

Contents

Foreword	iii
Definitions and Abbreviations	vi
Introduction	1
1 International legal frameworks	5
1.1 Early trafficking conventions: evolution of the concept of trafficking in children	6
1.2 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime 2000	7
1.3 The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2000	8
1.4 The Convention on the Rights of the Child 1989 (CRC)	9
1.5 ILO Convention No. 182: Worst Forms of Child Labour Convention, 1999	10
1.6 ILO Convention No. 138: Minimum Age Convention, 1973	10
1.7 Recommended Principles and Guidelines on Human Rights and Human Trafficking issued by the United Nations High Commissioner for Human Rights 2002	10
2 Regional conventions	13
2.1 South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002	14
2.2 SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia 2002	16
3 Analysis of national legal frameworks	17
3.1 Nepal	18
3.1.1 Introduction	18
3.1.2 Ratification of international conventions	18
3.1.3 The Constitution of Nepal	19
3.1.4 Nepal Treaty Act 1991	19
3.1.5 Trafficking	19
3.1.6 Laws that protect children from the end products of trafficking	24
3.1.7 Laws on registration of births	31
3.1.8 National Plan of Action Against Trafficking in Children and their Commercial Sexual Exploitation 30	31
3.1.9 Recommendations	33
3.2 Pakistan	34
3.2.1 Introduction	34
3.2.2 Ratification of international conventions	34
3.2.3 The Constitution of Pakistan	34
3.2.4 Trafficking	35
3.2.5 Laws that criminalize end products of trafficking	38
3.2.6 National plans	44
3.2.7 Recommendations	47
3.3 Indonesia	48
3.3.1 Introduction	48
3.3.2 Ratification of international conventions	48
3.3.3 The Constitution of Indonesia and The Human Rights Act 1999	48
3.3.4 Age of majority	48

3.3.5	Trafficking	49
3.3.6	Laws that penalize end products of trafficking	55
3.3.7	Other laws related to trafficking and end products of trafficking	56
3.3.8	National Plan of Action on Trafficking of Women and Children	57
3.3.9	National Plan for the Elimination of Worst Forms of Child Labour	58
3.3.10	Recommendations	58
3.4	Bangladesh	60
3.4.1	Introduction	60
3.4.2	Ratification of international conventions	61
3.4.3	Trafficking	61
3.4.4	Laws that deal with the end products of trafficking	64
3.4.5	National Plan of Action Against the Sexual Abuse and Exploitation of Children Including Trafficking 2001-2006	67
3.4.6	Recommendations	68
3.5	Sri Lanka	70
3.5.1	Introduction	70
3.5.2	Ratification of international conventions	72
3.5.3	The Constitution of Sri Lanka	72
3.5.4	Trafficking	72
3.5.5	Laws that protect children from the end products of trafficking	75
3.5.6	Juvenile justice	89
3.5.7	Protection for the victim	92
3.5.8	Institution to protect the rights of children	93
3.5.9	National plan of action	96
3.5.10	Recommendations	97
3.6	Thailand	99
3.6.1	Introduction	99
3.6.2	Ratification of international conventions	99
3.6.3	The Constitution of the Kingdom of Thailand	99
3.6.4	Trafficking	100
3.6.5	Procedures in cases involving human trafficking	104
3.6.6	Other laws related to trafficking	105
3.6.7	Memorandums of understanding	105
3.6.8	Laws relating to the prevention of trafficking	108
3.6.9	Laws that protect children from the end products of trafficking	109
3.6.10	Recommendations	114

List of Boxes: Case Studies

3.1	Chamoli	22
3.2	Manisha	28
3.3	Najma	41
3.4	Trafficking for camel jockeying	43
3.5	TICSA Action Programme on Child Trafficking	46
3.6	Case study: Exploitation for commercial sex	52
3.7	Case study: Exploitation for pornography	78
3.8	Case study: Enforcement of anti-exploitation laws	95

List of Tables

3.1	Number of homes and number of children admitted during 2002	90
3.2	Admission to certified schools by offence 2002	90