within the Asian region.

The substantive recommendations that follow in regard to national developments also represent areas for collaboration and networking at the international and regional level, and within the Commonwealth, so as to promote a concerted response to eliminating the phenomenon of commercial sexual exploitation of children.

National

(a) General Enhancement of the Status of Women and Gender Sensitisation

The sexual exploitation of the girl-child is clearly linked to gender relations within countries and the diminished status of women. The low social indicators for girls in South Asia and the heritage of rejection which girls face from birth is reflected in the tradition of son preference and some of

the cultural practices in countries of the subcontinent. The declaration of the SAARC Decade for the Girl-Child from 1990-2000 was a recognition of this reality.

Unless the general status of the girl-child is improved and it is recognised that discriminatory traditions must be eliminated because she deserves equal life chances, it will be impossible to address a root cause for the continued sexual exploitation of girls and the violence perpetrated against them in trafficking and sexual abuse. This will have to be followed through long term measures pertaining to family, and socio-economic policies that will foster delivery of services in the area of health and education. Such initiatives will require allocation of resources in national budgets to be combined with the creation of employment prospects so that the phenomenon of girls and women travelling overseas as migrant workers can be contained. Development policies such as structural adjustment which entail a cutback in state support will have to be reviewed, in the light of the resulting family disintegration.

The fact that socio-economic and employment policies alone are not adequate but must be combined with concerted efforts to promote attitudinal change with regard to gender relations has been recognised in the newly industrialised countries of Asia. Economic prosperity alone will not benefit women, unless it also impacts on attitudes to gender relations and women's subordinate position in relation to men. Indeed the consumerism generated by economic development can create a greater risk of sexual exploitation of women as an inherent part of a consumer culture.

Improving the status of women in Asia is thus a core dimension of eliminating sexual exploitation of the girl-child. The interface between realising human rights of both women and children must be recognised so as to foster concerted and continued efforts in promoting action and allocating national resources. The Beijing Platform of Action has facilitated this linkage, but women's and children's issues are often dealt with as distinct concerns, and there is little effort to co-ordinate initiatives at the national level. The problem of violence against women has an immediate connection to violence against girl-children and their sexual exploitation. This is also an important area for concerted planning and allocation of national resources, particularly in a context where the definition of children has been extended internationally to cover adolescents and teenagers under 18 years. The vulnerability of the girl-child, particularly the very young child is ignored in initiatives on violence against women. The adoption of a life cycle approach to planning and taking initiatives on violence against women from a perspective of equity in gender relations can help to prevent ad hoc approaches, and encourage holistic action.

(b) Effective Law Reform and Law Enforcement

It is important that the law should be clear and unambiguous on the illegality of child prostitution, pornography and trafficking, and that an uncompromising, prohibitionist approach is nevertheless combined with sensitivity to the need to protect rather than detain or punish the child victims.

There are gaps and ambiguities in laws, and when the law is in place, there is weak law enforcement. This encourages large scale infringements amongst the perpetrators of abuse, and leads to victim apathy and helplessness.

The problem of child pornography requires a special response given the fact that Commonwealth countries invariably have constitutional guarantees on freedom of speech and/or information dissemination. Research and proposals for law reform should explore the problems of conflict and compatibility between the social interests of protecting fundamental freedoms and eliminating child prostitution and pornography. Tighter regulatory controls may be necessary and the comparative experience of Commonwealth countries in introducing and enforcing regulatory controls can be shared usefully. It is time that all countries move towards recognising that even possession of child pornography is illegal.

In particular the minimum age of statutory rape should be raised so as to make sexual intercourse with a child a high risk activity. High minimum sentences, combined with guidelines to the courts and consistent efforts to sensitise the judiciary, the law enforcement agencies and professionals is

crucial for effective law enforcement. Inter-agency or inter-departmental collaboration in responding to sexual exploitation and allocation of adequate resources for institutional networking and law enforcement is crucial. It may be necessary to have separate police units with trained police officers, preferably women. Some countries have already taken initiatives in this regard but they are also not sustained by allocation of resources and monitoring law enforcement.

Law enforcement in this area connects to other matters such as migration and birth and marriage registration. Systems of registration help to prevent fake employment and marriages, and establish the correct identity and age of the victim. This infrastructure is often lacking and there is little co-ordination between professionals such as lawyers and doctors and immigration and registration authorities, even though their responsibilities are connected in effective investigations, court prosecutions and punishment of offenders. This is often why law enforcement is weak and ineffective or there is corruption and an undermining of legal controls.

Monitoring infringements, through the establishment of “hotlines” for complaints, and an internal Ombudsman system can be useful. Public interest litigation in the superior courts, with recognised standing given to NGOs and concerned activists working for children, remains an important strategy. These processes do not merely help to give individual redress, but provide public scrutiny of the action of officials, particularly law enforcement authorities. A system of imposition of liability to pay personal compensation to the victims and “shaming” the offender by public scrutiny can undermine, if not eliminate, corruption at the official level.

The legal system and legal procedure should recognise that the child victim of commercial sexual exploitation is a victim in need of recovery and reintegration. A non-punitive approach should be adopted and the judges, law enforcement officers and social workers sensitised to this approach.

(c) Establishing and Maintaining Crisis Centres and Shelters

Governments and NGOs must continue to provide a variety of services to victims for medical treatment, psychological counselling and support. These should also address the separate needs of the children of child sex workers in situations where these girls have their own children. The successful programmes often involve the victims themselves and a close collaboration with them, so that they are not merely the beneficiaries or recipients of “relief.” Strengthening their capacity to cope, and also using their experiences to develop strategies for eliminating this social problem is an important resource that must not be overlooked.

Health programmes must focus in particular on sexually transmitted diseases and HIV/AIDS, and preventive measures to combat this health hazard. This can include the integration of programmes for victims of sexual exploitation into national services programmes to combat sexually transmitted diseases including HIV/AIDS. These should also be lobbying for more humane and realistic laws to help those suffering from HIV/AIDS and similar diseases. Public awareness campaigns can be linked to rehabilitation programmes, so that the treatment and care of victims is perceived as a legitimate endeavour, and a social response to prevent further exploitation of girls, and the spread of disease in the community.

(d) Data Collection, Awareness-Raising and Networking

Lack of action has been encouraged by the absence of data. The public is often ignorant of the reality of the problem and those working in this area do not seem to network effectively with other groups, so as to bring the reality before the community. The fact that governments and NGOs provide different impressionistic data, helps to trivialise the problem. Governments and NGOs should collect data on the problem, its incidence and risks, that can help to prevent abduction and trafficking which are often strengthened by public ignorance of the reality of sexual exploitation. The mass media is often used in an *ad hoc* manner. It is vital to bring journalists, media personnel, and human rights groups together with activists working in this area to perceive it as a contemporary form of slavery that is still thriving in Asia. Radio and the visual media in particular are

accessible to people throughout Asia and can have a powerful impact in presenting the reality as a universal human problem that is causing anguish and suffering to victims and their families throughout the continent.

The recent sex scandal in Belgium, that was widely publicised in August and September 1996²⁰ shows how a whole nation was catalysed to take a stand because of the publicity given to the harrowing experiences of three or four girls imprisoned and abused as sex slaves by paedophiles. Paedophiles from the West have been exploiting Asian children for over a decade. The cynical response to this phenomenon both internationally and nationally on the ground that these are “poor Asian children” who must “sell their bodies to survive” may have been shattered by this episode. The conventional wisdom that appetite creates a demand which must be supplied, seems to have been authenticated in the Belgian experience. Programmes should also promote participation of children and young people so that they can contribute to prevent and protect children from commercial sexual exploitation, and assist victims in recovery and reintegration into society.

Hundreds and thousands of Asian girls have been abused in the same way, without provoking a national or international commitment to stop their sufferings. We must recognise that there can be no question of “their” children and “our” children in sexual slavery. This seems an appropriate time to address the gap in the collective conscience nationally, regionally and internationally and prevent child prostitution continuing to be perceived as a “sensitive” or controversial political issue.

Notes

- 1 Note 11 Supra; Ameenas" Case, *International Herald Tribune*, 20-26 November 1991; Fawad Usman Khan, "Preparing for the Future: Sexual Abuse of Girls and Young Women", UNICEF, Lahore, Pakistan; Bhuiyan op. cit. Country Report, Bangladesh 24; The Flesh Trade: the Trafficking of Women and Children in Pakistan, Lawyers for Human Rights and Legal Aid, Karachi (1993); An Evil under the Sun, *ibid*; ESCAP/1078 op. cit.; Workshop Report on International Migration and Traffic in Women op. cit.; ESCAP/1078 op. cit.; CATW Report op. cit.; Report of Muntarbhorn Vitit, UN Special Rapporteur (1994) Economic and Social Council E/CN-4/1994/84 .
- 2 CATW Report op. cit. 21; The Flesh Trade op. cit.; Workshop Report International Migration and Traffic in Women *ibid*.; ESCAP/1078, op. cit.
- 3 CATW Report op. cit. 22; Workshop Report on International Migration and Traffic in Women *ibid*.
- 4 Fawad Usman Khan op. cit.; The Flesh Trade op. cit.; Workshop Report on International Migration and Traffic in Women *ibid*.
- 5 Note 11 Supra; CATW Report op. cit.; The Flesh Trade *ibid*.; ESCAP/1078 op. cit.; Workshop Report on International Migration and Traffic in Women *ibid*.; Report of Muntarbhorn Vitit op. cit.; O'Dea, Pauline op. cit.; An Evil under the Sun op. cit.; Fawad Usman Khan *ibid*.; Declaration of Asian Preparatory Meeting for Stockholm World Congress on Sexual Exploitation, Bangkok (1996); Country Report, Pakistan, SAARC Meeting, Colombo op. cit. 15; Country Report, Nepal, to UN Committee on the Rights of the Child op. cit. 68-69.
- 6 Note 30 Supra; Mandal Mahabendra "Sexual Exploitation of the Child and the Law in India" and Muntarbhorn Vitit "Child Prostitution and Thailand" in Lawasia Conference Papers on Child Labour and Child Prostitution, Kuala Lumpur, Lawasia Sydney (1986) at 331 and 406; Defence for Children International USA Report, New York (1985) 8; Country Report, Nepal to UN Committee on the Rights of the Child op. cit. 68-69.
- 7 Report on Camel Kids, note 2 supra.
- 8 The Colombo Resolution on Children. SAARC Report of the Second SAARC Conference on Children, Colombo, 16-18 September (1992) 5-7; SAARC Decade Plan of Action for the Child 1991-2000, endorsed by SAARC Summit, Colombo (1991), reprint, SAARC Conference on Children in South Asia, Colombo, September 1992.
- 9 Bombay Devadasi Prosecution Act 1934 and Bombay Protection Extension Act 1957, Madras Devadasi Prevention of Dedication Act 1947, Andhra Pradesh Devadasi Prohibition of Dedication Act 1988, cited in Kosombi Meera, Promoting Women's Rights as Human Rights, National Paper India, ESCAP Expert Grant Meeting, Saitama, Japan August 1996; Devadasi Prohibition of Dedication Act 1982, cited in ESCAP/1078 op. cit. at 30 .
- 10 Kosmabi *ibid* 23; Indecent Representation of Women Rehabilitation Act (1986).
- 11 Cruelty to Women (Determent Punishment) Ordinance (1983), Oppression Against Women and Children Ordinance (1995), cited Sobhan Salma in Bangladesh Country Paper, ESCAP Expert Group Meeting op. cit. 7.
- 12 Penal Code Amendment Act (1995).
- 13 Child Protection Act (1991) Malaysia and Women and Girls Protection Act, Malaysia 1973 cited in Report Vitit Muntarbhorn op. cit. 36; Fernandez, Irene, Mobilising on All Fronts in Schuler M. ed. Freedom from Violence, UNIFEM (1992) 102.
- 14 ESCAP/1078 op. cot.; Fawad Usman Khan op. cit.; Country Report of Nepal to UN Committee on Convention on the Rights of the Child op. cit., Country Reports in Workshop Report on International Migration and Traffic in Women op. cit., Country Report Pakistan, SAARC Meeting, Colombo op. cit., Report Vitit Muntarbhorn op. cit.
- 15 Shiela Barse v Union of India AIR 1986 SC 1773 and AIR 1988 SC 2211; Vikram Deao v State of Bihar AIR 1988 SC 1782 (general); Jain v Union of India AIR 1990 SC 292, Vishal Jeet v Union of India AIR 1990 SC 1412 (specifically regarding children of prostitutes and children in the flesh trade).

- 16 ESCAP/1078 op. cit.; PEACE Newsletter No. 19 June 1996; Country Report Pakistan, SAARC Meeting, Colombo op. cit.; Country Report Nepal to UN Committee on Rights of the Child op. cit. 69.
- 17 Report Vitit Muntarbhorn op. cit. 33.
- 18 Workshop Report on International Migration and Traffic in Women op. cit. 18; Cook, Rebecca, Human Rights of Women, University of Pennsylvania Press, Philadelphia (1994) Appendix A.
- 19 World Plan of Action from World Summit for Children (1990) Section 1(g) and 11(F) on "children in difficult circumstances".
- 20 AFP Report, "Police Inspector held in Belgium Child Sex Scandal: Brussels" *Sri Lanka Daily News* 27 August 1996.