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• CSEC - commercial sexual exploitation of children
• CZOP - Children as a Zone of Peace
• CWIN - Child Workers in Nepal Concerned Centre
• DHS - Demographic and Health Survey
• FIT - Forum for IT in Nepal
• HRTMCC - Human Rights Treaty Monitoring Coordination Committee
• ILO - International Labour Organization
• IOM - International Organization for Migration
• ISPAN - Internet Service Providers Association-Nepal
• NGO - non-governmental organization
• NHRC - National Human Rights Commission
• NNAGT - National Network against Girls Trafficking
• NPA - National Plan of Action
• ONRT - Office of the National Rapporteur on Trafficking in Women and Children
• OPSC - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
• SAARC - South Asian Association for Regional Cooperation
• SACG - South Asia Coordinating Group on Violence against Women and Children
• SAF - South Asian Forum for Ending Violence Against Children
• SAIEVEC - South Asian Initiative to End Violence Against Children
• SAP I - South Asian Partnership International
• SAPAT - South Asia Professionals against Trafficking
• UNGASS - UN General Assembly on Special Session
• UNICEF - United Nations Children's Fund
• UNODC - UN Office on Drugs and Crime
• WCSC - Women and Children Service Centers
• YPP - Youth Partnership Project
The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International’s Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children. We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT’s A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children’s rights, such as the Convention on the Rights of the Child (CRC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.

Kathleen Speake
Executive Director, ECPAT International
The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on
specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country’s National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country’s efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.
Any analysis on the status of children in Nepal must take into account the changing political situation in Nepal. The ten-year civil war between Maoist insurgents and government forces ended in November 2006 with a peace accord and the promulgation of an interim constitution committed to equality, secularism and respect for human rights. It also guarantees rights of children, including the right to education, healthcare, social security and protection. Following a nationwide election in April 2008, the newly formed Constituent Assembly declared Nepal a federal democratic republic and abolished the monarchy. The Government also began the task of writing a new Constitution, wherein the rights of children may be incorporated as fundamental rights.

Nepal now faces transitioning to a new kind of state and confronting its long-standing development challenges at a time of global economic downturn. Nepal is one of the poorest and least developed countries in the world, and close to a fourth of its population is living below the poverty line. In its 2010 country overview, the World Bank indicated that the key challenges facing the new Government are to reinstate the legitimacy of the State, maintain law and order and deliver benefits to those that have been excluded, and all other members of the society.

The conflict and continuing political upheaval, marked by a high incidence of raids, abductions and disappearances of local people, have only intensified poverty and political instability. According to UNICEF, the conflict has resulted in limited access to basic services, impeded development and caused a breakdown of family and community networks, with women and children suffering the greatest impact. The conflict has had significant impact on education: forced closure of schools; teachers and staff have been reportedly threatened, assaulted or even murdered; students have been forced out of school and compelled to undergo political indoctrination or recruited into the Maoist force.

Nepal’s conflict has also contributed to the rise of commercial sexual exploitation of children (CSEC) and women by dislocating rural populations to urban centres, and causing the death or disappearances of thousands boys and men, resulting in increased pressure upon women and girls to support their families. These factors have pushed many desperate young people to take jobs in massage parlours and dance restaurants where sexual exploitation can take place. Other factors contributing to the rise of CSEC have been the deterioration of the carpet, garment and pashmina industries that left many women and girls unemployed, and the rapidly changing social norms.

Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, Nepal reaffirmed its commitments to combat sexual exploitation of children and adolescents at the 2008 World Congress III against the Sexual Exploitation of Children and Adolescents, in Brasil. In total, more than 3,000 people took part in the three-day gathering, including representatives from government, the private sector and civil society, as well as 300 children and adolescents from around the world.
Despite the lack of official statistics and reliable updated estimates, there is strong evidence that Nepal continues to be affected by an alarming child prostitution problem.

According to a 2010 report by Terre des hommes (Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal), diverse sources report that in the Kathmandu valley alone there are 11,000 to 13,000 girls and women working in the so-called ‘night entertainment industry’ (including cabin restaurants, dohori restaurants, massages parlours and dance bars). According to findings by ActionAid Nepal, about 37% of these girls and women provide masturbation, oral sex or sexual intercourse, while other sources report figures as high as 46%. Most of the girls and women come from outside the Kathmandu valley, and more than one half are from janajati communities. Most come from farming families, are poor, poorly educated, unsupported by husbands (although nearly half are married) and supporting children.

Over the years several studies have been conducted to assess the magnitude of the prostitution of women and children in Nepal. These studies indicate that between 16% and 33% of females in the sex industry are below 18 years of age. Furthermore, according to another report by the Ministry of Women, Children and Social Welfare, children as young as 12 have been exploited in the industry. The National Human Rights Commission estimates that nearly one half entered the industry before they were 18 years old.

The majority of exploiters are small businessmen, government officers, internal migrants and army and police men, among others. Research indicates that the great majority are middle-aged men, and almost all are married. While the demand for pre-pubescent girls among the Nepalese is reported to be quite low, evidence shows that the most ‘customers’ prefer girls between 15 and 18 years. Terre des hommes reports that the men that frequent entertainment venues in Nepal normally get intoxicated and inflict extreme verbal and physical harassment upon the girls exploited in there.

According to research by Asha–Nepal, published in 2006, street prostitution and brothels are becoming more commonplace in the country. The organisation also reports that the 2005 reversal in policy on cabin restaurants appear to have resulted in a disturbing growth of these places, with clear links to child trafficking and child prostitution. Supporting this finding, a 2006 study by the Ministry of Women, Children and Social Welfare showed that approximately 40,000 girls are working in 1,200 cabin and dance restaurants and massage parlours in the Kathmandu Valley. Half of them admitted to being victims of trafficking and sexual exploitation.

The Asha–Nepal report showed increased involvement of school girls in prostitution both by ‘free will’ and as a result of coercion. The worst situations have reportedly occurred in places where military bases are set near towns and villages. In such places army personnel are reported to visit the local schools and coerce girls into prostitution. In Kathmandu, a large number of high school girls are reportedly involved in prostitution or working in cabin restaurants during school hours.

Although some initiatives have been undertaken in recent years to address social traditions and religious malpractices contributing to child prostitution, the 2006 Asha–Nepal study found that some customs making children vulnerable to sexual exploitation are still widespread. Despite prohibiting the caste system in 1963, the lower caste minorities in Nepal are still suffering from discrimination. This is the
According to the 2010 US State Department’s report on trafficking in persons, Nepal is affected by internal child sex trafficking and is also a source country for children trafficked for the purposes of commercial sexual exploitation to India and the Middle East. While there is a serious lack of reliable official data, NGO reports in 2008 and 2009 indicate an increase in both transnational and domestic trafficking. It is estimated that 10,000 to 15,000 Nepali women and girls are trafficked to India annually, while 7,500 children are trafficked domestically for commercial sexual exploitation. Women and girls are also said to be trafficked to Malaysia, Hong Kong, South Korea and other Asian destinations for commercial sexual exploitation.

A 2008 study on commercial sex workers conducted by CWIN Nepal found that the prostitution of boys is a rapidly increasing yet still under-addressed phenomenon, partially because of taboos surrounding male sexuality. The study cited statistics that among street children respondents, 60% of abusers were male while 40% female; in 40% of cases the perpetrator was another street person, 40% non-street Nepalese and 20% of cases were perpetrated by foreigners. While, fewer boys than girls are exploited for sexual purposes in Nepal, prostitution of boys does exist in the country, primarily in Kathmandu. Children are contacted in public areas such as parks or are referred through pimps. A report on abuse of children living on the street in Kathmandu, published in 2008, confirmed that while there are foreign child sex offenders (see, for example, the recent high profile case of an Irish poet accused of having sex with teenagers as young as 16 whom he was also supporting financially in educational and work projects), locals are now also found to be exploiting young boys in prostitution.
children are trafficked to meet the growing demand from the local sex industry, including some as young as 8 or 9 years of age. In terms of cross-border trafficking to India, the majority of victims are women and adolescent girls trafficked for sexual exploitation. The open border policy with India that allows mostly free movement between the two countries heightens the risk of cross-border trafficking between the two countries.

According to reports by Save the Children and Action Aid, a rise in internal trafficking in 2009 was likely due to the lingering effects of the insurgency, as rural women and children left home for urban areas in search of employment and security.

The UN Office on Drugs and Crime’s (UNODC) global report on trafficking in persons, published in 2009, includes records from the Women and Children Service Centers (WCSC) and the Nepal Police Headquarters, indicating the gender and age of the victims of trafficking identified by State authorities as: 218 women (6 girls and 16 boys) in 2004-05; 118 women (84 girls and 16 boys) in 2005-06; and 182 women (50 girls and 82 boys) in 2006-07. These numbers highlight the extremely low incidence of recorded cases by the State of trafficked victims, despite the large magnitude of the problem in the country. Trafficking for commercial sexual exploitation was the most frequent form of exploitation recorded during the reporting periods, followed by forced labour.

A 2010 youth-led study by ECPAT International and Maiti Nepal’s Youth Partnership Project (YPP) on the vulnerability of young people working in the dance bars and massage parlours show alarmingly high rates of young people moving from the rural areas of Nepal to urban cities (in this case Kathmandu). The majority of those interviewed cited poverty and lack of employment opportunities as the reasons for their migration. Many of those working in the dance bars were either living alone or with their friends and had been working in their current place of employment for less than six months, indicating the easy availability of job opportunities in this sector for young girls, many of whom said they were referred through friends. The young people interviewed reported working long hours and coming into contact with customers who often use offensive language and sexual overtures in their interactions with them. Furthermore, though most survey subjects claimed to be above 18 years of age, surveyors’ observations suggested that many of these young people appeared to be younger than 18. These findings help to reiterate the high vulnerability of young people working in dance bars to trafficking and sexual exploitation.

According to one government report on human trafficking in Nepal, children vulnerable to trafficking include missing children. From December 2006 to June 2007, 1,355 children (59% boys, 41% girls) were reported missing. The report estimates that 60% to 65% of the missing girls in the age range of 11-16 are likely to have been trafficked, especially for commercial sexual exploitation. While a significant number of victims are Dalits and Janajatis, the government report also notes that several studies show that the phenomenon of trafficking crosses all caste/ethnic groups of Nepal.

The US Department of State annually releases a Trafficking in Persons Report which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the Trafficking Victims Protection Act’s minimum standards for the elimination of trafficking are placed in Tier 1. Those that have made “significant efforts” to meet the standards are placed in Tier 2 and countries that are not making significant efforts to combat human trafficking are placed in Tier 3.

In the 2010 report, Nepal was placed in Tier 2. While Nepal’s status in the TIP Report has remained the same for several years there is a growing concern that government inaction and failure to demonstrate progress to combat trafficking may subsequently relegate Nepal in the ‘Tier 2 Watch List.’
The government reported that it has taken a wide range of measures to protect children from commercial sexual exploitation in the form of child prostitution and child pornography under the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC). However, reports also indicate that current legislation and measures are insufficient to address child pornography, especially in light of the rapidly growing number of internet users.63

Due to a lack of specific legislation against child abuse images, it is not possible to provide data on possession, dissemination and other child pornography related offenses. However, some media reports show that the problem exists and needs to be urgently addressed. For example, a 2008 news article reported that many child abuse films are produced in Nepal.64 The article also noted that in 2003 Interpol asked the Nepali police to investigate child pornography materials originating from Nepal but, due to the political instability affecting the country, there was no attempt to crack down on the network.65

More recently, in 2008, a school teacher in the Terai region, who abused an eighth grade student, took photographs of her with his mobile phone during their sexual encounters and attempted to blackmail her with the images when she tried to end the relationship. After the girl complained to police, the teacher was reportedly arrested, but the events did not result in public debate of the issue.66

According to research conducted jointly by Voice of Children and Child Protection Centers and Services, published in 2008, children living in the streets of Kathmandu are subjected to various physical and psychological abuses, including exposure to child pornography.67 Similar reports were also found in a 2008 study on the use of the Internet by children from private and public schools in the Kathmandu Valley.68

Based on questionnaires and focus groups with students 12–18 years old, the study highlighted high-risk behaviour and the vulnerability of these young people to online exploitation.69 A high number of children questioned admitted to sharing personal information with strangers on the Internet.70 Many also admitted to viewing adult sites and pornographic materials, being aware of or victims of cyber bullying and exposing themselves through webcams.71

According to research by Asha-Nepal, published in 2006, Nepal is a destination for travelling sex offenders. Nationwide, sex tourists demanding sex with women and children are said to be primarily from India, but also from Germany, Austria, Russia and Eastern Europe.72 Cases of travelling sex offenders from the UK, USA, Denmark, Norway, France and The Netherlands have also been reported.73 While local and international news reports highlight incidents of child sex offenders from western countries, there are several reported cases indicating Nepal as an emerging destination for sex tourists from other South Asian countries e.g. India and Bangladesh.74

The 2010 US State Department report on trafficking in persons reported that, according to observers, Nepal’s role as a destination for foreign child sex tourists is growing, as efforts to confront this problem in traditional Southeast Asian destinations have become more effective.75

Although child sex tourism is clearly
affecting the country, there has been no research on recent trends. In its first report on the implementation of the OPSC, submitted in 2008, the Government only partially acknowledged that child sexual exploitation in tourism is a reality in Nepal. The report cited the 2003 *Situational Analysis of Child Sex Tourism* by ECPAT International and Child Workers in Nepal Concerned Centre (CWIN) which highlighted that foreign child sex abusers use various means to access young children, including running so-called ‘orphanages’ and ‘street shelters’ for poor and neglected children. This phenomenon was confirmed by the 2007 case of a Dutch citizen arrested on suspicion of sexually abusing youngsters living in the home for street kids he ran.77

Nepal’s massage parlours, especially those located in Kathmandu’s popular tourist areas, such as Thamel, may offer sex to tourists as well as locals.78 Some package tours for young men, promoted by Indian travel agents, local casinos and hotels and the Nepal Tourism Board have been reported to indirectly offer sex, as well as gambling, to visitors.79 In 2008, the Nepal Tourism Board advertised “Wild Stag Weekends” on its travel webpage but it withdrew the website following international reaction over concern of the government’s support of sex tourism.80

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**Ineffective prosecution of travelling sex offenders**

In 1999, Nepal police arrested a French citizen and a British national for sexual abuse of children and running an international child pornography racket. Both ran child care centres in Kathmandu and abused the children in their care. Though the French national was deported, he returned to Nepal and lived there until he was arrested once again in March 2009 when a childcare organisation tipped off police.81

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**Child marriage**

In 2006, the Government amended its laws to increase the marriageable age for both boys and girls to 20 years, or 18 with parental consent.82 However, cases of child marriage are frequently reported by media. The cultural practice of child marriage is still prevalent in certain communities in Terai, such as the Dom people, many of whom are unaware that their local marriage practices violate national law.83 NGO stakeholders in their submission to the UN Universal Periodic Review called upon the government for its failure to abolish these harmful traditional and cultural practices leading to violation and discrimination against women.84

According to SANLAAP India, child marriage is accepted in the South Asia region and is one of the more common methods to procure young girls for prostitution. It has also been reported that it is common for girls and wives to be sold in exchange for money or other material goods.85 According to the 2006 Demographic and Health Survey (DHS), 51% of women aged 20 to 24 were married/or in union by the age of 18 years.86 It is hoped that strict enforcement of laws will help to reduce the high incidence of girls in rural areas being married before 18 years of age.
NATIONAL PLAN OF ACTION

Nepal has ratified the Convention on the Rights of the Child and various National Plans on matters such as child labour, trafficking in women, commercial sexual exploitation, human rights and bonded labour, many of which have been formulated for domestic implementation of international commitments. These national plans, however, have been largely ineffective, mainly due to a lack of resources – financial and human resources for planning and implementation. Aside from that, long drawn political instability and associated dilemmas have contributed to the failure to transform these national plans of actions into credible outcomes.87

A National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation was adopted as early as 1998. 88 It was revised in 2001 based on wide consultations and implemented 2004 onwards.89 On the first Anti-trafficking Day in September 2007, the leaders of six major political parties in Nepal signed a joint commitment to combat trafficking and violence against women on the local and national levels and to include the issue in their political manifestos.90 In 2008, two more political parties signed the commitment. The joint commitment was announced at a public discussion forum held on 6 September 2007 in the presence of a Minister.91 There is, in that sense, a clear political will to combat trafficking. On the other hand, the Government of Nepal does not appear to have allocated sufficient resources for ensuring the implementation of existing national plans connected to trafficking, nor has it elaborated a comprehensive strategy to address the other manifestations of CSEC affecting the country, especially child sex tourism and child pornography.
Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the *Stockholm Declaration and Agenda for Action*, close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC. At the international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC.
The Government has developed the necessary infrastructure for coordinating efforts against CSEC through the Ministry of Women, Children and Social Welfare (MoWCSW), the Central Child Welfare Board (CCWB), the District Child Welfare Boards (DCWB), the Women and Children Service Centres (WCSC) within the police, the National Task Force on Trafficking and the Office of the National Rapporteur on Trafficking. Although in this sense Nepal is making efforts to comply with the 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, in its 2005 concluding observations, the UN Committee on the Rights of the Child expressed concern about Nepal’s lack of clear and well-structured coordination among these bodies, including in the implementation of the National Plan of Action. The committee was also concerned that resources currently allocated to these bodies may not be sufficient for them to effectively carry out their functions. Coordination among the many institutions working on these issues remains poor. This has resulted in the duplication of initiatives and also in a lack of assistance for children living in certain geographical areas.

District Child Welfare Boards have been established in 75 districts of Nepal under the Central Child Welfare Board. Despite having these structures in place, the child welfare boards at the central and district levels have not been very effective in responding to or preventing child abuse cases. These entities lack adequate resources – both financial and technical – and have difficulty sustaining programmes due to the frequent transfer of staff. They have also been criticised for being influenced by various political parties, rather than maintaining their autonomy.

A National Coordination Committee has been formed, chaired by the Minister of Women, Children and Social Welfare, for the overall coordination and execution of the National Plan of Action against Trafficking of Women and Children for Commercial Sexual Exploitation. The committee is comprised of representatives from the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Labor and Transport Management, the Ministry of Health and Populations, the Ministry of Education and Sports, the Ministry of Law, Justice and Parliamentary Affairs and the Nepal Police Training Academy, as well as two NGO representatives and three representatives of national political parties.

Also chaired by the Ministry of Women, Children and Social Welfare is the National Task Force against Trafficking of Women and Children, comprised of senior officials of concerned ministries, representatives from NGOs and INGOs, UNICEF and the ILO. The Government has also formed District Task Forces representing various governmental and NGO actors in 26 districts. Similarly, there are Municipality-level Task Forces, comprised of representatives from the governmental line agencies, NGOs and civil society at the local level. These task forces are mandated to identify trafficking-prone areas and conduct awareness-raising campaigns, collect data on trafficking and disseminate relevant information, among other activities.

The National Rapporteur on Trafficking under the National Human Rights Commission (NHRC) continues to play an active role in investigating, monitoring and reporting on trafficking, and in coordinating national, regional and international anti-trafficking initiatives. To enhance its national presence, the office of the Rapporteur has recently appointed a focal person for human trafficking in each of the NHRC regional offices.
Additionally, paralegal committees have been formed in 23 district levels. These are community-based programmes aimed at strengthening child protection mechanisms. These committees address all forms of violence, abuse and exploitation of children and women including trafficking for sexual exploitation. The committees work on prevention, early detection, case follow-up, monitoring and reporting and, when required, dispute resolution. These committees have proved very effective in linking vulnerable groups at the local level with government and non-government agencies for preventing and responding to exploitation and abuse of women and children.

To improve quality of services and ensure the best interests of vulnerable children, in 2007 the Government developed Minimum Standards for Running Child Welfare Homes which, among other things, set criteria for regular monitoring and supervision of such homes. A Child Care Home Monitoring Committee has additionally been established. However, this body is not functioning as required and the lack of official monitoring of the over 500 shelter homes cropping up around the Kathmandu Valley and in other parts of Nepal remains a concern. The Nepalese government is reportedly reviewing these minimum standards in order to formulate strategies for rendering them achievable; however, this process has yet to reach any concrete outcomes.

Different NGOs working on these issues have formed national and district-level networks such as the National Network against Girls Trafficking (NNAGT), the Alliance against Trafficking in Women in Nepal (AATWIN) and Action against Trafficking and Sexual Exploitation of Children (ATSEC). In addition, Maiti Nepal, ABC Nepal and Saathi have border vigilance programmes at major exit points along the Indo-Nepal border. They also provide legal aid, shelter, rehabilitation and reintegration programmes for victims of CSEC and trafficking.

Finally, in its 2005 concluding observations, the Committee on the Rights of the Child expressed concern about the lack of comprehensive and up-to-date statistical data in the State and the lack of an adequate national data collection system on the areas covered by the Convention on the Rights of the Child.

Nepal is a state party to the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. In the past four years the Government of Nepal has ratified these conventions, demonstrating its will to address these issues.

Nepal is also a participant in and host of the regional secretariat for the South Asian Initiative to End Violence Against Children (SAIEVAC), formerly the South Asian Forum for Ending Violence Against Children (SAF). SAIEVAC is a regional mechanism, formed as a result of the 2005 Regional Consultation for the UN Study on Violence against Children in Pakistan. The Secretariat was hosted by the Government of Pakistan for the initial
two years, before being transferred to Nepal at the 2010 ministerial meeting.\textsuperscript{119} Priority areas for SAIEVAC are early marriage, child protection systems, trafficking, sexual abuse and exploitation, child labour and corporal punishment.\textsuperscript{120}

In preparation for the World Congress III against Sexual Exploitation of Children and Adolescents in 2008, Nepal hosted the SAF’s regional preparatory consultation. Prior to this, a Children’s Forum was organised for participating children to discuss CSEC issues and to prepare their recommendations for presentation at the preparatory consultation. UN agencies, members of the South Asia Coordinating Group on Violence against Women and Children (SACG), NGOs and 15 young people were invited to take part in the preparatory consultation. The conference focused on developing a common understanding of concepts, as well as on the challenges and progress, in addressing SAF/SACG priority issues for the region and their linkages to sexual exploitation of children and adolescents so that a collective formulation of the goals and targets could be forwarded to the World Congress.\textsuperscript{121}

Kathmandu Commitment to Action for ending violence against children

In January 2010, the former South Asian Forum for Ending Violence Against Children (SAF) held its 4th coordinators meeting in Kathmandu. One of the main objectives for the meeting was to develop a commitment for action to end violence against children.\textsuperscript{122} The meeting was organised by Nepal’s Ministry of Women, Children and Social Welfare and the South Asia Coordinating Group on Violence against Women and Children (SACG).\textsuperscript{123} Save the Children Sweden, ECPAT, Plan, Planete Enfants and several UN agencies also attended the event.\textsuperscript{124} This meeting was an occasion to consolidate SAF and change its name to the South Asian Initiative to End Violence Against Children (SAIEVAC).\textsuperscript{125} The participants also developed the Kathmandu Commitment to Action for Ending Violence Against Children\textsuperscript{126} and addressed the “urgent issues” of early marriage, child protection, child trafficking and child sexual exploitation.\textsuperscript{127}

SAIEVAC held its 3\textsuperscript{rd} ministerial meeting and 5\textsuperscript{th} coordinator meeting in Kathmandu in June 2010. The purpose of the ministerial meeting was to discuss the new organisational structure, future plans for collaboration with SAARC, and development of a workplan to end violence against children. During the coordinators meeting, the institutional framework for SAIEVAC was expanded and key recommendations were developed for submission at the ministerial meeting. Children also presented their recommendations at this meeting, which were developed at the Regional Children’s Consultation from 20-23 June 2010.\textsuperscript{128}

Currently, the Ministry of Women, Children and Social Welfare has committed to taking over the functions of the SAIEVAC Secretariat and, hopefully, this will provide impetus to the Government to prioritise children’s issues and expedite the process of finalising and enforcing the new Child Protection Bill.

SAIEVAC hosts annual regional consultations in collaboration with the South Asia Coordinating Group on Action against Violence (SACG). The latter is a regional coordinating body formed to strengthen regional collaboration and advocacy against all forms of violence against women and children in south Asia, focusing on human trafficking, child marriage, strengthening child protection systems and sexual abuse and exploitation of children. A number of UN agencies and regional organisations are included among its members.\textsuperscript{129}
The Government of Nepal also participates in the South Asia Forum against Human Trafficking (SAFAHT). SAFAHT was formed in 2000 as an outcome of the First South Asia Regional Workshop on Trafficking in Women. It facilitates and supports anti-trafficking activities at the regional, national and sub-national levels.\(^{130}\)

Another regional mechanism is South Asia Professionals against Trafficking (SAPAT). SAPAT comprises of police personnel, prosecutors and lawyers, judges and magistrates, doctors and media personnel, has been set up as a non-formal pressure group of professionals against trafficking.\(^{131}\)

At the non-governmental level, there have been innovative regional collaborations in the past few years. For example, as part of the project “Developing a rights-based approach for anti-trafficking actions in South Asia”, the Kathmandu School of Law, in collaboration with the South Asian Law Schools Forum for Human Rights, undertook a research study on legislation and structures related to trafficking in three countries.\(^{132}\) The study covers Bangladesh, India and Nepal and focuses on rights-based preventive and legal measures to improve governance concerning trafficking in women and children at the national and regional levels.\(^{133}\)

**PREVENTION**

Effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children, while also addressing the root causes of CSEC, such as poverty and lack of education. Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness raising activities. Furthermore, information, education and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children (eg, users of children forced into prostitution) to promote changes in social norms and behaviour and to reduce the demand for child victims of CSEC.

In 2007, the Ministry of Women, Children and Social Welfare provided small grants to task forces in 26 high-risk districts for awareness raising and to mobilise communities against trafficking.\(^{134}\) In addition, the Office of the National Rapporteur for Trafficking launched a television and radio campaign to raise awareness about the issue.\(^{135}\) Since 2007 the Nepalese government has organized a National Anti–Human Trafficking Day on September that includes a range of awareness raising activities.\(^{136}\) The Department of Women Development under the Ministry
In 2003 and 2005, CWIN conducted research on child sexual abuse in Nepal together with Save the Children Norway and UNICEF (respectively), which revealed that many children had been exposed to pornographic material on the Internet. In response to this finding, CWIN launched the “Campaign on Protecting Children Online” to further investigate the online behaviour of Nepali children; to make the Internet a safer place for Nepali children by forming workgroups to create and implement measures to protect them; and to create sustained awareness programmes among children, parents, teachers and IT centres regarding online risks. Thus far the campaign has produced and disseminated awareness raising materials for parents and young people, has conducted focus group discussions with school and college students, has made presentations at three major ICT related conferences and organised an orientation programme for the Nepal Police in the Kathmandu District on “Demystifying Cyber Issues in Nepal.” CWIN has also produced a TV documentary looking at the magnitude of the problem in urban Nepal, as well as radio spots. The campaign has also accomplished its first research project, A Study on the Internet Use by Children.

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Private sector

CWIN’s Campaign on Protecting Children Online has partnered with the Forum for IT in Nepal (FIT), the South Asian Partnership International (SAP I), the Computer Association of Nepal (CAN) and the Internet Service Providers Association-Nepal (ISPAN). The campaign is also working towards the development and implementation of a code of conduct for cyber cafés regarding child safety.

Some business organisations in Nepal have provided financial support to anti-trafficking initiatives and have offered vocational training and job opportunities to CSEC survivors and young girls vulnerable to trafficking. For example, Yeti Airlines and Hotel Annapurna have been supporting the work of Maiti Nepal. Women/children survivors of sexual exploitation residing in Maiti Nepal and Shakti Samuha has also been supported by the International Organization for Migration (IOM) to create linkages with members of the corporate sector, such as Dabur Nepal, to provide vocational trainings to expand job opportunities for survivors.
The Government has reportedly implemented development programmes focused on improving the situation of girl children, especially by increasing their access to education (e.g. by providing scholarships for girls, free textbooks and other subsidies) and providing vocational training and job opportunities. Special emphasis has been placed on reducing the vulnerability of children from Dalit and other indigenous communities and extremely poor families through educational and awareness-raising programmes.\(^{146}\)

The Ministry of Home Affairs is said to have contributed to the prevention of trafficking in women and children through its rehabilitation programme, “Ganesha Man Singh Peace Campaign”, which provides financial and medical support to conflict-affected children, women and their families.\(^{147}\)

The Poverty Alleviation Fund, established in 2003 under the Prime Ministry’s Office, also contributes to the prevention of trafficking and sexual exploitation of women and children, especially among the poverty-stricken families and areas. The primary aim of the fund is to help reduce poverty among women, Dalit, and Janajati, among others, through enhancing social mobilisation, promotion of income-generating programmes, development of community infrastructure, and capacity building of the community-based organisations, including women’s organisations. Initially, the Fund covered six districts; in early 2007 it extended to include 44 of the most poverty-stricken districts.\(^{148}\)

In 2007, in an effort to reduce demand for commercial sex, the Government imposed a penalty of one to three months’ imprisonment for brothel customers.\(^{149}\)
Comprehensive and effective legislation is essential to protect children from CSEC. Existing laws must be strengthened and new laws must be developed and implemented that specifically address the various manifestations of CSEC. Further, these laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing child pornography online, and changes in the international legal framework. In addition to enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and witnesses are also essential.

### International instruments

<table>
<thead>
<tr>
<th>Human rights bodies related to child rights</th>
<th>Comments</th>
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<tbody>
<tr>
<td><strong>Charter-based bodies</strong></td>
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<tr>
<td>Working Group of the Universal Periodic Review – Human Rights Council</td>
<td>Nepal will be reviewed in June 2011.</td>
</tr>
<tr>
<td>Special Rapporteur on the sale of children, child prostitution and child pornography</td>
<td>Visited June 1993.</td>
</tr>
<tr>
<td>Special Rapporteur on trafficking in persons, especially in women and children</td>
<td>No visit so far.</td>
</tr>
<tr>
<td><strong>Treaty-based bodies</strong></td>
<td></td>
</tr>
<tr>
<td>Committee on the Rights of the Child</td>
<td>Progress on the 2005 concluding observations: the Government has made significant progress with regard to the committee’s recommendations. It has ratified the OPSC and adopted the Human Trafficking and Transportation (Control) Act, 2007. However, it has not addressed the committee’s recommendation that it establish an inter-ministerial and inter-sectoral mechanism for the coordination, monitoring and evaluation of all activities regarding the implementation of the CRC.</td>
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<tr>
<th>Children’s rights instruments</th>
<th>Date of ratification</th>
<th>Date of submitted reports</th>
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<tbody>
<tr>
<td>ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)</td>
<td>2002</td>
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### Children’s rights instruments

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<th>Children’s rights instruments</th>
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<tr>
<td>UN Convention against Transnational Organized Crime – 2000</td>
<td>Signed, but not ratified</td>
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<tr>
<td>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)</td>
<td>Not yet ratified</td>
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### Regional instruments

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<th>Regional instruments</th>
<th>Date of ratification</th>
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<tr>
<td>ASEAN Declaration against Trafficking in Persons Particularly in Women and Children</td>
<td>2002</td>
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Under Section 9 of the *Nepal Treaty Act, 1990*, international instruments to which Nepal is party have the force of law in Nepal, and the provisions of international instruments prevail over domestic laws where the two conflict. In a 2007 case, the Supreme Court stated that the provisions of conventions to which Nepal is party supersede existing domestic law. Thus, in theory, international instruments are easily and efficiently implemented in Nepal.

### Legislation

While the Government has taken some initial steps forward in creating a better protective system through its acceptance of the *Interim Constitution and the Human Trafficking and Transportation (Control) Act, 2007*, Nepal must continue its efforts through effective implementation of these laws.

Similarly, although the Government has incorporated some provisions of the UN Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Final Protocol to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others into its Interim Constitution and its new trafficking law, Nepal has not yet ratified these instruments.

Additionally, Nepal must strengthen its efforts to harmonise its domestic laws with international standards in the fields where weaknesses persist, most notably with regard to child prostitution.

Like the OPSC, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, which has been ratified by Nepal, defines a ‘child’ as a person who has not yet attained the age of 18 years. ‘Child’ is defined in various Nepalese laws as follows:

“According to [the] Human Trafficking Transportation (Control) Act 2007, a ‘child’ is defined as the person who has not attained the age of 18 years (Section 2.d). The Children’s Act 1992 has defined a ‘child’ as person who has not completed the age of 16 years (Section 2.a). The National Code (Muluki Ain) 1964 has defined ‘children’ as the person who has not attained the age of 16 years. However, in the case of penalising offences of rape, the code has set five age brackets—(i) girl under 10 years of age, (ii) girl of 10 years of age and above but under 14 years of age, (iii) girl of 14 years of age or above but under 16 years of age, and (iv) girl of 16 years and above but under 20 years of age, and (v) women above 20 years of age. The proposed Child Rights (Promotion and Protection) Act has defined the ‘child’ as a person who has not attained the age of 18 years.”
Nepal adopted an *Interim Constitution* in 2007, which, for the first time, incorporates children’s rights as fundamental rights. Article 22 of the *Interim Constitution* recognises the rights of children to their own name and identity; to nurturing, basic health and social security; to not be subjected to exploitation; to receive special privileges from the State in the case of vulnerable groups of children; and to not be employed in hazardous work or used in conflicts.\(^{135}\)

According to its 2008 report to the Committee on the Rights of the Child, the Nepali Government has also initiated the process of drafting a new child rights act to replace the existing act and bring its domestic laws into line with the *CRC* and the *OPSC*.\(^{156}\)

In November 2009, the Supreme Court issued a directive that the rights of the workers at dance and cabin restaurants, massage parlours and dohori restaurants must be respected. The Supreme Court has asked the Government to introduce a separate act to manage dance and cabin restaurants and has issued a set of guidelines to govern until such a law can be drafted. The guidelines prohibit exploitation, particularly sexual exploitation, of the workers. The court established that as the right to work cannot be violated, it is the duty of the Government to regularise and manage such workplaces. In addition, the Government of Nepal is currently in the process of developing standard operations procedures for the protection of trafficked survivors, including rescue, repatriation, rehabilitation and reintegration.\(^{157}\)

As the CRC and its Optional Protocol have been ratified by Nepal, existing Nepalese law should reflect the standards against the prostitution of children set out in these instruments. The 2007 *Interim Constitution* appears to prohibit all forms of exploitation, but does not specifically mention whether prostitution is included in the definition of exploitation.

Likewise, the *Human Trafficking and Transportation (Control) Act, 2007*, which includes forcing someone into prostitution and engaging in prostitution as acts of trafficking,\(^{158}\) also fails to provide a definition for child prostitution or to specifically prohibit it.

Furthermore, none of the laws discussed below specifically define or prohibit child prostitution, nor specifically punish acts of obtaining, procuring or providing a child for prostitution.

A right against exploitation has been recognised as a fundamental right by the 2007 *Interim Constitution*. Article 29(1) states that “[e]very person shall have the right against exploitation.” The same article prohibits exploitation on the basis of custom, tradition or in any other manner. It further prohibits trafficking in human beings, slavery, bonded labour and forced labour.\(^{159}\)

With regard to children specifically, Article 22 of the *Interim Constitution* provides that “[e]very child shall have the right not to be subjected to physical, mental or any other form of exploitation. Any such act of exploitation shall be punishable by law and any child so treated shall be compensated as determined by law.”\(^{160}\)

Apart from the Constitution, laws against rape, trafficking in human beings and general children’s rights are used in cases where children are forced into prostitution. The recently adopted *Human Trafficking and Transportation (Control) Act, 2007* (English translation), for example, provides for 10 to 15 years’ imprisonment and a fine of 50,000-100,000 Rupees for forcing someone into prostitution and one month to three months’ imprisonment and a fine of
2,000-5,000 Rupees for a person engaged in prostitution.\textsuperscript{161} The official version of the act in Nepali language limits the applicability of “engaged in prostitution” to those receiving sexual services, preventing children from being criminalised under the act. However, police can bring criminal charges against persons delivering sexual services through Section 2(c) of the \textit{Some Public (Crime and Punishment) Act 1970}, which prohibits obscene or vulgar conduct in public places.\textsuperscript{162} Because of a lack of clarity in Nepali law, it is possible for children involved in prostitution to be criminalised under these provisions.

Nepalese law criminalises “touching the body of a girl” above the age of 11, excluding one’s own wife, with the intention of intercourse. Offenders may be punished by up to one year’s imprisonment, 500 Rupees (US$7) (which is a particularly low fine for an offence of such gravity), or both.\textsuperscript{163} Nepali law here remains incomplete as it fails to address girls under the age of 11 and boys. A person who entices a woman with the intent to arrange sexual intercourse with himself or with any other person, and arranges contacts for prostitution, may be punished by six months to two years’ imprisonment, a fine between 500 and 6,000 Rupees (US$7 and US$84), or both.\textsuperscript{164}

Nepal’s \textit{Children’s Act, 1992} prohibits involving or using a child in an “immoral profession”.\textsuperscript{165} Violators may be punished by up to one year’s imprisonment and a fine of 10,000 Rupees (US$140).\textsuperscript{166}

The Central Child Welfare Board has drafted an amendment to Nepal’s Children’s Act, 1992, which would define sexual exploitation and sexual abuse of children as “a sexual relationship with children (which may be natural or unnatural),\textsuperscript{167} taking pornographic photos, publishing or distributing pornographic photos in electronic media, touching or fondling sensitive parts, and showing pornographic material by means of deception, [showing] hope, force or any other influence, including [or by means of] fear, threat, or making the child unconscious, or by giving or not giving money or other goods.”\textsuperscript{168} According to the Ministry of Women Children and Social Welfare, the amended Children’s Act, 1992 is in the Ministry of Law and Justice for review; thereafter, it will be passed by the cabinet and tabled in parliament.\textsuperscript{169}

This new version of the act will address a number of child protection gaps and constitutes an important first step towards a comprehensive definition of sexual exploitation of children in line with the \textit{OPSC}. One significant strength of this new version is the inclusion of ‘grooming’ activities as punishable offences. However, the act could be further strengthened by specifically including “producing, offering, distributing, possessing, procuring or accessing child pornography” as offences, as is required by the \textit{OPSC}.

Apart from this draft, Nepal has a number of laws that may be used to prosecute cases of child pornography, including the \textit{Children’s Act, 1992, the Some Public (Crime and Punishment) Act, 1970, the National Broadcasting Act, 1993 and the Electronic
Transactions Act, 2008. Apart from the latter, the relevant provisions of Nepal law have not changed since ECPAT’s 2006 Nepal monitoring report.

The Children’s Act, 1992 prohibits taking photographs, allowing photographs to be taken, distributing and exhibiting photographs of children for the purpose of engaging them in an immoral profession. Violators may be punished with up to one year’s imprisonment, a 10,000 Rupee fine (US$140), or both. Furthermore, if, as a result of this activity, the child’s character or health is adversely affected, the officer hearing the case may order the offender to compensate the child in proportion to the damage caused. The term “damage to character” has not been interpreted by any Nepalese Court, and research reveals no cases involving this provision.

The Some Public (Crime and Punishment) Act, 1970 prohibits printing, publishing, exhibiting and selling obscene materials in public places. The Act does not define obscene, and while there are cases involving persons accused of publishing, selling or distributing obscene materials, such as nude video films or CDs, there are no registered cases specifically involving the use of children in producing pornography.

Section 15(1)(b) of the National Broadcasting Act, 1993 prohibits broadcasting any advertisement of vulgar materials. Any act against this provision is punishable by one year’s imprisonment and a fine of 10,000 Rupees (US$140).

More recently, the Electronic Transactions Act, 2008 was enacted to regulate electronic transactions and prevent cyber-crime. Section 47 of the act prohibits publishing or displaying in electronic media, materials whose publication or display is prohibited by prevailing law, or which may be contrary to public morality or decent behaviour. Violations of this law are punishable by up to five years’ imprisonment, a fine of up to 100,000 Rupees (US$1,400), or both. Importantly, this law applies to acts committed by persons residing outside Nepal if the computer, computer system or computer network system involved is located within Nepal.

TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

Nepal is not a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Therefore, the provisions of this instrument are not incorporated into Nepalese law and do not supersede conflicting Nepalese legislation. While Nepal’s Interim Constitution and Human Trafficking and Transportation (Control) Act, both enacted in 2007, are a strong step forward, offering better protection of trafficking victims and stronger punishments to traffickers, they fail to specifically address child trafficking.

The Human Trafficking and Transportation (Control) Act, 2007 supersedes the Human Trafficking (Control) Act, 1986. The 2007 act was enacted with the objective of more effectively stopping the sale and trafficking of human beings, and protecting and rehabilitating victims and survivors. It prohibits all forms of trafficking and prescribes penalties ranging from 10 to 20 years’ imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape, according to the US State Department.
Section 2(e) of the act defines 'exploitation' as an "act of keeping human beings as a slave and bonded and this word also implies to remove human organ except otherwise determined by existing law." [sic] Section 4(2) further details which acts will be considered as human trafficking. Finally, Section 15(2)(c) provides that a person involved "in transporting a human being from one place to another place within Nepal or outside the country for the purpose of buying, selling or forcing into prostitution, with or without financial benefits; he/she shall be entitled for punishment under both offences," regardless of consent.

The act applies to foreigners through Section 1(3), which states "[t]his Act shall remain in operation throughout the country and anyone committing an offence against [a] Nepali citizen under this Act from [a] foreign land shall also remain within the purview of this Act." The act also obligates the Nepal Government to provide rescue to Nepali citizens trafficked abroad in Section 12.

It also establishes “a reporting system and certification of the statement; arrest and investigation; prosecution in custody; rescue proceedings and extraterritorial jurisdiction (if a Nepali citizen has been sold in the foreign land); compensation to the victim; rehabilitation; in camera court proceedings; protection of privacy of the victim; protection to the victim; burden of proof on the accused.”

Weaknesses of the law are that, by referring to the trafficking of “human beings,” it does not distinguish between adults and children, nor is it clear the extent to which these provisions will be used to address the trafficking and sexual exploitation of boys.

The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, which has been ratified by Nepal and therefore incorporated into domestic law, defines 'prostitution' as “the sexual exploitation or abuse of persons for commercial purposes”, ‘trafficking’ as “the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the subjected to trafficking” and ‘person subjected to trafficking’ as “women and children victimized or forced into prostitution by the traffickers by deception, threat, coercion, kidnapping, sale, fraudulent marriage, child marriage, or any other unlawful means.”

The definition of trafficking provided by the convention captures the transferring, buying and selling of women and children, within and outside the country, for putting or placing them in exploitative and abusive situations such as forced prostitution, with or without their consent.

Article 29 of the Interim Constitution guarantees every person's right against exploitation, including human trafficking, as a fundamental right. Additionally, according to Article 32, every person can seek remedies such rights are violated. Article 35(9) provides that the State must pursue a policy “of making special provision for social security for the protection and welfare of single women, orphans, children, the helpless, the aged, disabled, incapacitated persons and tribes on the verge of extinction”. While Article 33(m) obligates the State is to “implement effectively international treaties and agreements to which the State is a party”.

Nepal|27
Low levels of prosecutions of traffickers in Nepal

According to the 2006/2007 national report prepared by the Office of the National Rapporteur on Trafficking in Women and Children (ONRT) and the National Human Rights Commission (NHRC), which analysed the judgments of the Supreme Court, very few trafficking cases are coming before the courts compared to the magnitude of the crimes. In those cases that do make it to court, the conviction rates are low. In addition, the conviction rates decrease when one moves from the district court to the appellate and to the Supreme Court. Conversely, the acquittal rates are higher in upper layered courts than in the district courts of Nepal. Any potential for justice is delayed in all layered courts as reflected in the high pending rates of trafficking, especially in the Supreme Court.

The ONRT stated there were 32 prosecutions of traffickers in 2002-03, 57 in 2003-04, 60 in 2004-05, and 36 in 2005-06. This demonstrates the very low level of prosecution against the traffickers in Nepal. Moreover, it is unclear which of these cases are related to trafficking in children specifically.

Furthermore, it appears that very few cases are decided with reference to the values and principles embedded in the international human rights instruments such as the CRC. The Court’s rulings are instead based on whether or not the plaintiffs were able to provide the evidence, whether or not they were able to attend in the courts and whether or not their witnesses provided supportive statements.

According to Article 22 of the 2007 Interim Constitution, all offenses relating to the exploitation of a child are punishable under Nepalese law. Foreign child sex offenders can be prosecuted by Nepalese courts for having sexually exploited children in Nepal. This includes offenders that have fled Nepal to escape prosecution. Under the Extradition Act, 1988, CSEC related acts are extraditable offenses where there is a treaty between Nepal and another country to that effect. Nepalese authorities can request extradition from the authorities of countries where child sex offenders reside, provided a bilateral extradition treaty has been signed with that country which addresses the CSEC crime at issue. The scope of this law appears to be limited, as Nepalese authorities have only signed one bilateral extradition treaty (with India). However the Extradition Act’s reach might be extended through the OPSC, which stipulates in Article 5 that it should be used as a legal basis for extradition in CSEC cases, between two countries that do not have a bilateral extradition treaty.

Nepalese law also provides for some extraterritorial application of its laws, permitting the prosecution in Nepal of Nepalese citizens who have sexually exploited children in foreign countries. The scope of Nepal's extraterritorial legislation is unfortunately limited to trafficking and does not appear to cover other forms of CSEC.

In the light of Nepal’s efforts to offer greater protection to children through the Interim Constitution, the Human Trafficking and Transportation (Control) Act, 2007 and other legislation, there is a need for better cooperation and capacity building of key institutions and the relevant officials implementing these new laws.
In 2006 the Government approved the *Juvenile Justice (Procedures) Rules* in an effort to strengthen the administration of juvenile justice in the country. Because they come under the *Children’s Act, 1992*, they are already in effect. The rules advocate for the best interest of children who are in conflict with the law and define entire processes for the handling of the juvenile cases, including investigation and prosecution; trial; and disposition of cases in the juvenile courts. The rules allow for *in camera* hearings and set criteria for a social worker and a child psychologist who are to represent in the juvenile bench and for service providing organisations. In addition, in 2007 the Supreme Court drafted *A Procedural Guideline for the Protection of Privacy of Parties in the Entire Prosecution and Court Process in Regard to the Cases of Special Nature* to govern court procedures in the interim period while a law is being drafted under the Court’s directive. The Central Child Welfare Board inaugurated the *in camera* hearing system in Lalitpur District Court on the occasion of International Child Rights Day in 2006, however the system is not yet fully functional.

Additionally, the Nepal police, under the Ministry of Home Affairs, are operating 25 Women and Children Service Centres in 23 districts of Nepal which have been identified as high risk areas. The centres provide support to women and children victimised by abuse and exploitation in securing justice, as well as their rescue and rehabilitation. Training is provided to female law enforcement officers to carry out their responsibilities in identifying, investigating and reporting crimes against women and children, which primarily include sexual offences, human trafficking, child marriage and domestic violence. These initiatives are being implemented in cooperation with UNICEF and the UK Department for International Development.

More recently, in 2010, the Government set up the Communication, Information and Technology Crime Cell under the Nepal police to investigate cyber crimes, including child pornography, money laundering and intellectual property.¹⁹¹

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**Challenges for law enforcement**

According to the 2006/2007 national report produced by the Office of the National Rapporteur on Trafficking in Women and Children and the National Human Rights Commission, law enforcement faces several challenges. One of them relates to the open border between Nepal and India, throughout which interception of traffickers and their victims is virtually impossible without effective bilateral cooperation between Nepal and the Indian police. Nepal’s immigration authority also faces challenges in intercepting traffickers, particularly those crossing by land. The paper visa system of the Gulf nations also makes it difficult to verify travel documents.¹⁹²
Support services for children

The Government of Nepal has conducted efforts to enhance the recovery and reintegration processes. The Human Trafficking and Transportation (Control) Act, 2007 addresses the rescue, rehabilitation and reconciliation processes and enhances the role of the Government in those matters.

Existent helplines

The National Center for Children at Risk (NCCR, and also known as Balbalika Khojtalas Samanya Kendra) was established in 2006 in collaboration with the Ministry of Women, Children and Social Welfare, the Central Child Welfare Board, the Nepal police and INGOs to collect information and ensure the protection of missing and found children. The centre works to minimise violations against children by raising awareness among community members, parents and teachers. The centre also runs a toll free hotline (104) to receive complaints and report cases. In addition to receiving complaints and conducting rescue operations, it supports the reintegration and family reunification of the children who are brought to the centre.

Child Helpline-Nepal was established in September 2007, in partnership with the Ministry of Women, Children and Social Welfare, the Central Child Welfare Board, Nepal Telecom, Save the Children Norway-Nepal and Plan Nepal, and is being run by the ECPAT member organisation, CWIN Nepal. The helpline’s toll free number (1098) is similar to child helpline numbers in India and Pakistan.

The Government has developed guidelines to regulate the implementation Nepal’s helplines. Since it was established, and until February 2008, Child Helpline-Nepal has received 2,085 calls regarding at-risk children in the Kathmandu valley. One-hundred-thirty of those cases were received from children themselves. During the five-month period, 209 children received services such as rescue (54 children), investigation and monitoring (15 children), legal aid (17 children), medical support (42 children), referral/rehabilitation (41 children), follow-up services (26 children) and other services (14 children). During that same period, 6 cases of child trafficking (5 children within the country and 1 child to India) and 7 cases of kidnapping were reported.

Rehabilitation centres

Pursuant to the Human Trafficking and Transportation (Control) Act, 2007, the Government of Nepal is required to manage the rescue of any Nepali citizen sold into a foreign country. The Government is also responsible for establishing centres for physical and psychological treatment, social rehabilitation and family reconciliation of victims. Moreover, the act provides that the Government shall establish a rehabilitation fund to operate the established rehabilitation centres. Although these provisions are much more comprehensive than those previously stipulated in the Children Act, 1992, the Government has yet to make provisions for all of the commitments, and traditionally many of the cases are referred to shelter homes run by NGOs.

In 2008, the Government did provide financial support to NGO-run trafficking shelters in Kathmandu, Sindhualchowk and Kanchanpur. It also made plans to support the opening of four more shelters, reportedly in Jhapa, Parsa, Rupendehi and Banke.
NGOs take the lead in the rescue, rehabilitation and reintegration of victims

In the absence of governmental provisions, NGOs in Nepal are providing many services in regard to the rescue, rehabilitation and reintegration of the victims of commercial sexual exploitation in various parts of the country. These activities include coordinating the release/withdrawal of victims; processing repatriation (domestic/cross-border) cases; running transit and safe shelters; and providing legal aid, care services, crisis counselling, formal and non-formal education, vocational and livelihood trainings, micro credit loans, family identification and reunion services and follow-up. Maiti Nepal and CWIN Nepal (both ECPAT members) are also focused on promoting the participation of the young victims of CSEC and at-risk youth through the peer support programmes and children’s clubs within their shelters and in high-risk areas. There are a total of 523 child care homes in Nepal, with 230 in Kathmandu alone.204

There are many NGOs, such as Maiti Nepal, CWIN Nepal, ABC Nepal, the Women’s Rehabilitation Centre (WOREC), Shakti Samuha and Saathi, running comprehensive prevention, protection, rescue, rehabilitation and reintegration programmes for child victims of trafficking and commercial sexual exploitation. Many of these NGOs have intercepted large numbers of women and children and provided a range of rescue, rehabilitation and reintegration services. Maiti Nepal reports that it has intercepted and rehabilitated a total of 21,632 women and children during the period 1993-2010.205 Shakti Samuha, a NGO formed by trafficking survivors, has been working on preventing and rehabilitating trafficking victims.206 CWIN Nepal has been working for the protection and promotion of child rights in communities and schools, and runs shelter homes for children. Since 2007, CWIN Nepal has also been implementing the child helpline discussed above, in cooperation with the Government and international organisations, and responding to high volume of child protection concerns. They are also working with the private sector to make the Internet safe for children.207

Training law enforcement personnel

The Government reported that in 2006 and 2007, the National Judicial Academy conducted training on child rights and juvenile justice for the judges from all of the 75 District Courts. In these trainings, the text of the OPSC was distributed and intensive discussions were held regarding the sale and trafficking of children, child prostitution and child pornography.208 Nepal does conduct law enforcement trainings on crime investigation and prosecution and has invited NGOs to participate and even conduct some of these sessions, but they have not released any data on the scope and extent of these trainings.209

Better identification of victims needed

It has been observed that law enforcement agencies in Nepal do not formally identify victims of trafficking or forced prostitution and, as a result, women and child victims of trafficking are often treated like criminals. In September 2008, the police cracked down on entertainment establishments in Kathmandu, many of which were fronts for prostitution. Hundreds of women and girls were arrested, but none were screened by the police and identified as victims of trafficking. None of the women and children arrested were offered protection. And none of the managers, owners or clients of these establishments were arrested. It is a significant concern that the Nepali police do not attempt to identify trafficking victims in such establishments.210
A National Campaign is currently underway in Nepal to mobilise children throughout the country to provide input on the new constitution. This campaign has been jointly organised by 728 child rights organisations from the local and national levels, in partnership with children themselves, to ensure the inclusion of children's rights in the new Constitution. In support of the campaign, one million ‘thumbprints’ of children were collected and a nationwide essay competition was organised to get children to express their views on the Constitution they desired. Additionally, “Child Rights Buses” were dispatched to different districts of Nepal to raise awareness about children's rights and to collect input from children in various parts of the country. In those places where the buses could not go, the information was collected by other means. Children also submitted their recommendations directly to the Constitution Drafting Committee. The campaign so far has resulted in the inclusion of children's rights in the Interim Constitution, and the campaign will continue until the new constitution is finalised.

A joint event, “Constitution Assembly Parliamentary Forum Meeting”, was organised by Consortium (Network of the Child Clubs in Nepal) and Children as a Zone of Peace (CZOP) with support from UNICEF on 11 May 2009. Children from various NGO's received an opportunity to interact with the Constituent Assembly members and advocate on ensuring the participation and protection of children in the New Constitution that is to be formed. Different issues related to child rights such as child domestic labour and children living with HIV/AIDS were highlighted during the meeting.

More recently, another unique opportunity for children to provide their inputs was led by HRTMCC [Human Rights Treaty Monitoring Coordination Committee] during the preparation of the Alternative report on the OPSC. A Children's Committee was formed to collect the inputs on the report through regional meetings conducted in Nepalgunj, Chitwan, Biratnagar and Kathmandu. There were a total of 45 children participating and providing input for the Alternative report on the OPSC. The draft report has already been prepared.
and circulated among the Civil Society Organizations and will be submitted to UNCRC committee before October 2011 prior to the hearing of the Government report on OPSC from Nepal.216

ECPAT’s Youth Partnership Project (YPP) for Child Survivors of Commercial Sexual Exploitation in South Asia is a unique initiative that endeavours to have a positive psychosocial impact and improves the lives of affected children in India, Bangladesh and Nepal. Young survivors of commercial sexual exploitation and at-risk youth living in red light districts, on the street or in other dangerous places, such as railway platforms, are the key participants in this project. Through peer support programmes, community awareness campaigns and public advocacy, survivors of commercial sexual exploitation and at-risk youth are using their knowledge and expertise to protect and advocate for the rights of children. The YPP has been in operation for six years and is being implemented by SANLAAP in India, Maiti Nepal in Nepal and Aparajeyo in Bangladesh.217

This project has created opportunities for children to take on leadership roles within the communities and organisations in which they live, and has eroded the view of child survivors as welfare recipients, while encouraging them to become positive actors within society.  

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YPP Youth festival promoting youth participation and power

A regional event, “YPP Youth Festival: Promoting Youth Power!” was organized by the ECPAT South Asia Youth Participation Project (YPP) team on 6 April 2011 in Kathmandu, Nepal to celebrate its accomplishments and outcomes of the second phase of the South Asia YPP. This event provided an interactive and creative platform for the youth to discuss, exchange, and replicate innovative strategies, mechanisms, and activities in promoting youth-led activism against sexual exploitation of young people within and across South Asia.

The event hosted 204 participants, including government officials from Bangladesh, India, and Nepal, Child Representatives of SAIEVAC (South Asian Initiative to End Violence against Children), and the Governing Board from India and Bhutan. There were also representatives from the Embassies, UN Agencies, INGOs, NGOs, and the YPP teams from Bangladesh, India, and Nepal. This event brought coverage by the media, which raised awareness of the cause of the YPP – to eradicate commercial sexual exploitation of children (CSEC).

The Festival began with an official Inauguration Programme and the launch of a report on a youth-led survey conducted by YPP Nepal. This survey focused on the vulnerability of girls and young women working in dance bars, cabin restaurants, and massage parlours in Kathmandu. The opening session was followed by the submission of the petition signatures to the government representatives from Bangladesh, India, and Nepal for the ECPAT & The Body Shop global campaign “Stop Sex Trafficking of Children and Young People” which YPP youth had implemented in each of the three countries. ECPAT youth from Bangladesh, India, and Nepal handed over a total of 66,750 signatures to their government representatives; 12,800 signatures were collected from India, 15,810 from Bangladesh, and 38,140 from Nepal.

ECPAT youth were also able to meet and present the Nepal petitions to the President of Nepal, Mr. Ram Baran Yadav, and to advocate for the implementation and amendment of existing laws to combat CSEC in South Asia. The President expressed his full support and promised to talk to his counterparts from Bangladesh and India to follow up on the key calls to action highlighted in the campaign.
PRIORITY ACTIONS REQUIRED

National plans of action

- The Government must allocate adequate resources (both financial and technical) toward implementation of the National Plan of Action against Trafficking of Women and Children for Commercial Sexual Exploitation and to build linkages and integration with the implementation of the other NPAs and frameworks for children in Nepal, such as the Three-Year Interim Development Plan.
- Information should be provided on the existing monitoring and coordinating mechanisms for the National Plan of Action to ensure that they are working well.

Coordination and cooperation

- The Government must urgently address the lack of child protection data by strengthening its efforts to establish a centralised system of data collection on CSEC crime.
- Government and NGO actors in Nepal must improve coordination and cooperation between state agencies and among civil society organisations, as well as increase partnerships with the private sector to support and complement their efforts to combat trafficking and sexual exploitation of children (to avoid a fragmented response and duplication), as well as strengthen the comprehensive and multi-sectoral approach to child protection in the country. Government, especially the Ministry for Women, Children and Social Welfare and the Central Child Welfare Board, should play a key role in facilitating this process.
- The Government must develop bilateral agreements with countries of origin for child sex tourism to ensure investigation and prosecution of travelling sex offenders, and establish effective police and judicial cooperation with countries of destination for Nepali child trafficking victims (especially India).

Prevention

- A better understanding and a knowledge base on CSEC must be developed through research, education and training for more effective action.
- Existing helplines, legal aid and medical and psychosocial care for children victimised by CSEC must be strengthened and expanded to all children, especially those in remote areas.
- Awareness training on CSEC should be conducted among children. In this framework, prevention measures to address online child sexual exploitation should be implemented. These should include public awareness campaigns that target children, parents, teachers and cybercafés, and integration of online safety information into the educational system.
Nepal must sign and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Nepalese laws must be amended to define and prohibit child prostitution specifically, in compliance with the OPSC. The acts of obtaining, procuring or providing a child for prostitution must also be criminalised.

The Human Trafficking and Transportation (Control) Act, 2007 must be amended to specifically address child trafficking.

Nepalese laws relating to sexual exploitation must also extend to boys as well as girls, as frequently, boys are not recognised as potential trafficking victims. This would permit the establishment of better preventive and protective measures for both genders (eg, specialised services for support, recovery and social rehabilitation).

Regulations should be promulgated requiring cybercafés to ban cabins and cubicles and prevent children below the age of 18 from accessing pornography. Regulations should also be adopted for blocking access to child abuse images and to establish a take down procedure for ISPs.

Nepal’s extraterritorial legislation should be amended to include all CSEC related offenses, not only human trafficking.

Law enforcement officers must be trained on child rights and CSEC issues to enforce children’s protection.

The Government should urgently adopt standard operations procedures with regard to the protection (rescue, repatriation, rehabilitation and reintegration) of trafficked survivors.

Components of referral mechanisms such as Village Child Protection Committees, District Child Welfare Board, District Women and Children Service Centres and Child Helplines should be adequately resourced to achieve their mandates.

Support services

Shelter homes and drop-in centres require specialised services for the support, recovery and social rehabilitation of sexually exploited boys.

The Government should produce a report following-up the established measures to rehabilitate victims of CSEC.

The standards for an institutional care system developed by the Central Child Welfare Board must be promoted and enforced. In addition, all relevant stakeholders must receive training to sensitise civil society to CSEC.

Awareness raising should also be carried out to change public perceptions so that children who are sexually exploited are recognised as victims of gross violations, and not as ‘badly behaved’ children.

Child and youth participation

The Government must expedite its work on developing and enacting the National Child Protection Framework on Children’s Participation – which is different from the Child Protection Bill - to provide a formal and sustained mechanism for gathering children’s input on the programmes and policies that affect them.

The Government should promote active participation of children against trafficking and CSEC by allocating resources to initiate children’s clubs and peer support programmes in schools and communities in high-risk areas.
The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments


(2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter, the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

(3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties’ reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

(4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual...
images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

(5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.

(6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.

(7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.

(8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

(9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.

(10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.

(11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.

(12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.

(13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

(14) Address the demand that leads to children being prostituted by making
the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child’s age.

(15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

(16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.

(17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.

(18) Cooperate in the establishment of an international travel notification system, such as the Interpol ‘green notice’ system, in accordance with applicable law and human rights standards.

(19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State’s nationals who are reported or alleged to have sexually exploited a child in a foreign country.

(20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

(21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Traffic and the sexual exploitation of children and adolescents

(22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.

(23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.

(24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child’s view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.
(25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.

(26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

(27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

(28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.

(29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.

(30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.

(31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.

(32) Establish special gender sensitive units/children’s desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.

(33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.

(34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions.)
as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

**IV – Integrated Cross-Sectoral Policies and National Plans of Action**

(35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.

(36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.

(37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising awareness and preventing the sexual exploitation and trafficking of children and adolescents.

(38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

**Prevention**

(39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.

(40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.

(41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.

(42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.

(43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability.
to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

(44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

(45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.

(46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.

(47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.

(48) Strengthen existing national child protection services or establish new ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

(49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent’s or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.

(50) Develop programs that provide children of sex workers and children living in brothels with support and protection.

(51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.

(52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with
due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

(53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.

(54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers’ and employers’ organizations, the media, children’s organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.

(55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.

(56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.

(57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers’ and employers’ organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.

(58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.

(59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime
in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers’ and workers’ organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

(60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.

(61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.

(62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

(63) Establish by 2013 independent children’s rights institutions such as children’s ombudspersons or equivalents or focal points on children’s rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and
redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

(64) Persevere with reviewing progress of States Parties’ fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.

(65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.

(66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

(67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties’ reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

(68) Ensure that the Universal Periodic Review process includes rigorous examination of States’ fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

(69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

(70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.

(71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including
through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

(72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

(73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.

- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

(2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.


Ibid.


Ibid, p.36.

Ibid, p.23.


Ibid, p.36.

Ibid, p.36, 37.

are.


22 Ibid. p.39.


28 Ibid, p.18.


30 Ibid.


35 Based on field experience of CWIN, ECPAT affiliate in Nepal.


37 Ibid.

38 "OUT OF THE DARK: The Emergence of Boys’ Prostitution in Nepal,” ECPAT International And Child Workers in Nepal Concerned Centre (CWIN), November 2008. from CWIN.


50 Ibid, p.201.


52 Ibid, p.53.


54 Ibid, p.27

55 Ibid, p.28.


58 Ibid, p.15.


61 Ibid.


65 Ibid.

66 Ibid.


69 Ibid.

70 Ibid.

71 Ibid.


75 *Ibid*, p.42.


87 Trafficking in Persons Especially on Women


90 The UN Secretary-General’s database on violence against women. Measure details: Joint Commitment to combat trafficking and violence against women from local to national level. Accessed on 25 February 2010 from: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=6995&baseHREF=country&baseHREFId=941.

91 Ibid.


94 Ibid, p.60.


97 Ibid, p.23.


100 Direct communication with CWIN, ECPAT affiliate in Nepal.


102 Ibid.

103 ECPAT International. Based on interviews with local partner organizations in Nepal. 2009


105 Ibid, p.44.

106 Ibid, p.44.

107 Ibid, p.44.

108 Ibid, p.44.

on Trafficking in Women and Children.


112 Ibid, p.20.

113 Direct communication with CWIN, ECPAT affiliate in Nepal.

114 Direct communication with MAITI, ECPAT affiliate in Nepal.


123 Ibid, p.3.

124 Ibid.

125 Ibid, p.3.

126 Full text of the Kathmandu commitment is available at: http://www.saievac.info/index.php?content=47.


Rights%20link%202.htm.


135 Ibid.

136 Direct communication from MAITI Nepal, ECPAT affiliate. For a range of representative activities, also see: http://www.maitinepal.org/ndetails.php?option=Events&cid=117


138 Ibid, p.33.


141 Ibid.

142 Ibid.

143 Ibid.

144 Information provided by Rajan Burlakoti, YPP National Coordinator for Nepal, MAITI Nepal.

145 Insert first name, last name and date of communication Direct communication with MAITI Nepal, ECPAT affiliate.


153 At the time of Nepal’s initial report to the Committee on the Rights of the Child, this bill had been prepared by the Ministry of Women, Children and Social Welfare and was under consideration by the Ministry of Law, Justice and Parliamentary Affairs.

of Women, Children and Social Welfare.  


160 Ibid.


162 Direct communication with MAITI, ECPAT affiliate in Nepal.


166 Ibid, sec. 53.

167 In the context of commercial sexual exploitation of children, ECPAT believes that all sexual relationships between children and adults constitute a breach of a child’s fundamental right to live free from sexual abuse and exploitation. Thus, the distinction between “natural” and “unnatural” sex with children is irrelevant in the context of commercial sexual exploitation of children.


169 Direct communication with MAITI Nepal, ECPAT affiliate.


171 Ibid, sec. 53(4).

172 Ibid, sec. 53(6).


175 Ibid, sec. 17(2).


177 Ibid.

178 Ibid, sec. 55.


Ibid.


Ibid, p.133.


Ibid.p.49

Ibid.p.49.

Ibid.p.49.

Ibid.p.49.

Ibid, p.49.


Ibid.
201 Ibid.


203 Ibid.


205 Direct Communication with MAITI Nepal, ECPAT Affiliate.


207 Insert Firstname Last name , date of communication , Direct Communication with CWIN Nepal, ECPAT Affiliate


209 Direct communication with CWIN Nepal, ECPAT Affiliate.


215 For more information see: Website information of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the dates for Pre-Sessional Working Group meeting is scheduled for 14-15 October 2011.

216 See: See Website information for Youth Partnership Project South Asia. Accessed on 12 July 2011 from: http://www.yppsa.org/about_the_project.html