

Proceedings

1997 Manila Conference on Trafficking and Commercial Sexual Exploitation of Women and Children

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**Jointly Organized by the Special Committee for Children,
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Foreword

Background

The Agenda for Action against Commercial Sexual Exploitation of Children which was adopted at the World Congress against Sexual Exploitation of Children held in Stockholm in August 1996, calls for action from states, all sectors of society, and national, regional and international organisations, against the commercial sexual exploitation of children. Action demanded includes "Coordination and Cooperation," "Prevention," "Protection," "Recovery and Reintegration" and "Child Participation".

The Beijing Platform for Action, which was adopted at the Fourth World Conference on Women held in Beijing in 1995, also urges governments to enact and enforce legislation protecting girls from all forms of violence including sexual exploitation, child prostitution and child pornography under Strategic objective L7.

For complex social and economic reasons, women and children in Asia are disproportionately vulnerable to these violations of their human rights and dignity. The number of victims of trafficking and commercial sexual exploitation of women and children in Asia has increased in association with the growth of the tourism industry and the growing number of people living in absolute poverty. Furthermore, the situation of many of the victims has deteriorated, partly due to the spread of HIV and AIDS.

Objectives

Hence, the objectives of this conference are:

1. to promote information exchange among Governments, experts and NGOs to prevent and eradicate trafficking and commercial sexual exploitation of women and children and;
2. to formulate recommendations to accelerate implementation of the Agenda for Action against Sexual Exploitation of Children and the Beijing Platform for Action.

Goals

The ultimate aim of this conference is to make contributions to:

1. establishment/strengthening of the legal framework, including a plan of action at national and regional levels to protect children and to prevent and eradicate trafficking and commercial sexual exploitation of women and children;
2. strengthening national capacities to prevent and eradicate trafficking and commercial sexual exploitation of women and children by establishing or strengthening national focal points;
3. promoting the establishment or strengthening of existing networks among concerned government agencies, academic institutions and NGOs in this region to prevent and eradicate trafficking and commercial sexual exploitation of women and children.

Recommendations

Manila Conference on Trafficking and Commercial Sexual Exploitation of Women and Children, 6-7 November 1997

The trafficking and commercial sexual exploitation of women and children is an increasing global phenomenon with trans-national implications. It is an insidious threat to the rights and lives of victims in all regions of the globe. The phenomenon demands immediate counter-action through concerted cooperation at the national and international levels.

A variety of international instruments already exist which should be ratified, effectively implemented and monitored to guide action against trafficking and commercial sexual exploitation of women and children. These include the 1949 UN convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others, the 1992 Programme of Action of the United Nations Committee on Human Rights for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the 1996 Programme of Action of the United Nations Commission on Human Rights for the Prevention of Trafficking in Persons and the Exploitation of the Prostitution of Others, the 1997 Resolution on Trafficking in Women and Girls, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Beijing Platform for Action, and the Stockholm Agenda for Action. These instruments provide a comprehensive framework for measures with which to address these phenomena.

Recognising the significance contributions made by non-governmental organisations to eradicate sexual exploitation and trafficking in women and children, we, the participants of the 1997 Manila Conference on Trafficking and Commercial Sexual Exploitation of Women and Children, make the following recommendations based upon the aforementioned instruments, with due recognition that the diverse socio-economic, cultural, historical background, as well as differing levels of development among the countries of the Asia-Pacific region may result in variation of priority setting at the national level.

There has been a proliferation of agencies, organisations, and activities against inter-country trafficking and the commercial sexual exploitation of women and children, which is no doubt a reflection of a growing commitment and concern at both national and international levels. It is essential however to ensure that scarce and limited resources are used efficiently, and it is therefore necessary to avoid duplication of efforts.

I. National Level

A. General

1. Formulate national plans of action in each country, specifically concerning trafficking and sexual exploitation, based on Beijing Platform for Action, the Stockholm Agenda for Action, and SAARC resolutions
2. Finalise national plans of action immediately
3. Governments and NGOs undertake national situation analysis on the problems of trafficking

and commercial sexual exploitation of women and children, to be updated at least every two years (with a progress report by the end of 1998)

B. Prevention

9. Educate and mobilise the business community, including computer and tourism related industries, as well as the media
10. Disseminate widely laws, instruments, and information campaigns on the realities of trafficking and commercial sexual exploitation of women and children to the general public, including forms which can be easily understood by children
11. Improve training of strategic target groups, such as lawyers, and law enforcement personnel, including police and immigration officers
12. Undertake appropriate socio-economic interventions in regions which are targeted by traffickers as sources of women and children
13. Introduce free and compulsory education, (where none exists), from elementary to high school level for all children

C. Protection

14. Formulate or strengthen gender/child-sensitive judicial processes and training of law enforcement personnel to prevent the re-victimisation of the victims of trafficking and commercial sexual exploitation of women and children
15. Ensure humane treatment of women and child victims of trafficking and commercial sexual exploitation under existing laws
16. Follow-up convicted traffickers/exploiters to prevent recidivism

D. Medical and psychological intervention in addition to legal and other sanctions against exploiters

17. Confiscate assets of exploiters, and compensate women and child victims of trafficking and commercial sexual exploitation
18. Reform labour laws to include provisions against debt bondage and sexual harassment
19. Develop and implement witness protection laws and procedures
20. Maximise mutual assistance among national and local government agencies, NGOs and commercial organisations, including sharing of evidence, information exchange, joint investigation and exchange programmes
21. Introduce laws (where none exist) and amend existing laws on trafficking and commercial sexual exploitation of women and children, to ensure decriminalisation and confidentiality of victims, higher penalties for exploiters and traffickers, including clients and guardians, and adoption of victim-sensitive legal/judicial procedures, with scope for NGO participation

E. Reintegration

22. Improve reintegration process for victims of trafficking and commercial sexual exploitation of women and children
23. Promote consultative processes with victims and organisations of women and child victims of trafficking and commercial sexual exploitation in formulation of legal reforms, protection, and reintegration strategies
24. Facilitate safe return of victims of trafficking and commercial sexual exploitation to home areas, or country of origin in case of cross border cases, in line with the wishes of the victim
25. Enhance the role of local government in providing social support for women and child victims of trafficking and commercial sexual exploitation
26. Create and support multi-disciplinary teams addressing healing and redress for women and child victims of trafficking and commercial sexual exploitation
27. Establish, (where none exist), government institutions for reintegration of women and child victims of trafficking and commercial sexual exploitation
28. Support family and community-based programmes for women and child victims of trafficking and commercial sexual exploitation

F. Information/ Monitoring Mechanisms

29. Ensure the integration of principles contained in the aforementioned key international instruments (CEDAW, CRC, Beijing Platform for Action, Stockholm Agenda for Action, etc.) into national laws, policies, and programmes.
30. Increase the use of multi-media technologies for information sharing and educational purposes by parties engaged in the struggle to prevent the trafficking and commercial sexual exploitation of women and children
31. Monitor child pornography, including that on the Internet
32. Identify and map source areas, routes, and destinations of trafficked women and children, and the establish a reliable and relevant database
33. Undertake comprehensive, action-orientated, culturally-sensitive research into the situation of trafficking and commercial sexual exploitation of women and children
34. Introduce systematic procedures for documenting cases of trafficking and commercial sexual exploitation of women and children

G. Participation

35. Stimulate and sustain youth participation at the local and national level, in preparation for the International youth conference in 1999, as well as in the continuing follow-up and implementation of national plans of action
36. Promote sensitisation and participation at community level of informal and elected

representatives, traditional and religious leaders, NGOs, youth organisations, and involvement in planning, implementation and monitoring of measures against trafficking and commercial sexual exploitation of women and children

II. Sub-regional/ Regional/ Multi-lateral Levels

1. Create bilateral treaties in the Mekong region setting the framework for detailed procedures to be taken against trafficking and commercial sexual exploitation of women and children
2. Implement the ASEAN Plan of Action for Children
3. Promote international mutual assistance in law enforcement, including sharing evidence, exchange of information, joint investigation and exchange programmes
4. Promote co-operation and link-up with international monitoring organisations, including CEDAW committee, Human Rights Committee, UN Human Rights Commission, Committee on the Rights of the Child, INTERPOL, among others, to monitor the situation of trafficking and commercial sexual exploitation of women and children
5. Set regional and sub-regional focal points for trafficking and commercial sexual exploitation of women and children
6. Encourage networking and co-ordination of organisations, institutions, professional societies, at the national, sub-regional, and regional levels
7. Endeavor to hold an annual forum for exchange, co-ordination and co-operation for follow-up to Beijing Fourth World Conference on Women and Stockholm World Congress against Commercial Sexual Exploitation of Children
8. Support and strengthen the inter-agency follow-up mechanisms for Beijing, and establish such mechanisms for the Stockholm conference

Opening Greetings

Makiko Arima-Sakai

Vice-president, Asian Women's Fund, Japan

Excellencies, distinguished guests, and participants, ladies and gentlemen, it is my pleasure to welcome all of you, to this conference on behalf of the Asian Women's Fund

The AWF was established in 1995 in order to realise Japan's moral responsibility for those women who suffered during World War II, as so-called "comfort women". At the same time the AWF is also striving to address contemporary women's issues such as women's human rights violations and violence against women. This conference as a regional follow up of Stockholm World Congress last year is part of our efforts aimed at tackling present day issues on women and children.

This conference could not have taken place without the cooperation of the Special Committee for Children of the Government of the Philippines. I would like to express my heartfelt thanks, for all the efforts, of the Joint Organizing Committee. I would also like to express my gratitude for the cooperation and suggestions of the concerned International Organizations including ESCAP, ILO and UNICEF, and also those of committed International NGOs, such as ECPAT, the Coalition against Trafficking in Women, FACE, Mekong Regional Law Center and PREDA to name but a few.

Having gathered here together in Manila, I hope that, the following two days discussion will be utilized fully in order to outline a concrete plan of action for the Asian region and bring into view accessible focal points for the concerned sectors in each country.

Once again I would like to extend a warm welcome to you all, and wish you every success in formulating effective measures to address the urgent problems, of trafficking and commercial sexual exploitation of women and children.

Thank you.



Presbitero J. Velasco, Jr.

Undersecretary, Department of Justice, Government of the Philippines

Good morning. On behalf of the Secretary of Justice, Teofisto T. Guingona, Jr., Chairman of the Phil. Special Committee for Children, it is my pleasure and privilege to welcome you to this International Conference on Trafficking and Commercial Sexual Exploitation of Women and Children, under the auspices of the Asian Women's Fund, in cooperation with our Special Committee for Children. To the foreign participants, welcome to the Philippines and we hope that your sojourn, though brief, will be enjoyable, fruitful and memorable.

At the outset allow me to congratulate the officials of the Asian Women's Fund and our Special committee for Children for spearheading the organization and implementation of this forum. With all the work put to this endeavor, I am optimistic that this conference will be highly productive and a tremendous success.

Indeed, we at the Department of Justice recognize the pressing need for information exchange among Governments, experts, and non-government organizations in order to address more effectively the global problem of trafficking and commercial and sexual exploitation of women and children. There are disturbing signs that criminal syndicates and these repugnant practices have enhanced their networking through the use of advanced computer technology, thus matching, if not surpassing, the resources of Governments.

Consequently, ingenuous and insidious ways of going around the penal laws and transmitting information through state-of-the-art communication networks have been devised to thwart the legal and judicial processes of the criminal justice system.

However, the situation, while daunting, is not irredeemable.

This conference provides us with a good opportunity to coordinate efforts and develop innovative measures geared towards enhancing each others programs for the protection of our women and children.

Trafficking of women and children will always be a global concern and all countries in the world should vigorously seek and relentlessly pursue the noble objective of eliminating this social ill.

In our country, some of our women overseas workers are also exposed to exploitation and abuse. Our government, in order to protect and promote their welfare and interests, established pre-deployment mechanisms and pre-departure programs, launched anti-illegal recruitment campaigns and on-site assistance were made available, in cooperation with the NGOs. Our Bureau of Immigration assists in these efforts by preventing departure of improperly documented female workers who may land abroad to become victims of criminal elements in foreign land. Our National Prosecution Service investigates and prosecutes people who have illegally recruited Filipino workers for overseas employment.

These measures are complimented by review and passage of laws, formulation of rules and regulations protecting the rights, welfare and health of Filipino contract workers in general.

On the local level, the issue of trafficking of women is being addressed by government and NGOs by providing among others, alternative skills and livelihood projects to women victims, and

carrying out consciousness-raising activities.

From the standpoint of legislation, the Philippines has enacted stringent laws against sexual abuse, commercial exploitation and violence against women and children.

The most recent is RA 8353, otherwise known as "The Anti-Rape Law of 1997". This act broadens the definition of the crime of rape and expands the qualifying and aggravating circumstances so that the crime is penalized by death, and reclassifies it as a crime against persons thus making it easier to prosecute and secure a conviction.

Another landmark legislation in 1992 was the passage of R.A. 7610 otherwise known as the Special Protection against Child Abuse, Exploitation and Discrimination Act. This act penalizes the commission of all forms of abuse, neglect, cruelty and other conditions prejudicial to a child's development. A number of child abuse cases have already reached the courts and offenders have been sent to jail.

The law also penalizes persons who engage in child trafficking as well as those who employ children in their business without properly undertaking measures to ensure their health, protection, safety and morals. Under R. A. 7658 (November 9, 1993), it is prohibited to employ children below 15 years of age in public and private undertakings, unless in exceptional cases specified by law.

Republic Act 6955 (June 13, 1990) makes it unlawful to operate a mail-order bride business in the Philippines. The publication, advertising or solicitations through the media or through the post, of services for the purpose of matching Filipino women to foreign nationals on a mail-order basis is prohibited under this law.

A much more recent development in the Philippine criminal justice system which is expected to greatly enhance and facilitate the enforcement of these laws is the establishment of special family courts which have exclusive original jurisdiction over child and family cases. Approved only on October 28, 1997 RA 8369 mandates that there shall be a Family Court in every province and city in the country to be presided by a judge with special training and demonstrated ability in dealing with child and family cases.

What I have enumerated are only some of the major pieces of legislation enacted in the Philippines in recent years geared towards the protection of women and children. With this initial input, it is hope that we can exchange invaluable information and share experiences in our campaign against criminality and violence against women and children in our respective jurisdiction.

Thank you.



Sen. Sumiko Shimizu

Member of House of Councilors, Japan

Ladies and Gentlemen,

I deeply appreciate the holding of this conference as a follow-up to the World Congress in Stockholm, and the full support of the Government of the Philippines Special Committee for Children. I am very happy to meet those who are devoted to eliminating commercial sexual exploitation of children in Asia and to discuss actions which need to be taken from now on. It is my great pleasure that Japan is, for the first time, a co-organizer of such a forum and has joined you in taking responsible action to tackle this problem.

As you know, Japan is one of the major countries bringing young women from other Asian countries into its sex industry and sending sex tourists abroad. It is also the largest supplier of child pornography in the world. Moreover, we are faced with a further serious situation of prostitution in a different form involving Japanese female junior high and high school students, and this phenomenon has become more widespread.

When Japan ratified the UN Convention on the Rights of the Child, concerned NGOs and a number of female parliamentarians including myself, strongly demanded amendment of laws to implement Article 34 of the Convention. It was rejected by parliament, with the assertion that all of the requirements were covered by existing legal provisions, and that attitude has not changed.

However, the situation is improving. When I attended ECPAT's Executive Meeting in Tokyo in April last year, in preparation for the World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Mr. Ron O'Grady of ECPAT told me that the Japanese government had never participated in their regional preparatory meeting, and had not responded to invitations to the Stockholm Congress. At that time, more than 100 countries had indicated their intention to attend the Congress. As a Japanese politician I felt responsible and so calling for cooperation of other female parliamentarians I put strong pressure on the government to participate. Finally the Cabinet decided to send a seven member delegation and appointed me as its head.

In Stockholm, government officials realized just how far behind Japan was in taking measures to address this evil. Even so, though each government is responsible for implementing the Declaration and the Agenda for Action adopted at the Congress, it seemed unlikely that Japanese government policy would change without pressure.

Therefore, I was determined that I must first move the parliament and started to work on drafting a bill to realize Article 34. I took advantage of a follow-up meeting of the Stockholm Congress held in Tokyo this May, which was jointly organized by the Swedish Embassy in Tokyo and the Japan Committee for UNICEF and attended by Her Majesty Queen Silvia of Sweden, to convince those responsible for policy of the Liberal Democratic Party, who hold the majority of seats in the ruling coalition government, to set up a project team to work on this issue.

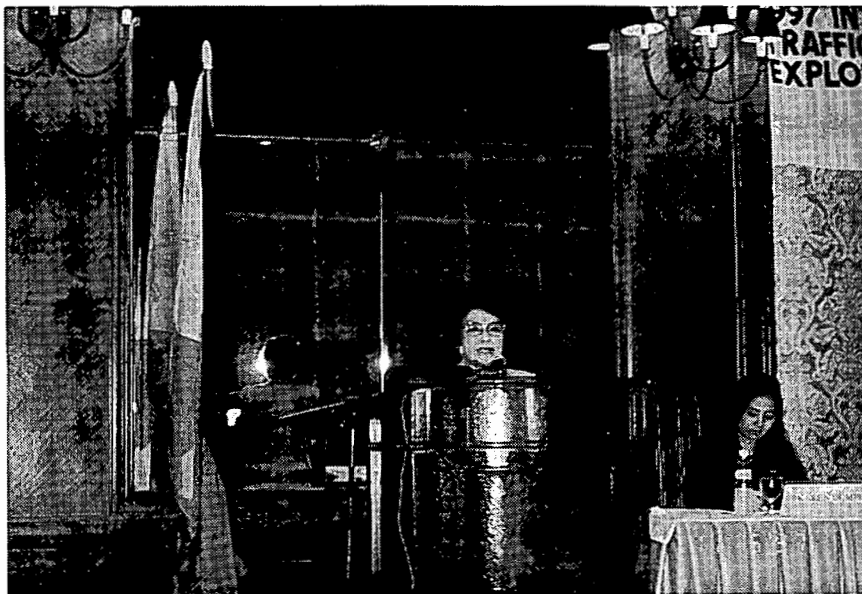
The project team started its work this June and intense discussion has been taking place. A proposal for an independent special law with criminal effect which includes punishment of child prostitution, child pornography, trafficking in children for sexual purpose, and sexual abuse of children has been agreed upon. While we would like to have a bill by the end of this month and present it to the current parliamentary session, I am confident that it will be passed in the next

session, which begins in January 1998.

Many excellent strategies and tactics have helped us to make progress in Japan, and we are indebted to you all for your sincere efforts. I thank you very much and promise you that we will not stop at merely drafting legislation.

Finally, we wish to protect children, who are vulnerable to violations of their human rights and dignity. I would like to promote a movement to eliminate poverty, free children from forced labor, establish children's rights which includes full protection from any form of sexual exploitation and sexual abuse, and to set an international human rights norm. In closing, with awareness that Japan is more obliged than any other country in Asia, I pledge that we will take further action.

Thank you very much



Belinda C. Manahan

Undersecretary

Department of Social Welfare and Development, Gov. of Philippines

Asian Women's Fund, representatives from cooperating organisations—ESCAP, ECPAT, UNICEF etc., other distinguished guests, delegates, colleagues and friends, a warm welcome and good morning.

The Philippines is especially honored and inspired to be host and organizer of this two day conference on trafficking and commercial sexual exploitation of women and children. We know that this conference is a product of tedious work, of critical thinking, of partnership and of commitment working towards a common purpose—how to stop the commercial sexual exploitation of children in whatever form, prostitution pornography and sexual trafficking.

During the World Congress against Commercial Sexual Exploitation of Children held in Stockholm Sweden in 1996, the Philippines has adopted the Declaration and the Agenda for Action against the sexual exploitation, putting premium on the implementation of action, along with prevention, protection, recovery and re-integration and child participation. Initiatives are now being undertaken by this department to concretize its provisions. one of which is the conduct of Situation Analysis of the phenomenon which was completed this October and a Master Plan of operations against the commercial sexual exploitation.

The negative impact of tourism is readily seen in this country's image as one of the prostitution capitals in Asia. Another problem is the use of cyberspace and Internet to promote the prostitution of Filipino women and children. At present there is no mechanism to control and regulate the operation of this technology. There is therefore a need to expand our international network with other countries to work on the solution.

Today we have taken this dilemma both as a challenge and a promise to keep to the world's children. Several measures have been instituted to protect children and women from exploitation aggravated by tourism. Employment of minors is prohibited at tourist establishments, and accredited establishments found to be violating the rules on prostitution are subject to revocation of license to operate. Another measure is the creation of a Special Committee by the President, to monitor the implementation of Republic Act 7610 (a Special protection Law of Children against abuse, exploitation and discrimination). One significant undertaking is the signing of a Memorandum of Understanding between the British Government and the Government of the Philippines for the conduct of training on Women and Child protection Course for police officers, social workers and front-line workers, and another with the Australian Government to combat child abuse.

As we seek to attain the objectives of this conference, so are we also trying to fulfill our obligations as adults to our children. But we have to accept the fact that we are far from achieving our goals. We are certain, however that the fruits of this conference will be a value added to the global efforts of breaking the "culture of silence" and putting a stop to this global menace.

As we converge our efforts and resources towards this objective, let us be guided by taking each step of the ladder one step at a time. Let us always bear in mind that there is no better time and place to act than HERE and NOW. We hope that you will have a fruitful conference.

Keynote Speeches

Dr. Saisuree Chutikul

Senator and Advisor, Office of the Permanent Secretary,

Office of the Prime Minister, Thailand

Distinguished participants, friends and colleagues: I wish to thank the Asian Women's Fund for inviting me to participate in this important meeting. Follow-up of the Stockholm Conference is very much needed and I hope we all can take this opportunity to share what we have been doing, the obstacles encountered and the solutions planned and undertaken.

The executive director, Ms. Mizuho Matsuda, has asked me to speak specifically on the formulation and implementation of national policy and plan of action for the prevention of commercial sexual exploitation of children in Thailand.

Before I go into the details of this topic, I would like to confirm that the situations of the trafficking and commercial sexual exploitation of children as well as the contributing factors and causes for this phenomenon are very similar among our countries in this region. This exploitation has been condemned as the human slavery of this century. The situation is becoming worse because children are the victims and cannot by themselves voice their suffering, call for help and claim their rights.

There are many factors contributing to trafficking and commercial sexual exploitation of children. They included economic, political, legal, social and cultural factors. Poverty by itself is not necessarily a root cause of the problem, although it sets significant preconditions. However, combining with other elements, i.e., the "push" and the "pull" factors, the problems become more severe and more complex and are therefore more difficult to deal with.

- among the factors identified in connection with the proliferation of the child sex industry, the following are worth mentioning:
- the common belief among Asian men that having sex with young girls is rejuvenating and increases virility and longevity;
- the misunderstanding that having sex with young girls is safe because they are considered not infected by HIV/AIDS;
- the cultural belief that children are the property of adults, obedience being the keyword, whereby children can accommodate all types of sexual acts as demanded by adults;
- the concept of "good" and "bad" girls and women believing that once a girl has lost her virginity either through rape or through abuses by a boy friend, she might as well continue to have sex with customers and thus earn money in the process;
- the "greedy" parents affected by consumerism and materialism who want their children to look

after them and to supply them with modern conveniences and pleasures;

- the sense of gratitude towards parents passed on to children making them feel bound to pay back their "breast-milk" money;
- the culturally accepted practice for men to go to prostitutes or entertain mistresses or minor wives;
- the socio-cultural values whereby women are subservient and powerless and become sex objects to please men's desires;
- the practice that subjects girls to bonded labour, especially in the form of bondage by advance on wages;
- the girls are given false promises of good work and good pay or are lured into prostitution by various means including the use of force and violence;
- the family is in debt and has to use the child in exchange for money;
- family disintegration through parental irresponsibility;
- huge financial gains amounting to billions of dollar for procurers, owners, "mamasans," pimps, corrupted officers, and organized criminals both domestic and trans-national, etc.;
- the lack of rule of law and weak enforcement of the laws and regulations.

National Policy and Plan of Action

In order to alleviate or eliminate the problems related to trafficking and prostitution of children, it is necessary to plan and carry out measures and strategies which are multifaceted and multi-disciplinary. Concentrating on only one aspect alone we will not reach our objectives.

Thailand, through the Office of the National Commission on Women's Affairs (NCWA) has appointed a task force to formulate a national policy and plan to cope with trafficking of children and children in commercial sexual exploitation. The task force consisted of social planners, academics, researcher, representatives from governmental and non-governmental organizations, judges, attorneys, representatives from the Police Department and Immigration Office, and some interested and concerned persons. Previous to the formal consultation, there was also an opportunity to talk to the girls and women in commercial sex. Their participation was very valuable in our work.

The mandate given to this task force was to formulate policies, plans and practical measures. The process of formulation included having focus groups, workshops, seminars and policy meeting at the national level before final documents to the National Commission on Women's Affairs and to the Council of Ministers respectively. This national policy and plan of action have been officially approved and became effective during the week of the Stockholm Conference.

The National Policy states that:

- There must be a total elimination of entry into the commercial sex by children, both boys and girls, who are under 18 years of age;

- Prohibition of luring, threats, exploitation and acts of violence in the operation of the commercial sex business;
- Imposition of punishment to all persons who take part in the prostitution of children and punishment for officials negligent in, or choosing to ignore, their duty to enforce compliance with relevant policies, laws, rules and regulations.

The major programmes for the years 1997 to 2006 are:

- Prevention programme
- Suppression and removal programme
- Assistance and protection programme
- Rehabilitation and reintegration programme
- Establishment of structures, mechanisms and systems in the supervision, control, monitoring, follow-up and speeding-up of the implementation.

I. Prevention

In the prevention programme, there are a number of key strategies. I would like to mention some of the areas where special efforts have been made.

1) Education

a) Formal education

Thailand truly believes that education is a principal means and intervention to prevent young girls at risk who potentially will be involved in trafficking and prostitution. Within our national plan, it was proposed that quality basic and compulsory education should be extended from six years to at least nine years.

The intent of the State to provide basic education for all is manifested in our new Constitution which has become effective last month, October 11, 1997.

Article 42: *Persons shall have equal right in receiving basic education for not less than 12 years which the State has the duty to adequately and satisfactorily provide.*

This implies that compulsory education has to be raised from 6 years to 12 years.

Article 54: *children and juveniles have the right to be protected by the State from being abused;*

Children and juveniles who do not have guardians shall be raised and provided education by the State according to the provision of laws.

b) In the national plan of action, it also states that impoverished, disadvantaged children and especially girls at risks, age 12 to 15, with no opportunity for further education, are to be given access to education and/or vocational training.

Besides making a legal statement or statement of intention, further responsibilities lie in the

commitment for the implementation and actions which are practical and workable in the sense that children are actually learning and are prevented from being trafficked or entering into prostitution.

Examples of such action are many. First is the scholarship program given by the Thai Government called Sema Pattana Chewit (Seman Life Development Project) carried out by the Ministry of Education. To date this project has enabled almost 18,000 girls to continue education from grade 7 to 9 (from age 12 to 14). "Villages at risks," i.e., where many children in prostitution have originated, mainly in the Northern part of Thailand, were identified as target areas. These primary school teachers in those areas were asked to "secretly" observe young girls who were completing the grade 6 and who might be "at risk" to leave the village to enter into prostitution.

The district committees then selected these girls and classified them into 2 types of risk levels. Five hundred "very high risk" girls per year were given scholarships to the 19 special boarding schools under the Rural Patronage of His Majesty the King. All expenses were paid for three academic years. The girls in the lesser risk group were sent to the regular schools with a scholarship worth about US\$ 300 per year, also for three academic years.

This scholarship program will be extended to cover the whole country this year.

One female member of the House of Representatives from the North organized a scholarship program based on donations received from the people. The NCWA also offered scholarships contributed by Thai citizens through television campaigns. In addition, the NCWA, through contributions by DANIDA from the Government of Denmark, UNICEF/Thailand and ILO, provided assistance through several NGOs, such as the Daughters' Education Programme, to young girls at risks to enable them to continue their education. The total number of girls thus helped was about 5,000, again mainly from the North.

Scholarships and special funds for children are by themselves not sufficient if rules and regulations still prevent children from entering schools. The legislative framework, at first glance, might not seem to be relevant but it will actually support children at risk to be in school.

During my time as a cabinet member, I was able to propose modifications of one law and one regulation to enable young children to go to school. The first one is the Nationality Act where, formerly, children born of Thai mothers and foreign fathers could not become Thai citizens and therefore were deprived of all privileges and rights as citizens. That was changed with much difficulty but finally the National Security Council, the Ministry of Interior, the Ministry of Defense and the Ministry of Foreign Affairs agreed to the proposal that these children should be given Thai citizenship. Therefore these children now have access to educational services and other benefits.

The second ministerial regulation stipulated that children who did not have a birth certificate or house registration number could not enter school. Our proposal was to abolish such regulation. With these two laws changed, thousands of children were able to go to school, including children from poor families, hill tribe children, street children, and children who have been rescued from hazardous employment.

We found that education alone in the regular schools is not sufficient to change the attitudes and values of these girls towards prostitution. In some areas, temporary shelter was provided for many hill tribe girls whose homes were far away from schools. In many instances, teachers, as well as religious and community leaders are needed to help give financial, psychological, and moral support to the girls. Development of self-esteem and self-confidence, the understanding of what may be involved in prostitution, the situation of HIV/AIDS and its causes, the implication of

the principle of gender equity and human rights and the understanding of social/cultural values, etc., are part of the experiences given to the girls. Ten videotapes were carefully produced for them and their parents to aid in their discussion with the teachers on different subjects. Leadership training was also given to strengthen their new roles in resisting prostitution and in helping their younger sisters to refrain from going into prostitution.

After Government and NGOs vigorous campaigns, changes of laws and regulations, social mobilization and the provision of scholarships and funds, an increasing number of children continued their education beyond grade 6.

For example, lower (grades 7-9) secondary school enrollments increased from 63% of this age group (i.e., ages 12-14) in 1994 to 77% in 1997 and is expected to reach 84% next school year.

b) Non-formal education

For many other children, going to regular schools is not very attractive. Vocational training, especially short course training, seems to be more appropriate. The Ministry of Education arranged for young girls to enter nursing programs provided by many hospitals and nursing colleges. The private and business sectors also participated in program assistance. For example, Dusit Island Resort Hotel in Chiangrai, Dusit Resort Hotel in Pattaya and Dusit Laguna Motel in Phuket, the Pan Pacific Hotel and many others helped train girls in their various departments from house services to services in restaurants as well as cooking. Textile companies offered courses in garment and accountancy. Private institutions provided courses in caring for young children or for the aged, and for domestic help, courses in computer, etc.

Another type of non-formal education which has close interlink with formal education is that of short courses where curricula are streamlined along the line of regular curricula in schools. These courses are offered to those children, adolescents or even adults who missed their first chance of attending regular schools. Certificates are given for grades 2, 4, 6, 9, and 12 equivalence to those who complete the requirements. Many girls at risks, who may have been too old to join the regular classrooms or who could not afford to attend regular schools such as hill tribe girls have successfully taken those courses and this has helped to prevent the girls from entering into prostitution. The New Life Centers in Chiangmai and Chiangrai arranged this type of non-formal education along with other vocational training for their hill tribe girls.

At the Oslo conference on Child Labour last week, it was reconfirmed that every child has the right to education. All activities which interfere with the child's education must be regarded as unacceptable. To put it even more strongly, involving children in commercial sex is considered the most intolerable form of exploitation. We cannot allow even one child to be in it, and education must play a significant role to prevent children from entering into prostitution.

2. Family Involvement

Family plays a crucial role in a child's life. Families can protect children or can actually push the children into prostitution.

The economic security of the family, knowledge and understanding on the danger and life threatening risks involved in sending children into prostitution, the understanding of the "tricky" methods used by procurers or the false promises usually given by recruiters, understanding about alternatives available for education and occupation, parental education, etc., are some of the measures which are used with the parents.

In Thailand, the following actions have been taken to date:

- Immediate and long range policies and plans for family development were proposed by the National Commission on Women's Affairs and were approved by the Council of Ministers last year. Specifically, in relation to commercial sexual exploitation of children, teachers organized parental focus groups to discuss matters related to this issue. As mentioned earlier, ten video tapes were carefully produced for this purpose using local environments and local dialects. A number of three minute articles related to the problem of prostitution read in dialects and recorded on cassette tapes were to be used by the village broadcasting systems targeting the parents and the community.
- A novel called "Midnight" written by a famous novelist has just been published. This book is designed to be used with parental focus groups as well as with children for them to read in and out of school.
- Pamphlets and brochures have been produced for families and children to help them contact GOs and NGOs who can help them when faced with unscrupulous persons attempting to lure them into this flesh trade, or in cases where children would like to lodge a complaint.
- Each province has been provided with funds towards family development for producing a provincial handbook on the subject, disseminating the handbook and training village volunteers to support family development. It is hoped that families and communities can help identify families in trouble. Evaluation of this project is being carried out by the NCWA.

3) Counseling Services

Educational, vocational, psychological and personal counseling and guidance services should be provided to families, children and youth both in schools and in the community—many problems can be worked out gradually and solved through counseling programmes. In the urban areas, phone-in counseling services are also provided by NGOs.

In Thailand, a survey of available services and training needs related to counseling is being conducted. A national seminar is planned for February 1998 in Bangkok. Training the trainers in family counseling is also planned for mid 1998 with possible support from UNICEF and WHO.

4) Social Mobilization and Campaigns

Active social mobilization and public campaigns can bring an awareness of trafficking and prostitution that might involve crime and HIV/AIDS. Such campaigns will hopefully result in a certain level of change in attitudes and values towards sexuality and foster an appropriate kind of socialization process both in the families and in the schools.

Activities which have been undertaken include the following:

1. encouraging citizen reporting by giving telephone numbers for contact in the newspapers and on the television;
2. requesting talk-shows to include issues of trafficking and commercial sexual exploitation in their programmes;

3. publicizing and condemning the brothels and entertainment places which offer sex services which have been raided, including the names of the operators;
4. asking a very famous cartoonist to draw cartoons with appropriate messages. These cartoon posters are displayed inside and outside public buses and are also shown on the television. The posters cover messages such as: "father, please come home; don't encourage child prostitution: they are your daughters".
5. 30 second videos produced by professionals broadcast on prime time television conveying messages related to trafficking and commercial sexual exploitation of children, with special appeal to decrease the demand for children in prostitution.

II. Suppression and Removal

Prevention will not be successful if not accompanied by other measures, especially suppression and removal.

1) The Laws

In the past 12 months Thailand has promulgated 2 acts: one is the Prostitution Prevention and Suppression Act which became legally effective on December 21, 1996. The other is the Prevention and Suppression of the Trafficking in Women and Children which will become effective very soon as it was already passed by the Senate last month and is in the process of being sent to be signed by His Majesty the King.

Along with the latter is the Penal Code Amendment Act which also deals with trafficking.

The Prostitution Act, as it is briefly called, was the revision of the 1960 Act of similar name. The former Act intended to outlaw all forms of prostitution and the penalty for prostitutes was more severe than that for procurers.

The present Act has decriminalized prostitution and treats prostitutes as victims of poverty, social problems and organized crime. The heavier penalty is for procurers, brothel owners, pimps, managers, "mamasans," customers and even parents who send their children into prostitution.

Moreover, customers who buy sex from minors under the age of 18 years are to be imprisoned from one to six years. Parents of the minors are liable to imprisonment of four to twenty years and their guardianship may be revoked by a court order.

The girls will be rescued and provided with various types of education and training. The role of NGOs has also widened. I must however add here that it took us thirteen (13) years to pass this law.

The Prevention and Suppression of Trafficking in Women and Children Act stipulates that conspiracy to commit an offence concerning trafficking in women and children is already a crime and subjected to punishment. The penalty for traffickers is imprisonment from one to twenty years. The officials have wider authority in searching and inspecting places. The victims are to be helped and rescued, and provisions are made to facilitate legal procedures.

2) Enforcement of the Laws

The Laws by themselves are only the beginning of the whole process of suppression and removal. This means that without strong commitment to enforcement, the laws mean nothing. In fact, some corrupt officers might even use the laws for their own benefit, in which cases the victims are doubly abused.

The NCWA has set up a monitoring system for law enforcement. Two persons of whom one is from the NGO called FACE (The Coalition Fight Against Child Exploitation), are assigned to follow all cases that come to the police attention, whether the victims or the offenders are Thai or foreigners. This project is supported by UNICEF/Thailand.

The follow-up of the cases includes inquiry into the case situation, and facilitates the process of **not** giving bail for the offenders through the Office of the Attorney and the Ministry of Justice.

Police actions are closely monitored. Reports are made to the NCWA whenever difficulties arise or when there is indication that further actions are needed. This implies that the whole procedure of enforcement is being watched and any suspected irregularities should be reported.

For trafficking across the borders, the NCWA has been working with the International Organisation for Migration (IOM) and the Global Alliance Against Trafficking in Woman (GAATW). Based on a small research by GAATW and information from IOM meetings and a seminar were organized to find ways of working together. Asianet also organized a meeting on trafficking.

Another activity to take place this November is a sub-regional conference organized by the NCWA and the Mekong Region Law Center with support from CIDA (Canada), UNICEF and Austaid on trafficking in women and children to held in Bangkok. The purpose is to share experiences related to the topic and to decide what can be done to alleviate or eradicate the problems. The discussions will center around preventive measures, immigration, law enforcement, and transnational and cross border trafficking. It will be proposed that all 6 countries concerned (Myanmar, China, Laos, Cambodia, Vietnam, and Thailand), each should have a national task force or a national committee responsible for this. Later on, bilateral negotiations are to be worked out among the 6 countries on the details of procedures, for example, procedures related to prevention, suppression, removal, rehabilitation and reintegration.

Discussions should include: laws and regulations applicable to those procedures; if improvements on them are needed, what revisions are to be made and by whom; could these countries exchange information and data on a regular basis, etc. Agreement should be reached and these procedures should be carried out. It is hoped that by so doing women and children can be helped and prevented from becoming victims of such hideous crimes, and the procurers are arrested and punished.

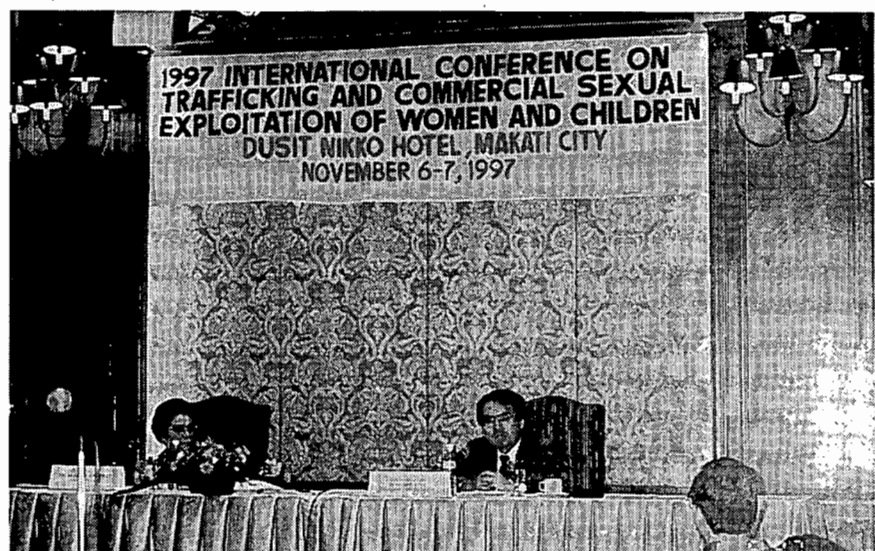
I do not have time to go into the details of other programmes in our plan of action and the laws/regulations which are related to them. At any rate, I would like to say that whatever measures are agreed upon they have to be undertaken simultaneously. Each measure has its own problems or its implementation is faced with many obstacles. For example, within the education sector, there are problems related to its quality, its relevancy to the child's life, its lack of children's participation, to name just a few. Even with the scholarship program, there is the question, for example, on its sustainability or whether the selection of recipients fits objectives.

In working on law enforcement, we are faced with police negligence, corruption and negative attitudes towards female victims. We arranged to have training sessions for male/female police with the help of Australia and UNICEF. There is also the so-called "dark influence" where even

the police do not dare to intervene. Another obstacle is the long and inefficient legal process for example where a child may have to wait for a long time for court decisions, etc.

After attending so many conferences and meetings, I have the feeling that all the ideas on what should or could be done are well known to all of us. The problems, always, are: who will do it, how to do it, how to obtain efficient and effective results, and how to sustain those actions. While we are having meetings, those unscrupulous gangsters out there are also having their meetings to outdo us. It is a kind of war, and some people say that we will never win.

It took 40 years of campaigning to change the smoking behaviour of people. Like drug addiction, coping with trafficking and sexual exploitation of children is a more complex challenge. It involves dealing with illegal networks financed by huge amount of money. This is a fight which requires us to travel a long journey intently with patience and perseverance. We shall find the moral strength to carry on our efforts in our compassion for children. Caring for the child's rights will keep us going, through supporting one another. We are determined to achieve what we have set out to do, even though it might take time to do it.



Dr. Kohki Abe

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Distinguished Guests, Ladies and Gentlemen.

I am very grateful that I have been invited to speak on this occasion, rubbing shoulders with honorable Senator Saisuree Chutikul of Thailand. I believe that you all have with you my paper prepared originally in Japanese and later translated for submission to this conference into English by Charlotte Nakayama of the Asian Women's Fund. The information contained in the paper is as of March or April this year. There have been some developments since then; I am very happy to inform you of the legislative progress currently underway in my country, as briefly described by Senator Shimizu in her welcome remarks.

The mandate entrusted with me as a keynote speaker by organizers of this conference is to describe what is going on in the field of law for the eradication of one of the most heinous violations of human rights: commercial sexual exploitation of children.

In recent years countries around the world have begun to make renewed efforts to tackle the problem of the sexual exploitation of children. The phenomenon is not a new one, but recently the scale of the sex industry, centred on developing countries, has grown enormously, with a corresponding rise in the number of children involved.

Following the recognition of the seriousness of this problem, legislative review has been placed high on the international political agenda. New international agreements were forged at the United Nations, and at the same time, or earlier in some cases, several countries took the initiative to establish new national legislation.

Legislative reform based on promoting the human rights of women and children urges us to change or revise current patriarchal social values. Once the issue of sexual exploitation is raised, challenges to the various deep-rooted values and myths relating to sex naturally arise. Such values and myths have been constructed over long periods of time, and their deconstruction will surely require time and effort. It is clear, however, that new legislative instruments represent a desire to reform established structures and ensure a more equal redistribution of social resources to include women and children. "The law (only) provided a sign of the authorities' assessment of which interests demand protection, what kind of behaviour cannot be tolerated."¹ Legal reforms may be considered as the expression of national policies that give priority to the protection of the interests of children and the unacceptability of their sexual exploitation. In many countries these kinds of policies have been brought into existence, although actual implementation is as yet far from satisfactory.

Since the end of the 1980s, the issues of sexual exploitation of children have rightly been a focus for the attention of the international community. With the leadership of Northern European countries and the driving force of the non-governmental sector, and in particular the efforts of ECPAT, moves to help eliminate this problem are advancing across the world. In response to the proposal submitted by the Working Group on Contemporary Forms of Slavery of the Sub-

¹ Report of the Working Group on Contemporary Forms of Slavery on its Fourteenth Session, UN Doc E/CN.4/Sub.2/1989/³⁹, para 46.

Commission of the Commission on Human Rights, the Commission on Human Rights appointed a Special Rapporteur on the sale of children, child prostitution and child pornography. The Commission adopted the "Programme of Action for prevention of sale of children, child prostitution and child pornography." Mr. Vitit Muntarbhorn of Thailand was appointed as Special Rapporteur. He collected a great deal of data, and produced a report yearly. Ms. Ofelia Calsetas-Santos took over his position in 1995. Moreover, the Working Group on Contemporary Forms of Slavery has been following up the Programme of Action.

At the regional level, in 1991, at the Council of Europe, the Committee of Ministers adopted the Recommendation concerning sexual exploitation, pornography, and prostitution of and trafficking in children and young adults, which consists of forty four components. In February, 1997, the European Union adopted the Joint Action Plan to combat human trafficking and the sexual exploitation of children. INTERPOL has also been actively dealing with the issues.

International efforts reached a peak at the First World Congress against the Commercial Sexual Exploitation of Children held in Stockholm in 1996. International organisations, governments, and NGOs participated in the Congress, and one of the main objectives was "to nationally and internationally propose definite actions to end this abominable violation of the rights of children." A Declaration and an Agenda for Action were adopted at the Congress.

The Convention of the Rights of the Child which was adopted in 1989 has formed an important foundation for the elimination of sexual exploitation of children. In particular, Article 34, which states that children should be protected from all forms of sexual exploitation is of central importance. However, Article 34 does not function as a strong measure to deal with the issues of sexual exploitation of children effectively and thus some countries, such as Australia and parts of Latin America have proposed the establishment of new legislation to eliminate the sale of children, child prostitution and child pornography. These suggestions are under discussion in the form of the Draft Optional Protocol to the Convention of the Rights of the Child at the Commission on Human Rights. In the beginning, many Western countries and NGOs showed disapproval of the Draft Optional Protocol. However the coming to light of a number of brutal incidents committed by paedophiles in Belgium and other countries was a turning point, and since then most countries have given their support. Nevertheless, the early completion of drafting work about, for example the scope of the Protocol, is questionable because of the differences of opinion between individual countries.

Working within the international current, many countries have modified their legislative systems. In Europe, many countries have introduced legislative measures under which anyone who commits sexual crimes in an overseas location shall be liable to prosecution in their home country. Some countries, such as Australia and the United States, have begun to regulate overseas trips for the purpose of sexual exploitation of children. The legal measures to ensure testimonies of children who are victimised overseas has been established in Australia, though it is not yet sufficient. The countries that has been "sources of supply" for people who sexually abuse children in child prostitution have been actively reforming domestic laws. Adoption of the Special Protection of Children against Child Abuse, Exploitation, and Discrimination Act (1992) in the Philippines, the Child Prostitution Prevention Bill of (1995) in Taiwan, and the Prevention and Suppression of Prostitution Law (1996) in Thailand are testimony to the efforts being made.

At the beginning of the 1990s, regulation of child pornography became a more prominent issue. The production and distribution of child pornography has become prohibited in most of the European countries except for Eastern Europe. Mere possession of child pornography is prohibited in Austria, Belgium, Denmark, the UK, Germany, the Netherlands, and Norway, Canada, the US, and the Australia. During this period, the recognition that the principles of

freedom of speech does not apply to child pornography has become widely accepted. On the other hand, adequate legal measures have not yet been established in many parts of Asia and Eastern Europe. Lack of legal measures, combined with conditions of poverty make these areas sources of supply of child pornography.

Some offenders have been prosecuted under recently established legal measures. The first case took place in Norway in 1990. Between 1995 and 1997, extra-territorial criminals have been prosecuted in Sweden, Germany, Australia, and the Netherlands. With strong support from local NGOs, the regulations concerning sexual exploitation of children have become prominent in the Philippines.

Sexual exploitation of children is not an issue of sexuality but rather of abuse of power, and has been recognised as a violation of children's human rights. Other forms of discrimination such as that based on gender or the distinction between rich and the poor are also relevant. The review of existing legislation indicates the existence of a political will to protect the interests of women and children which have been neglected by patriarchal social systems. Such political will has become apparent in many countries.

Japan has not been indifferent to the issue of the sexual exploitation of children. It is widely recognised that many Japanese nationals have "participated in" child prostitution in East and Southeast Asian countries, and the number of cases in which Japanese paedophiles have been arrested and prosecuted on suspicion of sexual crimes has been increasing.

An important feature of this country is that the production, distribution, and possession of child pornography is openly accepted. When Japan finally ratified the Convention of the Rights of the Child in 1994, the government did not take action to amend existing national legislation, on the judgment that no amendment was necessary. Certainly, the Japanese legal system and the government has still not yet invested the necessary resources for the realisation of the best interests of children. This country has not established an adequate legislative framework to protect children from all forms of sexual exploitation.

However, Japan is not completely out of step with international developments on this issue. At the beginning of the 1990s, European countries began introducing extraterritorial legislation to legally address the issue of child prostitution. However, such legislation was already a feature of the Japanese Penal Code. Some European countries have adopted the principle of dual criminality or approved the effect of criminal decisions abroad, which could possibly restrict punishment of extraterritorial criminals. In contrast, the Japanese Penal Code adopts the principle of "unlimited and active jurisdiction over all Japanese nationals". Japanese legislation is not behind that of Europe, but rather Europe has been following the example of Japan. And yet, many concerned parties at national and international levels appear to be under the impression that the Japanese government has not taken any measures towards the elimination of the problem. Despite some progressive aspects of Japanese legislation this criticism has much truth in it. Under the prevailing circumstances, the existing legislative system requires further review.

It is submitted that four stages have been identified in the recognition of the nature of the problem of the sexual exploitation of children by society at large. The first stage is "denial and negligence" in which the existence of the problematic issues is not recognised, and therefore necessary information is not gathered. The second stage is "shifting responsibility to the deviant" in which despite growing recognition of the problem, it is blamed on a limited group of "deviants" within the population. The third stage is "blaming the victims" in which victims are accused for some way triggering their sexual abuse. After passing through these three stages, society tends to begin to recognise the true nature of the issue. Efforts to gain understanding of the issues by NGOs and

citizens organisations are evaluated more appropriately and this then leads to the action by legislatures and administrative organisations.²

With the widespread impact deriving from the Stockholm Congress and a recent follow-up meeting in Tokyo which was organized jointly by UNICEF JAPAN and the Embassy of Sweden, Japan is gradually reaching the fourth stage. A special task force of which Senator Shimizu is a member, was newly established within the framework of the ruling coalition government, with the purpose of working out a draft bill to effectively tackle the problem. A series of meetings were convened for serious discussion. Immediately before the launching of the task force, I was asked to brief relevant Diet members on international developments and outstanding deficiencies in Japanese legislation to be modified. One such deficiency is lack of uniform code to deal with the problem. You need to put together all relevant provisions from several codes, which yet can never be sufficient. Above all current Japanese legislation is not ready to face up to the daunting reality in the world, particularly in Asia. Some of the grave deficiencies which I mentioned on that occasion are:

Firstly, regarding the Japanese Penal Code:

1. The existing Penal Code defines the age of consent as thirteen. The Draft to the Amendment of the Penal Code states it to be fourteen, but this is still thought by many to be inappropriately low. Further discussion of this point is desirable.
2. Sexual crimes such as rape or indecent assault are subject to prosecution only upon receipt of a complaint from the victim. At present the period within which a complaint can be filed is limited to six months. However, taking into account the trauma experienced by victims, this period seems too short, especially in cases in which victims are overseas. There remains the question of whether or not it is appropriate to consider sexual offences as subject to prosecution only after receipt of a complaint by the victim.
3. Whether or not extraterritorial legislation is well-established or well-maintained needs further attention. The implementation of mutual assistance in police investigation and the placement of well-trained law enforcement officers at diplomatic establishments abroad are repeatedly mentioned in the Programme of Action of the Commission on Human Rights at the United Nations and in the Declaration of the Stockholm World Congress. These measures need to be taken immediately. To punish extraterritorial criminals effectively, procedures for examination of witnesses, the recording of testimony, and the taking of evidence needs to be established. Attention also needs to be paid to the care and security of child witnesses.
4. The Japanese Penal Code needs to be revised to regulate traffic in human being from overseas locations into Japan.
5. The Japanese Penal Code prohibits the distribution, sale, and public exhibition of any obscene writings, drawings, and other materials. However, in most cases, child pornography is unregulated. These provisions only regulate to protect standards of public decency, not the human rights of women and children. The two notions may overlap to some extent but are not equivalents. Most child pornography is problematic from the point of view of protecting the human rights of children, although it is frequently not considered as obscene. Only if the current concept of "obscenity" which reflects the dominant patriarchal social values is reviewed, and the perspectives of women and children are included, could child pornography

² Council of Europe, op cit., pp. 17-18.

possibly be regulated under the current Penal Code. If such a review is deemed improbable, new legislation needs to be established. Further review is also required to regulate child pornography in cyber-space which appears on the Internet momentarily but is not a tangible object.

It would be very difficult to regulate these kinds of pornographic pictures. In order to regulate child pornography on the Internet it will be necessary to free ourselves for the notion that pornography is a tangible object. Article 175 of the Penal Code was established for the purpose of regulating "corporeal objects," and therefore it is difficult to apply this to cyber-pornography. The logic behind this article is that, the televising of obscene film or movies is considered to be the "exhibition of obscene materials," however, what is considered to "exhibited" is not the "image" but the film itself. If images and pictures are fixed on a film, then the film becomes an "obscene material." The target of regulation is limited to "objects".

The Prostitution Prevention Law does not regulate those who use prostitution. The question of why users are not liable to prosecution should be tackled. Future consideration is necessary regarding the "principle of abolishment" that is currently adopted which only regulates the act of inducement to prostitution. This legislation determines prostitution as illegal, but due to the existence of other legal measures, prostitution is in fact openly accepted. This contradiction needs to be discussed.

The Child Welfare Act, on the one hand, punishes anyone who induces a child to commit "indecent acts" but, as with the Prostitution Prevention Law it does not punish those who engage in prostitution. The Child Welfare Act is able to suppress child pornography to some extent by regulating "acts which have harmful affects on children." A serious limitation of the law is the weight it places on the wishes of parents/relatives and employers.

To our encouragement, the ruling parties' task force is reportedly approaching an agreement, although more coordination seems to be required to fine-tune the bill before submission to the Diet. International pressure is of enormous help in pushing legislators to recognize the urgent need to embody the strong political will.

I very much appreciate the endeavors incessantly pursued by concerned people for the eradication of trafficking and commercial sexual exploitation of women and children. Political momentum generated in Stockholm has to be sustained at the international level, to which purpose/this conference definitely contributes. This conference should remind once again all relevant people, policy-makers in particular, of the incomparable significance of the Stockholm Agenda For Action, and in line with the recommendation of UN Special Rapporteur Ofelia Calcetas-Santos, should endorse the call by the Stockholm Congress to states to urgently strengthen comprehensive, cross-sectoral and integrated strategies and measures, so that by the year 2000 there are national agendas for action and indicators of progress with set-goals and time-frames for implementation toward the elimination of commercial sexual exploitation.

Topic I: Commercial Sexual Exploitation of Children; Legal Aspects

Prof. Vitit Muntarbhorn

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(Summary of Speech)

NATURE OF THE PROBLEM

- STRUCTURAL: Poverty, paternalism
- GLOBAL/Regional
- SYSTEMIC: Supply/Demand
- CLANDESTINE/INVISIBLE/SEMI-VISIBLE
- CRIMINAL/CORRUPTIVE
- CULTURAL/ANOMALOUS
- TECHNOLOGICALLY CHANGING
- DISCRIMINATORY
- EXPLOITATIVE
- INTER-GENERATIONAL

INTERNATIONAL INSTRUMENTS AGAINST TRAFFICKING/ SEXUAL EXPLOITATION

- 1949 Convention for the suppression of the traffic in person and of the exploitation of the prostitution of others
- 1979 Convention on Elimination of All Forms of Discrimination against Women (CEDAW)
- 1969 Convention on the Rights of the Child (CRC)

Plans of action:

- Beijing 1995 (Women)
- Stockholm 1996 (Commercial Sexual Exploitation of Children)
- UN (Child Sale; Traffic in persons)

Stockholm 1996: Commercial Sexual Exploitation of Children (CSEC)

Definition of CSEC:

“sexual abuse by the adult and remuneration in cash or kind to the child or a third person...”

UN General Assembly 1994

Definition of trafficking:

"The illicit and clandestine movement of persons across national and international borders, largely from developing countries, with the end goal of forcing women and girl children into sexually or

economically oppressive and exploitative situations for the profit of recruiters, traffickers and crime syndicates"

This definition covers trafficking for prostitution, domestics, false marriages, clandestine employment, false adoptions (includes boys).

LEGAL CHALLENGES

- Over legislation: too many laws of certain types
- Inadequate laws re protection of victims of trafficking/sexual exploitation. Need review, reform
- Even where good laws exist, poor law enforcement (and corruption)
- laws are not self-constrained but must be accompanied by other measures/interventions
- Laws unknown or poorly understood

TYPOLGY OF LAWS AGAINST TRAFFICKING/SEXUAL EXPLOITATION

Laws with impact on trafficking/sexual exploitation (although not titled "anti-trafficking laws"):

- e.g. the Criminal Code;
- Anti-prostitution Act; Child Protection Act;
- Labour Law (against debt bondage, etc.); Family/adoption Law

Laws Titled "Anti-Trafficking Law/Act"

- e.g. Act on Trafficking in women/girls and/or titled "law/act on (commercial) sexual exploitation
- Extra-Territorial Laws
- Extradition Laws
- Other laws/arrangements, e.g. Mutual Assistance Laws

AREAS REQUIRING LAWS/ POLICIES

(according to the Stockholm Agenda)

- PREVENTION
- PROTECTION
- RECOVERY/REINTEGRATION
- PARTICIPATION
- INFORMATION
- COOPERATION

1. PREVENTION

- Laws/Policies on access to education
- Laws/Policies against discrimination (constitution?)
- Laws/Policies on social security (help family/child)
- Laws/Policies on community mobilization (decentralization)
- Laws/Policies on child protection
- Laws/Policies on nationality and humane treatment of aliens

2. PROTECTION

- Laws/Policies against sexual exploitation e.g. criminal code, anti-child prostitution/pornography trafficking
- Laws/Policies to punish sex exploiters(including customers) but not the child
- Extra-Territorial Laws
- Extradition/other legal arrangements
- Immigration Laws that do not punish victims of trafficking
- Criminal Procedure Law that does not victimise victim
- (Temporary) Residence Policy Law allowing victims to stay in country to which they have been trafficked so as to prosecute trafficking
- Law/Policy for humane treatment of those with HIV/AIDS
- (Anti) Prostitution Law/Policy that does not punish victims of trafficking; punish(es) intermediaries rather than the prostitute; prohibit child prostitution
- Labour Law/Policy against debt bondage
- Labour Law/Policy recognizing rights of migrant workers (even those classified as illegals under immigration law)

3. RECOVERY/REINTEGRATION

- Criminal Code/Procedure Code that does not victimize victim
- Laws/policies for legal aid, assistance, translation
- Confiscation of proceeds if trafficking and use to help victim/money-laundering law
- Reversal of Burden of Proof (i.e. trafficker must disprove charges)
- Laws/Policies to provide social security/medical help for victim (and family)
- Laws/Policies for safe return of cross border victim to country of origin
- Immigration/emigration laws
- Laws that do not punish victim of trafficking
- Laws/Policies to assist healing process of child
- Laws/Policies not only as sanctions against perpetrators but also to promote behavioral changes (e.g. psychological interventions for the exploiters)

4. PARTICIPATION

- Laws/Policies to promote participation of community, family, women/men, child-democracy
- Laws/Policies to enable NGOs to intervene in cases (incentives?) rescue operation
- Laws/Policies recognizing not only formal law enforcers (e.g. police, judges, prosecutors) but also non-traditional law enforcers (e.g. village chiefs; women/youth leaders; NGOs. .

5. INFORMATION

- Laws/Policies to promote collection/analysis dissemination of information e.g. freedom of information law; liberal mass media laws;

6. COOPERATION

- Laws/Policies which enable civil society (NGOs, etc.) to operate freely and to network well e.g. freedom of association law; constitution
- Laws/Policies to promote cross-border cooperation e.g. mutual assistance acts/treaties;

extradition acts/treaties; extraterritorial laws; anti-trafficking laws; exchange of liaison (police officers/interpol role).

- Laws/Policies to promote income, rural development, vocational training for families
- Laws/Policies facilitating access to credit Laws/Policies to remote small-scale industries accessible to localities
- Laws/Policies empowering women's organizations/ youth organizations

7. ISSUES UNDERLYING THE LAW

SUBSTANTIVE: e.g. type of offense; age of protection for child; penalty; double criminality?

PROCEDURAL: e.g. how take evidence (video?); child friendly? gender-sensitive?

MECHANISM/PERSONNEL: victim friendly? e.g. police/courts/social works training social units?

COOPERATION: e.g. mutual assistance across borders; police liaison; community watchdogs

QUESTIONS FOR LAWS

Policies against trafficking/sexual exploitation—is the definition adequate?

How does it cover sending country, receiving country, transit country?

Does it guarantee for the victim:

- freedom from persecution
- access to medical care
- access to legal aid, translation in proceedings against trafficker

QUESTIONS

NATIONALITY from sending country (it spent most of life there) (or with ties)

TEMPORARY stay in receiving country to prosecute trafficker as well as housing, opportunities for education, work, financial help

- access to embassies (own)
- non prosecution for use of false documents
- reversal of burden of proof (trafficker must disprove claim)
- access to confiscated assets of trafficker for compensation
- safe return to sending country

Laws alone are never adequate. The key is implementation and;

- policies
- programmes
- information
- structures/mechanisms
- personnel

- resources (budget, technology, etc.) and good practices

Need to evaluate laws and policies under the following criteria:

- Effective?
- Accessible?
- Affordable?
- Victim-friendly?
- Culturally relevant?



Atty. Merceditas N. Gutierrez

Senior State Counsel, Republic of the Philippines

It is enshrined in our fundamental law, the Philippine Constitution, that the State shall promote and protect the well being of the youth and defend the right of children to assistance, including proper care and nutrition, and protect them from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. This mandate was strengthened when we ratified the Convention on the Rights of the Child and more so when Philippine Congress enacted Republic Act No. 7610, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act. To effectively carry out the provisions of said RA 7610, implementing rules and regulations were formulated.

The President saw the need to ensure implementation of the law by creating a Special Committee for Children to assess, monitor and implement the same Act. The Committee is an inter-agency body chaired by the Secretary of the Department of Justice co-chaired by the Secretary of the Department of Social Welfare and Development. The Committee is mandated among others to report to the President actions taken to address specific issues on child abuse and exploitation brought to the attention of the Committee.

The other government agencies in the Committee are the Commission of Human Rights, the Bureau of Immigration, Department of Labor and Employment, Department of Interior and Local Government, Department of Foreign Affairs and representing the non-government sectors, the Defense of Children International, Stop Trafficking of Filipinos and End Children Prostitution in Asian Tourism and PREDA.

The role of the Special Committee is focused on the implementation of Republic Act 7610. Under Article III, thereof, child prostitution and other sexual abuse is defined and penalized by providing as follows:

"Children whether male or female, who for money or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children to be exploited in prostitution and other sexual abuse."

Under R.A. 7610 the following persons shall be penalized:

1) those who engage in or promote, facilitate or induce child prostitution which include, but not limited to the following:

- a) Acting as a procurer of a child prostitute;
- b) Inducing a person to be a client of a child prostitute by means of written or oral advertisements on other similar means;
- c) Taking advantage of influence or relationship to procure a child as a prostitute;
- d) Threatening or using violence towards a child to engage him as a prostitute, or;
- e) Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.

2) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse, provided that when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under the Revised Penal Code for rape or lascivious conduct, as the case may be, and;

3) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.

From the enumeration of who are liable under the law, we see the child in prostitution not as offender but a mere victim.

Under RA 7610, mere attempt to commit prostitution is punishable. Such attempt is likewise defined as "when any person not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, inn, hotel, motel, pension or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse or when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments.

The Implementing Rules and Regulations of the Act were carefully enacted in a manner easily understood by law enforcement officials, social workers and by the public in general. The procedure in the handling of child abuse cases, from the time it is reported, investigated and filed in court are set out in the Rules.

Said Rules and Regulations seek to encourage the reporting of cases of physical or psychological injury, sexual abuse or exploitation, or negligent treatment of children and to ensure the early and effective investigation of cases of child abuse towards the prosecution of the offender consistent with the need to promote the best interest of the child victim.

In ensuring the early and effective investigation of child abuse cases, the Department of Justice constituted a Task Force on Child Abuse, composed of State Prosecutors specifically assigned to

handle only child abuse cases. In cities and provinces, there are also designated prosecutors to deal with child abuse cases.

The Special Committee saw the need to popularize RA 7610. The Special Committee for Children is conducting Regional Training Seminars/Workshops all over the country, attended by prosecutors, judges, officials, social workers. They are made aware of their duties under the law in dealing with child abuse cases. The Special Committee for the coming year will be conducting seminar workshops involving the grassroots, the *barangay* and school and health officials in the local level.

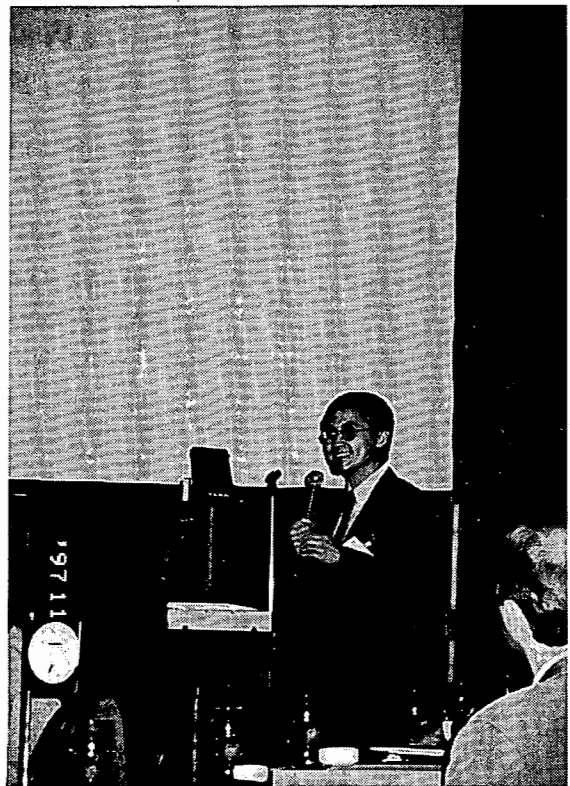
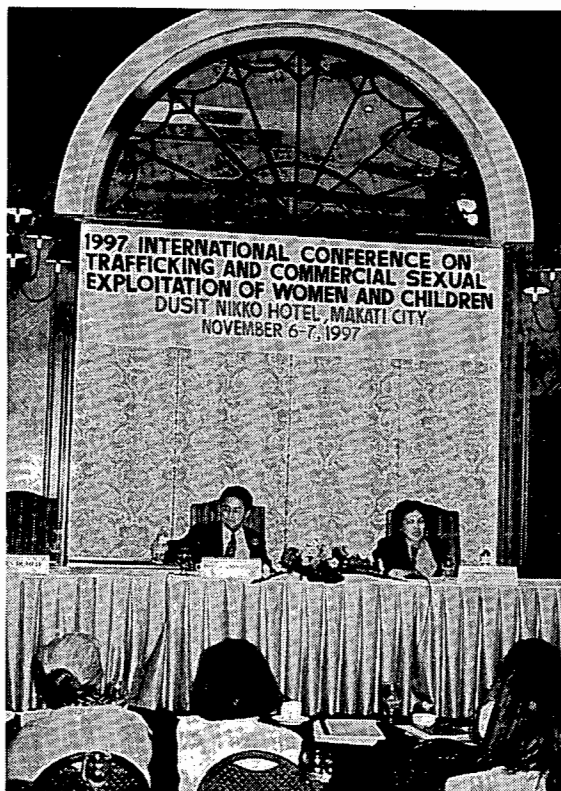
We believe the enactment and implementation of Republic Act 7610 has led to the speedy prosecution of a majority of child abuse cases and has encouraged child victims to report their cases. There are now cases involving against very important people accused of having sexually abused young girls.

Another legislation which supports RA 7610 in promoting rights and interests of children is RA 7658, which prohibits employment of children below 15 years of age in public and private undertaking. It is seen as a way to prevent prostitution. Just recently, Republic Act No.8363 was enacted broadening the definition of the crime of rape and re-classifies it as a public crime. It will now be easier to fight and prosecute child abusers.

To close there are now 200 child abuse cases filed with the Task Force on Child Abuse from the year 1994 and there have been 10 convictions.

We believe RA 7610 is working and effective.

Thank you.



Topic II: Trafficking and Commercial Sexual Exploitation of Women and Children; NGO Strategies

ECPAT International

Ms. Amihan V. Abueva

Representative for Asia, ECPAT International Executive Committee

Honored Guests, Colleagues and Friends,

On behalf of ECPAT International, I am most pleased to be part of this International Conference on the Trafficking and Commercial Sexual Exploitation of Children and Women. We greatly appreciate the initiative taken by the Asian Women's Fund, with the support of the Special Committee for Children of the Philippine Government, in cooperation with the ILO and UNICEF to organize this conference.

ECPAT emerged from the World Conference with an enlarged and revised mandate to look into the wider issue of commercial sexual exploitation of children in a global context. For those who are unfamiliar with our work, the new meaning of our acronym, ECPAT is 'End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes'. ECPAT was founded as a people's campaign to end child prostitution in Asia in 1990, and initiated the preparations for the first World Congress against the Commercial Sexual Exploitation of Children in 1996, in the partnership with the Swedish government, the NGO Group on the Rights of the Child and UNICEF.

It has been fourteen months since we were together in Sweden to approve the Declaration and the Agenda for Action against the Commercial Sexual Exploitation of Children. It is important to note the context in which we meet at this time. We are facing a very complex and deeply rooted social issue, and the regional situation certainly seems more grim in comparison to our situation last year. Among the factors that we must contend with are the economic crisis which has most obviously been seen in the wild fluctuations in the value of our currencies, the severe ecological crisis as demonstrated by the forest fires in Indonesia and the droughts and floods that the El Nino phenomenon in the Pacific will bring and the possible political upheavals or at the least governmental reorganizations that will come in the wake of elections scheduled next year.

But it is also promising to note that in the past few months, many of our governments and the NGOs have come together to look into several issues that are closely inter-related with our topic on commercial sexual exploitation of children, such as the Asia-Pacific Conference on AIDS, the International Conference on Child Labor held last week in Norway, and later this month, we will be hosting the first Asian Consultation on Child Domestic Workers here in Manila.

Perhaps what we need to do is to see how the various Agendas for Action complement each other, what areas are distinct, and most importantly, who is doing what, when, where and what do we need to make all these plans come through. This conference is therefore, a timely occasion for us to exchange experiences and develop our links that would hopefully facilitate the cooperation and coordination that would make our work to protect the children more effective. I also note with great pleasure the continuation of the magic combination of governments, inter-governmental

organizations, NGOs and the private sector coming together to follow-up and examine the progress that has taken place in the past year. It is also our hope that this conference will look into how we can cooperate and coordinate more effectively to continue what we have been able to get done, but also to recognize the areas of work that we have not been able to get done.

I. Follow-up Activities since Stockholm

Since the first World Congress against Commercial Sexual Exploitation of Children held in Stockholm in August 1996, many governmental delegations returned to their countries determined to take immediate action to develop national plans of action to address the issue.

ECPAT has been most active in keeping track of the progress in the implementation of the Agenda for Action. We have been collecting information and publishing a **monthly "Global Update"** on containing brief notes on the developments of the work, mainly of governments, inter-governmental organizations and NGOs.

On the first anniversary of the approval of the Agenda for Action, ECPAT International released the first annual report. This report prioritized gathering information on six key areas:

1. The establishment of a national Plan of Action
2. Legal Actions
3. Information Programmes
4. Educational Programmes
5. Child Protection
6. Youth Participation

While preparing the report, several crucial problems surfaced:

1. The need for updated information on who was the key point person within the respective governments;
 - the person/s who attended were not the ones in-charge of the continuing work;
 - there were changes in the government due to elections, etc., restructuring;
2. Time constraints due to delay in the decision-making process;
3. Need to develop mechanisms to get the various points of view, i.e. official government position vis a vis NGO, other views.

This interim report has entries on 59 countries only (out of 122 governments which approved of the Agenda) and activities of international bodies, several key groups. Most of the information contained in it have been submitted by NGOs, reports from the press and government reports. In this report, the information has not yet been segregated into information received from NGOs and those received from the governments.

However, in spite of its limitations, it is still the most comprehensive summary of developments since the world congress.

ECPAT earlier this year agreed to intensify its work on eight areas, while continuing its important task to provide information and develop its organizational base.

1. Develop the Database

A major data-base containing information on the activities of governments and other organizations in the area of commercial sexual exploitation will be established by ECPAT in order to provide

information to public and assist the UN Committee on the Rights of the Child and the UN Special Rapporteur on the Sale and Trafficking of Children in monitoring the situation of children affected by this problem. The data-base will be essential in monitoring the implementation of the Agenda for Action, preparation of the reports on a cyclical basis and provide information and a resource centre relevant to the implementation of the Agenda for Action.

In the meantime that the data-base is still being set-up, a monthly compilation in summarized form of various government initiatives, called the "Global Updates", is being published.

2. Community Education

Community education has always been a basic component of ECPAT's work in the various countries where ECPAT groups operate. In the next few years, ECPAT will have a more intensive program for grassroots education in some Asian countries, especially in Northern Thailand. In these countries, the community education programmes aims to develop a network to reach communities of children at risk and develop mechanisms for cooperation on community educational services, prepare and distribute culturally appropriate learning materials on children's rights, create opportunities for mobilizing the community and to provide opportunities for developing the leadership skills of the children.

ECPAT has also undertaken the preparation of case studies into the experience of several NGOs in community education.

3. Fund for Children

One of the most significant observations in our work to protect children from the sexual abuse and exploitation has been the importance of the quality of child-caring, especially of those who are in direct contact with the children to provide much-needed services for the children who have victims of sexual exploitation and abuse. In many cases, especially in developing countries, staff caring directly for children are not professionally trained for this type of work, often are overworked and have a heavy case-load, are under-paid and lack opportunities for training and expert supervision.

The Fund will be used to facilitate the training programmes for those working on the recovery and re-integration process of the sexually-exploited children. This effort has been undertaken in the past three years, and an evaluation has been undertaken to examine the experiences and propose how the process can be continued and expanded to cover more geographical areas.

4. Law Reform and Law Enforcement Monitoring Program

ECPAT groups working at the national level have been working intensively to improve their national legislation to provide more protection for children against commercial sexual exploitation. The international network benefits from the timely sharing of this information as well as the practical experience in the implementation of these laws. Community-based programmes have been organized in several countries to monitor the activities of child-sex abusers and the situation of child-victims. The programme assists in the developing of projects for the training of law enforcement officers on the investigation of child sexual abuse cases and the more effective monitoring by NGOs on cases of child sexual exploitation to insure the protection of child-victims and the successful prosecution of child abuse perpetrators.

The ECPAT Legal Consultant has also been reviewing our experience in the application of the provisions of extra-territorial legislation in several countries to identify facilitating and hindering

factors in the handling of cases of sexual exploitation of children.

5. Develop Youth Participation

The Agenda for Action calls for more substantive realization of the children's right to participate fully in the discussions and the development of programmes against the commercial sexual exploitation of children.

ECPAT is planning to facilitate the development of movements of young people in several countries to work on the issue and share their experiences and insights with other young people around the world.

On the third anniversary of the approval of the Agenda (August 1999) an international conference of young people will be held to evaluate the progress in the implementation of the Agenda in their countries, and to share their experiences in actively working together as young people to implement the Agenda.

6. Expansion of the ECPAT Global Network

After the Stockholm congress, there has been a popular request to expand the ECPAT network to work in other regions, especially in Latin America, Africa and Eastern Europe. ECPAT groups in Australia and New Zealand are actively involved in developing contacts in the other Pacific islands.

A visitation program has been started this year to Latin America to develop links with groups and individuals in seven countries, Dominican Republic, Venezuela, Brazil, Chile, Colombia, Guatemala and El Salvador. As a result, more information has been gathered on the researches conducted in these countries on the topic of sexual exploitation of children and current NGO and government initiatives to combat sexual exploitation. This has also been an excellent opportunity to share the ECPAT experiences in this field.

7. Child Pornography

ECPAT has taken up the responsibility to carry on the resolutions from the World Congress on the issue of child pornography. The emphasis of ECPAT work on this issue would be to focus on the use of the computers to produce and distribute through the use of computer technology. One of the initial activities planned for 1998 is an "Experts' Meeting" to define the key issues and the proposed mechanisms to assist governments in refining legislation and other measures to address this problem.

8. Develop Tourism Sector efforts against Sex Tourism

The main focus for ECPAT's work in this sector will be to develop national actions. ECPAT will continue to support the initiatives taken by international tourism-related organizations. ECPAT has appointed two liaison persons to work with the tourism industry to develop cooperation with the industry at an international level.

II. Information on Trafficking and Commercial Sexual Exploitation of Children and Women

I would like to call your attention to this illustration (following page) of major trafficking routes in both South-east Asia and South Asia, which were published in the 1994 ECPAT publication, the Rape of the Innocent by Ron O'Grady. In addition to this information, what we can add based on field information and press reports are the following:

In South-east Asia, from the Philippines, we notice the use of Hong Kong as a transit point for trafficking of Filipinas to Europe and Canada. There are also reports of Filipinas being trafficked to Papua New Guinea in the Pacific, and to Nigeria and other African countries. There are also reports of women from Russia and other Eastern European countries being trafficked to the Philippines, Bangkok and other Asian capitals. We also have reports of Colombian women being trafficked to the Philippines. Another new development are the reports of Taiwanese women being trafficked for prostitution into the Philippines.

Another key area for trafficking is between Vietnam and Cambodia, and the other countries in the Greater Mekong sub-region.

Equally important, and perhaps involving even greater numbers of children is the intra-country trafficking of children for commercial sexual exploitation. There are more reports of trafficking from the rural areas to the cities, and from city to city, making it more difficult to solicit community support for sexually exploited children who are seen by the new host communities as not being "their children".

III. Problems faced by NGOs in addressing these issues

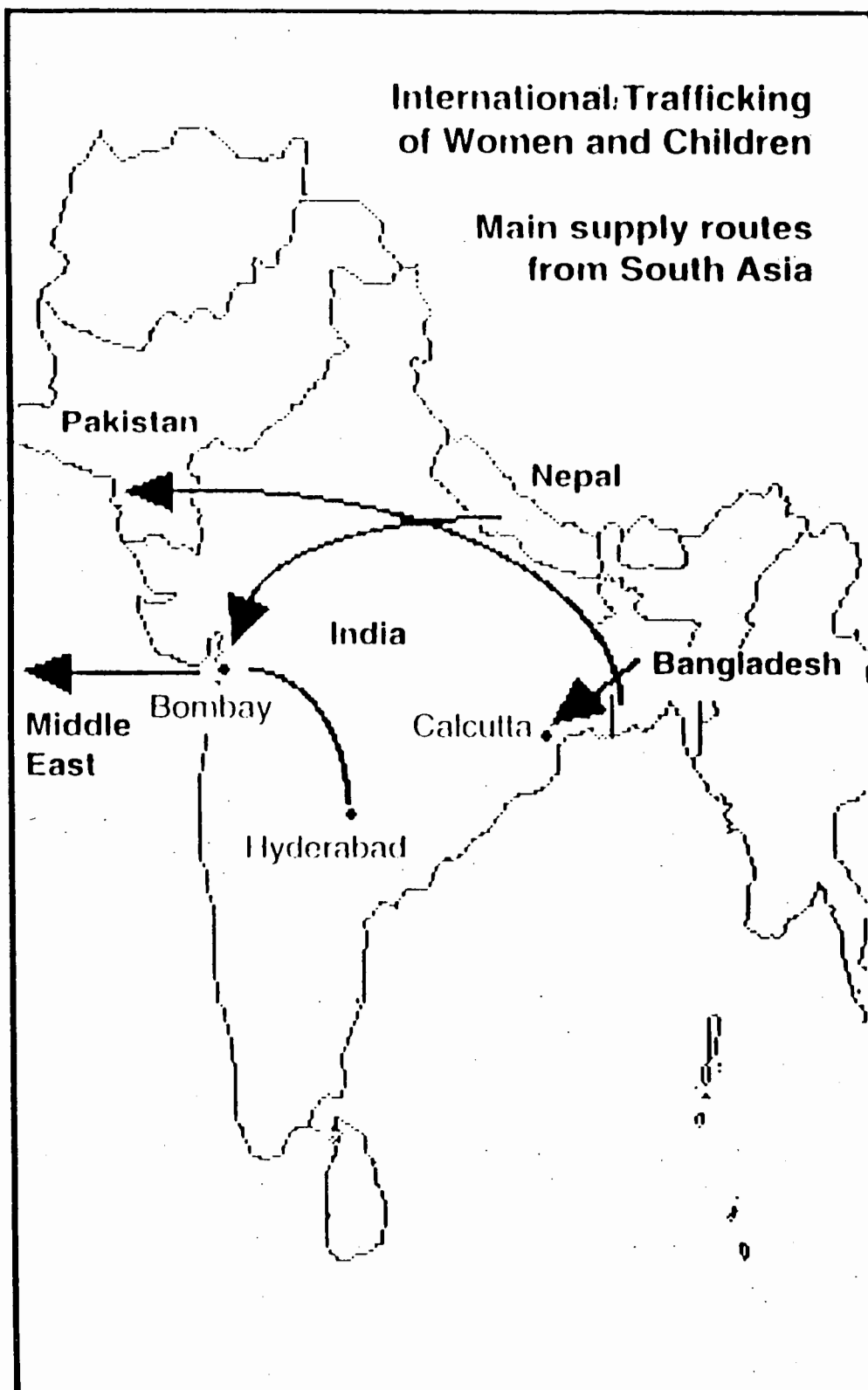
One of the greatest challenges faced by the NGOs in this field is that there is at the same time a surplus and a dearth of activities in these area of concern. There has been a multitude of meetings and conferences on the topic of trafficking for example, which has kept many 'experts' and key government officials attending one meeting to another.

Our greatest need at the moment, is to transform all these statements of political leaders, Agendas for Action and Declarations, into national policy and programmes, that are adequately funded and delegated to responsible public officials to implement, with the appropriate mechanisms to ensure coordination and cooperation between various government agencies and other relevant bodies, such as NGOs and youth groups.

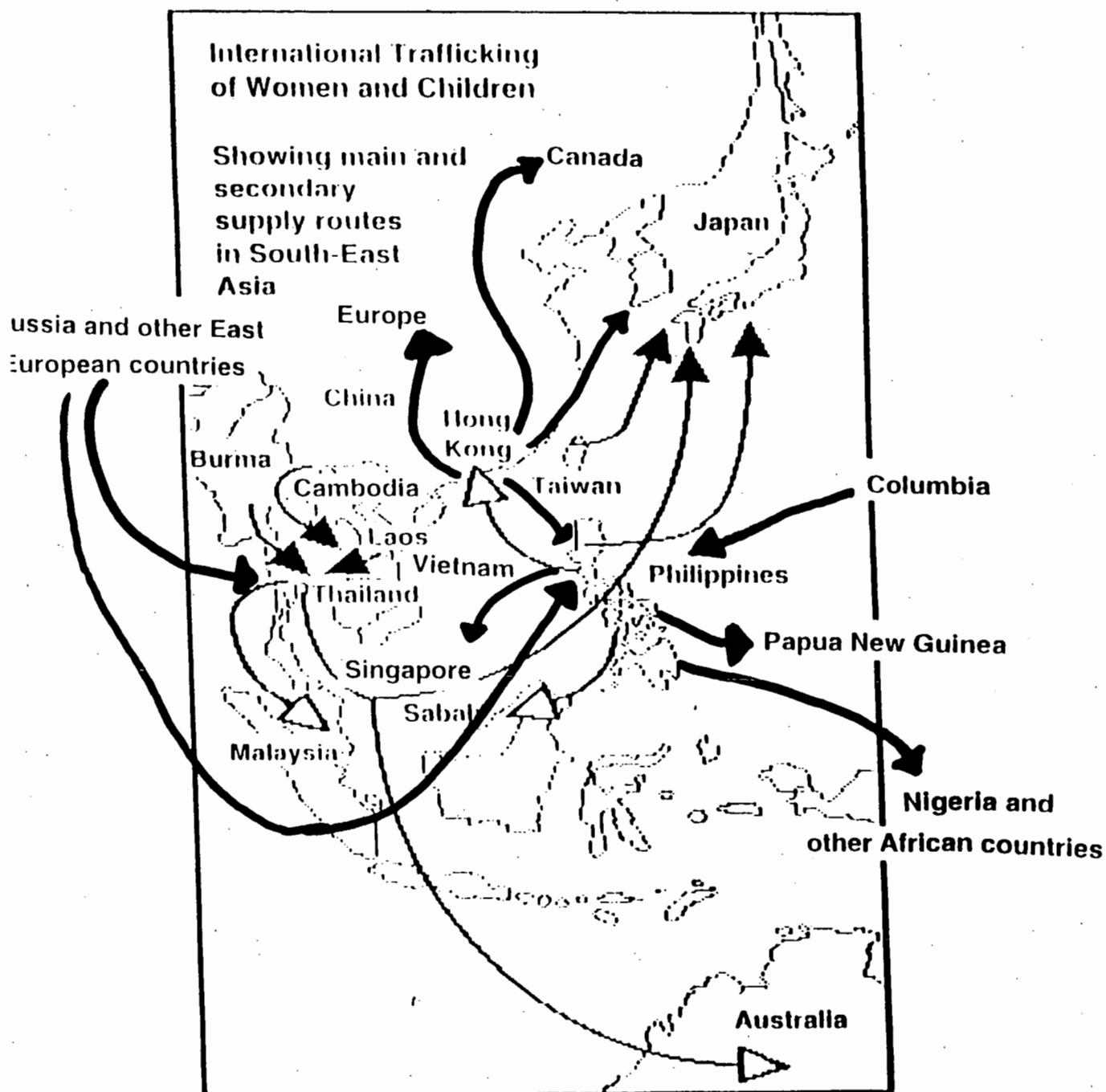
It will be important to ensure that the policy measures are continued and eventually institutionalized into the work of key government agencies from national to local level.

On the other hand, there is an urgent need to expand the key actors in this field to include more local leaders, working at the village, municipal and provincial level to be able to deliver the services necessary to address the needs of both the young people who are vulnerable or those already sexually exploited.

Lastly, I would also like to remind all of us that to complete these tasks will be impossible without the presence and the contribution of young people who are the most concerned, to become part of the process of designing and implementing programmes, and as well as in evaluating our progress. Keeping our promises to our children that in four years we would achieve significant progress in eliminating this worldwide scourge afflicting our children, will need a great deal of energy, commitment, resources, and reflection and openness. I hope all of us will have an enjoyable and productive meeting.



from The Rape of the Innocent by Ron O'Grady, p. 138



Revised Version November 1997

Original version from The Rape of the Innocent by Ron O'Grady, p. 139

Coalition Against Trafficking in Women Asia Pacific

Ms. Aurora Javante de Dios, Executive Director

Sexual Exploitation of Filipino Women: A Matter of Survival, A Matter of Dignity

1. Introduction

It is indeed a great pleasure to be with you today to share our perspective and experience on the issue of sexual exploitation of women in the Philippines. As most of my colleagues will talk on children, I shall limit my comments on the situation of women which from our point of view cannot and should not be de-linked from the issue of the sexual exploitation of children. I represent an international coalition of NGOs, activist organizations, scholars, researchers and former prostituted women and children who started a campaign against sexual exploitation and trafficking of women in prostitution systems almost ten years ago. This coalition has affiliate organizations in Europe, Asia, Latin America and Africa and has Consultative Status II with the UN ECOSOC. In the Philippines, our member organizations run alternative livelihood and cooperative programs for prostituted women and their children in Olongapo and Angeles, some are helping women get off street prostitution, many are doing preventive education at the grassroots level and particularly among migrant families and urban poor and women workers and a few of us like myself are into policy advocacy at the national and international levels. Thus our programs are very much informed about the reality and harm of prostitution and trafficking by the women who had lived those experiences.

If we look back at everything that had been achieved after the important world conferences in the past decade and particularly the Beijing Conference on Women and the Stockholm Conference on the Commercial Sexual Exploitation of Children, we can say that we have indeed moved forward. These two conferences were able to highlight some of our main concerns regarding feminization of poverty, the globalization of economies which have mixed impacts on the lives of women and children, violence against women sexual exploitation and trafficking.

More importantly, these conferences focused on the accountability of states and governments in providing for a range of policies and measures to adequately respond to the issues of sexual exploitation. Even more significant is the apparent resolve of many governments to pursue their commitments in Beijing and Stockholm by creating Task Forces and Commissions on the government level to oversee follow-up measures. The NGOs of course have set up Beijing Monitoring mechanisms such as those of WEDO, the APDC Beijing Monitor and in the Philippines, our own Beijing Score Board. However, the conferences also revealed some of the tensions and differences in perspectives that continue to characterize the debates around the issues of sexual exploitation and prostitution. Be that as it may, the interests and well being not just of the women and children caught in the web of the trafficking and prostitution trap, of all women and future generations of children must be paramount in any decisive action to combat the sexual exploitation of women and children.

Trafficking in women and girls has been around for ages. Long before countries even considered

women's rights, they were already addressing the problem of trafficking in women and girls. One UN diplomat commented that despite the advances made by the United Nations since its founding fifty years ago, she found it surprising that governments still found it necessary to pass a resolution on trafficking in women and girls at the General Assembly for the last four years in a row. Some of the earlier conventions on women and children at the turn of the century precisely focused on this problem making trafficking as one of the most persistent problems facing women and children in this century and the next.

As we enter a new millennium, we are faced with two contradictory trends—on one hand, the expansion and globalization of trafficking of women and children through more organized and industrialized sex industries, and on the other hand, the growth development and consensus on human rights as normative standards in the world community. Unless we, at our own national levels and at the world community level are able to respond adequately to this historic challenge, which is unlike anything that we have faced before, then the future of the coming generations will indeed be problematic.

This presentation will concentrate on three areas:

1. a situationer perspective on the trafficking and commercial sexual exploitation of women and girls, its various forms and magnitude;
2. follow-up measures taken by the Coalition Against Trafficking in Women Asia Pacific in coordination with government and NGOs after Beijing and Stockholm;
3. problems, issues, gaps and recommendations

II. Trafficking and Commercial Sexual Exploitation of Women and Children: A Philippine Situationer

In the Philippines as elsewhere in the world, we are faced with a situation where women and girls are increasingly lured, deceived, enticed and coerced into sexually exploitative situations particularly in prostitution systems either within the Philippines or abroad. The root causes of trafficking and commercial sexual exploitation of women and children have their roots in the complex interplay of factors which has led to its development, entrenchment and expansion (De Dios, 1997; Santos and Lee, 1993; Ofreneo, 1996). These factors which are economic, political socio-cultural are internally generated but in recent years have been exacerbated by external factors such as the rise of international migration and its feminization. This paper will discuss very briefly on the internal manifestations as well as the migration-related trends that have emerged in recent years.

Access to paid work is crucial for the self-reliance of women and their families. Although women's economic contribution in the formal labor sector has increased since the 1950, it is still low at 48% at the present time even if most Filipinas have a higher level of educational attainment compared to men (UNDP, LIDN, 1997). Women have also suffered higher rates of unemployment and underemployment compared to men which stands at almost 10% in 1994 (HDN, IJNDP, 1997). Despite the big wage disparities between men and women and the limited and highly segmented types of jobs available to women in the urban areas, women from the rural areas are increasingly pushed by landlessness, natural disasters and the lure of a better life in the cities or abroad. In the urban areas, women are concentrated in low-pay, low-skill types of jobs that are increasingly battered by the insecurities of the global economy which can mean closures, flexibilization and informalization of work. This condition often makes women vulnerable to the entrapment of prostitution systems of the low-end to the high end types which become a virtual economic catch-basin for women with very few economic options.

Political and geo-political factors have also played a part in the expansion of prostitution systems in the Philippines through the US military bases that have demanded a constant supply of prostitutes of every shape and age. Colonial and racist attitudes are constantly at play on both the demand and supply side in fostering the sex trade around the bases. Although the Americans have already left, the infrastructure of sex tourism and prostitution in Angeles and Olongapo are still very much intact and have been taken over by the Australians, Taiwanese and the Japanese.

Socio-cultural factors are important in explaining why women often end up in prostitution system and stay there. Virgin women are highly regarded and anyone who had been "spoiled" or abused no longer has a decent future so the only possibility is to prostitute themselves. A sense of filial piety and *utang na loob* (debt of gratitude) to one's parents and family obligates women to take on just about anything to support their siblings and parents. One poignant story of a member of our women's cooperative in Angeles said she had to go back to prostitution because she has to raise money for the grand wedding of her brother in the province (WEDPRO Life Stories 1996). "*Hiya*" (shame) keeps women from being assisted and getting out of prostitution. Once they perceive themselves to be worthless because of a prior sexual experience or abuse, it will be very hard for women to rise up again. There is saying "*kung saan nadapa, ay doon tumayo*" ("where I fell off, that's where I will stand up") which means that they will manage to cope where they have found themselves entrapped.

Several trends of prostitution systems exist in the Philippines which generally recruit women but have also increasingly involved, younger and younger girls;

1) Brothel prostitution or prostitution in *casas*—the figures here are rather hazy because the women have either been kidnapped, coerced or entrapped in prostitution. There is a proliferation of these types in Metro Manila, the major cities like Cebu, Davao, Pampanga and port cities such as General Santos City in Mindanao. In one operation where NGOs cooperated, there were at least 200 young women and girls who are being used in *casas* operating with the obvious collusion of a community in Pampanga (WEDPRO Case Files, 1994). Recent reports in Manila revealed that despite Mayor Lim's closure of bars and karaoke joints in 1994, brothel prostitution in P. Florentino St. in Manila has not stopped because the abusers of young women and children in that area are numerous and very influential (PDI, 1997).

2) Bars, Sauna, Karaoke and strip shows—these are by far the most public face of prostitution in the Philippines. Before the closure of the bars in 1992, the estimates in the tourist belt area of Ermita was around 149,000 prostitutes (Manahan, 1991:9). In the clean-up drive of Mayor Alfredo Lim close to 5,000 hospitality women and 35,000 women and men directly and indirectly employed by the bars, were dislocated. As a consequence of this move Manila-based prostitution moved to nearby Quezon City, Makati, Pampanga and the bustling city of Cebu (CATW, 1994).

3) Sex tourism/ resort prostitution—data here is unknown although recent studies (Chant and McIlwaine, 1995) reveal that prostitution and its variants (escort services, massage/sauna attendants, brothel prostitution) have been so mainstreamed in the tourist industry that we can presume the numbers to have greatly multiplied. The Cebu City Hygiene Clinic which conducts STD tests on women working in the bars and other related establishments count only 1,705 women who visit the clinics (Chant, 1995:213). The expansion of tourism in recent year due to increasing tourist arrivals now estimated at 2 million (Dept. of Tourism, 1996) has opened up previously untouched rural areas like Boracay, Puerto Galera, Bohol which have invariably attracted tourist operators many of whom are increasingly foreigners married to Filipinas.

4) Migration-related trafficking—the main forms of trafficking for prostitution and sexual exploitation are those associated with entertainment marriage matching arrangements, migration as

domestics which very often is also used as a channel for trafficking for prostitution. The POEA estimates (1996) that there are more than 500,000 women going abroad annually to work as domestic helpers, entertainers or nurses. Of these three types of job categories, entertainment work is obviously the one closest to and associated with prostitution. Although not perceivably prostitution as in brothel prostitution, the sexualized context and the transactional nature of client-hostess relation is often a prelude to prostitution activity (De Dios, 1994).

Mail order brides have increased in recent years according to the Commission on Filipinos Overseas which counsels Filipina women marrying foreigners mainly Americans, Australians, Japanese and Europeans. The CATW-AP consider marriage matching as one variant of trafficking because of the exploitative nature of the commercial transaction. First, money was involved in virtually "purchasing the women". Secondly, the buyers, in their minds bought a product with specific qualities, passive, obedient sex object that they can treat and mistreat according to their taste and convenience, and thirdly, that the potential situation of mail-order brides will be one of dependency and vulnerability in the country of her prospective husband (CATW, 1997).

Studies on the profile of women in almost all of the prostitution related work reveal very interesting trends. First, that they are young, with large families and siblings (Ofreneo, 1996; Santos and Lee, 1994) and many have fathers who died and as such have taken the burden of being the breadwinner of their families (Ofreneo, 1996). Secondly, they mostly come from poor income families and have not gone beyond high school. A typical Filipino prostituted woman according to one study (WEDPRO, 1995) is young, in her late teens or early twenties and oftentimes from a depressed area in an Eastern Visayas province where she went to high school but never completed it. She is Catholic and speaks Cebuano. She is usually single but if married, is separated. Before she turned 18, she has had a live-in relationship and it is during her teens when she entered the entertainment trade, a circumstance pushed by poverty. At one time or another, she has been sick with STDs despite her being relatively well-informed about STDs and AIDS.

Hers is a peculiar job where the older she gets, the less she earns. She tries to avoid two things: pregnancy and illness. In the event of pregnancy she uses contraceptives as prevention and sometimes resorts to abortion. Erratic and long hours, problems with violent customers, bar owners, pimps and the police; sexual abuse and battering are some of the risks that she faces everyday that almost always leads to drug and alcohol abuse (Santos, 1995:42). There is very high percentage (40%) of the 200 respondents in one study (WBDPRO, 1995) that reported cases of violence inflicted on them by their customers.

The dilemma we have to face in our work is that while we are obviously advancing in the promotion of women's human rights, the sex industry, global and local which spawns all these abuses on women and children simply continue to expand at an alarming almost unstoppable rate. Several factors can account for this continued expansion:

- 1) The continued marginalization and exclusion of women in the formal labor sector and their consequent economic powerlessness. Prostitution and migration by whatever have sometimes become the only escape routes from impoverishment who must survive and support their families;
- 2) Integration and mainstreaming of sex oriented activities into the economy such as sex tourism, entertainment, migration for the entertainment industry in foreign countries such as Japan; and the bride trade. Women have become marketable commodities with a price tag and have been freely traded and exchanged in the global market for their sexual and domestic services;
- 3) Prostitution has a sales marketing arm in pornography geared towards adult men and boys who are being socialized into the patriarchal concepts of women as chattels and sex objects. The new

information technologies such as the Internet have become powerful tools of trafficking where customers can have virtual sex, participatory sex pornography, etc.

4) Ambiguity of government policies on prostitution and trafficking which often criminalize the women on one hand while tolerating the trade on the other through health checks, issuance of licenses. In almost all of the so called "clean-up" drives in the Philippines, the women in prostitution were highlighted as the culprits leaving the male abusers and customers invisible and untouched.

5) Promotion of prostitution—a global campaign by pro-prostitution groups and advocates is pushing hard to normalize prostitution as work like any other and as careers for women. Alongside are claims of the primacy of individual "choices" to prostitute oneself

6) Distinctions on the bases of age, consent, race have unfortunately led to making certain practices acceptable (adult prostitution vs. child prostitution) and others unacceptable. In these distinctions, only the most extreme forms of abuse are to be protected which effectively decontextualizes the whole continuum of abuse that women often experience in abusive contexts.

7) Most governments and approaches problematize and pathologize women in prostitution and leave out the question of male sexuality, and male responsibility in ending this trade in human misery.

III. The Beijing–Stockholm Convergence and the Work of the Coalition Against Trafficking in Women (Asia Pacific)

One of the most relevant highlights of both the Beijing and Stockholm conferences is the articulation of strategic objectives and action plans on eliminating trafficking of women and girls. In the Beijing Platform of Action for instance, the subject of trafficking and sexual exploitation are included in other critical areas of concerns such as human rights, violence against women and the girl child. The Stockholm Agenda for Action Against Sexual Commercial Exploitation of Children is an invaluable advocacy tool and framework which complements and reinforces the Beijing Platform of Action on the issue of sexual exploitation and trafficking that can be the bases for action at the national regional and international levels.

The Coalition's work takes into account these converges and tries to integrate them into our current programs such as:

3.1 Research, documentation and information systems—the Coalition-AP has developed a visual tool, a map on trafficking and prostitution in Asia and the Pacific which is produced with the assistance of many cooperating partners and affiliate organizations. It is also currently developing a Gender Sensitive Human Rights Documentation on Violence Against Women to more systematically capture, among others, the violations of women and children in prostitution and trafficking. Our international Secretariat has developed a website on trafficking and related issues that monitor cases of trafficking anywhere in the world. Research is also ongoing on the health impacts and the harm of prostitution and trafficking on women and children.

3.2 Law Reform—CATW and all of our affiliates are actively involved in the advocacy for anti-trafficking laws in the Philippines as well as in the formulation of policies on prostitution of women and children in several countries. Our affiliate organizations are also involve in police and judicial training and are indispensable partners in Child Protection Units in several countries.

3.3 International Advocacy—includes the development of a Convention on Sexual Exploitation

that has been the product of the combined legal expertise of scholars, legal experts, NGOs and most importantly of survivors in prostitution and trafficking and of several regional consultations. The Convention reflects recent trends in the fight against prostitution system and includes boy children as a category of persons affected by these trends. Several Resolutions on Traffic in Women and Girls were informed by concrete suggestions from the work of the Coalition. For the first time in the history of the UN, in December 6, 1996 the Coalition spoke before the General Assembly and presented a survivor who shared the horrors of abuse in prostitution and trafficking.

3.4 Bilateral and Cross Cultural Exchanges—the CATW-AP promotes cross-cultural and bilateral visits of cooperating and member organizations to study patterns of sex tourism, trafficking. A highly successful project, the Philippine Australian Study Tour (dubbed another Sex Tour) through actual fact finding was able to draw official and media attention to the trafficking of mail order brides in Australia as well as the sex tourism business of Australians. Similar exchanges are now being planned with the other regions. These exchanges also serve to be an occasion for affiliate members to compare best practices and other models of community-based organizing, alternative livelihood programs that maybe replicable in other areas.

IV. Remaining Gaps and recommendations

The fight against trafficking and prostitution systems can only be effective if we endeavor to respond to the root causes of the problems and not just repair the obvious damage and harm to women and children when they are already victimized. We need to look at the linkages of these issues with the political, economic and cultural factors that underpin and sometimes exacerbate these problems. We need to look at the extent to which we have allowed the prostitution of sexuality to permeate our notions of intimate human experience. We need to question why, as we progress in many human concerns we have allowed human sexual experience to be commodified as it is today.

Another recommendation of the Coalition is to reclaim and reaffirm human rights in the campaign to elevate human dignity and not to claim it for specific rights that distort and undermine the very notion of human dignity (e.g. the right to prostitute oneself).

It is time that we help to organize men and organizations of men to confront the issue of trafficking and sexual exploitation women and children and interrogate the very notion of the sexuality of prostitution which has wrought havoc on the lives of women and children.

More specific follow-up measures that will be sustained over time should be explored. As trafficking and sexual exploitation affects whole communities, they should be made as partners in our advocacy campaigns and preventive programs.

Stronger government action at the national, bilateral and multilateral levels should be focused on specific targets such as for instance, the passage of anti-trafficking of women and children laws that will have common and core principles and mechanisms for implementation in many countries.

The Coalition realizes the importance and potential of small steps which can help achieve limited and targeted goals. But over the long term we should not lose the ability to envision a world without prostitution and trafficking. For the victims and survivors of prostitution systems and trafficking this issue is not just a matter of survival, it also a matter of dignity.

Coalition to Fight Against Child Exploitation (FACE)

Ms. Sudarat Sereewat, Secretary-general

Background and History

Around the end of 1987, the Ecumenical Coalition on Third World Tourism (ECTWT) which was established in Bangkok, Thailand in 1982, launched an advocacy and action study project on tourism and child prostitution in Asia. Three countries, namely Thailand, the Philippines and Sri Lanka were selected for the study because of the phenomena of children being used in the tourism business, and ECTWT had network organizations which joined their programmes for the study of the negative impact of tourism on the third world countries. We wanted to have India in our project as well, but our partners there were not available. The findings of these three country studies and the brief reports on the issue from India and Taiwan were shared at an international consultation in Chiang Mai, May 1990 where both Dr Saisuree and Professor Vitit Muntarbhorn were present as resource persons and keynote speakers. The sixty-eight participants were so appalled by the magnitude and severity of the problem of victimisation of children in prostitution, which the UN calls a contemporary form of slavery, that they voted to launch an international campaign to eradicate this evil practice. Three people continued to work on the details of this international campaign; they were:

Dr. Koson Srisan, the then Executive Secretary of ECTWT who initiated the study "Tourism and Child prostitution in Asia," *Rev, Ron O'Grady*, who has worked in tourism issue for several years and was a committee member of ECTWT, and *Sudarat Sereewat*, the Director of the study project and researcher on Thailand

This campaign was called **ECPAT (*End Child Prostitution in Asian Tourism*)** a three year programme (1991-1993). The ECPAT office was established in Bangkok as the Director of the study project was asked to be the first Executive Secretary of ECPAT.

Although the ECPAT campaign was quite successful in raising public awareness as well as in encouraging many governments to amend existing laws and to enact new laws to deal with the problems, it became quite clear also that concrete legal measures mid action are necessary to effectively stop the sexual abuse of children. This at the beginning of ECPAT phase 2 (1994-1996) the then Executive Secretary paid more attention to monitoring the legal/justice mechanism so that the victimized children would get justice, especially as it involves the international paedophiles. By then, the ECPAT monitoring work focused on Thailand where the office based, with the understanding (of the Monitoring Officer & Executive Secretary) that implications could be drawn for other countries as well.

But after a little over a year, it was felt that this aspect of the work would be more effective handled if it becomes a separate project because it should be country specific; and at the same time ECPAT then limited its mandate for just campaign. Consequently, a new group was eventually founded to monitor the Thai legal/justice mechanism, with the name **FACE: *Coalition to Fight Against Child Exploitation***.

It should be noted that the FACE Secretary General, Ms.Sudarat Sereewat Srisang, a founder and the first Executive Secretary of ECPAT (1991-1993); and ECPAT Monitoring Officer (1994), has been involved in this issue since the end of 1987 as director of the three-countries studies as well

as researcher on Thailand.

FACE is a small local NGO in Thailand, and as mentioned earlier, though FACE was only established in April 1995, it is the continuation of ECPAT. The Chairman of FACE, Mr. Wanchai Roujanavong, a civil servant, Public Prosecutor with the Office of the Attorney General, and Sudarat Sereewat, Secretary-general, have been working for the ECPAT campaign (Sudarat since 1990, Wanchai since 1993) and started to monitor some court cases (beginning 1993). In order to allow the victimized children to receive justice and the abusers be prosecuted. But as ECPAT then did not want to expand the mandate (from just campaigning) to monitoring work, the decision was made to set up FACE to work on this aspect of the problem of child sexual abuse. That is monitoring the court cases against the abusers, especially foreign abusers arrested in Thailand. Besides, all information and methodology obtained during the work can be used as a model for monitoring work internationally, and as the content for campaigning as well. Apart from that, we think that it is necessary to have a concrete action to deal with actual cases of child sexual abuse while the legal mechanism and procedure dealing with international sexual crime against children need to be improved as well as the law itself.

The matter of setting up FACE was brought to discussion with some Thai authorities, especially those who used to support or be involved in the monitoring work including Dr. Saisuree Chutikul. That is how FACE was set up separately as a Thai organization carrying out work at the local, national, and international level.

FACE Activities and Objectives

Objectives:

FACE aims to work at the policy and action level, linking with other local and international NGOs who work directly with children in all parts of the country. "The group will, in the best interest of the child, work with Thai governmental agencies as well as concerned agencies of other governments.

1. To help bring justice in the legal/ justice system to sexually abused children and children in prostitution by monitoring the cases so that effective mechanism and action can be reached;
2. From lessons learned through FACE monitoring activities, recommendations will be submitted to the concerned authorities for amendment and improvement, at the structural level of the justice mechanism and the law regarding sexual crime against children;
3. To raise awareness among the public and law enforcement officers regarding the seriousness of the child abuse issues/cases and the social consequences of the victimized.

Activities:

1. **Monitoring the cases of arrested paedophiles** so that they will go through the legal procedure until the judges pass the verdict. We coordinate and encourage the law enforcement officers to perform their task more actively and effectively, assist in obtaining evidence especially from the victimised children if necessary. We usually accompany those children to court, help solve their personal problems, sometimes their family problems as well. We often travel to the courts to attend hearings in other provinces all over Thailand.

Last year, 1996, we monitored 32 cases altogether, some are continuations from previous years

(1994 and 1995), some are new cases still occurring in 1996. These cases take place in various provinces: Chiang Mai and Chiang Rai in the North, Khon Kaen and Udonthani in the Northeast, Phuket in the South, Chonburi (Pattaya) and Rayong in the East, and many cases happened in Bangkok.

FACE does not run a rehabilitation centre or children shelter, we do not accommodate these children. Some of them were with the CPRC home, some taken care of by the government's children centre run by the Public Welfare Department, and some stayed with their own parents. FACE dealt with them on the basis of attempting to obtain justice for them regarding sexual crime matters, and in some cases, attempting to obtain compensation for them from the abusers.

2. **Lobbying** as well as working as members on a few working groups appointed by various governmental agencies especially the National Commission on Women's Affairs (NCWA) to work on the law reform and the improvement of legal procedures and mechanisms at the structural level.
3. **Campaigning and awareness raising** through media (articles and interviews) giving lectures, presentations, participating as panelist (resource persons at conferences, seminars, or workshops) on the issues. These activities have been carried out both nationally and internationally.

Other member organizations of FACE run their own separate programmes and we always cooperate together for the work for children. These member organizations are:

CPCR: The Center for the Protection of Children's Rights provides legal aid and shelters to the sexually abused children;

DEPDC Development & Education Programmes for Daughters and Communities Centre aims to work on prevention programmes against children being trafficked into the sex business by providing higher education in secondary schools for hundreds of girl children at risk;

FOWIA Friends of Thai Women Workers in Asia works together with many Japanese groups to help the victimized Thai women and children who are trafficked to women in Japan; and

CWA: Child Workers in Asia works on child labour issues and often encounters with the abuse of these children.



Mekong Region Law Centre

Ms. Pen Suwannarat

Commercial Sexual Exploitation of Children: Role of the Mekong Region Law Center

The Mekong Region Law Center (MRLC) was established with the goal to bring together the legal communities in the Mekong region. Legal aspects involving the trafficking women and children and commercial sexual exploitation of women and children being one of the areas of focus as this is a very important and growing issue within the region and the global community. With the attempt to further the goals of the Stockholm Conference, the Mekong Region Law Center will be holding a conference on "Illegal Labor Movements: The Case of Trafficking in Women and Children" in November.

In particular, the goal of the conference is trafficking in women and children that the MRLC is organizing is to help advance the process of effective national and international action. Also to control, reduce and ultimately eliminate the exploitation of migrant labor and particularly the trade of women and children in the sex industry.

A legal guidance document which responds to the problem on both a regional and individual country basis will be developed for future use. Bilateral agreements will be negotiated or planned.

Other expected outcomes that the organizers hope to achieve from this conference are:

1. To increase the awareness of the legal community of the strengths and limitations of the role of law and the legal system as an instrument for controlling and reducing trade in the sex industry;
2. To develop a practical program which can be undertaken to improve the quality of law and law enforcement relevant to this issue of trafficking in women and children;
3. To engage the law making and law enforcement community in cooperative action which, if successful, will help control and reduce trafficking in women and children and the commercial exploitation of women and children;
4. To urge law makers and enforcement officials at all levels-local, regional, and international, become a part of the solution, rather than seen as a part of the problem. At the same time, NGO leaders and other interested parties should become more integrated with the government and the legal system on this issue;
5. Eventually, to create a legal document which responds to the problem on both a regional and individual country basis.

This document will be a "*model law*" incorporating the best and most effective principles used by the Mekong States in controlling and suppressing the trafficking trade; It will be made available to all regional officials, enforcement agencies and interested parties, which are in a position to affect the trafficking problem.

After the development and distribution of the model legal document, national workshops will be

held in each of the Mekong countries. Participants in the lead conference will be expected to participate in these follow-up workshops, to which policy makers and enforcement officials will be invited to discuss the legal guidance document and determine means of implementing it in a country-by-country basis. Following the national workshops, the project hopes to continue with follow-up programming to insure that effective policies are created and implemented, and that information resulting from the program is widely distributed. This will include policy development and implementation training for government officials, and support for NGO's through information sharing. The program will attempt to create a linked network for NGO's and officials across the region, which can continue to operate and address the trafficking problem following the formal completion of the project. By analyzing the problem of trafficking in women and children and developing a solution on a regional basis, it is hoped that consensus can be established as the best means of jointly combating this global problem.

The Mekong Region Law Center (MRLC) strongly believes that all problems of trafficking in women and children and other commercial sexual exploitation cannot be solved in the short run, but must be viewed as problems that have to be solved through sustainable policies and commitment. Greater political will, more effective implementation measures, and adequate allocation of resources are imperative to the spirit and letter of the laws, policies and programs in respect to this issue.

Thank you.

NGO Strategies; Japan

Mr. Masanobu Usami

Secretary, Office of Sen. Sumiko Shimizu, Japan

Generally speaking, partnership between NGOs and governments has not been so strong compared to other countries and the influence that NGOs have on governmental decisions is limited. However, in recent years, especially following the Earth Summit in Rio de Janeiro, NGOs have gradually gained more power and built good relationships with certain governmental bodies.

In the case of commercial sexual exploitation of children, it was in fact NGOs that initiated the process to address the issue. When the international ECPAT movement began and its Japanese counterparts were established around 1992, neither the government nor parliamentarians were formally involved.

ECPAT tried to raise public awareness by organizing seminars and workshops and also actively joined events overseas and reported back in Japan. Although these groups were initially rather small, they were gradually joined by conscious and committed people.

Japan ratified the CRC in 1994. ECPAT, together with other children's rights advocates, urged the Japanese government to revise laws inline with the convention, especially Article 34. Some parliamentarians shared this view and repeatedly called for law amendment. However this

campaign was not successful—the movement was not yet strong enough to influence the government.

Despite this set-back around that time ECPAT began to involve committed female parliamentarians in their activities. Furthermore they conducted research to determine the extent of commercial sexual exploitation of children. A Tokyo-based group undertook a nationwide survey on the proliferation of child pornography, and an Osaka-based group carried out extensive research on child abuse in various forms and publicized a report recently. At the same time, they set up contacts with police, local authorities and other public bodies in their area and repeatedly requested improved measures against this scourge. Some of the responses to this persistent campaigning have been positive.

The Stockholm Congress provided NGOs with the opportunity to strengthen links with the government and also to gain more media coverage on this grave issue. At the same time, a group of Japanese lawyers filed complaints against three Japanese offenders who molested children in the Philippines and Thailand. This also helped increase media coverage and public attention. Having been informed by NGOs that the Japanese government appeared to be uninterested in attending the World Congress, Sen. Shimizu, together with other female parliamentarians put strong pressure on the government. In the wake of repeated appeal by NGOs and some parliamentarians, the government, which had denied the necessity of measures including changes in the legislation, began to recognize the significance of the Congress and the need to take action.

In Stockholm government officials finally understood the true extent and seriousness of the issue of the commercial sexual exploitation of children, and the extent to which Japan is lagging behind in the global fight against it. One official admitted that the Japanese discussion on legal responses to child pornography is in fact 20 years behind. They had finally recognized the need to take notice of the voices and activities of NGOs.

However, this has not led to immediate responses by the government except production of a poster warning especially Japanese male tourist that child prostitution is a crime. Nevertheless, NGOs made the government modify the original design of the poster, claiming that the original one included a phrase that might actually have an adverse effect and actually stimulate child molesters. Government officials had to admit that they lacked appropriate knowledge of the issue, and accepted NGO suggestions. NGOs also played a role in distribution of the poster, and monitoring its effectiveness. They discovered that the poster was in fact not being displayed in the places where it should have been—I do not know if there has been any improvement in response to this claim.

The production of the poster has been almost the only visible governmental response to the Stockholm Congress. In the wake of this fact, NGOs have shifted their emphasis to strengthening relationships with parliamentarians by repeated lobbying. They also compiled their proposals for possible legislation., an increasing number of parliamentarians have become interested in the issue, although the total number remains small.

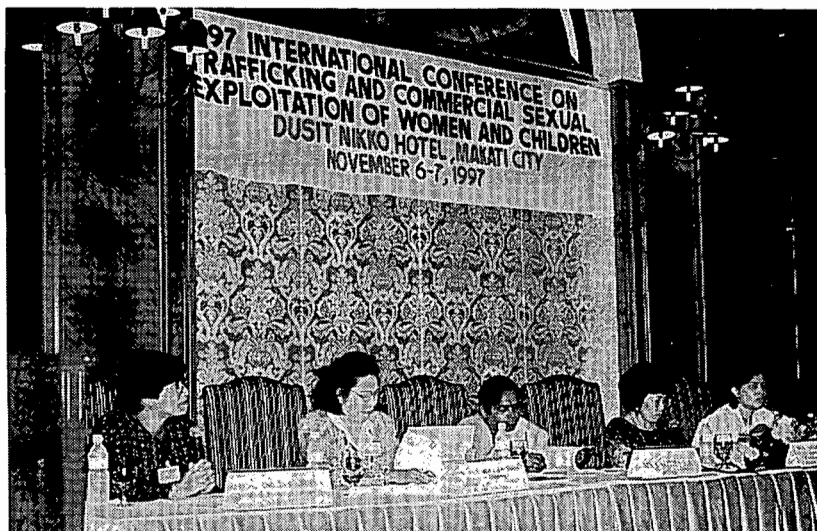
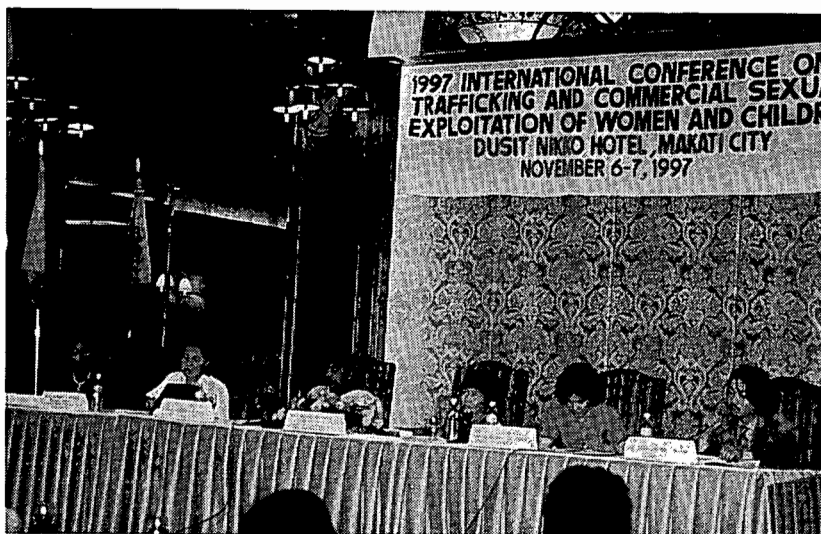
As was reported this morning by Sen. Shimizu, drafting of a new legislation is in process. I myself have been involved in this work since last year, as a member of Sen. Shimizu's staff. I have been closely cooperating with NGOs, and often asked for their advice. Their knowledge and experience on what is really happening and what needs to be done for children, as well as the information they obtain from their international network is extremely useful. Of course, it is difficult to include all of their ideas into legislation at once, but it is our business to put their passion into a practical form. At the same time, we have asked NGOs to strengthen their efforts for public mobilization, as this helps advance discussion in parliament. In this sense, we perform a 'check and balance'

function for each other.

As I have worked within NGOs myself, I have strongly felt that Japanese NGOs in general, as well as those engaged in the fight against commercial sexual exploitation of children, must be more and more strategic and improve their capacity to equally negotiate with the government and parliamentarians if they really want to influence laws and policies. Also, they have to be more organized for effective public mobilization. I really appreciate their work at the local level, and if they could fully utilize their findings to appeal to the public as well as to those in power, their movement are sure to enter a new stage. Having said so, their movement which has linked up with international ECPAT campaign has surely ignited some parliamentarians to act. In that sense, we owe much to you who are present.

The relationship between NGOs, government and parliamentarians is at present quite individual or personal. There is no institutional mechanism for the government to cooperate with NGOs in this area. and those parliamentarians who think it is important to listen to NGOs are still in a minority.

The challenge, which is common to NGOs and committed parliamentarians, is to build a culture which protects children's rights.



Reports from International Organisations

ESCAP

Ms. Thelma Kay, Chief, Women in Development Section,

Rural and Urban Development Division,

Distinguished representatives from governments, international organizations, NGOs, and participants,

On behalf of ESCAP, I am pleased to join all of you at this 1997 International Conference on Trafficking and Commercial Sexual Exploitation of Women and Children. Since ESCAP was one of the co-organizers of the regional preparatory meeting for the Stockholm Conference, and in view of our mandate to accelerate regional implementation of the Beijing Platform for Action, ESCAP is pleased to be able to be one of the co-operating agencies of this important Conference. I would also like to thank the Asian Women's Fund and Government of the Philippines for organizing this Conference.

The Agenda for Action adopted at Stockholm has provided the policy framework for concrete action at the international, regional, national and local levels on the key issues of coordination and cooperation, prevention, protection, recovery and reintegration and child participation to combat the commercial sexual exploitation of children. Protection of girl children is one of the 12 areas of the Beijing Platform for Action which was adopted at the Fourth World Conference on Women. Similarly, the issue of girl children is one of the sub-areas of the Jakarta Plan of Action for the Advancement of Women, which was unanimously adopted in 1994 at the Second Asian and Pacific Ministerial Conference on Women in Development.

This Conference is thus a timely occasion for us to move from policy to practice, to translate these policy statements into action, to bring Beijing and Stockholm to the villages and cities of Asia and the Pacific to make meaningful changes to the lives of women and children.

A recent report of the secretary-general of the United Nations to the Fifty-second session of the General Assembly on the subject of Trafficking in Women and Girls noted that responses received from countries and international organizations reveal evidence of significant activity in combating trafficking. These activities range from legal measures such as legal provisions on criminalising trafficking, provisions to make protection more effective, revising court procedures, and legislation on extraterritorial prosecution of sexual exploiters of children. Activities have also focused on establishing structures and mechanisms such as promoting inter-ministerial cooperation and formation of working groups and committees at the national level, increasing research and statistics collection and strengthening prevention measures such as education/training. In this age of globalisation and the increasing globalised nature of trafficking, enhanced international cooperation is gaining momentum through activities such as exchange of information on immigration/law enforcement, and cooperative agreements between countries. However, responses also indicated that further data are required on trafficking before effective strategies can be designed and implemented. Strategies to confront trafficking in women and children are often affected by the international nature of the activity and the reluctance of victims to complain or be involved in measures to address it. Therefore, much remains to be done on this

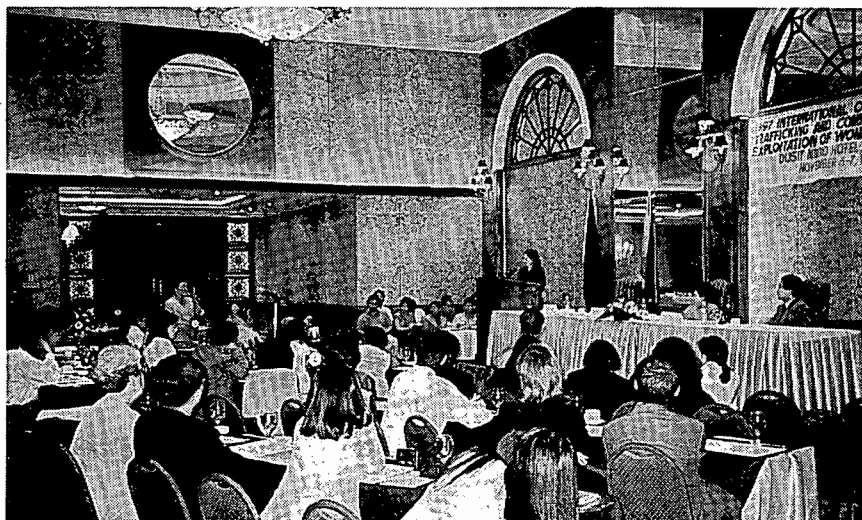
important issue.

On the part of ESCAP, our follow-up action has focused on regional implementation at several levels. The first involves using the legitimacy and norm-setting capacity of the United Nations, where two ESCAP resolutions have been passed urging governments to accelerate implementation of the Beijing Platform for Action, and a resolution has been adopted on elimination of sexual abuse and sexual exploitation of children and youth in Asia and the Pacific. Based on the operational directives of these resolutions, one important action which ESCAP is directed to undertake is to convene an intergovernmental Regional Conference on Trafficking in Women and Children. The Conference will aim at adopting a regional agreement on measures to counter trafficking, since it appears that the 1949 Convention on the Suppression of the Traffic in Persons and the Exploitation of Others has thus far solicited weak support. Such an agreement, if adopted, would demonstrate the commitment of governments in the region to this issue.

A second category of ESCAP's activities aims at bringing about changes in policies, institutions and legislation through in-depth studies, meetings and other advocacy measures. For example, in 1996, an expert group meeting was held on women's rights as human rights and in December 1997, a sub-regional meeting will be held in Dhaka, Bangladesh on violence against women, including trafficking in women and girls. Studies are being conducted on the impact of globalisation on women (including the impact on female migration). We also plan to undertake activities to enable countries to share experiences on using CEDAW, including its reporting and monitoring mechanisms.

Yet another category of activities focus on delivery of assistance, particularly in specific training on poverty alleviation measures to address extreme poverty, one of the root causes of trafficking and sexual exploitation. In this regard, for example, ESCAP plans to hold training courses on relevant subjects related to trafficking, and my colleagues in ESCAP are implementing various innovative poverty alleviation projects such as the UNDP/ESCAP Seven Sisters project, under which networking mechanisms of governments, NGOs and related agencies have been established, and income-generating projects such as a 'success case replication project,' aimed at promoting self-help for marginalised women leading to a virtuous circle of empowerment.

Ladies and gentlemen, the challenges before us are formidable but together, governments, international agencies, NGOs and all members of civil society can build alliances and synergistic partnerships to translate policies into action which will contribute towards the prevention and eradication of commercial sexual exploitation of women and children.



ILO International Programme on Elimination of Child Labour,

Mr. Guy Thijs

Sub-Regional Coordinator, South East Asia

Distinguished guests and participants,

It gives me great pleasure to be here with you this morning and to greet you on behalf of Ms. Horiuchi, Assistant Director General, ILO Regional Office for Asia and the Pacific. She is unfortunately not able to be present here with us today. ILO is very happy indeed for having been associated with this laudable initiative. I would like to use this opportunity to congratulate the Special Committee for Children of the Government of the Philippines, and the Asian Women's Fund for organizing this meeting.

Some of you may think that ILO is a newcomer in this field. This is not so. The trafficking in women and children and their commercial sexual exploitation is basically a labour problem which is made possible by the lack of (or poor) legal and social protection of workers - in particular the most vulnerable ones: women and children.

From ILO's perspective, trafficking in, and commercial sexual exploitation of children is seen in the context of exploitative forms of child labour. Currently, child labour features high on the international agenda with reference to the Oslo Conference on the issue which was held last week.

Combating the trafficking in children and their exploitation in prostitution and other intolerable forms of child labour in Asia—The ILO-IPEC response

Introduction

There is an urgent need to improve awareness and promote action against a pernicious and specific aspect of child labour, such as the trafficking of children. Over the last years the number of reports of children being trafficked across borders for the purpose of child labour and prostitution has steadily increased. Cross-frontier trafficking of women and children has become more visible in various parts of the world. The conditions under which children are lured and trafficked from their countries and the situations in which they end up are tantamount to forced labour.

In Asia several cases have been exposed in recent years of children from China-Myanmar, Cambodia and Laos being trafficked to Thailand to work in brothels or sweat-shops. Most of them crossed the Mekong river along the Laos-Thai frontier. The problem is however not only confined to these countries in the region. Thousands of Nepali girls and women are reportedly sold every year to brothels in Calcutta, Bombay and Delhi. It is not clear whether the increase of reporting on this problem is a reflection of the fact that it is on the rise or whether it is merely the result of increased attention. There are reasons to believe, however, that the tremendous economic growth Asia has gone through in recent years may have contributed to the aggravation of the problem. Research shows that in the short-term, development is likely to increase migration rather than to reduce it. Development can be very disrupting, creating new highly mobile and immigration-prone communities. Moreover, development has in many cases resulted in the break down of the

traditional family and community systems.

The ILO response

Ever since its creation the ILO has devoted a major part of its efforts to the elimination of child labour. The major means of action taken by the office include: efforts to influence regulations on child labour in member states, principally through the adoption of international labour standards in the form of conventions and recommendations and supervision of their application; collection and dissemination of information; research; and direct technical assistance to countries through its International Programme on the Elimination of Child Labour (IPEC).

In particular the growing awareness of the horror working children are exposed to has triggered international outrage and the demand for immediate action. Although it is not denied that child labour is embedded in poverty, more and more voices, are calling for action to put an end to some forms of child labour which are intolerable by any standard. The International Labour Organization (ILO) is spearheading this concern through its International Programme on the Elimination of Child Labour. Moreover government ministers from countries all around the world attending the International Labour Conference in Geneva in June 1996 agreed that a new convention concerning the "most exploitative", "most abusive" and "hazardous" forms of child labour should be drafted over the next two years. The objective of the new convention is to reinforce the need for urgent action on the most "intolerable" forms of child labour such as slavery, debt bondage, the prostitution of children, work in hazardous occupations and industries and the very young (under 12), especially girls.

Action against the commercial sexual exploitation of children has been a major element of ILO's International Programme on the Elimination of Child Labour (IPEC) from the start. IPEC has provided support to partner agencies for action programmes with a view to:

- prevent children from being lured, coerced and trafficked into commercial sexual exploitation;
- withdraw child victims of sexual exploitation and provide them with rehabilitation, repatriation as well as social and economic reintegration programmes;
- create public awareness and mobilize public support against all forms of commercial sexual exploitation.

Action programme types have been in the field of research; policy development, legislation and enforcement; prevention through awareness raising, the provision of alternatives and social mobilization; and rehabilitation.

Without any doubt the trafficking in children clearly belongs to the category of most "intolerable" forms of child labour. As mentioned above the conditions under which children are lured and trafficked from their countries and the situations in which they end up are tantamount to forced labour. ILO has always taken a firm stand that no form of forced labour can be tolerated and that all efforts must be made to bring an end to the practice. ILO Convention No 29 (forced labour) adopted in 1930 defines forced labour as "all work or service which is exacted from any person under the menace of a penalty and for which the said person has not offered himself voluntarily". To date Convention No 29 has been ratified by 139 ILO member states, thereby enabling the ILO to examine practices with regard to forms of forced labour such as child trafficking within the meaning of the Convention on a world-wide scale.

With the support of the Government of the United Kingdom ILO/IPEC recently launched a project

entitled "Combating the trafficking in children and their exploitation in prostitution and other intolerable forms of child labour in Asia". The intended beneficiaries of the project are children under the age of 18 who are at risk and are victims of trafficking in the Mekong Basin countries and South Asia. Priority target groups will be the most vulnerable children, i.e. those under 12 years of age, girls, and children from ethnic minorities and tribal populations.

In summary, this project will undertake the following activities:

- i) Phase 1: action oriented research to improve the understanding on the nature and magnitude of the problem; review the ongoing responses; and identify a strategy for action and design programmes to prevent trafficking in children and rehabilitate the child victims at country and sub-regional levels;
- ii) Phase 2: conducting awareness campaigns at the local, national and regional levels to highlight the problem and mobilise action by concerned parties from the community up to policy-making bodies;
- iii) strengthening of law-enforcement, including the improvement of implementation mechanisms and training of law-enforcement personnel;
- iv) providing for multi-disciplinary preventative and rehabilitation programmes (health care, counselling, education and training, social integration provision of options to children at risk and their parents);
- v) setting up common inter-country mechanisms to prevent the trafficking problem in both the sending and receiving countries, including the provision of safe and protective repatriation programmes, and;
- vi) creating the environment for a social movement at the national, regional and international levels to stop child trafficking.

Current status of project

Currently the project is still in the research phase. Considering the seriousness and sensitivity of the issue, any activity to be undertaken in this field needs to be based on sound information and analytical work. As part of phase I of the above-mentioned project, studies at country and sub-regional level have been launched to collect baseline data on the problem and to identify programme and policy options. Based on these reports two synthesis reports will be prepared for the South Asia and South East Asia sub-regions.

Scope of Study

Trafficking of children may take place for various reasons, ranging from commercial adoption, sale of organs, exploitation of child labour, to child prostitution. For definitional purposes trafficking of children in the context of this study only refers to those that are being trafficked for the purpose of exploiting their labour, including child prostitution.

The studies are expected to provide information on the nature, magnitude and trends of trafficking in children and their exploitation, the demand and the supply, the mechanisms of recruitment (role of recruiters), conditions under which children work. It will examine the nature of migration of labour: migration of families as a whole or of members singly, the decision making process in the family, particularly as regards the migration of children, the origin, the transit points and the destination as well as the legality of migration. In addition it will be necessary to review the legal framework and the enforcement practice, the governmental policies, as well as the role and performance of non-governmental bodies. Finally, the report will suggest strategies for prevention, protection and rehabilitation of children, as well as specific measures as may be

necessary to curb trafficking and abuse of children and protect the children.

The results of the study are expected to be available by February next year.

UNICEF

Ms. Perseveranda S. So, Project Officer, UNICEF Philippines

Good afternoon ladies and gentlemen. I bring warm welcome and greetings from Dr. Terrel Hill, UNICEF representative to the Philippines who cannot be with us today as he is in UNICEF New York for an important meeting of UNICEF Representatives on the issue of United Nations Development Assistance Framework or UNDAF. Let me read the statement on behalf of Dr. Hill;

Allow me to first congratulate the organizers of this international meeting on trafficking and commercial sexual exploitation of women and children, especially the Asian Women's Fund and the Philippine Department of Justice. I also would wish to thank the organizers for inviting UNICEF to be a part of this international meeting. UNICEF has been an active partner in the region for promoting and supporting both the Stockholm Agenda for Action Against Commercial Exploitation of Children and the Beijing Platform for Action. It is indeed a pleasure and an honor for UNICEF to be part of this international meeting, the outcome of which will push further the agenda for a regional plan of action against commercial sexual exploitation of children.

As we can glean from the agenda of the 2-day conference, the commercial sexual exploitation of children will be the important highlight of the discussions. We believe that this conference, which encourages cooperation between the advocates for women and those for children, is an exciting step towards realizing the rights of children and the rights of women as outlined in the two landmark conventions, namely the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women.

This conference could not have come at a better timing. Trafficking and commercial sexual exploitation of women and children have become a major problem for children in the region, a problem so difficult to quantify because of the underground and illegal nature of its operations. Despite this however, NGOs estimate that each year at least one million girls worldwide are lured or forced into commercial sexual activity, a most hazardous form of child labor bordering on slavery. Boys are not exempted as well from sexual exploitation.

What is the situation of prostituted children in the region? It is rather alarming to say the least. It is considered rampant in Thailand and the Philippines where marketing of sexual services is believed to be on an industrial scale. In Thailand, about 800,000 adolescent and girl children work as prostitutes. In Sri Lanka it is estimated that 10,000 boys or more between the ages 6 to 14 years of age work as prostitutes, mainly serving foreign men. In India, about 20-30 per cent of estimated 100,000 prostitutes are children. In the Philippines, the estimate ranges from 40,000 to 60,000 prostituted children. In Indonesia, 60 per cent of registered prostitutes are between 15-20 years old, mostly children really if we consider the Convention on the Rights of the Child definition of a child as under 18 years of age.

Who are the most vulnerable children? Studies have shown that children working in the entertainment places are most vulnerable, those who work in bars, restaurants and other entertainment places are expected to provide "extra services". Streetchildren by the very nature of their existence, are heavily exposed to the multiple risks of streetlife and sexual exploitation. Often streetchildren resort to prostitution as a survival strategy. Domestic workers are also exposed to emotional and sexual abuse by household members who often regard sexual services as part of their employment terms. Another vulnerable group of children are those who have been victims of incest and sexual abuse. Sexual abuse is often regarded as a precursor of commercial sexual exploitation of children.

The World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in August 1996 called world attention to this problem. At the same time, a call for action from states, all sectors of society and international organizations towards prevention and eradication was also made. It is our hope that this conference in Manila will achieve the same for the Asian region, that is, call attention and call all of us to action to respond to the problem. We all need to do our share towards preventing and eliminating the commercial sexual exploitation of our children, which represents perhaps the vilest form of violation of children's rights. With partnerships and commitments, our children need not bear the enormous cost and consequences of commercial sexual exploitation.

Thank you.



International Organisation for Migration (IOM)

Mr. Tony Newman

***Chief, Division of Humanitarian and National Migration Programmes,
Regional Bureau for Asia and Oceania, IOM Headquarters, Geneva***

On behalf of IOM I would like to convey our greetings to the organizers with this conference, the Government of the Philippines, Asian Women's Fund, ESCAP, ILO, UNICEF, ECPAT and to all of the participating delegates and would like to express our appreciation for the invitation to attend this meeting.

IOM applauds the efforts of the organizers to convene this important meeting on trafficking and the commercial sexual exploitation of women and children and would like to compliment the excellent speakers we have heard.

We would also like to commend all of the participating delegations on their hard work and accomplishments since the World Congress on Stockholm.

This conference provides us with invaluable insights into the objectives so far achieved and the direction of the work which lies before us.

IOM has distributed a paper, which will be found in your kits, which describes some of IOM's activities in the region which address the problem of cross-border trafficking of women and children. IOM's efforts include seminar activities, information sharing and dissemination, technical cooperation, research and return and rehabilitation activities. I might point out that while our initial efforts were in the area of return and rehabilitation of victims of trafficking, and while these efforts continue, we are equally, if not more so, now focusing on prevention activities including, for example, information campaigns to increase the awareness of potential victims, the general public and government officials about the threat and perils posed by trafficking.

IOM stands ready to support your efforts and looks forward to strengthening our ties and cooperation with you.

Report from the International Organisation for Migration (IOM)

Trafficking in women and children for sexual exploitation is a distinctive, highly disturbing form of the wider phenomenon of trafficking in migrants. Migrant trafficking—that is, transporting people illicitly across international borders—or trading in them, has become extremely lucrative. The risks involved are low, since in many countries sanctions are nonexistent or extremely lax. Given its potential for high profit and the relatively low-risks, trafficking in migrants is now a highly organised, major global business, and a matter of grave and increased concern to governments.

As demand for foreign and child prostitutes increases, more and more women and children around the world are being abducted, bought and sold. Women are vulnerable to abuses such as bonded labour, forced prostitution sexual violence, or are even sold as mail-order brides. Young children are taken from their homes, sold by their parents, or stolen from the streets, and trafficked across borders to reduce the likelihood of their being traced or being able to go back home. Although not confined to any one region, the problem has reached critical proportions in Asia where it is now being addressed by governments, international agencies and non-governmental organisations, through legislation, information sharing, and rescue and rehabilitation operations.

Although there is no unified definition of "trafficking" in the international community, IOM has tentatively defined trafficking in women as: *Any illicit transporting of migrant women and/or trade in them for economic or other personal gain.* This may include the following elements:

- facilitating the illegal movement of migrant women to other countries, with or without their consent or knowledge;
- deceiving migrant women about the purpose of the migration, legal or illegal;
- physically or sexually abusing migrant women for the purpose of trafficking them;
- selling women into, or trading in women for the purpose of employment, marriage, prostitution or other forms of profit-making abuse.

In many cases, it must be recognized that the same definition can apply for the phenomenon of trafficking in children, as more and more children around the world are being trafficked for sexual exploitation as mentioned above.

IOM Policy on the Problem

IOM is a Geneva-based, inter-governmental Organization of 59 Member States and 48 observers,

which for the past 46 years has provided operational and humanitarian assistance to individuals in need of migration services. IOM's broader objective is to promote orderly, safe and humane migration, and to promote effective respect for the dignity and well-being of migrants.

As a result of the 4th UN Conference on Women in Beijing, IOM has identified trafficking in women, as a priority area for international attention. At that Conference, IOM presented an action-oriented "package" of activities to address the issue of trafficking in women and children. This package consists of four concrete measures, namely: *research* to gather information on the problem itself, *information campaigns* to disseminate credible information on the risks, exploitation and abuse that trafficked migrants may face should they choose to migrate illegally; *technical cooperation* for governments seeking to achieve an effective legal and practical framework to eliminate the problem; and *return and reintegration assistance*. Through these activities, IOM aims at addressing some of the root causes of trafficking of migrant women and children, as well as to provide help to the victims

IOM Responses to Date

Seminar Activities

Since 1993, the international Organization for Migration (IOM) has sought to provide a forum for discussion between Governments, aimed at fostering understanding and coordinating measures to combat trafficking. Following a series of informal consultations with governments, IOM convened a global seminar on the issue of migrant trafficking in 1994. For the first time, countries of origin, transit and destination were brought together in an independent setting. As a result of this seminar, IOM was called upon by participants firstly, to serve as a "catalyst" to advance international policy dialogue on migrant trafficking and its implementation; secondly, to organize regional dialogues on migrant trafficking; thirdly, to strengthen the connection and exchange of information on migrant trafficking; fourthly, to analyze the particularly vulnerable position of trafficked migrant women, in light of their protection needs; and finally, to contribute to the effort to harmonize policies, laws, procedures and penalties to fight trafficking and protect human rights. As a follow-up, IOM organized a regional seminar in Central America in 1995—this seminar was later built upon by the Regional Conference on Migration held in Puebla, Mexico, in 1996, which was hosted by the Mexican Government.

In Asia, a regional inter-governmental forum on irregular migration and trafficking was held in Manila at the end of 1996 and a second forum will be held again in Manila in December, 1997. Such fora provide an opportunity for authorities to exchange views and information on key issues and their individual experiences, and explore possible policies and procedures to combat irregular migration and migrant trafficking.

Research

Given the nature of clandestine migration and trafficking, reliable, accurate and up-to-date data on the phenomenon is scarce. This information is essential as it is the basis for any sound prevention scheme, whether long-or short-term. *The Migration Information Programme* (MIP) was created by IOM in 1993 to respond to this need in Central and Eastern Europe, basing its studies on East-West migratory movements. MIP has also carried out a series of rapid research studies on trafficking in women for sexual exploitation in Western and Central Europe.

In Asia, IOM conducted a study on trafficking in Filipino women to Japan for sexual exploitation

with financial assistance from the Asian Women's Fund (AWF) in early 1997. The study involved in-depth interviews with 100 Filipino women who had been trafficked to Japan for sexual exploitation and it collected data on the demographics, characteristics, motivations and experiences of these women, based upon the research results, this study makes several recommendations on future actions. These include the introduction of tougher measures against the illegal departure and entry of trafficked women as well as legislation to punish traffickers, the provision of legal, financial and mental support for the reintegration of returning trafficked victims and increased international cooperation to combat criminal organizations.

Information Dissemination

Information dissemination programmes are being carried out in countries of origin, in an effort to tell potential migrants of the risks of irregular migration and trafficking. Accurate, timely information about migration and trafficking such is disseminated to would-be migrants gives those people the means to make an informed choice about migration and to recognise trafficking. Information is thus an important empowerment tool, diminishing the possibility of traffickers being able to exploit a lack of knowledge in potential migrants.

In Asia:

- IOM has just started an information programme in the Philippines with the aim of raising the awareness of Philippine potential migrants to the realities of migration. The main dissemination vehicle is a nationwide radio show which will be supplemented by grass-roots information dissemination such as leaflet campaigns.
- In Thailand, IOM has been preparing for a TV information campaign against irregular migration and trafficking. The IOM Office in Vietnam has organised two national seminars this year on the prevention of trafficking in women and children in the Northern Provinces of Vietnam. In response to the recommendations from the seminars, IOM and the Vietnam Women's Union have developed an information campaign designed to alert the general public in Lang Son as to the danger of trafficking in women and children.
- The possibility of conducting region-wide information campaigns in cooperation with both sending and receiving countries is also currently under consideration.
- Helping to disseminate information on the phenomenon, IOM also publishes a quarterly newsletter called *Trafficking in Migrants*, which has regularly focused on issues related to trafficking in women.

Technical Cooperation

IOM is able to provide technical assistance, training and equipment to governmental authorities to promote the establishment of effective migration systems. Technical cooperation can focus on migration administration; updating entry and exit procedures, providing document fraud detection expertise and other similar activities. It is also relevant in terms of the creation of migration legislation and policy. This type of capacity building is vital in the fight against migrant trafficking, especially given the fact that trafficking is increasingly controlled by powerful, organized criminal networks which possess modern technology and extensive resources, often beyond the capacities of national law enforcement agencies.

In Asia, IOM has assisted the Overseas Workers Welfare Administration (OWWA) of the Philippines in institution and capacity building through trainer's training and financing of equipment for its Development Center for Filipino Overseas Contract Workers (OCWs). The project has also produced a training needs assessment of OCWs. In Thailand, IOM has assisted

the Thai Government to establish a working group on trafficking consisting of representatives from various government agencies and NGOs under the Office of the national Commission on Women's Affairs (ONCWA). The working group has developed some principles and recommendations for procedures for the treatment of foreign victims of trafficking. These include the provision of safe shelter, clarification of the responsibilities and duties among police, immigration and labour authorities, and immunity for victims of trafficking with the option of immediate return home or to remain in Thailand to testify against the employer.

Return and Reintegration Activities

IOM carries out return programmes for trafficked migrants who are stranded or who have been apprehended by authorities. It also assists migrant Women vulnerable to abuse and women who have been trafficked, enabling them to return home in dignity and safety.

In Asia, IOM has commenced two pilot projects for the return and reintegration of trafficked Chinese, Cambodian and Vietnamese women and children. The beneficiaries of the programme are being returned from Thailand, where generally they had been forced into prostitution, but were also recruited for begging and illegal work. IOM and partner agencies provide the women with access to education, vocational training, rehabilitation, counseling and income-generating activities.

- From 1 January 1996 to 31 December 1997, IOM has assisted 88 women and children to return to Cambodia, Sri Lanka and China (78 to Cambodia, 7 to Sri Lanka and 3 to China). Of this total 36 women and children are receiving long term reintegration assistance.
- IOM has also assisted 8 Vietnamese women and children to return home from Thailand and has provided reintegration assistance to them.
- In parallel with these pilot projects, IOM conducted a survey among over 100 trafficked Cambodian women and children. The results of this study formed a sound basis for the return of a group of 60 women and children in February 1997.
- Based upon lessons learned from the implementation of the projects during the 1st year, IOM has developed further regional action plans encompassing research, capacity-building and return-reintegration assistance.

Trafficking in women and children for sexual exploitation is a growing threat to fundamental human values, endangering individuals and communities. Since cross-border trafficking is an integral part of illegal migration, it is an important priority for IOM to combat it. As a follow-to the last World Congress in Stockholm, this regional forum further provides invaluable opportunities to effectively address this growing and disturbing phenomenon both at the international and national levels. The trafficking networks are sophisticated and powerful, which requires that efforts by the international humanitarian community to combat them be collaborative and targeted. However, conflicting interests and different views on the nature of the problem among various parties tend to discourage such collaborative efforts. As an inter-governmental organization with a commitment to orderly migration, IOM will continue to seek such a coordinating role among various concerned parties ranging from sending and receiving countries to NGOs, media and individuals.

Additional Reports Submitted by Conference Participants

Trafficking of Children and Women for Sexual Commercial Exploitation in Cambodia

Mr. Yim Po

Director, Cambodian Center for the Protection of Children's Rights (CCPCR)

I. Introduction

Cambodia was formerly a marvelous country since the first century until the end of fifteen century but it was devastated during the civil conflict between 1970 to 1990.

Due to more than two decades of war, the country has suffered violence and destruction of social and physical structures. The government has tried to rebuild the infra-structures in order to develop society, but it is a very gradual progress, and needs the regional and international involvement for rebuilding its traumatised society.

The situation in Cambodia is worrying and we hope the following information will help all the participants to understand and support the Cambodian campaign.

2. Problem Statement

Child prostitution and trafficking are increasingly serious problems in Cambodia. This kind of trade is developing into a dangerous issue for children as the country opens up to tourism and trade. With the spread of AIDS~ demand for young virgin girls and boys is increasing.

Cambodia's sex industry saw a rapid expansion following the arrival of a 22,000 UN peacekeeping forces in 1991 but since its departure 1993, demand has been fueled mostly by Cambodian customers.

Some current statistics from recent surveys on child prostitution are as follows;

- The number of sex workers in Phnom Penh has leapt to 17,000 up from an estimated 1,500 in 1990. The Cambodian Women's Development Association reports that about 35% of Cambodian sex workers in Phnom Penh were girls aged from 12-17.
- 20% of the registered prostitutes in Poipet are girls from 15 to 18 years old and it is estimated that 30% of the prostitutes are not officially registered because they are too young (information from Krousar Thmey).
- The recent study of Vigilance (HRVC) on prostitution in Phnom Penh and 22 provinces in Cambodia indicated that 30.74% (or 17878) of the estimated 6,110 sex workers working in the identified establishments were girls aged 12-17, and 55% of sex workers were sold into brothels by parents relatives, friends or persons they trust. About one-fourth of girls may eventually be brought and sold to their first owner. The remaining 75% would eventually be sold to another brothel owner in the same area of in another province.

- Recently there have been cases of child disappearance and kidnapping reported in local and international newspapers, but many cases are not reported due to the fact that the families are ashamed or intimidated, or in some cases family members are also involved.
- Many girls and women have been deceived into marriage with people from Australia, United States, Taiwan, Hong Kong, Singapore, and others, and then sold into prostitution in abroad. Others are lured to the cities with promises of jobs with good pay, and then sold to brothels. There is some suspicion of involvement of police or military personnel in trafficking of girls and young women for sexual exploitation.

Members of the Commission on the Human Rights and Reception of Complaints have recently conducted a survey (from the end of 1996 to March 1997) through 22 provinces and 64 districts, the results shows that there are 14,725 prostitutes (55.4% in Phnom Penh and 3,219 prostitutes in the Russey Keo district). There are 2,291 children who have worked as sex workers (15.5% of the total numbers). Child sex workers are aged from 9-15 (78% are Vietnamese and 22% are Cambodian). Some factors contributing to this rapid growth in the flesh trade are:

- **economic liberalisation**
- **relaxing of border controls**
- **increasing numbers of foreign workers and sex tourist**
- **increased local demand**
- **various local and regional myths regarding the supposed rejuvenating effects of having sex with children, or that this is a way of avoiding HIV/AIDS**
- **poverty of families and whole society**
- **high rate of illiteracy**

CPCR Action for Children Rescued from Distressing Circumstances and Sexual Exploitation

3. Background

CCPCR was established on 20 November 1994 and commenced its activities in March 1995 in order to provide the young girls under 18 years old who are in prostitution (or being otherwise commercially sexually exploited, or are in danger of being sold or forced into sexual exploitation), with intervention services, and to reduce the trafficking and commercial sexual exploitation of children. The following services have been established;

- **Investigation and rescue**
- **Recovery and rehabilitation**
- **Specialised services for victims;**
 - ◆ **Education (literacy and spirituality)**
 - ◆ **Vocational training skills**
 - ◆ **Holistic care**
 - ◆ **Shelter and accommodations**
- **Reintegration**
- **Advocacy and prevention**
- **Monitoring**

CCPCR aims at eliminating the trafficking and commercial sexual exploitation of children in Cambodia by cooperating with relevant NGOs and governmental agencies who care for children, and enforcing the law for protection of children.

CCPCR work in accordance with United Nation Convention for the Rights of the Child, and it also responds to the declaration agendas for action of the world congress against the commercial sexual exploitation of children

4. CCPCR's ACTION PLAN

Advocacy, networking, and strategies to empower the child victims from commercial sexual exploitation are the themes of the work of the Cambodian Center for the Protection of Children's Rights, CCPCR, and it is for all of us to react without delay.

Referring to the survey report on child prostitution conducted by relevant Non-governmental Organisations and UNICEF, and due to our direct over-seeing and survey on the trafficking and kidnapping of children for the purposes of commercial sexual exploitation in Cambodia, and also the laws for the protection and prevention of children had not been implemented properly to eliminate the sexual commercial exploitation of children, and as understanding about the convention for the rights of the child is limited in the community; CCPCR has decided to carry out all the program goal mentioned above by collaborating with funding agencies, governmental departments that care for children, and relevant NGOs in order to fight against these problems.

As the problems mentioned above are ongoing, and action towards the elimination of this problem in Cambodian society is not well coordinated, CCPCR has established a shelter for recovering and rehabilitating, and to provide specialised services to those children rescued from the commercial sexual exploitation, and those in danger of being sold and forced to work as sex workers.

5. Investigation and Rescue

The investigative team conduct activities to search for young girls who are kept in prostituted areas. The first step is to search metropolitan sites in Phnom Penh, and some of the provincial cities, by collaborating with the police forces and local authorities. From 1st January 1997 until mid-October 1 1997, there were seventy-one (71) children rescued from prostitution.

6. Recovery and Rehabilitation

CCPCR provides children rescued from commercial sexual exploitation with a place in a Rehabilitation Shelter which was provisionally established in September 1996, and then was legally established on 1st January 1997, providing holistic care, mental counseling, morality and disciplinary guidance, through books for pupils and students in public schools

The shelter can admit a maximum number of 25 children to stay with the aim of to giving them some training which will give them some opportunity to change their individual circumstances. Furthermore there are is a varying number of children who are not resident in the shelter but who are taking part in the rescue and reintegration programme. The victims are allowed to stay in this shelter for three to six months, but they can stay longer in any special case.

- **Education:** education conducted in the rehabilitation shelter is what we call an 'informal education program', but the books to be studied for the victims are the same as those in public schools which many children in ordinary communities study.

The educational process is to follow the guidelines and regulations of the ministry of education of the Kingdom of Cambodia.

- **Vocational Skills Training:** Besides the informal literacy education, CCPCR. provides children the vocational skills training so that they can generate income and support themselves in their everyday life after they have been reintegrated into their family and society.

As possibilities for income generation are particularly limited in rural areas, many children need to stay in the city to work in factories, and this is common particularly in the textiles and brewing industries.

- **Holistic Care:** CCPCR provides the children the medical treatment and checks after rescuing them from sexual commercial exploitation, and offers assistance to the children who have been reported as raped, such as taking them to the hospital for emergency relief.

Children who are infected with sexually transmitted diseases (STDs) are sent to private and public hospitals in order to be treated. Children infected with HIV/AIDS can not be hospitalised and this kind of illness, CCPCR try to use the traditional medicines, with the supervision of a doctor, in order to care for those children and their health.

The hygienic tools are provided to the children in CCPCR's rehabilitation shelter with the introduction of how to take care on their health.

- **Food:** CCPCR provide meal three times per day to the children with the financial support of Terre Des Hommes and Operation-Belgium.
- **Accommodations:** CCPCR provides clothes, sleeping materials, hygienic tools, vocational equipment, and educational instruments for the children
- **Excursion programme:** CCPCR arranges the schedule of the excursion for children once per month. The schedule is to bring the children to historical sites, factories and institutes of vocational skills training, beaches, and religious belief centers.

7. Advocacy and Prevention

In order to prevent the children from falling into the commercial sexual exploitation, CCPCR conducted training in Svay Rieng, Battambang, and Kampong Speau. Our expectation is to see the young girls and children stay in safety.

Regarding greater commitment to the implementation of the law which we advocate, CCPCR organised a training course on skills necessary to investigate cases of sexual abuses, including the keynote articles of the UNCRC, and with the collaboration of the law enforcement program consultant of ECPAT-International, and the municipal and provincial headquarters of the National Police in targeted areas.

The first of this training course was conducted in Phnom Penh for police officers from seven districts, Interpol-Cambodia, as well as from the Police Headquarters of the Municipality in Phnom Penh.

The participants of law enforcement groups have begun to raid the brothels where young girls had been kept for the purpose of sexual exploitation. Some young girls have been rescued by those police forces and admitted to the CCPCR's rehabilitation shelter.

Following the tangible results of this course i.e. the good conduct of the police forces, the CCPCR has conducted a training course on CRC, also concerning the new law for the suppression of the trafficking and kidnapping of human person for sexual commercial exploitation, at Svay Rieng in April 1997. The police forces from the border check-point, districts, communes, villages, including the teachers and students also attended the course.

The significant inspirational messages of those participants shows the great commitment to fight against the illegal trafficking, raping, and kidnapping of young girls and adults for commercial sexual exploitation throughout the communities where they live.

8. Reintegration

Internal and external reintegration and repatriation of children by reconciliation between the children and families or referred humanitarian institutions. The follow-up process will be done whenever possible.

9. Future Plans

Following the success of the training course among the law enforcement groups in Phnom Penh CCPCR will conduct the course in four provinces; Battambang, Svay Rieng, Kampong Cham, and Sihanouk Ville, in order to see that the implementation of the law for protection of children is implemented.

The training course aims to:

- **Improve the understanding of citizens about the UNCRC**
- **Reduce violence against children, and violations of children's human rights;**
- **Improve implementation of the law**
- **Prevent children from being victimised in commercial sexual exploitation;**

CCPCR continues to carry out its programme goals with the cooperation of other relevant NGOs and GOs, Networking members, and other UN agencies, and to raise awareness on sexual commercial exploitation through mass media, conduct the training courses, participatory techniques and investigation skins on sexual abuse to the local authorities, police forces and members of communities.

10. Monitoring

CCPCR is to monitor, investigate and report on sexual commercial exploitation of children and the children in distressing circumstances or in danger of being sold and forced into prostitution.

CCPCR needs to monitor the problem which is related to the trafficking and kidnapping of children for sexual commercial exploitation; implementation of law, social welfare of the governmental departments for children, care and protection for the victimised children, the number of children in prostitution in Phnom Penh, Kampong Cham, Kampong Speu, Svay Rieng, and Battambang provinces.

11. Suggestions and Requests

- **Strengthen the enforcement of law related to the protection of children;**
- **Strongly condemn those who commit sexual crimes;**
- **Regional and International cooperation for eliminating pornography, trafficking and kidnapping of children and women for the purpose commercial sexual exploitation;**
- **Providing the necessary vocational skills and vocational instruments for training to children in distressing circumstances and children rescued from sexual trade.**

Trafficking and Commercial Sexual Exploitation of Women and Children in Bangladesh

Ms. Tahrunesa Abdullah

Shishu (Children) Academy, Bangladesh

1. Situation Analysis:

In Bangladesh trafficking of women and children is increasing. Comprehensive and reliable statistics on trafficking are not available. A non-government source reports that 200,000 women and children have been trafficked to the Middle East in last 20 years. Different human rights activists and agencies estimate 200,400 young women and children are smuggled out every month, most of them from Bangladesh to Pakistan. A women lawyers' association estimates that on an average, 4,500 women and children from Bangladesh are being trafficked to Pakistan each year and at least 200,000 women have been trafficked to Pakistan over the last 10 years. It is estimated by the Indian Social Welfare Board that there are 500,000 foreign prostitutes in India of whom about one percent i.e. 5,000 are from Bangladesh and 2.7% prostitutes in Calcutta are from Bangladesh.

Increase in trafficking is mainly due to women's economic and social vulnerability. Their vulnerability often makes them fall prey to exploitation and become victims of trafficking and prostitution.

Trafficking is carried out by regional gangs/syndicates who are well organized. They have links with the various law enforcing agencies. This is why only a small percentage of the traffickers are caught or the victims are recovered.

There is no reliable statistics on number of prostitutes in the country. Therefore, it is difficult to provide an estimate of the number of child prostitutes. The Bangladesh Bureau of Statistics enumerates them as 'destitute' and does not recognize prostitutes as a separate occupation group. A recent study has suggested that there is some 100,000 sex workers working in Bangladesh. Another estimate suggests that 15-20 brothels operating within the country accommodate about 20,000-30,000 prostitutes.

Bangladesh Constitution states that the State shall adopt effective measures to prevent prostitution. [Part II, Fundamental Principles of State Policy, Section 18 (2)]. There are laws against forcing any one into prostitution Penal Code 72, 73, 74) and also against soliciting. However, the law of the country permits a person to engage in commercial sex activities if an affidavit is procured from the magistrate stating that she is above 18 years. Since birth registration is not effectively implemented, it is difficult to establish the age of the child prostitutes.

2. National Plan of Action and Other Measures by the Government:

Government is aware of the problem of trafficking and Prostitution and in collaboration with NGOs has taken up some measures to prevent it.

- A National Action Plan for Women's Advancement formulated as a follow-up of the Beijing Platform for Action which includes specific actions against trafficking of women and children

and forced prostitution and prostitution of minors.

- The National Policy for the Advancement of Women declared by the Honorable Prime Minister on March 8, 1997.
- In pursuance of the fundamental principles of the Constitution and UN Convention on the Rights of the Child, the Government has formulated a National Policy on Children which includes "Child labour, child abuse, child oppression and child trafficking must be stopped and the people and organizations responsible for these activities should be given exemplary punishment."
- A National Action Plan for Children 1997-2002 based on the Convention on the Rights of the Child (CRC) is under preparation which covers protection of women and children from illegal trafficking and prostitution.
- Simple versions of CRC and CEDAW have been published and being distributed for awareness raising and for advocacy on the rights of women and children.
- Measures have been taken to strengthening the border posts.
- However, the sheer length of Bangladesh's border with India and Myanmar makes it impossible to prevent people crossing the borders.
- Meetings seminars and workshops on Violence Against Women are being regularly organized by the Ministry of Women and Child Affairs in collaboration with NGOs and international agencies which includes trafficking of women and children and prostitution. As an out come of the meeting a multi-sectoral project on Violence Against Women is being undertaken by the Ministry.

3. Laws and Regulations:

A number of law exists to protect women and children from being trafficked and forced prostitution. These include:

The **Penal Code of 1860** contains provisions for kidnapping, which in general also covers trafficking. However, because of implementation problem, it is not effective.

In **1983, Cruelty to Women Ordinance was promulgated**. It replaced the relevant sections of Penal Code.

The law increased the punishment to life imprisonment and death penalty for kidnapping or abducting women, trafficking of women and children, attempt to cause death, acid throwing, rape etc.

The **Anti terrorism Ordinance, 1992** provided for punishment of all types of terrorism including harassing women and abducting children and women. This Ordinance was replaced in 1994 due to various problems.

The **Suppression of Immoral Trafficking Act, 1993** provides for punishment for forcing a girl into prostitution. Section 11 of the Act prohibits the detention of any female child under the age of

18 against her will in any house, room or places in which prostitution is carried out. The section provides penalty of maximum three years of imprisonment or fine or both.

The **Women and Child Repression Act 1995** provides for capital punishment to offender. It debars the granting of bail to persons accused of heinous offense against women and children.

Section 8 of the Act provides penalty of life imprisonment and fine for trafficking and associated offenses.

Section 9 stipulates a penalty often years with a minimum of 7 years imprisonment for abduction to commit immoral acts on women and children.

The Act provides for the setting up of separate courts, one in each district to try cases coming under it. So far ten such courts have been established.

Implementation of these laws remain weak because of certain technical problems which are being identified.

There is a scope for misapplication and harassment of innocent persons.

4. National Focal Point:

The Ministry of Women and Children Affairs (MOWCA) is the focal Ministry. The Department of Women Affairs, the Jatio Mohila Sangstha and Bangladesh Shishu Academy are the implementing agencies of the MOWCA. These implementing agencies have their branches up to Thana and Union Level. In 1995, the National Council for Women's Development was formed which is headed by the Prime Minister and consists of 14 ministers, secretaries of 13 ministries, member of the planning commission, 5 members of the parliament and 10 women nominated in their individual capacity. It is the policy making body for women's development. A National Children's Council was established in the same year.

A " **Women's Development Implementation and Monitoring Committee (WDIMC)**" has been formed to review, monitor and coordinate women's programs of various development ministries. The position of WID Focal Points of different ministries and agencies have been created and they are members of WDIMC.

5. Recommendations:

- preparation of a comprehensive report on women and child trafficking and prostitution.
- developing a data base on women and child trafficking and prostitution.
- creating awareness among the policy makers, administrators and general public on issues and problems of trafficking of women and children. This will require development of appropriate material, incorporation of the subject in the education curriculum, dissemination of information through media and network of NGOs.
- capacity building of law enforcing agencies. The law enforcing authorities and judiciary need to be better sensitized about the issues involved. Problems of illegal trafficking of women and children is included in the training curriculum of the Police Training Academy.

- regional cooperation is essential to coordinate legal and administrative measures and procedures.
- information needs to be shared and extradition of offenders allowed.
- victims are some times charged with prostitution or immoral behavior and put to jail without warrant which should be prevented.
- stronger action should be taken against members of the law enforcing authorities who are themselves involved in trafficking and prostitution.
- the rescue and repatriation of Bangladesh women and children trafficked abroad needs to be facilitated.
- rehabilitation of the trafficked women and children in the family and society. Presently measures for the rehabilitation of repatriate victims are limited. Necessary shelters and homes are inadequate Programs are being designed by the MOWCA in collaboration with NGOs for the necessary social rehabilitation and reintegration of the victims.

The Trafficking of Children and Women; The Australian Situation

Ms. Bernadette McMenamin

National Director, ECPAT Australia

Little is known about the extent of the trafficking of children and women into Australia for the purposes of prostitution and sexual exploitation. What we do know is that this trade involves many hundreds of women and dozens of children both boys and girls, coming mainly (but not exclusively) from Asia, operates widely within Australia, is organised by criminal syndicates and the trade has been increasing since the 1980's. There is also evidence that women are also being recruited in Australia to work as prostitutes in slave like conditions overseas. The sex trafficking trade has flourished over the last two decades because this problem has not been viewed as a priority by the last two Australian Federal Governments despite evidence that it is a growing phenomenon. The inadequacy in dealing with sex trafficking is compounded by lack of appropriate legislation and lax immigration procedures and practices. Nevertheless as a result of political, media and community pressure from groups such as ECPAT and more recently due to the commitment made at the World Congress Against the Commercial Sexual Exploitation of Children the Australian Government are beginning to act and introduce laws and immigration procedures which hopefully will begin to address this illicit and exploitative trade.

It is generally believed that most of the women who are brought to Australia do so with knowledge that they will be working as prostitutes when they arrive. However the Attorney General's office recently reported that the women are usually unaware of the conditions in which they will work and often these conditions are tantamount to slavery. Some women have also reported that they

were forced into prostitution when they arrived. The available evidence suggests that most of the women brought to Australia for the purposes of prostitution are over 18 years of age and come mainly from Thailand; to a lesser extent from Malaysia, Singapore, Indonesia, Vietnam and the Philippines. Recent reports have found that women are also being brought to Australia from Central and Eastern Europe. ECPAT suspects that a proportion of these women would be in their teenage years but it is impossible to know the full extent due to their false documentation. ECPAT believes that the trafficking of children is not as extensive nor as organised as the trafficking in women. ECPAT is aware of at least six cases over the last few years where children as young as 12 have been brought to Australia from a variety of Asian, African and Pacific countries for sexual exploitation by individuals and to a lesser extent to work in illegal brothels. I should make mention that these cases were literally stumbled upon. However the actual number of undetected cases could involve dozens (or more) of children being brought into Australia as students and for holiday purposes by abusive sponsors. Again there is no way of knowing the extent of the trade. It is very easy to bring an unaccompanied child into Australia as the sponsor only needs a letter of consent signed by the guardian or parent overseas which allows the child to be issued with a holiday visa. The sponsor receives no police checks or little scrutiny by the Australian authorities.

In the early 1990's an Australian Federal Police unit was established to examine the trafficking of women for the purposes of prostitution and to develop preventative strategies. Unfortunately this unit was disbanded in 1995 due to a reduction in police resources and a lack of commitment to address the trafficking issue. This police unit provided the first insight into this illicit trade in women and children to Australia and strongly recommended that commonwealth laws were needed to deter and prosecute the traffickers. The police unit reported the following in a 1994 briefing document:

"international criminal are involved in the profitable and well organised movement of women from South East Asia into Australia for prostitution. The high profits combined with the difficulty of detection and comparatively low penalties from prosecution has resulted in the spread of groups engaged in these activities. Analysis of the trends indicates organised crime groups will continue their involvement in the international recruitment and movement of women for the purposes of prostitution with Australia continuing to be attractive destination for their activities. In addition to visa offences there is evidence of organised crime groups making multi million dollar profits from such prostitution much of it untaxed and moved offshore, large scale use of fraudulent documents and the involvement of international criminal networks."

The Federal Police reported that that "investigations of people involved in the illegal movement of Asian prostitutes revealed several links to organised crime figures in Australia, including connections to suspected members of Triad societies" It is also believed that these organised crime syndicates are involved in heroin trafficking and distribution. The Federal Police found that prostitution for organised crime syndicates provided them with a multi million dollar industry, criminal associates in drug sources and transport for illegal drugs via the frequent number of prostitutes and escorts and access to distribution networks via organised crime in Australia. The Australian Police detected that most of the money earned from the trafficking trade was sent out of the country through an intricate money laundering network.

The police investigations discovered that various payment arrangements exist between prostitute and organiser. Some women have to repay passport and travel expenses of around \$15,000 to \$18,000 before earning for themselves. At around \$80 per client, this would mean that the prostitutes would have to see around 200 customers to repay the debt. There have been various reports where women have to pay up to \$35,000 debt. A 1996 study found that at any given time there could be 300 illegal Asian prostitutes working in Sydney each producing a weekly gross of

\$4,800; producing a cash flow of around \$1.5 million per week.

They also found that many of the prostitutes are brought to Australia by syndicates which then supply them to numerous brothels. Instances have been found of brothel operators themselves going overseas and escorting prostitutes to Australia. Some women enter on holiday or student visas; others enter into false marriages to obtain residency to work in Australia. Some of the women have alleged that they were initially brought to Australia expecting employment as waitresses in restaurants. Once here, they either found the pay inadequate or they were allegedly coerced into prostitution by the organisers." Often they found that they were kept as virtual prisoners and their movement were strictly controlled.

Authorities and community groups in Australia have been extremely concerned at the reported unsafe conditions that illegal prostitutes work in. Even sex worker groups have reported that there would be a high risk of HIV/Aids as the women often engage in unprotected and unsafe sex practices. The women do not receive information and would have little if any access to health, legal or support services. It is believed they are kept as virtual prisoners.

While the issue of sex trafficking has received quite considerable (and usually sensational) media attention over the last few years in Australia, the Federal Government has been very slow to take action. A commonwealth law to prosecute the traffickers was proposed several years ago but it still has not been introduced and is still currently at a proposal and discussion stage with the Federal Government and the state and territory governments. Over the last few months there has been some progress in the Governments' actions and the efforts on several level to address the trafficking of women and children. The impetus to introduce commonwealth legislation is much stronger and immigration procedures have been reviewed and the immigration department is considering wide ranging changes to their procedures which will hopefully begin to address this long overdue and often ignored problem. here is no doubt that some of this pressure has come from external sources most notably by the Swedish Congress and from the Government of the Philippines who were understandably outraged by reports that paedophilia groups were trafficking boys from the Philippines into Australia for the purposes of prostitution.

Proposals to Prevent the Trafficking of Women and Children

Over the years ECPAT has been calling for a range of laws and procedures to be introduced to address the issue of sex trafficking. One of the proposals which is currently being considered by the Federal and state /territory governments is the introduction of a Commonwealth law on slavery including sex slavery. Currently there is no appropriate law to address this practice. Those involved in the sex trafficking trade would only receive (if at all) an insignificant penalty under the migration and conspiracy acts. In 1995 a Sydney brothel owner who organised the trafficking of a 13 year old girl from Thailand to work in an illegal brothel did not receive any punishment due to the inadequate legislation. Two men who trafficked a 13 year old boy from the Solomon Islands for the sole purpose of sexual exploitation were not charged nor prosecuted for trafficking; they only received two years for abuse of the child.

It is agreed by most parties that a Commonwealth law is necessary. There is opposition from the sex work industry who believe that women should receive visas to work and that we victimise them when they should have a right to work as prostitutes. Nevertheless the current proposal will hopefully be agreed to and be introduced in the near future. The initial impetus for the commonwealth laws came as a result of a review by the Australian Law Reform Commission who had recommended that the 19th century imperial laws relating to slavery be replaced with more modern and concise Commonwealth statutory offences. The proposed new laws revolve around the concept of recruiting and or employing etc. people to engage in prostitution under servile

conditions. This is a necessary stipulation as prostitution is legal in most states and territories in Australia. Where slavery is not involved and the persons are willing this constitutes breaches of the migration act. The definitions of servile conditions includes, but it is not limited to:

- I. where a person employed to engage in prostitution is not free to terminate that employment or is not free to terminate it within a reasonable time;*
- II. where a person employed to engage in prostitution is not free to decline to render sexual services to a particular person or persons;*
- III. where the employer of a person employed to engage in prostitution may transfer the person contracts of employment to another employer without that person's consent;*
- IV. where a person employed to engage in prostitution is not free without fear of retribution to leave his or her place of employment or residences according to his or her wishes or choosing;*
- V. where a person's sexual services are pledged to another as service for a debt;*
- VI. where the payment which a person derives for being employed to engage in prostitution is so unreasonable that employment is in the nature of employment under servitude.*

The Commonwealth proposal on slavery is directed at the following persons:

- a) those who, whilst outside Australia, recruit persons to engage in prostitution in Australia in servile conditions;
- b) those who whilst in Australia recruit persons to engage in prostitution overseas in servile conditions; and
- c) those who, whilst in Australia recruit and or employ persons in Australia as prostitutes in servile conditions

ECPAT has called for a wide range of procedural and policy changes which would prevent the trafficking of women and children. These measures include:

- more resources allocated to the Federal Police to investigate and prosecute those who traffic in women and children;
- more language appropriate support services and education campaigns for women working illegally in the Australian sex industry;
- police checks and close scrutiny of sponsors of overseas children applying for visas into Australia;
- mandatory visits by child protection workers to the home of the sponsor following the child entering into Australia;
- counseling and debriefing of abused women and children;
- training and briefing of immigration officers in overseas embassies to highlight the issue of sex trafficking;
- memorandums of understanding to be developed between the Australian and all Asian and Pacific governments agreeing to work jointly on commercial sexual exploitation of children and sex trafficking.

Government Response to the Trafficking of Nepalese Women and Children and their Commercial Sexual Exploitation

Mrs. Urmila Bhojpure Shrestha

*Acting Special Secretary, Ministry of Women and Social Welfare,
Nepal*

Ladies and Gentlemen,

The issue of the trafficking of Nepalese women and children, and their commercial sexual exploitation has received much attention in the government circle in Nepal since the holding of the Fourth World Conference on Women in Beijing in 1995 and the Stockholm World Congress against the Commercial Sexual Exploitation of Children in 1996. Just after the Beijing Conference in 1995, His Majesty's Government of Nepal (HMG/N) established the Ministry for Women and Social Welfare (MWSW) with the objective of minimising gender gaps in development, and achieving gender equality through empowerment of women and mainstreaming them in sectoral and national development. The MWSW is highly concerned about the problem trafficking, and it has initiated programmes to solve the problem. A few months ago, the Ministry prepared a policy paper to combat the problem of trafficking of women and children and their commercial sexual exploitation. The policy paper, which has been adopted by the Government through the Ministerial Cabinet decision, contains the following:

1. Public awareness campaigns against trafficking will be implemented on a large scale;
2. Actions will be taken to remove laws that discriminate against women;
3. Various organs of the government, NGOs, INGOs and the private sector will be mobilised to combat the problem;
4. MWSW will act as the 'focal point' for carrying out programmes against trafficking;
5. HMG will try to get support and commitment of all political parties in programmes designed to control trafficking of women and children for commercial sexual exploitation.
6. HMG will open its door for cooperation with the bilateral and multilateral donors to combat the problem of trafficking;
7. HMG will protect human rights and the rights of women;
8. The traffickers and exploiters of women and children will be made to pay heavy fines. The amount collected from such fines will be utilised to provide financial assistance to the victim;
9. Steps will be taken to control the spread of venereal diseases and HIV/AIDS as they are associated with trafficking and commercial sexual exploitation of women and children.
10. Necessary laws will be enacted to control trafficking. The Legal Act 2043 B.S. that prohibits the killing and selling of human bodies will be amended as per the need;
11. HMG will take necessary steps to alleviate poverty and provide employment opportunities to women;
12. District level Coordination Committees will be formed to function as communication centres and for collecting data, coordinating local level activities, and spreading information;
13. HMG will establish Coordination Committees at the national, district and village/ municipality levels to control trafficking.

Recently, the MWSW signed an agreement with the International Labour Organisation (ILO). Under this agreement, the ILO/IPEC will provide the Ministry with a lump sum of US\$89,000, for a period of two years beginning September 1997, to initiate a programme on the control of

trafficking of girls/children under the age of 18 years. Although this is a small project, compared to the requirements of the nation, it is an important initial step towards solving the problem. Therefore at this juncture, I would like to appeal to the international community and donors to help us in our efforts to combat the problem of trafficking of women and children in Nepal.

The MWSW has a policy to collaborate with various organs of His Majesty's Government to combat the crime of trafficking. Similarly, it also encourages and facilitates the NGOs in solving the problem. Figures and data on aspects of trafficking and commercial sexual exploitation of women and children in the country are scant. Although some rough estimates report that each year 5,000-7,000 women and children are trafficked out of the country for commercial sexual exploitation and the problem of trafficking is presently spreading to more and more districts of the country. However we do not have reliable information on the extent of trafficking, the pace of the spread of the problem, the places of origin and destination, and causes and consequences. Shortage of funds is another major barrier faced by the Ministry in tackling the problem on a wide scale.

The problem of trafficking has an international dimension as well, since the buyers of women and children and the sex industries are located abroad. Thus, the efforts of Nepal alone would not be sufficient to combat the problem. A regional convention on the issue is therefore urgently needed. In this regard, following the Male Declaration and the joint communiqué of the Prime Ministers of Nepal and India on the question of trafficking of women and children, the 12th SAARC Technical Committee on Women, held recently in Kathmandu, has decided that it will work for the preparation of a draft for such a convention. I hope that this conference in Manila will also come out with concrete suggestions for solving the problem of trafficking of Nepalese women and children and their sexual exploitation.

Thank you.

Dr. (Ms.) Prabha Basnet

Former Secretary, HMG Nepal

Madam Chairperson, Distinguished Delegates, Ladies and Gentlemen,

First of all I would like to express my sincere gratitude to and the Asian Women's Fund for its warm invitation and hospitality which it has so graciously extended to me. I also take this opportunity to express my personal appreciation to the Government and people of the Philippines, ESCAP, ILO, UNICEF and ECPAT for their support and cooperation for the timely organization of this conference.

Madam Chairperson, from Mexico to Copenhagen, on to Nairobi and finally to Beijing is about two decades of contemporary women's development history. If one looks at the history of the struggle for women's development and girl-child issues, both in the SAARC region and throughout the world, this period has been one of the most eventful and momentous in recent times.

1. In spite of considerable improvement in several health, education and employment indicators, women still comprise the largest section of the population living in absolute poverty, and represent the poorest of the poor. Women not only continue to be in marginal employment and have low levels of skills, their contribution continues to be "invisible".
2. The trafficking of poor rural girls is prevalent in certain districts of Nepal. In particular, Kavre, Sindhupalchok, Nuwakot, Makawanpar and Dhadhing have been identified as high risk districts. Girls in the 10 to 14 age group are at the highest risk of being picked up by traffickers. Absolute poverty combined with illiteracy is often the main reason for selling girls.
3. The sex industry is thriving in an urbanising world. On the supply side, there are poverty, ignorance, lack of skills and aspiration for a better life-style, which creates constant supply. On the demand side are more decay, broken families, social exclusion and a wild pursuit of pleasure that tempt the misguided and dissolute to seek instant sexual gratification in markets.
4. Sexual abuse of innocent children is a crime against humanity. A child victim tends to grow into a victimiser adult. It perpetuates the sin. But as the AIDS epidemic hits the world and paedophiles feel freer in their immoral quest for satisfaction in progressively permissive social attitudes, girl children, and boys too, are being increasingly forced into the sex industry as sex objects.
5. A holistic approach is required to grapple with this reprehensible social problem. It is not only a question of law enforcement within states and policing frontiers, although these are key elements. It also involves much larger and more profound questions of socio-economic development, social safety net for the vulnerable, increased awareness, family values, equality of opportunities and justice, and moral resurgence.
6. Regional problems require regional solutions. This entails substantially enhanced regional cooperation among governments, INGOs, NGOs, civil society, mass media and the private sector. This substantiates and justifies our meeting together here in this conference.
7. As a preventative measure the government of Nepal, together with NGOs and civil society and college students have launched a massive awareness campaign of reaching out to the vulnerable people in high risk source areas through door-to-door, use of media songs and street dramas. The results have so far been quite encouraging.
8. To provide women and children a conducive environment to grow into conscientious and decent citizens is our paramount collective responsibility. We the members of this region will, therefore, need to take this opportunity to commit ourselves to redouble our efforts to erase the despicable phenomena of trafficking and commercial sexual exploitation of women and children from the face of the world—a commitment worth making at the threshold of a new century and millennium.

In conclusion, Madam Chairperson, I personally view this forum as an opportune moment to share experiences in our efforts and challenges as we face to develop collective strategies for the future in materializing the commitments that we solemnly promised at the Fourth World Conference on Women in Beijing.

Trafficking in Women and Children; Beijing and Beyond

Ms. Lalitha S.A.

Joint Women's Programme, New Delhi, India

On the road to Beijing, NGOs and Government Agencies altered the landscape. In Beijing, women—and Indian women in particular—did not fail to articulate the concerns of their respective nations and to cry out for the recognition of women's rights as human rights. And beyond Beijing, NGOs from all over the world and on every level of existence continue to take action against the sexual exploitation of women and children. This global conference has clearly announced that the empowerment of women is the empowerment of all humanity.

The Joint Women's Programme (JWP)—an Organisation which I represent today—has been involved in the issue of women commercial sex workers and their children as well as children trafficked for sexual abuse since 1978. Hence the Fourth World Conference's recommendations in regard to the trafficking of women and children was an affirmation to the already existing work of the Organisation. My paper, however, will focus on the responses made by the JWP since the Fourth World Conference on Women in Beijing and last year's Stockholm World Congress against the Commercial Sexual Exploitation of Children even though the involvement has been prior to these conferences.

The paper will discuss the follow-up activities, collaboration with government and other agencies and the problems faced by the Joint Women's Programme in responding to this concern.

ACTIVITIES:

A. Praxis

One of the strategic objectives in the Beijing platform for action is: 'Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.' Certain directions were spelt out for the government to follow in the process of controlling this form of violence against women. Soon after the Beijing Conference—in December 1995—the Joint Women's Programme (JWP) took the initiative to organize a National Workshop on Women and Children in Prostitution—A Human Rights Perspective. The workshop was organized in collaboration with the National Commission for Women (NCW). This workshop brought together—for the first time on this issue—activists, lawyers, government representatives and commercial sex workers. The common concern for women and children trafficked and sexually exploited resulted in the setting up of networks among the concerned NGOs and Government. Several recommendations on: provision of health care, prevention of trafficking and entry of children into prostitution, change of laws that discriminate victims, and alternative measures of persons abused and children of sex workers were drawn up and presented to the Government for consideration and appropriate action. It was emphasised during the discussions in the workshop that any plan of action must focus on PREVENTION of entry of children, especially girls, into commercial sexual exploitation.

A Preventive Action Network was formed by the participants of the workshop and is coordinated by the Joint Women's Programme. This network comprises grassroots level groups who are presently working on this particular issue. For the past two years these network groups, have been conducting a relentless awareness campaign in rural and urban pockets of Andhra Pradesh, Bihar, Karnataka, Uttar Pradesh, West Bengal, Rajasthan, Delhi and Himachal Pradesh. Regional meetings have been held throughout the year of 1996 and in the early part of 1997 in prone areas.

These groups have planned and carried out action relating to this issue in various ways. In the course of deliberations during the workshop it was realized that recruitment of young girls has been growing and trafficking continues with the help of pimps, senior sex workers and other controllers of the sex market. The nexus is so strong that one NGO alone cannot confront it. The police looks upon its work to be that of conducting raids and arresting women in commercial sex work rather than the arrest of customers, procurers and pimps who are the actual criminals. In forming this network, the JWP not only raised community awareness on improving the status of the girl child but worked simultaneously on the prevention of commercial sexual exploitation of women and children. To accomplish all this the Network Members are working towards empowering *panchayats* (local elected bodies) to monitor the disappearance of children from schools and sensitize parents on the sale of children..

In May 1997 a National Seminar-Workshop for Network Members was organised by the JWP to assess the previous year's activities and to plan effectively for the future. This Workshop drew up recommendations for the SAARC Agenda which followed almost immediately. One of the outcomes of this workshop was the recommendation to set up mechanisms on regional, national and international levels so that affected persons can seek unconditional and non discriminatory justice. Another equally important recommendation was to initiate bilateral agreements with Nepal and Bangladesh. JWP also joined hands with the Asian Women's Human Rights Council to further these recommendations and to pressurize SAARC to place these issues on their agenda.

In addition to the above activities the Network Members have also taken steps to initiate family contact and provide unconditional acceptance for women who are sexually abused, thus assisting them to get into the mainstream of society. Professional counseling, and emotional support of women and children are offered through regular contact. Legal Aid is also offered on a regular basis

B. Research

Praxis is not the only focus of the JWP. In order to assess the nature and existence of the problem, the JWP in collaboration with other organisations has done extensive research in the past two years. The first has been published in the form of a book 'Women Soliciting Change' which is an in-depth study of a well defined red light area in Delhi namely G. B. Road. About 4000 women reside here and are engaged in the profession of Commercial Sex Work. Most of these sex workers hail from different parts of the country and also from neighbouring countries like Nepal and Bangladesh.

This study reveals that specific districts in the States of Maharashtra, Tamil Nadu, Andhra Pradesh, Karnataka and West Bengal are major source areas. Analysis of the survey conducted in G. B Road reveals that nearly 60 % of the women living here have been forced into flesh trade due to social rather than economic pressures. Compared to other metropolitan red light areas in India, Delhi has comparatively a low number of Nepali and Bangladeshi sex workers who have been trafficked across the borders.

A second study 'The Silenced Lambs' which has been conducted in Andhra Pradesh and Orissa, during 1996 indicates that in Andhra prostitution is carried on with religious sanction. This practice is also prevalent in various districts of Orissa. Tradition is the biggest factor in perpetuating this practice. The study also reveals that in Orissa low literacy rate, community and cultural practices are the main causes of forcing the girl child in taking up commercial sex work. Initial steps are being taken to study the situation of rural women in West Bengal. This study will hopefully be completed soon.

The JWP made various efforts to raise public awareness and encourage community involvement and action on trafficking. These efforts included the understanding and exploration of the local circumstances in various states of India - the country of destination. Strong efforts were directed towards reintegration of the women rather than further victimizing them. These efforts were made in cooperation with other non-governmental organisations working against trafficking and related matters in public education and prevention of trafficking of women and children. A 1991 Study conducted by the Central Social Welfare Board (CSWB) in India revealed that 2.6 of the commercial sex workers in India were from Nepal and 2.17 were from Bangladesh. These figures were further verified through the grassroots involvement of JWP and action towards those trafficking was set in motion through the networks established by the Organisation.

INTER AND INTRA-COUNTRY TRAFFICKING

Very often, when we talk about trafficking of women and girls for commercial sexual exploitation, it is understood as trafficking across borders. Intact what is often overlooked is that there is a much larger volume of intra country trafficking wherein women and children are sold in red light areas of big cities from remotest districts of the country. The 1991 study of CSWB has identified some such districts. The modus operandi takes many forms such as kidnapping, promise of well paying city jobs, rape, false hopes of marriage, or domestic violence. There are very few voluntary entrants. The pimps and senior sex workers have a streamlined method by which the transport of a village girl to a city brothel is carried out smoothly. Consumerism also plays its part, when a city sex worker visits her native place flaunting fine clothes and money, which tempts parents of young girls to send their daughters to the city.

In the cities such as Bombay, Calcutta, and some towns in Bihar and U.P. there is a large proportion of Nepali and Bangladeshi girls who have been trafficked from across the borders through an established network. The trafficking of these women and children has often placed India in an unfair position as many tend to blame India as a receiving country that promotes prostitution. However, we strongly feel that it is a joint responsibility of the SAARC Summit, which was held early this year, to combat this issue rather than placing the burden of this responsibility on one nation. One such effort could be a Regional Policy that needs to be evolved whereby the law enforcement agencies of SAARC countries can work together to combat the trafficking of women and children for the purpose of commercial sexual exploitation.

COLLABORATION WITH THE GOVERNMENT

In addressing the issue of trafficking of women and children the JWP also collaborates with the Government. For example, following the Supreme Court of India's Judgment in the Vishaljit case in the year 1990 a Central Advisory Committee on Child Prostitution was setup to make recommendations on prevention of entry of children into prostitution. The JWP is a member of this Committee. Several committees have been setup in other States also. The JWP is a member of the State Committees of Andhra Pradesh, Karnataka and Maharashtra. Our organization is also a member of the Core Committees on Child Prostitution which have been set up by the National Commission for Women (NCW) and National Human Right Commission (NHRC). The Organisation was also a part of the country's preparatory process towards the Stockholm Congress on Commercial Sexual Exploitation of Children and facilitated the Northern Region Consultation along with UNICEF and the Department of Women and Child, Government of India.

PROBLEMS

Prostitution in India is regulated under the Immoral Traffic in Persons (Prevention) Act (ITPPA)

1986. This Act leaves much to be desired in its provisions for rehabilitation and general implementation. Far from prescribing stringent punishment for customers and pimps most often it penalizes the woman sex worker who in reality, is a victim of circumstances. Section 5 of the ITTPA prescribes 3 to 7 years rigorous imprisonment and a fine up to Rs. 2,000/- in cases of 'procuring, inducing, taking for prostitution'. If the victim is a minor, the punishment extends between 7 and 14 years and between 7 years to life when a child is procured. The JWP has worked consistently on this issue and made several recommendations with regard to reform in the law which is often used to harass and victimize the commercial sex worker.

It is impossible for NGOs to combat the Mafia that controls trafficking across the borders, without the help of the government. However, there is a distinct lack of political will to control cross border trafficking. The main problem that NGOs working in this area have to face is the insensitivity of Government officials. JWP has tried to ensure the basic rights of sex workers as Indian citizens. These efforts have often been misunderstood by responsible officials as giving encouragement to the institution of prostitution and the brothel system. However this does not deter JWP's direction. Continued support to women and children is offered despite a lack of cooperation, political will on the part of concerned authorities and enforcement of laws to investigate, prosecute and penalise traffickers and others involved in the expansion of trafficking women and children across the Asia region.

Day care centers are being run by JWP in red light areas of various states of India. At present all centres are run on day care basis. The need at present is that these centres be run for 24 hours. Unfortunately the Organisation is not able to do so due to a lack infra-structural resources and of support /interest from the local authorities. Presently the JWP has taken legal action against some authorities who deny basic rights to children.

Another problem faced by the JWP is the protection of the women and children from those bodies forcefully testing for HIV/AIDS. The Organisation has made several Interventions to thwart the efforts of vested interest persons and groups in this aspect. The JWP has joined forces with other activist groups and NGOs to protect women and children but the drive to prove that these women are instrumental for the spread of AIDS continues to target women and children in commercial sex work

Lastly I would like to mention that conclusions drawn, resolutions or laws amended after many of the International/National Conferences and Seminars are not implemented effectively and seriously by respective countries. This makes for a lack of continuity between Conference recommendations and grassroot implementations.

Concluding Remarks:

Human rights and fundamental freedom is the birthright of all human beings; their protection and promotion is the first responsibility of all persons and very especially of governments. The World Conference on Human Rights as also the Platform for Action reaffirms that the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. It is in this context that the Joint Women's Programmes has planned its programme and implemented the follow-up action to the Beijing Conference and the Stockholm Congress. This implementation has been along the lines of using strategic awareness and pressure building activities from below coupled with appropriate documentation and analysis. A strong focus was given to the implementation of the UN Convention on Child Rights 1989 and the Programme of Action of the United Nations Commission on Human Rights for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. The 1996 Programme of Action of the United Nations Commission on Human Rights for the Prevention of Traffic in Persons and the

Exploitation of the Prostitution of Others was also emphasized in the programmes of JWP. Simultaneous to the promotion of these UN Programme of Action the organisation is also pressurizing Government authorities to review the existing laws and make changes in favour of women and children thus penalizing traffickers and controllers of the sexual market.

The struggle goes on and in the lobbying and working towards developing national policies and programmes to prevent trafficking and in assisting trafficked women and children other factors such as reviewing and improving existing services and seeking for adequate resources to implement the programmes effectively remain a constant need on the part of all NGOs and JWP. Personal findings and research tell us that women, at the local level, as well as on the global front have become more aware of the problem and are willing to cooperate to combat slavery of women and children at all levels. It is with this hope that the Joint Women's Programme continues to plan strategies that highlight the importance of women and children especially those sexually abused.

Trafficking and Commercial Sexual Exploitation of Women and Children; A Report on the Sri Lanka Situation

Ms. Lalitha Dissanayake

Women's Development Centre, Kandy, Sri Lanka

The nature and magnitude of the problem of trafficking and the Commercial and Sexual Exploitation of Women and Children in the island state of Sri Lanka is quite different to that prevailing in the countries of the neighbouring Indian sub-continent. The comparatively less unfavorable socio-economic conditions related to population density, acuteness of poverty and illiteracy in Sri Lanka, the specific cultural setting and the fact that cross-border traffic overland is not possible account for most of these differences.

Trafficking of Sri Lankan Women and Children, however, is a growing problem which occur in more covert, indirect and disguised forms and has escaped being recognized as a national problem. The absence of data and studies on trafficking has been a particular drawback. Commercial exploitation of children, for sexual abuse and pornography and child labour have been more readily identified as crime by the public and law enforcement authorities.

Commercial Sexual Exploitation of Women

In Sri Lanka prostitution remains illegal and is criminalised, leading to the "punishment of the victims" who are the prostituted women. The Vagrancy Ordinance of 1841 is applied against individual 'suspect' women vagrants who are victimized by detention and prosecution by the state for anti social behaviour. Such victims have little opportunity for rehabilitation and are instead pushed back to the streets due to social ostracism and rejection.

The Brothels Ordinance of 1889 is ineffective and has not kept pace with the developments of the sex-trade of the modern times. It has failed in its prime objective of "suppression" of brothels. The commercial sexual exploitation and procuring through sophisticated and organized forms through

institutions labeled as "guest. houses", "tourist rests" and "Hotels" operating with networks of procurers (mostly unemployed youth and cab-drivers) have proliferated in and around tourism centres in Sri Lanka, in the recent two decades. These institutions seem to carry on their business without check or restraint by law enforcement personnel although every major police station has a vice-squad expected to crackdown on anti-social Institutions. For instance the second largest city, Kandy which is a very popular tourist destination

has over 80 guest houses most of which are patronized by procurers and clients. The number of police raids conducted over the past 4 years is less than 10. Such raids end up by taking into custody the women as the raids target the women involved. Police action and organizations do not appear to be geared to deal with the offence of "trafficking".

Being a key foreign exchange earner, tourism is being patronized and promoted officially with zest supported by Government incentives. Unscrupulous businessmen take cover under the wide umbrella of tourist trade, to procure and supply vulnerable women and children for the sexual exploitation of tourists.

The estimated number of 30,000 commercial sex workers in Sri Lanka while there is no local data on women who are subject to organized trafficking for the sex trade. It is well known than the intensity of Commercial Sex Trade has been fast growing in Sri Lanka with rapid commercialization, modern travel facilities, increased mobility, modern communications, free trade and globalisation particularly against a backdrop of unemployment, poverty and deprivation. typical of third world situations.

Sexual Exploitation of Children

The 1995 amendments to the Penal Code (principal enactment of 1883) retains the sub-heading "Kidnapping and Abduction" deleting the term "Slavery".

This amended section on Kidnapping and Abduction deals with matters of "Procuring", "Sexual Exploitation" and "Trafficking" of children (re-defined as persons under 18 years of age) and has specified higher penalties for all such offenders. It is still to early to evaluate the effect of these amendments. The emphasis on children confirms greater national and social sensitivity concerning abuse of children as against that of adult women.

According to the Police Headquarters the total number of complaints officially recorded on abduction and kidnapping locally are as follows:

| | | 1995 | 1996 |
|-------------------|---------------------------|------|------|
| Abductions | Women | 41 | 43 |
| | Under 18 years (children) | 39 | 23 |
| Kidnapping | Women | 39 | 29 |
| | Under 18 years (children) | 77 | 88 |

Normally only a percentage of the incidents get into official records. Recent history of Sri Lanka has been marked by thousands of "disappearances" of persons (mostly men, due to civil disturbances), which are being investigated currently as human rights violations. It is no surprise therefore that issues of trafficking of women and commercial sexual exploitation of women are trivialized. Moreover the mentality or the law enforcement personnel is still characterized by the

outdated interpretations of the Vagrants Ordinance and the Brothels Ordinance whereby they perceive the women as offenders and not as victims of exploitation.

The number of children who are supplied to paedophile tourists in the Western coastal zone, are mostly boy children and are estimated to be 30,000. This problem has received official recognition now, after years of lobbying by concerned N.G.O's led by PEACE. A presidential task force has been appointed in 1997 to examine child abuse and recommend action. Concurrently the Government Educational Reforms underway aim at initiating action to make primary education compulsory to all children between the ages of 5 to 14 years which should also have restraining effects on the commercial sexual exploitation and abuse of children in Sri Lanka (currently 10% -15% of children do not enter schools). B.B.C. world news report telecast in October 1997 revealed that there are 600 Internet advertisements offering teen and pre-teen children in Sri Lanka for the sex-tourism trade.

Export of female labour and exploitation

As referred to above the removal of the sub-heading "slavery" in the amended Penal Code imply insignificance of such offence in the present context and more importantly reflect the non-recognition (officially) of its relevance particularly in connection with the large scale export of low status female labour from Sri Lanka.

The disguised and modernized forms of trafficking (across the seas) of young women from Sri Lanka takes place through the seemingly legitimate recruitment of women for employment abroad (primarily for domestic work). The commonest destination is West Asia where the ILO. worker standards, labour protection legislation, the guarantees of human treatment of domestic workers and bi-lateral agreements with sending countries are absent or inapplicable. The practice of mass-recruitment of illiterate or semi-literate highly vulnerable, poor rural women by private recruiters is widespread in Sri Lanka and is the popular solution to problems of poverty and unemployment.

It is the prime foreign exchange earner for Sri Lanka. The remittances of migrant workers (85% women) has amounted to 46 Billion Rs. in 1996 while Government expectation is a progressive increase of same. The mode of recruitment (from villages) of these uninformed, non-empowered women at extra fast speed for "employment" abroad by mushrooming private Job Agents (over 600) and their sub-agent network appear to be the most significant channel for luring women out of the country. The current annual outflow of female labour is around 120,000 while a further 30% is believed to exit as undocumented workers through illegal channels. The latter category for which there are no institutional clearances or records nor insurance schemes are the most vulnerable to exploitation abroad.

Approximately 450,000 Sri Lankan women work in West Asian countries. The runaway rate of unhappy Sri Lankan housemaids in Saudi Arabia, Kuwait, Lebanon, Jordan and other West Asian countries is very high, despite the risks they face of becoming easy prey to unscrupulous operators who sell them to brothels or recycle them as domestic slaves. Bonded slavery is also common as the very poor women depend on credit from recruiters to obtain travel tickets. It is also common knowledge that they are dispossessed of their passports and other documents of identification at the host household in order to prevent running-away which amounts to forced labour. Of the large numbers that runaway those who are fortunate, strong or clever enough to withstand the aggression and exploitation of the preying middlemen end up in the Sri Lanka Missions i.e. in Kuwait the number of runaway women workers at anytime was around 150 in the early nineties which number has now risen to 300, in Saudi Arabia the number of "runaways" who end up in the Sri Lanka mission in Riyadh are over 200 per month.

It is no secret that Bahrain is a transit point where some type of "barter trade" of women takes place between the recruiters and the agents abroad. Press reports some months back revealed that some Sri Lankan women workers in Lebanon have been sexually exploited by being detained for the purpose of producing babies for sale.

Available statistical information on complaints of these Sri Lankan migrant women workers are indicative of the exploitative nature of their "employment" abroad:

| Nature of complaint/report | Total 1993 to 1995 |
|--|---------------------------|
| Number stranded abroad | 670 |
| Number of worker deaths reported thro' consular channels | 343 |
| Lack of contact with home/family | 3906 |
| No. of cases of Harassment | 7044 |
| No. of cases of Mutilation | 44 |
| Average number of refugees in S.L. Mission/Kuwait (at any given time - awaiting repatriation) | 300 |
| Monthly number of refugees in S.L. Mission/Riyadh | 200 |

As only a fraction of the violations of the rights of these enslaved women get reported officially the above data does not reveal the true magnitude of the problem.

Following years of debate and discussion by non-government bodies and particularly the recent visit of the Sri Lankan President to the Middle East some positive measures for the mitigation of the vulnerable status of these migrant women workers have been approved for implementation from November 1997. Accordingly the formal signing of employment contracts is envisaged committing legally the job agents at both ends and the S.L. Missions (in receiving countries) to ensure the guarantee of minimum worker rights. This however would not protect the undocumented workers who are the most vulnerable to the operations of exploiter rings.

Since Sri Lanka has no intention of banning the "maid trade" the only hope of curbing exploitation of migrant women would be through such regulatory measures and bi-lateral action with labour receiving countries. (Please see addendum below)

Concluding Remarks

Sri Lanka is a developing country having a population of 18 Million, currently plagued by long drawn-out civil war with separatist groups. It is burdened with displaced communities, military expenditure and set backs to steady economic progress. It is accepted that effects of displacement and disturbances are more adverse on women and children.

In addition militarisation promotes internal trafficking and the sex-trade. Cultural taboos and social values also restrain the open discussion and acknowledgment of such developments.

International trafficking for sexual slavery is reinforced by the widening socio-economic disparities between the rich and poor countries. Similarly local trafficking between the poor rural and affluent urban communities.

Under these prevailing circumstances it is not unusual to find that the national priorities and the law enforcement efforts are not directed or focused on the suppression of trafficking of women nor their commercial sexual exploitation.

Addendum:

Post-Beijing Efforts and the Role of NGOs

The Sri Lanka government "Plan of Action for Women" formulated in 1996, does not address the issues of trafficking or commercial sexual exploitation (probably for reasons explained above).

The N.G. Organizations have during the same period displayed effective networking, monitoring of women's rights and continued to be a lobbying force.

The responsiveness of the government to same is evident from the fact that two Special Presidential Task Forces have been set up during 1997 to deal with the issues of "Child Abuse" and "Migrant Women Workers" enabling effective policy interventions and some action.

Trafficking, however, has not yet received the same recognition in Sri Lanka.

Very few N.G. Organizations are actively involved in this issue and they too are concentrating on post-exploitation relief by providing temporary shelter, counselling facilities and rehabilitation programmes for women victims.

A well-known N.G.O. for such work is the Women's Development Centre, located off Kandy to which women victims are referred to by State organizations such as the Police and the Probation Department. The W.D. Centre runs a Shelter Home with counsellors and vocational training facilities.

Women and Children in Cambodia

Ms. Srey Chanpallara

President, The Outreach, Cambodia

I. The Situation of Children

Children in Armed Conflict

The ruins of war have produced serious difficulties in Cambodian people's lives. In the stage of national reconstruction, the whole Cambodian people have no stable mind as required. The people is living conditions, especially children's have, seen nothing hopeful, because those children have been living under guardianship of people who meet with difficult in life, 75% of the whole Cambodia people being poor:

Two decades of war has left a legacy of miserable living conditions for Cambodian people. Some

children have lost their parents, some have lost their father, some others, their mother, and most of them are fatherless. Typically mothers are solely responsible for between 4 to 6 children. They have poor living conditions, their father having died in the war, losing their life in the A5 operation. Consequently the burden of the family has become an unsettled problem.

About half of Cambodia's population of 9 million is under the age of 17. With a birth rate of 3% to 3.5% a year this percentage will no doubt increase. Out of every thousand children born in Cambodia ~23 will die before the age of one 199 will die before their fifth birthday. The reasons for these terribly high mortality rate are clear when you examine some of Cambodia's other statistics. Less than 50% of the 'rural' population has access to health services, only 18 % has access to safe water while a pitiful 13 % has adequate sanitation facilities (8%), of the children that die each year, forty per cent of these from malaria and diarrhea, largely because of the poor distribution of food aid and the lack of sanitary water. Along with malaria, tuberculosis and land mines are killing the most Cambodian children. There are also many other health problem. In a country with no vaccination system in place, approximately 25% of handicapped children have polio, suffer from vision problems as a result of the lack of vitamin A in their diet, or are deaf and dumb as a consequence of limited access to basic health care. Another huge children health problem is the psychological and social impact of Cambodia's tragic past on Cambodian children. The war has left deep psychological scars on many children. Unfortunately, the war has also left their families and society, in many cases without the ability to help them.

Street Children and Education

The vagabonds and orphans need to subsist. What is not easily settled in time is the question of children in the city, living on the streets, at market places, in pagodas, or by the side of restaurants. At present in Cambodia, the Ministry of Social Action and UNICEF have taken measures to provide lodging to those homeless children but it is impossible for them to meet all the needy children's requirements.

Town Children living on street have had no properly settled home. Most of them, coming from the provinces, are living from hand to mouth. Their parents are very poor, and certain regions are frequently hit by natural disasters, thus rendering farm production inactive both in the rainy season, with flood water, and the dry season, with drought.

The main causes affecting children are poverty caused by family separation due to the death, or the divorce of parents.

Children's life in the city:

| | |
|---|----|
| Living as beggars | 5% |
| Petty food peddlers | 4% |
| Collecting scrap on streets or at the markets | 9% |
| Using piles of garbage as bedding | 7% |
| Vagabonds and thieves | 2% |

Most of Cambodia's adult population is illiterate, with only 35% of the population over-fifteen able to read or write Khmer. The chances of improving literacy rates within the up coming generation are slim. Education opportunities for children are limited, especially in rural areas where the vast minority of Cambodia's population lives. For those children that do attend school, classes typical last only 3 hour and they are conducted by teachers with an 75% enrollment in grade one, the necessity of working to contribute to the family income causes this number to drop

precipitously to where only 10 % of students enrolled in the first grade, reach grade five.

They respectively carry on a" these jobs just for life and for their family as well. None of the children have money to support themselves and the care of education given by their guardians has very little affect. What affects them most is that they should face with all difficulties, especially in physical heath, food and others.

Daily income can not meet their needs and hunger is the main factor making it impossible for them to receive adequate education. Children need assorted school materials, but here in Cambodia, parents, or guardians, poor as they are, cannot afford to buy enough school materials for their children. So the quality of their knowledge is very poor. In remote regions only children up to the age of 7 and even up to 10 years old go to school due to the fact that they live far away from school, their parents having no money to provide for their schooling.

- They have no guardians;
- Their living conditions are very bad;
- They are extremely poor that they have to have school;
- They are late for school due to the bad living conditions of their family and are punished by their teacher;
- They live with their old grand-father or grand-mother, as they parentheses,
- They should have to pay overtime class fees that they have nothing to pay,
- They Can't afford money to buy school materials,
- Living on the pile of garbage as they are, they are disliked by their classmates,

Child Prostitution

Prostitution in Cambodia is growing rapidly, with the typical Khmer prostitute being 12-16 years of age. The abduction of young girls, or their sale by friends or relatives is becoming common-place. reports of the disappearance of young teenage girls and boys are on the local news several times a week. Despite the gravity of the situation, the government has done nothing yet to address the problem. As a result, more and more children will be victimized and exposes to sexually transmitted diseases including AIDS.

While the government has ratified and acceded to the Convention of the Rights of the Child, the terms of the Convention are not widely understood or following. Also, the government has yet to pass the law or regulation protecting children. In principle the government under the state of Cambodia has agreed that no children under the age of 15 and children with disabled parents should be conscripted into the army. However, children are still conscripted without regard to their age or family situation. As a result, many families are forced to flee their homes to protect their children from being forced to join the army.

Recently however, the parliamentary Commission of Human Rights set up a committee charged with studying children's concerns and taking appropriate action. Children in jail and street children are just two of the pressing topics the committee is expect to address.

Another areas that deserve more attention is the quality of Cambodia's orphanages. Currently, the orphanages feed, clothes and send the children to school but do little else to help children develop. Orphanages staff are not trained to deal with the special needs of children. Another area of great concern is NGO coordination. Thus first, international NGOs have been slow in responding to needs of Cambodia's children. When they acted, they have often failed to involve local Cambodia

NGOs.

Situation of Women

The percentage of rural women receiving (primary education) will be increased to 11 %, nonetheless, obtaining education for their children remains an expensive endeavor for most Cambodian families. As a result, poor families often direct their limited resources to the education of the boys, while girls go uneducated. Traditional stereotypes are often the root cause of the decreasing ratio of female-male students as students go on from primary level to secondary level. Many families consider it inappropriate for their daughters to pursue a career or to mix with the opposite sex, and expect girls to take on their role as house-keepers. In rural areas the early age of marriage for girls (15 in rural areas, 18 in the urban areas) exacerbates the problem of girls dropping out of school. Rural women in Cambodia suffer, as do the rest of Cambodians, from the absence of laws or enforcement of laws to protect the environment. The environment is being poisoned by dumping toxic wastes, deforestation and industrial pollution.

Rural women are also faced with issues of land security, exacerbated by weak land laws, and corrupt official and military personnel who confiscate land from women-headed households or poor people. Cambodian women also suffer from acts of violence against women in all its typical forms, rape battering or domestic violence, incest sex trafficking, sexual exploitation and pornography, specifically for rural women between the ages of 14~16. Cambodian women have, using the available opportunities, taken part in many development initiatives and decision-making processes at local, provincial levels, and they have launched several campaigns to educate women on their rights and responsibilities. They take part in political, social and economic initiatives of the government, non- government and community based initiatives.

Women living in these squatter areas are vulnerable to eviction, and also to sexual harassment. These problems are of course intensified for the homeless. Many women in urban poor households are also their families' main breadwinners because of inadequate employment opportunities for men, and the disability of some family members due to injuries caused by land mines. During the watershed Cambodian election of 1993 ,women comprised 54% of the population that cast its vote for democracy. Despite the high percentage of women voters ,women are underrepresented in elective government positions. 120 members of the National Assembly were elected in 1993, however, only 5 of these member were women. Currently, the number of women members of parliament has risen to 7 or a mere 6 % of the National Assembly.

After the Cambodian constitution was adopted in 1993, the election members of parliament formed a government that did not include a single women minister, the Secretary of State for Women's Affairs is also a man. Furthermore, Cambodia is divided into 22 provinces each headed by a provincial governor, all of whom are men.

Thank you.

Trafficking in Women and Children of Vietnam

Ms. Pham Hoai Giang

*Presidium member, Chief, International Relations Department,
Vietnam Women's Union*

Madame Chairperson, Ladies and gentlemen, Friends,

Let me first thank you on behalf of the VWU for inviting me to joint you in this timely and meaningful event, the 1997, International Conference on Trafficking and Commercial Sexual Exploitation of Women and Children. I say this is a very timely and meaningful meeting as trafficking in women and children has become a serious problem of not only a single country or a group of countries but a growing global one which has violated the human rights of numerous innocent women and children in all over the world especially in the poor and the developing countries.

On this occasion, I would like to share with you on two aspects relating to trafficking in women and children in Vietnam and the legal framework and efforts by the government of Vietnam and the VWU against trafficking in women and children.

1. The Situation of Trafficking of Women and Children in Vietnam

In Vietnam, this painful experience has occurred and increased in number and its complexity and become a common concern of the government, the public and many social organizations including the Vietnam Women's Union—an organization representing the legitimate rights and interests of Vietnamese women and children.

So far there is no general data systematically gathered of the cases in Vietnam and from Vietnam. However according to the Supreme Court, between 1992-1994, roughly 739 cases of trafficking in women have been tried with 1387 defendants. But nobody is sure for one case reported, how many others are invisible?

In Vietnam there are three main channels through which Vietnamese women and children have been trafficked in the recent years: Trafficking from the northern province to China for marriage or other reasons; trafficking from the southern rural provinces for prostitution to Cambodia also involving children and from HoChiMinh city to Hong Kong Taiwan, and Macao with the help of "matching agencies".

Although the trafficking in the different regions of Vietnam takes different forms, the underlying reasons are mostly the same. While lack of information, employment, poverty or destitution are fundamental reasons that victimize innocent women and children, insufficient or inadequate public education and communication combined with improper punishment of criminals does contribute to aggravating and complicating the evil. The purposes of trafficking in women and children are mainly for labour and sexual exploitation among others.

While victims are mostly girl and women aged from 13 or 14 to 40 who are poverty stricken, cheated or lured by promises of job opportunities abroad, traffickers are mainly brothel-keepers, procurers, pimps. There have been many cases of foreigners coming to Vietnam who joined

networks trafficking in women for the purpose of prostitution abroad.

2. Legal Framework and Efforts of the Vietnamese Government/ Action taken by the Vietnam Women's Union

The SR. of Vietnam's laws clearly defines that trafficking in women is a criminal act. All forms of discrimination against women are prohibited. Article 115 and 149 of Criminal law stated fail sentences from two to 20 years to those who commit trafficking of women or children. In addition, article 202 of the Criminal Code also define banding and punishment for sex trading and sex procurement. The violators can be imprisoned for up to ten years.

In 1994, the Government issued a decision on the establishment of the Anti Social Evil Department under the Ministry of Labour, War-Invalids and Social Affairs to promote the prevention of this evil. The prevention and punishment of prostitution has contributed to the prevention of trafficking in women and children.

We are highly delighted at the newly issued Directive n#766 by the Prime Minister of Vietnam, in September 1997 that directly relates to the prevention and ultimately elimination of trafficking in women and children. The Directive assigns in a clear-cut manner responsibilities for the various line ministries, sectors and localities, such as the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Labor-Invalids and Social Affairs (MOLISA), in coordinating with social and people's organizations, the VWU included, to enhance public information and communication, education, efficient use of available resources for the purpose of vocational training and job generation for groups of vulnerable and returned women and children.

Mass media nowadays, more aware of the situation and its dangerous social consequences play an important role in raising the public awareness and condemning the evil.

The government of Vietnam also prioritize the national program on poverty alleviation through creating jobs for the poor, providing credits services for the poor and encouraging Vietnamese and international NGOs community to conduct various programs, projects and activities in this field.

These are in accordance to the commitment made by the Government of Vietnam and the WVU on the UN Conventions on the Elimination of All Forms of Discrimination Against Women, on the Rights of the Child as well as the Beijing Platform of Action which Vietnam has ratified very early.

In this general context, fully aware of the situation of trafficking in women, the VWU organizations at all levels have provided education and access for vulnerable women groups and victims to credits, employment and community reintegration activities. It depends on the situation of each province, especially the border ones that the local women's union decided to undertake proper actions. Some provincial women's unions set up counseling centers on women's problems. Vocational training centers are also set up to help the poor the returned victims to resettle their life.

At the national level, in collaboration with IOM Hanoi, we conducted two workshops in January for northern provinces and in September 1997 for central and southern provinces on the prevention of trafficking in women and children.

The results of these two seminars is a Plan of Action against trafficking in women and children. With this, the VWU stands the first who actively response to the Prime Minister's Directive. Actually, the Plan of Action is to seek for cooperation of relating line ministries and social, mass

organizations in Vietnam in the aspects of:

- Dissemination of information and education:
- Research and survey
- Re-integration programs and projects for returned victims
- Cooperation with other institutions for community based
- Prevention against trafficking in women
- Amendment of laws and supervision of law execution in relation to trafficking in women and children

The outputs of the two seminar plus the results of several researches done by of the central VWU in this field constitute our earnest efforts to bring about a world of justice, respect for dignity and human rights to women and children.

Finally, as trafficking in women and children is mainly cross-border, among and between countries, there must be joint commitment and actions to eradicate this evil. Right now, the VWU representing for Vietnam to work with UNDP consultant to make a research on technical needs assessment to the Mekong sub-region countries on behalf of Vietnam. Fighting against trafficking in women and children is the responsibility of every one in the society and every nation in the world.

On behalf of the VWU I would like to convey our sincere thanks to the Asian Women's Fund of Japan and the Department of Justice of the Philippines for your initiative to hold this important meeting and make my attendance possible.

Thank you.

Trafficking in Women and Children; Problems and Solutions

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I. Introduction

Trafficking in women and children is a long standing issue and becoming as a critical area of concern for many countries in the world. Trafficking in women and children is mainly linked with sexual exploitation. The general tendency is to sell women and children from poor countries to developed countries, and from rural to urban areas.

In our country, trafficking in women and children is a new problem that appeared in recent years. By now, we still do not have a complete and exact statistical figure of women and children being sold nationwide due to a lack of a comprehensive survey. However, unofficial statistical figures of some judicial agencies institutions and reports from public opinion thereunder, have already

shown that there is a tendency of development.

1995 -219 cases with involvement of 370 persons

1996 - 247 cases with involvement of 459 persons.

Two years of 1996 - 1997 391 cases and 640 traders who conducted trafficking in women and children were brought to courts.

Main trafficking channels:

1. Selling women and children across the northern border to China;
2. Trafficking in women and children through match-making services; Through match-making services traders deceive Vietnamese women into marrying foreigners, then sell them to one after another man, and finally sell them to brothels.
3. Trafficking in women and children through tourism services or sending laborers abroad. Through services of so-called tourism or sending laborers abroad, traders have deceived and enticed many girls including those who are from wealthy families. While living in a strange country, having no money or understanding of foreign languages, they were forced to become prostitutes or slave-like servants, as in South Korea
4. Trafficking across the Southern border to Cambodia for prostitution; Now, in Cambodia there are a few thousand Vietnamese women and children who are victims of trafficking for prostitution.
5. Trafficking in women and children within the country; There are many causes of this evil, the main case of which is, however, the unemployment. It still threatens many people. The need for jobs is increasing and women are easily to be deceived by promises to find jobs by traders who are in fact, planning to sell them into prostitution.

II. State policies and Countermeasures against Trafficking in Women and Children

2.1 Policies

The rights of women and children are clearly provided for in Article 63 and article 65 of the Constitution, which provides that male and female citizens have equal rights in respect to all political, economic, cultural, social and family matters.

Any act of discrimination against women or any act that damages the women's dignity is prohibited....", and "Children are protected, cared and educated by family, state and society".

Trading in women and children is a serious crime according to the Penal Code (art. 115 & art. 149) that calls for severe punishment (maximum is 20 years imprisonment). Especially, in May this year the National Assembly has passed an Amendment Law on the current Penal Code, in which 6 articles relating to sexual exploitation of children have been amended with severe punishments, including the death penalty.

Following the Constitution and the Penal Code, many Underlaws and Regulations have also been passed by the Government and state agencies in charge in order to build a system of legal

provisions for effective combating against this social evil, such as the Resolution Nr. 05ICT of the Government dated 29/1/1993 on prevention and combat against Prostitution, Decree Nr. 53/C P of the Government dated 28/6/1994 on measures against prostitution, drug abuse, gambling committed by Civil servants and Officials.

Moreover, on 17th September, 1997 the Prime Minister has issued a Directive Nr. 766/TTg on responsibilities to implement countermeasures against illegal transporting women and children abroad.

Immediately following the Beijing and Stockholm Conferences Viet Nam has adopted two National Programmes of Action. They are the National Programme of Action for the Women's Progress governed by a National Committee for Women's Progress and the National Programme of Action against sexual Exploitation of Children.

2.2. Countermeasures

2.2.1. Organisational Measures

The Vietnamese Government has also endeavored to build a national mechanism to control and restrict this phenomenon, whereby, a number of state agencies and organisation are involved in, such as: Ministry of Interior, Border security units, People's Procuracies at all levels, People's courts at all levels, Vietnam Committee for the Protection and Care of Children, Ministry of Justice, Ministry of Labour, War Invalids and Social Affairs (Department of Social Protection, Department of Prevention of Social Evils, Legal Division), Ministry of Foreign Affairs, Ministry of Health, Local NGOs and mass organizations, Vietnam Youth Union, Vietnamese Women's Union, Vietnam Youth Association, Fatherland Front, War Veterans Association as well as many UN agencies, intergovernmental organizations and international NGOs, such as UNICEF, International Organization of Migration (IOM), Radda Barnen, Save the Children/UK, Terre des Homme, World Vision International.

2.2.2. Practical Measures

2.2.2.1. Strengthening the capacities of law enforcement agencies

In recent years, especially after the Beijing and Stockholm Conferences, the Government has not only passed many laws and regulations addressed this issue, but it has also paid special attention in strengthening the capacities of law enforcement agencies, especially the capacities of the Police Force, the Investigation Agencies, Public Prosecution and the People's Court. Thus, many cases have been discovered, investigated and a number of traffickers have been served with severe punishment.

2.2.2.2. Running Programmes to help the victims

In recent years the Vietnamese Government and the Local authorities and organizations have taken many measures to combat trafficking in women and children and help the returned persons to reintegrate in their community.

With the function of caring for and protecting women's rights, the Vietnamese Women's Union (VWU) undertakes many practical and effective activities in the fight against trafficking in women and children, and for the creation of favourable conditions for women victims who have returned to the community. VWU also tries to create favorable conditions for women victims who have returned to the country, helping them to get access to credit sources, health care services, and to participate in the Union activities and other social activities.

The Union has organized many activities to provide people with information on state policies and laws to raise awareness about tricks of traffickers.

Using its limited funds, the Union has collaborated with police forces and border guards to help a number of girl victims return to their villages.

There are 5-7 different Programmes carried out by the Union to implement the Master Programme of "Hunger elimination and poverty alleviation". Since May 1996, the Union run a programme named "Saving Day for the Poor" and received an amount of over 40 billion Dong (Jan 1998; US\$1= 12, 000 Dong) for women who are in especially economic difficulties.

III. Further strategies and action

1.Information and educational activities:

- Push up activities of information and education among different strata of the population, particularly young women, about trafficking in women and children, the tricks of lure and deception under various forms of trafficking and the ruinous consequences of this evil.
- Increase the sense of vigilance, prevention and detection of trafficking in women and children cases as well as the risk group. Take measures to protect the people who help discover cases of trafficking in women and children.
- Strengthen the family's role in managing and educating its family members. Families, schools and resident communities should cooperate with each another in this task. Step up the campaign for building civilized, happy, progressive families with gender equality.
- Promote legal education on the rights of women and children.
- Make use of all available channels and means of information and communication, especially face to face communication, involve even the victims' participation in communication and educational works against this evil.
- Increase the administration, resident registration and national borders control by the concerned authorities and involve the participation of mass organizations and communities in the management of border lines.

3. Legal Aspects:

- Enforce existing laws to timely and severely punish the traffickers, particularly the instigators, mediators, organizers of trafficking in women and children.
- carrying necessary amendments to the Penal Code to Increase the punishment framework for mediators and organizers of trafficking in women and children.
- Strengthen international legal cooperation, particularly among the neighboring countries.

4. Socio -economic Aspect

- Further develop vocational training, and income generation programs for women, especially in

remote areas.

- Provide social support to the most disadvantaged families, single mothers, street and orphan children.
- Provide compulsory education, improve the cultural level of the population, advocate families to send their girl children to schools, eradicate illiteracy among women especially at 15 - 35 years old. Step by step improve the cultural - spiritual life of women, particularly in rural and remote areas.
- Increase the cooperation between various organizations and institutions to help the victims of trafficking in women who have returned to their home places.

5. International Co-operation

- Facilitate experiences and information Exchange with other countries particularly, with those in the region to prevent and combat this evil.
- Strengthen the cooperation between governmental, inter- governmental and non - governmental organizations as well as between individuals and communities, in the exchange of information and experiences on communication and educational works, jobs creation, income generation, and other development activities.

Women and Child Prostitution; Trafficking of Commercial Sexual Exploitation (Indonesia)

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1. Background

Indonesia Guidelines of State Policy 1993 stated that the goals of the population development during the second long-term development plan is to enhance the population quality and to direct population mobility, to have continuing efforts to achieve small happy and prosperous family. The Population is the means and the end of the development process. This includes integrating women into development which is recognized within the development policy i.e. population mobility, improve quality of the people, a better education knowledge and to obtain a decent job. There have been numerous laws and regulations which directly and indirectly regulate the issues pertaining to social welfare i.e. labor law, education law, basic provision of social welfare law, and child welfare law. Poverty alleviation has been receiving major attention from the government, and the focus of the policy is to reduce the number of the poor and increase self-reliance of the people. Women's poverty is regarded as a special concern, especially poor urban women and destitute women, elderly women, migrant women, and female headed households.

There are also social rehabilitation services for the vagabonds, beggars, prostitutes, delinquent children and the narcotics victims.

Although there have been much more attention on the role of women in development, the quality of women need to be improved, socio-culture climate are conducive to the women to develop themselves to face global challenging and demands. The age composition of the population is considered young and expansive, another challenges for congruence between education and job requirements.

In the Guidelines of State Policy development directories is clearly defined; in practice there are things still need to be done, the socio-culture which has not completely conducive to women 5 status and roles; the problems encountered on women and children in daily life. It is quite often news issued in daily paper on women and child abused, sexual harassment, disadvantages of migrant workers (males and females), sexual exploitation on women and children, boys and girls, trafficking of women and children for commercial sex exploitation, etc. Development policy and strategy are directed to overcoming these problems.

2. Findings from the Workshop on Child Prostitution (1996) by NGO Workers Sexual Exploitation of Children

There are number of studies on adult prostitution. There have no studies on child prostitution in Indonesia (ECPAT News p.7). Study in Jakarta found that 31 % of prostitutes were aged between 14 and 17 (1977 study). There is a need for clear definition on child prostitution and how it differ from voluntary sexual consent. There are fears that child prostitution may become a serious problem, taking into account the growing demand nationally and internationally. Formerly the driving factors was absolute poverty. Now is poverty and socio economic factors such as life style changes of leisure industry. Hidden prostitution is considered illegal and operates underground. An effective strategy to overcome the problem need to be developed. The descriptions of situation in big cities are as follows: Child prostitution involving both girls and boys. There is a sign child-sex tourism. Bar, restaurant and shopping centers in Jakarta are places customers can buy sexual services.

Some of prostitutes operate in the streets and business centers. The latest are likely to be organized by syndicate. In the recently developed tourist areas such as Bali prostitution, male and female. is spreading in tourist area. In Lombok, a new tourist area, there are strong indications of involvement of children in the sex industry. Sexual exploitation, abused and porno graphed films for the production of pornography by foreigners. In Java, including West Java known the procurers in the city take young girls or widows from surrounding villages. A case of trafficking of a number of young girls for prostitution was discovered. Tourism-related child prostitution has not been reported. Most prostitutes are recruited at an early age. They area sold to persons they known. Some of the young prostitutes were still enrolled in school. Some of them have independent brokers. The development of leisure business is providing a basis for child prostitution. There are hotels to provide prostitutes on demand. Local prostitutes are under the age of 18 years. In South Sulawesi child prostitution in the city is hard to find but there are signs of its existence. There is indication of trafficking child for prostitution in the province. In West Kalimantan early marriage and child prostitution is common, especially among the Chinese ethnic group. Trafficking of girls is suspecting occurring within and beyond national border. In Menado prostitution in the city is suspected although there is no evident data yet. Tourism is developing, both domestic and foreign tourist, it affected demand for leisure industry.

3. Study on Prostitution

The 1997 study 'Prostitution in Indonesia' (Terence Hull and others) described a large scale of sex industry, better income earning of sex industry as compared to other income activities. Motivation of doing commercial sex mostly for instant money. Prostitution are considered as spreader of sexual transmitted disease and HIV/AIDS. Total number of registered prostitutes is 71,281(1995) T. Hull 1997, pp.138 Dept. of Social Affairs reported 72,724 prostituted registered (1996/1997) set up for rehabilitation target 1175 persons for first, second and third year of Five year Development VI.

4. HIV/AIDS cases

Dept. of Health reported on HIV/AIDS cases spread out in 22 provinces, 590 cases registered in Sept.1997, aged between 1 to 60. Out of them 380 males, 189 females, unknown 21. Among the 590 cases, 2 age below 1 year, 2 cases between 1-4, and 31 age between 15 to 19 years (Dept. of Health, October 1997).

5. Child Labor

Working children are not new phenomena in Indonesia (Dept.of Manpower 1997). Traditionally, young children at early age, especially in rural area are trained in light work to help their parents has been view as normal component of development for responsible parenthood. The use of child labor in manufacturing industry and hazardous occupation have done much to bring the issue of child labor onto public agenda. There is no accurate figure of the number of children below 15 years old who are economically active. With the fast rate of industrialization, the population are double in the cities; There has also urbanization of child labor. The labor force participation rate of children declined from 18%(1971) to 16.4% (1986), 12.4% (1994). The proportion of children living in rural areas increased from 4.7% (1986) to 12.5% (1994)-Dept. Of Manpower 97. The majority of working children work in informal sector. A gender division of labor also prevails. Girls dominated in the following industrial sectors: food, beverage, textile, tobacco, garment and leathers, furniture and wood carving. Male children are dominating in agriculture , factory and construction. In the sectors, female child workers are generally predominant. Children working in situations which make them vulnerable to work-related hazards and exploitation from their employer, risk from safety environment and poor working conditions which may contain psychological and physical risks. Children work long hours without attending school, prone to health risks, night work risk for danger and health risks.

Government Policy

Prevention activities are focused on poverty alleviation. This is implemented through saving and income generating scheme called Takesra and Tukesra aimed at poorest families. Efforts to increase access to education has been manifested in Presidential Instruction (Inpres) program for primary school in every village. This effort has raise net enrollment rate to 95%. The recent Movement on National Fosters Plan (GNOTA) aimed at providing costs and equipment to keep children of poor family prevent from drop out and becoming working children. The objective of this scheme is reaching around 5 million disadvantage children. Policy on Nine Years Universal Education could also lead to reduce the extend of child labor, the work hours undertaken by children, and benefits for those likely to be in schools. The education policy will also assist children in protection themselves against exploitation. Plan of Action

The Plan of action for the improvement of the life of child labor is addressing to decline the number, increase in enrollment rates, expansion on primary school system, development of legislation dealing with the problems. Child labor has been incorporated in the Sixth Five Year Development Plan.

Indonesia has ratified the United Nations Convention on the Right of the Child in 1990, active participation in the ILO International Programme on the Elimination of Child Labor (IPC) since 1992. The national plan of action has set priorities of eliminating child labor: encouragement of revision of the legislation and ratification of ILO's Minimum Age Convention no.138, enforcement of the legislation, increase capacity of the government departments, NGO , employers, and working organizations to deal with the problems, educational supports for working children and promotion of alternative education strategies for them, implementation of nine years basic education programme strengthen network among NGOs and government institutions with the problem of working children. Legislation Framework.

The legislative framework concerning the minimum age for employment has undergone comprehensive review. A new Labor Law, which includes provision of minimum working age for children, which is in line with ILO Convention. The law has quite recently passed by the Parliament and signed into Law by the President. Government regulations for implementing the law are being developed, covering women, children and youth. The Minister of Manpower Decree No.01/Men/1987 is to limit a four hours work a day, while the employer is required to cooperate in offering opportunities for basic education for the child. The companies found violating the rules governed by the Ministerial Decree caused by the limited of labor inspectors. The guideline is the process to enhance enforcement. A Draft of Law on Prostitution is still in the process of development.

Action Program

The range of approaches include: strengthen of government agencies and NGOs dealing with working children, training, encouragement to trade union and employer actions, program to remove children from hazardous work, legal advocacy, review of short term, medium and long term implementation. Multi sectoral action programs to combat child labor through existing poverty alleviation, family planning, and 9 years basic education, mobilization of all sectors in the society to combat exploitative forms of child labor, especially private sector, empowering the poor through increasing access to productive resources, job opportunities for adult, credit facilities and building up social safety nets.

Yayasan (Foundation) 'Naluri Wanita Utama'

A new foundation established end of 1995, has to understand problems of women and their family members. Skill training, especially for women conducted in the village of pilot project in 1996 sponsored by New Zealand, has related to gender issues, and global situation on environment, health and sexual transmitted diseases, including HIV/AIDS. IEC (Information, Education, Communication) on HIV/AIDS conducted for University Students of Satya Negara Indonesia (USNI) and Muhammadiyah (Moslem University) Jakarta during the month of World AIDS Day 1995 and other activities for the following year. Information and education on health and environment conducted periodically in the village of pilot project during 1996 and 1997 program. Mid term evaluation of project activities conducted mid 1997 is to analyze women's status in the family and outside the family in society life, especially access to information, participation in the community life, and benefits of development program to women. The foundation 'Yayasan Naluri Wanita Utama' has also considered on the problems of street children, especially the girls, young prostitutes, girls abused, and sexual exploitation of girls. Advocacy and consultation on this area has been developed with the Dept. of Social Affairs and Regional Office of Social Affairs of Jakarta province. Findings from the villagers in the village of pilot project there is almost no criminals happened in the village. This is because works are available in the village. Boys and

girls, Elementary or and Junior high school drop out students are working in the garment industries organized by the village women, in which income earned from home industries are significant for family survival. It is stated by the women: 'handicraft activities are quite promising for family survival, including for schooling of children in order to improve educational achievement and increased educational attainment of the village children.

This can also be interpreted that home industry is alternate ways to challenge globalization process, in which the transitional community, from agriculture into industrial society, especially the women has important roles to prepare the children with better education to face new era, including prevention from sexual transmitted diseases and HIV/AIDS.

India Report

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I. FOLLOW UP ACTION ON BEIJING CONFERENCE AND STOCKHOLM CONFERENCE

Preparation of National Agenda for Action

A Plan of action to combat child prostitution was formulated in 1994 and is being implemented. The Plan of Action is based on the recommendations of a Central Advisory Committee on Child Prostitution. The Action points, whose implementation at the Central and State level, is being monitored are as follows:

1. Constitution of State level Advisory Committee
2. Notification of Special Police Officers under Section 13(1) of Immoral Traffic Prevention Act, (ITPA) to deal with offences of immoral trafficking and prostitution in specified areas.
3. Special Police Officers to be assisted by Advisory Boards of Social Workers and NGOs to be notified by the State government under Section 13(3) of ITPA.
4. Notified NGOs to be given identity cards by the police.
5. Establishment of mechanism for coordinating the enforcement of the reports from its various districts. levels including from the Special Police Officers on monthly basis and sending consolidated reports to Government of India (Ministry of Home Affairs and Department of Women and Child Development).
6. Status report on the action taken to be sent by the Chief Secretary to the Central Government on quarterly basis.

7. Regular raids to be conducted.
8. Involvement of NGOs for the rehabilitation of rescued persons.
9. State Government to take measures to provide protective homes and protection to the rescued persons.
10. NGOs to be involved in the implementation of training-cum-income generation projects for rescued persons under the regular schemes of training and employment
11. State Government should take up long term projects for the development of high supply areas of prostitution.
12. The States where Devdasi/ Jogin System exists should:
 - a) Study and prepare a comprehensive profile for developing and understanding of the traditions, sectors responsible for dedication, socio-economic profiles of the various categories of devdasis, spread and magnitude of the problem etc.
 - b) Should review the operational implementation of their prohibitory Acts for effective implementation of the Acts.
 - c) To adopt holistic rehabilitative measures.
 - d) To draw up a comprehensive time bound plan of action for economic rehabilitation.
 - e) To set up a suitable implementation machinery for monitoring and coordination.

Another Committee has been set up in August, 1997 to study the problems of prostitution, child prostitutes and children of prostitutes and to develop a scheme for the rescue and rehabilitation of children of prostitutes and child prostitutes and also suggest measures for rehabilitation of prostitutes.

The report of the committee is to be finalised by end of November, 1997 and will be discussed with State Governments, NGOs etc. before being finalised and implemented.

II. LAWS AND REGULATIONS TO DEAL WITH IMMORAL TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION.

The Government of India is very much concerned about the phenomenon of prostitution in society. The problem of child prostitution, has in recent times, become prominent as society is increasingly concerned about the exploitation of women and children, predominantly girl children, who are reported to be forcefully inducted into prostitution and are subjects of shocking sexual abuse for commercial purposes.

The Immoral Traffic (Prevention) Act, 1956 (ITPA) supplemented by the Indian Penal Code (IPC) prohibits trafficking in human beings including children and lays down severe penalties. The ITPA and IPC prescribe punishment for crimes related to prostitution. The ITPA contains enhanced punishments for offenders in respect of a child or a minor. Under Section 5 of the IPA Act procuring, inducing or taking a child or a minor for the sake of prostitution, is punishable with rigorous imprisonment for a term of not less than 7 years but may extend to life. Under Section 6 where a child is found with a person in a brothel, there is a presumption of guilt for detaining the child on the person and he shall be punishable with imprisonment. Under Section 7 where a person

commits the offence of prostitution in respect of a child or minor, he shall be punishable with imprisonment for not less than 7 years or for life or for a term which may extend to 10 years and fine. The Juvenile Justice Act, 1986 provides for the care, protection, treatment and rehabilitation of neglected or delinquent juveniles including girls. Meeting with Directors General of Police of all States have also been held in this regard.

States have also been advised to set up coordination bodies at the State level to improve coordination in the enforcement of the law, rescue, protection, counselling and rehabilitation of prostitutes.

The Central Bureau of Investigation has been requested to take up the case of identifying the gangs which are involved in the trafficking and sale of child victims of sexual exploitation who were rescued in February, 1996 in Bombay numbering 487 out of whom 223 were from Nepal.

A review of the Immoral Traffic Prevention Act is also underway. For this purpose the National Law School University of India was entrusted with the task of reviewing the Act and proposing amendments/new legislation to make it more effective and stringent. The National Law School, University of India has submitted its report. In the Report they have proposed two different draft Bills containing different policies and legal arrangements to deal with the problems. The first draft Bill is the Prevention of Immoral Traffic and the Rehabilitation of Prostitutes Persons Bill, 1993. This is a Bill to prohibit immoral trafficking especially in women and children and to mitigate the sufferings of victims of prostitution.

The Second Draft Bill is entitled:-

"The Prohibition of Immoral Traffic and Empowerment of Sexual Workers Bill, 1993".

This is a Bill to prohibit immoral trafficking especially in women and children and to confer rights on sexual workers with a view to prevent sexual exploitation and protect health and hygiene in sexual work. Both these Bills have been referred to the National Commission for Women for obtaining their comments.

III. COLLABORATION WITH NGOS OTHER GOVERNMENT AGENCIES AND/OR GOVERNMENTS OF OTHER COUNTRIES

The Government has an extensive network of Short Stay Homes run by NGOs and Juvenile Homes set up under the Juvenile Justice Act for protection and rehabilitation of the victims. The services of qualified doctors and psychiatrists are available in the Short Stay Homes. These services are available on part time basis in the Homes under Juvenile Justice Act.

The Central Social Welfare Advisory Board provides financial assistance to NGOs to run 'Development and Care Centres' for the children of prostitutes. These centres are set up in red light areas and provide facilities of crèche and day care centre, educational support programme, supplementary nutrition, health care, counselling, excursions etc. and are manned by trained Social Workers and teachers. The Ministry of Welfare also provides financial assistance to NGOs for the rehabilitation of children of prostitutes.

In some red light areas, projects have been sanctioned by the Government of India for starting centres under the Integrated Child Development Services scheme. A number of voluntary agencies are also involved in the care and rehabilitation of prostitutes, including child prostitutes and advocacy of their problems.

Projects for rehabilitation of Devadasis Jogin prostitutes etc. are also taken up under various schemes for training and employment of women by the Central and State Governments Residential.

In order to raise the status of girl children a National Plan of Action for the SAARC Decade (1991-2000) of the Girl Child focussing on the survival, protection and development of the girl child has been formulated. A special set of interventions for adolescent girls has been institutionalised through the ICDS infrastructure. Programmes of action and advocacy are being implemented to project positive images of girl children so as to bring about changes in societal attitudes towards them.

Since the incidence of prostitution is also related to the low status of women in society, Government is implementing various programmes of

- (a) Training-cum-Income Generating activities such as NORAD, STEP, CCEVT, SEP, DWCRA to economically empower women. A 40% reservation for women has been provided under the IRDP Scheme;
- (b) As a special measure of affirmative action, the Rashtriya Mahila Kosh has been set up to provide credit to poor women in the informal sector with low transaction cost through the mediation of NGOs. The Mahila Samridhi Yojana has been introduced to enable women to exercise greater control over house-hold savings;
- (c) Support services such as Working Women Hostels, Short Stay Homes, Creches, Family counselling centers etc. and;
- (d) Awareness Generation Programmes for Women and dissemination of information regarding their rights. Efforts are also made through print and electronic media to project positive image of women in society and to bring about changes in societal attitudes towards women and girl children.

Further to formulate policy guidelines and a programme document to support future NGO/Pilot project and strategies for developing a data base on the magnitude and dimensions of the problem of child prostitution the Department of Women and Child Development, Government of India and UNICEF held 6 regional workshops covering all States and Union Territories at Bangalore, Goa, Hyderabad, Patna, Chandigarh and Calcutta in 1996.

The National Human Rights Commission (NHRC) has also constituted a core group to study the problem of child prostitution in Delhi and Karnataka and to work out preventive and rehabilitative strategies.

The Following a directive of the Male Summit of Heads of SMRC countries the countries of the South Asian region have decided to establish a Regional Convention for the Prevention of Trafficking of Women and Children for Prostitution. The Convention will be drafted by India based on inputs by the member states and will be discussed in an Expert Group Meeting of the member states to be held in the first half of 1998 in India.

IV. FIGURES AND DATA ON ASPECTS OF TRAFFICKING.

There are no reliable statistics available about the number of prostitutes or of child prostitutes in India. There are major obstacles in trying to estimate the magnitude of the problem, among which are the social stigma and legal sanctions attached to it which inhibit easy identification; the stranglehold of gangs, brothel keepers enforced through violence which prevent identification of prostitutes, child prostitutes and the dispersed nature of the phenomenon, other than in certain

localities of the four metropoli.

A survey sponsored by the Central Social Welfare Board in 1991 in six metropolitan cities of India indicated that the population of prostitutes would be between 70,000 to 1,00,000. It also revealed that about 30 % of them are below 20 years of age and nearly 40% of them entered the profession when they were less than 18 years of age. The major reasons for induction into prostitution are poverty and unemployment or lack of appropriate rehabilitation. 70% of them are illiterates. 43% of them desire to leave the trade. Most of those who want to leave have given the reasons of desire to save their children from prostitution and protection of the future of their children, fear of diseases etc. Those who want to remain in prostitution have given absence of alternative sources of income, social non-acceptability, family customs, poverty, ill health and their despondence as the reasons to continue as prostitutes.

V. DEVELOPING IMPLEMENTATION AND MONITORING MECHANISMS OR FOCAL POINTS.

A Central Advisory Committee on Child Prostitution has been constituted by the Government of India to make suggestions for:

- a) The measures to be taken in eradicating child prostitution;
- b) The social welfare programmes to be implemented for the care,
- c) protection, treatment, development and rehabilitation of the young victims namely, children and girls rescued either from the brothel houses or from the vice of prostitution;
- d) To make suggestions of amendments of the existing law or for enactment of any new law if so warranted for the prevention of sexual exploitation of children;
- e) The examination of the Devdasi and Jogin traditions and give suggestion for their welfare and rehabilitation;
- f) Devising suitable machinery for implementing the suggestions made by the Committee.

The Committee consists of representatives of Government and Voluntary organisations and comprises the Secretary, Department of Women and Child Development Government of India as its Chairperson, representative of the National Commission for Women, along with the Directors/Presidents of the National Institute of Social Defence, Indian Council of Child Welfare, Association for Social Health Health in India as well as representatives of three voluntary organisations viz. Joint Women's Programme (Delhi), Vimochana (Karnataka) and Bhartiya Patita Uddhar Sangh (Delhi). State Secretaries of Women and Child Development of Delhi, Maharashtra and karnataka are also members.

The Committee submitted its Report in 1994 and made recommendations whose implementation is being monitored in regular meetings of the Committee and by the Government of India in the Ministry of Human Resource Development (Department of Women and Child Development).

Similar Advisory Committees have been set up at the State level also. State Governments have also set up non-official advisory bodies consisting of leading social welfare workers of red light areas to advise the special police officers appointed for dealing with offences of prostitution in specified areas in which prostitution takes place.

A Desk consisting of a Desk Officer and supporting staff has been set up in the Ministry of Human Resource Development, Department of Women and Child Development to monitor the implementation of the action points to eradicate child prostitution.

VI. PROBLEMS FACED BY GOVERNMENT AGENCIES IN ADDRESSING THESE ISSUES.

1. Lack of seriousness among law enforcement machinery and administration in addressing this problem due to among other reasons ambivalent attitude of society to the problem of prostitution as such.
2. Insufficient awareness about the prevalence and ramifications of child trafficking could be one reason for lack of strong action.
3. Problems in estimating the prevalence and magnitude of the phenomenon due to social stigma, legal sanctions, stranglehold of gangs, dispersed nature of phenomenon etc.
4. Infection of victims with various ailments like TB, STDs and AIDS and addictions to alcohol and drugs.
5. Lure of comfortable life style for victims compared to work burden and poverty at home. This makes it more difficult to persuade some victims to come out of the profession and be rehabilitated especially when they would earn less in another trade.
6. Social stigma and family problems faced by victims as a result of which they are either not willing to return to their families and/ or their families are not willing to accept them.
7. Difficulties in estimating the age of child victims.
8. Insufficient infrastructure, institutions and NGOs for stay and rehabilitation of rescued victims. Reluctance of certain institutions and NGOs to house and care for rescued victims due to social stigma attached to them.
9. Lack of coordination between border police force of neighbouring countries to stop inter country trafficking.



Trafficking and Commercial Sexual Exploitation of Women and Children in Bangladesh; NGO Perspective

Ms Khursheed Erfan Ahmed

Ain O Salish Kendra (ASK), Bangladesh

The Fourth World conference of women held in Beijing in 1995 and the First World Congress at Stockholm in 1996 has raised awareness on how global trade connives at violence against women and children.

NGO concerns:

- Distinction between voluntary and forced prostitution
- Inaccuracy of data
- Non commercial sexual exploitation
- Strengthening coalitions. The role of SAARC countries
- Legal aid and rehabilitation

Collaboration with GOB

- Draft of NPAC 1991-2002
- Lobbying for ratification of 1994 convention
- Network established to combat trafficking of women and children.
- SAARC meetings with NGO representatives have been successful in regional resolutions against trafficking.
- ASK (Ain O Salish Kendra) investigates cases, organises workshops and documents papers and education booklets.
- Data is mostly uncertain.
- Information on routes and areas has been received
- NGOs compile reports from the press.

Problems

- Major causes of trafficking:- Gender discrimination and age vulnerability not addressed; satisfactorily
- Facilities for rehabilitation not adequate
- Bangladesh has not ratified the 1949 convention on the suppression of the trafficking in persons and. sex exploitation of the prostitution of other
- lack of interstate understanding of the plight of the repatriated Mechanism of border check posts and enrollment of law enforcing agencies.
- The Fourth World Conference of Women held in Beijing in 1995 and the First World Congress at Stockholm on Commercial Sexual Exploitation of Children in 1996 have created greater awareness of how a global trade connives at gross violence against women and children. The Congress at Stockholm lifted the taboo on a subject that has silenced us for centuries.
- In Bangladesh few committed NGOs have taken up the task of investigation, legal aid, documentation and lobbying for the suppression of sex abuse and trafficking in women and children.

BSAF (Bangladesh Shishu Odhikar Forum) a coalition of 73 organizations works for Child Rights and Prevention of Trafficking . It offers a forum through workshops for exchange of ideas on the subject. The more activist organizations are BNWL (Bangladesh National Women's Lawyers Association), UBINIG, ASK(Ain O Salish Kendra), ILD (Institute for Law & Development). Their programmes and statements project the following concerns:

- Distinction needs to be understood between voluntary and forced prostitution: between child and adult prostitution.
- Non commercial sexual exploitation exists in incidence of domestic violence, incest and floating child prostitution. Attention needs to be drawn to this fact of hidden sexual abuse.
- Research to provide a more accurate data on trafficking.
- Strengthening national coalitions for the Rights of the Child, the national CEDAW and CRC watch group.
- Lobbying for State's ratification of 1949 UN Convention for the Suppression of Trafficking in Persons.
- The role of SAARC countries and their obligations to prevent a trade that is linked with international Mafia syndicate beyond the borders of South Asia.
- Legal aid and rehabilitation of trafficked persons. Lack of adequate shelters forces victims to return to an uncaring family or exploitative agents.

Collaboration with GOB

The National Plan of Action for Children (1991-2002) is being drafted as a collaborative effort between GOB & NGO. ASK and other NGOs (UCEP, BSAF) are members of its core group. As an outcome of this consultative effort, the sectoral plan for the CNSP(Children in Need of Special Protection) highlights issues of "Children trafficked within and across borders including immoral trafficking of girl children", or "Children exposed to sexual abuse, exploitation and violence with particular focus on adolescent girl children." The plan admits the alarming situation of trafficking in women and children.

Lobbying with GOB for ratification of the 1949 convention and implementation of immoral traffic Act 1933,a network has been established at national, regional & international levels to combat trafficking. After Beijing and Stockholm Conferences, these issues have been raised in discussions between NGOs & GOB which has led to visible efforts in the media and press for public information and awareness.

Representation at SAARC:

NGO and GOB representation at SAARC meetings is effective in projecting a national representation in some of the significant resolutions. (Pakistan Colombo and Stockholm) The country delegation in one of the meetings included a recommendation to combat inter and intra country trafficking in children by assisting victims of violence of sexual abuse, evolve administrative, legal , and rehabilitative structures both within and between member states.

Bangladesh delegation to the 8th SAARC summit in New Delhi (1995) attempted to generate support for conclusion of "SAARC regional convention on suppression of trafficking in women and children".

The Ministry of Foreign Affairs and Women's Affairs give priority to this matter. A regional workshop on violence against women was hosted by Bangladesh for all SAARC countries in 1997. It specifically called for:-

GOB programme for credit or employment (VGD& WEDP) & NGO (Grameen/BRAC) are targeted towards very poor women so as to eliminate poverty..

In Dhaka both the government and several women's organizations run only 6 shelters. 5 others exist outside the capital city..

Women's groups in South Asia have submitted a memorandum to SAARC Governments to recognize trafficking as a regional problem. They presented this 'at a meeting of the Foreign Ministers in Delhi in 1996. Following this, they organized a tribunal "In the court of women" in Katmandu in April 1997 which was participated by activists, lawyers & govt. representatives.

The South Asian Alliance against Trafficking is a regional coalition which has lobbied for recognition at the SAARC Summit meeting at Male in May 1997.

"Breaking the Silence" is a recent coalition of 12 member organizations working for rehabilitation of non- commercial sexually exploited children. They have used strategies for education and awareness on reproductive health directed to brothel areas.

Ain O Salish Kendra (ASK) has investigated cases of women and young children in Pakistan. Calcutta and Saudi Arabia with a view to helping with their repatriation and rehabilitation. In their efforts they were able to get support from the government and from human rights groups in Pakistan.

In 1993, ASK organized a regional workshop to set up a support system for women victims who wanted to be repatriated. The Support Network assisted them with legal aid and also projected their stories in the media. It was participated by lawyers, activists and journalists . Through this experience ASK has been able to formulate recommendations for a regional strategy.

In 1996 ASK published a booklet "coming of Age "on Reproductive health and sex education for adolescents

Ask conducts workshop based general education in humanities to working children . Workshop on reproductive health is included in the syllabi.

Data and statistics.

Nepal and Bangladesh are two main sending countries from which women are taken to other countries in South Asia, South East Asia and the Middle East.. A BBC programme in the 80's first drew attention to the trade by interviewing Bangladeshi women who had been trafficked into sex work.

Sporadic figures are quoted in the press and by activists . Government sources have very few statistics. Generally data on trafficking should be treated with caution as it is difficult to determine numbers when the movement of people is so secretive.

Officials reports which tend to underestimate, indicated that between 1992-94, 102 cases were filed in police thana and 223 children, 205 women and 154 men recovered from their agents. Between Jan to July 1995, 246 women and children were recovered from 13 places and 11 traffickers arrested

A recent report published by UNICEF and SAARC indicates an average of 4500 women and children smuggled into Pakistan annually.

UBINIG has compiled press reports collected from ASK into a pamphlet for distribution at the Fourth World Conference on Women in Beijing.

BNWLA has referred to many such instances in their recent publication "Flesh Trade" 1996.

The map of the areas of collection, transit and border exit (annex) shows a fairly extensive coverage across the country when previously in a study of 1988, movements were found limited to a few areas around the borders in Jessore, Rangpur and Comilla. Media reports also indicate victims were recovered in larger numbers from

The situation of trafficking in Bangladesh

Trafficking exposes women to victimization and humiliation in the process of recruitment, in transit, in the form of work they find in countries of destination and even as they repatriate to their home countries. Procurement is made through different ways ,through offers of inarriages or lucrative work through direct sale or by kidnapping. For agents , both male and female, procuring victims is a highly lucrative occupation.

Women and children are transported at night through clandestine routes. Agents pose as husbands or bribe the border guards. It involves extraction of cash payment or sexual services from the victims.

Work conditions in an illicit situation forces the victim to be subservient to the agent and virtually in a state of perpetual insecurity and bonded labour.

It is found in some cases that Muslim men in India entered into polygamous marriages with Bangladeshi women in order to procure many hands for free labour in factories of Uttar Pradesh.

Prostitutes face violence in Pakistan to the extent of endangering their lives. Women from brothels can be charged with "zina"(adultery) a non bailable offense under the Hudood Ordinance. They are released on bail by the agents which perpetuates controls. In 1989, two young Bangladeshi girls pleaded with the police to keep them in jail because outside they would have no one but pimps to turn to.

The administrative procedures for repatriation are very lengthy and tend to criminalise the victim. In 1992 ASK pursued a case of a woman trafficked to Karachi. It took two years before she could be brought back home where she faced problems of rehabilitation with a husband who had remarried. Taken to Karachi at 18 years, she was brought back at 25.

Children Trafficked

Munir, 7 years and Abbas, 5 years were rescued by the police in Dhaka on 13 October 1997. They were being trafficked to the Middle East for the Camel Race. ASK investigated the case. While in safe custody, it was found that children's hands were handcuffed!

Women and children returning home without institutional support are kept in jail "safe custody," thus exposed to police harassment and are double victims of sexual abuse.

Increase in the demand for young girls for the sex trade may be due to the AIDS scare. Young boys are also used as jockeys in camel racing, despite the ban against this practice in the Gulf States.

Problems

Long term systemic state interventions are needed to eliminate two major causes of trafficking. Poverty Gender discrimination and vulnerability of the child.

Poverty as a cause of trafficking has not been addressed with urgency. Vulnerable Group Development, a program to train women into employment or self-employment, was funded by multiple donors through WFP. It has provided subsistence income to approximately 400,000 in 1994-95. Under the Road Maintenance Program, only 52,000 women are employed for work on rural roads. Bangladesh Rural Development Board provides credit to only 267,838 women. In a country with 48 million women, 80% of whom are destitute, this donor assistance is not adequate enough to remove effects of poverty.

Gender discrimination in laws are perpetrated through the practice of personal religious laws thus discriminatory practices are followed in inheritance, marriage and divorce. GOB's third and fourth report to UNCEDAW (1997) recognises these inequities as a cause of trafficking and discrimination. Women's organisations have been pressing for a Uniform Family Code in Bangladesh.

Child vulnerability is accentuated with child labour, child illiteracy and parental negligence, exposing children to trafficking & sex abuse.

Laws on trafficking have been made more stringent. Their enforcement remains weak due to difficulty in collating evidence.

Provision of shelters not adequate for proper rehabilitative strategies. Victims need immediate security, psychological counselling and a plan for future action. Such facilities are not provided by NGOs in an effective manner.

Education on trafficking needs to be strategically planned and included in the media and school curriculum for effective public information & child protection respectively.

Of the several international conventions which refer to the issue of trafficking, the 1949 convention on the suppression of the trafficking in Persons and the Sex exploitation of the Prostituti6n of others is referred to most commonly. However only ten states are party to this convention. Bangladesh is not one of them.

The Rapporteur on violence against women has ascribed this to its ill-defined and broad terminology weak enforcement mechanism and its uniquely abolitionist perspective." It provides no complaints procedure.

There is a lack of inter-state understanding of the plight of the repatriated and those who do not wish to be repatriated. The repatriation of a trafficked person is obstructed by the host Governments procedural bureaucracy, the absence of financial assistance to the person and the imminent danger of their non acceptance by relatives in the sending country. The unwilling repatriate finds illegal and often self exploitative means of staying back in the foreign country.

Mechanism of border check-posts and involvement of law enforcing agencies.

Further Strategies

- Strategies for International Regional and National actions against trafficking have been recommended at national and regional forums. Some of these are highlighted The ratification and amendment of the 1994 convention.
- Appointment of a Regional Rapporteur for monitoring the trafficking in women and children. Improving procedures of repatriation;
- Providing opportunities for affected persons to seek unconditional and non discriminatory justice;
- Withdrawal of discriminatory laws: reform laws relating to gender justice, economic adjustment policies for promoting market competitiveness should ensure safety nets for those likely to be impoverished;
- Trafficking in women and children for sex abuse and forced labour is a highly lucrative trade with a wide network of illicit business agents. It needs to be combated with well thought out strategies for its prevention and their rehabilitation;
- Credit agencies for the poor should monitor the uses of credit and its implications for the trafficked;

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Salma Sobhan *International Migration and the domestic worker, Bangladesh's undocumented workers*. ASK's ongoing research.

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Appendices

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II. Forthcoming National, Regional and International Conferences and other Related Events on Trafficking, Commercial Sexual Exploitation of Children, Child Labor, Migration, Violence and other Relevant Issues—Asia

(data as of Nov. 13, 1997)

| <u>Date</u> | <u>Venue</u> | <u>Topic</u> | <u>Sponsoring Organization</u> |
|---|--|---|---|
| Nov. 19-25, 1997 | Manila | Regional Consultation on Child Domestic Workers in Asia | Visayan Forum-ILO-IPEC |
| Nov. 26-28, 1997 | Bangkok | "Illegal Labor Movements: The Case of Trafficking in Women and Children" | Mekong Region Law Center |
| Dec. 4-5, 1997 | Manila | Regional Inter-Governmental Forum on Irregular Migration and Trafficking | International Organization for Migration (IOM) |
| Dec. 8, 1997 | Manila | Workshop on "Toward a National Health Strategy to Respond to Violence Against Women and Children" | Doktora Foundation, UP Manila's Committee on Women's Health and Development |
| Dec. 8-10, 1997 | Mumbai | Southeast Asian Conference on "Girls' Rights: Society's Responsibilities, Taking Action against Sexual Exploitation and Trafficking" | Center for Development and Population Activities, UNICEF-India, UNFPA, Dept. of Women and Development-Indian Govt |
| Dec. 14-16, 1997 | Dhaka | Violence against Women-Trafficking, Study of Female Migration in context of Global Migration | ESCAP |
| (to be confirmed) January to June 1998 Jan. 17 March | Internat. Manila Sao Paulo Cape Tn. | Global March against Child Labor start of Global March- Asian section start of Latin American section start of African section | many organizations on child labour |
| First Quarter 1998 | Bangkok | Mekong Basin: Presentation of Study on Trafficking (title to be confirmed) South Asia South Asia: Presentation of Study on Trafficking (title to be confirmed) | ILO-IPEC ILO-IPEC |
| Feb. 10-16, 1998 | Philipp. | Child Sexual Abuse Awareness Week | Center for the Prevention of Child Sexual Abuse, CSAW coalition, Phil.govt |
| March 7-12, 1998 | Canada | International Summit of Sexually Exploited Youth | PEERS, University of Victoria, Canada |
| April (tentative date) | | Experts' Meeting on Child Pornography in the Computer Age (title to be confirmed) | ECPAT International, Interpol |
| end May-early June 1998 | Bangkok | Youth Ministry Meeting (title to be confirmed) | ESCAP, Youth Dept. |
| June 1998 | Geneva | Debate on new Convention against Most Exploitative Forms of Child Labor (title to be confirmed) | ILO |
| August 1998 | Dhaka | Global Conference on Trafficking of Women | Coalition Against Trafficking in Women |
| late 1998 | | Regional Inter-Governmental Conference on Trafficking (title to be confirmed) | ESCAP |
| 1998 | | Year for Human Rights Education (title to be confirmed) | |
| 1998 | | Year for the Girl-Child | |

(Prepared by Amihan Abueva, Member of Executive Committee, International ECPAT)

Asian Women's Fund

The Asian Women's Fund was established in July 1995 by prominent citizens concerned about the continued suffering of the victims of WW2 Japanese military sexual slavery, with the support of the Government of Japan. The primary aim of the Fund is to extend atonement and support to those who suffered as 'wartime comfort women'. The victims have suffered in silence for so long and are now of an advanced age, and it is therefore our sincere wish to act urgently, in accordance with their needs, to alleviate their pain in whatever small way we can. At the same time, recognising that prevailing attitudes of discrimination and violence against women are part of the background to the suffering inflicted on the 'comfort women,' the second pillar of the work of the Fund is to address contemporary violations of the dignity and rights of women.

Our activities include:

- hosting of international forums on contemporary issues on women;
- financial support to NGO projects addressing contemporary women's human rights's issues
- research and ananalysis into the causes and prevention of violence against women, and other women's human right's issues, and;
- counselling for women victims of violence and other human right's violations

For further information, or a list of publications, please contact us at the address below, or visit our site on the world wide web.

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