

Commercial Sexual Exploitation of Children Review of progress, challenges and way forward towards Yokohama Global Commitment 2001 Sri Lanka September 2004

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INTRODUCTION

Although well known that commercial sexual exploitation of children (CSEQ) exists in Sri Lanka, its extent, the number of victims and offenders are relatively unknown. Reported figures of the number of child sex workers vary from around 10,000 up to over 30,000. No matter the exact number, it is clear that child prostitution (especially in boys) in Sri Lanka has assumed serious proportions.

For the children, any form of sexual abuse has long-term effects, which most children would be unable to comprehend and many parents not aware of. Not only will many children be psychologically affected, but also being at risk of contracting HIV/AIDS or other sexually transmitted diseases, The victims will also face social problems because of the stigma attached. Many children may have dropped-out of school and have no other alternatives but to stay in the business. The involvement of criminal gangs adds to the problems of tackling CSEC. For Sri Lanka, increased prevalence of child sex tourism will create a negative image of the country as a tourist destination.

The government of Sri Lanka is committed to reverse this trend and to protect its children from all kinds of abuse. Sri Lanka ratified the Convention of the Rights of the Child (CRC) in 1991 and has so far fulfilled two reporting obligations to the Committee on the Rights of the Child. In addition, Sri Lanka has signed the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, in 2002, and, the same year, ratified the ILO Convention 182 on the Worst Forms of Child Labour, which include commercial sexual exploitation of children. Sri Lanka participated in both the Stockholm first World Congress on Commercial Sexual Exploitation of Children and in the follow up congress in Yokohama. Sri Lanka was party to the declarations made at both those congresses.

At the regional level, Sri Lanka participated in the Dhaka Regional Consultation in 2001, prior to the Yokohama Congress and was party to the commitments made at this consultation. These commitments were focused on protection measures, recovery and reintegration, collaboration, co-ordination and capacity building and creating partnership with children and young people.

BACKGROUND TO CESC AND TRAFFICKING SITUATION

Sexual abuse and exploitation of children is a phenomenon that only recently has emerged to the surface in Sri Lanka, however deeply rooted in the texture of Sri Lankan society. While child sex tourism is becoming an increasingly visible form of abuse (by foreign paedophiles but also by local tourists), the greater number of children are in fact sexually abused by relatives and family members, as well as in institutions and even schools. As seen elsewhere children from poor backgrounds are more vulnerable to abuse and exploitation, including child domestic workers and street children. Cases of inter-district and intra-district trafficking of children for child labour and sexual exploitation is appearing, although there is little evidence of trafficking of Sri Lankan children out of the country, or foreign children to Sri Lanka.

Few estimates of the extent of commercial exploitation and trafficking of children are available in Sri Lanka. It is clear however that, although girls are more vulnerable to sexual abuse generally, boys are more vulnerable to commercial sexual exploitation in Sri Lanka. Although some underage girls have been found off and on in brothels in cities, no empirical data exists to date. The commonly accepted theory as to why mainly boys are commercially sexually exploited is said to be the perception that boys cannot become pregnant. Although many families are aware that the boy concerned is being abused silence prevails because of the financial gains. Such families also have the misconception that boys do not suffer from the abuse the same way as a girl would.

An NGO named P.E.A.C.E (Protecting Environment And Children Everywhere) pioneered to focus on the issues of CSEC and to combat the evil crime in the 1980s. Hence Sri Lanka first recognised the existence of CSEC in the 1980s. This recognition was based on information made available to the Children's Secretariat, under the then Ministry of Plan Implementation under the President's Office. The first information was of anecdotal nature, but suggested that Sri Lankan boys were being advertised internationally through networks operating in Sri Lanka, Thailand and the Philippines. In 1988 the NGO P.E.A.C.E did the first piece of research on child prostitution, followed by action programmes in the 1990s.

And it was in the early 1990s CSEC started to receive a higher level of recognition and priority. This coincided with newly gathered evidence that CSEC involving young boys were systematically sexually exploited on the beaches of Sri Lanka, something that was highlighted both in international and local media.

EMERGING TRENDS

Since the cease-fire agreement between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LT-FE) in February 2001, after more than 20 years of conflict, Sri Lanka is regaining its reputation as an attractive tourist destination. The numbers of visitors to Sri Lanka was in 2003 500,642, an increase of 26% compared to the year before. In 2004 tourism is expected to increase with another 10%. Although a very positive development for the country as a whole, the increase of numbers of tourists may also add to the problem of commercial exploitation of children, especially with regard to situational child sex abusers, unless very strong preventative measures are taken.

With other popular tourist destination in the Asian region, such as Thailand, cracking down on child sex tourism, the government of Sri Lanka is also aware of the risk of the business moving to other areas where the risk of getting caught is perceived as lower.

Sri Lanka is committed to ensure that our children will be protected from this horrific trade, and has adopted a zero-tolerance with regards to abuse of children. The government is encouraging all sectors of society to join the fight against commercial sexual exploitation of children. The government appreciates the work already done by civil society in many areas aiming at assisting communities to prevent CSEC. The tourism industry is an important partner with its link to practically every tourist entering the country. The industry has responded positively to the calls for action to prevent child sex tourism. A Plan of Action has been initiated by the Sri Lanka Tourist Board, which includes information to guests, training of staff and co-operation with key persons, such as the police and social workers, in relevant areas.

As stronger measures are taken to combat CSEC, another unfortunate trend is that these atrocities are going underground and therefore harder to detect and monitor. Increased cooperation between police, social workers, the tourism industry and civil society is needed to be able to monitor the situation. There are indications that the levels of CSEC are going down in areas with good co-operation between all stakeholders. More research is needed to see if levels are going down generally or if the problem is just moving elsewhere.

The most recent extension of commercial sexual exploitation of children is the use of Internet to advertise for the procurement of young boys. Although extremely difficult to control, a cyber watch project is set up under the NCPA to monitor Web sites patronised by paedophiles with the aim of preventing the use of Sri Lankan children for the purposes of child pornography and other forms of commercial sexual exploitation. The Ministry of Justice is currently reviewing relevant criminal laws in order to prevent the exposure of children to pornography and sexual solicitation via the Internet.

The trafficking of children within Sri Lanka across districts for exploitative employment, particular child domestic labour, is an area that is gaining increased national attention, specifically following the ratification of the ILO Convention No 182 on the worst forms of child labour. Available evidence suggests that children have also been trafficked for purposes of sexual exploitation and production of pornographic videos. Children are trafficked mainly from the tea plantation areas, conflict affected areas of the North

and East as well as North Central Province. According to available information Sri Lanka has relatively few cases of cross-border trafficking.

GOOD EXAMPLES WITH ACHIEVEMENTS AND IMPACT

Legal reforms

New legislation relevant to CSEC has been passed over the last few years. Much of the national efforts have been channelled through the National Child Protection Authority, which is mandated to initiate new legislation through collaboration with the Ministry of Justice and the Law Reform Commission.

The minimum age for employment in domestic service has been raised from 12 years to 14 years, while the minimum age for training for participating in performances of dangerous nature was raised from 14 to 16 years. The minimum age for participation in such performances endangering life or limb was raised from 16 to 18 years. These amendments provide for the substantial enhancement of penalties for the employment of children in violation of the act. It also includes requirements of a court to mandatory order victim compensation on conviction of a violation of the act.

Several other new bills have been introduced to parliament. These include a reform of Obscene Publications Laws to prevent the use of children for obscene publications. The proposed law will recognise several new offences and prescribe stringent penalties for such offences. Legal provision has been made to prevent the sexual abuse of children via the Internet, and to criminalize the worst forms of child labour in tune with the ILO Convention 182 on the worst forms of child labour.

Amendments are also being introduced into the Penal Code to bring the offence of trafficking into conformity with the acts of trafficking as set out in the Protocol to prevent, suppress and punish trafficking in women and children, which supplements the UN Convention on Transnational Organised Crime. Since 1995 the Penal Code has includes provisions on sexual offences against children.

National Plans of Action

The Department of National Planning has developed a National Plan of Action for Children 2004-2008, which was launched on 15 September 2004. The Plan was developed as a follow up to UN General Assembly Special Session on Children in May 2002. The national plan focuses mainly on the issues on education, health, juvenile justice, child labour, child protection and water and sanitation. Commercial sexual exploitation of children and child sexual abuse is included within the context of all forms of abuse and exploitation. Provisions are made for activities such as awareness programs, legal reforms, monitoring, and investigation.

A second National Plan of Action, formulated by the National Child Protection Authority, (NCPA) aims to combat the trafficking in children for exploitative employment in Sri Lanka. This initiative involves a 10-year plan detailing four areas of intervention: (1) legal reform and law enforcement, (2) institutional strengthening, (3) prevention, and (4) rescue, rehabilitation and reintegration.

The NPA regarding trafficking has been presented to all stakeholders including the Ministry of Tourism in order to make them aware of its contents and activities. Law enforcement agencies, such as the police, judiciary, and Attorney General's Department, have been sensitised on the provisions of the Plan.

Law enforcement Police - Women's and Children's Desks

The children and women's police desks are present throughout the country, with 36 principal desks but smaller desks in over 200 police stations. UNICEF supports these desks for their smooth and effective functioning. UNICEF is also working to towards strengthening and adopting child-friendly procedures in the un-cleared areas in the northern region.

special investigations Police Unit

In 2002 a Special Investigations Police Unit was established at the NCPA, consisting of 16 police officers. The Unit handles all cases of child abuses reported to the NCPA, which under the NCPA Act is given the authority to monitor the progress of all investigations and criminal proceedings relating to child abuse. The Unit has detected cases of child abuse by foreign nationals and has referred those cases to the Interpol and relevant embassies for further action.

Anti-trafficking and S117-Veillance Unit

The Anti Trafficking Surveillance Unit (ATSU) of the NCPA, manned by a multi-disciplinary team, has been successful in reducing the incidence of trafficking in children. The ATSU works in close collaboration with relevant law enforcement agencies to INTERPOL alerts and informs the NCPA with regard to the arrival of known paedophiles in to the country.

GAPS AND CHALLENGES To be able to overcome the problem of commercial sexual exploitation and trafficking of children, the root cause of as to why this occurs should be addressed adequately. In Sri Lanka, as in most countries, the main causes include poverty and family dysfunction. Although there are many ongoing poverty alleviation and social welfare programmes, around 25-30% of the population still lives in poverty.

Children in Sri Lanka also face another challenge in that both men and women seek to migrate for job opportunities, particularly to the Middle East. While this gives some resources in the fight against poverty for the family, it also leads to problems in the family, where the children being abused and exploited. At policy level, efforts are being made to encourage more men to migrate instead of young married women, but statistics prepared by the Foreign Employment Bureau reveal that women continue to migrate in growing numbers.

Year	2000	2001	2002	2003
Men	59, 793	59 807	70,522	74089
Women	122,395	124,200	133,251	134,714

There is an urgent need to address the ignorance among the children and the society on CSEC and CSA and its harmful effects. One of the reasons for the reluctance to recognise the existence of child sexual abuse is the wall of silence and secrecy that cloaks sexuality in Sri Lankan society in general. However, once there was acknowledgement that such a problem exists, many national level mechanisms were set up and remedial processes put into motion.

The media and NGOs played useful roles in highlighting the problem. Action taken included legal amendments, establishment of the NCPA, setting up of special police desks for child abuse and the conduct of many multi-media awareness and other educational campaigns. These steps have been taken in the right direction, although much remains to be done. With regards to awareness among children, Sri Lanka has an exceptional opportunity in reaching this category since more than 90% of children attend school.

Some older laws in Sri Lanka are still to be amended to be in line with international standards. For example, currently the definition of a child varies in different laws, which should be rectified.

Another example is the legal age of marriage. Since Sri Lanka is a multi-ethnic, multireligious society there are laws that are applicable to only a specific ethnic or religious group. While the minimum age of marriage under the general law is 18 years, the laws applicable to Muslim community do not specify a minimum age. This is relevant to the issue of statutory rape. Sexual intercourse below the age of 16 years is considered rape and consent is not given any consideration.

The NCPA and Human Rights Commission is in process of making recommendation to the government to revise laws to suit international human rights obligations.

Since Sri Lanka is still to introduce laws related to the use of the Internet there are many problems and constraints in controlling CSEC through the Internet. As mentioned earlier a surveillance system has been set up under the NCPA, which has been successful in apprehending some offenders. The Ministry of Justice, which is promulgating Internet laws, is committed to ensure that CSEC through the Internet will be covered.

By signing the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, Sri Lanka has shown its intentions to live up to the obligations therein. The government is exploring the possibility of ratifying the Protocol.

While the work with the tourism industry has been initiated, more interventions from this sector must be amplified. The Sri Lanka Tourist Board has taken steps to make aware to every tourist entering Sri Lanka of the zero tolerance of abuse of children, and that every case will immediately be reported and dealt with according to the law.