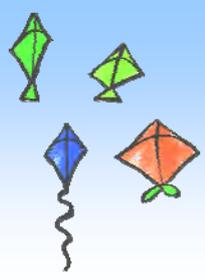


Trafficking in Children in South Asia

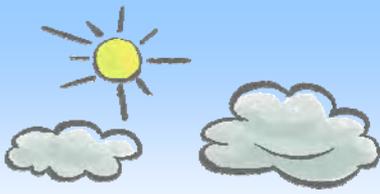




Trafficking in Children in South Asia

Save the Children Sweden
Regional office for South and Central Asia





The vision

Save the Children works for:

- a world which respects and values each child
- world which listens to children and learns
- world where all children have hope and opportunity

The mission

Save the Children fights for children's rights.

We deliver immediate and lasting improvements to children's lives worldwide.

© 2008 Save the Children Sweden

This publication is protected by copyright. It may be reproduced by any method without fee or prior permission for teaching purposes, but not for resale. For use in any other circumstances, prior written permission must be obtained from the publisher.

Project Manager: Turid Heiberg

Text written by: Alana Capell

Reviewed by: Lena Karlsson and Frances Turner

Copy edit: Savita Malla

Design and layout: Karna Maharjan

Text adapted from a study on Child Trafficking in South Asia done by UNICEF Innocenti Research Centre and UNICEF Regional Office for South Asia

Published by:

Save the Children Sweden

Regional Office for South & Central Asia

Sanepa Road, Kupundole, Lalitpur

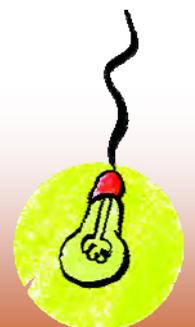
GPO Box: 5850, Kathmandu, Nepal

Tel: +977-1-5531928/9

Fax: +977-1-5527266

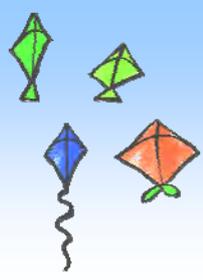
rosca@sca.savethechildren.se

<http://sca.savethechildren.se>





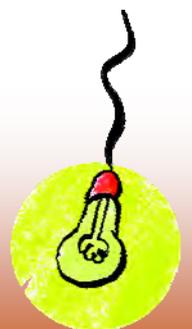
Contents



Introduction	1
Before you get started...	2
 Defining 'Trafficking'	3
Other Definitions	3
What do we know about trafficking?	5
 Trafficking in South Asia	5
Positive Developments	5
Research and Numbers	6
Policy Response	7
What Needs to be Done?	7
National, Regional and International Agreements, Treaties, Conventions and Laws	10
 International Agreements	10
Regional Agreements	11
National Agreements and Laws	11
Child Participation and Empowerment	15
 Recommendations	19
 Trafficking patterns and routes	27

Of course, there is a lot more information and research available about child trafficking in South Asia (and other regions too). Not a lot of it is available in child friendly format, but if you want to find out more, please visit www.crin.org or www.unicef-irc.org.







Introduction

A study has recently been done on child trafficking in South Asia. It looked at many different issues, including:

- ✦ Laws and government systems for protecting children from trafficking;
- ✦ Examples and stories of community level actions to support children and prevent trafficking;
- ✦ New developments in programming and
- ✦ Recommendations and suggestions for addressing the issue.

The groups doing the study include:

- ✦ the UNICEF Innocenti Research Centre
- ✦ the UNICEF Regional Office for South Asia
- ✦ Country Offices (8) in the region

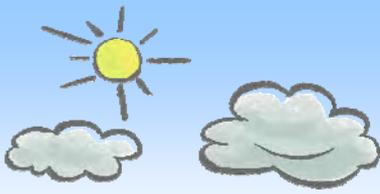
The study looked at child trafficking issues in eight countries:

1. Afghanistan
2. Bangladesh
3. Bhutan
4. India
5. the Maldives
6. Nepal
7. Pakistan
8. Sri Lanka

A key focus of the study is the importance of listening to children and young people and involving them in finding the solutions and in preventing child trafficking.

This child friendly resource has been developed to support children and young people and to ensure that you have the information and opportunities needed to have your voice heard and taken seriously.





Before you get started...

There are some details that will help you as you read through this resource.

Defining "Trafficking"

Different groups, organisations, regions and countries may have different ways to explain "trafficking". This is one of the problems when you start to deal with the issue and look for solutions - many people can not agree on what exactly it is.

There is something called the "Palermo Protocol" (more details on page 11) - this is an international legal document and it is the first document to give an internationally agreed definition for "trafficking".

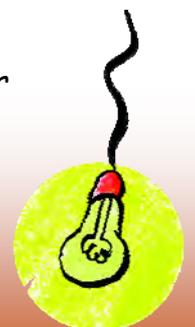
'Trafficking in persons' - Official Definition

Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force, or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (article 3 (a)). Further in regards to children, article 3(c) states that 'The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article'.

Child Friendly Definition

Stealing, kidnapping people, or asking people to come with you by using threats, promises, force, lies and/or power to trade them (buying and selling), to recruit them, to move them from one location to another (for example across borders); or to keep them against their will - all for the purpose of exploitation.

Exploitation includes prostitution and other forms of sexual exploitation, harmful work, being forced to work, slavery, forcing people to do illegal or criminal things and the removal of organs.





The definition applies to all people, men, women and children. But when it comes to children, any kind of recruitment, transportation, moving them around, buying or selling them or keeping them against their will for the purpose of exploitation will be considered 'trafficking' - no matter how it is done. The definition implies that a child cannot consent to being trafficked and a child's consent is not recognised as a justification of any form of child exploitation or abuse.

Other definitions that might be useful:

Policy

Policy can be both formal and informal. Formal policy involves laws, legislation and most government decision making processes. Informal policy can include rules (like rules in the home or school); and ways of working.

Exploitation

Mistreatment, taking advantage of someone, using someone selfishly. For example: making a child work to pay off their parent's debt or making them do dangerous or illegal work in order to make someone else better off.

Sexual Exploitation of Children

Mistreating, abusing and/or taking advantage of a child for personal gains, by involving them in sex work or sexual activity, (including sexual images on the internet) which is illegal or inappropriate.

Discrimination

Discrimination happens when a child or a group of children is treated badly or unfairly because of who they are, what they look like or where they come from.

For example: a child may be treated badly because of the colour of their skin, because they have a disability or because of their religious beliefs or because they are poor or because of their gender (e.g. because they are a girl or a boy).

Empowerment

To give power to someone. Empowering a child can include building their self-esteem (helping them to feel good about who they are), providing them with information/education, making sure that their voice is heard, valued and taken seriously.





Country of Origin

The country where a person is first recruited or kidnapped for trafficking. In many cases the country of origin is the trafficked person's home country.

Country of Destination

The country that a trafficked person is brought to for the purpose of exploitation. This is not always the final point of the trafficking process since a person might be transferred to another trafficker at any stage in the process.

Transit Country

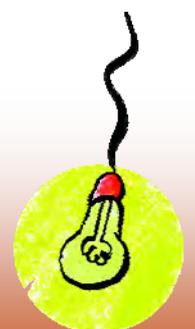
A country that is travelled through on the way to the destination country.

Internal Trafficking

Trafficking that occurs within one country (for example: no one crosses a border). When internal trafficking occurs, a country is considered both a country of origin and a country of destination.

Reintegration

The process of supporting a child victim of trafficking to return to their country, village, community, family - whatever is most appropriate-and to prepare the child and the community for his or her return.





What do we know? - Key findings of the study

Child Trafficking in South Asia

- ✦ Human Trafficking happens in most countries in South Asia.
- ✦ Most countries are countries of destination, origin and transit.
- ✦ Internal trafficking (within a country's borders) also happens.

Because of this, governments in South Asia have many responsibilities. They have the responsibility to:

- ✦ Prevent trafficking
- ✦ Protect children who are victims
- ✦ Protect children at risk
- ✦ Punish the people who are responsible for trafficking
- ✦ Empower children who are victims of trafficking.

Child trafficking in South Asia happens for many different reasons:

- ✦ For sexual exploitation
- ✦ For labour (including domestic work, begging, agriculture and factories)
- ✦ For criminal activities
- ✦ For armed conflict
- ✦ Forced marriage
- ✦ To pay back money that is owed
- ✦ To settle an argument or disagreement
- ✦ For reason relating to illegal adoption
- ✦ Boys in Bangladesh and Pakistan are also trafficked to work as camel jockeys

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

Positive Developments

Many positive things have happened in South Asia to address the issue of human trafficking. And there seems to be a strong commitment from governments to prevent and address child trafficking.

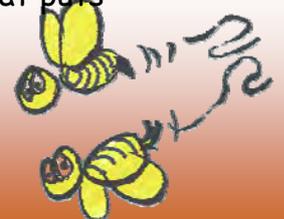


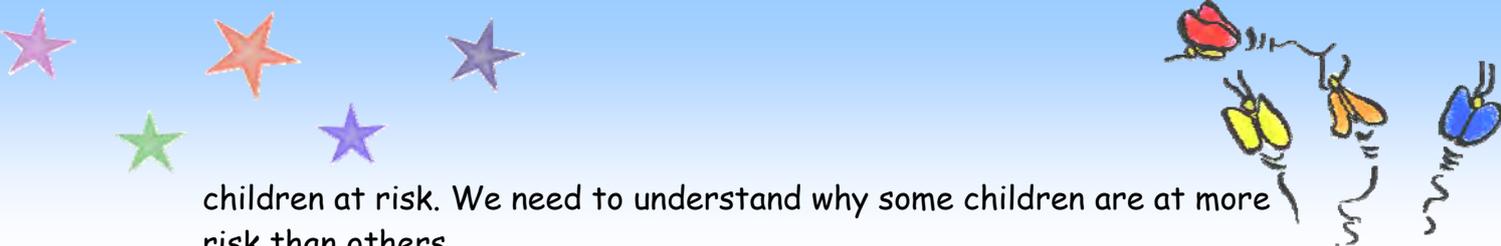
For example:

- ✦ All the countries in the region are members of the South Asian Association for Regional Cooperation (SAARC) and have agreed on ways to prevent and fight trafficking.
- ✦ Many National Plans of Action (NPAs) have been developed that address trafficking in human beings, including some on child trafficking specifically.
- ✦ Many countries have set up special structures and groups to plan, coordinate and put into place policies about human trafficking.
- ✦ Many non-governmental organisations across the region are working to address the issue.
- ✦ Efforts to get the community involved are also in place in some countries. These include looking at prevention and protecting children at the community level and also to understand the reasons that trafficking happens in the first place.
- ✦ South Asia has developed guidelines for taking care of child victims of trafficking and other forms of exploitation and abuse.
- ✦ Some countries have made agreements with each other in order to address the cross-border realities of trafficking (for example, a child is taken from one country and is exploited in another). Countries must work together to address trafficking - but more cooperation is needed.

Research and Numbers

- ✦ Most countries in the world do not have a good system in place to collect and share information about child trafficking. This includes South Asian countries.
- ✦ There is not a lot of information to tell us how big the problem of trafficking is in South Asia.
- ✦ The information that is available does not give details about age, gender, country or the form of exploitation.
- ✦ Little information is available on the social background of persons who have been trafficked and the ways that traffickers work.
- ✦ Information about the local situation, risk factors and children's views on services and options is very important to have. It helps inform national and regional plans to prevent trafficking and to protect children. However, this information is seldom available and is not being collected.
- ✦ More research is needed to understand the links between child trafficking and other child protection issues (for example: violence in the home; poverty and discrimination due to gender, disability, caste, race, religion, etc.). We need to understand why trafficking happens and what puts





children at risk. We need to understand why some children are at more risk than others.

Policy Responses

- ✦ Policies with plans of action are in place in many countries in South Asia to address trafficking in human beings. However, there is little coordination between the many policies and the many people trying to address trafficking (governments, United Nations agencies, non governmental organisations, etc.). They all have different ways of working and different priorities - making coordination at the national and international level difficult.
- ✦ Things in place to protect children often focus on short-term help for victims. Very little attention is paid to understanding why trafficking happens in the first place and identifying children at risk.
- ✦ Little focus has been given to mental and social supports needed for children who are victims of trafficking or other forms of exploitation, abuse and violence.
- ✦ Helping people to make a living and the opportunities that are available may help to reduce risk - we need to learn more about this.
- ✦ Sometimes policies to address trafficking are in place but there is little done to see if they are working or being used. We also need to understand how the many policies are affecting children.
- ✦ Also, sometimes policies are in place (they have been written) but there is not enough money, funding or resources to put them into action.
- ✦ The region has really good experience in supporting children's active participation, especially in policy making. But children's experiences, recommendations and actions to prevent child trafficking are sometimes ignored when making decisions about child trafficking issues.
- ✦ Children are not often heard in legal and administrative procedures dealing with their own legal case and the best interests of the child are not always considered.

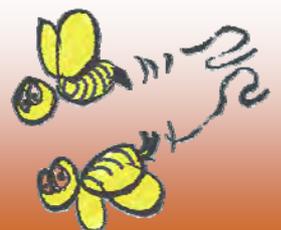
What Needs to be Done?

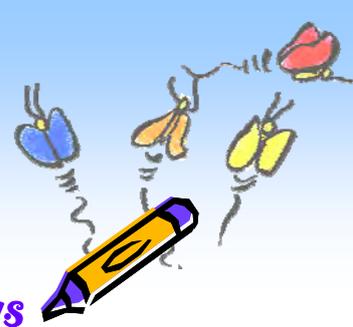
- ✦ Mostly there are not enough laws and systems in place in South Asia to protect children at the community and national level from trafficking; or to punish the people responsible for trafficking; or to help children if they have been trafficked.
- ✦ More needs to be done to have child-friendly legal, medical, mental health and social services available to children.
- ✦ Communities need to get more involved in child protection and in training the people that provide services.





- ✦ More needs to be done to empower children and youth.
- ✦ We need to develop more tools for collecting information and details about trafficking.
- ✦ Different groups, organisations and governments need to work together to address trafficking.
- ✦ By working together it will be easier to see the links between violence, abuse, exploitation and trafficking and between trafficking and migration. It will be easier to address the root causes and issues like discrimination because of their gender.





National, Regional and International Agreements, Treaties, Conventions and Laws

There are many different agreements that have been written about trafficking. Some at the country level, some at the regional level and some at the international level.

It is good to have these details so that you know what information is available and also what actions your government is taking and what promises they have made (or have not made).

Treaties and Conventions: the words 'treaty' and 'convention' mean the same thing. They are legal agreements between governments. They highlight the promises governments have made on an issue (for example: trafficking, child labour, child rights). There are many different treaties and conventions, dealing with many different issues. Visit: www.crin.org

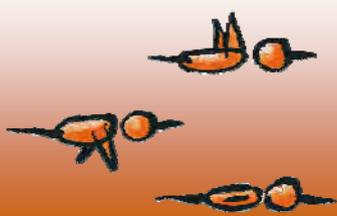
Ratification: When a government 'ratifies' a treaty or convention they are saying that they agree with it and it becomes a legal duty for that country. By ratifying a treaty/convention, a government is saying that they promise to do the things outlined in the treaty/convention.

Signing: 'Signing' is the first step before 'ratification'. If a government 'signs' a treaty or convention they are saying that they agree with it - but it is not yet a legal duty.

United Nations: Also called the UN - it was created after the Second World War to provide a place for all the countries of the world to deal with issues that affect them all. It has a key role in trying to maintain international peace and security. The UN is based in New York and Geneva, but also has offices in other countries.

UNICEF: This is the main organisation in the United Nations that works for the protection, survival and development of children. It works closely with governments around the world to provide services to children such as medicines, vaccines, water, food and schooling.

International Labour Organisation (ILO): was founded in 1919 to advance social justice and better living conditions throughout the world. In 1946 it became the first specialised agency associated with the United Nations. Child Labour is a key focus of work for the ILO.





The South Asian Association for Regional Cooperation (SAARC): is an organisation which aims to speed up the process of economic and social development between the countries of Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

International Agreements

Here is a list of international agreements that all deal with some aspect of trafficking. Most of them can be found at www.crin.org or www.un.org.

UN Convention on the Rights of the Child - also called the CRC

A United Nations document that lays out all the human rights that all children have. Section 35 of the CRC deals with Trafficking.

Regional Details: Every country in South Asia has ratified the CRC.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography;

Optional Protocol on the Involvement of Children in Armed Conflict.

Two resources that are connected to the CRC and deal specifically with issues relating to child prostitution, child pornography, the sale of children and children in armed conflict.

Regional Details: They have been ratified by all South Asian countries except Bhutan and Pakistan, which are signatories.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 - also called the Palermo Protocol:

The Palermo Protocol is important because it is the first legal agreement to provide an internationally agreed definition for 'trafficking in human beings' and for child trafficking.

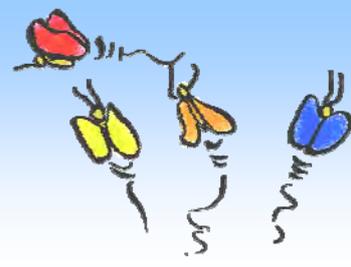
Regional Details: No South Asian countries have ratified it, only Sri Lanka and India have 'signed'.

UN Convention against Transnational Organised Crime

The main international agreement in the fight against organised crime that happens between one country and another.

Regional Details: The convention has been ratified by Afghanistan and Sri Lanka and signed by India, Nepal and Pakistan.





ILO Convention 182

The aim of this convention is to stop the worst forms of child labour.

Regional Details: It has been ratified by Bangladesh, Nepal, Pakistan and Sri Lanka.

The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (The Hague Convention No. 33, 1993)

This convention outlines how to protect children's rights in inter-country adoption.

Regional Details: Only Sri Lanka has ratified this convention.

Regional Agreements

At the regional level, there are also a few agreements that deal with the issue of trafficking, they include:

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution

SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia

The South Asia Strategy against Commercial Sexual Exploitation of Children and Child Sexual Abuse (South Asia Strategy)

Most international and regional agreements on trafficking in human beings focus on adults. The result is that child trafficking is often addressed as a smaller part of trafficking in human beings rather than as an issue that needs special attention. The same approach is seen at the national level as well.

National Agreements and Laws

National Plans of Action (NPAs)

A National Plan of Action can be a useful tool to prevent trafficking, to protect and to empower victims of trafficking. National Plans of Action outline the promises a country has made (at the country level) to address an issue - such as trafficking.





Country Details:

Pakistan has a NPA that addresses human trafficking.

Afghanistan, Bangladesh, India, Nepal and Sri Lanka have NPAs on trafficking in women and children. They mostly focus on forms of sexual exploitation.

Afghanistan and Sri Lanka have NPAs specifically on child trafficking.

Most countries have NPAs that deal with other issues, such as sexual exploitation, labour exploitation or violence and abuse. Some of these have chapters that also deal with trafficking.

Bangladesh has a 'NPA on Children' that deals with education and nutrition and also on protection from exploitation, violence and abuse. It gives special attention to trafficking, including prevention, recovery, reintegration and punishment for the people doing the trafficking.

Laws and Legislation

All the countries in South Asia have laws that address certain issues related to child trafficking. This can especially be seen in laws dealing with child labour and forced or bonded labour, sexual exploitation, violence and abuse, adoption, marriage and kidnapping.

The legal agreements at the national level can be found in: constitutional laws; criminal codes; criminal procedure codes and labour codes.

Country Details:

Bhutan, India, Nepal, Pakistan and Sri Lanka have laws that criminalize trafficking in human beings.

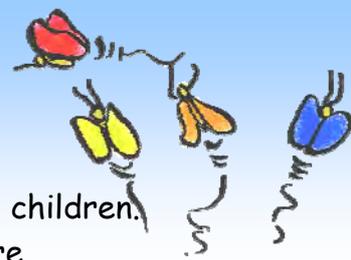
Bangladesh, Bhutan, India, Pakistan and Sri Lanka have adopted laws that criminalize trafficking in children specifically.

Only Bangladesh and Sri Lanka have national legislation that specifically defines child trafficking.

India defines child trafficking in only one state law (the Goa Children's Act).

Afghanistan and Maldives have not yet developed laws on human trafficking or child trafficking.





There are different levels of punishment for the people who traffic children. In one country it is the death penalty, while in others it is less severe.

Child friendly legal processes are in place in Bangladesh, Nepal and in the state of Goa (India). For example: the child does not have to see the trafficker when in court, a camera is used instead.

However, even when there are laws in place, there can be problems with them. For example:

Few laws include support for the victims of trafficking, such as legal support, mental health support or help returning to their country, village and community.

They also do not address the issue of children's empowerment.

Also, some national laws treat boys and girls differently - sometimes boys may receive less legal protection from sexual exploitation than girls, or the minimum age of marriage may be lower for girls than for boys.

Sometimes there is a danger that a child could be legally punished for things they did while they were being trafficked. There is not enough legal protection for victims of trafficking.

Many national laws on trafficking address 'women and children' as one category. This is a problem because it does not highlight the different needs and concerns of children. For example: how a child participates in a legal process will be different than for a woman.

Sometimes serious punishment can be seen as a good thing - it shows that these crimes are taken seriously. But it can also become a problem because people may not report the crime, for fear that the person will be sentenced to death or spend the rest of their life in prison.

Most legal processes are not child friendly and there is little protection for child witnesses or children who help law enforcement.

Other Efforts at the National Level

Some groups or organisations that are responsible for monitoring human rights or children's rights also support anti-trafficking plans for children at the country level. One example is Afghanistan's Human Rights Commission.

Nepal is the only country in the region that has appointed a Special Rapporteur on Trafficking.



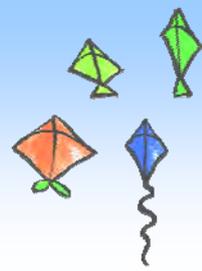


Sri Lanka has established the National Child Protection Authority to address child abuse and exploitation, including trafficking, commercial exploitation and illegal adoption.

In some countries, for example in Nepal, special centres have been set up to train local police departments to identify victims and support victims.

In majority of the countries, the ministry in charge of women's and children's affairs has the main responsibility for anti-trafficking policies and initiatives.





Child Participation and Empowerment



Despite many positive initiatives to involve children in policy making, meaningful child participation in anti-trafficking initiatives is mostly missing. Children and adolescents need to be more involved in developing, monitoring and evaluating programmes and action plans. Child participation also remains low in administrative and legal procedures.

Child-friendly information is rare. More child friendly information is needed about the risks of trafficking and where/how to report abuse and exploitation, as well as on national legal and political resources about trafficking.

Meaningful participation must be supported in all matters that concern children. Throughout this resource you will find details highlighting the importance of child participation, including:

- ✦ Child participation in legal processes
- ✦ Child participation to understand what works and what does not work when it comes to anti-trafficking efforts
- ✦ Child participation to shape government decisions and policies
- ✦ Support to children's own action
- ✦ And more.

This section will further highlight some important points and it will give some examples of what countries are doing to support child participation.

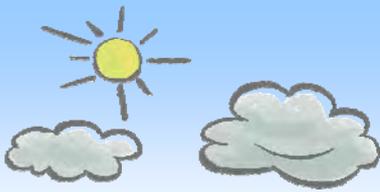
Empowerment

Empowering child victims of trafficking and children at risk is an important part of all anti-trafficking initiatives and should be included in all legal and political responses.

Most decision-making is placed in the hands of adults. A better way is to recognise the ability of children to overcome challenges and plan for the future. Children must be seen as active actors in their own development and recovery from abuse and exploitation. This means that children must receive the right amount of support and assistance and have the opportunity to participate in decisions that will impact their lives.

Meaningful participation helps a child to feel good about who they are and makes them more confident to report abuse. Adults can only protect children when they are informed about what is happening in children's lives and it is children who can provide this information.





Throughout the South Asia region children and youth are starting their own activities, either alone or together with adults, to challenge discrimination, abuse and exploitation. Some are local initiatives, while others take place at the regional level.

Children's own actions should be encouraged in all countries.

Some Examples

Nepal: Child-friendly legal processes

No matter what their age, children are allowed to testify in national court procedures in Nepal. Their testimony counts as valid evidence in court if they can understand the questions they are asked and if they can answer in a way that is also understood.

However, the Supreme Court has decided that the statements of young children must be looked at carefully before they can be considered as witnesses. Nepalese courts have introduced private hearings for cases involving children, including cases on trafficking and rape. The identity of the child is not included in all publications regarding the judicial process and only other key actors in the case can attend the legal procedures.

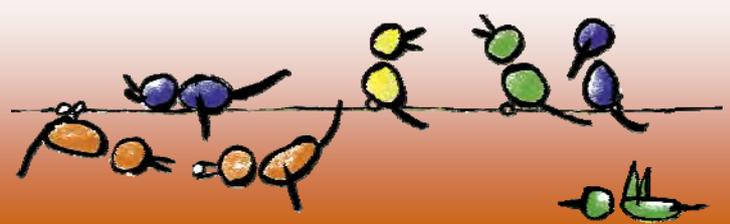
Child participation in Afghanistan

A number of child rights organisations, including UNICEF, supported an initiative that brought Afghan children together to develop a 'Children's Manifesto for Afghanistan' and a 'Framework for Action'. The manifesto and framework were developed using children's ideas and recommendations, identified through consultations and workshops in different parts of the country. The documents list the key strategies recommended for adoption by the Afghan Government, international organisations, civil society and the donor community.

India: Community mobilization

An Anti-Trafficking Network has been established in three particularly vulnerable districts of Andhra Pradesh to protect children from trafficking and address the root causes of trafficking, exploitation and abuse.

The network cooperates closely with community-based anti-trafficking committees, youth groups and government and district administrations.





The network focuses on positive messages, using existing good practices and community structures to enter into conversations about child protection. It has influenced communities to take a stand and acknowledge that trafficking and exploitation and abuse of children need to be addressed.

The high level of youth participation and the government's long-term commitment has increased community involvement in the project. People from the community, especially women and adolescent girls, actively participate in looking out for trafficking related activities in their community, including monitoring the situation in the community and reporting on suspected trafficking.

India: Rehabilitation through life skills education

The NGO Sanlaap runs a life skills programme, called Power Girls that works with girls who are victims of trafficking and other forms of exploitation and abuse. The goal is to help them gain the confidence and skills to make informed decisions. The programme teaches skills for communication, decision making and anger management and addresses issues such as peer pressure and gender-based discrimination. Sessions continue over several months, the girls are not only introduced to skills but are given time to actually learn them. They are also trained in techniques such as active listening and stress reduction. Much of the learning takes place through role playing followed by group discussions, which frequently continues beyond the classroom.

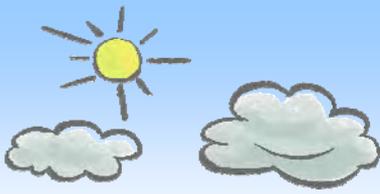
India: Child participation in national plans of action

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

The plan includes:

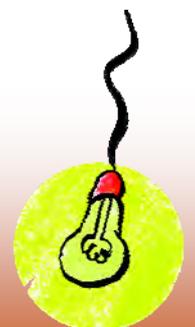
- ✦ Efforts to provide child rights and child participation training for decision makers, professionals working with children, parents and other caregivers;
- ✦ Strengthening children's organisations and providing children with opportunities to advocate with adult groups;
- ✦ Preparing child-friendly information on policies, plans and legislation;
- ✦ Ensuring that children have access to effective complaint procedures;
- ✦ Creating processes that enable all children, including those in difficult circumstances, to participate in monitoring the national plan of action and preparing reports to the Committee on the Rights of the Child.





Bangladesh, India and Nepal: Youth participation at the regional level

The Youth Partnership Project works with child victims of commercial sexual exploitation. It aims to give children who have been trafficked an opportunity to participate in peer support programmes, public advocacy and community awareness campaigns, with a goal of reducing their vulnerability. The project involves partnerships between ECPAT International and various national non governmental organisations - Sanlaap in India, Maiti Nepal in Nepal and Aparajeyo in Bangladesh. Children and staff make regular visits to share their experiences.





Recommendations

Using the UN Convention on the Rights of the Child (CRC)

There are four general principles in the Convention on the Rights of the Child (CRC) that can help to prevent child trafficking and assist those children who have been trafficked. These are:

-  the right to non-discrimination,
-  the best interests of the child,
-  the right to life, survival and development and
-  the right for the child to have his or her opinions heard and counted.

Studies show that sometimes government plans that are meant to protect children sometimes do not work and can actually increase children's risks of being harmed. Using children's rights, the CRC and its four principles will help protect children from harm and improve plans designed to protect them.

Law and Policy

All Countries Should Ratify International Agreements

All countries should agree to use all international legal tools that are available to deal with and prevent child trafficking. Countries in South Asia should agree to the Palermo Protocol. Countries in the area should also address the issue of child protection in general. The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution should be expanded to include all forms of trafficking.

Old Laws Need to be Changed and New Ones Added

Old laws need to be changed and new laws added in all countries to reach an international standard that will address trafficking. This includes trafficking that happens within one country and also when trafficking occurs between two or more countries.

-  The laws should include the trafficking of boys and different concerns of women and children in general.
-  The laws should also include all forms of exploitation.
-  Laws should make sure that a trafficked child is never considered a criminal.





- ✦ The laws should also still allow people to migrate from one place to another.
- ✦ The laws should provide assistance and protection for the victims of trafficking.

This assistance should include medical, mental health, legal and other kinds of ways that help children recover. Assistance should also help children regain their confidence and give them the tools and knowledge to help recover from the experience of being trafficked. The law needs to protect children from becoming victims again and should not further victimize them for any offence they may have committed while being trafficked.

Trafficking Laws Need to be Coordinated in All Countries

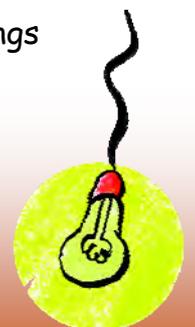
Trafficking laws need to be coordinated in all countries in the region. This is so that victims of trafficking that have gone from one country to another will have access to the same protection and assistance. This would mean that the definition of trafficking and the legal age of the child would be recognised in all countries. If the laws are coordinated then trafficking victims could receive the same support. Also, the way in which a victim is returned to his or her country of origin would be the same in all countries. Also, all children who have been exploited and abused should have the same protection, even if they have been trafficked or not.

All Countries in the Region Should Agree on the Child's Legal Age of Majority and on Other Age Limits that Define a Child

If all countries agree on the legal age of majority - that is, when a child is no longer considered a child by the government - then lawmakers, police and the courts will be better able to deal with children's needs and respect their ability to make decisions. It will also be easier for police and the courts to address the child's innocence and accountability - that is, what the child may or may not be responsible for. However children should never be held responsible for anything they have done which is against the law due to trafficking

National Plans of Action (NPAs)

Some countries in South Asia have not yet started a NPA to address child trafficking. Other countries have NPAs but these need to be changed and updated so that they more fully address the issue of child trafficking and so that they work with other existing national plans. Political support is needed to get the necessary resources, begin programmes and to see how these things impact children.





Countries Should Have a Plan that Includes Everyone Involved

A national plan of action should have a timetable of when a certain action is going to happen. It should also state how much money it is going to take to follow the plan and where the actions are going to take place. It should also clearly define the roles and responsibilities for everybody involved. This included the government, non governmental organisations, international organisations and children. It is important that these groups work together.

National and Regional Child Protection Systems

Developing National Protection Systems

Protection systems - that is, things that are in place to protect children (programmes, laws, etc.) should be developed by countries at the national and community levels. Child protection systems need the right amount of resources to help prevent and deal with child trafficking, violence, exploitation and abuse. These include:

- ✦ helping children to feel good about themselves
- ✦ giving them the tools to recover from trafficking or other types of exploitation,
- ✦ raising awareness,
- ✦ providing child-friendly legal, medical and mental health services,
- ✦ training service providers and
- ✦ collecting information that will tell us more about child trafficking.

Different Groups at Different Levels Need to Work Together to Protect Children

Using the Convention on the Rights of the Child, different groups at different levels should work together and make plans that address the different problems of child trafficking. Important groups and community members should participate. These groups include police, social services, medical and mental health professionals and legal counsellors. These groups can work under the guidelines as set out by the government. The guidelines should help all of these groups work with non governmental organisations as well.

International Child Protection Activities



There should be agreements and plans of action between countries to make child protection activities work better. Countries should work together to help identify child victims that may have come from one country to another. The various countries involved should also help each other trace families and help victims return to their country of origin more easily.



Child Participation in Policies and Actions

Children should be asked about how they feel on matters that affect them. Children should also be encouraged to express their opinion and for these opinions to count. Children need to be involved as they are experts to their own situation and they will help in the design of plans and actions to prevent child trafficking. Information for children and young people that is age-specific and child-friendly in all local languages is needed. Children and young people also need information that educates them on life skills, including information on sexuality, HIV and AIDS. Children's own experiences will help address children's concerns and risks. Child-friendly structures that can act on what children have said and recommended are also needed.

Victim Identification and Child-Friendly Reporting

There should be a system that all countries use to identify children who have been a victim to abuse and exploitation of any kind; including trafficking. This system should not only be recognised by the government but also by any other group or non governmental organisation that are working with and for children. Quality services should still be made available to all children whether they have been identified as a victim or not. These services should respond to each child's needs and should not be based on the child's "category" in which a particular nation may have placed the child (for example: as a child victim of trafficking, a child who ends up in exploitation after they have migrated, etc.). There should be a system of reporting situations of child trafficking, violence, exploitation or abuse - this system should include telephone help lines and safe places in the community that children can go to if they need to.

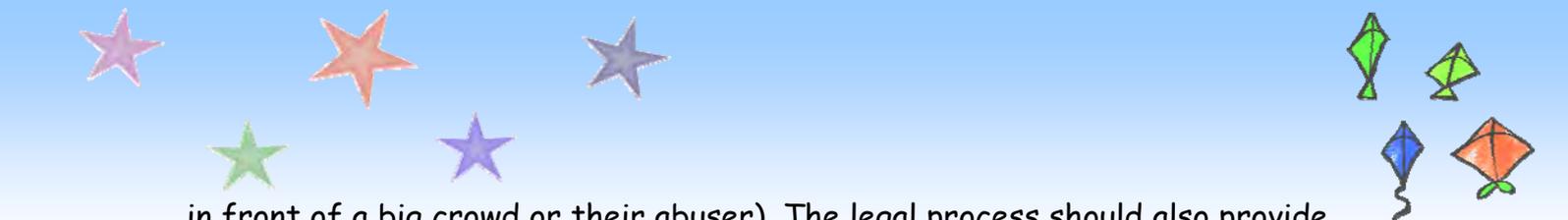
Training of Professionals

People that work with children should be screened - that is, their background and previous history should be checked out to make sure that they do not pose a risk to children. These people should also be trained properly so that they understand children's rights and avoid risks for trafficking children. This training should include information on child development, protection and participation. This training should also include information on how to support children's mental health and to address social factors, including teaching life skills.

Child-Friendly Legal Process

The Legal process in all countries should include special protection for witnesses and should also protect the mental well-being and privacy of the child through *in camera* proceedings (meaning that the child does not have to testify





in front of a big crowd or their abuser). The legal process should also provide protection and compensation to victims and the process should also be quicker. Children should be informed about their rights and have access to legal support and other services. They should also help develop programmes that will help them recover from the experience.

Child-Focused, Non-Discriminatory Practices

Any laws, policies and programmes for children have to make sure that issues of discrimination are addressed. Discrimination is an experience that many children who are victims of trafficking face and it is also one of the main causes of trafficking. The Convention on the Rights of the Child protects not only children who are citizens of a particular country, but also children from a different country - whether they have been a victim of trafficking or not. The Convention also protects children who have no official nationality as well. It is important that countries should not discriminate against children from another country. Countries should help these children maintain their cultural identity and values including their native language. Child-friendly information and services must take children's diversities into account, such as gender, age, ethnicity and national origin, caste, religion, disabilities, etc. Countries should provide awareness of discrimination and should encourage everyone to challenge discrimination when they come across it - including parents, families and professionals working with and for children.

Care, Protection and Reintegration

Countries should set up systems of care that deal with the child's mental and emotional health. Each country needs to develop rules for registration, inspection and regulation of care facilities and technical guidelines. The standards for how to care for and protect children that have been trafficked should be the same in all countries in the region. Children who have been trafficked need long-term support.

Attention should be paid to helping children reintegrate. Sometimes though, it is not always in the child's best interest to be returned to their home or country. Therefore, each child's case should be looked at to see if it is in the child's best interest to return. Governments and other groups need to look at the reasons that might make family members sell or traffic their children. Some of these reasons include a lack of knowledge. There should be public discussions for women, men and children to share their opinions and experiences. These discussions help to change people's attitudes and reduce the risk of child trafficking.





Having Enough People to Help

With support from educational institutions and international partners governments can help to make plans to find out how many social workers, care givers and professionals will be needed to deal with the issue of child trafficking. Training will also be needed.

Monitoring National Child Protection System with Children's Involvement

Child protection systems and practices need to be watched closely to see that they are being done correctly. Children should participate in helping to monitor these systems. An ombudsperson or a child commission should be created to make sure that children's views are heard and included.

Research, Collecting Information and Sharing It

There needs to be a system for collecting and sharing information on trafficking, abuse, migration and disappearances of children and young people. The system should also keep track of people who do the trafficking. Governments, groups and non governmental organisations need to use the internet and up-to-date technology to collect and share this information. The information should include the age, gender, country of origin and the type of exploitation of the child. The information should also include the social background of the victim and the reasons that traffickers might have taken advantage of them. Information shared between two or more countries should be compared and updated so that the monitoring or watching of child trafficking can improve and work better. More information is needed to help get a better understanding of the relationship between trafficking and migration, domestic abuse, neglect and violence.

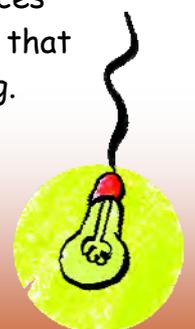
Programming

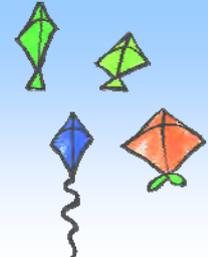
Rights-Based Ideas in Programming

The groups and governments within the regions need to be up to date on rights-based concepts in anti-trafficking programming.

Awareness and Advocacy

Children in organised groups such as child clubs are important advocates in raising awareness about child trafficking. Children can reach many audiences and they should focus on positive messages. Efforts should be tracked so that success can be measured and we can see if people's attitudes are changing.





Prevention

Prevention plans must address the root causes of trafficking and also look at the things that place children at risk, such as social and economic issues, discrimination, violence and abuse. Prevention plans should address both the 'demand' (who wants the children) and 'supply' (who is providing the children) sides of harmful child labour and sexual exploitation. Promoting safe livelihood opportunities, especially in the most vulnerable communities, should be an important part of prevention.

Working with boys and men is important to fight gender-based violence and sexual exploitation. Good prevention measures require the active participation of children and young people in matters that concern them. It also involves promoting an understanding of children's rights, raising awareness of the risks they may face and providing opportunities for children and adolescents to gain skills and confidence to make informed decisions and to take a responsible role in society.

Getting Communities Involved

Getting communities involved is important for both prevention and in helping children to recover.

Getting communities, including religious groups and leaders, involved and raising awareness about the risks and support services have proven to be important tools to empower a community and to prevent child exploitation and abuse, including trafficking.

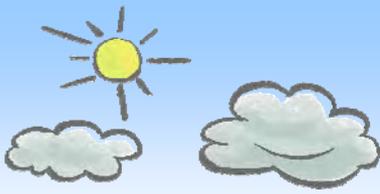
In a community that feels strongly responsible for protecting children's human rights, it is difficult for traffickers to operate and for community members to keep child trafficking hidden.

Community-based organisations and networks play an important role in keeping track of crime, reporting traffickers and in identifying and supporting victims.

Communities need to set up committees to help children returning to the community. These committees should include various groups, including children.

Fathers and mothers can better protect their children if they have information and skills on all aspects of child rights, such as parenting, gender socialization and child development, protection and participation. The links between violence in the home and child trafficking need to be further addressed.





Care, Protection and Reintegration

Activities for care, protection and reintegration need to be combined so that all sectors, institutions and professionals work together.

There needs to be standards/guidelines in place to make sure that care, protection and reintegration practices are of a good quality - all the time. Care givers at all levels also need to receive the proper training and support.

Reintegration practices need to be stronger and they need to ensure the child's safety and the development of care options at the community level.

Involvement of Children and Young People in Programming

Supports need to be in place and adults trained to ensure the participation of children and young people in developing programmes and policy.

Programming should be based on children's specific needs and expressed views, as well as on the needs and views of caregivers and people who work directly with children.

Child-friendly information and life skills education is important for supporting children and young people.

Children and young people can play an important role in developing prevention programmes and in deciding how well the programmes are working.

Children and adults can work together to decide how best to consult with and involve children in these initiatives.

Monitoring and Evaluation

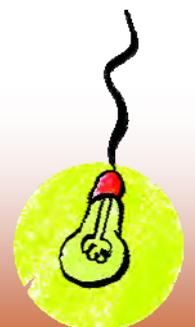
It is important to understand which programmes are working, which ones are not working and why. We should also understand how they are affecting children.

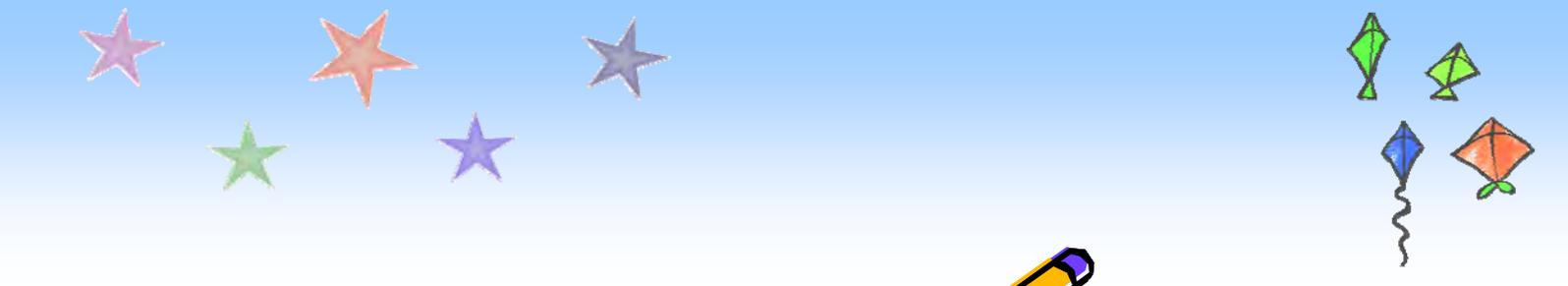
Governments, non governmental organisations and international partners including the media, should develop ways of making sure programmes are properly and regularly monitored and evaluated.

International Collaboration in Programming - working together

The different South Asian countries need to work together and link their efforts aimed at prevention, care and protection.

The countries need structures to share expertise and information about trafficking and to hold technical meetings with all involved groups and individuals.





Trafficking Patterns and Routes

Trafficking in human beings is reported to occur in nearly all countries in South Asia. However, the scope of data and information available on trafficking in the different countries varies largely. Bangladesh, India and Nepal have more compiled data; Bhutan and the Maldives have little, and mostly recent information. However, these variations do not correspond to, or reflect, the extent of the problem of trafficking, exploitation and abuse of children in the respective countries. On the contrary, they illustrate that more systematic data collection is needed at national and regional levels. Moreover, statistics are often collected only on cases of cross-border trafficking of women and girls for sexual exploitation. Thus, information is scarce on the extent of trafficking for other purposes, trafficking of boys for sexual exploitation and internal trafficking.

An analysis of the flows and patterns of cross-border trafficking indicates that the majority of South Asian countries serve as destination, origin and transit countries.

Trafficking takes place both within the region and also between South Asia and other regions, including the Gulf States, East Asia and Europe. However, South Asia is mostly reported as a region of origin. In some cases trafficking is 'symmetrical', meaning that trafficking routes lead both in and out of two countries, for example, to and from Afghanistan and Pakistan.

Most reports cover cross-border trafficking, and limited data exist on internal trafficking. However, reports indicate that internal trafficking in children takes place throughout the region, in particular from rural to urban areas such as in Bangladesh, India, Pakistan and Sri Lanka .

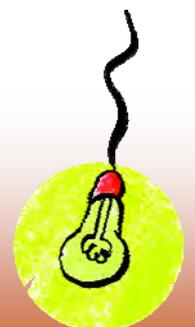
It is very difficult to quantify how many children are affected by trafficking, given the challenge in identifying children who have been trafficked and the lack of reliable data collection systems. Exploitation and abuse can occur at any stage in the trafficking process - in origin, destination or transit countries. Though proof is lacking for some of these categories, reports suggest that children are trafficked for at least the following purposes:

- 
- ✦ Sexual exploitation including in travel and tourism
 - ✦ Labour exploitation, such as to work in sweatshops, agriculture, factories, and in camel racing as well as for domestic servitude



- ✦ Illicit adoption
- ✦ Begging and criminal activities
- ✦ Forced or arranged marriage
- ✦ Debt release and dispute settlement
- ✦ Forced military recruitment

There are indications that children have been trafficked for the sale of organs, however, the issue is an area that needs further research. Trafficking for sexual and labour exploitation is reported for most countries in the region and trafficking for the purpose of forced or arranged marriage is also reported in many countries. Trafficking for dispute settlement, debt release and forced military recruitment are more specific to Afghanistan. .



Save the Children fights for children's rights.
We deliver immediate and lasting improvements to children's lives worldwide.

Save the Children works for:

- a world which respects and values each child
- a world which listens to children and learns
- a world where all children have hope and opportunity



Save the Children Sweden
Regional Office for South & Central Asia
Sanepa Road, Kupundole, Lalitpur
GPO Box: 5850, Kathmandu, Nepal
Tel: +977-1-5531928/9
Fax: +977-1-5527266
rosca@sca.savethechildren.se
<http://sca.savethechildren.se>