

Regional
Overview

The Sexual Exploitation of Children in



Southeast Asia



Regional Overview: Sexual Exploitation of Children in Southeast Asia

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ACRONYMS

ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AF	Australian Federal Police
AICHR	ASEAN Intergovernmental Commission on Human Rights
APLE	Action Pour Les Enfants
ASEAN	Association of Southeast Asian Nations
CCPCR	Cambodian Center for the Protection of Children’s Rights
CoE	Council of Europe
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CRC	Convention on the Rights of the Child
FTZ	Free Trade Zone
GDP	Gross Domestic Product
GMS	Greater Mekong Sub-region
ICMEC	International Centre for Missing and Exploited Children
IJM	International Justice Mission
ILO	International Labour Organization
IOM	International Organization for Migration
ISP	Internet Service Provider
LGBTQIA	Lesbian, Gay, Bisexual, Transgender, Questioning/Queer, Intersexual, Asexual
MoU	Memorandum of Understanding
MYF	Mekong Youth Forum
NGO	Non-Governmental Organisation
NPA	National Plan of Action
OCSE	Online Child Sexual Exploitation
OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
SEC	Sexual Exploitation of Children
SECTT	Sexual Exploitation of Children in Travel and Tourism
SEZ	Special Economic Zone
SOMSWD	Senior Officials Meeting on Social Welfare and Development
SOMTC	Senior Officials Meeting on Transnational Crime
UN	United Nations
UN-ACT	United Nations Action for Cooperation against Trafficking in Persons
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNIAP	United Nations Inter Agency Project on Trafficking
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime
UNWTO	United Nations World Tourism Organization
WCST	Webcam Child Sex Tourism
YPP	Youth Partnership Programme

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FOREWORD

Southeast Asia has a booming economy and is undergoing impressive growth in a number of sectors. For example, the region has one of the world's fastest growing internet markets, currently with 260 million users and a projected 480 million users by 2020. Mobile connections account for 130% of the population. The continued growth of international arrivals in the region is largely due to increasing numbers of intra-regional and inter-regional tourists and travelers. According to data of the UNWTO, Thailand recorded the world's highest growth in international tourist receipts in 2016. Such developments should result in positive changes in the lives of children – and indeed, significant progress has been made on a number of child rights indicators in the region.

Nevertheless there is a dark and disturbing downside to this growth. The proliferation of the internet and related communication technologies has significantly expanded opportunities for child sex offenders to plan their travel, to communicate anonymously with other child sex offenders, to access, produce and disseminate child sex abuse images, and to engage in online sexual encounters with children without them even having to leave their homes. As technology evolves, forms and modus operandi of exploitation also evolve.

The rapid growth in travel and tourism increases the number of children vulnerable to sexual exploitation. In the pursuit of economic development, a number of Southeast Asian countries have allowed large-scale foreign investment in tourism and other sectors and the proliferation of Special Economic and Free Trade Zones. These positive economic developments often are accompanied by the building of casinos and entertainment venues including bars and brothels, which can be high-risk locales for children.

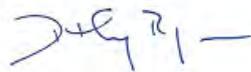
This report highlights both the domestic and international dimension of the sexual exploitation of children. The vast majority of child sex offenders in Southeast Asia are nationals of the countries of the region, the victims primarily girls. Yet emerging evidence also suggests that a considerable numbers of boys are abused and that foreign child sex offenders are increasingly accessing children through voluntary or professional positions in schools, orphanages, and child care centres.

The Southeast Asia Region has recognized every child's right to be protected from sexual exploitation and it is joining the world community in a number of global efforts. At the policy level, since the publication of our 2014 Regional Overview, Cambodia,

Indonesia, the Philippines, Thailand and Viet Nam have joined the WeProtect Global Alliance that aims to prevent and tackle the online sexual exploitation of children.

The implementation of the ASEAN Regional Plan of Action on the Elimination of Violence against Children represents a crucial milestone with the issue being put at the heart of the regional agenda. This commitment and vision of ASEAN Leaders complements efforts toward the implementation of the Sustainable Development Agenda 2016-2030. Four of the Agenda's Sustainable Development Goal targets explicitly call for an end to sexual violence against children, including through trafficking, prostitution, pornography and forced/early marriage.

This Regional Overview synthesises the most recent data and research pertaining to the situation of sexual exploitation of children in Southeast Asia. It presents the persistent challenges encountered in the response to this situation; maps regional stakeholders and actions, and identifies knowledge gaps and research needs. Finally, the Overview assesses opportunities across the Region and offers a set of recommendations for regional bodies, national governments, civil society, the private sector and international organisations. ECPAT is committed to work with a stakeholders and partners from a wide range of sectors to promote the implementation of these recommendations.



Dorothy Rozga
Executive Director
ECPAT International

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The Overview draws on ECPAT's existing reports, reports from the UN Agencies, local and international organisations, as well as relying on the substantive inputs from ECPAT member groups, partner organisations, and the Secretariat staff.

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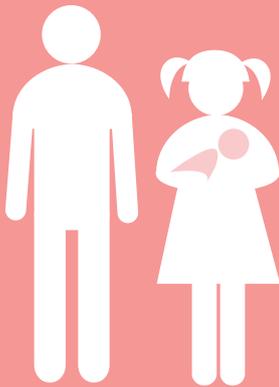
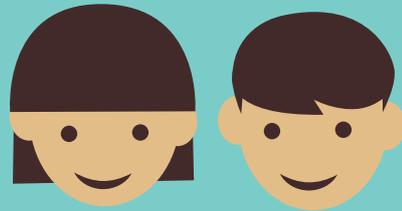
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DEFINITIONS

Child:

According to Article 1 of the Convention on the Rights of the Child (CRC), a child is “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”¹



Child/early marriage: According to Article 16(2) of the Convention on the Elimination of All Forms of Discrimination against Women, “the betrothal and the marriage of a child [under the age of 18] shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.” Article 24(3) of the CRC states that “States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the

health of children.”² According to ECPAT International, child or early marriage can be considered a form of sexual exploitation when “a child is received and used for sexual purposes in exchange for goods or payment in cash or kind.”³

1 Article 1, UN Convention on the Rights of the Child (1989).

2 Article 24 (3), UN Convention on the Rights of the Child (1989).

3 ECPAT International, Situational Analysis of the Commercial Sexual Exploitation of Children: Thailand (Bangkok: ECPAT International, 2015), 62. Accessed 23 October 2016. http://www.ecpat.org/wp-content/uploads/legacy/SITAN_THAILAND_ENG_FINAL.pdf. This was also the position taken by the Inter-agency Working Group on the sexual exploitation of children. Further information can be found at Interagency working group on the sexual exploitation of children, Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Bangkok: ECPAT International, 2016), 66.



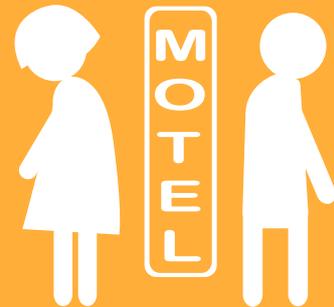
Child pornography/Child sexual abuse materials:

According to Article 2(c) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), child pornography means “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”⁴ According to Article 3(1)(c) of the OPSC, “each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law ... producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the [purpose of sexual exploitation no the child] child pornography.”⁵

engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”⁴ According to Article 3(1)(c) of the OPSC, “each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law ... producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the [purpose of sexual exploitation no the child] child pornography.”⁵

Exploitation of children in/for prostitution:

According to Article 2(b) of the OPSC, the exploitation of children in/for prostitution means “the use of a child in sexual activities for remuneration or any other form of consideration.” According to Article 3(1)(b) of the OPSC, “each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law ... offering, obtaining, procuring or providing a child for prostitution.”⁶



4 Article 2(c), Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000).

5 Article 3(1)(c), The OPSC (2000).

6 Article 2(b) and 3(1) (b), The OPSC, (2000).



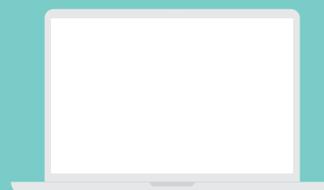
Grooming (online/offline) for sexual

purposes: In the context of child sexual exploitation and sexual abuse, “grooming” is the short name for the solicitation of children for sexual purposes. “Grooming/online grooming” refers to the process of establishing/building a relationship with a child either in person or through the use of the Internet or other digital technologies to facilitate either online or offline sexual contact with that person.⁷



Internet Service Providers (ISPs):

Entities that provide services for accessing, using or participating in the Internet and online services. Reporting obligations, when mandated and enforced, typically require the ISPs to report illegal content (according to the national law of the country where the ISP operates) to law enforcement or other designated authorities in their country when they are notified about it.⁹



Live online child sexual abuse:

The CRC refers, in its Article 34, to “the exploitative use of children in pornographic performances”, without specifying whether such performances are carried out online or offline.⁹ ILO C182 contains, in Article 3(b), a prohibition of “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”.¹⁰

7 Interagency working group on the sexual exploitation of children, Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Bangkok: ECPAT International, 2016), 51

8 ECPAT International, 2015, Situational Analysis: Thailand, 4.

9 Article 34, UN Convention on the Rights of the Child (1989).

10 Article 3(b), C-182, The Worst Forms of Child Labour Convention, (1999)

Preferential and situational offenders:

The notion of “perpetrators of sexual offences against children” may be broken down into two broad sub-categories related to their behaviour: (i) preferential—individuals with a predisposition or motivation to sexually engage with children (“preferential offenders”); and (ii) situational—individuals who victimise children but “who do not have a true sexual preference for children” (“situational offenders”).



Sale of children:

According to Article 2(a) of the OPSC, sale of children means “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.” According to Article 3(1) (a)(i) of the OPSC, “each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law ... offering, delivering or accepting, by whatever means, of a child for the purpose of: (a) sexual exploitation of the child.”¹²



Sexual exploitation of children (SEC):

The CRC refers to “all forms of sexual exploitation and sexual abuse” in its Article 34, and explicitly to “(b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.”¹³

11 Interagency working group, Terminology Guidelines, 85

12 Article 3 (1) (a) (i), The OPSC, (2000).

13 Article 34 (a), UN Convention on the Rights of the Child (1989).



Sexual exploitation of children in the context of travel and tourism (SECTT):

The OPSC refers to the term “child sex tourism” in its Preamble as well as in Article 10(1), where it is set forth that “States Parties shall 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 involving the sale of children, child prostitution, child pornography and child sex tourism.”¹⁴ Article 10(3) continues: “States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.” The UNWTO Global Code of Ethics for Tourism expressly recognised the problem of sexual exploitation of children in travel and tourism, and defined it as contrary to the essence and the objectives of tourism: “The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism.”¹⁵



Stateless: According to Article 1 of the Convention Relating to the Status of Stateless Persons, the term “stateless person” means a person who is not considered as a national by any State under the operation of its law.¹⁷

14 Article 10 (1) and (3), UN Convention on the Rights of the Child (1989).

15 Article 2(3), UN WTO Global Code of Ethics for Tourism (1999).

16 Terminology Guidelines, 85

17 UN General Assembly, Convention Relating to the Status of Stateless Persons, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117, a 1954



Trafficking in persons: According to Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations (UN) Convention against Transnational Organized Crime (Trafficking Protocol), trafficking in persons “shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” Article 3(c) states that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth” above.¹⁸

Voluntourism: Voluntourism describes the process in which travellers undertake volunteer work while they are taking a short or long-term holiday. Volunteers often pay a fee that covers their travel and living expenses and includes a financial contribution to the relevant charity.¹⁹



18 Ibid, 59

19 ECPAT International, Regional Report Southeast Asia: Global Study on Sexual Exploitation of Children in Travel and Tourism 2016 (Bangkok: ECPAT International, 2016).

EXECUTIVE SUMMARY

The sexual exploitation of children represents a heinous crime that continues to plague Southeast Asia despite decades of international efforts to combat it.

Southeast Asia is a region that consists of 11 countries (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam), which are all members of the Association of Southeast Asian Nations (ASEAN), plus Timor-Leste, which applied for membership of ASEAN in 2011 and is expected to become a member of ASEAN in 2017.²⁰

Southeast Asia is a region that is blessed with natural beauty, many and varied points of historical significance and cultural diversity. The region attracted 104 million international visitors in 2015 and is recognised as the fastest growing sub-region in the world for tourism.²¹ While certain countries in the region continue to experience poverty, the increase in tourism to the region and the increasing availability and use of the Internet and communications technologies are driving development in many areas. However, an unfortunate side effect of increased tourism in the region, and increased Internet and communications technology usage is the exacerbation of the sexual exploitation of children (SEC), particularly the sexual exploitation of children in travel and tourism (SECTT), and the online child sexual exploitation (OCSE).

The sexual exploitation of children represents a heinous crime that continues to plague Southeast Asia despite decades of international efforts to combat it. Twenty-five years after the United Nations (UN) General Assembly adopted the Convention on the Rights of the Child (CRC), and twenty years after the inaugural World Congress against the Commercial Sexual Exploitation of Children, this crime against children persists despite dedicated international efforts to prevent it. Whilst many advances have been made in the fight against SEC, such as introducing legislation against SEC, improving child protection systems, and increased prosecutions of child sex offenders, the problem continues relatively unabated.

20 Hunt, L., "East Timor Hopes for ASEAN Membership by 2017", *The Diplomat*, 27 May 2016. Accessed 25 October 2016. <http://thediplomat.com/2016/05/east-timor-hopes-for-asean-membership-by-2017/>

21 UNWTO, *Tourism Highlights: 2016 Edition*. (Madrid: UNWTO, 2016), 4. Accessed 20 October 2016. <http://www.e-unwto.org/doi/book/10.18111/9789284418145>

EXECUTIVE SUMMARY



Research suggests that particular groups of children are at heightened risk of SEC.



Poor children, children who are working, children who are out of school, homeless and street-based children



Children in conflict zones, migrating children, refugee children, stateless children, minorities, indigenous children, children with disabilities



LGBTQIA children and children forced into early marriage.

This regional study aims to explore the current SEC situation in Southeast Asia. The regional overview synthesises the most recent data and research pertaining to SEC in Southeast Asia with a view to informing future actions by governments, non-government organisations (NGOs) and private sector stakeholders on SEC.

FACTORS AFFECTING CHILDREN IN SOUTHEAST ASIA

SEC is a product of the complex interplay between a range of historical, cultural, social and economic factors occurring on the global, regional, national and local levels. The changing and expanding nature of travel and tourism, and increased use of Internet and communications technologies, combined with poverty and inequality throughout the region, influence both supply and demand with regard to SEC.

Research suggests that particular groups of children are at heightened risk of SEC. These include poor children, children who are working, children who are out of school, homeless and street-based children, children in conflict zones, migrating children, refugee children, stateless children, minorities, indigenous children, children with disabilities, LGBTQIA children and children forced into early marriage.

The rapid growth in tourism exacerbates SEC in the region. In the pursuit of economic development, a number of Southeast Asian countries have allowed large-scale foreign investment in tourism and other sectors and the proliferation of Special Economic and Free Trade Zones (FTZ). These developments, often accompanied by casinos and a range of entertainment venues including bars, restaurants and brothels, represent high-risk locales for SEC.

Further exacerbating the SEC situation has been the dramatic development in Internet and communications technologies, which have increased and diversified opportunities to sexually exploit children, or to profit from the sexual exploitation of children. Online grooming, the increasing profitability of child sexual abuse material and ease of access to it, and the advent of live online child sexual abuse have significantly changed the modus operandi of child sex offending and have resulted in unprecedented numbers of vulnerable children being exploited across the region

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THE CURRENT SITUATION IN SOUTHEAST ASIA

Analysis of research on SEC in Southeast Asia indicates that it is prevalent throughout the region, that SEC is increasing, and that child sex offenders are becoming increasingly creative in their efforts to access children.²² Whilst traditional destinations for foreign child sex offenders such as Thailand and the Philippines continue to attract child sex offenders, countries such as Cambodia, Viet Nam and Indonesia are increasingly becoming popular destinations for adults seeking to sexually exploit children. Countries that had in the past not been affected by SEC on a significant scale, such as Laos and Myanmar, are becoming increasingly popular tourism destinations and studies suggest that SEC is now occurring in these countries also, albeit on a lesser scale than that which is occurring in more popular SEC hotspots in other countries.

The vast majority of child sex offenders in Southeast Asia are nationals of the countries of the region.

The vast majority of child sex offenders in Southeast Asia are nationals of the countries of the region. Recent research suggests that Asian men are more likely to sexually abuse young girls, and to seek out young virgin girls, even though available research

and anecdotal evidence does suggest that also considerable numbers of boys are abused by nationals. Foreign child sex offenders are also a significant problem in the region and are responsible for abusing boys and girls. Recent studies suggest that foreign male offenders are more likely than Asian nationals to directly approach young boys for the purpose of sexually exploiting them. Unfortunately, the scarcity of research studies on Asian nationals as offenders does not allow to provide a comprehensive overview on the phenomenon. Foreign sex offenders gain access to boys and girls via establishment-based prostitution in bars, karaoke venues, beer gardens, massage parlours and brothels, or by direct or facilitated solicitation of children living and working in public places such as on the streets or at the beach.

Recent studies highlight that child sex offenders are increasingly seeking out children through voluntary or professional positions, such as by finding employment or volunteer opportunities in schools, orphanages, and in NGOs.

Recent studies highlight that child sex offenders are increasingly seeking out children through voluntary or professional positions.

22 Some SEC manifestations are increasing in the region (e.g. OCSE and SECTT) due to new available technologies and ease to travel. At the same time, the number of available reports on these issues and their quality are increasing.

Major forms of SEC in the region are sexual exploitation of children in travel and tourism (SECTT), online child sexual exploitation (OCSE) (including specific forms of OCSE live online child sexual abuse), child trafficking for sexual exploitation, exploitation of children for prostitution, and child marriage.

GAPS AND CHALLENGES

Persistent gaps and challenges in the response to SEC in the region impede any reduction in child sex offending. Key gaps and challenges include

- Gaps in domestic legislation;
- Gaps in extraterritorial legislation;
- Incomplete, or non-existent National Plans of Action (NPAs)
- Lack of cooperation, particularly between law enforcement agencies;
- Widespread corruption amongst law enforcement personnel and agencies;
- Inadequate/inefficient law enforcement response to SEC;
- Lack of research and statistical information collection and sharing about the nature and extent of SEC manifestations as well as the profile of victims;
- Impact of social norms, negative and discriminatory attitudes toward children belonging to certain groups (e.g. boys, LGBTQIA children)
- Weak criminal justice systems; and
- Inadequate child protection systems.

Most countries in the region have not developed NPAs specifically addressing all forms of sexual exploitation of children. There is a lack of coordination among government agencies responsible for child protection. Most countries do not have formal structures for child welfare services at community level.

REGIONAL RESPONSES

Actions to combat SEC in the region have come in the form of the establishment and/or strengthening of national SEC legislation and extraterritorial legislation, the development of NPAs, the development of sex offender notification systems, the building of cooperative relationships between national, regional and international law enforcement agencies and a range of other complementary initiatives.

EXECUTIVE SUMMARY

At the regional level, ASEAN has acknowledged the SEC issue in a range of regional declarations and initiatives including regional task forces and public education campaigns. At the national level, the commitment and capacity of governments to combat SEC has varied across the region, but the development of NPAs in some countries, the establishment of coordination and cooperation mechanisms and actions, the development of legal frameworks, the implementation of prevention programmes and the provision of support services to young people have been undertaken to a greater or lesser extent. NGOs continue to drive actions to prevent SEC in the region. A range of NGO partnerships with governments and the private sector attest to this enduring commitment.

THE WAY FORWARD

Knowledge gaps and future research priorities have been identified in this regional overview. Research priorities include examining the contemporary “push” factors for SEC; conducting thematic and country-specific studies on SEC and specific manifestations of SEC; examining the prevalence of SEC; exploring the modus operandi of travelling child sex offenders; exploring the roles of SEC facilitators; examining victim pathways into SEC, particularly sexual exploitation of children in travel and tourism (SECTT) and online child sexual exploitation (OCSE); exploring poorly understood phenomena such as the sexual exploitation of boys; and investigating the links between SECTT and child sexual abuse material, amongst others.

In response to the key findings of this regional overview, a set of recommendations has also been developed for governments, NGOs and the private sector. These recommendations offer a framework for enhancing efforts by governments, NGOs and the private sector to prevent and combat SEC in the region. The recommendations focus on the strengthening of legal frameworks, the law enforcement response to SEC, cooperation between law enforcement agencies and other key stakeholders, the development of NPAs, and the engagement of the private sector in counter-SEC efforts.

SECTION I:

INTRODUCTION

There are approximately 4.5 million victims of sexual exploitation around the world, and 20% these victims are children.



Of the various abuses of children, sexual exploitation remains one of the most heinous crimes against children. The absence of accurate and verified data on the scale of SEC in Southeast Asia means that governments and NGOs interested in protecting children from SEC remain in the dark about the extent of the phenomenon. Accurate SEC data remain elusive due to a number of factors including governments' lack of drive and capacity to collect, store, analyse and

share data, the underground nature of SEC, lack of law enforcement capacity to identify and interview all victims of the crime and victims' fear of coming forward, amongst others. Despite these obstacles, there is general agreement that SEC is a significant problem in the region, and that it is increasing in scope with the surge in tourism numbers and the proliferation of Internet and communications technologies. The International Labour Organization (ILO) estimates that there are approximately 4.5 million victims of sexual exploitation around the world, and 20% of this figure are children.²³

Since ECPAT International was established two and a half decades ago the world has changed dramatically. The travel and tourism industry has seen an explosion in both domestic and international visitor arrivals fuelled by a growing middle class, more affordable travel, more accessible destinations and significant developments in Internet and communications technologies that facilitate travel and tourism.²⁴ The surge in tourism numbers and tourists' heightened interest in entering previously isolated locales represent potential threats to children, particularly in vulnerable groups. The increased capacity to travel, the diversification of destinations, the relative anonymity of the Internet, the supply of poor children for the sex sector in Southeast Asia, and more strictly enforced legislation, rules and social norms preventing the sexual exploitation of children in developed countries, combine to encourage child sex offenders to enter Southeast Asia for the purpose of exploiting children.

23 International Labour Organization (ILO), Global Estimate of Forced Labour: Executive Summary (Geneva: ILO, 2012), 1. Accessed 25 October 2016. http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_181953.pdf

24 ECPAT International, Regional Report Southeast Asia: Global Study on Sexual Exploitation of Children in Travel and Tourism 2016 (Bangkok: ECPAT International, 2016). Accessed 20 October 2016. http://www.ecpat.org/wp-content/uploads/2016/10/SECTT_Region-SOUTHEAST-ASIA.pdf

Research suggests that particular groups of children are at heightened risk of SEC including poor children, children who are working, children who are out of school, homeless and street-based children, children in conflict zones, migrating children, refugee children, stateless children, minorities, indigenous children, children with disabilities, LGBTQIA children and children forced into early marriage. Whilst traditional destinations for foreign child sex offenders such as Thailand and the Philippines continue to attract child sex offenders, other countries are becoming popular SEC hotspots, including Cambodia, Viet Nam and Indonesia.²⁵ The adults that are engaging in SEC are both nationals of Southeast Asian countries and foreign offenders.²⁶ These offenders exploit both boys and girls, though the modus operandi of accessing children appears to differ between Southeast Asian nationals and non-nationals.²⁷ According to the limited research available on this topic, foreign male offenders are more likely to directly approach young boys for the purpose of sexually exploiting them. Foreign child sex offenders gain access to children (boys and girls) via establishment-based prostitution in bars, karaoke venues, beer gardens, massage parlours and brothels, or by direct or facilitated solicitation of children living and working in public places such as on the streets or at the beach. Furthermore, a critical and current trend in Southeast Asia which can potentially put children at risk of SEC is voluntourism and orphanage tourism. According to the 2016 Global Study on SECTT, international travellers are increasingly engaged in volunteering in orphanages and children shelter in SEA and in most cases they lack qualifications, skills and police clearance therefore representing a major child protection threat.²⁸

OBJECTIVES

The overarching objective of this study is to contribute to current efforts to combat SEC through the provision of up to date, region-specific knowledge that will serve to guide effective decision-making on SEC prevention activities. This study seeks to

- Offer a regional snapshot of the factors that currently make children vulnerable to SEC in Southeast Asia;
- Offer a regional overview of the current SEC situation, with a particular emphasis on trends and recent developments in SECTT and OCSE;
- Synthesise the available statistical data pertaining to child victims and offenders;
- Identify current law and policy gaps and challenges;

25 Ibid.

26 Ibid.

27 Ibid.

28 Global Study on SECTT, Southeast Asia Regional Report, 41.

- Map and assess current regional and national responses to SEC, particularly SECTT and OCSE including legislation, policy, advocacy, and other measures and interventions by government and non-government stakeholders to address the SEC problem;
- Highlight the valuable voice of children in policy and advocacy efforts to combat SEC;
- Identify future SEC research priorities; and
- Propose a series of recommendations that will serve to inform and enhance government, NGO and private sector responses to SEC.

METHODOLOGY

The method of this study was a desk review of recent research relating to SEC, particularly SECTT and OCSE in Southeast Asia.

The study was conducted over the period October to December 2016. Relevant literature (journal articles, books, reports, and newspaper articles) was collected and reviewed over a two-month period to include relevant information, statistics, trends and developments in SEC.

It is worth mentioning that some of the evidence and examples used through the report are not necessarily related to SEC, but indicate and are related to sexual abuse and vulnerabilities which are widely considered as risk factors for sexual exploitation.

SECTION II:

OVERVIEW OF FACTORS AFFECTING CHILDREN IN SOUTHEAST ASIA

Complex and often interrelated factors make children vulnerable to sexual exploitation in Southeast Asia. These factors tend to be grounded in the political and socio-economic context of Southeast Asian countries. The factors influence and shape the development of the child, and determine the existence of threats to the child, such as those posed by SECTT and OCSE. A lack of child protection mechanisms further determines the extent to which children are vulnerable to sexual exploitation. While child protection systems are forming in most Southeast Asian nations, these systems are nascent and still inadequate to prevent children from being exploited, and also inadequate for protecting children who have already been exploited.

SEC in Southeast Asia involves the often overlapping areas of the sexual exploitation of children, especially in travel and tourism (SECTT), the online child sexual exploitation (SECO), child trafficking for sexual purposes and child marriage.²⁹ While SEC is certainly not a new phenomenon in Southeast Asia, the social and economic factors that make children vulnerable to it appear to be evolving and new developments in tourism and Internet and communications technologies are further exacerbating the problem.³⁰

This section of the regional overview presents brief summaries of some of the key factors affecting children in Southeast Asia, and highlights emerging risk factors for SEC.

POVERTY, CHILD LABOUR, AND LACK OF EDUCATION

SEC occurs mainly in poor areas of developing countries with weak child protection policies and inadequate law enforcement.³¹ Poverty renders children vulnerable to all types of exploitation, and is a critical driver in the supply of children for SEC. Poverty severely compromises children's choice and opportunity. Often in financial desperation, children are forced by their circumstances to make difficult choices to ensure the survival of the family including entering into the commercial sex sector.³²

29 UNICEF, Measuring and Monitoring Child Protection Systems: Proposed Core Indicators for the East Asia and Pacific Region. Strengthening Child Protection Series No. 1, 85. (Bangkok: UNICEF, 2012) Accessed 25 October 2016. http://www.unicef.org/eapro/Measuring_and_monitoring.pdf

30 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism.

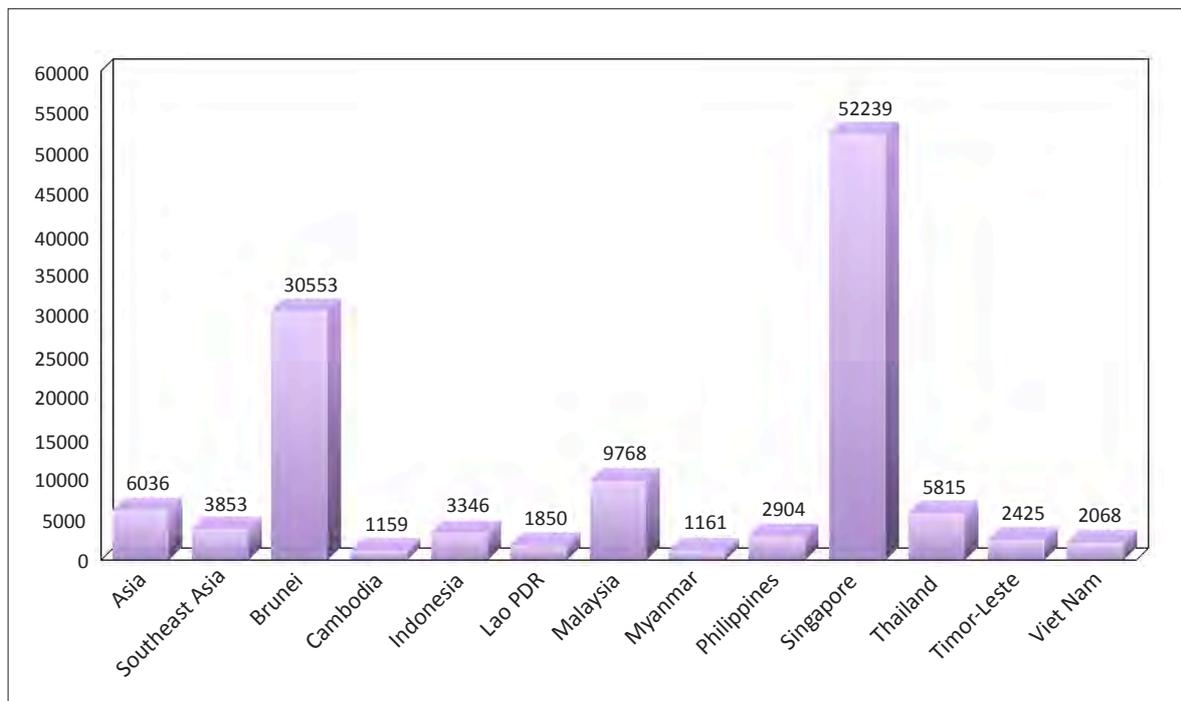
31 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism.

32 Ibid, 21.

Southeast Asia is a region marked by significant economic disparity. At one end of the spectrum there are developed nations with strong economies such as Singapore and at the other end there are countries that have been plagued for several years by war and devastation and subsequent economic stagnation, which are just recently starting to experience strong economic growth, such as Cambodia,. Across the region stateless, minority, migrant and rural populations experience greater economic disadvantage than other groups.³³

Figure 1 shows the differences in Gross Domestic Product (GDP) across the region. GDP per capita in the region ranges from US\$944 in Cambodia, followed by Myanmar, Lao PDR, Viet Nam (US\$1,176), Indonesia (US\$3,557), and Thailand (US\$5,775).³⁴

Figure 1: GDP per capita in US Dollars in Southeast Asia³⁵



The impact of poverty on children has been highlighted in research reports. A United Nations Children’s Fund (UNICEF) study analysing multidimensional child poverty in six ASEAN countries concluded that more than 30 million children are unable to go to school or access

33 Ibid., 22.

34 UN Statistics Division, GDP per capita at current prices – US Dollars (data in 2012), National Accounts Estimates of Main Aggregates.

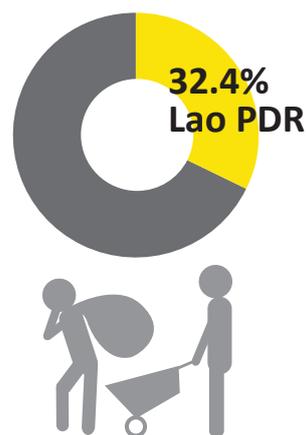
35 Based on the information retrieved from: United Nations Statistic Division (2016), “National Accounts Main Aggregates Database”, accessed 7 February 2017, <http://unstats.un.org/unsd/snaama/dnlList.asp>.

basic health care, safe drinking water, sanitation or adequate nutrition.³⁶ The study found that deprivation is more acute among certain groups such as those living in rural areas, certain ethnic minorities, such as the Kinh/Chines in Viet Nam, and poorly educated households.³⁷

Poverty in Southeast Asia is commonly characterised by a lack of income, which influences access to food, shelter, transport, medical assistance, education, vocational training and employment. Among the aspects of poverty that enhance vulnerability to SEC, homelessness is one the most critical.³⁸ A child living on the street typically lacks adequate adult supervision and support and he/she may need to engage in any kind of work and activities in order to ensure his/her survival. Certain kinds of child sex offenders thrive on this vulnerability luring children with the possibility to earn easy money. In Cebu City in the Philippines, the province of the country with the highest number of poor families, 25 per cent of sex workers who work on the street are sexually exploited children (1,904 children).³⁹ Similarly, a 2011 – 2012 study of sexual abuse in Thailand found that the children most vulnerable to sexual abuse and exploitation were those living and working on the street.⁴⁰

Families experiencing acute economic stress may be forced to rely on children to contribute to household income generation. In Southeast Asia the opportunities available to children to earn income are limited and often occur at the margins of society such as begging, selling food or other small items, working as labourers or selling sexual services.⁴¹ While reliable estimates of child labour in the region do not currently exist, some estimates have been made of the extent of child labour, including its worst forms. Available data suggest that the prevalence of child labour in the region ranges from 5.4% in Indonesia to 32.4% in Lao PDR.⁴² Furthermore, parents who are unemployed or have unstable jobs may be therefore attracted by the possibility to earn a little money by forcing/enticing their children to take part in sexual activities (e.g. parents in the Philippines are reportedly facilitating live streaming of online child sexual abuse to be viewed by wealthy westerners).

Almost one third of children in Laos are involved in child labour.



36 Minujin, A., Child Poverty in East Asia and the Pacific: Deprivations and Disparities. A Study of Seven Countries. (Bangkok: UNICEF East Asia and Pacific, 2011). Accessed 20 October 2016. http://www.unicef.org/eapro/Child_Poverty_in_EAP_Regional_Report.pdf

37 Ibid.

38 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism.

39 Ibid., 13.

40 World Vision Australia, Sex, Abuse and Childhood (Melbourne: World Vision Australia, 2014), 59. Accessed 26 October 2016. <http://www.wvi.org/cambodia/publication/sex-abuse-and-childhood>

41 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 22.

42 UNICEF, 2012, Child Maltreatment.

A high percentage of respondents (over one fourth, 26 per cent) indicated that they had engaged in sexual activities with adults in exchange for money, food or other gain and benefit.

Research suggests that working children are particularly vulnerable to SEC. Children working in the tourism industry (karaoke bars, restaurants, cafes and hotels) are at risk of sexual exploitation by patrons and employers.⁴³ According to a 2014 baseline study on the vulnerabilities of street-working boys in Sihanoukville, Cambodia, a high percentage of respondents (over one fourth, 26 per cent) indicated that they had engaged in sexual activities with adults in exchange for money, food or other gain and benefit.⁴⁴ In these situations, the sexual exploitation of the child can occur without it becoming known to the child's parents. Conversely, children without employment can be forced into the sex industry by family members or other individuals. Children's lack of income makes them particularly vulnerable to coercion into the sex sector as the child may feel considerable pressure to financially support the family. For example, in Surakarta, Indonesia, seven out of 110 children exploited in the commercial sex sector that were interviewed for a study claimed they were involved in prostitution because they hoped to make money to support their families.⁴⁵ Some studies suggest that families may rationalise the situation of having to sacrifice a child or children into the commercial sex trade as the only perceived option for survival. One study found that 8 out of 10 Vietnamese girls exploited in prostitution in Cambodia had been sold into the industry by a family member for economic survival.⁴⁶

Particular research attention has been dedicated to the Philippines in recent years as it is a country that has continued to experience grinding poverty in some parts as well as significant levels of SEC. While the economy of the Philippines is now improving, almost a quarter of the population still lives below the international poverty line of US\$1.25 per day. A study published by John Hopkins University in 2007 estimated the number of minors exploited in the commercial sex industry in the Philippines between 60,000 and 75,000.⁴⁷ Unemployment and

43 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism.

44 Davis, Jarrett and Miles, Glenn (2014), "I want to be brave. A baseline study on the vulnerabilities of street-working boys to sexual exploitation in Sihanoukville, Cambodia", May 2014, Love146 End Child Trafficking & Exploitation, 27.

45 Terre des Hommes Netherlands, Fullscreen On View: An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines, (Den Haag: Terre des Hommes, 2013). Accessed 25 October 2016. https://www.terredeshommes.nl/sites/tdh/files/uploads/research_report_2.pdf

46 Childwise, 2006, Who are the Sex Tourists in Cambodia? 2006, 8.

47 Cited in Defence for Children, and ECPAT Netherlands, Reducing Violence against Children, with Special Focus on Sexual Exploitation of Children and Child Sex Tourism (Bangkok: Defence for Children, and ECPAT International, 2014), 31. Accessed 20 October 2016. http://www.defenceforchildren.org/wp-content/uploads/2014/12/DCINetherlands_Programme2014.pdf

underemployment, family breakdown, lack of education, unaccompanied migration, conflict and natural disasters result in children living on the streets in the Philippines and thus highly vulnerable to SEC.⁴⁸

A related problem is that of children's lack of education and exclusion from education systems. UNESCO suggests that there has been mixed progress in ensuring education for all in Southeast Asia in the last decade.⁴⁹ Prospects for entry, progression and completion of primary school are closely linked to household circumstances. Children who are poor or from rural or ethnic minorities face increased challenges to being in school and a higher risk of dropping out of school. In Lao PDR only 15% of rural children attend early childhood care and education programmes, which is almost a quarter of the rate of urban children (55%). Inequality in attendance due to poverty is even greater, with only 5% of the poorest children in Lao PDR attending school, as compared to the attendance rate of 73% among children from the wealthiest households.⁵⁰

Almost a quarter of the population of the Philippines lives on less than US\$ 1.25 a day.



GENDER INEQUALITY

Prevailing negative attitudes toward women and children, particularly girls are a major factor in creating a permissible environment for the sexual exploitation of children. A lack of recognition of human rights in the region, generally, and the rights of women and children in particular, further exacerbates the situation.

Throughout Southeast Asia children are expected to contribute to the family through paid or unpaid labour. There is a general expectation that children will respect their elders without question. Girls typically have lower social status than boys, are socialised to be submissive and to see themselves as inferior to men and at their service.⁵¹ As a consequence of such

48 Ibid., 31.

49 UNESCO, Education for All Monitoring Report 2015 – Regional Overview East Asia and the Pacific. (Paris: UNESCO, 2015). Accessed 27 October 2016. http://en.unesco.org/gem-report/sites/gem-report/files/regional_overview_EAP_en.pdf

50 Ibid., 2.

51 Patané, G., (2013), "Child Labour and Vulnerability to SEC: Investigating Work and Gender Structures", ECPAT International Journal 8 (October 2013): 21. Accessed 22 October 2016. http://resources.ecpat.net/EI/Publications/Journals/Journal_Oct2013.pdf

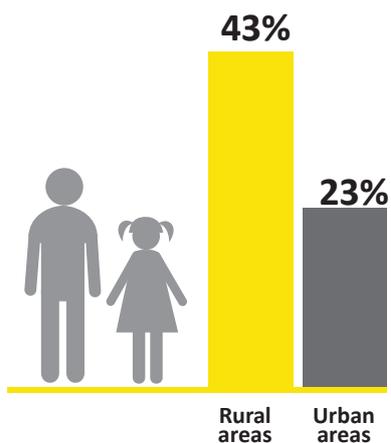
52 Reimer, J.K. At What Price Honour? Research into Domestic Trafficking of Vietnamese Girl Children for Sexual Exploitation from Urban Slums in Phnom Penh, Cambodia (Phnom Penh: Chab Dai Coalition, 2006), 47-48. Accessed 19 October 2016.

beliefs, children, particularly girls, are at a heightened risk of discrimination, violence and exploitation.⁵²

Traditional attitudes toward women, in particular in relation to beliefs about chastity and virginity as virtues, have significant negative impacts on young girls.⁵³ Cultural factors have been identified as a cause for SEC, for example, the expectation in Thailand that girls will provide for and support their parents and families.⁵⁴ There is some evidence of girls entering into prostitution in Thailand under this sense of responsibility to contribute to family income.⁵⁵

The other aspect of gender inequality is that much of the available research focus primarily on girls making exploitation and vulnerability of boys almost invisible. In the majority of media reports and government research, boys are not considered ‘traditional victims’ of SEC crimes and their vulnerabilities can be easily ignored or overlooked.⁵⁶

Child marriage prevalence in Laos.



CHILD MARRIAGE

SEC can be disguised as child marriage. In this manifestation SEC can occur when a child is forced into marriage and obliged to enter an ongoing sexual relationship with an adult, in exchange for the family receiving financial reward. Research suggests that child marriage occurs in a number of countries in Southeast Asia including Thailand, the Philippines, Lao PDR and Viet Nam.⁵⁷ In Lao PDR, child marriage is most common in rural areas, where 43% of girls are married before the age of 18, compared with 23% in urban areas.⁵⁸

Child marriage can also create the conditions that lead to children being exposed to various forms of sexual exploitation. For example, in the process of forcing a child to marry early, the child is removed from the family and made entirely dependent on the husband. That husband may subsequently abandon

53 World Vision Australia, 2014, Sex, Abuse and Childhood 44-46.

54 Wongboonsin, P., Trafficking for Sexual Exploitation into Southern Thailand, (Bangkok: Institute of Asian Studies Chulalongkorn University, 2008), 55-56.

55 UNODC, 2014, Protecting the Future, 26.

56 Davis, Jarrett, Glotfelty, Elliot and Miles Glenn (2013), “Boys for Baht? A baseline study on the vulnerability of male entertainment workers in Chiang Mai, Thailand”, December 2013, Love146 and Urban Light, 5.

57 UNODC, 2014, Protecting the Future, 13.

58 Save the Children, Laos: Child Protection. Accessed 28 October 2016. <http://laos.savethechildren.net/what-we-do/child-protection>

the child, leaving her with little recourse but to enter the commercial sex trade for survival.⁵⁹ In Indonesia the practice of girls aged 10 to 14 years being forced into prostitution following failed forced marriage has now been well documented.⁶⁰

There is a limited amount of literature on the subject of child marriage in Southeast Asia, however, recent research points to the fact that child marriage is associated with SEC in a number of important ways. Temporary marriages are increasing in Indonesia, with Indonesian girls being forced into marriage with men from Saudi Arabia. These temporary marriages, also known as ‘muta marriages’, serve as loopholes for prostitution and child trafficking, and as a religiously legitimate way for married men to have affairs with young girls.⁶¹ In these temporary marriages, families sell their young daughters to wealthy men in order to obtain financial reward in the form of the dowry. At the end of their visits to their new brides, the men abandon them. The girls are often unable to remarry because they have lost their virginity, and are thus pushed towards the sex sector for survival.⁶²

The links between child marriage and child trafficking are increasingly apparent. Under-age marriages are especially common in those parts of Indonesia that attract workers in natural resource industries. Girls as young as 13 have been trafficked domestically with the promise of employment, particularly to West Kalimantan, then forced into marriage or into work in jungle brothels near illegal gold mines and logging areas.⁶³ Reports of girls from Cambodia, Lao PDR, Myanmar and Viet Nam being trafficked for forced marriages in mainland China have also increased in recent years.⁶⁴

STATELESSNESS

Statelessness is a significant factor increasing the risk of SEC and trafficking for sexual exploitation in Southeast Asia. A number of girls working in the sex industry in Thailand are from ethnic minority hill tribe communities in Northern Thailand – the Akha, Lahu, Lisu, Thai Yai, Thai Leu and Luwa groups – who are denied citizenship in Thailand despite the fact that most have lived in Thailand for generations.⁶⁵ Such communities have continually suffered

59 ECPAT International (2013). Preventing and Eliminating Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps. Submission to the Office of the High Commissioner for Human Rights, 14 December 2013.

60 ECPAT International. (2011). Global Monitoring Status of Action against Commercial Sexual Exploitation of Children: Indonesia. Accessed 24 October 2016. http://resources.ecpat.net/EI/index_A4A.asp

61 Abdul Ghafour, P.K, Temporary Marriages with Indonesian Women on Rise. Arab News, 18 April 2009. Accessed 27 October 2016 from: <http://www.arabnews.com/node/323345>

62 Ibid.

63 ECPAT, Global Monitoring Report: Indonesia, 2011, 11.

64 US Department of State, Trafficking in Persons Report – June 2016 (Washington: US Department of State 2014). Accessed 24 October 2016. <https://www.state.gov/documents/organization/258876.pdf>

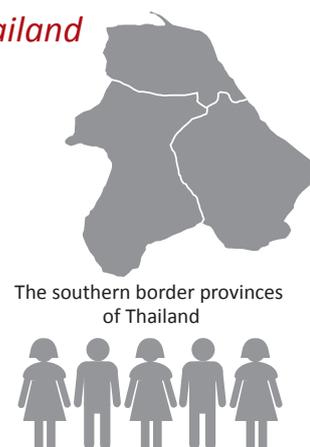
extreme marginalisation due to their lack of citizenship and the fact that they are viewed by the majority Thai population as of a lower cultural status.⁶⁶

Stateless children often have no identification, cannot obtain legal employment, are denied state benefits and are sometimes prevented from attending school.⁶⁷ For example hill tribe people in Thailand, who usually lack Thai citizenship, experience higher rates of poverty than the rest of the population and do not always have access to health care or primary school, factors that combine to increase children's vulnerability to sexual exploitation.⁶⁸ It is also reportedly common for employers of hill tribe groups to pay lower wages, require longer working hours, and generally provide unequal treatment. A recent study identified that this discrimination leads boys to seek work in the sex industry to make more money.⁶⁹

CHILDREN IN ARMED CONFLICT

Certain countries in Southeast Asia have continued to experience ongoing or sporadic armed conflict in recent years. For example, Indonesia has seen conflicts erupt in Aceh; Myanmar has experienced conflict between groups vying for autonomy; in the Philippines there is conflict with Moro Islamic rebels; and in Thailand there is ongoing conflict related to Muslim separatist movements. Such conflicts place children in conflict zones at heightened vulnerability to exploitation including SEC. Children who are forced to move to refugee camps may suffer from violence, sexual abuse, and forced recruitment. For example, in the violence that continues to affect the southern border provinces of Thailand, children have been affected in various ways. UNICEF has reported that over 5,000 children have been orphaned due to violence in the southern border provinces of Thailand.⁷⁰ Children as young as

More than 5,000 children have been orphaned due to violence in the south of Thailand



65 Burke, Alicia and Ducci, Stefania, *Trafficking of Minors for Commercial Sexual Exploitation – Thailand*, (Torino: United Nations Interregional Crime and Justice Research Unit, 2005), 20. Accessed 26 October 2016. http://www.unicri.it/topics/trafficking_exploitation/archive/minors/countries_partners/dr_thailand.pdf

66 Ibid., 20.

67 ECPAT International, *Situational Analysis of the Commercial Sexual Exploitation of Children: Thailand* (Bangkok: ECPAT International, 2015). Accessed 23 October 2016. http://www.ecpat.org/wp-content/uploads/legacy/SITAN_THAILAND_ENG_FINAL.pdf

68 Ibid.

69 Davis, J., Glotfelty, E., and Miles, G., *Boys for Baht? An exploratory study of the vulnerability of male entertainment workers in Chiang Mai, Thailand* (Love 146 and Urban Light, 2013), 10.

70 UNICEF Thailand, *Overview: What is Child Protection?* Accessed 1 November 2016. <http://www.unicef.org/thailand/protection.html>

14 have reportedly been recruited by armed groups and are used as informants and lookouts.⁷¹ In the Philippines, children affected by the armed conflict in Mindanao have been recruited into combat or to work as messengers, spies, porters, cooks, to assist in military operations or to provide sexual services for soldiers.⁷²

The United States (US) Department of State Trafficking in Persons 2016 report notes that deception is commonly used to recruit children for the armed forces in Myanmar. Recruiters offer incentives or coerce children or their families through false promises about working conditions, salary, and promotion opportunities.⁷³ Boys are recruited to serve in ethnic armed groups through the use of intimidation, threats, and violence.⁷⁴ Some of these child soldier recruits are subsequently deployed to the front-line as combatants.⁷⁵ Children in Rakhine State are considered particularly at risk of being forced into armed conflict.

CHILD TRAFFICKING

Southeast Asia is a region of origin, transit and destination for child trafficking for sexual exploitation. The region has, in particular, long been recognised as a significant source region for trafficking of children for sexual purposes. Regional characteristics, such as high levels of intra-regional and irregular migration, porous land borders, disparities in economic, employment and education opportunities, and a local demand for the sexual services of children, create and exacerbate the phenomenon. Frequent pathways and sectors of exploitation in Southeast Asia region include children trafficked from Cambodia to Thailand for begging, domestic servitude and street vending; girls trafficked from Viet Nam and Myanmar to Thailand for sexual exploitation; and girls trafficked from Lao PDR to Thailand for domestic and factory work.⁷⁶ Children in the region are trafficked for several purposes including various forms of bonded or exploitative labour, such as domestic services, factory work, agriculture, fishing, construction, begging, forced marriage, and adoption; however, trafficking for sexual exploitation has continued for some decades to be one of the most common purposes of trafficking.⁷⁷

71 ECPAT International, 2015, Situational Analysis: Thailand, 21.

72 Institute of Human Rights and Peace Studies, Mahidol University, Child Rights Situation Analysis within the ASEAN Region, 60. Accessed 20 November 2016.
<http://childrightscoalitionasia.org/wp-content/uploads/2016/06/Regional-Child-Rights-Situation-Analysis-in-ASEAN.pdf>

73 US Department of State, 2016, Trafficking in Persons Report 2016, 112.

74 Ibid., 112.

75 Ibid., 112.

76 See US Department of State, 2016, Trafficking in Persons Report 2016.

77 Ibid.

Children are trafficked using similar methods across the Southeast Asia region. They are commonly recruited through brokers or recruitment agents with the promise of legitimate jobs in the destination country, which turn out to be false. In Southeast Asia the most common method to recruit children into situations of exploitative labour is the promise of better economic opportunities. Fraudulent recruitment agencies have capitalised on new developments in technology to recruit children to false employment via Internet sites, social networking sites, and chat rooms. There have been increasing cases of, for example, Thai girls trafficked into sexual exploitation in Japan from initial contact over the Internet.⁷⁸ Fraudulent recruitment agencies will post advertisements on Internet sites for positions working in, for example, bars or hotels, or false modelling jobs, in an attempt to lure children into working abroad. This new mode of recruitment presents a significant challenge for trafficking prevention efforts, as children are very likely to use the Internet, are more technologically savvy than their parents⁷⁹ and use the Internet largely without adult mediation.

A significant amount of trafficking of children in the region occurs between less wealthy Southeast Asian nations and Thailand. Trafficking in children in the region often occurs without parents' knowledge. Teenagers independently choose to migrate to Thailand to earn money, and find themselves in exploitative situations during the migration journey or on arrival in Thailand. In other cases, children are encouraged by parents or friends into exploitative labour. Studies suggest that there are also some cases in which desperate parents 'sell' their children to traffickers out of financial desperation. According to a limited number of studies, in such situations children are seen as a commodity that can be traded to gain instant rewards or to receive ongoing remittances in the future.⁸⁰

URBANISATION AND MIGRATION

Urbanisation is an established trend in many of the region's countries. Urbanisation involves people moving from rural areas to cities, usually in search of employment opportunities, and can also involve cross-border movement. Urbanisation is particularly significant in Lao PDR, Myanmar and Viet Nam, increasing over 3% every five years.⁸¹

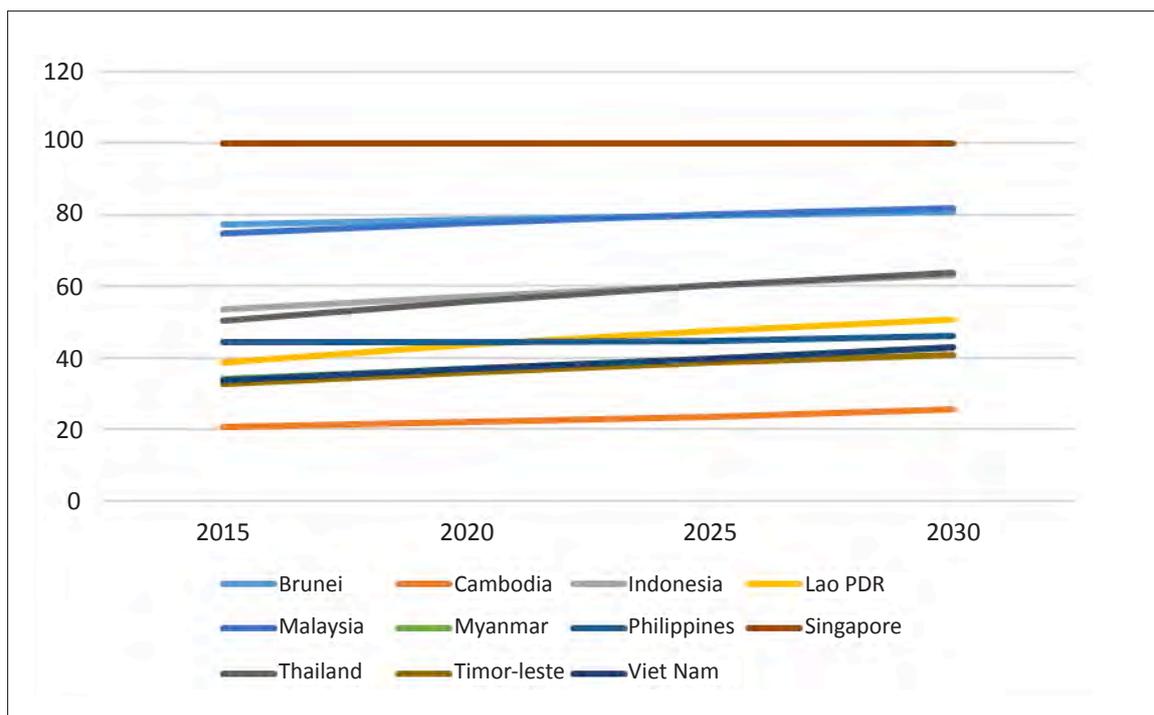
78 UNICEF, Reversing the trend: Child trafficking in East and Southeast Asia. (Bangkok UNICEF, 2009) Accessed 23 October 2016. http://www.unicef.org/eapro/Unicef_EA_SEA_Trafficking_Report_Aug_2009_low_res.pdf

79 Choo, K. (2009). "Responding to Online Child Sexual Grooming: An Industry Perspective". Trends and Issues in Crime and Criminal Justice 379: 5. Accessed 20 October 2016. <http://www.aic.gov.au/publications/current%20series/tandi/361-380/tandi379.html>

80 Blackburn, Ashley G., et al. (2010), "Understanding the Complexities of Human Trafficking and Child Sexual Exploitation: The Case of Southeast Asia", Women & Criminal Justice 20(1–2) (2010): 108.

81 UNODC, 2014, Protecting the Future, 19.

Figure 2: Forecasted % population residing in urban areas of Southeast Asian countries, 2015-2030⁸²



Through the process of urbanisation families can become cut off from their traditional and stable sources of income in their home countries. The resulting economic precariousness can push some people into the sex industry, especially young people and particularly those young people who are separated from their families and susceptible to external influence.⁸³ In island nations such as Indonesia and the Philippines travel back and forth from the original home and the new city can be difficult and expensive. Young people separated from parents as a result of urbanisation, or left behind in the home community may be susceptible to trafficking and other forms of exploitation.⁸⁴ United Nations Office on Drugs and Crime (UNODC) research suggests that urbanisation will continue in the region so long as there is substantial income disparity between rural areas and urban centres.⁸⁵

In addition to rapid urbanisation, the region continues to experience significant levels of regional cross-border migration. Regional migration of this kind tends to flow from poorer countries of the region to wealthier hubs with the destination of many migrants being Thailand where it is perceived that there are more and better paid work opportunities. Much of this migration

82 Based on data retrieved from: United Nations Population Division (n.d.), "Data Query", accessed 7 February 2017, <https://esa.un.org/unpd/wup/DataQuery/>.

83 UNODC, 2014, *Protecting the Future*, 19.

84 *Ibid.*, 19.

85 *Ibid.*, 19.

occurs through irregular channels. While many migrants find the journey a successful one in that they secure employment and are able to send remittances to their families, many others are trafficked for labour and sexual purposes.⁸⁶

In addition to movements within countries, and regional cross-border movements, the region is also witnessing significant levels of migration farther afield. Nationals of Southeast Asian countries are increasingly seeking regular and irregular migration and employment opportunities in regions such as East Asia, the Middle East, Europe and the United States.

Children may be left at home with relatives by parents migrating domestically or across borders, or children may accompany their parents. The number of children migrating without their families is also reportedly increasing.⁸⁷ Children who are left at home by parents that are migrating, children who accompany their migrating parents, and children who migrate on their own, are all vulnerable to SEC. A UNICEF study found that children who migrate on their own, or with their parents are the most vulnerable to exploitation.⁸⁸ At the destination, migrant children are reported to suffer from a range of inequalities, which are exacerbated due to their irregular status in the destination and their subsequent challenges to claiming their rights.⁸⁹ Many child migrants will be excluded from education and health systems in the destination country. Migrant children who travelled with their parents may become separated from their families as the family members are recruited into different work locations. Children that become separated from their family members are particularly vulnerable to human trafficking.⁹⁰

CONSUMERISM

Consumerism has been linked to the supply of children for the purposes of sexual exploitation. In a limited number of identified cases parents have been known to ‘sell’ their child for the purposes of sexual exploitation having been lured by promises of financial gain.⁹¹

86 US Department of State, 2016, Trafficking in Persons Report 2016.

87 Capaldi, Mark, and Terre des Hommes, *The Child’s Journey in Search of Rights: Determining and Addressing Points of Vulnerability in Independent Child Migration in Thailand: Summary Report* (The Hague: Terre des Hommes, 2014), 7. Accessed 22 October 2016. https://www.terredeshommes.nl/sites/tdh/files/uploads/th_2014_childs_journey_in_search_of_rights_capaldi_tdhnl1.pdf

88 UNICEF et al., *Situation Report on International Migration in East and South-East Asia*. (Bangkok: UNICEF, 2008). Accessed 27 October 2016. http://www.unicef.org/eapro/media_9372.html

89 Terre des Hommes, *Fact sheet: Children on the Move in Southeast Asia*. (Den Haag: Terre des Hommes, 2012). Accessed 28 October 2016. <http://destination-unknown.org/south-east-asia-fact-sheets-on-children-on-the-move/>

90 US Department of State, 2016, Trafficking in Persons Report 2016.

91 Reimer, 2006, *At What Price Honour?*, 47– 48.

Young people are often enticed by the promises of material gain and make the decision themselves to work in the sex sector.⁹² Young people can be influenced by the media and by advertising for consumer goods. In the absence of money to purchase the desired goods, young people may look to employment in the sex industry in order to be able to purchase clothing, accessories and other consumer goods. Cases in the Philippines have revealed that children enter the sex trade, often after already participating in live online child sexual abuse to keep up with their peers financially, and as a source of independent income.⁹³

Consumerism may make children more vulnerable to sexual exploitation.⁹⁴ NGO workers in Chiang Mai, Thailand who were interviewed for a study reported that girls are vulnerable to sexual exploitation as a result of wanting to uphold a certain lifestyle:

These girls come from remote areas with little nightlife. Suddenly they are living on their own with freedom to dress, go out and behave like their city-based friends. They might meet boyfriends in nightclubs. To keep up with this lifestyle they become involved in selling sex.⁹⁵

TOURISM

According to the United Nations World Tourism Organisation (UNWTO) Southeast Asia welcomed a record 104 million international visitors in 2015.⁹⁶ Increased tourist arrivals across the region have generated significant economic growth along with employment opportunities in the travel industry as well as in construction, agriculture and related other sectors. However, whilst the economic advantages of tourism are apparent, a range of less desirable impacts have also occurred as an unintended consequence of this unprecedented tourism growth, including the increase in travelling child sex offenders and the increase in children being coerced into the sex sector to satisfy the demand for sexual exploitation of children in travel and tourism.

The economic growth resulting from tourism does not necessarily translate into better opportunities for children who live in tourism hot spots. Lessons from Thailand and Cambodia have already demonstrated how significant income disparities between middle-income tourists and local children can put children at risk of SEC.⁹⁷ Most countries in the region, including Cambodia, Lao PDR, the Philippines, Thailand, Myanmar and Viet Nam now face the common and rapidly increasing challenge of SECTT.

92 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 23.

93 UNODC, 2014, Protecting the Future, 20.

94 Reimer, 2006, At What Price Honour?, 46-47.

95 World Vision Australia, 2014, Sex, Abuse and Childhood, 47.

96 UNWTO, Tourism Highlights: 2016 Edition, 4.

97 UNODC, 2014, Protecting the Future, 17.

Tourism growth in Southeast Asia has diversified into different forms of tourism and related activities that provide new avenues and locations for SEC. Independent travel is increasing in popularity, as are new forms of tourism including ecotourism and volunteer tourism (“voluntourism”), which are facilitating travellers’ entry to areas of Southeast Asia that had previously seen few tourist arrivals. The increasing ease of travel, and decreasing costs of travel are also contributing to the movement of significant numbers of tourists into new destinations that had previously been off the tourism radar. Countries within the region that had largely been protected from large tourism numbers, due to political instability or conflict, are also now beginning to open up, representing potential new locales for SEC, particularly SECTT.⁹⁸ It should be mentioned that even though the focus has long been on foreign tourist, according to the 2016 Global Study on SECTT, male nationals account for the vast majority of child sex offenders in Southeast Asia.⁹⁹

Well established patterns of child sex exploitation integrated into tourism flows suggest future increases in tourist arrivals will threaten many more children, particularly children in poorer parts of the region.¹⁰⁰ Even as governments in the region take actions to prevent and combat SECTT, travelling child sex offenders are able to quickly adapt and move to areas with less stringent law enforcement. Unfortunately, it appears that a crackdown on SEC in one country can lead to a SECTT influx in another. ECPAT reports that Cambodia and Viet Nam have experienced increases in travelling child sex offenders, which have possibly resulted from the Thai government’s efforts to combat SEC within its own borders.¹⁰¹

GROWTH OF THE INTERNET AND COMMUNICATIONS TECHNOLOGIES

The rapid advances in Internet and communications technologies have contributed to an exponential expansion of opportunities for communication and business and revolutionised the travel and tourism industry. An unfortunate side effect of this development is the new opportunities for child sex offending that have been created. The proliferation of Internet technologies including websites, chatrooms, email, blogging, file sharing, live streaming, and the use of communications technologies such as mobile phones including telephone, SMS, MMS, camera, as well as the extra benefits when phones, laptops and tablets are connected to the Internet, has facilitated rapid, inexpensive and relatively covert contact between child sex offenders and other child sex offenders, between child sex offenders and facilitators of

98 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 10.

99 Global Study on SECTT, 14.

100 UNODC, 2014, Protecting the Future, 17.

101 ECPAT International, Combating Child Sex Tourism: Questions & Answers. (Bangkok: ECPAT International, 2008), 10. Accessed 25 October 2016. http://www.ecpat.org/wp-content/uploads/legacy/cst_faq_eng.pdf

children for sexual exploitation, and between child sex offenders and children.¹⁰² As a result of the advances in the Internet and communication technologies, perpetrators of SEC related crimes now have incredible access to information about locations for sexually exploiting children, and information on how to find facilitators and gain access to children.¹⁰³

The Internet has also facilitated the live streaming of child sexual abuse via the Internet and the grooming of potential child victims from a distance. Child sex offenders no longer need to have direct contact with a child; the Internet has created new opportunities for offenders to view child sexual exploitation from the offender's home or any other location. Furthermore, laptops, tablets and mobile phones are increasingly used to store child abuse images. Child sex offenders can now upload and/or download child sexual abuse images from their home, office or any other location. New data storage devices allow child sex offenders to store and share images, and cyberspace facilities for sharing child sexual abuse images are further encouraging offenders to collect and share child sexual abuse images frequently and boldly.¹⁰⁴

SUMMARY

This section of the report has considered the various factors that make children vulnerable to sexual exploitation and identified particular groups that are at heightened vulnerability to SEC. As this section of the report has highlighted, there are a number of complex and often overlapping factors that increase children's vulnerability to sexual exploitation. These factors tend to be grounded in the socio-economic context of Southeast Asian countries and the presence, or lack thereof, of child protection systems and a robust law enforcement response to SEC. Research has identified that children from ethnic minorities, children living and working on the streets, poor children, child labourers, migrating children, stateless children, children separated from their families, and children in conflict zones, are particularly vulnerable to SEC.

Governments of Southeast Asian nations, often with support from NGOs, are achieving moderate successes with regard to responding to some of the SEC vulnerability factors, such as decreasing poverty, preventing children from migrating independently and through irregular channels, and enforcing compulsory primary school education. Law enforcement efforts to prevent and combat SEC are also improving in some countries, though it appears that stringent law enforcement responses to child sexual exploitation in one country may result in child sex offenders simply relocating to other Southeast Asian nations. While this section of the report

102 ECPAT International, 2016, *Regional Report on Sexual Exploitation of Children in Travel and Tourism*, 24.

103 *Ibid.*, 24.

104 *Ibid.*, 24.

has endeavoured to explore the key factors that render children vulnerable to SEC, it should be noted that, in addition to the above-mentioned socio-economic factors, inadequate legal frameworks, weak law enforcement responses, and under-resourced child protection and welfare services, in addition to the general lack of acknowledgement of key human rights in the region, serve to exacerbate SEC and impede the protection of children.

Since the last ECPAT regional overview,¹⁰⁵ progress in the fight against SEC been made in some areas, but new challenges and threats mean that governments and NGOs will have to renew their efforts to prevent and combat SEC. Significant increases in tourist arrivals, and increases in tourism to previously isolated locations, increased urbanisation and migration both within the region and farther afield, increased consumerism, and increased levels of child trafficking for sexual purposes, including for forced marriage, in addition to the proliferation of the Internet and communications technologies, which are serving to facilitate SEC, mean that governments and NGOs must redouble their efforts to understand SEC and develop cooperative and coordinated responses to the crime.

105 ECPAT International, 2014, *The Commercial Sexual Exploitation of Children in East and South-East Asia*

SECTION III:

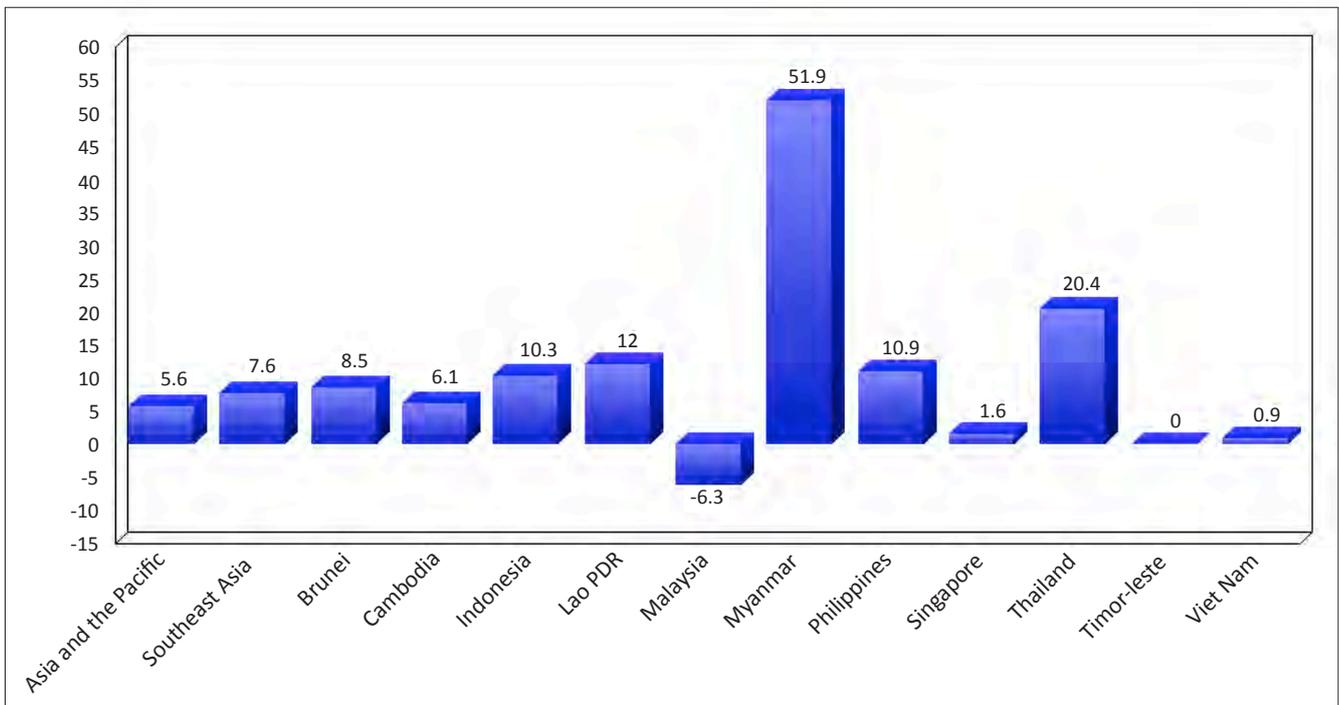
THE SCOPE OF SEXUAL EXPLOITATION OF CHILDREN IN SOUTHEAST ASIA

As the previous section of the regional overview has discussed, the sexual exploitation of children is a product of the complex interplay between a range of economic, social, political and cultural factors occurring on the global, regional, national and local levels. The previous section highlighted ongoing and new challenges and threats to children, including significant increases in tourism numbers and tourist access to previously isolated areas of Southeast Asian countries and the risks posed to children by the proliferation of the Internet and communications technologies. This section of the regional overview explores the current SEC situation in Southeast Asia. It focuses on two particular areas of SEC that are of concern to governments and NGOs at present – SECTT and OCSE.

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

The sexual exploitation of children in travel and tourism is occurring within the seemingly innocuous flows of tourism. Some countries of Southeast Asia have become major tourism destinations. There have been significant increases in tourist arrivals to Southeast Asia in recent years, with tourism growth rising approximately 6% per annum and a record 104 million tourist arrivals to the region in 2015.¹⁰⁶

Figure 3: Southeast Asian Tourism Growth Rates (2014 – 2015)¹⁰⁷



As figure 3 shows, the most significant increases in tourist arrivals in the 2014 – 2015 period were to Myanmar, Thailand and Lao PDR; countries that in the past have not been major tourism destinations. No data were available for Timor Leste.

Figure 4: International arrivals to Myanmar and Cambodia (in millions)¹⁰⁸

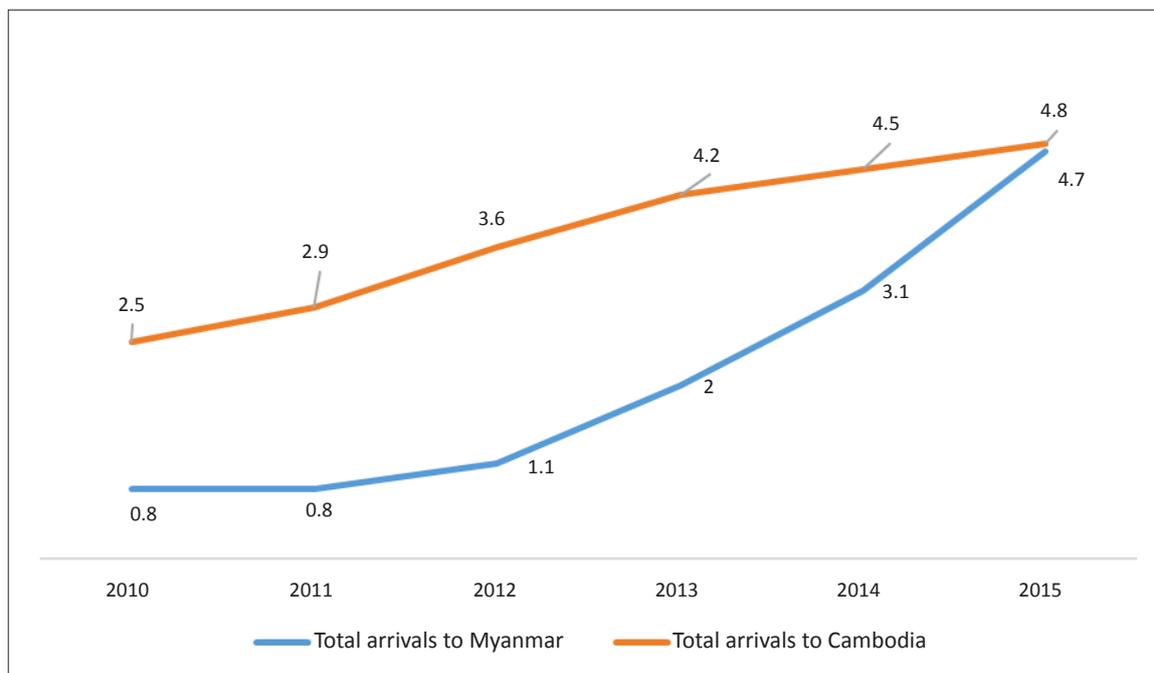


Figure 4 shows the annual tourism growth rate (from 2010 to 2015) in Myanmar and Cambodia.

Whilst Thailand, the Philippines, Indonesia, Singapore and Malaysia now represent established tourism destinations, a number of other Southeast Asian countries have more recently come to prominence as key destinations for regional and international travellers. As the figures above suggest, Cambodia, Myanmar, Timor-Leste and Viet Nam are experiencing increased numbers of tourist arrivals. The governments of those countries are developing their infrastructure with a view to enjoying the economic, employment and social benefits that generally stem from tourism development.¹⁰⁹

106 UNWTO, World Tourism Highlights 2016, 4.

107 Based on the information retrieve from UNWTO (2016), "Tourism Highlights", 8, accessed 7 February 2017, <http://www.e-unwto.org/doi/pdf/10.18111/9789284418145>.

108 Based on the information retrieved from: The World Bank, "International tourism, number of arrivals", accessed 7 February 2017, http://data.worldbank.org/indicator/ST.INT.ARVL?end=2014&name_desc=false&start=2010

109 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 18.

Global tourism has been facilitated by many factors including an expanding middle class, a reduction in the costs of international travel, and the proliferation of Internet and communications technologies. Business travel and the expatriate lifestyle have also increasingly normalised in recent years. The easing of visa restrictions, in addition to a series of other travel-enabling measures introduced by governments, have further facilitated international travel and the possibility to live and work outside their native country for a short or long term period. Finally, the diversification of the travel and tourism industry, with its expanded options for budget travel to luxury travel, options for ecotourism, adventure tourism, and now “voluntourism” further encourage record levels of international travel and tourism.

Unfortunately, the economic growth that countries experience as a result of increased numbers of tourist arrivals does not necessarily equate to improved opportunities for children. In fact, on the contrary, there is strong evidence to suggest that increased levels of travel and tourism result in greater numbers of children exploited in the commercial sex sector.¹¹⁰ An increased number of tourists bring with it an increased number of potential child sex offenders, be they situational or preferential offenders. This influx of potential offenders creates a market for children for the purposes of sexual exploitation whereupon poor families and vulnerable children become involved in meeting this demand. Travelling sex offenders’ sharing of information about the supply of children for the purposes of sexual exploitation increases demand as expanding numbers of travelling child sex offenders flock to certain places to seek out children to abuse and exploit.

Children in Southeast Asia, particularly children belonging to more vulnerable groups such as poor children, children living on the street, migrant and refugee children and stateless children can be sexually exploited by Asian travellers and foreign tourists, as well as by expatriate, migrant workers and local people. Child sex offenders are attracted to Southeast Asia because of the availability of children for sexual exploitation, and because these short or long-term travelling child sex offenders are cognisant of the fact that they may escape punishment for their crimes in countries that are still developing, have inadequate legislation against sexual exploitation and abuse, budget and human resource limitations, lack of political will, corrupt officials, and limited programmes of international law enforcement cooperation, including extradition of child sex offenders.¹¹¹

110 Ibid.

111 Child Wise, *Mind the Gaps: A Comparative Analysis of ASEAN Legal Responses to Child-Sex Tourism*. (Melbourne: Child Wise, 2009). Accessed 25 October 2016. https://www.ecoi.net/file_upload/1002_1248205476_crin.pdf

THE “DEMAND” FOR SECTT – SHORT AND LONG-TERM DOMESTIC AND INTERNATIONAL TRAVELLERS

Contrary to the widely-held view that most travelling child sex offenders are Western men, ECPAT International’s Global Monitoring Reports on SEC highlight the reality that it is, in fact, men from the more developed countries of the Asia and Pacific region, particularly men from Australia, China, Japan, South Korea and Taiwan who are most responsible for the sexual exploitation of children that occurs in Southeast Asia. Men from these countries, and others, travel to Southeast Asia to sexually abuse children who are living in less developed countries, taking advantage of the dire financial situations that the children and their families are in and the inadequate law enforcement environment.

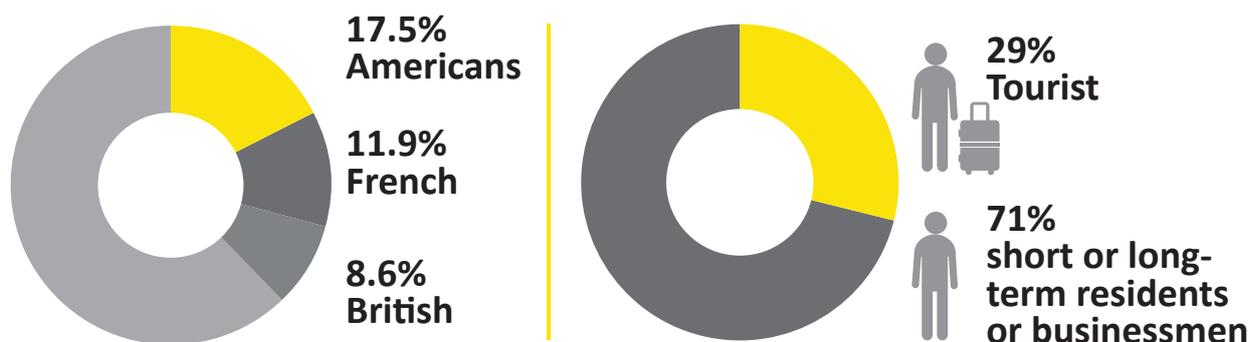
Cambodia has become one of the most popular destinations in the region for travelling child sex offenders in recent years. The reason for this is the combination of the sharp increases in tourism numbers, the increasing accessibility of Cambodia, poverty in the country, and the low likelihood of detection after offending. Cambodia is also believed to have seen an increase in travelling child sex offenders as a result of preventative efforts in more traditional hotspots such as Thailand.¹¹² Research has found that it is mostly Asian men who are seeking sex with children in Cambodia. Western men are also an important population of travelling child sex offenders. Case data suggest that child sex offenders are travelling to Cambodia from South Korea, Japan, China, France, Australia, New Zealand, Germany, Switzerland, the Netherlands, the UK, and the US.¹¹³ Recent research identifies different modus operandi for Asian and Western child sex offenders in Cambodia. Asian offenders generally tend to access children via facilitators who arrange for children to be brought to a hotel or private residence. Western child sex offenders are more likely to make direct contact with children in public places.¹¹⁴

112 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 25.

113 APLE Cambodia, Investigating Travelling Child Sex Offenders: An Analysis of the Trends and Challenges in the Field of Child Sexual Abuse and Exploitation in Cambodia. (Phnom Penh: APLE Cambodia, 2014), 8-9. Accessed 21 October 2016. <http://aplecambodia.org/wp-content/uploads/2015/03/Analytical-Report-on-Investigating-Traveling-Child-Sex-Offenders-Web-Version.pdf>

114 The Protection Project, International Child Sex Tourism: Scope of the Problem and Comparative Case Studies. (Baltimore: The John Hopkins University, 2007), 107-108. Accessed 21 October 2016. http://www.protectionproject.org/wp-content/uploads/2010/09/JHU_Report.pdf

Nationalities of those investigated for child sex offences in Cambodia 2003-2013



Cambodian NGO Action Pour Les Enfants (APLE) reviewed 288 cases involving child sex offenders in Cambodia (210 perpetrators of sexual exploitation, 170 of whom were foreigners, and 78 accomplices) that the organisation had investigated and that had resulted in arrests between 2003 and 2013.¹¹⁵ The individuals arrested represented 26 different nationalities, including Americans (17.5%), French (11.9%), and British (8.6%).¹¹⁶ All the perpetrators were male but 69.2% of the accomplices were female. Of the perpetrators, 29% were tourists and the other 71% were short or long-term residents or businessmen in Cambodia. Fourteen perpetrators (7%) worked in organisations in which they could gain access to children, including five individuals working as teachers and nine individuals working for NGOs. 28% of the foreign perpetrators had a previous conviction for child sex offences.¹¹⁷

Nationalities of those investigated for child sex offences in Cambodia 2003-2013



In Indonesia, travelling child sex offenders are known to come from a range of countries of origin including Indonesia, Malaysia, Singapore, Thailand, Australia, the UK, Bangladesh, Japan, Korea, China and Saudi Arabia.¹¹⁸ Research has identified that the child sex offenders operating in Indonesia are travellers, expatriates, as well as men working on ships and in construction.¹¹⁹ Australian Federal Police (AFP) data for 2013-2014 show that Indonesia was

115 APLE Cambodia, 2014, Investigating Travelling Child Sex Offenders.

116 Ibid.

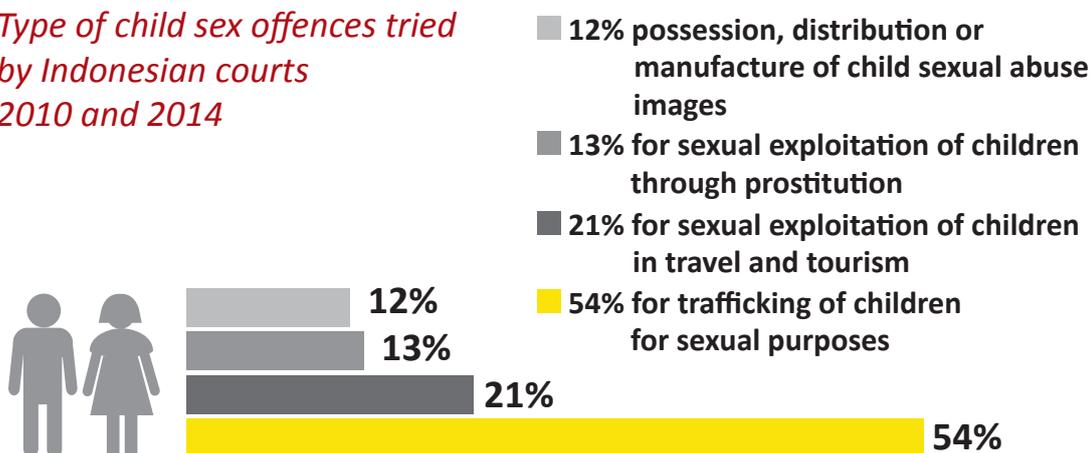
117 Ibid.

118 Presentation by Ahmed Sofian, ECPAT Indonesia, at the Southeast Asia Regional Consultation on the Global Study on SECTT (Chiang Mai, Thailand, 6 & 7 May 2015).

119 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 28.

the number one destination for Australian travelling child sex offenders with a total of 293 visits by Australian child sex offenders to Indonesia during that period.¹²⁰ Data collected by the Indonesian courts on persons involved in the commission or facilitation of sexual offences against children between 2010 and 2014 identified a total of 137 individuals who individuals received convictions (12% for child sexual abuse materials; 13% for sexual exploitation of children through prostitution; 21% for sexual exploitation of children in travel and tourism 21%; and 54% for trafficking of children for sexual purposes).¹²¹

Type of child sex offences tried by Indonesian courts 2010 and 2014



Thai and Chinese businessmen and other Asian nationals are travelling to Lao PDR to engage in sexual intercourse with children. In interviews conducted in the border towns of Savannakhet and Champassak, it was reported that Asian men travelling in group tours on weekends are seeking sex with children.¹²²

Child sex offenders operating in the Philippines typically come from Australia, East Asian countries, Europe and the United States.¹²³ Law enforcement authorities in the Philippines suggest that 10-15% of sexual crimes against children in the Philippines are committed by foreigners.¹²⁴ Child sex offenders are typically male foreign sex tourists, military personnel on leave, and foreign businessmen.¹²⁵ The main destinations for travelling child sex offenders

120 Australian Federal Police, Operational Intelligence Report: National Child Offender System (NCOS): Offender Travelling Trends and Patterns within Vietnam – January 2013 to December 2014 (Canberra: Australian Federal Police, 2014), 4.

121 Presentation by Ahmed Sofian, ECPAT Indonesia, at the Southeast Asia Regional Consultation on the Global Study on SECTT (Chiang Mai, Thailand, 6 & 7 May 2015).

122 Child Frontiers, UNICEF, UNIAP, Save the Children and World Vision, Report on the Commercial Sexual Exploitation of Children in Lao PDR (Vientiane, 2011), 32. Accessed 29 October 2015. http://laocs-kis.org/wp-content/uploads/2015/03/Lao_PDR_SEC_Study_Final.pdf

123 Zafft, Carmen R., and Tidball, Sriyani, "A Survey of Child Sex Tourism in the Philippines" (paper presented at the Second Annual Interdisciplinary Conference on Human Trafficking, Lincoln, Nebraska, 30 September-2 October, 2010), 13. Accessed 19 October 2016. <http://digitalcommons.unl.edu/humtrafconf2/22>

124 The Protection Project, 2007, International Child Sex Tourism, 135.

125 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 31.

operating in the Philippines are Las Pinas, Ermita, Manila, Ilocos Norte, San Pablo City, Cebu City, Tagbilaran, Puerto Galera, Angeles City, Sabang and Boracay.¹²⁶

Traditional tourism hot spots in Thailand remain veritable hubs for SECTT.¹²⁷ Child sex perpetrator nationalities tend to mirror the nationalities of tourism arrivals to Thailand. The USA, Australia, UK, Germany, France, Italy and other European nations are highly represented in both tourism and child sex offender figures.¹²⁸

Figure 5: Nationalities of foreign child sex perpetrators in Thailand and Cambodia, 2003-2013 (in %)¹²⁹

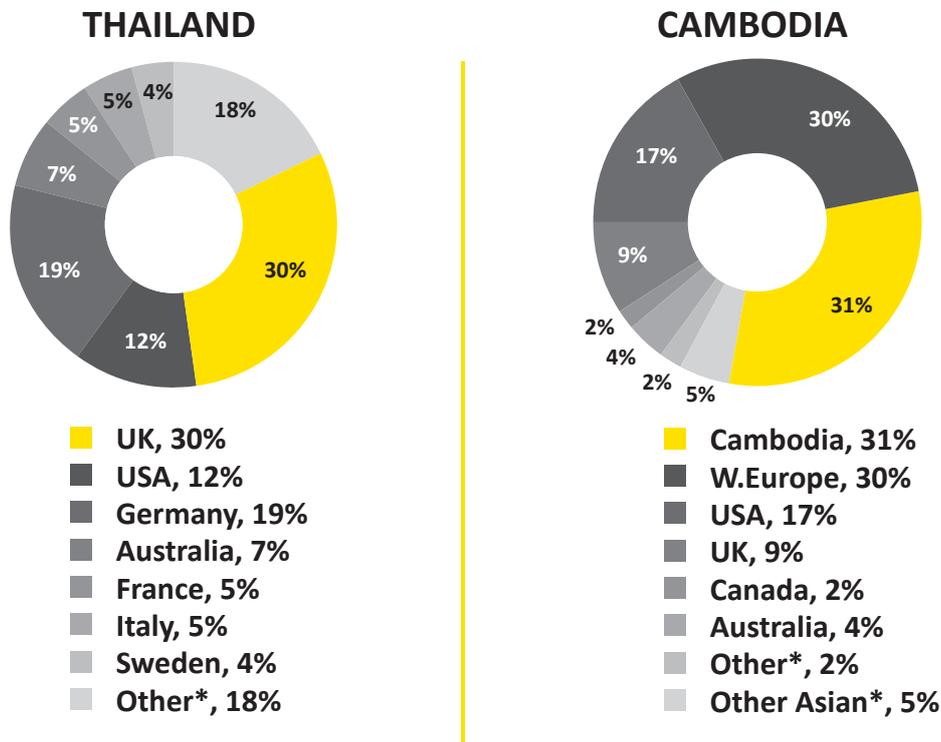


Figure 5 shows APLE’s data on child sex offenders operating in Cambodia and Thailand. In the period 2003 to 2013 UK nationals constituted 30% of foreign child sex offenders in Thailand, followed by the US and Germany.

126 The Protection Project, 2007, International Child Sex Tourism.

127 Ibid, 156.

128 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 33.

129 UNODC, 2014, Protecting the Future, 7 relying on data provided by Face Thailand and APLE Cambodia. Please note that the APLE data includes Cambodians, whereas the FACE data does not include Thais.

In Viet Nam, research compiled by the AFP (2013-2014) regarding the modus operandi of known and registered Australian child sex offenders entering Viet Nam provides some useful information about child sex offender activities in that country.¹³⁰ During the 22-month period of the study, 41 registered Australian child sex offenders visited Viet Nam on a total of 68 occasions. The modal length of stay was 27.3 days. Most of the offenders (73%) stayed in hotels, the majority of which were characterised as budget mini-motels with no-star rating. Importantly, the research identified that many of these hotels were located in districts that are not consistent with regular tourist or expatriate populations implicitly underlining that the purposes of their travels were not related to tourism, work or visiting friends and relatives. Another important finding of the research was that 27% stayed in private accommodation,¹³¹ which poses obvious problems for the identification of child exploitation by members of the community and law enforcement.

LARGE SCALE TOURISM DEVELOPMENTS, SPECIAL ECONOMIC ZONES AND SECTT

Across the region, governments have been working to improve economic growth and employment and investment opportunities through a range of measures including the facilitation of large-scale foreign investment in tourism and the establishment of Special Economic Zones (SEZ).¹³² SEZs and Free Trade Zones (FTZs), areas within a country's borders in which special business and trade laws apply as a means to stimulate trade, investment and job creation, have been established by a number of governments in the region in recent years. Some examples of these locations include Batam and Bintan Islands in Indonesia, Sihanoukville, Koh Kong, Poipet, Bavet, and Phnom Penh in Cambodia, Boten in Lao PDR, Yangon, Mawlamyine, and Myawaddy in Myanmar, and Subic Bay in the Philippines.

The proliferation of casinos in these zones attracts cross-border, intraregional and intra-Asian tourism with significant numbers of Chinese citizens entering Cambodia, Lao PDR, Myanmar, and the Philippines for the purposes of gambling.¹³³ Thai nationals often cross into Cambodia, Lao PDR and Myanmar for the same purpose, as do Vietnamese nationals into Cambodia.¹³⁴

130 Australian Federal Police, 2014, Operational Intelligence Report: National Child Offender System, 5, cited in Global Study on SECTT, Regional Report Southeast Asia, 34.

131 Ibid.

132 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 42.

133 Ibid., 43.

134 Ibid., 43.

VOLUNTOURISM

“Voluntourism” describes the process in which travellers undertake volunteer work while they are taking a short or long-term holiday. Volunteers often pay a fee that covers their travel and living expenses and includes a financial contribution to the relevant charity. Voluntourism is one of the fastest growing sectors of the tourism market, generating approximately US\$2billion globally each year.¹³⁵

One incarnation of voluntourism involves international travellers volunteering at orphanages. In this ‘orphanage tourism’ children are regularly left alone with volunteers, and in some cases volunteers are permitted to take children out of the facility for periods of time to have a meal or engage in other social activities. Volunteers are rarely vetted in terms of their background, qualifications and skills and thus may pose a grave threat to children living in orphanages.¹³⁶

While there is currently no data on the extent of child sex offending through voluntourism some recent cases suggest that it is an alarming phenomenon. In a recent case a UK national who ran a number of orphanages in Siem Reap, Cambodia, was arrested following an investigation by the Cambodian authorities for sexual offences against children in his care.¹³⁷ Another example is the November 2011 conviction for child sex offences of a US national who had been working as a volunteer doctor at a children’s hospital in Phnom Penh.¹³⁸

TEACHING AS A PATHWAY TO CHILD SEXUAL EXPLOITATION

Recent research has also identified that transnational sex offenders exploit simplified visa conditions and the relative ease of finding employment in schools in Southeast Asia as a means of accessing children.¹³⁹ The lack of background checks and the dearth of child protection policies that exist in the education sector in Southeast Asia mean that transnational sex offenders are rarely vetted by school employers. In cases of travelling foreign teachers in Southeast Asia that have sexually abused children, it has later been found that some of the sex offenders had prior convictions for child sex offences in their home country.¹⁴⁰ For example, in the case of a British national who was arrested after sexually exploiting children in schools in Thailand, the police investigation discovered that he had a record of prior child sex offences in

135 Ibid., 40.

136 Ibid., 40.

137 Johnson, A. (2014), ‘Protecting Children’s Rights in Asian Tourism: Reflecting on Progress and the Way Forward’, *International Journal of Children’s Rights* 22 (2014): 603.

138 Ibid., 603.

139 ECPAT International, 2016, *Regional Report on Sexual Exploitation of Children in Travel and Tourism*, 42.

140 Ibid., 42.

Foreign teachers represents only a small percentage of arrests within the region.

the UK. A lack of background checks on the offender, combined with the fact that he changed his name several times, meant that after serving sentences for child sex offences in the UK and Thailand he was able to continue working in schools in Thailand and re-offending.¹⁴¹

While child sexual exploitation by foreign teachers represents only a small percentage of arrests within the region, the available evidence suggests that this particular modus operandi of SECTT continues to be practised by offenders and that this form of sexual exploitation is an increasing and alarming problem that could potentially affect many children in the region.¹⁴²

COMPENSATED DATING

‘Compensated dating’, or enjo kosai in Japan, is a unique term used to explain situations by which men pay girls for dates that often lead to sex. As a result of peer pressure, consumerism and increased sexualisation of children in the media, in a number of countries an alarming number of adolescents are engaging in transactional sex or ‘compensating dating’ to maintain a fashionable lifestyle.¹⁴³

Compensated dating is known to occur across Southeast Asia and has been identified as an alarming problem in Cambodia, Singapore and Thailand.¹⁴⁴ Blame for compensated dating is often directed at the child, who is viewed by the community as voluntarily engaging in prostitution.¹⁴⁵ The situation is complicated by the fact that, frequently, children in compensated dating scenarios do not see themselves as victims of exploitation; they “voluntarily” provide sexual services in exchange for remuneration and gifts. Consequently, the perpetrator of child sexual abuse, who takes advantage of the difficult financial position of the child and the family, tends to escape blame and punishment.¹⁴⁶

141 Coconuts Bangkok, “British Pedophile was recently Working in Thailand again after Legal Name Change let him get Teaching Jobs”, 9 November 2016. Accessed 9 November 2016. <http://bangkok.coconuts.co/2016/11/09/british-pedophile-was-recently-working-thailand-again-after-legal-name-change-let-him-get>

142 Ibid., 42.

143 ECPAT International, 2014, The Commercial Sexual Exploitation of Children in East and South East Asia

144 See ECPAT International’s Global Monitoring Status of Action against Commercial Sexual Exploitation of Children related to these countries. Available at: <http://ecpat.net/resources#category-country-monitoring-reports>

145 ECPAT International, 2014, The Commercial Sexual Exploitation of Children in East and South East Asia, 16.

146 Ibid., 16.

THE “SUPPLY” OF SECTT – CHILD VICTIMS

There are up to 100,000 people involved in sex work in Cambodia. 30 to 35 % are children.



30 - 35%

An increasing volume of tourism arrivals can motivate families and children travelling alone to move to tourism hot spots. Some children relocate to work in the tourism industry, while others seek to work in subsidiary industries that service and supply the tourism industry. Still others seek to make money through living in tourist areas, for example, through begging on the streets in tourism hot spots. In many cases, these children are working day and night on the streets, on beaches, and around bar and restaurant areas. These children are highly vulnerable to SECTT. Children can be subject to sexual abuse by travellers

and tourists in countless locations. The most obvious cases occur in establishments in the sex industry but other cases occur in hotels, privately rented homes, and various other clandestine locations.

In Cambodia, the estimated 24,000 children who live and work on the streets are considered extremely vulnerable to sexual exploitation, particularly by Asian and Western travellers and tourists. Research on the sexual exploitation of children in travel and tourism has found that the number of individuals involved in prostitution in Cambodia is between 40,000 to 100,000 and UNICEF estimates that 30 to 35 percent of this figure are children.¹⁴⁷

A 2013 International Justice Mission (IJM) study into the prevalence of sexual exploitation in commercial sex establishments in Phnom Penh, Siem Reap and Sihanoukville in Cambodia found that children comprise 8.16% of those involved in the establishment-based sex industry in these three locations.¹⁴⁸ The data suggested a prevalence rate of 0.75% for children under fifteen years and under, and that older children (16-17 years of age) represented 7.14% of all sex workers.¹⁴⁹ It is worth mentioning that one of the limitations of the study was the scarce involvement of boys due to the focus on commercial sex establishments which then excluded children exploited on the streets or through community-based networks.¹⁵⁰

147 Defence for Children, and ECPAT Netherlands, 2014, Reducing Violence against Children, 28-29.

148 IJM, Commercial Sexual Exploitation of Children in Cambodia: A Venue-Based Application of Time-Space Sampling to Measure Prevalence in Phnom Penh, Siem Reap and Sihanoukville. (Washington DC: International Justice Mission, 2013), 8. Accessed 20 October 2016. [https://www.ijm.org/sites/default/files/resources/SEC%20Prevalence%20-%20Cambodia%20-%20FINAL%20-%202012%20Sept%202013%20\(1\).pdf](https://www.ijm.org/sites/default/files/resources/SEC%20Prevalence%20-%20Cambodia%20-%20FINAL%20-%202012%20Sept%202013%20(1).pdf)

149 Ibid.

150 Ibid., 31.

SECTT in Indonesia occurs in a variety of places including brothels, karaoke establishments, massage parlours and malls. The 2016 US Trafficking in Persons report identifies the Riau Archipelago, in particular Batam and Bintam Islands off the coast of Singapore, and Bali as key locations for SECTT in Indonesia.¹⁵¹ The Women’s Institute, based in west Java, reports that some “43.5 percent of trafficking victims are as young as 14 years old”.¹⁵²

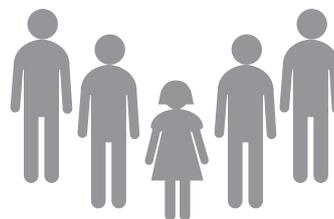
43.5 percent of trafficking victims are as young as 14 years old.

More than 3,000 tourists from Singapore and Malaysia visit the island every week for sex services.

“A rapid assessment study of 272 children involved in sexual exploitation in seven key locations across Indonesia – Jakarta, Lampung, Lombok, Batam, Bundung,

Bali and Pontianak – found that children between the ages of 12 and 18 were victims of sexual exploitation via prostitution, pornography, child trafficking for sexual purposes, sex tourism and child marriage”.¹⁵³ With regard to the situation in Batam, a 2009 report by the National Coalition for the Elimination of Commercial Sexual Exploitation of Children noted that the Indonesian Department of Social Affairs had calculated that more than 3,000 tourists from Singapore and Malaysia visit the island every week for sex services.¹⁵⁴ It was estimated that 5,000 to 6,000 individuals are involved in the sex industry in Batam and that up to 30% of this figure are children.¹⁵⁵

There is some evidence to suggest that Thai tourists visiting Lao PDR, particularly those travelling in male-only groups, have sometimes requested sex with school age girls.



151 US Department of State, 2016, Trafficking in Persons Report 2016.

152 Defence for Children, and ECPAT Netherlands, 2014, Reducing Violence against Children, 21.

153 National Coalition for the Elimination of Commercial Sexual Exploitation of Children, Ministry of Women’s Empowerment and UNICEF. Report on seminar and workshop on the results of rapid assessment on the situation on SEC in Indonesia held in Jakarta 2-3 September 2009. Report in Bahasa. Medan, Indonesia: Koalisi Nasional cited in UNICEF, Child Maltreatment.

154 ECPAT International, 2011, Global Monitoring Report: Status of Action against Commercial Sexual Exploitation of Children: Indonesia, 12.

155 Ibid., 12.

156 Child Frontiers, et al., 2011, Report on the Commercial Sexual Exploitation of Children in Lao PDR, 14.

In Lao PDR, a 2011 investigation into SEC in the country found children to be exploited in prostitution, primarily in beer bars and karaoke shops throughout the country.¹⁵⁶ Regulation of beer bars and karaoke shops has resulted in limits being imposed on the number of girls permitted to work in such establishments which, in turn, has created a mobile form of prostitution in which girls are on-call for the provision of sexual services. It remains unclear what percentage of such mobile sex workers are children.¹⁵⁷ There is some evidence to suggest that Thai tourists visiting Lao PDR, particularly those travelling in male-only groups, have sometimes requested sex with school age girls.¹⁵⁸

Approximately 100,000 children are victims of all forms of sexual exploitation in the Philippines.

In the Philippines, significant numbers of women and children are involved in the often highly visible commercial sex industry that caters to both Filipino nationals and foreign tourists. According to Terre des Hommes, estimates by the NGO Preda Foundation suggest that approximately 100,000 children are victims of all forms of sexual exploitation in the Philippines, with a significant number exploited in SECTT.¹⁵⁹ Research has identified that women and children from indigenous families and those in remote areas of the Philippines are most vulnerable to SECTT.¹⁶⁰

In Thailand, Pattaya, Phuket and Chiang Mai have been identified as popular locations for SECTT, with Pattaya cited as the most well-known area catering to travelling child sex offenders.¹⁶¹

Up to 76% of Vietnamese children exploited through sex work have foreign customers.

Finally, in Viet Nam, UNICEF Viet Nam and the Ministry of Labour, Invalids and Social Affairs (MoLISA) published an analysis in 2011 of SEC in five cities and provinces across the country.¹⁶² In this study, 76% (n=37) of interviewed children exploited in prostitution reported that they received foreign customers.¹⁶³ The study found that both boys

157 Ibid., 20.

158 Ibid., 21.

159 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 30.

160 US Department of State, 2016, Trafficking in Persons Report 2016, 306.

161 The Protection Project, 2007, International Child Sex Tourism, 2007, 157.

162 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 34.

163 Ibid., 34.

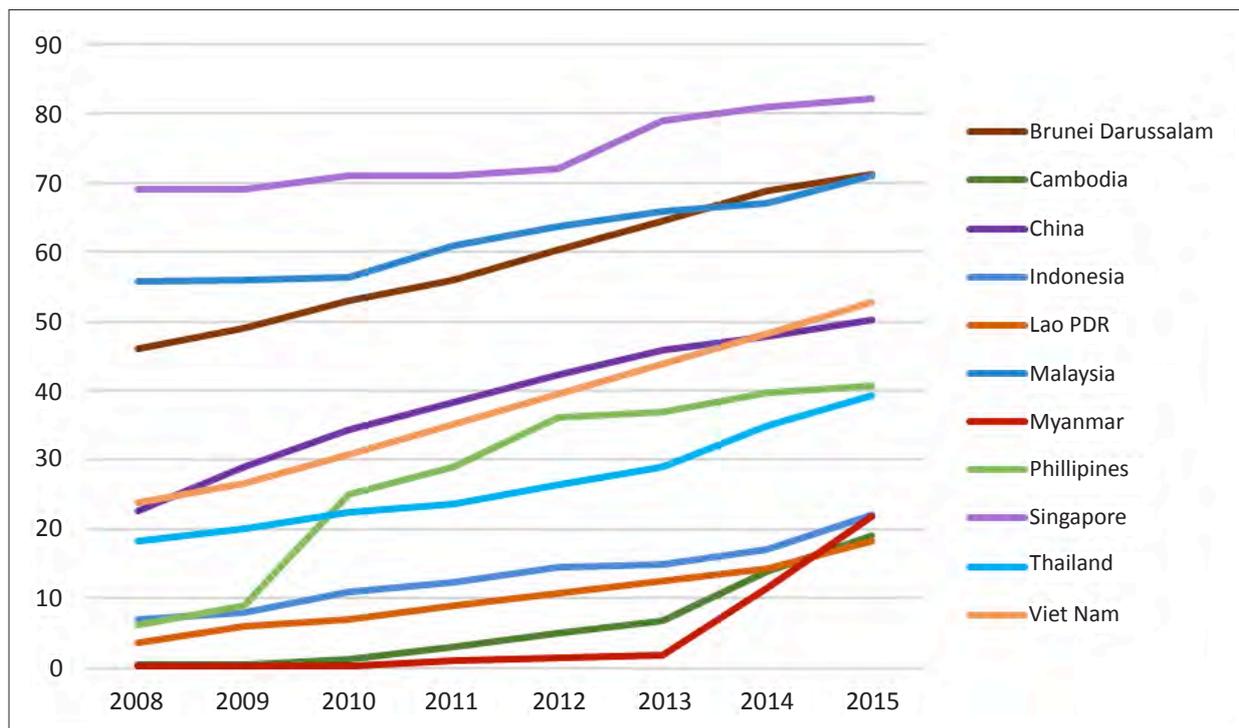
and girls were sought for the purposes of sexual exploitation. Some of these children were exploited in establishment-based prostitution and others were children living and working on the streets. The study identified that foreign offenders were reported to make contact with children via Xe Om (motorbike taxi drivers) and taxi drivers, via karaoke bar owners or by befriending children, usually boys, working on the street.¹⁶⁴

41.9% of individuals using the Internet globally are located in Asia and the Pacific.

ONLINE CHILD SEXUAL EXPLOITATION

According to the International Telecommunication Union, 41.9% of individuals using the Internet globally are located in Asia and the Pacific, as of 2016.¹⁶⁵

Figure 6: Internet users per 100 inhabitants¹⁶⁶



164 Ibid., 34.

165 ITU (2016), "ICT Facts and Figures 2016", June 2016, accessed 3 February 2017 <https://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2016.pdf>.

166 Based on the information retrieved from: UN data, "Internet users (per 100 people)", accessed 7 February 2017, http://data.un.org/Data.aspx?q=internet+users&d=WDI&f=Indicator_Code%3aIT.NET.USER.P2#f_2.

The proliferation of the Internet and related communication technologies has resulted in the significant diversification of opportunities for child sex offenders to plan their travel, to communicate anonymously with other child sex offenders, to access, produce and disseminate child sexual abuse images, and to participate in virtual sexual encounters with children without leaving home.¹⁶⁷ The available evidence points to a disturbing increase in the availability of child sexual abuse materials online. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the production and distribution of child sexual abuse material has an estimated value today of between US\$3 billion and US\$20 billion.^{168 169} The UN and the US Federal Bureau of Investigation estimate that there are 750,000 child sex predators connected to the Internet at any moment.¹⁷⁰

Particularly over the past decade, the Internet has facilitated changes in patterns of child sexual exploitation. Today there are Internet sites that offer child abuse images, live streaming of child sexual abuse, and tools to organise child sex tours, as well as access to information on networks of potential victims of child sexual abuse.¹⁷¹ The Internet supplies potential and repeat child sex offenders with opportunities to organise travel and plan contact offending (hands-on abuse). Child sex offenders misuse the Internet to groom their victims and connect with potential facilitators (e.g. family or community members) from afar. The Internet gives these offenders a cloak of anonymity so that they may hide their true identity and access child sexual exploitation materials without significant fear of detection.¹⁷²

The online milieu in which a significant proportion of child sexual exploitation is believed to occur is thus one that is partly anonymous and subsequently difficult for law enforcement agencies to detect and combat. The ongoing pace of technological change in Internet and communications technologies means that governments, law enforcement agencies and NGOs are struggling to keep pace with developments and to put in place mechanisms that will prevent online child sexual abuse and punish those that engage in and/or profit from OCSE related crimes.

167 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 43.

168 UN Human Rights Council. "Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. Twelfth Session", UN Doc. A/HRC/12/23 (13 July 2009), 10. Accessed 27 October 2016.

169 It should be noted that nowadays the majority of CSAM is exchanged for free. However, some manifestations are predominantly based on a commercial transaction, such as the case of live streaming of child sexual abuse.

170 Terre des Hommes, 2014 *Becoming Sweetie: A Novel Approach to the Global Rise of Webcam Child Sex Tourism*, 4.

171 UNODC, 2014, *Protecting the Future*, 21.

172 *Ibid.*, 21.

While the extent of OCSE in the region is unknown, recent estimates suggest that it is a significant problem and is rapidly increasing. It is believed, for example, that the production of child sexual abuse material in the Philippines occurs on an industrial scale, and generates up to US\$1 billion a year.¹⁷³ Thailand has been identified as a major host country of child sexual abuse images, ranking 6th out of the top 15 child sex abuse image hosting countries in 2009 and 14th out of the top 15 website host countries.¹⁷⁴ OCSE is also occurring in the less developed countries of the region. For example, findings from a 2011 investigation into SEC in Lao PDR found that CD shops, particularly in the capital, Vientiane, have child sexual abuse material available for download to mobile phones and memory sticks.¹⁷⁵ Media reports have also identified Malaysia as a popular country for child sex offenders seeking to engage in SEC, including OCSE. A British national was arrested in 2014 and confessed to sexually assaulting 23 boys and girls in Malaysia, aged between six months and 12 years of age, between the period 2006 to 2014. The police believe he abused up to 200 children. Law enforcement authorities found more than 20,000 child sexual images on his computer.¹⁷⁶ A British court handed him 22 life sentences.¹⁷⁷ Such cases highlight the overlap between SEC forms and the continuum of offending. Child sex offenders may initially engage in the sexual exploitation of children online and then eventually travel to regions such as Southeast Asia to engage in direct sexual exploitation of children. Some offenders collect child sexual abuse images during their exploitation of children online and during their direct (contact offending) sexual exploitation of children, others never have hand's-on contact with victims.

ONLINE GROOMING FOR SEXUAL PURPOSES

Online grooming for sexual purposes, also known as cyber enticement or online solicitation, is the process in which child sex offenders target children using the Internet, often via social media sites, for the purpose of recruiting them for sexual exploitation. Grooming involves the child sex offender communicating regularly with the child to gradually gain the child's confidence and trust, with a view to eventually ensuring that the child agrees to sexual interaction.¹⁷⁸

174 ECPAT International, 2015, *Situational Analysis: Thailand*, 47. See also: INHOPE (2012), "Infographic: Hosting CSAM", accessed 3 May 2017, <http://www.europeanfinancialcoalition.eu/private10/images/document/2.pdf>.

175 Child Frontiers, et al., 2011, *Report on the Commercial Sexual Exploitation of Children in Lao PDR*, 24.

176 DPA, "Malaysia Confronts Nightmare of Child Sexual Exploitation", *EBL News*, 5 June 2016, accessed 28 October 2016. <https://aboutcroatia.net/news/world/malaysia-confronts-nightmare-child-sexual-exploitation-23884>

177 McVeigh, Karen (2016), "Richard Huckle given 22 life sentences for abuse of Malaysian children", *The Guardian*, accessed 3 May 2017, <https://www.theguardian.com/uk-news/2016/jun/06/richard-huckle-given-23-life-sentences-for-abusing-malaysian-children>.

178 UN Human Rights Council, "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Twenty-eighth session", UN Doc A/HRC/28/56 (22 December 2013), 10.

Online grooming may also involve perpetrators sharing CSAM with children. The act of exposing children to CSAM is considered both a form of grooming and a form of sexual exploitation.¹⁷⁹

Cases of child sex offenders grooming children via chatrooms and social media sites are increasingly being documented in Southeast Asia.¹⁸⁰ The practice of grooming children for subsequent sexual exploitation has been identified in particular in Cambodia, the Philippines, Thailand and Viet Nam.¹⁸¹

Recent research suggests that there is lack of awareness, among general public, of the risks of online child grooming and child sexual abuse in Southeast Asia. A study by World Vision undertaken in Thailand, Lao PDR, Cambodia and Viet Nam revealed limited understanding among parents regarding what constitutes child sexual abuse.¹⁸² The study concluded that most adults in these countries perceive the sexual abuse of children as only penetrative rape of girls and that other sexually abusive acts including grooming are generally not construed as sexual abuse of children.¹⁸³ The study concluded that very few children or parents in the region are aware of the threat of online grooming by child sex offenders.¹⁸⁴ Supervision of children's use of mobile phones and Internet usage is also limited in most households.¹⁸⁵

LIVE ONLINE CHILD SEXUAL ABUSE

Rapid Internet usage internationally, and persistent poverty in the developing world have fostered the surfacing of a modern version of what was known as "the exploitative use of children in pornographic performances and materials"¹⁸⁶ – live online child sexual abuse. It occurs when adults pay money or offer other rewards in order to view live video footage of children in

179 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 44.

180 ECPAT International, 2010, The Use of Information and Communication Technologies in Connection with Cases of Child-Sex Tourism in East and Southeast Asia. (Bangkok: ECPAT International, 2010), 47. Accessed 27 October 2016. http://resources.ecpat.net/EI/Publications/Journals/ECPAT%20Journal_Mar2010_FINAL.pdf

181 See ECPAT International's Global Monitoring Status of Action against Commercial Sexual Exploitation of Children related to these countries.

182 World Vision Australia, 2014, Sex, Abuse and Childhood, 70.

183 Ibid., 70.

184 Ibid., 10.

185 Ibid., 10.

186 CRC, Article 34(c).

another country or place performing sexual acts in front of a webcam.¹⁸⁷ Live online child sexual abuse enables child sex predators to sexually abuse children in other countries with ease and frequency using their Internet-connected personal devices.¹⁸⁸

Terre des Hommes refers to the specific phenomenon of adults engaging, through the use of webcams, in live online child sexual abuse through the term ‘webcam child sex tourism’ (WCST). According to Terre des Hommes, WCST is a combination of the concepts of CSAM and exploitation of children in prostitution. The recently adopted Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse point out that the emphasis on the relation between the perpetration of the crime and the tourist aspect, as alluded to by the abovementioned terminology, could imply that the main available response lies within the tourism sector; and that the inclusion of a specific technological device in the official nomenclature may result in a failure to recognise the crime when it is committed using other technologies.¹⁸⁹ Therefore, the use of the terms ‘live online child sexual abuse’ or ‘live streaming of child sexual abuse’ is recommended.

Politicians, law enforcement officials, researchers, journalists and NGOs refer to live online child sexual abuse by various names including ‘pay-per-view child porn’, ‘cyber-sex tourism’ and ‘cyber child pornography’.¹⁹⁰ Filipino child victims of live online child sexual abuse who were interviewed for a 2014 Terre des Hommes report referred to live online child sexual abuse using the term ‘show me your boobs’ or ‘show me’ for short, referencing the instructions they often receive from online predators.¹⁹¹

In live online child sexual abuse offences, contact between a child victim and a sex predator is usually made via online dating sites, individual operators, public chat rooms, social networking sites, or through operators of ‘cybersex dens’.¹⁹² After a payment has been agreed upon and a money transfer has been made, using financial services platforms such as Western Union, the webcam sex show is performed on private communication channels, including Yahoo!,

187 Terre des Hommes, 2014, *Becoming Sweetie: A Novel Approach to the Global Rise of Webcam Child Sex Tourism*, 4.

188 *Ibid.*, 4.

189 Interagency Working Group on Sexual Exploitation of Children (2016), “Terminology Guidelines for the protection of children from sexual exploitation and sexual abuse” (hereinafter Luxembourg Guide-lines), adopted in Luxembourg on 28 January 2016, 47 and 48, accessed 3 May 2017, <http://luxembourgguidelines.org/>.

190 Terre des Hommes, 2014, *Becoming Sweetie: A Novel Approach to the Global Rise of Webcam Child Sex Tourism*, 13.

191 *Ibid.*, 13.

192 Terre des Hommes, 2013, *Fullscreen on View* ; Terre des Hommes, 2014, *Becoming Sweetie: A Novel Approach to the Global Rise of Webcam Child Sex Tourism*.

Messenger or Skype.¹⁹³ The acts performed by children in front of the webcam range from showing genitalia, and masturbating to having sexual intercourse with other children or adults,¹⁹⁴ to using objects and being tortured.

Children involved in live online child sexual abuse generally perform the webcam sex shows from their home, from Internet cafes, or from what are referred to as “dens”, which are buildings where a number of women and children are employed or kept against their will, often in windowless, dungeon-like settings, to perform webcam sex shows.¹⁹⁵ These dens are sometimes run by criminal organisations of varying sizes and degrees of sophistication and it is reported that some are managed by foreign nationals.¹⁹⁶ Terre des Hommes research has revealed a range of live online child sexual abuse dens in the Philippines, from home-based operations that exploit groups of children from the same neighbourhood to organised criminal groups that run large-scale underground online brothel operations.¹⁹⁷

The precise scope of live online child sexual abuse is unknown but a 2014 estimate that tens of thousands of children in the Philippines alone are exploited through live online child sexual abuse suggests that this crime is occurring with great frequency.¹⁹⁸ Terre des Hommes research suggests that the global demand for live online child sexual abuse currently grossly outweighs the supply.¹⁹⁹ This conclusion was derived from a Terre des Hommes study that involved extensive field research into one of the online environments on which live online child sexual abuse takes place - public online chat rooms.²⁰⁰ Four Terre des Hommes Netherlands researchers spent a combined total of 1,600 hours over a period of 10 weeks posing as prepubescent Filipino girls.²⁰¹ During the study period over 20,000 predators from all over the world initiated contact with the Terre des Hommes researchers.²⁰²

In addition to providing insights into the scope of live online child sexual abuse in the Philippines, the Terre des Hommes study explored the reasons for which children in the Philippines are first involved in live online child sexual abuse. The study found that children are often forced to engage in live online child sexual abuse by parents or a family member but sometimes they will decide for themselves whether they will participate.²⁰³ The researchers concluded that in parts of the Philippines, live online child sexual abuse is perceived as an easy and relatively

193 Ibid.

194 Terre des Hommes, 2014, *Becoming Sweetie: A Novel Approach to the Global Rise of Webcam Child Sex Tourism*, 12.

195 Ibid., 12.

196 Ibid., 26.

197 Ibid., 26.

198 Ibid., 4.

199 Ibid., 14.

200 Ibid. 201 Ibid.

202 Ibid., 14-15.

203 Ibid., 13.

harmless way to make money.²⁰⁴ However, they emphasised that the psychological effects on children exploited through live online child sexual abuse are profoundly traumatic.²⁰⁵

There are increasing reports of live online child sexual abuse leading to a form of ‘sexual extortion’, in which offenders use CSAM collected during webcam interactions to blackmail children into continued sexual activity and/or financial gain.²⁰⁶ Footage, once recorded, can be sent by the offender to other child sex offenders and thus shared widely.²⁰⁷ Sexual extortion also occurs when children are lured with money or gifts by offenders who entice them into creating and sharing indecent photos of themselves.

CYBERCAFES

Cybercafés have proliferated throughout Southeast Asia in response to the widespread popularity of the Internet. Cybercafés attract significant numbers of children who participate in regular online gaming.²⁰⁸ Concerns have been raised about the vulnerability of children in cybercafés to child sex offenders using a cybercafé as a point of contact with children.²⁰⁹

A further concern is that some cybercafés offer both the requisite technology and suitable privacy to facilitate live online child sexual abuse. In the absence of any form of code of conduct in most cybercafés and the lack of understanding amongst staff around child protection, and child sex offending risks, cybercafés may inadvertently facilitate the sexual exploitation of children.²¹⁰

CHILD TRAFFICKING FOR SEXUAL EXPLOITATION

Child trafficking for sexual exploitation is one of the most significant forms of SEC in Southeast Asia. Challenges associated with identifying victims of trafficking, under-reporting of the crime, lack of standardised data collection tools, databases for storing and sharing data and lack of cooperation between law enforcement authorities in the region combine to make the quantification of child trafficking for sexual exploitation inherently difficult. However, estimates by UN agencies and NGOs suggest that domestic and international child trafficking is a significant phenomenon.

204 Ibid., 13.

205 Ibid., 13.

206 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 44.

207 UN Human Rights Council, “Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Twenty-eighth session”, UN Doc A/HRC/28/56, 11.

208 ECPAT International, 2010, The Use of Information and Communication Technologies in Connection with Cases of Child-Sex Tourism in East and Southeast Asia, 24

209 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 44.

210 ECPAT International, 2010, The Use of Information and Communication Technologies in Connection with Cases of Child-Sex Tourism in East and Southeast Asia, 35.

Most trafficking of children in Southeast Asia is intra-regional and involves flows of children trafficked from less developed countries to more developed nations such as Thailand. According to the 2016 US Trafficking in Persons report, women and girls continue to be trafficked from Cambodia, Lao PDR, Myanmar and Viet Nam to Thailand for sexual exploitation.²¹¹

There are many similarities in the region with regards to the push factors for child trafficking and locations of child sexual exploitation. Most children that are trafficked are poor, seeking better employment prospects in the destination country and often travelling with their parents, or motivated to travel and work independently through a sense of adventure. Many children that are exploited in the sex industry are identified in brothels, karaoke bars and other locations, which are usually centred in tourism hot spots. Some countries of Southeast Asia, particularly those that are traditional tourism hot spots, experience higher levels of trafficking than other nations. In Cambodia, for example, child trafficking for sexual exploitation is a phenomenon that has been documented for some time and appears to be quite widespread. Girls and boys aged 12 and even younger are taken to Thailand to engage in commercial sex work. It is believed that in some instances parents 'sell' their children into the sex industry, while in other cases children are initially recruited to work in the agricultural sector, domestic services, or other industries but are then trafficked into Thailand's sex industry.²¹²

Lao girls are also trafficked to Thailand for sexual exploitation. Lao girls are sexually exploited by nationals of the destination country, and travellers and tourists in massage parlours, bars, hotels and private residences.²¹³ Similarly, girls from Myanmar are trafficked for sexual exploitation in Thailand. Recent research suggests that girls from Shan State are particularly vulnerable to trafficking in Thailand for sexual exploitation.²¹⁴

Malaysia has also been identified as a sex trafficking destination for women and children from other countries, including those from other Southeast Asian nations.²¹⁵ The capital Kuala Lumpur is home to a thriving sex industry in which children, some as young as thirteen, comprise an unknown proportion.²¹⁶ The trafficked children are typically of Malaysian, Indonesian, Thai and Indian origin. The trafficked children reportedly operate out of low-cost and usually run-down apartments in the capital rather than brothels so that the traffickers can avoid detection by the authorities.²¹⁷

211 US Department of State, 2016, Trafficking in Persons Report 2016.

212 Ibid.

213 US Department of State, 2016, Trafficking in Persons Report 2016.

214 Ibid.

215 Ibid.

216 Press TV, "Malaysia: Haven for Child Prostitution", CRIN webpage, 21 February 2011. Accessed 30 October 2016. <https://www.crin.org/en/library/news-archive/malaysia-haven-child-prostitution>

217 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 29.

Tourism and technology are both facilitating and exacerbating the child trafficking problem. The 2016 US Trafficking in Persons report highlights that children are being trafficked to Special Economic Zones and border areas where casinos, restaurants and bars are proliferating.²¹⁸ Trafficking is reportedly increasing in these areas to meet the growing demand of Asian tourists and migrant and expatriate workers for the sexual services of children.²¹⁹ The growing use of the Internet, including social networking sites, chat rooms and e-mail is also having an impact on trafficking flows in the region.²²⁰ The Internet is increasingly used to recruit victims. Young people respond to job advertisements for positions in, for example, domestic services or the hospitality sector in the destination country, which turn out to be false, and the young people are instead trafficked into the sex or other sectors in the destination countries.²²¹

CHILD MARRIAGE

The subject of child marriage has been covered by recent research reports, however most research discusses child marriage in the regions where it is most prevalent such as South Asia and Africa. Far less attention has been paid to the Southeast Asia region. The existing research suggests that under-age marriage in Southeast Asia can be a disguise for child sexual exploitation.

A trend of under-age marriage to foreigners has been identified in parts of Indonesia that attract workers in natural resource industries. Girls as young as 13 have been recruited with the promise of employment, then trafficked into forced marriage or to work in jungle brothels in proximity to illegal gold mines and logging areas.²²²

The demand for trafficked brides appears to be coming primarily from China. Media and government's reports of girls from Lao PDR, and Viet Nam being trafficked for forced marriage to mainland China,²²³ due to the former one-child policy, have increased in recent years, highlighting the extent of human trafficking for the purpose of forced marriage.

218 US Department of State, Trafficking in Persons Report 2016.

219 Ibid.

220 Joudo Larsen, J. (2011), "The trafficking of children in the Asia-Pacific", Trends & Issues in Crime and Criminal Justice no. 415. Australian Institute of Criminology. Accessed 28 October 2016. http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi415.pdf

221 Ibid.

222 ECPAT, 2011, Global Monitoring Report: Indonesia, 2011, 11.

223 US Department of State, 2016, Trafficking in Persons Report 2016; Boykoff, Pamela and Field, Alexandra (2016), "Vietnamese girls smuggled into China and sold as child brides", CNN, 19 April 2016, accessed 7 February 2017, <http://edition.cnn.com/2016/04/17/asia/vietnamese-girls-child-brides-china/>

Children who are forced to marry are at heightened risk of SEC. For example, Indonesian children forced into muta marriages with Saudi Arabian men,²²⁴ are often abandoned as soon as the husband is satisfied with the brief affair. In such marriages, families effectively “sell” their daughters to wealthy men in order to obtain financial reward via the dowry. Having lost their virginity and been abandoned by the husbands, the young girls are subsequently unable to remarry²²⁵ and may be forced into the commercial sex sector for survival. In Indonesia, research has highlighted the phenomenon of girls aged between 10 and 14 years being forced into prostitution after failed marriages.²²⁶

SUMMARY: EMERGING SEC TRENDS

All available research and intelligence points to an alarming problem of SEC in Southeast Asia. Since the last regional overview²²⁷ some key SEC trends can be identified.

- It is increasingly clear that across Southeast Asia, men from the region represent the largest proportion of customers of the sex industry seeking out sex with children. In the Philippines, for example, law enforcement authorities estimate that foreign men commit only 10-15% of sexual crimes against children in the Philippines²²⁸ with the other 85-90% being committed by Asian nationals.
- Data emerging from the region point to increasing numbers of boys exploited in street-based prostitution. Recent research suggests that Western men, in particular, are seeking out young boys for sexual exploitation. Further research on Asian national offenders is needed to fully investigate the phenomenon.
- Traditional destinations for child sex offenders such as Thailand and the Philippines continue to draw significant numbers of offenders but countries such as Cambodia, Viet Nam, Myanmar, Timor-Leste and Indonesia are also becoming popular destinations for SEC.

Philippines, for example, law enforcement authorities estimate that foreign men commit only 10-15% of sexual crimes against children in the Philippines.

224 Ghafour, 2009, Temporary Marriages with Indonesian Women on Rise.

225 Ibid.

226 ECPAT International, 2011 Global Monitoring Report: Indonesia 2011.

227 ECPAT International, 2014, The Commercial Sexual Exploitation of Children in East and South East Asia.

228 ECPAT International, Global Monitoring: Status of Action against the Commercial Sexual Exploitation of Children – Philippines, (Bangkok: ECPAT International, 2011), 9. Accessed 6 November 2016. http://re-sources.ecpat.net/EI/Pdf/A4A_II/A4A_V2_EAP_PHILIPPINES.pdf

- Child sex offenders are becoming increasingly creative in their methods for accessing children. Child sex offenders are seeking out children in establishments such as bars, restaurants, hotels, massage parlours, beer gardens, salons and karaoke venues. Offenders are also either making direct contact with children who live and work on the street, the beach, the riverside and/or other public places in known tourism destinations, or are relying on local facilitators to make such arrangements on their behalf. Access to children is also being sought through securing employment or voluntary work in places such as schools, churches, hospitals, orphanages and other shelters for children, sports clubs and in NGOs.
- Whilst Western child sex offenders are more likely to engage with children via street-based contact, Asian men are thought to favour more discreet interactions and as such, tend to prefer establishment-based child exploitation or the use of facilitators to arrange encounters in hotels or apartments.²²⁹ These facilitators can be from different social, economic and ethnic backgrounds, and often include people who have some contact with tourists such as taxi drivers, motorcycle taxi drivers, hotel staff, tour guides, or beach boys. Research has also identified that children sometimes act as agents themselves, directly approaching potential offenders on their own or on other children's behalf.
- Western child sex offenders are increasingly likely to be long-term residents living and working in the region, as opposed to short-term tourists. Offenders are infiltrating more isolated communities, renting houses, employing local domestic staff and building the trust of local community members and vulnerable families and children. These sex offenders are grooming children and their families in an effort to gain access to children and remain undetected.
- An alarming number of adolescents are engaging in 'compensated dating' to support desired lifestyles. The phenomenon has been identified as particularly concerning in Thailand, Singapore and Cambodia.
- Live online child sexual abuse is rapidly increasing and the demand for live online child sexual abuse currently outstrips the supply. It is primarily poor children that are engaging in live online child sexual abuse. Children exploited in live online child sexual abuse can be

229 Patane, G., 2013, *Child Labour and Vulnerability to SEC*, 19.

found in a range of locations, including dens, which are often operated by criminal groups. The phenomenon, known to be concentrated in the Philippines, is spreading to other countries.²³⁰

- Child abuse images are sometimes shared with other offenders and reportedly used to groom children and to blackmail victims into ongoing sexual exploitation or for financial gain.
- There is a clear continuum of offending. Some child sex offenders engage initially in OCSE and then travel to Southeast Asia to sexually exploit children.
- Child sex offenders are using new methods to escape detection and punishment. Recently identified practices include offenders legally changing their names and ascertaining new identification (with the new name) documents in order to pass background checks in schools and other locations.

230 Europol (2016), "IOCTA 2016: Internet Organised Crime Threat Assessment", 26, accessed 3 May 2017, https://www.google.co.th/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwjbosbov9PTAhVDNo8KHZM8DyMQFggrMAE&url=https%3A%2F%2Fwww.europol.europa.eu%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Feuropol_iocta_web_2016.pdf&usq=AFQjCNF7_EOnTK8VA77X-F5s6pjby6UaQ&sig2=VGonsGt6ra3X0Q-EkiaHYg.

SECTION IV:

GAPS AND CHALLENGES

In the two decades since the First World Congress against the Commercial Sexual Exploitation of Children in Travel and Tourism in Stockholm, Sweden, Southeast Asian countries have been active in their efforts to combat SEC. At the regional, national, provincial and local levels, a range of government agencies and stakeholders have worked to prevent and combat SEC, protect children, and punish child sex offenders. A number of regional mechanisms have been developed to counter SEC, however, SEC issues are captured through ASEAN mechanisms in a fragmented, rather than cohesive, manner.

Despite recent efforts, the difficulties associated with addressing SEC endure, demanding new efforts and solutions to prevent SEC and ensure that children in Southeast Asia are protected from SEC. Governments are faced with the immense challenge of responding to the immediate factors that make children vulnerable to SEC as well as the broader structural factors that leave children unprotected, which require longer-term commitment. A further challenge for government agencies is that of keeping the issue of SEC a priority on the national agenda, in an already saturated environment in which the protection of children is just one issue vying for government attention and funding.

This section of the report considers some of the ongoing gaps and challenges associated with the government response to SEC. It focuses in particular on the legislative framework on SEC, NPAs and other policy gaps and challenges. The issues identified in this section are not discussed in any order of hierarchy of challenges or problems.

RATIFICATION OF INTERNATIONAL LEGAL INSTRUMENTS

All countries in the region have signed the UN Convention on the Rights of the Child (1989)²³¹ and the International Labour Organization (ILO) Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).²³² Other important international instruments are the UN Convention on Transnational Organised Crime (2000) and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

231 United Nations, Convention on the Rights of the Child. Accessed on 16 October 2016. Accessed 28 October 2016. <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

232 International Labour Organisation (n.d.), "Ratification of C182 – Worst Forms of Child Labour Convention, 1999 (No. 182)", ILO's website, accessed 3 January 2017, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312327.

Women and Children – Palermo Protocol (2000), along with the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography - OPSC (2000).²³³ Singapore is the only Southeast Asian nation that has not ratified yet the OPSC ²³⁴, while Brunei Darussalam is not listed among the participants to the Palermo Protocol.²³⁵ It is important to note that some ASEAN States have made reservations to key international instruments. For example, four ASEAN states, namely Brunei Darussalam, Malaysia, Singapore and Thailand have made reservations on a number of key CRC articles upon ratification.²³⁶

GAPS IN DOMESTIC LEGISLATION

Challenges associated with preventing SEC include problems related to insufficient legal coverage and consistency, and problems related to the implementation of domestic laws. Projects such as United Nations Action for Cooperation against Trafficking in Persons (UN-ACT) (formerly United Nations Inter Agency Project on Trafficking (UNIAP) have made great advances in the harmonisation of relevant laws in the region and improved legal cooperation among Southeast Asian countries, but much more work is required.

234 United Nations Treaty Collection (n.d.), “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, Status of Treaties, accessed 3 December 2016, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-c&chapter=4&clang=_en.

235 United Nations Treaty Collection (n.d.), “Protocol to prevent, suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”, Status of Treaties, accessed 3 December 2016, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en.

236 Institute of Human Rights and Peace Studies, Mahidol University, Child Rights Situation Analysis within the ASEAN Region, 41. Accessed 20 November 2016. <http://childrightscoalitionasia.org/wp-content/uploads/2016/06/Regional-Child-Rights-Situation-Analysis-in-ASEAN.pdf>; World Bank and International Centre for Missing and & Exploited Children (2015), “Protecting Children from Cybercrime Legislative Responses in Latin America to Fight Child Pornography, Online Grooming, and Cyberbullying through Information and Communication Technologies”, accessed 3 May 2017, <http://documents.worldbank.org/curated/en/593941467998203683/pdf/101739-WP-REPLACEMENT-SAME-BOX-pro-TECTING-CHILDREN-FROM-CYBERCRIME-LATIN-AMERICA-2015-PUBLIC.pdf>.

NATIONAL LEGISLATION TO COMBAT SEC²³⁷

BRUNEI DARUSSALAM

According to Brunei's Penal Code Amendment Order 2012, obtaining for consideration the sexual services of a child under the age of 18 and communicating with other people to obtain these services are offences punished with imprisonment (Section 377D). The same penalty is provided for the sexual grooming of a person under 16 (Section 377G).

The Penal Code Amendment Order 2012 criminalises also several offences related to child sexual abuse materials including the possession, taking, distribution, showing, advertisement and access of indecent photograph of children (Section 293A (1) and Section 293B (1)).

In 2014, Brunei enacted the new Syariah Penal Code which is in force along with the abovementioned Penal Code and does not contain any reference to SEC.

CAMBODIA

The Law on Suppression of Human Trafficking and Sexual Exploitation (2008) offers a comprehensive definition of exploitation of children in prostitution and prohibits all related acts (Chapter 4). The law also defines 'child pornography' (Article 40) and criminalises a number of related offences such as the distribution, selling and production (Article 41). However, it fails to criminalise the mere possession of 'child pornography' and the sexual grooming of children.

The definition of 'child' is unclear under the Cambodian Penal Code: Article 38 sets at 18 years the legal age for criminal responsibility but the Penal Code doesn't mention the possibility to extent this age limit to child victims of crimes.

Cambodian legislation contains no specific provisions to define or criminalise individuals who facilitate SECTT.

237 The term "child pornography" will be used when addressing legal issues and contexts, in particular when reference is made to international and domestic legal treaties that explicitly include this term. However, according to the Terminology Guidelines, this term should be avoided to the extent possible, in particular when referring to non-legal contexts. In such contexts, "child sexual abuse material" or "child sexual exploitation material" should be the terms of choice.

INDONESIA

The key laws relevant to SEC are the Penal Code, the 2002 Child Protection Act, as amended in 2014, the 2007 law on the Eradication of Criminal Act of Human Trafficking and the 2008 Law on Pornography. Criticisms of the laws include that they fall short of international standards and fail to adequately protect children from SEC. Critics call for the development of a clearer definition of sexual exploitation of children in prostitution and ‘child pornography’, in order to enhance the capacity to prosecute child sex offenders.

Indonesian law fails to criminalise individuals and companies involved in arranging or promoting tours aimed at sexually exploiting children.

The Law on Pornography (2008) fails to define ‘child pornography’ but it expressly criminalises related offences including the mere possession. The law does not specify any mandatory reporting obligations for IT professionals, Internet providers or financial companies who identify ‘child pornography’ in the course of their professional activities.

LAO PDR

The Penal Law (1990, as amended in 2005) penalises forcing a person under 18 years to prostitution and the Law on the Protection of Rights and Interests of Children (2006) does specifically criminalise exploitation of children in prostitution under Article 89. Concern has been expressed about the application of the laws and the weak penalties applied, especially in cases involving children 12 years and older.¹

Grooming is not covered under any legislation.²

Although Article 86 of the Lao PDR Penal Code prohibits producing, distributing, disseminating, importing, exporting, displaying or selling child sexual abuse materials, the mere possession is not criminalised.³

1 UNODC, *Child Sexual Exploitation in Travel and Tourism: An Analysis of Domestic Legal Frameworks: Lao PDR*. (Bangkok: UNODC, 2014), 19.

2 *Ibid.*, 20.

3 *Ibid.*, 21.

MALAYSIA

Malaysia’s Penal Code criminalises the exploitation and the solicitation for the purpose of prostitution (Article 372 and 372b), while the Child Act (2001) criminalises the exploitation of children in prostitution (Article 43).

Even though, no specific legislation with regard to ‘child pornography’ exists in Malaysia, Article 17 of the Child Act recognises that a child is in need of care and protection, inter alia, if sexually abused or at risk of sexual abuse by a parent, guardian or family member; being sexually abuse includes the participation in pornographic, obscene and indecent materials.

MYANMAR

The main legal instrument concerning children is the Child Law (1993). It has been criticised for being outdated and for not providing a sufficient level of protection to children.

PHILIPPINES

The Philippines possesses robust legislation pertaining to SEC, especially in relation to online child sexual abuse and exploitation (Anti-Child Pornography Act of 2009 and Cybercrime Prevention Act of 2012). Criticisms have been raised regarding the implementation of relevant legislation, which has reportedly been compromised in some cases by corruption amongst law enforcement and criminal justice officials.

A criticism of the Anti-Child Abuse Act of 1992 is that it fails to state that a child who is a victim of prostitution is exempt from prosecution (Article III, § 5).

SINGAPORE

The Children and Young Person’s Act - CYPA (1993, last revised in 2001), the Women’s Charter (1969, last revised in 2009) and the Penal Code (1871, last revised in 2008) are the key pieces of legislation used to prohibit and punish SEC in Singapore. Whilst the legislation includes measures to prohibit and criminalise the sexual exploitation of children, it is only a criminal offence to sell, hire or obtain possession of a child for the purposes of prostitution in the case of girls, leaving boys unprotected.

Although in the legislation of Singapore there is no specific act pertaining to child sexual abuse material related offences, the Undesirable Publications Act regulate and criminalise obscene and objectionable publications (§ 11 and 12) including those the publications that exploit the nudity of children (§(2)(a)(ii)).; while the Films Act criminalises a number of offences related to obscene films and involving children and young people (§ 29-32).

THAILAND

Thailand has comprehensive legislation addressing SEC but gaps remain with regard to child sexual abuse materials.

The Prevention and Suppression of Prostitution Act (1996) offers extensive provisions prohibiting the exploitation of children in prostitution (§ 8-10) but the act does not expressly state that children will be treated as victims rather than offenders.

No provisions criminalise grooming.

In 2015, the Penal Code of Thailand was amended in order to criminalise the mere possession, forwarding, trade and distribution of child sexual abuse materials.

TIMOR-LESTE

Timor-Leste has been engaged in a process to develop the Children's Code that was due for completion at the end of 2012. The adoption of this legislation by the Parliament has not yet been confirmed.

VIET NAM

Viet Nam's Penal Code includes provisions addressing SEC but it does not define the exploitation of children as required by the OPSC Article 120 criminalises the trading in, fraudulently exchanging or appropriating children with an increased penalty if the offence is committed for the purpose of prostitution; article 256 penalises paid sexual intercourse with juveniles aged 16-18. Article 7 of the Law on Child Protection, Care and Education penalises "Seducing, deceiving, leading, harboring or forcing children into prostitution".

No provisions exist with regard to the criminalisation of grooming.

Viet Nam's Penal Code was revised in 2015 and, reportedly, it now criminalises offences related to "decadent and pornographic materials and obscenity against children".

In summary, no country in the region fully complies with the recommendations outlined within the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC). In many countries, current legislation that can be applied to cases of SEC is compromised by a failure to adequately define, criminalise and/or suitably penalise sexual offences against children. A number of countries also fail to explicitly state that children involved in cases of sexual exploitation should never be blamed for or considered perpetrators of sexual related crimes (e.g. prostitution).

It is important that all forms of SEC are criminalised, including more novel forms of abuse such as OCSE related offences. The production, possession, distribution, etc. of child abuse material is not penalised in many countries in Southeast Asia.²³⁸ Offenders will only face a low risk of imprisonment if the material was intended for commercial trade.²³⁹ Many countries are limited to using outdated obscene or prohibited publication legislation that fails to adequately address the evolving nature of the phenomenon. Also of concern is the fact that few countries criminalise the wilful possession of child sexual abuse materials or online grooming. The majority of countries in the region don't have a specific legislation that requires Internet Service Providers (ISPs) to report or block detected child sexual abuse materials.

It is common across the region that the low age of a victim is considered an aggravating circumstance leading to heavier sentences, but only with regard to prostitution of a child.²⁴⁰ The restriction limits the impact of the law, especially since some offenders operate outside the scope of prostitution; they engage in street-based abuse or other forms of sexual exploitation. In these cases, offences attract lower sentences and abuses that do not involve sexual intercourse are punished even less.

The existing weaknesses and gaps in legal frameworks across the region are reportedly further impeded by a number of limitations with regard to legal redress in cases of transnational sexual crimes against children. Corruption, combined with a general lack of capacity and/or will amongst both law enforcement personnel and the judiciary throughout the region, serve to inadvertently create a permissive environment for child sex offenders.²⁴¹

238 ICMEC, *Child Pornography: Model Legislation and Global Review*, 2012, 7Edition. Accessed 3 November 2016. <http://www.icmec.org/wp-content/uploads/2015/10/7th-Edition-EN.pdf>

239 *Ibid.*, 21.

240 In Lao PDR, for example, according to Article 89 of the Law on the Rights and Interests of Children, individuals who have sexual relations with a child under 18 to 15 years of age by paying or giving any type of benefit shall be punished by imprisonment from 3 months to 1 year. If the victim is aged between 12 and 14, offenders are punished by imprisonment from 1 year to 5 years. Lao People's Democratic Republic (2006), "Law on the Protection of the Rights and Interests of Children", Law No. 05/NA, Article 89.

241 ECPAT International, 2016, *Regional Report on Sexual Exploitation of Children in Travel and Tourism*, 52.

ISSUES ASSOCIATED WITH EXTRATERRITORIAL LEGISLATION

All countries in the region except the Philippines report the capacity to exert extraterritorial jurisdiction with regard to transnational crimes committed by their own citizens (and in some cases, residents) in other countries. Their capacity and willingness to use extraterritorial legislation in cases of transnational child sex offences is largely unknown due to the fact that few cases of the application of extraterritorial legislation have been documented.²⁴²

The Committee on the Rights of the Child recommends that double criminality should not be a prerequisite for prosecution under extraterritorial legislation even though this requirement is not stated in the OPSC. Double criminality means that the conduct must be criminalised in both the home country of the perpetrator and in the jurisdiction where the offence occurred. In countries where the criminal or penal code requires double criminality, a national can travel to another country with a less child-friendly legal framework to engage in child sexual exploitation without any consequence. The perpetrator can rely on the defence that the child sexual exploitation that constitutes a crime in his/her own country is not illegal in the jurisdiction where the exploitation occurred. Unfortunately, Indonesia²⁴³ and Viet Nam²⁴⁴ still apply the double criminality principle.

INCOMPLETE NATIONAL PLANS OF ACTION

NPAs are documents that provide a working plan to improve action against SEC at all levels of society. NPAs ensure that all aspects of child exploitation and abuse are addressed through concrete strategies, programmes and activities. NPAs outline specific actions a country will take and who will be responsible for them; establish a timeframe for achieving tasks; provide indicators to monitor progress; and provide information on the allocation of resources and cost estimates.²⁴⁵

242 Ibid.

243 Asian Human Rights Commission. (1999). Penal Code of Indonesia. Article 5.

244 World Intellectual Property Organization. (1999). Vietnam Criminal Code. Article 6.

245 ECPAT International. Guide for National Planning: To Prevent, Stop and Redress Violations of Commercial Sexual Exploitation of Children. (Bangkok: ECPAT International, 2009). Accessed 5 November 2016. http://www.ecpat.org/wp-content/uploads/legacy/NPA_GUIDE_Layout.pdf

A key outcome of the First World Congress Against SEC in 1996 was the Stockholm Declaration and Agenda for Action. One of the priority actions therein was the development of NPAs to counter SEC. The importance of NPAs in the fight against SEC was reaffirmed both at the Second World Congress Against SEC in Yokohama in 2001 and again at the Third World Congress Against SEC in Rio de Janeiro in 2008. Although countries in Southeast Asia adopted the Stockholm Agenda for Action and reiterated their commitment to combat SEC by signing the Rio Declaration and Call to Action, most countries in the region have still not developed or implemented specific NPAs against all forms of SEC.

Several ASEAN countries have NPAs that focus on human trafficking and the sexual exploitation of children. A number of existing NPAs make reference to SEC. Some countries do not currently have an NPA that addresses the sexual exploitation of children or SEC. In cases where NPAs with some relevance to SEC have been developed, delays in the adoption of the NPA and significant budgetary or human resource constraints have compromised implementation.

Of the NPAs against SEC, only the Philippines has a current NPA to address the various manifestations of SEC. In the Philippines, the “Framework for Action on Sexual Abuse and Commercial Sexual Exploitation of Children” is connected to the country’s National Strategic Framework for Plan Development for Children covering 2000 – 2025.

Of the NPAs against human trafficking, most countries in the region have adopted NPAs to address human trafficking. The development of anti-human trafficking NPAs is a requirement under the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). The anti-trafficking NPAs in some countries, such as Malaysia and Singapore, do not appear to contain measures relating specifically to children.

Of the NPAs relating to child protection more broadly, countries in the region are increasingly integrating measures targeting at-risk, and/or sexually exploited children into other policy frameworks. This is the case for Malaysia, Myanmar, Thailand and Viet Nam.

There are a number of challenges that inhibit the effective development and implementation of NPAs on SEC. These include

- Lack of political will to develop the NPA;
- Lack of political will to implement the NPA;
- Lack of financial, technical and human resources;
- Limited coordination among relevant government agencies for designing and implementing the NPA;
- Limited involvement of child protection experts, relevant NGOs and the participation of children in the development of the NPA;
- Lack of timeframes, minimum standards, benchmarks and indicators for success;
- Lack of strategic focus with regards to planning anti-SEC activities;
- Poor dissemination of the NPA, particularly at local and provincial levels; and
- Absence of mechanisms for monitoring and evaluating the implementation of the NPA and the outcomes of the NPA.

CHALLENGES WITH COOPERATION AND COORDINATION, INCLUDING DATA COLLECTION AND INFORMATION SHARING

A critical element in developing and implementing effective responses to SEC is the development of close and cooperative relationships between key government agencies. The existence of, and effectiveness of existing cooperation and coordination mechanisms vary across the region.

Ideally, a single government agency should be responsible for leading the national anti-SEC programme. This focal agency should be responsible for planning, implementing and monitoring national actions on SEC and developing collaborative partnerships with government and non-government stakeholders and the private sector. In Southeast Asia, few countries have nominated a focal agency for SEC issues. Child protection issues are instead shared across several government agencies. It appears that in each country, and within the various agencies, across the region there is varying levels of capacity and will for implementing anti-SEC actions.

A crucial aspect of the anti-SEC response is the collection and sharing of relevant SEC data and information. The capacity and will of governments to collect and share relevant SEC data and information also appears to vary across the region. In most countries there is insufficient attention to the collection and sharing of SEC and related data and information. Resource constraints are a particular problem. In Cambodia, for example, the Cambodian National

Council for Children (CNCC) is the lead government agency with regard to issues affecting children in Cambodia. The CNCC has endeavoured to strengthen its data collection systems through the development of a database, TSECInfo, on trafficking and child sexual exploitation. However, the success of this database has been compromised by difficulties in data collection and limited human resources for the maintenance of the database.²⁴⁶ Similarly in the Philippines, efforts have been made to develop a comprehensive national database relating to SEC.²⁴⁷ Since 2003, the SEC Info System was trialled, however, significant difficulties were encountered in realising the development of the system and it remains non-operational.²⁴⁸

CHALLENGES ASSOCIATED WITH THE LAW ENFORCEMENT RESPONSE TO SEC

In many parts of the region, the law enforcement response to SEC is inadequate, particularly in rural areas. A key concern in this regard is the lack of skills in investigation techniques. According to INTERPOL, law enforcement officers' skills in investigating SEC vary across the region. In most countries of Southeast Asia, intelligence-led policing is embryonic or non-existent. Furthermore, evidence integrity, and police-to-police cooperation also remain weak.²⁴⁹

Most law enforcement agencies in the region implement 'reactive' investigation policies when it comes to investigating SEC offences, meaning that they wait to take action against predators until a child victim or his/her family or friends come forward to report a crime.²⁵⁰ Such traditional models of policing, which can also be linked to national legislation, have proven to be ineffective against SEC as the clandestine nature of the crime precludes easy detection.²⁵¹ The limitations of reactive investigation techniques become clear with consideration of live online child sexual abuse. In the Philippines, for example, live online child sexual abuse often involves children who do not report predators because of several reasons including the economic dependency of the family on the income provided by the child's involvement in this form of SEC. Underreporting, added to other factors, means that predators around the world are able to continue to abuse children with impunity.²⁵²

246 ECPAT International, *Global Monitoring: Status of Action against Commercial Sexual Exploitation of Children: Cambodia*, (Bangkok: ECPAT International, 2011). Accessed 24 October 2016. http://www.ecpat.org/wp-content/uploads/2016/04/a4a_v2_eap_cambodia.pdf

247 ECPAT International, 2011, *Global Monitoring Report: Philippines*, 16.

248 ECPAT International, 2011, *Global Monitoring Report: Philippines*, 16.

249 UNODC, 2014, *Protecting the Future*, 25.

250 Terre des Hommes, 2014, *Becoming Sweetie: A Novel Approach to the Global Rise of Webcam Child Sex Tourism*, 25.

251 UNODC, 2014, *Protecting the Future*, 25.

252 Terre des Hommes, 2014, *Becoming Sweetie: A Novel Approach to the Global Rise of Webcam Child Sex Tourism*, 7.

UNODC conducted law enforcement knowledge, attitudes and practices (KAP) surveys in 2013, which identified some common issues that countries in the region are experiencing. A key finding was that pro-active policing is inhibited because a significant proportion of police in some countries of Southeast Asia do not have fundamental knowledge, including that:

- The legal definition of a child is anyone under the age of 18;
- Photographing a child for sexual gratification or exposing a child to pornography are considered internationally as acts of child sexual exploitation and illegal;
- Unsupervised use of the internet by children poses a potential risk factor, given its use as a grooming tool;
- Children have the right to be heard in criminal proceedings, and children in conflict with the law have the right to be treated fairly; and
- Children in sex establishments are victims of exploitations, not criminals.²⁵³

The surveys also identified that attitudes among some officials hinder the adoption of pro-active policing techniques. According to UNODC, some commonly held beliefs about the sexual exploitation of children include that SEC:

- Is only conducted with “naughty” children;
- Is only conducted by strangers, and people that the child or the child’s family do not know;
- Occurs when a person is homosexual;
- Is never conducted by women against children;
- Is a private family problem; and
- Is acceptable, if the family and/or child have provided consent.²⁵⁴

Other concerns have also been raised regarding the practices of law enforcement agencies in the region such as releasing child sex offenders on bail. Indeed, in Thailand there has been criticism of the Ministry of Justice and Thai law enforcement agencies over their role in instances in which foreign child sex offenders that were released on bail subsequently committed further child sex offences during the period of the court process.²⁵⁵

253 UNODC, 2014, *Protecting the Future*, 26.

254 UNODC, 2014, *Protecting the Future*, 26.

255 ECPAT International, *Global Monitoring: Status of Action against the Commercial Sexual Exploitation of Children – Thailand*, (Bangkok: ECPAT International, 2011), 32. Accessed 6 November 2016. http://www.ecpat.org/wp-content/uploads/legacy/a4a_v2_eap_thailand_1.pdf

In addition to these problems, concerns have also been raised regarding corruption within law enforcement agencies. While governments are taking positive steps to stamp out this issue, there remain concerns regarding the relationships of tolerance, mutual benefit and tacit agreement that have been created between some brothels and the police. For example, Thai police have been known to guard commercial sex establishments, and even procure children for prostitution.²⁵⁶ Similarly, UNIAP (now UN-ACT) and ECPAT International report that some sex establishments in Cambodia are operated or protected by the police, creating an environment in which damaging criminality can thrive, including the sexual exploitation of children.²⁵⁷

CHALLENGES ASSOCIATED WITH THE CRIMINAL JUSTICE RESPONSE TO SEC

Concerns have also been raised regarding criminal justice systems in Southeast Asia and the manner in which court cases for SEC offences are conducted. Key concerns regarding the criminal justice response to SEC include the capacity of prosecutors and judges, out-of-court settlements, lack of protection for child witnesses, corrupt justice officials and lack of compensation for victims.

Many SEC cases never make it to court due to the practice of out-of-court settlements. This concern was noted by the Committee on the Rights of the Child, which expressed concern in 2011 regarding the fact that child sex offenders identified in Cambodia were “rarely prosecuted due notably to the widespread practice of out-of-court settlement and compensation of sexual abuse cases which is encouraged by law enforcement authorities”.²⁵⁸ Other concerns raised concern the lack of protection available to facilitate the participation of children as victims and/or witnesses in criminal justice processes.²⁵⁹ Children in the region are often forced to sit just metres away from child sex offenders in court settings.

256 ECPAT, *Alternative Report* (Bangkok: ECPAT International, 2011), 7. Accessed 28 October 2016. http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/THA/INT_CRC_NGO_THA_59_10128_E.pdf

257 United Nations Inter-Agency Project on Human Trafficking (UNIAP), *Trafficking Estimates: Measuring the Extent of Sex Trafficking in Cambodia–2008* (Bangkok: UNIAP, 2011), 12. Accessed 30 October 2016. <http://un-act.org/publication/measuring-the-extent-of-sex-trafficking-in-cambodia-2008-uniap-trafficking-estimates-competition/>

258 UN CRC Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention. Concluding Observations: Cambodia*, UN Doc. CRC/C/KHM/CO/2 (20 June 2011).

259 UNODC, 2014, *Child Sexual Exploitation in Travel and Tourism: An Analysis of Domestic Legal Frameworks: Cambodia*, 24.

Recent research has also questioned the rates of deportation of convicted child sex offenders. A study by APLE highlighted the low rate of deportation of convicted foreign child sex offenders upon completion of their jail time in Cambodia.²⁶⁰ The APLE study found that less than a third of foreign child sex offenders are deported, with the remaining two thirds free to remain in Cambodia after serving their sentence, thus posing a significant and ongoing threat to children.²⁶¹

LIMITED RESPONSIVE SUPPORT SERVICES FOR CHILDREN

The availability of responsive support services is critical for ensuring that SEC victims are able to fully recover in a safe environment. In Southeast Asia, support services for victims of SEC are scarce. Across the region, governments to a lesser extent, and NGOs to a greater extent, provide support services to victims of violence and exploitation, particularly to female trafficking victims. However, the applicability of these services to children affected by SEC is limited. There are very few services and shelters for men and boys.

UNICEF in its recent study (2016) reports that most of the countries in Southeast Asia have partly established or are in the process of developing support services to SEC victims. These range from end-to-end support (support during investigations, prosecutions and after-care), investment in human resources, compensation, remedies and complaints, and child helplines. Available information suggests significant gaps of support services in Myanmar and to some certain extent, in Laos.²⁶² Among Southeast Asian countries, Malaysia's child protection system is reportedly one of the most advanced in the region. Child victims of the most serious forms of violence can access to medical care, psycho-social support, legal services and child-sensitive investigative services; even though the government's capacity to ensure protection and care after survivors leaving the centres is limited.²⁶³

A key barrier is the limited resources for support services for children that are available in countries in the region. Most countries have invested limited resources for SEC prevention and victim support programmes, leaving NGOs and international organisations to fill the gap in

260 APLE, *Should Convicted Foreign Child Sex Offenders Be Deported from Cambodia? An Analysis of the Current Context and Feasibility of Mandatory Deportation*. (Phnom Penh: APLE, 2015), 6. Accessed 28 October 2016. <http://aplecambodia.org/wp-content/uploads/2015/03/Should-convicted-foreign-sex-offenders-be-deported.pdf>

261 *Ibid.*, 6.

262 UNICEF, 2016, *Child Protection in the Digital Age, National Response to Online Child Sexual Abuse and Exploitation in ASEAN Member States, Strengthening Child Protection Systems Series*, No. 6 UNICEF EAPRO, Bangkok, 2016

263 *Ibid.*, 23

the provision of such services. The majority of countries in the region have limited capacity to maintain support services in areas further from capital cities or major towns especially in rural areas.²⁶⁴ Therefore, services are more limited at provincial, district and community levels.

In Cambodia, the Ministry of Social Affairs, Veterans and Youth (MoSVY), the government agency charged with providing support services to child victims of sexual abuse and exploitation has extremely limited capacity in terms of resources.²⁶⁵ Concerns have been raised about the lack of adequate medical, psychological and legal support available to SEC victims.²⁶⁶ Similarly, the available evidence suggests that the Indonesian Government has limited capacity to provide shelter and support services for SEC victims.²⁶⁷ Across the region similar problems plague relevant government agencies charged with the protection of children. These protection agencies tend to be far less resourced than other government agencies, suggesting that child protection issues are still not sufficiently prioritised on national government agendas. Furthermore, minimum care standards have not been established to guide shelters and related institutions in their work. Such guidelines are critical to ensuring that the appropriate standards of care are provided to children.

The Access to Justice Research Project of ECPAT International (2017) has shown that there are greater barriers in accessing justice systems and government's support services for child victims of sexual exploitation, including its manifestations online.²⁶⁸ Challenges faced by governments include the identification of child victims when type of abuse takes place behind closed doors, technical challenges to identifying children based on the digital image, complex technologies used by perpetrators, and sensitivity towards the child victim during pre-trial and after trial process. The fact that a permanent record exists of the child's abuse in online SEC cases also impacts the child's recovery and reintegration and may increase the need for long-term psychological counselling and social services. The availability of sexual abuse images online is likely to exacerbate the child's stigmatisation and increase the shame that the child's family may feel, making reintegration back into the home and community more difficult.²⁶⁹

264 Hemasari Dharmabumi, 2016, *Assembling the Future: Child Protection System in ASEAN Member States, a Baseline Study*, ASEAN-ACWC

265 ECPAT International, 2011, *Global Monitoring Report: Cambodia*, 30.

266 *Ibid.*, 30-31.

267 ECPAT International, 2011, *Global Monitoring Report: Indonesia*, 28-29.

268 ECPAT International, 2016, *Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation, Interviews with Survivors and Professionals in the Criminal Justice Systems of Nepal, the Philippines and Thailand*, Bangkok.

269 *Ibid.*, 233

SECTION V:

REGIONAL ACTIONS AGAINST THE SEXUAL EXPLOITATION OF CHILDREN

In the two decades since the First World Congress against the Commercial Sexual Exploitation of Children in Travel and Tourism in Stockholm, Sweden, progress has been made in Southeast Asia in preventing SEC. At regional, national and local levels government and non-government stakeholders have cooperated and coordinated to enhance efforts to prevent SEC, protect children, and punish child sex offenders. This section seeks to explore some of the recent anti-SEC actions and examples of good practice.

REGIONAL ACTIONS

Regional efforts to prevent and combat SEC have mainly centred on cooperation under the ASEAN framework. ASEAN Member States have participated in the formulation of a range of declarations and treaties that relate to the protection of children, including the protection of children from SEC. Traditionally, ASEAN's cooperation is developed through diplomatic norms that favour an informal approach to regional co-operation through extensive consultation and dialogue. Despite the regionalisation process, national sovereignty and non-interference way of cooperation influence the way of regional actions.

In essence, a range of previously adopted declarations (including the ones against SEC) are non-binding. They lack monitoring and enforcement mechanism to ensure that regional agreements are translated into national policy and programmes. Furthermore, the majority of ASEAN Member States have limited financial resources, social infrastructure and technical expertise. These present challenges for the prevention and protection of children from sexual exploitation at the regional level.

Each ASEAN Member State has operated with its own child protection standard and system. In many transnational issues, each country has different indicators and measures to protect children that lead to complex coordination and assistance of child victims.²⁷⁰ The child protection systems of most ASEAN members are largely established to deal with specific issues, for example, child trafficking, children conflict with the law, discrimination against education, and sexual exploitation.²⁷¹ Despite various setbacks, some recent commitments suggest progress and positive development in the right direction in terms of regional anti-SEC actions.

270 Hemasari Dharmabumi, 2016, *Assembling the Future: Child Protection System in ASEAN Member States*, a Baseline Study, printed in Indonesia, ASEAN-ACWC

271 *Ibid*, page IV

ADDRESSING TRAFFICKING AND PROSTITUTION OF CHILDREN AND WOMEN

ASEAN's commitment to advancing the rights of women and children, including the protection of women and children from trafficking and sexual exploitation has been made increasingly apparent in the last two decades. In 1993 ASEAN Member States adopted the Plan of Action for Children, which identified child trafficking and child prostitution as special child protection priorities. Another early commitment to children made by ASEAN Member States was the Declaration on the Commitments for Children in ASEAN (2001).²⁷² Article 15 specifically calls on Member States to "protect children from all forms of violence, abuse, neglect, trafficking and exploitation while at home, in school or in the community".

Recognising the important role that tourism would play in the development of ASEAN, the ASEAN Tourism Agreement (2002)²⁷³ was signed by Member States in 2002. Article 5 of the Agreement on Quality Tourism includes the commitment that "Member States shall ensure quality tourism by ... taking stern measures to prevent tourism-related exploitation of people, particularly women and children". Also in 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Crime (Bali Process) was initiated. The Bali Process is designed to raise regional awareness of the issues associated with migrant smuggling, trafficking in persons and related forms of transnational crime. More than 45 members, comprising UN agencies such as the UN High Commissioner for Refugees (UNHCR), UNODC, and the International Organization for Migration (IOM), in addition to other international agencies and countries, participate in the Bali Process. Some recent and current Bali Process activities are focused on children, for example, projects that map the protection of unaccompanied minors travelling irregularly in the region.

In 2004 ASEAN Member States signed the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters (2004).²⁷⁴ The treaty facilitates collaboration and cooperation between law enforcement agencies and judicial authorities in order to ensure the investigation, prosecution and punishment of offenders, particularly those who have committed transnational offences. Theoretically the treaty has application in cases involving transnational child sex offenders.²⁷⁵

272 "Declaration on the Commitments for Children in ASEAN", (Singapore, 2 August 2001).

273 ASEAN, Tourism Agreement (Phnom Penh, 2002).

274 ASEAN, Treaty on Mutual Legal Assistance in Criminal Matters (Kuala Lumpur, 2004).

275 ECPAT International, 2016, Regional Report on Sexual Exploitation of Children in Travel and Tourism, 47.

Also in 2004 ASEAN Member States signed the ASEAN Declaration against Trafficking in Persons, Particularly Women and Children (2004).²⁷⁶ The Declaration was the first ASEAN instrument adopted that specifically addresses the issue of trafficking in women and children. The declaration is specifically concerned with addressing the problem of human trafficking via enhanced information sharing and cooperation. The declaration reaffirms ASEAN's commitment to the UN Convention on Transnational Organised Crime and the Trafficking Protocol. In 2004 the countries of the Greater Mekong Sub-region (GMS) (Cambodia, China, Lao PDR, Myanmar, Thailand and Viet Nam), also signed a Memorandum of Understanding (MOU) to enact the COMMIT Initiative.²⁷⁷

EFFORTS TO PREVENT SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

In 2006 the ASEAN Regional Taskforce to Prevent Child Sex Tourism was established. In 2007, the ASEAN Regional Education Campaign to Combat Child Sex Tourism was developed and subsequently implemented in all ten ASEAN countries. Also in 2007 the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) established the Working Group on Trafficking in Persons. Officials endorsed the working group's 2007-2009 Work Plan to implement the ASEAN Declaration, containing measures for a regional response to human trafficking, including reform of national legal frameworks, development of ASEAN training curricula on human trafficking for law enforcement personnel, development of quality standards, procedures and protocols for the rapid identification of victims, and development of support systems for victims of trafficking.

ADDRESSING OCSE

More recently the issue of OCSE has been addressed by ASEAN through two regional conferences organised by the Senior Officials Meeting on Social Welfare and Development (SOMSWD) - the Conference on Cyber Pornography and Cyber Prostitution-Free Southeast Asia (18-22 June 2012 in Manila, Philippines) and the 2nd Conference on Working Toward a Cyber Pornography and Cyber Prostitution-Free Southeast Asia (22-26 April 2013 in Tagbilaran, Bohol, Philippines). The conferences concluded with a range of key recommendations including

- Strengthening national legislation to define, prohibit and criminalise, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents, particularly cyber pornography and cyber prostitution;

276 ASEAN, "Declaration Against Trafficking in Persons Particularly Women and Children" (29 November 2004).

277 ECPAT International, 2014, The Commercial Sexual Exploitation of Children in East and Southeast Asia, 39.

- Promoting ASEAN cooperation concerning extraterritorial jurisdiction and mutual legal assistance to facilitate effective prosecution of perpetrators of all acts of sexual exploitation of children and adolescents and appropriate sanctions of such extraditable offences;
- Strengthening telecommunication regulations to cover non-commercial and commercial sectors, and standardisation of data retention policies for service providers; and
- Developing a clear code of conduct and referral system for inter-agency coordination mechanism in monitoring, reporting and handling cases and victims of cyber pornography and cyber prostitution in ASEAN Member States.²⁷⁸

In 2013, delegates attending an INTERPOL Specialist Group on Crimes against Children meeting agreed to establish an annual INTERPOL Southeast Asia Working Party on Crimes against Children, in order to bring together relevant stakeholders to share best practices, particularly with regard to effective intelligence and investigation techniques, as well as to strengthen international and cross border networks, and to raise awareness on crimes against children including SEC.²⁷⁹ Also in 2013, ASEAN Member States signed the Declaration on the Elimination of Violence Against Women and the Elimination of Violence Against Children in ASEAN, which is relevant to combating SEC in that it commits Member States to protecting a range of vulnerable groups, including children who are sexually exploited and children affected by OCSE. As a result of the declaration, and acknowledgement of the threat posed to children in the region by criminal offences associated with Internet and communications technologies, as noted at the ASEAN Ministerial Meeting on Transnational Crime in Lao PDR in September 2013, the ASEAN Senior Officials Meeting on Transnational Crime Working Group on Cybercrime was established and its first meeting was held in Singapore in May 2014.

TRANSITION FROM ‘NON-BINDING’ TO ‘RULES-BASED ORGANIZATION’

In November 2015, ASEAN leaders adopted a number of documents during the 27th ASEAN Summit, held in Kuala Lumpur, Malaysia. One of the most important documents is the ASEAN 2025: Forging Ahead Together. The document contains an ASEAN Community Vision 2025 and three Community Blueprints (ASEAN Political-Security Community Blueprint 2025, ASEAN Economic Community Blueprint 2025 and the ASEAN Socio-Cultural Community Blueprint

278 ASEAN Secretariat, “ASEAN’s Cooperation on Cybersecurity and against Cybercrime” (presentation prepared for the Octopus Conference: Co-operation Against Cybercrime, Strasbourg, France, 4 December 2013). Accessed 6 November 2016. https://www.coe.int/t/dghl/cooperation/economiccrime/Source/Cybercrime/Octopus2013/Presentations/Workshop1/ASEAN's_Cooperation_on_Cybercrime_and_Cybersecurity.pdf

279 UNODC, “INTERPOL-UNODC meeting agrees to form annual Southeast Asian Working Party on Crimes against Children”, 27 March 2013. Accessed on 3 November 2016. <http://www.unodc.org/southeastasiaandpacific/en/2013/03/interpol-childhood/story.html>

2025). The Kuala Lumpur Declaration on ASEAN 2025: Forging Ahead Together “welcomes the formal establishment of the ASEAN Community 2015” and “adopts the ASEAN Community Vision 2025”. It “charts the path for ASEAN Community building over the next ten years”. It is expected that these documents will have both direct and indirect impacts on children and child rights.²⁸⁰ Under the Socio-Cultural Blueprint, an entire section is dedicated to the promotion and protection of human rights including the social protection of children, importance of early childhood care, and emphasises enhancing regional initiatives to promote and protect the rights of women and children, and enhancing regional initiatives and stakeholder participation to promote the elimination of all forms of discrimination - exploitation, trafficking, harmful practices, and violence and abuse against children, women and persons with disabilities. Ethnic minorities and vulnerable and marginalised groups are mentioned in the Blueprints as requiring protection.²⁸¹ It remains to be seen what the outcomes of the Blueprints will be.

SETTING THE CHILD PROTECTION STANDARD IN ASEAN

ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) was established in 2010. Its mandate is concerned with assisting Member States to comply with all international and ASEAN instruments relating to the rights of women and children; encouraging periodic reviews of relevant legislation, regulations and policies that affect women and children; capacity building of relevant stakeholders to encourage the participation of women and children in policies; conducting and sharing relevant research; and advocating on behalf of women and children.

The Work Plan of the ACWC (2012-2016) covers thematic areas and activities including the promotion and protection of women and children, namely the elimination of violence against women and children and the review of existing practices on treatment of victims of trafficking. The Work Plan also includes the area of child protection systems. The ACWC Work Plan for 2012-2016 includes action points which, if properly implemented will contribute to strengthening child rights. These include reviewing legislation, developing national plans of action and other national mechanisms relating to the prevention, protection, prosecution, rehabilitation, recovery, reintegration of violence against children. The ACWC thus has a broad mandate, despite its limited resources.

280 Institute of Human Rights and Peace Studies, Mahidol University, Child Rights Situation Analysis within the ASEAN Region, 105. Accessed 20 November 2016.<http://childrightscoalitionasia.org/wpcontent/uploads/2016/06/Regional-Child-Rights-Situation-Analysis-in-ASEAN.pdf>

281 Ibid, 105.

The ASEAN Regional Plan of Action on the Elimination of Violence against Children (RPA EVAC), 2016-2025, adopted in November 2015, is an integral part of the Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN 2013. The key objective of the RPA EVAC is the institutionalisation of policies and effective prevention and protection services in the elimination of violence against children at the regional level.²⁸²

The Regional Plan of Action contains various components of child protection including (1) prevention; (2) protection, responses and support service action (3) legal framework, prosecution and justice system; (4) capacity building; (5) research and data collection; (6) management, coordination, monitoring and evaluation; (7) partnership and collaboration; and (8) regional review and communication.²⁸³ The regional review will be conducted mid-term after five years to identify gaps and emerging issues.

Priority areas for the first five years of the RPA EVAC cover awareness raising campaigns on all forms of violence against children; preventive measures against violence in cyberspace (e.g. bullying and sexual exploitation); a legislative review on VAC vis-à-vis applicable international human rights standards; the development of advocacy materials for various audiences to generate awareness and support EVAC; strengthening national systems for disaggregated data collection, analysis, sharing and dissemination on VAC using international indicators and research protocols; developing and/or strengthening national plans of actions to eliminate all forms of VAC with participation of all relevant stakeholders; and cooperating with and seeking technical assistance from UN agencies and other relevant offices within the UN system, especially the SRSV-VAC.²⁸⁴

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) is a regional, legally binding agreement between the ASEAN Member States, adopted in November 2015. It will enter into force when every member ratifies the Convention, to which will lead to a clear and appropriate legal framework in addressing the complex issue of human trafficking.²⁸⁵ The main objectives are to prevent and combat human trafficking, especially women and children, to protect and assist human trafficking victims with a full respect of their rights, and to promote cooperation among ASEAN member states in achieving the goals of

282 Hemasari Dharmabumi, 2016, *Assembling the Future: Child Protection System in ASEAN Member States*, a Baseline Study, printed in Indonesia, ASEAN-ACWC

283 Ateneo Human Rights Center, 2015, *Sourcebook on Children's Rights in ASEAN and Other related Regional Human Rights Regional Instruments*, Philippines

284 ASEAN Regional Plan of Action on Elimination of Violence against Children (ASEAN RPA on EVAC), 2015

285 Hemasari Dharmabumi, 2016, *Assembling the Future: Child Protection System in ASEAN Member States*, a Baseline Study, printed in Indonesia, ASEAN-ACWC

the convention.²⁸⁶ ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children complements the ACTIP and spells out key elements encompassing (1) prevention of trafficking in persons; (2) protection of victims; (3) law enforcement and prosecution of crimes of trafficking in persons; and (4) regional and international cooperation and coordination.²⁸⁷ The key implementing mechanism is the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC), supported by the SOMTC Working Group on Trafficking in Persons. The Plan of Action should be translated into the respective ASEAN Members States' national plans of action against trafficking in persons.

The ASEAN Intergovernmental Commission on Human Rights (AICHR) continues to promote human rights in ASEAN. The AICHR's second Five-Year Work Plan 2016-2020 aims to give reality to the Terms of Reference of AICHR with emphasis on programmatic approach and regularisation of activities. One of AICHR's priorities is to initiate a 'regional-based study' on issues relating to human rights, at least one issue per year, in close consultation with sectoral and other relevant ASEAN bodies among others.²⁸⁸ One of the identified thematic issues is 'Trafficking in person particularly women and children.'

In addition, the AICHR's role is to support the work of other ASEAN Sectoral Bodies. The AICHR and the Senior Officials Meeting on Transnational Crime (SOMTC) co-organised a Workshop on the "Human Rights-based Approach to Combat Trafficking in Persons, Especially Women and Children" in November 2015. The AICHR, together with the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), the ASEAN Committee on Women (ACW), and the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) met with the European Union for the first ASEAN-EU Policy Dialogue on Human Rights. Another notable area of progress in the work of the AICHR includes the operationalisation of the Guidelines on AICHR's Relations with Civil Society Organisations (CSOs), and the granting of 'Consultative Relationship' status to eleven organisations.²⁸⁹

The ASEAN Inter-Parliamentary Assembly (AIPA) serves as the centre of communication and information among Member Parliaments. It aims to encourage understanding, cooperation, and close relations among Member Parliaments as well as Observer Member Parliaments

286 Ibid, page 30

287 ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, 2015

288 Five Years Work Plan of the ASEAN Intergovernmental Commission on Human Rights (AICHR), Adopted on 15 June 2015, Endorsed at the 48th AMM on 3 August 2015;

289 <http://aichr.org/report/the-aichr-annual-report-2016/>

and other parliamentary organisations.²⁹⁰ One of the AIPA's key mandates is harmonisation of legislation of ASEAN members as well as acceleration of realisation of the ASEAN Blueprints. The AIPA is on process of revising its Resolution on "Networking and Outreach with Civil Society and Organizations" to be presented to the 38th AIPA General Assembly which will be convened in the Philippines in 2017.

As this section illustrates, there currently exists a range of frameworks, policies and other mechanisms that are designed to protect children in Southeast Asia. ASEAN has developed an ASEAN human rights system though the mechanisms remain somewhat fragmented and, thus, implementation of the human rights framework remains weak in some areas. Implementation of existing laws and policies relating to child protection are left to national governments, which may fail to uphold international and regional human rights standards and translate these standards into national law and policy in the form of, for example, NPAs.

IMPROVEMENTS TO THE LAW ENFORCEMENT RESPONSE TO SEC

Regional actions have also focused on the law enforcement response to SEC. Efforts to improve investigation techniques, and data collection and information sharing have led to significant improvements in law enforcement agencies' capacity to respond to SEC.

Most ASEAN Member States now have law enforcement units that are dedicated to investigating and responding to crimes against children. Malaysia has a specialist unit dedicated to sexual crimes against children. A number of Southeast Asian countries have established cybercrime units. Cybercrime units in the Philippines, Singapore and Thailand reportedly investigate online child abuse as a priority issue. In Viet Nam, the High-Tech Police Department is mandated to conduct surveillance and initial investigative activities in relation to online child exploitation. Cambodia is reportedly exploring the possibility of establishing a Transnational Crime Task Force to oversee the investigation and prosecution of transnational crimes, including online child sexual abuse.

Critical information sharing on SEC has occurred through international and regional bodies such as ASEANAPOL and INTERPOL, which are two international law enforcement agencies with a mandate for addressing SEC within the region. Formed in 1980 to facilitate regional police cooperation, ASEANAPOL is the Association of National Police Forces of the ASEAN

290 <http://www.aipasecretariat.org/>

Region. ASEANAPOL hosts a database system that aims to facilitate the exchange of criminal information between ASEAN Member States.²⁹¹ INTERPOL manages an International Child Sexual Exploitation image database, which is an intelligence and investigative tool that allows police worldwide to share data and connect information relating to victims, offenders and locations.²⁹²

The INTERPOL and ASEANAPOL initiatives help connect authorities in Southeast Asia with countries outside the region to share information, monitor suspects and extradite and prosecute offenders. For example, Australia, New Zealand, Germany, the UK and USA have child sex offender registries, which they can use to notify a country if a sex offender is travelling to another country. Using information from the child sex offender registries, Thai Immigration officers have been able to monitor and prevent entry of foreigners who have committed prior sex-related offences. Using the registries, in 2012, seven Australian nationals and three New Zealand nationals were prevented from entering Thailand, and this number increased to 41 offenders in 2013.²⁹³ Similarly, Myanmar was able to take pre-emptive action in 2014 to bar entry to the country by six foreign nationals (one American, three British, one Canadian, and one German) based on information in the registries pertaining to prior sexual offences against children.²⁹⁴

RECENT EFFORTS AT NATIONAL LEVEL

In addition to the advances in regional efforts to respond to SEC, Southeast Asian countries have also focused on improving the response to SEC at national level. These efforts have frequently involved collaboration between governments with the private sector and NGOs. Table 2 below presents information on recent efforts made at national level to prevent SEC in all its forms.

291 ECPAT International, 2011, Global Monitoring Report - Indonesia, 16.

292 INTERPOL, Victim Identification. Accessed 3 November 2016. <http://www.interpol.int/Crime-areas/Crimes-against-children/Victim-identification>

293 UNODC, Child Sex Offending: Case Examples in Thailand and Cambodia. UNODC Fact Sheet, April 2014.

294 US Department of State, 2014, Trafficking in Persons Report 2014 (Washington DC: US Department of State, 2014), 117. Accessed 26 October 2016. <https://www.state.gov/j/tip/rls/tiprpt/2014/>

RECENT NATIONAL LEVEL EFFORTS TO RESPOND TO SEC

CAMBODIA

The Government of Cambodia has actively collaborated with international agencies, NGOs and the private sector in order to deliver SEC-specific training programmes for key stakeholders and SEC-specific awareness raising activities.

The Ministry of Tourism has been active in undertaking awareness raising, capacity building and public education campaigns to counter SECTT, often in collaboration with international agencies and NGOs.

A 24-hour hotline for reporting cases of child exploitation was established by the Cambodian Government with the support of World Vision. This hotline is reported to be operational in Phnom Penh and five Cambodian provinces.

INDONESIA

A child helpline (Child Helpline 129) has been developed by the Indonesian government with support from NGOs. The hotline covers the cities of Jakarta, Surabaya, Makassar and Banda Aceh.

In Indonesia there is now legislation that authorises the government to monitor and block Internet activity.

In Indonesia integrated medico-legal services and specialised residential rehabilitation centres have been developed.

LAO PDR

A hotline that accepts reports of SEC has been established with support from a coalition of international NGOs. The hotline is operated by the Lao Tourist Police.

Lao PDR introduced a decree on Internet content management in late 2014, which, among other things, authorises the government to monitor and inspect ISPs, issue orders to ISPs to block access, and temporarily or permanently suspend connections.

MALAYSIA

In Malaysia ‘child pornography’ is explicitly included as prohibited obscene content. ISPs are bound by codes of conduct that require removal of prohibited content.

In Malaysia integrated medico-legal services and specialised residential rehabilitation centres have been developed. Malaysia’s residential rehabilitation system is reportedly one of the most sophisticated in the region. The services enable child victims of the most serious forms of sexual violence to have access to medical care, psycho-social support, legal advice and child-sensitive investigative services.

PHILIPPINES

In the Philippines, within the National Strategic Framework for Plan Development for Children (2000-2025) there is the Framework for Action on Sexual Abuse and Commercial Sexual Exploitation of Children. The Framework has a focus on children in need of special protection including children affected by SEC.

In the Philippines, ISPs must notify police within seven days upon discovery that their servers or facilities are being used to commit offences related to child abuse materials. The Philippines has also issued guidelines for ISPs for the installation of filtering software that will block access to or transmission of any form of child abuse materials.

In the Philippines, the government has developed Guidelines on a Referral System for the Recovery and Reintegration of Trafficked Persons to provide guidance to service providers mandated to deliver assistance services to trafficked persons including children.

SINGAPORE

Singapore has a case management system that supports children who have been victims of violence and abuse including sexual exploitation.

The Association of Banks of Singapore established the Financial Coalition against Child Pornography with the aim of supporting global efforts to identify commercial sources of child abuse images and to disrupt such networks by cutting off the flow of money that supports their dissemination. This initiative has been praised as a model of private sector action to counter ‘child pornography’.

In Singapore ISPs are bound by codes of conduct that require removal of prohibited content.

Service providers are required to deny access to prohibited material when notified or directed by the Media Development Authority of Singapore (MDA). The MDA also requires ISPs to block access to 100 sites, which include sites on child sexual abuse, as a statement of the community's stand on harmful and undesirable content on the Internet.

THAILAND

The government has collaborated with NGOs and local industries (in particular the hotel industry) to develop vocational training and employment opportunities for at-risk young people. UNICEF and Payap University have developed a Legal Assistance Centre to assist stateless residents including children and young people, particularly those in Northern Thailand, to access Thai nationality in order to reduce their vulnerability to all forms of exploitation.

Several 24-hour hotlines run by both government agencies and NGOs are operating in Thailand. The two main hotline numbers are the trafficking-specific 1191 hotline operated by the Anti-Human Trafficking Division of the Royal Thai Police and the 1300 hotline operated by the Ministry of Social Development and Human Security which is more general, taking reports on violence, abuse, sexual exploitation, and trafficking.

In Thailand there is legislation that authorises the government to monitor and block Internet activity.

In Thailand integrated medico-legal services and specialised residential rehabilitation centres have been developed.

In Thailand the Royal Thai government has initiated Memoranda of Understanding on Common Guidelines for Practices for Agencies Concerned with Cases of Human Trafficking, covering 75 provinces. The MoU guidelines address the full cycle of multi-disciplinary case management including prevention, protection, prosecution, repatriation and reintegration.

VIET NAM

In Viet Nam, ISPs are required to supervise and eliminate prohibited content, including "obscene material" when it is found or at the request of competent authorities pursuant to a decree on the management, provision and use of Internet services and online information.

CIVIL SOCIETY EFFORTS TO PREVENT SEC

Many of the recent achievements of ASEAN Member States in responding to SEC would not be possible without the commitment of international organisations and NGOs. These international organisations and NGOs lend significant levels of assistance to government agencies in the region, in addition to coordinating their own advocacy activities.

ECPAT International and the relevant national ECPAT Member Groups such as ECPAT Indonesia, ECPAT Philippines, the ECPAT Foundation in Thailand and CEFACOM in Viet Nam have independently, and in collaboration with other NGOs and/or the private sector, undertaken a vast number of SEC prevention activities in recent years. Such actions have included the delivery of relevant training to communities, professionals and government officials with regard to preventing SEC, the development and implementation of public education campaigns on SEC, the development and implementation of hotline reporting numbers, supporting governments' development of anti-SEC policy and working with children and young people to ensure their participation in policy and advocacy activities.

CSOs AND PRIVATE SECTOR PARTNERSHIP

ECPAT International, in collaboration with a range of partners, has been instrumental in the development and implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code). The Code, which is a global initiative, represents a good practice example of the private sector taking action to prevent SEC, particularly SECTT. In Southeast Asia, a number of tourism-related businesses have become signatories to The Code and in so doing, have committed to various activities such as developing a child protection policy, training staff, and monitoring anti-SEC efforts. The Accor Hotel chain in Thailand has been a Code signatory since 2002 and other businesses in Thailand have joined in more recent years including the Centara Group (a major Thai hotel chain), Samui Villas and Home, the Six Senses Spa and Resort chain along with Evason Phuket and Hideaway Yao Noi, Legend Hotel in Chiang Rai Province and the Chiang Rai Tourism Society. In Cambodia, the Sofitel Phnom Penh Phodeethra was the first signatory to The Code in that country.²⁹⁵ In Indonesia, both the Accor and Carlson Hotel Groups have become Code signatories.²⁹⁶

295 ECPAT International, 2014, *The Commercial Sexual Exploitation of Children in East and Southeast Asia*, 47.

296 ECPAT International, 2011, *Global Monitoring Report: Indonesia*, 17.

Over the past decade the NGO, Friends International, has worked with NGO partners such as MÓop Tapang to develop a Child Safe Network. The ChildSafe Network includes tourism industry partners, particularly partners from the informal tourism sector, including small traders, intermediaries and service providers such as tuk-tuk and taxi drivers, tour guides and staff of bars, restaurants, hotels and guesthouses. Through the development and implementation of training and awareness raising activities, individuals working in the tourism industry are encouraged to identify children at risk and potential child sex offenders. The Network initially began in Cambodia but has since expanded to Indonesia, Lao PDR and Thailand.²⁹⁷

ECPAT International has collaborated with Save the Children UK and UNICEF Thailand to develop a Child Safe Organisations Framework and Training Toolkit, which promotes the development and implementation of child protection policies, particularly within centres that provide care to children. In collaboration with local ECPAT partner organisations training for such organisations has been conducted in Thailand, Indonesia and Viet Nam.²⁹⁸

Since 2009, the International Centre for Missing and Exploited Children (ICMEC) has been working in the Asia-Pacific region to build cooperation and collaboration among organisations and individuals concerned with preventing child abduction, sexual abuse and exploitation. ICMEC has actively supported the development and strengthening of laws, treaties and mechanisms to protect children in the region. The organisation has developed model child protection legislation such as the Child Pornography Model Legislation and the Child Protection Model Law. In 2010, ICMEC hosted the Asia Pacific region's first expert working group on child protection. Representatives of 11 ASEAN States attended the meeting to discuss the development of a draft model law focusing on the protection of children.

In the period 2010 to 2014, Project Childhood was implemented the GMS region. Within the project, the protection pillar was implemented by UNODC, in partnership with INTERPOL, focusing on improving law enforcement capacity to respond to SEC. Under the prevention pillar, World Vision International worked with governments, the tourism industry and communities to prevent SEC through awareness raising and strengthening community resilience.

297 ECPAT International, 2014, *The Commercial Sexual Exploitation of Children in East and Southeast Asia*, 47.

298 *Ibid*, 61.

SEC prevention has also come in the form of research. Terre des Hommes recently conducted a study that involved extensive field research into one of the online environments on which live online child sexual abuse takes place - public online chat rooms.²⁹⁹ Four Terre des Hommes Netherlands researchers spent a combined total of 1,600 hours over a period of 10 weeks posing as prepubertal Filipino girls.³⁰⁰ During the study period over 20,000 predators from all over the world initiated contact with the Terre des Hommes researchers.³⁰¹ Such research has provided valuable insights into the extent of, and activities of child sex offenders and information about the children that are exploited in live online child sexual abuse. The Terre des Hommes research has led to several arrests of child sex offenders. Since the publication of the Terre des Hommes research, three men from Australia, Belgium and Denmark have been arrested for online child sexual abuse offences. Terre de Hommes has also recently carried out research in The Philippines related to the impact of online child sexual exploitation, due to be published in 2017.

Some other SEC prevention activities include the ECPAT – Body Shop “Stop Sex Trafficking in Children and Young People” campaign, aimed at scrutinising states’ progress to turn binding and moral agreements into concrete positive outcomes for children around the world through specific and measurable actions contributing to the enhancement of global child protection from trafficking of children for sexual purposes. The regional education campaign, “Combating Child Sex Tourism in Southeast Asia”, implemented by Child Wise (ECPAT Australia) and ASEAN governments, targeted the tourism industry and tourism authorities in each of the participating countries. The campaign made extensive use of awareness raising material and adopted the slogan “Don’t look away. Turn them in” to empower tourists and local authorities to report cases of child sex tourism to law enforcement.

Awareness raising activities have also been conducted to educate children and young people as well as families, teachers and others about child safety online and the potential risks of SECO. Anti-SECO specific activities include the current partnership between UNICEF Philippines and the Ateneo Human Rights Center to deliver training to a leading ISP on children’s rights and business principles, which aims to result in the development of a relevant code of conduct to guide the ISP.

National-level prevention activities have also been implemented. For example, ECPAT Philippines, along with a range of NGOs, has been instrumental in engaging children and youth in awareness raising activities, in the creation of community-based vigilance committees to safeguard children against sexual exploitation, training of peer leaders, and supporting youth groups to engage survivors of sexual exploitation in the development of theatre advocacy

299 Terre des Hommes, 2014, *Becoming Sweetie*.

300 Ibid.

301 Ibid., 14-15.

and performance around issues of sexual exploitation including Internet safety issues. ECPAT Philippines supports the local youth groups “Teatro Divino” and “Sali Ka Bata”, which involve 15-20 children and youth aged 11-25, including survivors of sexual exploitation. Participants receive training as peer leaders and learn how to utilise child-friendly theatre advocacy to raise awareness on SEC and persuade adults in communities to take action against it.

CSOs AND CHILDREN’S PARTICIPATION

NGOs have ensured, where possible and relevant, that children are involved in dialogue relating to the formulation of new SEC legislation, strategic plans, policy documents and guidelines that affect children, and the preparation of monitoring reports relating to the CRC and the OPSC. At the sub-regional level, the Mekong Youth Forum (MYF) has been actively engaging children for over a decade in discussions and policy dialogue. Launched in 2004 by Save the Children and World Vision International, in collaboration with a range of other agencies, the MYF brings children from GMS countries together and provides them with the opportunity to lend their voice to the policy dialogue on children’s issues, particularly issues related to migration and human trafficking. MYFs convened in 2004, 2007 and 2010. The third MYF held in Bangkok in 2010 concluded with a series of children’s recommendations for governments, which were presented at the Review on Progress of World Congress III against Sexual Exploitation of Children and Adolescents, organised by ECPAT International.

From October 2015 to January 2016 ECPAT members and their partners organised ten consultations involving 395 young people aged between 8 and 25 years including survivors, children at risk of sexual exploitation, and young activists. The participants shared their views regarding the issue of SECTT and provided their recommendations on how to prevent SECTT.

In November 2016 ECPAT International and the Council of Europe (CoE) co-hosted the Global Survivor Forum for Survivors of Childhood Sexual Exploitation in Strasbourg, France. The Forum was an opportunity for survivors of sexual exploitation from around the world to shape policy on SEC by providing recommendations to governments and other decision makers. Local consultations were, prior to the event, conducted with SEC survivors in Thailand, the Philippines, Indonesia and Cambodia.³⁰² Survivors and experts recognised the empowering value of both the consultation process and the forum itself. Furthermore, the Bill of Rights for child victims of sexual exploitation was endorsed and launched.³⁰³

302 <http://www.ecpat.org/survivor-voices/global-survivors-forum-18-nov-2016/>

303 ECPAT International (2016), “Bill of rights for child victims of sexual exploitation”, accessed 7 February 2017, http://www.ecpat.org/wp-content/uploads/2016/11/KnowYourRight_ENG_A2size.pdf.

SECTION VI:

THE WAY FORWARD – FUTURE RESEARCH PRIORITIES AND POLICY RECOMMENDATIONS

Two key objectives of this study are to 1) identify future research priorities; and 2) propose a set of recommendations that will serve to inform and enhance government, non-government and private sector responses to SEC in Southeast Asia. In this final section of the regional overview, research priorities are first identified, then a series of policy recommendations are provided. The research and policy recommendations are not organised in any priority order.

KNOWLEDGE GAPS AND FUTURE RESEARCH PRIORITIES

Despite increased research attention to SEC there remain significant gaps in knowledge that future research should address. SEC research remains difficult due to the clandestine nature of the crime. The demand side of SEC (child sex offenders, human traffickers, and the range of other individuals that profit from or organise sexual contact with children) is essentially a hidden population that is unlikely to engage in SEC research studies. As a result, there is insufficient information regarding the activities of SEC offenders and facilitators, including their motivations, activities and profits generated from their crimes.

Baseline data are virtually non-existent, making comparisons and analysis of SEC trends virtually impossible. Official data are often criticised as being conservative. A significant amount of the available data is becoming quickly out-dated. Many of the claims made in research studies have not been fully verified. For these reasons, many figures that are widely quoted are, at best, educated guesses, and information presented in recent studies may not be accurate or may be no longer relevant.

The phenomenon of SEC is inherently difficult to investigate, and research can be time-consuming and costly. However, such difficulties should be weighed against the potential for harm to children and the compromised effectiveness that may result from the implementation of legislation and policy that fails to draw on relevant and up-to-date SEC research.

FUTURE PROGRAMMES OF RESEARCH ON SEC SHOULD FOCUS ON:

- Examining the contemporary push factors for children entering the commercial sex industry;
- Conducting country-specific SEC studies to gauge the scale and scope of SEC;
- Exploring the evolving modus operandi of travelling child sex offenders and examining the continuum with regard to child sex offenders;
- Exploring the activities and profits of facilitators of child sex offences, including the role of female facilitators;
- Examining victim profiles, victim experiences, and victim insights into child sex offenders;
- Exploring in greater depth the economic, social and cultural factors that predispose certain children and certain communities to SECTT;
- Exploring in greater depth the social and cultural factors that positively and negatively impact on children's reintegration to their family and/or community;
- Researching on alternative care and support systems for abused and exploited children;
- Investigating the prevalence and nature of SECTT in relation to new tourism products including ecotourism, voluntourism (including orphanage tourism), cross-border tourism (especially with regard to Special Economic Zones, casino developments and similar) and other new developments;
- Exploring poorly understood phenomena such as the involvement of boys in all SEC manifestations as well as their particular needs and vulnerability factors, the trend toward street-based sexual exploitation and the vulnerability of sexual minorities;
- Build the awareness of duty-bearers to protect such groups;
- Investigating the role of ICT in SEC;
- Exploring live online child sexual abuse in the various countries of Southeast Asia, particularly in the Philippines where it is a significant problem;
- Investigating the links between SECTT and child sexual abuse material in all its forms;
- Evaluating the existing legal frameworks, and identifying gaps in the frameworks;
- Evaluating criminal justice systems, and identifying gaps in the systems;
- Evaluating the success or otherwise of existing approaches to combating SEC; and
- Documenting evidence-based good practice examples emerging from the region and making these available through toolkits, websites, etc.;
- Such resources can be used for capacity building of government and CSO/NGO service providers.

RECOMMENDATIONS

Ratify key international instruments

Not all countries in Southeast Asia have ratified key international instruments relating to SEC. For example, Brunei Darussalam and Singapore have not yet signed and ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Singapore has not signed and ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography. Thailand remains the only country in the region that has signed and ratified the Optional Protocol to the CRC on a Communications Procedure. The Optional Protocol establishes an international complaints procedure for violations of children's rights as outlined in the CRC and related Optional Protocols. In instances where violations of children's rights have not been fully resolved by national courts, the Optional Protocol allows children to bring complaints to the UN Committee on the Rights of the Child.

The full ratification of these international instruments is symbolic of a country's commitment to children's rights and to reducing SEC. The signature and ratification of relevant international instruments should be addressed as a matter of urgency. Moreover, governments should be held accountable for the commitments made in signing and ratifying international instruments. It is critical that governments' performance with respect to relevant international instruments is monitored and publicly reported. Failure to comply with the commitments made under these international instruments must be addressed in an appropriate and timely manner.

Strengthen legal frameworks

Whilst most countries in Southeast Asia currently have legislation in place that criminalises sexual offences against children, there remain gaps in legislation that should be addressed. Gaps include the absence of, or vaguely worded key definitions, the failure to criminalise certain key offences, and low penalties for offenders. Other problems include the practice of granting bail to suspected or known child sex offenders, and the low rates of deportation of child sex offenders that have served their sentences.

With regards to national legislation on 'child pornography', only the Philippines expressly defines and criminalises child sexual abuse material including producing, disseminating, and selling child sexual abuse material along with more specific offences of grooming, and wilfully accessing 'child pornography'. All other countries in the region do not comply with the recognised minimum standards outlined in the Optional Protocol on the CRC on the Sale of Children, Child Prostitution and Child Pornography.

With regards to national legislation on SECTT, only the Philippines has SECTT-specific provisions within its legislation. Such provisions are an indication of a particular level of recognition with respect to the problem of SECTT and a concrete means by which to criminalise sexual offences committed by foreigners.

Furthermore, in some Southeast Asian countries, existing legislation related to SEC fails to expressly state that children who have been involved in SEC are to be considered victims rather than offenders themselves. Efforts must be made to rapidly remedy this situation.

A robust and comprehensive legal framework is a minimum requirement for prosecuting offenders and sending a message of deterrence to other child sex offenders. Efforts should be made to critically review national legal frameworks with respect to international human rights standards. Current gaps and inadequate punitive measures must be remedied immediately.

NGOs and international organisations should continue to highlight the importance of robust legal frameworks on SEC. UNODC has developed a number of model laws and works directly with governments in the region to establish and/or strengthen existing laws. Such cooperation should be continued and strengthened. Often the barrier to establishing legislation in Southeast Asian countries is not a lack of political will but, rather, one of resources and legal expertise. NGOs and international organisations should step in, where possible, to provide such resources and legal expertise. These organisations should, also, work to identify gaps in current legislation and work with governments to recognise these gaps and their implications and identify methods of revising laws so that children are fully protected under national legislation. NGOs and international organisations may also usefully advocate for new legislation on novel forms of SEC such as OCSE.

Adopt extraterritorial legislation

Theoretically all Southeast Asian countries, with the exception of the Philippines, have the capacity to exert their legislation in an extraterritorial capacity with regard to offences committed by their own citizens (and in some cases residents) in other jurisdictions, provided that the requirement of double criminality is fulfilled. In practice, however, it appears that countries in the region have been unwilling or unable to prosecute their own citizens for child sex offences committed in other countries.

It is critical that efforts are made to adopt, revise and/or implement extraterritorial legislation that allows for citizens to be prosecuted for child sex offences committed abroad, without the requirement for double criminality.

NGOs and international organisations should, as outlined above, support the harmonisation of national legal frameworks on SEC, and develop model legislation. NGOs and international organisations should, also, work collaboratively with governments in the region to promote the importance of extraterritorial, extradition and mandatory expulsion for perpetrators who served their sentences legislation, as well as the importance of increased prosecutions of child sex offenders, increased punishments, and increased access to compensation for child victims of SEC.

Advocate for improved cooperation and coordination

Efforts to combat SEC are contingent on regional and international cooperation and coordination between governments and government agencies, as well as with other relevant organisations. Such cooperation enables information sharing, timely decision-making, opportunities for capacity building, reduced duplication of efforts and a range of other benefits.

In practice, bilateral and multilateral cooperation and coordination in the region is challenging. Such cooperation is often restricted to existing MoUs between countries. Without such written agreements, government agencies are usually unable to effectively cooperate and share information.

Efforts should be made to strengthen existing cooperative mechanisms and to establish new partnerships that will enhance and expand SEC prevention and child protection networks. At the regional level, the opportunity for the establishment of a regional instrument to formalise cooperation in relation to SEC should be explored. Avenues for more informal cooperation and information sharing should also be explored.

Counter-SEC advocates should highlight the importance of cooperative arrangements between countries in the region, and between local, national, regional and international law enforcement agencies. NGOs could guide the development of counter-SEC networks by mapping, in each country, the key government and non-government actors on SEC and organising fora for these agencies to come together to discuss SEC issues and progress on SEC. Indisputably, ECPAT International and a range of other NGOs in the region have already made great strides in establishing such networks and fora. These and other existing mechanisms should be promoted and used, where they exist, instead of creating new mechanisms for collaboration. Through these mechanisms, ECPAT International and other NGOs and international organisations should develop collaborative programmes for preventing SEC.

Improve the law enforcement response to SEC

Throughout Southeast Asia, the work of law enforcement agencies is compromised by a lack of law enforcement capacity in terms of skills, experience, and financial and technical resources to undertake vital work with regard to surveillance and investigation.

A key criticism of law enforcement agencies in the region is that they implement “reactive” investigation policies when it comes to investigating SEC, especially online child sexual exploitation. Reactive policing means that law enforcement officers wait to take action against SEC offenders until a child victim, the child’s parents or other members of the community come forward to report a crime. Reactive policies are outdated and do not adequately confront the vast demand for newer forms of commercial child exploitation. It is essential that proactive investigation policies are implemented instead of relying only on reactive policing processes.

Improvements should also be made to the cooperation mechanisms available for law enforcement agencies and their representatives. The establishment of mechanisms for law enforcement cooperation at international and regional levels can potentially serve to prevent SEC from occurring. Critical information sharing measures include sex offender registries and extradition arrangements. Opportunities for greater cooperation and collaboration around law enforcement matters with a view to addressing SEC should be pursued as a priority.

NGOs and international organisations should provide their law enforcement experts to organise training on proactive investigations. Training modules should be developed and training delivered in each country in the region on a regular basis. Police officers in the region regularly rotate to new positions so it is essential that training is ongoing so that new knowledge is not lost when the officers take on new responsibilities.

Address corruption

It is widely acknowledged that corruption, particularly amongst government officials and within law enforcement agencies and the judiciary, plays a significant role in the culture of impunity with regard to SEC in Southeast Asia. In many jurisdictions there is a tacit acceptance of brothels and other sex establishments by police, which may be accompanied by bribes. Police in the region have been known in some cases to facilitate child sex offenders’ access to children. There have also been reports that members of the judiciary have accepted bribes to drop SEC and child trafficking cases.

The persistence and pervasiveness of corruption is an almost insurmountable barrier to preventing SEC in the region. Nonetheless, efforts to address corruption are fundamental to combating SEC and should be pursued as a matter of priority.

NGOs and international organisations have been active in advocating against corruption in all its forms in Southeast Asia in recent years. These agencies should continue to work with governments to identify corrupt elements and develop strategies for eliminating the problem of corruption. As it is thought that corruption occurs in law enforcement agencies in the region because of the low salaries that these personnel receive, NGOs and international organisations should lobby governments to set aside increased funds for the improved pay of law enforcement and other government agency officials. NGOs and international organisations should assist governments to identify, apprehend and punish corrupt officials, and work with the media to shame government representatives that are prosecuted for SEC and related crimes.

Improve efforts for collecting, analysing and sharing data

Across the region, data collection on victims of SEC and child sex offenders is inadequate or non-existent. This is a major barrier to understanding and appropriately addressing the SEC problem. Obstacles to data collection include a lack of capacity and resources to perform this work. Standardised data collection tools have not been developed and in most countries databases do not exist. There is also a lack of staff capacity to manage and analyse data. Furthermore, even in instances where data are collected, there are limits to the sharing of this data. Written agreements between agencies and between countries are usually required in order to share SEC and related data and information.

Priority must be given to improving current data collection systems. Without accurate and verified data, policy makers and researchers remain in the dark about the extent of SEC. Advocacy should be directed at this specific problem, as well as training, capacity building, and resourcing of relevant government agencies and officials. Where existing mechanisms exist for data collection and sharing, NGOs and international organisations should develop training so that government officials are cognisant of these mechanisms and familiar with their use. Such training should be delivered both in group settings and in one-on-one coaching sessions so that key government staff develop skills in collecting, analysing and reporting data.

Develop National Plans of Action

Despite the commitments made by government representatives from Southeast Asian countries at all three World Congresses concerning the sexual exploitation of children, and the various commitments and calls for action that have since followed, few countries in the region have developed NPAs on SEC. Of the NPAs that have been developed, most focus on the issue of trafficking and include few actions on SEC. Furthermore, beyond the problem of the lack of NPA development, implementation of NPAs is also reportedly weak. In countries that have developed NPAs, there are varying levels of implementation.

It is critical that NPAs are developed that address the specific issue of SEC. Without NPAs, government plans for preventing SEC will remain uncoordinated and lacking in strategic focus. Governments should make the development and implementation of NPAs a top priority.

NGOs should advocate for the development and ongoing monitoring of NPAs. It would be beneficial if NGOs develop model NPAs that they may subsequently use to encourage states to, using the model NPA, develop their own NPA. NGOs may assist states in the development of NPAs through mapping the current gaps in government policy on SEC and identifying options for filling these gaps through the extension of current, and/or the development of new policy and related activities. NGOs may also assist in establishing monitoring frameworks so that the outcomes of the NPAs may be monitored over time, and gaps swiftly identified and addressed.

Advocate for a focal agency to coordinate the response to SEC

Ideally, one government agency should be responsible for planning the country's response to SEC and coordinating the activities of various government and non-government stakeholders. However, to date, few countries in the region have identified a focal agency to coordinate national SEC-related actions. In countries where such an agency has been identified, problems related to lack of capacity have been identified.

Efforts should be made to identify a focal government agency for anti-SEC coordination. Training of personnel within that agency should be conducted, and avenues for collaborating with key partners established, such as through existing regional mechanisms or regional and national task forces.

Improve child protection systems

The quality of systems to protect children from SEC and other forms of abuse vary across the region. Sound child protection systems and child protection frameworks are required to protect children from a variety of social ills. Strong child protection systems include child protection policies, policies for screening child-contact employment, robust institutions to accommodate and provide support services to children and their families and minimum guidelines on the care of children in institutions.

Whilst most governments operate shelters for women and children who have experienced violence, abuse or exploitation, the nature and extent of these shelters and services vary from country to country. Few shelters have the capacity to support victims of SEC. Government shelters are generally under-resourced and under-staffed. For this reason, the provision of care and support, both in the short and long-term, of victims of SEC often falls to NGOs.

Efforts should be undertaken to build additional facilities to accommodate and care for abused children. Alternatives to institutional care should also be explored and resourced. Guidelines and standards for the protection of children in care, for both government and non-government organisations should be developed. NGOs and international organisations can play lead roles in the development of such guidelines and standards for the protection of children. Model standards and guidelines should be drafted and shared widely with all relevant stakeholders in the region.

Promote the meaningful participation of children in policies that affect them

NGOs have advocated for more than two decades on the engagement of children in the development of policies that affect them, including SEC. Governments have been less swift to recognise the value of proactively engaging with children to draw on their experiences and insights into child protection issues.

In line with relevant child rights instruments, efforts should be undertaken across the region to encourage greater recognition of children's voices in decision-making processes. Creative approaches to engaging children and young people in efforts to address SEC should be explored. Experiences of engaging children in policy development should be documented and shared in order to strengthen the foundations of anti-SEC responses.

Develop targeted education campaigns

Driven by NGO efforts, Southeast Asia has been active in the development of public education campaigns to prevent SEC. These campaigns have targeted children, their families and the wider community as well as international visitors. While the campaigns have no doubt raised awareness of the SEC issue and served to educate children about the dangers of SEC, and potential offenders about the penalties attached to child sex offences, campaigns have, on the whole, been ad hoc rather than long-term and the effectiveness of the campaigns is unknown due to a lack of monitoring and evaluation of the campaigns.

Targeted education campaigns should be developed that are carefully planned and implemented. Prior to the development of the campaigns, planning for the ongoing monitoring of the campaigns should be conducted so that the effectiveness of the campaigns may, in the future, be measured. Campaigns should carry clear and consistent messaging and easy to understand actions. Lessons learned and best practices should be shared widely.

Strengthen engagement with the private sector

Largely driven by the NGO sector, recent partnerships have been established between governments, NGOs and the private sector to prevent SEC. In particular, relationships have been developed and consolidated with the tourism industry. Such engagement has primarily focused on NGOs working with the staff of hotels, restaurants, bars, taxi and tuk-tuk drivers, tour guides and other front-line employees in the identification of potential SEC offenders and the identification of at-risk children.

The emerging trends in SEC indicate a need to review, diversify and expand relationships with the private sector, particularly the tourism industry so as to address the evolving modus operandi of child sex offending. The increasing accessibility of previously isolated destinations potentially puts local communities at risk. The rising interest in ecotourism, adventure tourism and voluntourism presents a range of new potential threats to children. Therefore, it is essential that governments and NGOs engage with a range of entities and individuals that may be able to contribute to the prevention of SEC, including businesses, hotels, Air BnBs, tour guides and others. Codes of conduct should be developed for businesses operating in the tourism sector, which outline standards for child protection.

The Code represents a global good practice model on engaging tourism entities in efforts to enhance protection for children at risk of SEC. Whilst there exist a number of signatories to The Code in Southeast Asia already, promotion of The Code should be prioritised. Efforts should be made to encourage The Code signatories to move beyond immediate harm reduction toward a more holistic model in which tourism entities are proactively addressing child protection in all aspects of their business practice.

Furthermore, the exponential growth in the use and abuse of Internet and communications technologies means that links must be forged with the communications and technologies industry as a means to collaboratively seek solutions to new problems. Engaging the telecommunications, information technology, banking and finance sectors will, in particular, aid in the disruption of the rapidly expanding 'child pornography' industry. NGOs and international organisations have key roles to play in working with the private sector to improve the regional and national response to SEC. NGOs and international organisations should seek out new partnerships with relevant private sector organisations. NGOs and international organisations should develop group and one-on-one training and coaching sessions so that private sector agencies are cognisant of their important role in protecting children and are able to identify vulnerable children and potential child offenders. Training and advocacy with the private sector should provide practical strategies for reporting the potential abuse of children, such as through clear messaging on how to utilise SEC hot lines.

Recommendations for the ASEAN mechanisms

- Prioritise actions that address the sexual exploitation of children (SEC) especially sexual exploitation of children online and in travel and tourism.
- Increase resources and capacity of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) to fight SEC.
- Establish regional resource database on SEC including updated figures and statistics, regional situations, relevant laws, research papers, etc.
- Institutionalise collaboration between ASEAN mechanism and CSOs working against SEC.
- Strengthen the roles of the ASEAN Inter-Parliamentary Assembly (AIPA) as a regional instrument in driving toward harmonization of laws in the protection of children in the region.
- Develop a (ASEAN) Regional Convention, inspired by other model multinational treaties such as the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).

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