

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/281244672>

The Commercial Sexual Exploitation of Children in Lao PDR

Technical Report · February 2011

DOI: 10.13140/RG.2.1.4143.2805

CITATIONS

0

READS

447

2 authors:



Vimala Crispin

Child Frontiers Ltd

6 PUBLICATIONS 18 CITATIONS

SEE PROFILE



Guy Thompstone

Child Frontiers Ltd

4 PUBLICATIONS 16 CITATIONS

SEE PROFILE



[REPORT ON THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN LAO PDR]

**Research Study on the Commercial Sexual Exploitation
of Children in Lao PDR**

February 2011

Together we protect

CONTENTS

Acknowledgements	1
Abbreviations and Acronyms	2
Definitions	4
Executive Summary	7
Introduction	11
Background	11
Country Context	13
Research Methodology	14
I. Child Prostitution	14
Internal Migration.....	17
Push / Pull Factors	18
Mobile Prostitution.....	20
Demand.....	21
Protection Measures & Initiatives	22
II. Child Pornography	24
Mobile Phones & Online Safety.....	26
Pornography & Child Sex Tourism	28
Monitoring & Enforcement.....	29
Protection Measures & Initiatives	29
III. Child Sex Tourism.....	31
Child Sex Tourism in Thailand	33
Special Economic Zones.....	34
International Coordination	35
Protection Measures & Initiatives	36
IV. Child Trafficking for Sexual Purposes	38
Voluntary and Legal Movement.....	39
Trafficking into Lao PDR	40
Profile of Exploiters	41
Protection Measures & Initiatives	41
V. Legal & Policy Framework.....	44
Recommendations	51
Systems to Protect Children from Sexual Exploitation	53
Challenges	54
Annex I: Key Technical Informants	61

Acknowledgements

This research study on the commercial sexual exploitation of children in Lao PDR was commissioned through a joint collaboration between the Ministry of Labour and Social Welfare, UNICEF Lao PDR, UNIAP, Save the Children and World Vision. The field work was conducted by a team of international consultants and staff from the Department of Social Welfare, UNICEF Child Protection section, UNIAP, Save the Children, World Vision and AFESIP Lao PDR.

The design and implementation of the study was led by [Child] Frontiers, an international consulting company focusing on child protection issues (www.childfrontiers.com).

The report was written by a team from Child Frontiers:

Vimala Crispin (Associate)
Guy Thompstone (Director)

Fieldwork was conducted by a team of researchers from the project partner organizations:

Vannaleth Chanthavong (Technical Officer) – MLSW

Kittisak Khouhathong (Child Protection Officer) – UNICEF Lao PDR
Sachiko Matsuoka (Child Protection & HIV/AIDS Officer, UNV) – UNICEF Lao PDR

Chansamone Bouakhamvongsa (Programme Manager for Child Protection) – Save the Children
Khomvanh Sayarath (Thematic Manager for Child Protection) – Save the Children Norway
Viengkong Volavong (Programme Officer) – Save the Children

Phimmasone Thongphataysack (Information Analyst) – UNIAP Lao PDR
Malayvanh Khamhoung (National Cross Border Liason Assistant) – UNIAP Lao PDR

Phouthaluck Phontsaona (RACTP Project Manager) – World Vision Lao PDR

Soulinphone Seankomean (Outreach Coordinator) – AFESIP Lao PDR

Abbreviations and Acronyms

AIDS	Acquired Immune-Deficiency Syndrome
AFESIP	Agir pour les Femmes en Situation Precaire
ATU	Anti-Trafficking Unit
ARTIP	Asia Regional Trafficking in Persons Project
CEDAW	Committee on the Elimination of Discrimination against Women
CHAS	Center for HIV / AIDS / STI
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CPAP	Country Program Action Plan
CPN	Child Protection Network
CRC	Convention on the Rights of the Child
CSEC	Commercial Sexual Exploitation of Children
CST	Child Sex Tourism
DCCA	District Committee for the Control of AIDS
DLSW	District Labour and Social Welfare
ECPAT	End Child Prostitution Child Pornography & Trafficking of Children for Sexual Purposes
FI	Friends International
FHI	Family Health International
HIV	Human Immune-Deficiency Virus
ICE	U.S. Immigration and Customs Enforcement
ISP	Internet Service Provider
Lao PDR	Lao People's Democratic Republic
LWU	Lao Women's Union
LYU	Lao Youth Union
MCH	Mother and Child Health
MCHC	Mother and Child Health Centre
MCTPC	Ministry of Communications, Transport, Post and Construction
MIC	Ministry of Information and Culture
MLSW	Ministry of Labour and Social Welfare
MOE	Ministry of Education
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MOJ	Ministry of Justice
MSM	Men who have Sex with Men
NA	National Assembly

NCA	Norwegian Church Aid
NCCA	National Committee for the Control of AIDS
NCMC	National Commission for Mothers and Children
NGO	Non-Governmental Organization
NPA	National Plan of Action
NSEDP	National Socio Economic Development Plan
OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
PCCA	Provincial Committee for the Control of AIDS
PSI	Population Services International
SCN	Save the Children, Norway
SCA	Save the Children, Australia
SEZ	Special Economic Zone
SERT	Security Emergency Response Team
STI	Sexually Transmitted Infection
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
VCT	Voluntary Counseling & Testing
VDF	Village Development Fund
VFI	Village Focus International
VOT	Victim of Trafficking
VMU	Village Mediation Unit
WIP	Women in Prostitution
WHO	World Health Organization

Definitions

In recent years, many definitions have been developed for the terms abuse, neglect, and exploitation. These have typically been proposed by UN agencies and NGOs and share common features. For the purposes of this report on the commercial sexual exploitation of children in Lao PDR, definitions found in WHO's World Report on Violence and Health (2002) and ECPAT International's "Semantics or Substance? Towards a shared understanding of terminology referring to the sexual abuse and exploitation of children" are used.

WHO defines child abuse as "all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment, or commercial or other exploitation resulting in actual or potential harm to the child's health, survival, development, or dignity". Within this broad definition of child abuse, five sub-types are distinguished: physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation.

Children: defined as people under the age of 18, in agreement with the UN Convention on the Rights of the Child. While children over the age of 15 are legally able to consent to marriage in Lao PDR,¹ they are not legally adults and are therefore not in a position to consent to paid sex. Children may be easier for exploiters to deceive, manipulate and control.

Commercial Exploitation of a Child: refers to the use of the child in work or other activities for the benefit of others. This includes, but is not limited to, harmful child labour, child prostitution, and the exploitation of children through pornography. These activities are detrimental to the child's physical or mental health, education, and moral or social-emotional well-being.

At the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996, CSEC was defined as the "sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object".² The key element is that this violation of children arises through a commercial transaction of some sort. That is, there is an exchange in which one or more parties gain a benefit – cash, goods or kind – from the exploitation for sexual purposes

¹ Contract Law: Article 7, Penal Code: Article 129 and Children's Law: Article 89.

² 1st World Congress against Commercial Sexual Exploitation of Children, "Declaration and Agenda for Action", Stockholm, Sweden, 27 - 31 August 1996.

of a person aged below 18. The significance of defining in-kind transactions as commercial in nature should not be underestimated, not only because they are very common, but also because there is a tendency to view some such transactions as entailing 'consent' on the part of a child. This includes cases where sexual exploitation occurs in exchange for protection, a place to sleep, or access to higher grades and/or promotion. It is also important to note that the sexual exploitation of the child may profit a much wider range of people than the immediate beneficiary of the transaction."³

Various forms of commercial sexual exploitation of children are further defined under the Optional Protocol of the CRC:⁴

Sale of Children: any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

Child Prostitution: The Optional Protocol to the Convention on the Rights of the Child (CRC) defines the prostitution of children as one manifestation of the use of a child in sexual activities for remuneration or any other form of consideration. Most generally, it means that a party other than the child benefits from a commercial transaction in which the child is made available for sexual purposes - either an exploiter intermediary (pimp) who controls or oversees the child's activities for profit, or an abuser who negotiates an exchange directly with a child in order to receive sexual gratification. The provision of children for sexual purposes may also be a medium of exchange between adults. The prostitution of children is closely connected to the trafficking of children for sexual purposes and child pornography, while child sex tourism generally falls into the category of prostitution.

Child Pornography: Article (c) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography defines child pornography as "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, the dominant characteristic of which is depiction for a sexual purpose." Article 9 (2) of the Council of Europe Convention on Cybercrime further elaborates that " 'child pornography' shall include pornographic material that visually depicts: a) a minor engaged in sexually explicit conduct; b) a person appearing to be a minor engaged in sexually explicit conduct; c) realistic images representing a minor engaged in sexually explicit conduct."

³ ECPAT International, CSEC Terminology, January 2005 (http://ecpat.net/EI/Csec_definition.asp)

⁴ UN General Assembly Resolution 263, Session 54. 'Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography', March 2000.

Child Sex Tourism: is defined as the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children. Child sex tourists may not have a specific preference for children as sexual partners but take advantage of a situation in which children are made available to them for sexual exploitation. It is often the case that these people have travelled from a wealthier country (or a richer town or region within a country) to a less-developed destination, where poorer economic conditions, favourable exchange rates for the traveller and relative anonymity are key factors conditioning their behaviour and sex tourism.

Paedophilia: is a clinical term for adults who are primarily sexually attracted to prepubertal children. According to the Diagnostic and Statistical Manual of Mental Disorders, paedophilia can be defined as “the act or fantasy of engaging in sexual activity with prepubertal children as a repeatedly preferred or exclusive method of achieving sexual excitement”.⁵

Child Trafficking for Sexual Purposes: includes a wide range of situations involving the recruitment and transportation of children for sexually exploitative practices, including prostitution, the making of pornography and forced marriages.

⁵ Diagnostic and Statistical Manual of Mental Disorders DSM-IV TR (Text Revision) Arlington, VA, USA: American Psychiatric Publishing, Inc.. 2000-06. p. 943.

Executive Summary

This study on the commercial sexual exploitation of children in Lao PDR was commissioned through a joint collaboration between the Ministry of Labour and Social Welfare, UNICEF Lao PDR, UNIAP, Save the Children and World Vision in a effort to gain a better understanding to inform and guide national action on this issue. While CSEC has been identified as a child protection issue in Lao PDR, little qualitative or quantitative information or evidence exists on the current status or emerging manifestations, scale and scope of this phenomenon. Recent economic and social change have impacted the dynamics of CSEC in Lao PDR, particularly with regard to new forms such as child pornography and child sex tourism that have appeared since the first study on this issue was conducted in 2002.

Given the illegal and hidden nature of the commercial sexual exploitation of children, it is difficult to obtain accurate information on the number of child victims. The objective of this study was to develop a picture of the different forms of CSEC that exist in Lao PDR and document current manifestations in order to guide future policy. To achieve this, the research process utilized a mix of qualitative and quantitative methods, including analysis of existing data on CSEC, semi-structured interviews with key informants both at the policy level and involved in front-line work on CSEC, observation of high-risk locations, as well as focus group discussions with communities affected by CSEC.

In terms of child prostitution, in Lao PDR this appears to be based predominantly in beer bars and karaoke shops, which are found across the country. There is a high degree of mobility between provinces and girls in these establishments generally work in other districts or provinces away from their home. Restrictions on the number of persons registered to work in entertainment locations has contributed to a rise in mobile prostitution, where girls are called in when there are customers, rather than being based in a specific location. High school dropout rates of teenagers due to lack of accessibility of secondary schools and limited employment opportunities appear to contribute to the involvement of children in prostitution in many provinces. Recruitment is reportedly often coordinated by girls or older women, who may receive payment to bring relatives and friends to work. From the perspective of demand, a cross-section of men drive child prostitution, including businessmen, professionals, immigrant workers and officials from within Lao PDR, as well as other Asian nations.

Child pornography appears to be available for download to mobile phones and memory sticks from CD shops in many locations in Lao PDR. Two cases of child pornography have been prosecuted by the Lao Women's Union and a seven-step legal process has been developed to address child pornography cases. Children email or upload pornographic images and clips to the internet to share with friends or others through online profiles, which can be accessed by others and used in a variety of ways. There is little information currently available for children and youth in Lao PDR regarding internet safety or online identity protection. Internet access and 3G technology are expanding rapidly in Lao PDR, without measures to block child pornography and support a secure online environment. Child pornography can be linked to child sex tourism and child prostitution, with exploiters recording images of abuse to be sold.

While most international visitors pose no threat to children, increased tourist arrivals represent a greater risk of child-sex offenders entering the country. The majority of child sex tourists in Lao PDR are from neighboring and other Asian countries. Casinos in Special Economic Zones located in northern Lao PDR are locations for prostitution of foreign girls, many under 18, for Chinese tourists. There is currently little coordination with international agencies to identify child sex tourists and paedophiles entering Lao PDR.

Child trafficking is the most well-known, researched and internationally addressed form CSEC in Lao PDR. The vast majority of trafficking for CSEC is to destinations throughout Thailand, with a few cases to Malaysia and China. Child trafficking for CSEC is closely linked to issues of migration and labour exploitation. Girls under 18 are trafficked into Lao PDR from China and Vietnam to be exploited in prostitution and receive little assistance or support. Traffickers are often Thais who work in coordination with Lao brokers and criminal prosecution of foreign national traffickers is rare. Despite strong legislation, international cooperation and attention, coordination challenges remain, especially at the local level.

Given the stated commitment of the Lao PDR government to address the protection of children against abuse, neglect, violence, and exploitation through the creation of a solid and sustainable child and family welfare system, this report provides a series of recommendations for addressing CSEC more broadly within this system, as well as in relation to the different manifestations of this phenomenon. Measures that focus on solely prosecution of perpetrators and assistance to select victims do little to reduce the overall level of CSEC.

As the report indicates, the dynamics of CSEC are constantly changing, shaped by global and technological push and pull factors. The challenges in collecting accurate and comprehensive data on CSEC are considerable and it is unlikely that child protection actors will be aware of new developments or manifestations at all times. During the time required for government agencies or NGOs to identify a specific problem and develop a program or response, the phenomenon will likely have evolved to take on new forms and dimensions. This study provides a clear rationale for tackling CSEC concerns within a broader framework of social development.

It is important to understand the economic and social factors that precipitate CSEC and try to address these at the source. As with all child protection concerns it is essential to try to prevent harm rather than respond to individual cases after the fact. This is compounded by the reality that in Lao PDR the required resources and capacity for a credible, case management based response system are not currently available. Additionally, the majority of girls involved in CSEC in Lao PDR have not been physically forced into this situation and therefore, unless the response system addresses the reasons that have motivated their behaviour, many will return to exploitative situations, as has been evidenced. Efforts to address CSEC should therefore focus on: a) wider national development strategies and b) child protection systems building. This research study and the recommendations presented are framed in line with the analysis of the status of the child and family welfare system in Lao PDR conducted by MLSW, UNICEF and Child Frontiers in July 2009.

Measures that focus solely on the prosecution of perpetrators and assistance to select victims do little to reduce the overall level of CSEC. Failure to prioritise prevention and address these issues in a comprehensive and systematic manner results in piecemeal efforts implemented only after the harm occurs. Practical strategies based around facilitating and promoting school attendance, particularly for teenage girls, could significantly reduce the vulnerability of a broad cross-section of children to CSEC. Strict punitive regulations without appropriate and accompanying or complementing support may in fact lead to the further exploitation of children, as evidenced in the increasing rate of mobile prostitution following limitations placed on the number of girls working in beer bars. A more integrated and systems-based approach to preventing and protecting children from all forms of violence, abuse, neglect, and exploitation, as advocated in this report, involves a more holistic approach that encompasses proactive and preventative child and family welfare services.

From this perspective, the report provides a series of recommendations, both in relation to addressing CSEC more broadly within the child and family welfare system, and in relation to the different manifestations of this phenomenon. Some of these recommendations are broad and ideal, while others are practical and achievable in the shorter term. While it is evident that the root causes of CSEC need to be addressed through the development of a solid child protection environment based on an integrated system of prevention and response services founded upon a strong legal and policy framework, it is also recognised that special dedicated protection measures are required to prevent the phenomenon and respond to children exploited through it. For optimal impact, these measures should be integrated into the wider development of a safe child protection environment, rather than implemented as ad hoc, expedient measures.

Key broad recommendations propose that:

- ❑ A comprehensive exercise should be undertaken to define a long-term, sustainable vision for a functioning system for child and family welfare. This exercise would necessarily integrate efforts to prevent and protect children from commercial sexual exploitation and be supported by international best practices and standards. It would also take into consideration Lao customs and practices to ensure a contextually appropriate system;
- ❑ A long-term strategic plan should be formulated and agreed upon with a recognition that this would be an evolving but enduring commitment. Micro goals towards the realisation of the wider framework should be defined;
- ❑ Given the challenges faced in achieving the objectives of the current National Plan of Action on CSEC (2007 – 2011), it is recommended to harness these partnerships within a wider consultative process, culminating in a single, unified national strategy for child protection.

Introduction

Background

While commercial sexual exploitation has been identified as a child protection issue in Lao PDR, there remains a significant gap in accurate information on the manifestations and forms of CSEC that exist in the country. At the East Asia & the Pacific Regional Preparatory Meeting for the World Congress III against Sexual Exploitation of Children and Adolescents held in August 2008, emerging developments relating to the sexual exploitation of children in the region were highlighted. These included the rapid growth of the tourism industry; increasing use of information and communication technologies in facilitating child sexual exploitation; linkages between some forms of abuse and traditional / cultural practices; as well as influences and social pressures related to increased consumerism. Government delegates, UN and NGO representatives, law enforcement officials, as well as child and youth delegates emphasised the need to develop a greater understanding of the commercial sexual exploitation of children in the region, including the impact on and appropriate care and rehabilitation for victims in order to strengthen ongoing work and improve the protection of children.

Since the first study on CSEC was conducted by the Ministry of Labour and Social Welfare and UNICEF in 2002, the legal and policy framework has evolved along with the actual situation of children on the ground. Important developments during this period include the Memorandum of Agreement between the Kingdom of Thailand and the Lao PDR on Cooperation to Combat Trafficking in Persons, especially Women and Children (2005), the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) process and the approval of a National Plan of Action on CSEC by the Lao PDR National Assembly in 2007. Due to resource, capacity and coordination constraints, many of the strategies outlined in the NPA on CSEC have not been implemented, despite apparent commitment on the part of responsible agencies interviewed. Other key steps include the Law on Women's Development and Protection (No.70/PO) (2006) and the comprehensive Law on the Protection of the Rights and Interests of Children (No. 04/PO) adopted by the National Assembly in 2006.

Recent economic and social change has resulted in the emergence of a growing number of challenges, including trafficking of children and women, sexual exploitation, HIV/AIDS, drug abuse, as well as changes in youth values and breakdown of the family support structure.

These issues and their impact on the lives of children are only beginning to be understood and require greater attention from government and other sectors of society. Understanding of CSEC issues among the general population and target groups interviewed remains limited. As in other countries, despite positive implications for commerce and transportation, the Route 3 highway completed in 2008 linking China's Yunnan province with northern Thailand via Lao PDR also poses potential risks for the protection of children and exposure to CSEC in previously isolated areas. Special economic zones (SEZs) that have been established, particularly with Chinese investors in the northern region of the country, where large casinos and entertainment complexes have been and are being built, pose unique protection risks that have received little attention to date.

The current debate around the definition of trafficking in persons is particularly relevant to the case of Lao PDR, where many families and children illegally migrate into neighbouring Thailand in pursuit of economic opportunities, but can ultimately become subject to exploitative situations involving debt bondage and forced prostitution. The recommendations from the Committee on the Rights of the Child and CEDAW to Lao PDR expressed concern at the persistence of trafficking and sexual exploitation in Lao PDR, particularly given that “60 percent of victims are reportedly girls between 12 and 18”.⁶ The UN Special Rapporteur on the sale of children warned that if Lao PDR did not put in place preventive measures to protect children as a matter of priority, the country might “find itself in the same situation as some of its neighbours, with a conflagration of child exploitation and abuse”.

In 2007, the UN Special Rapporteur on the human rights of indigenous peoples expressed concern at the increasing numbers of indigenous women who have become victims of sexual trafficking and prostitution. The UNCT has noted that children under the age of 18 constituted nearly half of the population of Lao PDR and are among the most vulnerable to abuse, violence and exploitation.

Given the lack of qualitative and quantitative information on the emerging manifestations, scale and scope of commercial sexual exploitation in Lao PDR, along with clear evidence of the existence of CSEC, a national study to gain a better understanding to inform and guide national action on this issue is both timely and relevant.

⁶ CRIN, LAO People's Democratic Republic: Children's Rights References in the Universal Periodic Review (<http://www.crin.org/resources/infoDetail.asp?ID=22182>).

Country Context

While it is simplistic to attribute all social challenges to the root cause of poverty, the commercial sexual exploitation of children is undeniably linked to push and pull factors resulting from economic necessity. This issue must therefore be considered in Lao PDR's particular socioeconomic context. This is also relevant to the question of personal choice and motivation; it may be argued that many teenagers involved in the sex industry are not physically forced to do so and appear to have chosen to be involved in commercial sexual exploitation of their own will. In reality, however, alternative livelihood options for these children are often extremely limited.

Lao PDR faces many unique human development challenges, with the majority of the population (73 percent) living in rural and remote areas without access to basic infrastructure and services. Lao PDR has 49 officially recognized ethnic groups with different cultures, languages and traditions. Approximately 27.6 percent (2007-08) of the population lives below the national poverty line.⁷

Although significant advances in social development have been made in recent years, including progress towards the Millennium Development Goals (MDGs), the country is categorised as having a 'medium-low level of human development', with many associated challenges. Lao PDR currently ranks 133 out of 177 countries on the UNDP Global Human Development Index. There is strong government commitment towards achieving the MDGs, which guide the Seventh National Socio Economic Development

Indicator	Estimated Value	Year
Total population	5.99 million	2010
Population growth rate	2.1% per year	2010
Population living in urban areas	27%	2005
Infant mortality rate	70 deaths / 1,000 live births	2005
Life expectancy at birth	65	2008
GDP/capita (PPP)	US\$ 986	2009
Population below poverty line	27.6 %	2008

Lao PDR Demographic Indicators

Source: Ministry of Planning & Investment & UNDP¹

Plan (NSEDP) for 2011-2015. In recent years Lao PDR has experienced positive economic growth, (6.3 percent average since 2002) and foreign investment in mining, agriculture and hydro-electric sectors, amongst others, has increased substantially.

⁷ Ministry of Planning and Investment, and UNDP, 'Employment & Livelihoods, 4th National Human Development Report', Lao PDR, 2009.

The combination of accelerating economic development, particularly in previously inaccessible and remote areas of the country, within a context of more gradual advancement in access to education, skills development, health and other services, results in a unique set of vulnerabilities, particularly for children and youth. Exposure to consumer culture and the requirements of a cash economy without means to participate and limited employment options can cause youth to make choices that involve serious protection risks. Compounded by poverty and the need to contribute to the economic support of their family, many Lao children and teenagers are compelled to seek jobs in the service sector, both within the country and abroad.

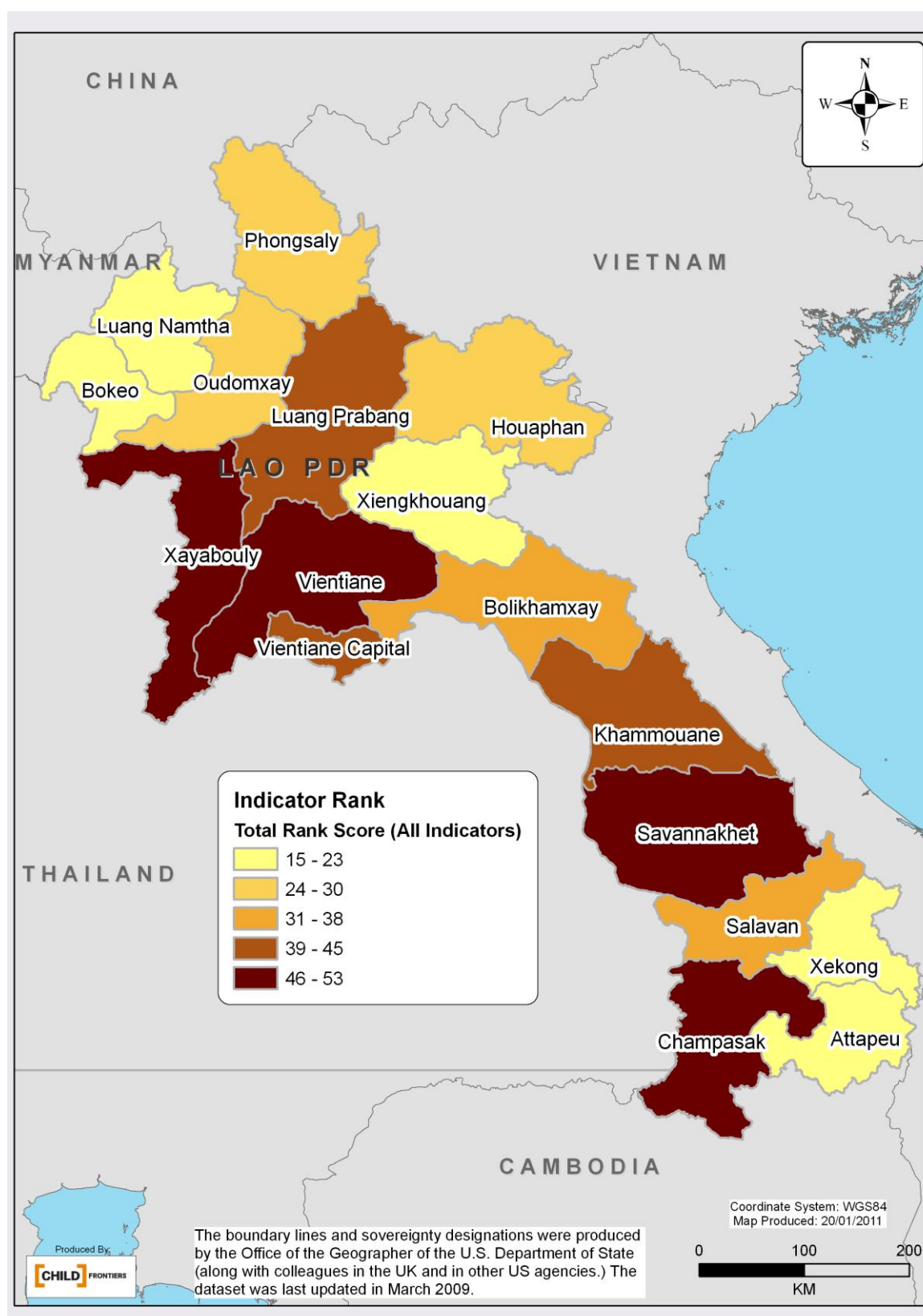
Research Methodology

Given the illegal and hidden nature of the commercial sexual exploitation of children, it is not possible to quantify accurately the number of child victims. The objective of this study is to develop a picture of the different forms of CSEC that exist in Lao PDR and document manifestations which are detailed and specific enough to guide future policy. Based on these findings, concrete recommendations for combating the different manifestations of CSEC in Lao PDR within a systems-based approach to child protection are proposed.

The research process was largely qualitative in nature and included a literature review, methodology development, fieldwork in six locations around the country, toolkit revision, data analysis and report development. The literature review involved analysis of existing reports, studies, evaluations and other information pertaining to the commercial sexual exploitation of children and the child protection system in Lao PDR, including the national legal and policy framework. The literature review provided information to establish a baseline for understanding CSEC in Lao PDR, enabled Child Frontiers to collect specialized data and consolidate information on CSEC in Lao PDR, as well as determine the appropriate research scope, identify information gaps to be addressed and adapt the methodology and tools to the country context.

Based on the literature review and discussions with in-country project partners, research locations were identified based on perceived frequency of leading factors contributing to the commercial sexual exploitation of children. Correlating with this, the following map depicts the frequency of factors contributing to the existence of commercial sex in different provinces of Lao PDR, as determined by the National Committee for the Control of AIDS.⁸

⁸ National Committee for the Control of AIDS, National Strategy and Action Plan on HIV/AIDS/STI 2011-2015



Factors used for this analysis included 1) number of entertainment sites; 2) urbanization; 3) transport routes; 4) highly mobile populations; and 5) large infrastructure projects. In the map above, frequency rates for all of these factors were compiled for each province, generating an indicator rank score from 0–53, with the 46–53 category (labelled dark brown) indicating provinces with the greatest total number of factors contributing to the availability of commercial sex.

process in an effort to capture and verify information through a process of triangulation. A research toolkit was developed utilizing structured and semi-structured interviews, focus group discussions with communities and observation techniques. Interviews were held with key informants selected for their knowledge of CSEC and the national child protection sector at both the national and provincial levels. For a detailed list of key informants, see Annex I and II. Questionnaires were tailored specifically for use with different respondent groups, including police, government officials, Lao Women's Union and Lao Youth Union representatives and Village Mediation Units.

Field research was conducted in Vientiane, Luang Namtha, Bokeo, Luang Prabang, Champassak and Savannakhet provinces (see table below for detailed list of research locations). Research sites were selected to ensure that a rich variety of information was acquired from a diverse set of locations and communities across the country targeting different manifestations of CSEC based on the social, economic and geographic environment. Given the context specific and covert nature of CSEC, general random selection of research sites was determined not to be an effective strategy, particularly within the study timeframe and resource parameters. The objective of the research was not to gather quantitative data, but rather to illuminate existing or emerging issues and trends to be understood and addressed.

During the research methodology development phase and based upon literature review findings from studies conducted on trafficking in the region, it was clear that traditional research techniques, such as interviews and focus group discussions with communities, were unlikely to generate a great deal of useful information due to reluctance to discuss sensitive or taboo topics among interviewees. This was confirmed during the first fieldwork phase and as a result the research tools were further refined. This involved further clarification of terminology and incorporating techniques to build rapport with respondents and encourage information-sharing.

In order to access information from a wide range of sources, interviews with front line outreach workers, specifically those providing health services to girls in beer bars and karaoke shops, were included. Having established a level of trust and a supportive relationship with the girls, these outreach workers often had valuable information about the dynamics of commercial sexual exploitation in the locations where they worked.

Key Technical Informants (Provincial / District Level)

Province	District	Respondents	Research Methods
Luang Namtha	Luang Namtha	PSLW, PCCA, LWU, Tourist Police, LYU, DLSW, VMU, Burnett Institute	SSI, FGD, Observation
	Boten	Border Police, Casino Area Police	SSI, Observation
	Muang Xing	DSLW, Tourist Police, LWU, LYU, PCCA, VMU, Community	SSI, FGD, Observation
Bokeo	Huey Xai	PSLW, PCCA, LWU, Tourist Police, LYU, DLSW, VMU, Burnett Institute	SSI, FGD, Observation
	Thon Peung	DLSW, VMU, Police, PCCA, LYU, LWU, Tourist Police (Casino)	SSI, FGD, Observation
Luang Prabang	Luang Prabang	PSLW, PCCA, LWU, Tourist Police, Anti-Trafficking Unit, Information & Culture Department, LYU, DLSW	SSI, FGD, Observation
	Nambak	DSLW, District Police, LWU, LYU, DCCA, VMU, Community	SSI, FGD, Observation
Champassak	Pakse	PSLW, PCCA, LWU, Tourist Police, Anti-Trafficking Unit, Information & Culture Department, LYU, DLSW	SSI, FGD, Observation
	Chongmek Border Checkpoint	DSLW, Border Police	SSI, Observation
Savannakhet	Savannakhet	PSLW, PCCA, LWU, Tourist Police, Anti-Trafficking Unit, LYU, DLSW, Casino Police / management	SSI, Observation
	Sepone	DSLW, DCCA	SSI, Observation
Vientiane	Chantabouly	PSLW, DSLW, VMU	SSI

Another important research technique was observation and conversations with key informants such as drivers, bar owners, girls working in beer bars and managers of guesthouse management. Opportunities to obtain this type of information were often not planned or formally built into the research plan but provided critical perspectives that could be triangulated against information from other sources.

As stated in the study objectives, this report strives to develop understanding of CSEC trends in Lao PDR, rather than present detailed or quantitative evidence of specific manifestations. However, we believe that the findings are sufficiently detailed and validated to serve as a basis for policy recommendations. Effort has been made to corroborate and cross-check information received against multiple sources for verification. The findings and conclusions presented in this report are made on the basis of data collected through fieldwork and interviews and represent the most accurate picture possible of the commercial sexual exploitation of children in Lao PDR given the research challenges, available resources and timeframe. It is also important to note that the study was not conceived as an evaluation or assessment of nationwide services or initiatives implemented to combat CSEC, although the report does contain information on interventions and available services within the findings presented on each manifestation of CSEC. These are not meant to be a conclusive or comprehensive list, but do highlight efforts that are working with varying degrees of success, which has implications for the recommendations that have been developed.

This research study and the recommendations presented are framed within the context of the *Analysis of the Social Welfare System in Lao PDR* conducted by MLSW, UNICEF and Child Frontiers in July 2009. Measures that focus on solely prosecution of perpetrators and assistance to select victims do little to reduce the overall level of CSEC. From this perspective, the report provides a series of recommendations, both in relation to addressing CSEC more broadly within the child and family welfare system, as well as in relation to the different manifestations of this phenomenon.

Research Findings

I. Child Prostitution

- **Prostitution in Lao PDR is based predominantly in beer bars and karaoke shops, which are found across the country**
- **There is a high degree of mobility between provinces, meaning girls generally do not work near their home district or province**
- **Restrictions on the numbers of girls registered to work in entertainment locations has contributed to a rise in mobile prostitution**
- **School dropout rates of teenagers due to limited accessibility of secondary schools and employment opportunities may contribute to the involvement of children in prostitution in many provinces.**
- **Recruitment is often coordinated by girls or older women, who receive payment to bring relatives and friends to work**
- **A cross-section of men drive child prostitution, including Lao, Thai, Chinese and other Asian businessmen, professionals, immigrant workers and officials**

Prostitution and the sex trade are strictly forbidden in Lao PDR. Several articles in the Penal Code prohibit rape, incest, pornography, abortion, and prostitution. In some cases, more severe punishment is instituted for crimes committed against children than in cases of crimes committed against adults. Under the article on child rape (Penal Code, Article 120), punishment for having sexual relations with a male or female child below the age of 15 is imprisonment for between one to five years. In addition to this, Article 122 of the Penal Code protects minors from being prostituted. In addition, any person who engages in commercial sexual relations as a form of income, or any person who assists another person in engaging in prostitution, are punishable by law with sentencing ranging from between three months to one year.

Unlike in neighbouring countries, large scale brothel-based prostitution is not openly visible. The most common venue for prostitution is in beer bars that have proliferated across the country. These small-scale shops employ between two and ten (or more) girls, depending on size and demand from customers. The girls, known as *sao bolikarn*, are technically employed to serve beer and drinks to clients. While it is widely understood that children under age 18 are prohibited from entering and working in these establishments, there are numerous ways to circumvent such restrictions.

Girls employed in beer bars generally range in age from early teens to mid-twenties, as confirmed by police and health outreach workers from provincial and district level committees to control AIDS. The National Strategy & Action Plan on HIV/AIDS/STI for 2011-2015 recently approved by the government

Database Analysis of Women in Prostitution in Vientiane Capital (2005-6) ⁹		
Age	Frequency	Percent
Under 16	14	4.5
16 – 18	134	42.9
Over 18	164	52.6
Total	312	100.0

states that the majority of persons involved in commercial sex are “very young and extra vulnerable”.¹⁰ According to a database analysis study conducted by AFESIP, girls under age 18 represent almost half of the sample or 47.4 percent. 18-year-old girls were the largest group in the study, representing one-fifth of the sample or 22.4 percent. Very few women in prostitution are over 25 years of age, because “youth is a strongly desired criterion by Asian customers”. The analysis also noted that the ages as reported by respondents may be inaccurate given that children under 18 are not legally allowed to enter beer shops or night clubs.¹¹ Field research conducted for this study confirmed that many girls working in beer shops in all five provinces studied were under 18 but were reluctant to state their real age due to fear of government penalties for underage workers.

Beer shops and the number of girls formally employed in these establishments appear to be highly regulated. Shop owners reportedly pay regular fees to the government, including a business registration fee, payments to the Ministry of Information & Culture and Tourism Authority, and a monthly tax of 30,000 to 35,000 kip (Euro €2.75 – 3.22 / USD \$3.75 – 4.38) for every registered employee. In some provinces, these fees can represent a source of government income and therefore may be reduce incentive for local officials to close profitable bars.

According to interviews with police, girls employed in beer shops, bar owners and outreach workers, if a girl is found to be underage or without required identification, then the bar owner is subjected to a fine, in some cases of up to 20 million kip (Euro €1,835 / USD \$2,500), in addition to a jail sentence.¹² In some cases, the girls were expected to compensate the bar owner for this loss of income. Girls are permitted to work in beer bars if

⁹ AFESIP, Database Analysis of WIP in Vientiane Capital, 2005-2006.

¹⁰ National Committee for the Control of AIDS, National Strategy and Action Plan on HIV/AIDS/STI 2011-2015

¹¹ AFESIP, Database Analysis of WIP in Vientiane Capital, 2005-2006.

¹² Interview with bar owner, Champassak Province, December 2010.

they have at least one of three documents: 1) a national ID card 2) a photocopy of her family registration book or 3) a relocation certificate. It was reported by community members, police and government officials that these identification documents are easily forged, particularly photocopies made of family books, and these forgeries are seldom questioned.

Shop owners are required to register employees with local authorities and obtain residency permits for those from other provinces. The police regulate the number of girls permitted to work in each establishment and it is reported that restrictions on the number of employees per establishment have increased in recent months. Narratives from studies conducted indicate that an “informal protection network for sex workers exists among local officials whereby the local officials shield the sex workers from night patrols, document checks and help them to maintain a low profile in the village.”¹³

CASE STUDY: Beer Bar, Northwest Lao PDR

The local anti-trafficking police identified a bar located in Bokeo province that had been shut down several times. At the time the fieldwork was conducted, police reported that they were in the process of deciding whether to revoke the bar’s operating license. This is a complex process requiring authorization from several government agencies. There are approximately 12 girls working in this bar, who appeared to range in age from 14 – 19. The *mamasan* managing the bar was Thai. Upon entering, customers are asked how many girls they would like to sit with them for a fee of 15,000 kip per girl. The girls receive no salary or commission on beer sales and their earnings come from having sex with customers for a negotiable fee of 1,500 baht, of which 200 baht is paid to the bar owner. One girl interviewed stated that she was 16 years old and originally from Luang Prabang. She had been working in Huey Xai for one month and her family knew where she was and the type of work that she was doing. She said that she planned to return home to go back to school within a few weeks.

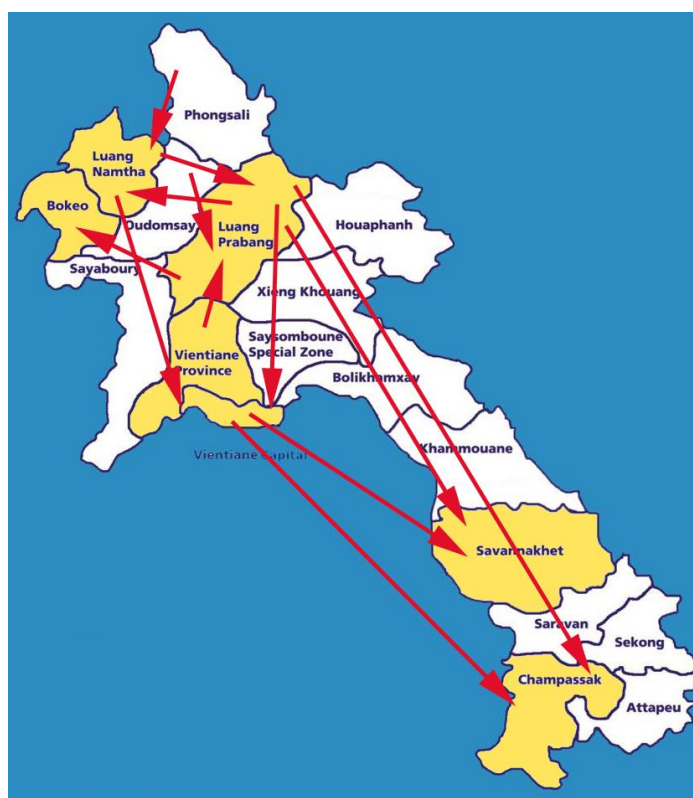
Compensation structures in beer bars vary between establishments. In some locations, girls receive a percentage of the profit from beverage sales. In many locations surveyed, the only compensation was through the sale of sex, after a set fee is paid to the bar owner or manager. In Bokeo province, for example, girls working in a beer bar explained that they typically charged 1,500 baht (Euro €36.71 / USD \$50) per client and were required to pay

¹³ Care International and LWU, “Just Beginning: An Analysis of the Risks of Abuse & Exploitation of Sex Workers in Vientiane Capital”, 2010.

the bar 200 baht (Euro €4.89 / USD \$6.66) of this amount. Some clients, especially Thais, reportedly negotiate payment to 700 baht (Euro €17.13 / USD \$23.33) but the bar fee remained fixed, leaving the girl with reduced compensation. Clients generally either take the girls outside of the shop or have sex in the rooms where the girls live behind the beer bar.

Internal Migration

Girls working in a specific province are frequently originally from another province. They reportedly prefer to travel to a place away from their home village to work in order to avoid being recognized. Local authorities, health outreach workers and girls working in beer bars in Luang Namtha province, for example, stated that girls working there are originally from Luang Prabang, Oudomxay and Phongsali. Girls working in beer bars in Bokeo province are reported to come from Vientiane capital, Luang Prabang and Luang Namtha, among others. Some locations are well known as source destinations, such as Nambak District in Luang Prabang province. However, girls often will not say where they are actually from in order to protect themselves.



Mobility of girls working in beer and karaoke shops, as reported by police, PCCA, outreach staff, DSLW, VMU and bar owners

Girls appear to shift from one location to another frequently depending upon demand. It was also reported that bar owners and clients prefer new girls, as this increases demand. Information about festivals, construction projects, conferences or other events is rapidly shared through informal networks and girls travel to locations where there are potential clients. This presents obvious challenges for conducting outreach and provision of support services, as establishing trust is a difficult process which must be restarted when a girl leaves for another location.

Interviews and focus group discussions with Village Mediation Unit representatives, community members and youth indicated that the high level of mobility of girls working in beer bars and the perception that they are from elsewhere contributes significantly both to the isolation of these girls and to a distinct lack of a sense of responsibility for their welfare or safety on the part of local community members because they are viewed as outsiders. This observation raises important concerns about the environment in which many of these girls find themselves, isolated from traditional community support mechanisms.

Push / Pull Factors

It is important to note that it does not appear that the majority of girls are physically forced to stay or work in beer or karaoke shops. When interviewed, many girls explained that they did not feel that they had any other option in order to earn a salary to support themselves and contribute to their family. As has been documented, girl children (particularly eldest daughters) in Lao PDR are considered to owe a debt to their parents; unlike boys, the debt cannot be repaid by earning merit through entering the monkhood. Many girls interviewed stated that their family did not know the specifics of their work, but thought they were employed in a restaurant or shop. This corresponded with responses given during focus group discussions, when community members were asked how teenage girls who had left the village to work in other provinces or Thailand were employed. The majority stated that the girls worked in restaurants or sold goods at small stalls and did not believe that they were involved in prostitution.

While the majority of girls are not clearly being forced to work against their will, a common scenario for entering prostitution is for a girl to experience social rejection due to engaging in premarital sex with a boyfriend or being a victim of abuse or rape. This destruction of their perceived purity and concurrent devaluation of their sexuality is a common precursor to involvement in prostitution. Ironically, an important step for these girls and women to rebuild their sense of self worth is by sending earnings from selling sex back to their families to support the education of siblings and pay other family expenses. In this way, they can reclaim their forfeited role as a filial daughter.

An important factor pushing girls and young women into beer bars and prostitution is the lack of alternative employment opportunities. In many of the provinces where fieldwork was conducted, local officials and communities reported high rates of unemployment. Compounded by a lack of vocational opportunities at the village and community level, Lao youth are often compelled to travel to urban areas and abroad in search of work. Due to

limited education and technical skills, often the only positions available are those of manual or agricultural labour or in the service sector, whether as maids, restaurant waitresses or in the sex industry. Friends or relatives involved in prostitution frequently persuade others from their village or district to join them; informal local recruitment networks are well established and this usually occurs through a person known to and trusted by the girl.¹⁴

CASE STUDY: Savannakhet

One of the largest hotels in downtown Savannakhet has a karaoke hall on the premises. While conducting fieldwork in this province, a research team member saw a girl standing on the street outside the karaoke hall at approximately 10pm. When questioned, she asked the researcher to speak with her older sister. The elder sister explained they were from Vientiane and had come to Savannakhet in search of work. She said that she was 18 years old and her sister was 15. She offered to sell her younger sister's virginity for 20,000 baht.

This trend is compounded by the reality that many teenagers, especially girls, drop out of school around the age of 13 – 15. While primary education may be available nearby and at the village level, children are often required to travel greater distances to attend middle or high school. Many families cannot afford the additional transportation and opportunity costs this entails and many teenage girls consequently drop out of school at this vulnerable age. Of particular concern to health officials and outreach workers interviewed is that brokers and bar owners sell virginity and sex with young girls at a higher price and are therefore eager to exploit new girls who are highly vulnerable and have few protection skills or awareness of HIV/Aids and STI transmission.

Another relevant and complex factor that can pull girls into prostitution is consumer culture. The process of modernization in many parts of the country has led to higher expectations in terms of lifestyle and access to consumer goods. Exposure to television and influences from neighbouring countries can lead children to make risky choices. In some cases reported by AFESIP outreach workers, girls are forced into prostitution by boyfriends; they persuade girls to support them financially using emotional and physical abuse.¹⁵ Once isolated from their families and communities and faced with the perceived shame of involvement in CSEC, it can be difficult for girls to escape these types of situations and they can become emotionally and financially dependent on those who are exploiting them.

¹⁴ UNICEF, MLSW, 'How Did I Get Here: Study on CSEC in Lao PDR', 2002.

¹⁵ Interview with AFESIP, November 2010.

In recent months, particularly during the recent Vientiane 450th anniversary celebrations, police have reportedly increased regulation of beer shops, limiting the number of girls permitted to work, depending on the size of the shop, and closing down shops altogether. The existence of widespread underage prostitution in beer and karaoke shops does not appear to be due to a lack of legislation or law enforcement, but rather through flawed interpretation of existing laws and bureaucratic loopholes used to avoid these. Increased or stricter regulation of these shops would likely have unintentional negative consequences for the employed girls, who would face monetary penalties and be forced to move elsewhere.

Mobile Prostitution

Regulation of beer bars and limitations imposed on the number of girls permitted to work in each establishment has contributed to the growth of another form of prostitution known as *sao meu teu*, or ‘mobile phone girls’. This phenomenon is extremely difficult to quantify and problematic as these girls are not physically based in a specific location, but rather are “on call” for clients and shop owners. When linked to a bar, it was reported that the bar owner typically charges a set fee of approximately 50,000 kip (Euro €4.60 / USD \$6.25) that the girl is required to pay. Fieldwork research and interviews conducted in all five provinces indicates that this phenomenon is extensive in all of these locations.

Mobile Prostitution as Reported by Key Respondents *			
Location	Confirmed	Denied	Uncertain
Vientiane			
Chantabouly	✓		
Luang Namtha			
Luang Namtha	✓		
Muang Xing			✓
Boten	✓		
Bokeo			
Huey Xai	✓		
Ton Peung	✓		
Luang Prabang			
Luang Prabang	✓		
Nambak	✓		
Savannakhet			
Savannakhet	✓		
Sepone	✓		
Champassak			
Pakse	✓		
Chongmek			✓

* Key respondents include: Tourist Police & ATU, PCCA / DCCA staff, Burnett Institute field staff

Police, public health and government officials interviewed expressed serious concern with regard to this issue, as girls involved in this form of low frequency prostitution can come from all sectors of society, including students and girls with other employment during the daytime. In cases where girls were not under 18 or in school, it was reported that they often pretend to be younger by borrowing the school uniforms of their younger siblings to meet clients, as Thai tourists often specifically request school age girls.¹⁶ These girls can be based in villages and local communities or they may rent out rooms in guesthouses or hotels. Conducting outreach and providing services to them is difficult. They provide their mobile phone numbers to bar owners, jumbo / taxi drivers and clients, who call them to provide sexual services and negotiate fees directly with them.

This form of prostitution has reportedly been prevalent in the Vientiane capital area in recent years and with the proliferation of mobile phones is now spreading throughout the country. In Vientiane, this has reportedly evolved into other internet-based forms, through which clients contact girls and boys online through internet chat and instant messaging programmes. Mobile phone based and other types of non-location specific prostitution pose unique challenges for regulation and provision of health, information on HIV/Aids or STI transmission and other critical outreach services to these populations. The risk of teenagers becoming involved in these activities through word of mouth from friends, without knowledge or oversight of their families or school authorities, is also of significant concern.

As prostitution is illegal, girls have little support and no legal protection if they are beaten, raped, robbed or abused. Contacting the police is generally not an option due to concerns about other repercussions. Girls not employed in a beer bar or other type of establishment have less protection. Bar owners may provide protection to girls working in their business in order to ensure that profits are received, however girls operating by mobile phones do not have this type of support.

Demand

The demand for sex with children and young people is a main factor contributing to child prostitution and other forms of commercial sexual exploitation. However, this important component of CSEC has received little attention in terms of research, awareness or government effort, both within Lao PDR and internationally. In contrast to popular

¹⁶ Interview with CHAS, January 2010.

perceptions, demand for sex with children comes not only from paedophiles but also from people who pay for sex. Both nationals and foreigners who purchase commercial sex may exploit a child without necessarily realizing that they are under 18 years of age.

Child sex exploiters are of all ages, may or may not be married or have a family and represent a wide range of socio-economic backgrounds and professions. Men who purchase sex from women and children involved in prostitution in Lao PDR are typically mobile men, including migrant and immigrant workers, transport workers, uniformed forces, as well as business travellers. The primary common characteristic of male clients is access to some level of disposable income. Clients of girls working in beer and karaoke bars were predominantly Lao nationals, as well as from neighbouring and other Asian countries.¹⁷ These men often specifically seek students or teenage girls for commercial sex. Studies that have been implemented around public health issues have indicated relatively high awareness, knowledge and condom use among the majority of professional client groups and, at the present time, low levels of STI/HIV.¹⁸

Protection Measures & Initiatives

Several agencies are conducting outreach to girls in prostitution in beer bars in Lao PDR. Systematic efforts are being coordinated by CHAS, under the Ministry of Health, as a core component of the National Strategy and Action Plan on HIV/AIDS/STI that has recently been developed for 2011 – 2015.¹⁹ This initiative (to be implemented in 94 in a total of 143 districts) and the related services provided focus on health issues in an effort to combat the spread of HIV/AIDS and other sexually transmitted diseases. The positive implication of this approach is ease of acceptance and lack of resistance from girls and bar owners, facilitating access and rapport-building.

However, failure to incorporate additional strategies from a child protection perspective results in missed opportunities to promote the safety and welfare of girls under 18 who are being exploited for commercial sex. Reported cases of 13 and 14 year old girls being treated for STIs or provided condoms for use with clients are problematic. At present, there is also no effective strategy in place to conduct outreach and provide protection or health services to girls involved in mobile prostitution, despite the reality that this phenomenon is

¹⁷ Specifically Thailand and China, as well as other countries in Asia, such as Korea and Japan.

¹⁸ National Committee for the Control of AIDS, National Strategy and Action Plan on HIV/AIDS/STI 2011-2015.

¹⁹ Ibid

widespread throughout the country and may be increasing as a result of increased regulation of beer and karaoke bars.

AFESIP and the Lao Women's Union operate shelters for girls in prostitution and trafficking victims. Shelters are not generally viewed by vulnerable girls as a helpful option. Staff capacity and resources available for case management, psychosocial counseling and care, job training and skill development, as well as to support and follow up on the reintegration of victims, are limited.

National Strategy and Action Plan on HIV / AIDS / STI

The National Strategy & Action Plan highlights the proactive government approach that has been adopted to combat HIV/AIDS/STI in Lao PDR. As of December 2009, almost **6,600 sex workers (out of 13,150 high and low frequency sex workers)** were registered to receive prevention services. Targeted interventions include “behaviour change communication (through peer counsellors), condom distribution, STI management, VCT, and in some cases a drop-in centre to create a space for community building”.

The strategy recommends “**scaling up prevention to... sex workers, especially low frequency sex workers outside entertainment establishments**; 2) providing standardized STI services through drop in centres; 3) strengthening structural interventions to create **an enabling environment** for sex workers to increase condom use and improve STI health-care seeking behaviours 4) development of national standards and guidelines for quality services, building capacity of service providers, including ongoing technical support, supervision and quality assurance, and 5) **developing information management systems** for better coordination across technical areas, between implementing partners and the national, provincial and local levels, and between national programmes.

II. Child Pornography

- **Child pornography appears to be available for download to mobile phones and memory sticks from CD shops in many locations**
- **Two cases of child pornography have been prosecuted by the LWU and a seven-step legal process has been developed**
- **Children email or upload pornographic images and clips to the internet to share with friends or others through online profiles**
- **There is little information currently available for children and youth in Lao PDR regarding internet safety or online identity protection**
- **Internet access and 3G technology are expanding rapidly in Lao PDR without measures to block child pornography and support a secure online environment**
- **Child pornography can be linked to child sex tourism and child prostitution, with exploiters recording images of abuse to be sold**

Globally, child pornography has become a multi-billion dollar commercial enterprise and is among the fastest growing businesses on the internet. The internet has made it possible for hundreds of thousands of individuals to instantly access child pornography from anywhere in the world. Child pornography can be linked to other forms of CSEC, such as through recording of images or videos of child prostitution, which may then be uploaded to the internet.

Under Article 127 of the Penal Code, a person can be punished with a fine of between 5,000 (Euro €0.46 / USD \$0.63) and 50,000 Kip (Euro €4.60 / USD \$6.26) for making, distributing or using pornographic or other materials offensive to the nation. Article 86 of the Children's Law prohibits child pornography with punishment of imprisonment and a 2-6 million kip (Euro €185 / USD \$250 – Euro €556 / USD \$750) fine. Preventing the importation, distribution and trading of pornography is identified as an objective in the 2007 – 2011 Lao PDR National Plan of Action on CSEC.²⁰ Based upon the literature review findings and desk research conducted for this study, as well as interviews with communities and key respondents, it was

²⁰ National Plan of Action Against Commercial & Sexual Exploitation against Children, Lao PDR, 2007 - 2011

initially concluded that child pornography was a form of commercial sexual exploitation that was rare or nonexistent in Lao PDR.

However, further field investigation and interviews with drivers providing services to businessmen and tourists revealed that child pornography does exist and is available for purchase in CD and video shops throughout the capital. Pornographic materials are not prominently displayed and may not be sold to all customers, but if the shopkeeper is familiar with the client or perceives that they can be trusted these materials are available for sale in shops in markets throughout the city and stand-alone video shops. This includes foreign pornography from both western and Asian countries, including Japanese *anime* films depicting school children and teenagers in sexually explicit situations.

CASE STUDY I: Lao Women's Union Prosecutes Child Pornography

The LWU recently prosecuted two cases of child pornography, establishing critical guidelines and legal precedents for addressing this issue in Lao PDR.

A 13 year old female student was pursued by a 21 year old man for several months and eventually agreed to have sex with him. He filmed this and the clip became available for purchase from jumbo drivers and in markets in Vientiane for 50,000 kip (Euro €4.60 / USD \$6.26). The girl's father saw the clip and the case was brought to the LWU, who prosecuted the case under the Penal Code. The man claimed innocence and stated that the video was sold by an electronics shop. The court did not sentence him to jail but his freedom of movement was restricted for six months. This case has become well known in Vientiane, although law enforcement officials have reportedly not been able to prevent the pornographic video of this child from continuing to be sold in markets and CD shops.

Another form of child pornography that has reportedly become common in Vientiane are clips of Lao teenagers conducting sexual acts that are filmed using mobile phones. These short clips are available for purchase from video shops for 2,000 Kip (Euro €0.19 / USD \$0.25) per clip. Video clips are downloaded from the shop computer onto customers' mobile phones, laptops or onto digital memory storage devices. It is also possible to buy several clips at once, which are burned by the shop onto a blank CD in MP4 format and sold for 25,000 kip (Euro €2.30 / USD \$3.13). The cost of a CD containing Lao clips is higher than the price of a foreign (ie. Japanese) pornographic DVD (8,000 Kip / USD \$1) or regular

movie (5,000 Kip / USD \$0.63). Lao pornography clips appear to be popular and one shop reported to be sold out due to high demand.

CASE STUDY II: Lao Women's Union Prosecutes Child Pornography

The LWU recently prosecuted two cases of child pornography, establishing critical guidelines and legal precedents for addressing this issue in Lao PDR.

In 2010, a Thai businessman was convicted for selling a clip of sex with a 17 year old female Lao student. The student contacted the LWU for assistance and to effectively prosecute this case a seven step process was developed. This process involves investigation, submission of evidence and consideration by the different levels of court, conviction and punishment. In this case, the Thai businessman was convicted and imprisoned for several months. However, it is difficult to completely remove images of video clips from the market once multiple copies have been made and disseminated. The importance of collecting forensic evidence to provide a legal basis for conviction in these cases was emphasised by the LWU and law enforcement officers require special training to do this effectively.

Mobile Phones & Online Safety

The proliferation of mobile phones and 3G technology in Lao PDR, along with increasing sophistication of children and young people in the use of these forms of communication, indicates that child pornography and abuse through technology are phenomena that could expand rapidly in the next five to ten years. As communication technologies, particularly mobile phones, increasingly facilitate the rapid transmission of data, these can also be used by children and others in more isolated settings. A PC computer and fixed internet connection are no longer required to access online services including social networks, streaming content and video sites, as well as to view and upload child pornography. Of particular concern are reports that children have filmed and acted in these clips themselves. This is not perceived by some children and youth as harmful, but rather as both entertaining and a potential source of income generation.

There is currently little understanding or awareness of online safety or security among children and youth who have access to computers and the internet in Lao PDR. Basic information with regard to protection of identity, as well as perception of threats such as

online grooming by paedophiles, is limited. The result is a situation where technological advancement is progressing rapidly without corresponding steps taken to ensure that children are able to benefit from these new platforms and access to information within a secure online environment. Recent initiatives, such as the Lao National e-Government Project to build capacity for local e-governance (under the 2006 Lao e-Government Action Plan) by the National Authority of Science & Technology, are positive steps, but should also incorporate measures to ensure child protection along with internet access in rural areas.²¹

Research indicates that boys in the MSM community often create online profiles on websites where pornographic images or clips can be sold to foreign clients online. Young men reportedly receive payment through electronic transfer services such as Western Union. These sites also link foreign sex tourists with Lao nationals in different locations and online research indicates that Vientiane, Luang Prabang and Vang Vieng are popular destinations. Tips on where to meet boys and men, which guesthouses or hotels permit guests to enter rooms after hours, as well as the appropriate rate to bribe hotel and guesthouse guards to overlook regulations on room visitors, are shared on these sites. Technically, website users are supposed to be 18 and over, but younger boys can sign in by entering a false date of birth.

The majority of males involved in selling sex in Vientiane capital, as well as those receiving payment through online pornography, are reportedly over 18 years of age but there is concern that younger boys can also become involved in these activities due to the isolation of MSM from mainstream society and traditional support networks such as their families, from whom their sexual orientation is often hidden.

²¹ National Authority of Science & Technology: 'Lao National E-Government Project', December 2010.

Pornography & Child Sex Tourism

Child sex tourists have been known to record exploitation of children either for sale as pornography or to keep in a personal collection. At present, there is little international coordination between the Lao PDR government and international agencies working to track and prosecute child pornographers and paedophiles. International law enforcement agencies interviewed for this report expressed concern that offenders may perceive Lao PDR as a “safe” country to escape from criminal pursuit in neighbouring countries such as Thailand and Cambodia.²² For example, if a known paedophile or individual in possession

CASE STUDY: CST & PORNOGRAPHY

In May 2010, U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection arrested an American man traveling with a laptop containing several hours of child pornography videos. He had entered into the United States at Detroit Metropolitan Airport from Manila, Philippines. It was determined that he had visited the Philippines, Malaysia, Thailand, Myanmar, Lao PDR, Cambodia, and China. However, it is unclear whether there was any follow up to identify the child victims from these countries to determine their safety and ensure that they are no longer vulnerable to this type of abuse and exploitation.

of child pornography entered Lao PDR, clear lines of communication should be in place to ensure that the Ministry of Public Security is aware of and able to ensure that the movements of this person are monitored and that they do not have opportunities to harm or exploit children in Lao PDR.

Due to increasing coverage of cellular networks, child sex tourists and pornographers are able to download and distribute child abuse materials from any location at any time, particularly in countries like Lao PDR where regulations and child protection mechanisms are not yet incorporated into such systems. It has also been reported that child sex offenders who travel to poorer countries to sexually exploit children can establish a permanent contact with a child by giving them a mobile phone. According to a recent report by ECPAT International investigating the use of ICT technologies in connection with child sex tourism in

²² Interview with ICE, November 2010.

the region, street children in Southeast Asian countries have been approached and given mobile phones to maintain contact with foreign tourists.²³

Monitoring & Enforcement

Preventing and stopping the import, distribution and trade of pornography is identified as an objective in the Lao PDR's NPA on CSEC. The government controls all domestic internet servers and has retained the ability to block access to internet sites it deems as pornographic. However, staff of the Security Emergency Response Team (SERT) at the National Internet Center under the Ministry of Communications, Transport, Post and Construction stated that there is currently little capacity for identifying or blocking child pornography websites or images. This office has been established with financial support from the Chinese government and staff have received training on monitoring ISPs, but there is currently no policy or specific plan in place to address issues of child pornography.

Wireless and 3G internet access are becomingly rapidly available in Lao PDR through the numerous internet cafes and public WiFi access points now common in Vientiane, Luang Prabang and other areas of the country within a low to nonexistent regulatory environment. When government and ISPs fail to filter content, this allows offenders to upload and distribute child abuse imagery directly to the internet using P2P file sharing and other mechanisms. Regulation of the type of content accessed and uploaded online is the responsibility of the internet café, hotel or restaurant management. These staff receive no training on these topics and therefore often have limited technological capacity or understanding of protection issues.

Protection Measures & Initiatives

The Lao PDR government technically controls all domestic internet servers and retains the ability to block access to internet sites identified as pornographic or harmful to the national interest. Although the Prime Minister's Office reportedly requires all internet service providers to submit quarterly reports and link gateways to facilitate monitoring, in reality this enforcement ability is limited. In addition to the absence of legislation specifically prohibiting child pornography, the implications of this emerging phenomenon are not well understood

²³ ECPAT International, The Use of Information & Communication Technologies in Connection with Cases of Child Sex Tourism in East and Southeast Asia, March 2010.

and therefore little effort has been made to identify and combat this form of commercial sexual exploitation of children.

Due to the linkages between child pornography, child sex tourism and child prostitution, channels of communication need to be established with international agencies tracking known sex tourists, paedophiles and other offenders, such as the Virtual Global Task Force. There is currently no clear procedure to inform national security officials for follow up if child pornography images taken in Lao PDR or of Lao children are discovered abroad, or when known pornographers or paedophiles enter Lao PDR.

The Lao Women's Union has taken important steps against child pornography by developing a seven step legal strategy for addressing this issue and prosecuting offenders. However, there is currently little public understanding of this relatively new issue or the rights of children to protection from child pornography under the Penal Code and other national legislation such as the Children's Law. It is likely that other Lao children have been victims of child pornography based on the number of clips available for download in CD shops and markets. However, children may feel ashamed or afraid and therefore do not ask their parents or a responsible adult for assistance.

III. Child Sex Tourism

- While most international visitors pose no threat to children, increased tourist arrivals represent a greater risk of child-sex offenders entering the country
- The majority of child sex tourists in Lao PDR are from Thailand, China and other Asian countries
- Casinos in Special Economic Zones located in northern Lao PDR are locations for prostitution of foreign girls, many under 18, for Chinese tourists
- There is currently little coordination with international agencies to identify child sex tourists and paedophiles entering Lao PDR

The tourism industry has expanded rapidly in Lao PDR, with tourist arrivals more than tripling in the past decade from half a million in 1998 to 1.7 million in 2008, according to the national tourism authority. Tourism now brings in over \$275 million in annual revenue (up from \$80 million in 1998), making this the second biggest economic sector in the country after mining.²⁴ According to the Lao PDR Tourism Strategy for 2006-2020, 2.2 million tourists are anticipated in 2015 and 3 million in 2020, with expected revenue of 250-350 million USD per year.²⁵ Beyond recreational tourism, international visitor arrivals to Southeast Asia comprise an increasing number of business travelers. While the majority of international visitors pose no threat to vulnerable children, it follows that with increased visitor arrivals there is a concomitant increase in the number of child sex offenders entering the region.

Lao PDR is party to extradition treaties, however declares that bilateral agreements will be the basis for extradition between the Lao PDR and other states parties in cases of transnational crime offences. Lao PDR has concluded bilateral extradition treaties with Cambodia, PR China and Thailand. A mutual legal assistance treaty with Vietnam also contains provisions on extradition. There is no specific national law on extradition in Lao PDR. Article 119 of the Law on Criminal Procedure contains a provision providing that mutual legal assistance may have the objective of extradition or exchange of prisoners.²⁶

²⁴ Lao National Tourism Administration (<http://www.tourismlaos.org>).

²⁵ Lao PDR Tourism Strategy, 2006-2020 / www.latalaos.org/doc/Strategy2006.pdf

²⁶ ASEAN, Handbook on International Legal Cooperation in Trafficking in Persons Cases, 2010.

However, based on interviews and available information it is not apparent that extradition has been used in cases of child sex tourism within Lao PDR.

Desk research indicates that sex tourists share information online about Lao PDR as a possible destination for exploiting children. Online networks can provide guidance for concealing sex tourists' intentions, both in public and from law enforcement. This includes sharing tips for staying in non-government guesthouses, where there is less regulation and oversight, and recommending specific bars to meet young girls and boys. Child sex tourists have come under greater scrutiny in neighbouring Thailand and Cambodia with increased publicity and crackdowns against child prostitution, as well as strengthened regional and international coordination between governments and law enforcement agencies.

It is difficult to obtain specific information on child sex tourism in Lao PDR due to the low level of public attention and awareness of the issue. Based on interviews with tourist police officers in several provinces, it is generally assumed that foreign tourists come to Lao PDR for ecotourism and to experience the local culture. While this is true for many travellers, it is also important for law enforcement officers to be vigilant against and have clear procedures in place for identifying and arresting foreign nationals who travel to Lao PDR with an intent to harm children, as well as situational exploiters who have sex with children when purchasing commercial sex.

From interviews with police officials at the central and provincial levels, as well as external agencies monitoring this issue, including foreign embassies, ECPAT, ICE and ARTIP, few cases of child sex tourism have been reported in Lao PDR. However, this was frequently qualified by concern that the lack of reports is likely due to low levels of awareness of this issue or surveillance by law enforcement against potential child sex tourists or paedophiles who enter the country. While some training has been done for police officers by international agencies, actual capacity for addressing this issue remains extremely limited.

It is also important to note that child sex tourists in Lao PDR may not fit the stereotypical image of the phenomenon, i.e.. that of an older Caucasian male. Tourists travelling to Lao PDR to have sex with children (often teenagers) are typically Thai or Chinese businessmen, as well as men from other Asian countries. An increasing number of business travellers and short to long-term expatriates are also now working, living and retiring in the country. It was reported during fieldwork conducted by the research team in Savannakhet and Champassak provinces that in addition to Lao nationals, many men purchasing sex from girls at beer and karaoke bars were Thais who travel across the border in group tours on weekends, as well

as other Asian tourists. As noted in the previous section on child prostitution, it was reported by girls, drivers and outreach workers that Thai tourists and businessmen frequently specifically request school age students and teenage girls when seeking to purchase commercial sex in Lao PDR.

Child Sex Tourism in Thailand

Interviews with outreach workers and transgender peer educators in Vientiane indicated that many Lao boys who identify as homosexual or transgender travel to Thailand after leaving school after age 13 – 15.²⁷ While it is reportedly rare for boys to be involved in commercial sex in Lao PDR due to strict law enforcement against it, in certain locations in Thailand such as Pattaya, Phuket and Bangkok there is high demand for transgender and homosexual Lao boys who become involved in bar and street-based prostitution. Outreach workers stated that these young men return to Vientiane or Luang Prabang to work when they become older. This explains the general observation that the MSM community in Vientiane and Luang Prabang consists primarily of older males, although some younger boys work as waiters and service staff in restaurants, bars and discotheques and may also be involved in CSEC. In order to travel to Thailand, Lao boys usually cross the border legally with passports and assistance from friends and contacts already in Thailand. Clients of boys in prostitution in Thailand, particularly in specific locations in Pattaya, are typically older Western men.

²⁷ Interview with PSI clinic outreach staff, January 2010.

CASE STUDY: CST & Child Pornography in Vang Vieng

The Tourist Police reported a child sex tourism and pornography case in 2008 – 2009 involving an elderly American man and Lao partner who met in Pattaya. Together they moved to Vang Vieng and set up a mobile phone store. The Lao partner lured boys aged between 8 – 10 years of age to make pornographic videos and pictures using a webcam, which were sold online. Due to suspicions raised by their frequent visits to internet cafes to upload images, police were alerted to the situation. The Lao partner was arrested for sale of pornography and fined 10,664,000 Kip (Euro €978 / USD \$1,333) and the American paid for him to be released. The couple continued to make and sell child pornography and the Lao partner's father alerted police to this. However, before the case could be further prosecuted, the American died of a heart attack and the case was reportedly closed. There was no further information about this case and it is unclear whether boys continue to be exploited in Vang Vieng.

Special Economic Zones

Fieldwork was conducted in northern Lao PDR in two areas classified as Special Economic Zones (SEZs), Boten in Luang Namtha province and the Golden Triangle Special Economic Zone in Bokeo Province. In these areas, hotel and restaurant staff speak mainly Chinese, the Chinese yuan is the primary currency of payment and large numbers of tourists from China and Thailand are drawn to the casinos because gambling is officially illegal in their home countries. Prostitution and pornography are openly visible in these areas, unlike in other parts of the country. Chinese girls and women involved in prostitution walk the streets in the evening, giving out business cards printed in Mandarin.

SEZs are of concern from a child protection perspective due to the large numbers of international visitors to the casinos and hotels in an environment where the laws of Lao PDR do not appear to be applied in the same manner as other parts of the country. High rates of prostitution and the transportation of girls and women across the border from China to serve foreign clients results in a high risk scenario for CSEC. It was reported from interviews conducted in the area that young Chinese girls were sold in prostitution within casino complexes, some as young as 13 or 14 years of age.²⁸ Given the significant effort that has been made in Lao PDR to regulate prostitution and combat child trafficking, the existence of

²⁸ interview with Tourist Police, Boten SEZ, October 2010.

these areas that appear to promote and profit from these criminal activities merits greater scrutiny. Reported plans for expansion in Bokeo to accommodate up to 200,000 persons should be assessed within a child protection context.²⁹ Members of the Phon Hom Village Mediation Unit in Ton Peung located a short distance from the casino expressed concerns that children and youth from their village frequently traveled into the area during the evening and entered dance bars, and were exposed to a variety of negative social influences.

According to interviews with both provincial and national level government representatives, including police officials, authorities are aware of the numerous law enforcement and protection issues that have emerged in the SEZs and are now proactively working to establish greater control over these areas. A joint management committee has recently been established in Boten, with Lao government representation, although it was not possible to obtain detailed information about its actual structure or mandate.

It is relevant to note that during fieldwork conducted in Savannakhet, the research team visited the Savan Vegas Casino, where a different management approach has been adopted. The Chief Financial Officer stated that the casino has a zero tolerance policy towards child prostitution and works in cooperation with the Lao police to ensure that children are not exploited on the premises and that Lao laws and regulations are enforced.³⁰ Police officers maintain an office on the resort's grounds and were observed monitoring the casino floor in plainclothes. It therefore may be possible to allow foreign investment in the gaming industry in Lao PDR without also providing a conducive or supportive environment for child sex tourism, prostitution and trafficking.

International Coordination

Article 34 of the CRC recognises the cross-border aspects of child sex tourism, requiring governments to take action through national, bilateral and multilateral measures.³¹ The CRC position on child sex tourism, of which Lao PDR is a signatory, is strengthened by the Optional Protocol on the sale of children, child prostitution and child pornography, expressing explicit concern about child sex tourism. Article 10 commits signatories to "... take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and

²⁹ Radio Free Asia, 'China Raises Stakes in Laos', January 2011 (<http://www.rfa.org/english/news/laos/investment-01122011163054.html>).

³⁰ Interview with Savan Vegas Casino CFO, December 2010.

³¹ CRC Article 34.

punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.”³²

International law enforcement agencies operate in countries throughout Southeast Asia and have a critical role in addressing cases of foreign travellers perpetrating sexual crimes against children within the region. These agencies can work in close collaboration with national enforcement authorities and offer valuable insights into trends and developments on child sex tourism. Despite a push prior to the 2009 Southeast Asia Games, warning tourists and citizens not to engage in child sex tourism, very little concrete action or international linkages have been established to seriously address this issue. Without accurate and timely information about attempts by suspected or convicted child sex offenders or paedophiles to enter the country, it is difficult for Lao authorities to ensure that these individuals do not harm or exploit children in Lao PDR.

Protection Measures & Initiatives

Prior to 2007, CST prevention activities (training for frontline tourism staff and advocacy initiatives) in Lao PDR were facilitated by the Australian Government-funded ChildWise Tourism program. Training of trainers has also been provided to the Lao PDR National Administration of Tourism by an informal network of international agencies and NGOs (including UNICEF, Friends International, UNODC, UNIAP, and Oxfam Quebec). Under an initiative entitled “Project Childhood” AusAID is supporting a regional project to prevent child sexual exploitation committed by travelling child-sex offenders in Thailand, Lao PDR, Cambodia and Vietnam in coordination with UNODC.

Based on interviews conducted during the fieldwork process, it does not appear that the Tourist Police are currently actively monitoring or on the lookout for child sex tourists. A lack of regulation of non-government guesthouses and limited publicity has resulted in low levels of public awareness around this issue, despite a steady increase in annual tourist arrivals. A 192 hotline operated by the Tourist Police was established in cooperation from UNICEF, UNODC, VFI, NCA, FI, PI and UNIAP, but appears to have limited capacity and no committed funding after March 2011.

A number of additional hotlines and helplines are also planned, including a recently approved number for child protection issues supported by the LWU, as well as another to be

³² CRC Article 10.

run by the Anti-Trafficking Department under the Ministry of Security. While it is positive to see proactive steps being taken to ensure that children and the public are able to access services and assistance, it is important to develop a coordinated plan for the implementation of these. Hotlines and helplines must have clearly identified capacities, be staffed by trained operators and clearly linked to necessary services, with effective response mechanisms in place. A reliable and well established infrastructure is required to respond to cases and support a comprehensive referral process; it is not clear from this research that this has been established to date.

IV. Child Trafficking for Sexual Purposes

- **Child trafficking is the most well-known, researched and internationally addressed form CSEC in Lao PDR**
- **The vast majority of trafficking for CSEC is to destinations throughout Thailand, with a few cases to Malaysia and China**
- **Child trafficking for CSEC is closely linked to issues of migration and labour exploitation**
- **Girls under 18 are trafficked into Lao PDR from China and Vietnam to be exploited in prostitution and receive little assistance or support**
- **Traffickers are often Thais who work in coordination with Lao brokers and criminal prosecution of foreign national traffickers is rare**
- **Despite strong legislation, international cooperation and attention, coordination challenges remain at the local level**

Numerous research studies, regional agreements and awareness initiatives have focused on trafficking of children in the region and this is by far the most well known, extensively studied and addressed form of commercial sexual exploitation in Lao PDR. Significant effort has been made in recent years to combat the trafficking of children, indicating that progress is indeed possible with sufficient internal support and international attention, even when dealing with sensitive or culturally taboo issues.

The government has enacted a number of laws relating to trafficking and Lao PDR is party to several bilateral and multilateral MoUs. Support for in drafting laws and guidelines related to trafficking provided by UNICEF, UNIAP and other INGOs has resulted in a legal framework that demonstrates the Government's commitment to this issue. The lack of an overall vision shaping these legal instruments and guidelines, however, has been noted as problematic.³³ Furthermore, the bilateral MoU with Thailand requires accompanying detailed implementation guidelines to ensure effective cooperation, particularly to facilitate prosecution of cases against Thai traffickers, which is a key area of weakness.

³³ UNICEF, MLSW, Child Frontiers: 'Social Welfare System in Lao PDR: An Analysis of Welfare Services for the Prevention and Response to Abuse, Violence & Exploitation Against Children, 2009.

The dynamics of trafficking in the region are well studied and understood. Almost all cases of trafficking for sexual purposes from Lao PDR are to Thailand, including Bangkok, Pattaya, Nakorn Patom, Rayong and Phuket, among other locations.³⁴ A small number of Laotian girls have reportedly been trafficked to Malaysia via Thailand, as well as to China. A UNICEF-MLSW report indicated that the majority of females trafficked from Lao PDR (60%) are between the ages of 12 – 18 and that 35 percent end up in forced prostitution in Thailand.³⁵ In contrast, males who are trafficked tend to be older and are more often classified as migrants rather than victims.³⁶

Voluntary and Legal Movement

There are clear links between migration, labour exploitation and child trafficking for sexual purposes and in some cases the experience of a child can be understood along this continuum. Research indicates that in many cases, trafficking is initiated as a voluntary movement where an individual, within an often limited range of available choices, decides to travel in search of employment. In this type of situation, the element of exploitation may only become apparent at the destination location when migrants can find themselves in a situation of harm.

Migration to Thailand for work is a common practice for many Lao teenagers, particularly along the border with Thailand, and these children are frequently referred to as *dek kham daen* or 'border crossing children'. This is influenced by a lack of education and work opportunities in rural Lao PDR and facilitated by cross-border family ties and a similar language and culture. It was reported that children who have migrated several times may fall into exploitative situations when they become overconfident after making several trips and therefore do not take known precautions such as traveling with friends or through known networks.

During the fieldwork process and interviews with police, border officials and communities, it was noted that many youth who travel to Thailand for work now do so legally, by applying for a passport and Thai visa. Many initially cross into Thailand on a tourist visa, as it is difficult to obtain work visas, and then overstay the allotted number of days. Upon return to Lao PDR, they may be penalized or fined by both the Thai border and Lao village authorities, if

³⁴ Interview with LWU shelter director, January 2011.

³⁵ UNICEF and MLSW: Broken Promises, Shattered Dreams: A Profile of Child Trafficking in the Lao PDR, 2004.

³⁶ Ibid

appropriate travel authorization was not requested prior to departure. The passport application process represents a potentially valuable way of conducting outreach and sharing awareness and child protection information to children and youth planning to cross the border into Thailand in search of work.

Trafficking into Lao PDR

While the stereotypical image of trafficking in Lao PDR is of girls between abducted and sold into brothels in Thailand, it is important to highlight the phenomenon of girls being trafficked specifically for the purpose of commercial sexual exploitation into Lao PDR from neighboring countries. One aspect of this has been mentioned previously in the section on Special Economic Zones located in the northern part of the country. Chinese girls are being brought into these locations to be used in prostitution. Due to the opaque nature of these areas, it is difficult to estimate the number of persons involved, but based on the size of the casino and hotel complex, this could be significant.

CASE STUDY: Chinese Prostitution, Bokeo SEZ

An Anti-Trafficking Division officer described a case of a Chinese girl who was brought to the Bokeo casino complex and was being forced into prostitution against her will. The provincial level ATU network learned about this situation and attempted to investigate but before they were able to find the girl she had already been sent back to China. At present, Lao police reportedly have little authority in these zones and are not able to follow up on crimes being committed.

Fieldwork was also conducted in the eastern part of the country around the Sepone mining area. Interviews with provincial and district LSW representatives, community members and conversations with restaurant and karaoke bar owners revealed that many Vietnamese women and girls were involved in prostitution serving the large number of foreign laborers in this area. There have also been reports of Vietnamese nationals trafficked to Laos by Vietnamese organized crime gangs for forced prostitution in the Vietnamese community.³⁷

³⁷ U.S. State Dept Trafficking in Persons Report, June 2009.

Profile of Exploiters

Very little information is available about the role of the broker in the trafficking process and many studies call for further research in this area. In 2006, the Lao Government reported 27 trafficking investigations, 15 arrests, and 12 prosecutions, and three convictions with sentences averaging six years in prison.³⁸ According to the LWU, the number of convictions of Lao brokers involved in child trafficking has increased in recent years

The Asia Regional Trafficking in Persons Project (ARTIP) indicates that police, prosecutors and judges in Lao PDR often fail to distinguish between brokers and traffickers. Although in some cases action has been taken against persons who admit to recruiting people for jobs in Thailand that resulted in exploitative situations, key respondents stated that the Lao / Thai MoU lacks specific implementation guidelines for prosecution of traffickers who are foreign nationals. Prosecution of traffickers in Thai court, for example, is further complicated by Lao law, which prohibits Lao nationals from testifying in foreign court cases. The unfortunate reality is that trafficking victims are often punished for involvement in prostitution, through lengthy court cases and virtual imprisonment in government shelters overseas, as well as the lack of effective rehabilitation or reintegration services and support.

Protection Measures & Initiatives

Trafficking programs implemented by agencies in Lao PDR have dramatically increased in recent years. In 2002, four organizations were implementing projects in cooperation with the Lao Government; in recent years this number increased to seventeen. Matrixes have been developed to identifying the different outputs of the COMMIT process, which brings together numerous partners along with the government of Lao PDR and neighbouring countries to address trafficking through a comprehensive and multilateral approach.

Research findings indicate that there are relatively strong bilateral coordination mechanisms in place to address trafficking of children for sexual purposes. Repatriation of children from Thailand appears to be well organized, with approximately 16 – 20 girls returned each month. This is supported by a positive working relationship between Thailand and the Lao PDR government (MLSW) to facilitate this process at the national level, with bilateral meetings held every three months in alternating countries. At the provincial and district level, however, coordination may be less effective due to misunderstanding regarding procedures

³⁸ US Department of State, Trafficking in Persons Report, 2007.

and lack of funding to support communication and basic logistics. This has resulted in children and women reportedly remaining in Thailand for months or years with limited follow up on cases.³⁹

An Anti-Trafficking Division representative stated that the casino in the Bokeo SEZ is currently still under construction but following the formal opening, an ATU will be established in this location. Outreach work has been conducted by the Burnett Institute in the Boten SEZ, however this has faced significant challenges due to language barriers and difficulties accessing girls in prostitution and other casino employees. It is unclear whether there are currently any services available for Chinese girls working in these areas and their safety and rights are likely jeopardized by their unclear legal status.

Increased attention and funding to support efforts against trafficking in recent years resulted in numerous awareness and prevention campaigns. In the North, however, there is currently little anti-trafficking awareness work currently underway and government officials, LYU and LWU representatives and police expressed concern that children and youth were not receiving important protection information. Save the Children UK and Save the Children Australia implemented a popular cross border project in three provinces (Sayabouly, Luang Namtha, Bokeo) that included advocacy campaigns, data collection and analysis, established village level child protection units and supported child-led groups to raise awareness on the risk of unsafe migration and human trafficking.⁴⁰ Although the initiative has now concluded, Lao Youth and Women Union representatives reported that they continue to use the IEC materials developed and have requested that similar initiatives be supported.

At border checkpoints there appears to be little capacity to identify or prevent cases of child trafficking. Immigration officials interviewed stated that if the necessary paperwork was provided, even if a situation looked suspicious, persons crossing into Thailand would not be stopped or questioned.⁴¹ This is due in part to the high volume of border crossings per day and the practical challenges of scrutinizing these. It would appear, however, that some level of monitoring at this potentially critical point in the trafficking process would be beneficial.

³⁹ Tourist police interviewed in Huey Xai (Bokeo Province) described a case of a group of teenage Lao girls who had been in a shelter in Chiang Rai for several years awaiting repatriation. Apparently the shelter was communicating directly with police in Huey Xai, where the girls were originally from, but neither side had sufficient funds to pay for the cost of travel to return the girls across the border. MLSW in Vientiane was alerted to this case for follow up.

⁴⁰ Save the Children UK: Community-based Initiatives Against Trafficking in Children in the Mekong Sub-region, 2003-2006.

⁴¹ Interview with Immigration Police, Song Mek Checkpoint, December 2010.

Information provided by the LWU indicates that reintegration of child trafficking victims is possible in Lao PDR and there have reportedly been many successful examples of this.⁴² This is not the case in many trafficking source countries and is a positive indication of the important role that the community protective network can play in supporting the psychosocial rehabilitation of young people. At present resources to support this are limited, although the short term investment required to ensure successful reintegration of victims enabling them to function and contribute to their communities, rather than remain in shelter indefinitely, is clearly a worthwhile investment.

Throughout the fieldwork process and particularly during interviews with government representatives, Village Mediation Units and community members, the Child Protection Network (CPN) system currently being implemented by MLSW and UNICEF in five provinces and 124 villages across the country was noted as a potential community-based approach for ensuring the protection of children. However, the specific role of CPNs in protecting children against all forms of harm and abuse, including commercial sexual exploitation, would benefit from further clarification. While community-based strategies for strengthening the protective environment that are directly linked to the wider child protection system can represent effective strategies for reducing the vulnerability of children, rather than creating new structures, consideration should be given to strengthening endogenous, traditionally accepted community practices that can be used to address child protection.

⁴² Interview LWU Shelter Director, January 2011.

V. Legal & Policy Framework

The purpose of this section is to provide an overview of the legal and policy provisions and measures that have been put in place to fight the commercial sexual exploitation of children in Lao PDR. In recent years, Lao PDR has worked towards incorporating the CRC into national law and establishing the basic legal framework for child protection. Acknowledgement of the special rights of children is made in the national Constitution, which states: “State, society and families attend to implementing development policies and supporting the progress of women and to protecting the legitimate rights and benefits of women and children”.⁴³ In accordance with the CRC, Law No 05/NA on the Protection of the Rights and Interests of Children, promulgated in 2007, defines a child as any person under the age of 18 and includes a comprehensive statement of children’s right to life, development, identity, health, education, and to protection from all forms of physical and moral abuse.⁴⁴ This includes a more detailed chapter dealing specifically with children in need of special protection.

The current legal framework includes a number of laws that can be used to address the different forms of CSEC and demonstrates the Government’s commitment to the issue. In addition to the Law on the Protection of the Rights and Interests of Children, the Family Law No. 97/P (1990) and Law No.08/NA on Development and Protection of Women (2004) also address child and family welfare issues. The Law on Development and Protection of Women includes provisions aimed at preventing and responding to trafficking in women and children, as well as domestic violence against women and children. UNICEF, UNIAP and other INGOs have provided support for policy development and related guidelines on trafficking, including the National Plan of Action on Commercial Sexual Exploitation (CSEC), as well as guidelines on the protection of child victims of trafficking. More problematic is the actual implementation of the NPA and existing legal framework, as well as in interpretation of laws and policy, with gaps particularly evident at the provincial and district levels.

⁴³ Article 29.

⁴⁴ Article 3.

An overview of the legal and policy framework in place in terms of the commercial sexual exploitation of children is presented below:

Child Prostitution
<p>Prostitution and the sex trade are strictly forbidden in Lao PDR. There are several articles in the penal code that forbid or protect people against rape, incest, pornography, abortion and prostitution. Some of the articles institute more severe punishments for crimes committed against children than they do for crimes committed against adults.</p> <p>Lao law prohibits violence against children, and violators were subject to stiff punishments. The law does not contain penalties specifically for child prostitution. Penalty for sex with a child (defined as under 15 years of age, the age of consent) is 1-5 years' imprisonment and a fine of 500,000 to three million kip (Euro €46.18 – 277 / USD \$62.50 – 375) The law does not include statutory rape as a crime distinct from sex with a child or rape of any person.</p>
<p>Penal Code</p> <p>Article 120 Prohibits sexual relations with a male or female child below the age of 15 is imprisonment for between 1 to 5 years. (Rape is the only form of sexual abuse addressed in this article.)</p> <p>Article 122 Prohibits minors from being prostituted. In addition any person who engages in commercial sexual relations as a form of income, or any person who assists the person in engaging in prostitution, are punishable by law with sentencing ranging from between 3 months and one year.</p> <p>Article 123 Punishes with imprisonment ranging from 6 months to 3 years anyone who obtains an income by procuring persons for prostitution. If the person who is procured for prostitution is below 18 years old or is under the offender's responsibility and is forced to be prostituted the punishment is imprisonment ranging from 3 to 5 years.</p>

Article 124

Punishes the act of sexual relations with a close family member, including children, by imprisonment of six months to one year.

Article 128 Paragraph 2

An individual who has committed rape of a girl who is between fifteen (15) and eighteen (18) years old will be imprisoned from one (1) to five (5) years, and fined from ten (10) to fifty (50) million kips.

Article 129

An individual that has sexual relations with a girl or a boy whose age is under fifteen (15) will be imprisoned from one (1) to five (5) years, and fined from two (2) to five (5) million kips.

Article 132

An offender who uses prostitution trade as a profession, or makes a girl who is below fifteen (15) years of age become a prostitute, or forces a woman under his guardianship to be a prostitute, will be imprisoned from three to five years, and fined from 10 to 50 million kips.

Child Law**Article 36**

Rights & Duties of the Committee for Protection & Assistance to Children

1. To receive reports on children who are at risk and children in need of special protection, and to identify and use emergency measures to protect and assist them
2. To create conditions and provide assistance to the families of children in need of special protection and children at risk to enable them to solve the problem in the right way by themselves.
3. To advise, monitor and regularly inspect the care and assistance to children provided by various centres or relevant places;
4. To collect statistics on children in need of special protection and children at risk in the area under its responsibility, to summarise on the execution of its own work and regularly report to higher authority.

Article 37

The State commits to 3. Creation of public awareness on the dangers and bad impact of child abuse and exploitation.

Law on the Protection of the Rights and Interests of Children 2006 (Article 89)

Offense: Sexual relations with a child by paying or giving any type of benefit

Where the child is between 15 and 18 – 3 months to 1 year imprisonment or reeducation without deprivation of liberty and a fine of 1 million to 2 million kip

Where the child is between 12 and 15 – 1 to 5 years imprisonment and a fine of 2 million to 5 million kip

Sexual relations with a child under 12 by any means is rape, with a penalty of 7 to 15 years imprisonment and a fine of 7 million to 15 million kip

Child Pornography

A person can be punished with a fine of between 5,000 and 50,000 Kip (Euro €0.47 – 4.62 / USD \$0.63 – 6.25) (Article 127, Penal Code) for making, distributing or using pornographic or other materials offensive to the nation. Lao PDR does not yet have specific legislation against Internet related sexual offences.

The Law on the Protection of the Rights and Interests of Children 2006 (Article 86)

Offence to produce, distribute, disseminate, import, export, display or sell child pornography with a penalty of 1 to 3 years imprisonment and a fine of 2 million to 6 million kip (Euro €185 / USD \$250 – Euro €556 / USD \$750).

Penal Code

Offence to engage in sexual intercourse or expose sexual organs in the presence of members of the public (with a penalty of 3 months to 1 year imprisonment or re-education without deprivation of liberty and a fine of 50,000 to 200,000 kip)

Article 138

An individual who produces or disseminates pornography books, photos, videos and things that are against the national culture will be imprisoned from three (3) months to one (1) year, and fined from two hundred thousand (200,000) kips to five million (5,000,000) kip.

Child Sex Tourism

Lao PDR law prohibits sexual contact between foreign citizens and Lao nationals except when the two parties have been married in accordance with Lao Family Law. Any foreigner who enters into a sexual relationship with a Lao national risks being interrogated, detained, arrested, or fined. Lao police may confiscate passports and impose fines of up to \$5,000 on foreigners who enter into unapproved sexual relationships. The Lao party to the relationship may be jailed without trial. Foreigners are not permitted to invite Lao nationals of the opposite sex to their hotel rooms; police may raid hotel rooms without notice or consent.

There is no specific national law on extradition in Lao PDR. The only provision concerning extradition is in Article 119 of the Law on Criminal Procedure, which states that mutual legal assistance may have the objective of extradition or exchange of prisoners. There are no restrictions or exceptions for extradition specified under national law, however extradition may be refused as a form of mutual legal assistance under Article 120 of the Law on Criminal Procedure if it would affect the sovereignty, security or stability of the nation, or any important interest of the Lao PDR.

ASEAN Tourism Agreement

Article 5 Commits Member States to:

- (5) Strengthen measures to prevent tourism-related threats on and exploitation of cultural heritage and natural resources; and
- (6) Take stern measures to prevent tourism-related abuse and exploitation of people, particularly women and children.

Lao PDR has signed bilateral extradition treaties with Cambodia, PR China and Thailand. A mutual legal assistance treaty with Vietnam also contains provisions on extradition.

Child Trafficking for Sexual Purposes

The Lao Government has enacted a number of laws relating to trafficking, including the Penal Code, the Children's Law (Law on the Protection of the Rights and Interests of Children) and the Law on the Development and Protection of Women. The Lao Government is also party to several Memorandums of Understanding (MOUs), both bilateral and multilateral, including the MOU on trafficking between Thailand

and the Lao PDR (July 2005), the MOU on Labor Migration between Thailand and the Lao PDR (2002) as well as the COMMIT MOU, signed by the governments of the Mekong Sub-region, including China. National Plans of Action (NPA) on CSEC and trafficking have also been developed; the NPA-trafficking is not yet finalized by the Lao Government. Lao guidelines on the protection of trafficking victims are currently under development.

Lao PDR has ratified international conventions related to trafficking. In addition to the Palermo Protocol, Lao PDR also ratified the UN Convention on the Rights of the Child (UN-CRC), which addresses trafficking in Article 35: “State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”⁴⁵ Lao PDR ratified the ILO Convention on the Worst Forms of Child Labour (No. 182, 1999) in March 2005. Provisions of these human rights treaties have been largely incorporated into the Lao PDR’s national laws and regulations.

Penal Code

Creates offences relating to the trafficking of persons (with a penalty of 15 to 20 years imprisonment and a fine of 100 million to 500 million kip and confiscation of assets where the victim is a minor, defined as under 18 years of age)

Applies when a crime is committed inside Lao PDR or overseas by a Lao citizen

Law on the Development and Protection of Women (2004)

Creates offences relating to the trafficking in women and children (with a penalty of 5 to 25 years imprisonment where the victim is a child)

Law on the Protection of the Rights and Interests of Children (2006)

Creates an offence of trafficking in children (with a penalty of 5 to 15 years imprisonment, a fine of 10 million to 100 million kip and the confiscation of assets)

International Instruments

⁴⁵ UNICEF and MLSW: Broken Promises, Shattered Dreams: A Profile of Child Trafficking in the Lao PDR, 2004.

Ratified:

Convention on the Rights of the Child

Convention on the Elimination of All Forms of Discrimination against Women

Convention Against Corruption ⁴⁶

ILO Convention No 29 concerning Forced or Compulsory Labour

ILO Convention No 138 concerning the Minimum Age for Admission to Employment

ILO Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Acceded to:

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations

Convention against Transnational Organised Crime

Signed:

International Covenant on Civil and Political Rights

⁴⁶ Lao PDR has lodged a declaration under UNCAC to the effect that it does not consider UNCAC to be a legal basis for extradition. Instead it declares that bilateral agreements will be the basis for extradition between the Lao PDR and other States Parties in respect of any offences.

Recommendations

As the report demonstrates, the dynamics of CSEC are constantly changing, shaped by global and technological push and pull factors. The challenges in collecting accurate and comprehensive data on CSEC are considerable and it is unlikely that child protection actors will be aware of new developments or manifestations at all times. During the time required for government agencies or NGOs to identify a specific problem and develop a program or response, the phenomenon will likely have evolved to take on new forms and dimensions. This study provides a clear rationale for tackling CSEC concerns within a broader framework of social development.

It is important to understand the economic and social factors that precipitate CSEC and try to address those at the source. As with all child protection strategies, preventing CSEC is more productive than trying to respond to individual cases. This is especially the case in Lao PDR at the present time since the required resources and capacity for a credible, case management based response system are not available. Additionally, the majority of girls involved in CSEC in Lao PDR have not been physically forced into this situation and therefore, unless the response system addresses the reasons that have motivated their behaviour and provides viable alternatives including education and employment opportunities, many will return to exploitative situations, as has been evidenced. Efforts to address CSEC should therefore be firmly grounded within the broader process of child protection systems building. This research study and the recommendations presented are framed in line with the analysis of the status of the child and family welfare system in Lao PDR conducted by MLSW, UNICEF and Child Frontiers in July 2009.

Measures that focus solely on the prosecution of perpetrators and assistance to select victims do little to reduce the overall level of CSEC. Failure to prioritise prevention and address these issues in a comprehensive and systematic manner results in piecemeal efforts implemented only after the harm occurs. Practical strategies based around facilitating and promoting school attendance, particularly for teenage girls, could significantly reduce the vulnerability of a broad cross-section of children to CSEC. Strict punitive regulations without appropriate and accompanying or complementing support may in fact lead to the further exploitation of children, as evidenced in the increasing rate of mobile prostitution following limitations placed on the number of girls working in beer bars. A more integrated and systems-based approach to preventing and protecting children from all forms of violence, abuse, neglect, and exploitation, as advocated in this report, involves a more

holistic approach that encompasses proactive and preventative child and family welfare services.

From this perspective, the report provides a series of recommendations, both in relation to addressing CSEC more broadly within the child and family welfare system, and in relation to the different manifestations of this phenomenon. Some of these recommendations are broad and ideal, while others are practical and achievable in the shorter term. While it is evident that the root causes of CSEC need to be addressed through the development of a solid child protection environment, it is also recognised that special dedicated protection measures are required to prevent the phenomenon and respond to children exploited through it. For optimal impact, these measures should be integrated into the wider development of a safe child protection environment, rather than implemented as ad hoc, expedient measures.

Key broad recommendations propose that:

- ❑ A comprehensive process should be undertaken to define a long-term, sustainable vision for a functioning system for child and family welfare. This would necessarily integrate efforts to prevent and protect children from commercial sexual exploitation and be supported by international best practices and standards. It would also take into consideration Lao customs and practices to ensure a contextually appropriate system;
- ❑ A long-term strategic plan should be formulated and agreed upon with recognition that this would be an evolving but enduring commitment. Micro goals towards the realisation of the wider framework should be defined;
- ❑ An inter-agency consultation (including government, INGOs, and UN agencies) should be convened to map and assess the specific roles and contributions of different agencies towards achievement of the long-term vision and strategic framework. This exercise will provide the elements from which to identify the responsibilities of the different levels of a national child and family welfare system and outline possible options for defining the system dimensions. Where appropriate, strategies outlined in the Lao PDR National Plan of Action Against Commercial & Sexual Exploitation against Children (2007 - 2011) can be incorporated into this framework.

Systems to Protect Children from Sexual Exploitation

Role of government: The government should make a long-term commitment to develop an effective and sustainable system that is in line with international standards. A comprehensive system requires strategic planning, coordination, and management at the highest level of government. A considerable investment of resources will be required to build and enhance existing structures (such as the Child Assistance Division) to create a specialised department responsible for families and children beyond wider social welfare issues. This specialised department would have the principal mandate for overseeing child and family policy and service provision with responsibility for incorporating measures to protect children from CSEC and all forms of harm and exploitation.

Role of other agencies: This study on CSEC clearly demonstrates that vulnerability to exploitation is a symptom of very broad and diverse economic and social factors. As a consequence, responsibility for reducing that vulnerability through the development of a comprehensive protective environment of prevention and response services founded upon a strong legal and policy framework cannot lie solely with one agency. This means that the role of existing partners (MLSW, NCMC, UN, NGOs) must be further aligned and delineated to streamline efforts, promote equitable coverage and maximise the core competencies of specialist agencies.

It is strongly recommended that new partnerships be forged with other key agencies and actors that have an important role to play in combating CSEC by strengthening the protective environment. This includes:

- Government agencies including the Ministry of Communications, Transport, Post & Construction (both for online security and raising awareness), Ministry of Education, Ministry of Health (CHAS), Tourism Authority, Ministry of Public Security and National Assembly, among others
- UN agencies such as UNICEF, UNIAP and UNODC
- INGO partners working with CSEC issues in Lao PDR
- International agencies working to combat CSEC such as Interpol, CEOP, ICE, etc.

Of particular importance is strategic engagement with the health sector, particularly with regard to current HIV/AIDS prevention and outreach efforts targeting high-risk communities, to support integration of a child protection approach into these initiatives.

Given the challenges faced in achieving the objectives of the current National Plan of Action on CSEC (2007 – 2011), it is recommended to harness these partnerships within a wider consultative process, culminating in a single, unified national strategy for child protection.

Challenges

Project-based approach: As in many countries in the region, the approach to protecting children is currently driven by distinct programmes of intervention through partnerships between various government departments and international agencies targeting specific issues or child protection challenges. While these projects are undoubtedly effective in providing specific services to some communities, this approach does not address the problems at a national level in a comprehensive way or promote durable policy reform. Isolated initiatives to prosecute perpetrators of CSEC and assistance measures to select victims of trafficking do little to reduce the overall incidence of child exploitation. The shift towards a prevention-oriented paradigm will require significant review of the philosophy and approach of existing projects.

Issue-based approach: In recent years, an enormous effort has been made to respond to the issues of migration and trafficking in Lao PDR, as in many other countries of the region. While this important work has been successful on many fronts, a systems approach would align these efforts within a wider framework of protection that focuses on child vulnerability rather than issue-specific awareness campaigns and response services. This is also critical due to the inter-related and overlapping nature of the different forms of CSEC and will allow multiple manifestations to be addressed simultaneously, rather than in isolation. The importance of this shift is that, through the establishment of structured family welfare services, children are better protected from a range of risks, including unsafe migration and trafficking, as well as other forms of CSEC.

In addition to the broad recommendations presented above, the following table presents a set of practical and achievable shorter term recommendations to be incorporated within the Lao PDR child and family welfare system development strategy.

Legal & Policy Framework

- Clear definitions of child pornography and child prostitution should be adopted encompassing a broad range of depictions, including audio, visual, written and electronic formats.
- ISPs should be legally required to monitor and report cases of sexual exploitation of children perpetrated through their services and delete contents showing child pornography upon request, as well as safeguard evidence of suspected child-pornography offences.
- Guidelines should be developed and implemented presenting a clear framework for use of services of internet cafes and other public internet access points, including measures to protect children from sexual exploitation in these settings.
- Efforts to address demand and prosecute brokers and those financially benefiting from child prostitution should be strengthened. The Women's Law should be reviewed and revised to ensure that victims of prostitution, particularly children under 18, are not criminalized.
- Greater capacity and training for law enforcement officers on the collection of forensic evidence, particularly in electronic formats such as on laptops, external drives and online, is needed to support the legal process.
- While there is legislation in place that can be applied to protect children from CSEC, greater awareness and practical guidance for implementation of the existing legal and policy framework is required at the district and provincial levels.

Institutions and Collaboration

- Greater coordination and information sharing should be established with neighbouring and tourist-sending countries, as well as Interpol and the Virtual Global Task Force to identify, track and prosecute child sex tourists, paedophiles and other offenders.
- In the absence of more structured law enforcement and government agencies in Special Economic Zones, joint management committees and ATUs should be established to strengthen the protective environment in these locations. Lessons learned and social impact assessments incorporating child protection should be prerequisites for establishment of SEZs.

- Community-based strategies for strengthening the protective environment that are directly linked to the wider child protection system could be promoted to reduce vulnerability of children to CSE. Rather than creating new structures, consideration should be given to strengthening endogenous community practices that can be used to address child protection.
- Improving secondary and high school accessibility, as well as reducing related costs that make it difficult for families to support children to remain in school until age 18, could reduce vulnerability to commercial sexual exploitation. Empowering youth with information and capacity to make informed decisions and avoid risky personal choices could also strengthen CSEC prevention.
- Hotlines and helpline established should distinguish between their functions, which may be to act solely as a reporting mechanism and / or also provide assistance to victims. Where providing assistance they must be staffed by trained operators and directly linked to necessary services with immediate and effective response mechanisms in place.
- Improve coordination mechanisms for repatriation of trafficking victims at the provincial and district levels. Repatriation should be fast-tracked in consideration of the best interest of the child.
- Strengthen international coordination and awareness to promote safe migration, particularly in high risk areas. With greater numbers of children travelling abroad legally, the passport application process may represent an opportunity for conducting outreach to children and youth planning to cross the border into Thailand

Services

- Government and NGO outreach workers require specialised training and capacity development in order to identify children at risk and to develop and implement clear strategies to improve their protection. This includes orientation as to when referrals are necessary and guidelines for how to do this.
- Shelters require greater capacity and resources for case management, provision of appropriate psychosocial / physical care services, life skills and support for the reintegration process currently being undertaken by the LWU and NGOs.
- When developing practical skills, educational or vocational training, these should be linked to genuine livelihood options.
- The reintegration process should be strengthened and follow-up mechanisms implemented to ensure victims receive adequate support and follow-up care, enabling them to function within and contribute to their communities.
- Police units should be trained and tasked with raising public awareness of

CST and strengthening the protective environment for children in cooperation with local communities, guesthouses, the transportation industry and other key actors. This includes taking action against perpetrators.

- Online safety awareness programmes and information should be provided to children and teachers through schools and internet cafes, as it is difficult to effectively monitor and block all online child pornography.
- Efforts are required to ensure that children know their rights to protection against child pornography and are able to access available support and legal defence services.
- Peer outreach and awareness campaigns are needed to reduce prejudice against homosexual and transgender children and to prevent their marginalisation. CSEC prevention and child protection efforts should include targeted outreach to and services for boys.
- Owners and staff of internet cafés and locations providing wireless connections as a service on their premises should be sensitised and trained to implement preventive measures against the sexual exploitation of children.

Key References

- 1st World Congress against Commercial Sexual Exploitation of Children, 'Declaration and Agenda for Action', Stockholm, Sweden, 27 - 31 August 1996.
- AFESIP: 'Database Analysis of Women in Prostitution in Vientiane Capital', 2005-2006.
- ARTIP: ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases, 2010.
- Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), Gender, Human Trafficking, and the Criminal Justice System in Lao PDR, 2006.
- Baker, S and Lithnarong, P: 'Assessment and Development of a Child Protection Monitoring and Evaluation System in Lao PDR', 2008
- Burnett Institute: 'Amphetamine Type Substance Use and Sexually Transmitted Infection Risk among Young People in Vientiane Capital and Vientiane Province, Lao PDR', 2009.
- Care International and LWU: 'Just Beginning: An Analysis of the Risks of Abuse & Exploitation of Sex Workers in Vientiane Capital', 2010.
- Chairman of Lao National Tourism Administration: 'Lao PDR Tourism Strategy 2006-2020'.
- Childwise: 'Mind the Gaps, A Comparative Analysis of ASEAN Legal Responses to Child-Sex Tourism', June 2009.
- Committee on Commercial and Sexual Exploitation against Children, National Plan of Action Against Commercial and Sexual Exploitation against Children, 2007-2011.
- CRIN, LAO People's Democratic Republic: Children's Rights References in the Universal Periodic Review (<http://www.crin.org/resources/infoDetail.asp?ID=22182>).
- Diagnostic and Statistical Manual of Mental Disorders DSM-IV TR (Text Revision) Arlington, VA, USA: American Psychiatric Publishing, Inc.. 2000-06.
- ECPAT International: 'Combating Child Sex Tourism: Questions and Answers', 2008.
- ECPAT International: 'The Use of Information & Communication Technologies in Connection with Cases of Child Sex Tourism in East and Southeast Asia', 2010.
- ILO-IPEC: The Mekong Challenge - Human Trafficking: Redefining Demand - Mekong Sub-Regional Project to Combat Trafficking in Children and Women. E. Pearson. Bangkok, 2005.
- Jersild, A: 'Assessment of UNICEF Lao PDR Child Trafficking Program', 2008.
- Lao PDR: National Socio-Economic Development Plan, 2006-2011.
- Lao PDR Tourism Strategy 2006-2020, www.latalaos.org/doc/Strategy2006.pdf, 2006.
- Lyttleton, C. and Amorntip Amarapibal: "Sister cities and easy passage: HIV, mobility and economies of desire in a Thai/Lao border zone." Social Science & Medicine, 2002.

Ministry of Labour & Social Welfare, Social Welfare Department: 'Child Protection Networks', October 2010.

Ministry of Planning and Investment, and UNDP, 'Employment & Livelihoods, 4th National Human Development Report', Lao PDR, 2009.

MLSW, UNICEF: "How Did I Get Here: Study on CSEC in Lao PDR", 2002.

Mohamed Mattar, The Projection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies: Comprehensive Legal Approaches to Combating Trafficking in Persons: An International and Comparative Perspective, 2006.

National Authority of Science & Technology, Information Technology Research Institute: 'Lao National E-Government Project: Capacity Building Programme on Local E-Government', 2010.

The National Commission For Mothers and Children: 'Second Report on the Implementation of the Convention on the Rights of the Child (CRC)', 2006.

National Committee for the Control of AIDS: 'National Strategy and Action Plan on HIV/AIDS/STI 2011-2015'.

Radio Free Asia, 'China Raises Stakes in Laos', January 2011, (<http://www.rfa.org/english/news/laos/investment-01122011163054.html>).

Save the Children UK: 'Project Completion Report: Community-based Initiatives Against Trafficking in Children in the Mekong Sub-region', 2003-2006.

Second Report on the Implementation of the Convention on the Rights of the Child (CRC), 2006.

TRACE Research Project: Lessons Learnt Through Trace: Human Trafficking from Laos to Thailand. O. Ginzburg, TRACE: Trafficking from Community to Exploitation, 2004.

Tyldum, G. and A. Brunovskis: "Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking" in Data & Research on Human Trafficking: A Global Survey. F. Laczko and E. Gozdzia. Geneva, Switzerland, IOM, 2004.

UNICEF, MLSW, Child Frontiers: Social Welfare System in Lao PDR: An Analysis of Welfare Services for the Prevention and Response to Abuse, Violence and Exploitation against Children, 2009.

UNICEF and Ministry of Labor and Social Welfare, Broken Promises Shattered Dreams: A Profile of Child Trafficking in Lao PDR, 2004.

United Nations Office on Drugs and Crime: *Trafficking in Persons: Global Patterns*, 2006.

UN Population Division: World Population Prospects, 2009.

UN General Assembly Resolution 263, Session 54. 'Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography', March 2000.

United States Department of State: Trafficking in Persons Report, June 2009.

United States Department of State: 2008 Human Rights Report: Laos, February 2009.

World Vision Lao PDR: Mekong Delta Regional Trafficking Strategy Project, Migration of Children and Youth from Savannakhet Province, Laos to Thailand: A Research Study, 2006.

Annex I: Key Technical Informants

National Level
<p> Ministry of Labour Social Welfare National Commission on Mothers & Children Lao Women's Union Lao Youth Union Anti-Trafficking Division Ministry of Justice Ministry of Foreign Affairs Ministry of Health / CHAS Ministry of Public Security Tourist Police National Tourism Authority Ministry of Information & Culture Ministry of Public Works & Transport National Assembly Ministry of Communication, Transport, Post & Construction </p>
Provincial / District Level (5 provinces / 2 districts per province)
<p> DLSW PCCA DCCA Tourist Police ATU LWU LYU VMU Ministry of Information & Culture District Police </p>