



**Sexual Exploitation of children in Bhutan by
Renew and ECPAT International
UPR 33 Pre-Session**

Introduction

The statement is delivered on behalf of Renew, a non-profit organization that campaigns to prevent and eliminate all forms of violence against women and children; and ECPAT International (EI), a global network of civil society organizations working for the eradication of all forms of sexual exploitation of children (SEC).

The statement is on the report on Sexual exploitation of children both organizations produced following country work experience and desk research.

Update from the last UPR review: At the 2014 UPR 17 recommendations were made to the RGoB on SEC as well as two recommendations on *combating violence against women and children* and on need to *increase efforts to prevent worse forms of child labour* which includes SEC.

Status and developments on sexual exploitation of children

Sexual exploitation of children through prostitution- In a 2016 study on *“Violence against Children in Bhutan”* by the National Commission for Women and CWC and UNICE, sexual exploitation of children emerged as an issue in the southern and south-eastern regions, together with physical and emotional violence. Civil society organizations working with exploited children estimate that, about half of female commercial sex workers in southern cities are Bhutanese and Indian *children, from poor background and working in hotels, entertainment centers, with many of them addicted to drugs and alcohol.* There are also a few examples of boy victims also emerged.ⁱ

Sexual exploitation of children through trafficking- Bhutan is both a source and destination for child trafficking for sexual purposes. Girls from Bhutan are trafficked from rural areas to urban areas, in Bhutan or India.

Sexual Exploitation of Children through on line (OSEC) and in travel and tourism (SECTT) - There is no evidence for these forms of SEC in Bhutan, but this might change, as Bhutan undergoes transformation with rapid expansion of tourism (41,000 in 2010 to 210,000 in 2016ⁱⁱ) and connectivity to internet (37% use in 2016) and mobile phones (82% useⁱⁱⁱ in 2015)

Child marriage- 6% of children is married by the age of 15; and 26% by 18.^{iv} Child marriage is both a factor enhancing vulnerability to SEC and a form of SEC itself- as the marriage is settled between two families, the economic transaction behind it establishes full control over the life of that child, including using a child for sexual purposes.

General measures of implementation

National Action Plans and overall Strategies- The National Plan of Action for Child Protection of 2012 is being reviewed; , and the RGoB is also developing a comprehensive National Plan of Action for Child Wellbeing and Protection(NPACWP), which will enhance the capacity to prevent and respond to violence, abuse and exploitation of children.

The protection services in NCWC was also recently reshaped from its original legal service mandate to professionalize and enhance the protection services offered to women and children in difficult circumstances and children in conflict with law.

Coordination and Evaluation- Ministries responsible to end SEC are: Home and Cultural Affairs (MoHCA), Ministry of Health , and Labour and Human Resources

In 2004, the RGoB established the National Commission for Women and Children (NCWC) , mandated to raise awareness and conduct trainings for the judiciary, police and civil society organizations on women and children rights , including human trafficking and child marriage. The government also established the National Action and Coordinating Group (NACG) to End Violence Against Children and Women in 2013. The NCWC and NACG are important steps towards coordination of child protection, but there is a need y need to enhance their capacity for them to efficiently carry their responsibility

Legislative framework- The RGoB has adopted laws and regulations that meet most of the international legal standards, which also protect children from SEC:

In 2011 the RGoB amended The *Penal Code* and adopted the *Child Care and Protection Act (CCPA)*. In The *Child Adoption Act (CAA)* was adopted in 2012. The *Child Care and Protection Rules and Regulations (CCPRR)* in 2015.

Sexual Exploitation of Children through prostitution - is prohibited expressly in the *Child Care and Protection Act*; and the definition is consistent the OPSC.

Child trafficking for sexual purposes - is also prohibited through the and the Penal Code.^v However Bhutan is not a party to UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children and the definition of child trafficking is narrower than the Protocol's

Sexual exploitation through pornography - is prohibited in the *Child Care and Protection Act*, and in line the OPSC. The Penal Code criminalizes pedophilia, acts of photographing or videotaping a child in a sexual act, and/or selling, manufacturing, distributing material that contains any depiction of a child engaged in sexual contact.

On line Sexual exploitation of Children - on line pornography is criminalized under the Penal Code ; and punishable under the Bhutan Information, Communications and Media Act; and grooming of children for sexual purposes and live streaming could be sufficiently considered prohibited by the *Bhutan Information, Communications and Media Act* and the Penal Code.^{vi}

Internet Service Providers (ISPs) are not explicitly required by law to report any child pornography material distributed or hosted through their services, but they are knowingly act as host for pornographic material.^{vii}

Sexual exploitation of children through travel and Tourism - There is no specific legislation addressing SECTT nor legislation that providing for extraterritorial jurisdiction for SEC offences

Child Early and forced d marriage (CEFM) - Since 1996 the minimum age for marriage for both man and women is 18 years. However CEFM remains an on going issue

Prevention- Prevention and awareness raising actions SEC are conducted by Government institutions and a myriad of civil society organizations. However, these efforts are not coordinated and their impact have not been evaluated

Protection of the rights of child victims-

Bhutan also has a specialized law enforcement units, which address violence against women and children, including child marriage.

The RGOB established a toll free helpline in 2018 that provide counseling, legal and referral services around the clock. The biggest challenge is the lack of reporting. In 2013, the Royal Bhutan Police (RBP) recorded 35 reported cases of child rape.

Recommendations to the RGoB

Coordination and Evaluation

- Establish an adequately staffed, financially and technically resourced government entity, mandated to coordinate the implementation of the Convention on the Rights of the Child and its ratified protocols

Legislative framework

- Align CCPA definition of child trafficking in line with the UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children.
- Consider ratifying the International Protocols, Convention and Treaties
- ✓ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;
- ✓ Optional Protocol to the Convention on the Rights of the Child on a communications procedures;
- ✓ International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182).
- ✓ International cybercrime treaties

Prevention

- Expand the NCWC mandate to support, coordinate and evaluate prevention efforts
- Enhance awareness raising among vulnerable populations and in remote and poor communities
- Provide economically vulnerable families with adequate support and welfare
- Deny entry to convicted child sex offenders
- Work with the media to increase public awareness on online sexual exploitation of children

Protection of Child Victim

- Institute Mandatory reporting of suspected sexual exploitation of a child, with strong sanctions for non-compliance; and protection mechanisms for those who report the crime.
- Improve access to justice through professional training curricula for law enforcement officers and judges.
- Ensure that child-sensitive services are available; regulated by quality standards; administered by knowledgeable, well-trained staff; adequately resourced; and easily accessible to all children.

ⁱ Ibid., 19.

ⁱⁱ UNWTO (2016), “*UNWTO Tourism Highlights, 2016*”, accessed on 6 March 2017, <http://www.e-unwto.org/doi/pdf/10.18111/9789284418145>.

ⁱⁱⁱ United Nations Children’s Fund (UNICEF) (2016), “The State of the World’s Children 2016; A Fair Chance for Every Child”, accessed on 19 August 2018, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

^{iv} UNICEF (2017), “*State of the World’s Children 2017*”, accessed on 19 August 2018, 181, https://www.unicef.org/publications/index_101992.html.

^v GoB (2004), Penal Code of Bhutan, article 227.

^{vi} GoB (2006), Bhutan Information, Communications and Media Act of 2006, article 179 (1) and art. 225 of the Penal Code.

^{vii} GoB (2004), Penal Code, article 476 (b).