



A Study on Child Sexual Abuse in Nepal with Focus on Travel and Tourism Sector

(Based on 7 years of Saathi/WATCH case studies)

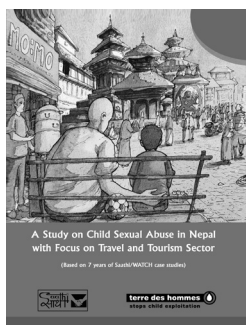


terre des hommes 
stops child exploitation

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Dedicated to all the children who silently endure sexual abuse and are unable to seek support.

We hope the findings will pave the way for prevention of children's abuse, and their protection and access to justice.

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GLOSSARY OF TERMS

Child sexual abuse¹ : Child sexual abuse is the involvement of a child in a sexual activity to which he or she is unable to give informed consent (and may not fully comprehend), or for which the child is not developmentally prepared and cannot give consent, or which violates the laws or social taboos of society.

Child Sexual exploitation² : Sexual abuse becomes sexual exploitation when a second party benefits – through making a profit or through a quid pro quo – through sexual activity involving a child. This may include prostitution and child pornography. Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Street child: A child who depends on the streets to live and/or work, either on their own, or with other children or family members.

Child on the street: Child who has parents and a home to go to, but spends the day on the streets.

Victim/Survivor³ : Commonly understood, (as) a person who is, or has been, sexually exploited or abused. ‘Victim’ is a term often used in the legal and medical sectors, while the term ‘survivor’ is generally preferred in the psychological and social support sectors to a person who has experienced sexual or gender-based violence because it implies resilience.

Perpetrator: Person who has carried out or is responsible for sexual exploitation of child.

Bivariate analysis is the analysis of the association between two variables, a dependent variable, and an independent variable.

Confounding: A confounding factor may distort an actual association, or falsely show an association between the study variables when no real association exists between them. Confounding bias may result in the conclusion of the study if confounding factors are not accounted for.

Multiple (linear) regression model: Multiple (linear) regression model is a statistical technique that uses several explanatory variables to predict the outcome of a response variable.

Pearson’s correlation test is the test that measures the statistical relationship, or association, between two continuous variables. It provides information about the magnitude as well as direction of the association, or correlation.

P-value is the probability that the given result of a statistical test occurred due to random chance alone rather than a true relationship existing between the variables. Small p-values indicate it is unlikely that the result is obtained through chance. Generally, a p-value or 0.05 or less (P-value≤.05) is evidence of a statistically significant relationship between the variables.

1. <https://www.ecpat.org/wp-content/uploads/legacy/Semantics%20or%20Substnce.pdf>

2. *Ibid*

3. https://br.un.org/sites/br.un.org/files/SE.A%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf

FOREWORD

Saathi with the motto of “We can make a difference, We must make a difference” is running on 29 years of service to the society. Established in 1992, Saathi is a pioneering non governmental organization fighting violence against women and children in Nepal. Since then, Saathi has persistently worked on catering for a safe and violence-free society for women and children by adopting a multipurpose approach to combat different forms of violence across the country.

Saathi’s works towards eliminating injustices and violence against women and children in Nepal include:

- Providing support and shelter to women and child survivors of violence
- Building their capacity for empowerment and sustenance
- Identifying social issues through research
- Advocating for information, development and formation of plan of action and policies to improve the present status of women and children
- Enabling them to work as a pressure group to lobby and urge concerned authorities to ensure their rights
- Working for the advancement of communities through community development and social mobilization initiatives.

Our mission is to empower women and children through gender equity and equality based development programs. Through the implementation of evidence and research-based advocacy, non-political activism, and training and networking, Saathi has since long worked as a positive catalyst for linking grassroots voices to policy-makers.

Among the programs of Saathi, Working Actively Together for Children (WATCH) is a holistic program aimed at addressing and mitigating sexual exploitation of children in travel and tourism - where offences can be committed by both foreign or domestic tourists/ travelers and long term visitors. This is a very sensitive sector where few have ventured into so far in the country. A lot of patience, gaining trust from victims, facing parents and their reluctance in helping to identify perpetrators, are some of the challenges and obstacles the WATCH team continues to face. Despite these the committed Saathi/WATCH team members continue to work with dedication and smiles.

In the process of undertaking its core objectives WATCH came across and supported numerous child sexual abuse survivors from both foreign and Nepali perpetrators, either directly or indirectly engaged in the travel and tourism sector. The research will be an eye opening medium to ward off young children from potential threats, and also to aid the

government and travel and tourism sector to be more cautious in the coming days so our children do not fall prey to paedophiles.

On behalf of the Saathi and myself, I sincerely extend my gratitude to Terre des Hommes Netherlands, Central Investigation Bureau, Nepal Police, National Child Right Council, and partner organizations CeLLRD, CWIN, Sath Sath and Change Nepal along with each and every individual for their contribution without whose support the project and research would have been incomplete. The trust of our external development partner and our partners remain our guiding force to achieve the results.

Finally, I cannot refrain from thanking WATCH Team Leader and Board Member of Saathi, Ms. Pinky Singh Rana, whose endless guidance and encouragement to the research team has played a major role in bringing out the research.

Thankfully,

Uma Rajya Laxmi Shah
President
Saathi

ACKNOWLEDGEMENTS

Sexual exploitation of boys remains a hidden phenomenon in the country. Over the years many of the known and reported cases of child sexual abuse in Nepal have been of exploitation and abuse of girls. Little information is available on male child victimization. Irrespective of the sex, the magnitude and impact of violence against children in Nepal remains unknown. Amidst this milieu and changing global scenario where travel and tourism is becoming a mainstay in developing nations, Nepal is now confronted with a new dimension of child violence - sexual exploitation of children in the travel and tourism sector.

Saathi implemented the Working Actively Together for Children (WATCH) project since 2013, in collaboration with other consortium partners. Today, even after seven years of intervention and support to hundreds of child sexual abuse survivors, primarily boys, Saathi experiences reveal there is inadequate information and understanding among right holders and duty bearers regarding threats boys and girls face from foreign perpetrators. Many Nepalese are unaware male child sexual abuse occurs. It is with the aim of addressing this gap, by consolidating available survivor case studies supported over this period, that the current study was envisioned. Saathi hopes the study findings will highlight risks in the travel and tourism sector, catalyzing different stakeholders engaged in the sector to actively prevent and eliminate sexual exploitation and abuse in travel and tourism, while also ensuring survivors access justice and support.

On behalf of the Saathi/WATCH team, I would like to express my sincere gratitude to Terre des Hommes Netherlands for supporting us in undertaking this study. A special note of thanks goes to Mr. Thangaperumal Ponpandi (Thangam), Terre des Hommes Netherlands, Country Manager for India and Nepal, who facilitated in ensuring the study takes place.

I am deeply indebted to Saathi/WATCH team members Mr. Khakendra Thakulla, Ms. Rubina KC, Mr. Anup Nasnani, and Ms. Uma Limbu (presently not with Saathi) who remain the dynamic force behind WATCH. Their unrelenting dedication and insights have made support to survivors of this covert crime possible. Their commitment was visible even during the study period, amidst COVID-19 pandemic, during which they provided their time unstintingly to ensure quality information. Without their support this study would have remained but a vision. Ms. Shobha Pokharel, CeLRRD also deserves special thanks for the time she dedicated to provide information on legal cases supported by WATCH. Ms. Sulakshana Rana and Ms. Samjhana Kakchyapati who played a vital role during the initial project implementation phase deserve a special word of appreciation.

Our sincere gratitude to our government and non government partners, the Nepal Police and Central Investigation Bureau - Pillar Number 3, the National Child Rights Council, CWIN and CeLLRD as well as other partners across the sector whose continued trust, support and collaboration remain fundamental in our joint efforts to protect our children, uphold their rights and support them.

Our appreciation goes to our Research Associates Ms. Simran Shrestha who worked dedicatedly to examine the statistical analysis, and Ms. Yukta Yadav who reviewed the legal literacy. Both persevered to collect in-depth information on the survivor cases studies. Thank you also to Ms. Julie Morrisett Clark, Department of Mathematics, Statistic and Computer Science, Hollins University for supporting in revising the regression analysis write up. Our appreciation to Adv. Santosh Maharjan for the review of the legal section.

My sincere gratitude to Saathi President, Ms. Uma Shah and its Board Members who entrusted me to undertake this study.

Finally, and most importantly, deepest gratitude to all child survivors and their families who entrusted Saathi with their pain and anxiety. We pray the study will help prevent exploitation of many others in the future, and work to support those who continue to remain silent.

Thank you.

Pinky Singh Rana
Study Team Leader
Board Member
Saathi

ACRONYMS

CCWB	Central Child Welfare Board
CellRD	Centre for Legal Research and Resource Development
CIB	Central Investigation Bureau
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
CWIN	Child Workers in Nepal Concerned Centre
DSM-V	Diagnostic and Statistical Manual of Mental Disorders
ECPAT	International NGO network solely dedicated to the fight against the sexual exploitation of children
FIR	First Information Report
GoN	Government of Nepal
ILO	International Labor Organization
KII	Key Informant Interview
LGBTQI	Lesbian, Gay, Bi-sexual, Transgender, Queer and Intersex
NCRC	National Child Rights Council
NGOs	Non Government Organizations
PTSD	Post Traumatic Stress Disorder
SECTT	Sexual Exploitation of Children in Travel and Tourism
WATCH	Working Actively Together for Children
WHO	World Health Organization

EXECUTIVE SUMMARY

With support of Terre des Hommes Netherlands, Saathi commenced its ground-breaking work in the area of sexual exploitation of children in travel and tourism from 2013 onwards. Entitled “Working Actively Together for Children (WATCH): Preventing and Tackling Sexual Exploitation of Children in the Travel and Tourism in Kathmandu, Nepal”, Saathi’s seven years of pioneering engagement in sexual exploitation of children in travel and tourism (SECTT) has generated invaluable information on its survivors and measures of dealing with them, primarily male children, and along with it lessons learnt and procedural challenges encountered during this process. Encapsulating these information was deemed essential for effective advocacy as well as enabling wider stakeholder engagement for protection of children in the travel and tourism sector.

Objectives:

- To consolidate information on types, causes and extent of child sexual exploitation by travelling sex offenders in Nepal;
- To examine the trend of child sex offenders in Nepal - national and international, their modus operandi and potential linkages, based on available cases;
- Analyze patterns pertaining to perpetrators: frequency of visits, selection of locations, measures adopted for identifying victims and ongoing trends and grooming techniques adopted, and potential linkages between offenders;
- To examine the background of victims, length of victimization and specific forms of abuse undertaken;
- To understand the impact of sexual exploitation on survivors;
- To learn possible solutions to the problems of child sexual exploitation, and efforts needed to transform the lives of vulnerable boys and girls from sexual predators in the travel and tourism sector.

The study is an analytical assessment of 111 child survivors who registered cases against 36 foreign perpetrators, in the travel and tourism sector. A total 45 survivors abused by Nepali perpetrators, encountered in the process of working in SECTT though not necessarily part of it, are also analysed by the current study.

The study involved extensive consultations with Saathi/WATCH team members, relevant stakeholders and three survivors. Detailed review of survivors cases studies and literature review were also undertaken for findings and conclusions.

Key Findings:

Survivors of Foreign Perpetrators

- 95 percent (n = 106) survivors of foreign perpetrators are male
- Child survivors age falls between 7 to 17 years
- Most survivors are Janajati (n=31) and Brahmin (n=27)
- 66 percent of survivors (n=73) were living with parents at the time of abuse
- Over half (n=57) the survivors were perceived to be poor
- Some impacts of abuse include fear (general, of family and society), nightmare/sleep disturbance, lack of trust in foreigners and school drop-out.

Background of Foreign Perpetrators and Incidents of Abuse

- Most perpetrators are European (Austrian, British, Dutch, French, German) followed by American, Canadian, Indian, Australian and Saudi Arabian
- Most perpetrators are above 35 years, with a little over a quarter (28%; n=10) falling in the age 61-65 age category
- Almost half the perpetrators (n=17) spent 2-14 days ‘grooming’ potential victims
- Fondling of child survivors’ genitals (86%; n=96) by perpetrators is most common, followed by oral sex by perpetrator to survivor (35%)
- 49 percent (n=54) survivors experienced penetration during abuse
- Most incidents of abuse are taking place in hotel rooms and guest houses offering low cost accommodations (n=67)
- 53 percent (n=59) of survivors were abused more than 6 times, with duration of abuse ranging from being abused on one or two occasions, to over a period of 8 years.
- A quarter (26%; n=29) of survivors were living in the same neighborhood as the perpetrator, 16 percent survivors (n=18) encountered the perpetrator in a play ground, and 19 on the streets
- Food (73%) is the most common means of luring children by the foreign perpetrators
- 99 percent of survivors’ parents were unaware a boy child can be sexually abused.

Survivors of Nepali Perpetrators

- 98 percent (n=44) survivors are female, only 2 percent (n=1) are male
- Child survivors’ age, (of known 41cases) fall between 5 to 18 years
- A little over half the survivors are Janajati (n=24), followed by unknown (n=12), Brahmins (5), Dalits (n=3) and Chettri (1)

- Most survivors are from poor (44%; n=20) and lower middle class (36%; n=16) economic backgrounds.

Background of Nepali Perpetrators and Incidents of Abuse

- Over half the survivors (65%) experienced one-time abuse.
- Impacts of abuse on survivors are extensive ranging from psycho-social to behavioral, somatic and educational consequences.
- Majority (69%; n=31) of perpetrators were known to survivors, or had met them before. Nepali perpetrators range from fathers and relatives, to parents' friends to facebook friends and cousin brothers.
- Among 42 perpetrators, with known age their average age was 40.2 years.

Support Required by Survivors During Arrest, Trial and Post Conviction of Perpetrators

- Immediate support requirements - medical, food, transportation
- Reducing fear and creating comfort zones by informing survivors of purpose of interview with law enforcement, informing them of ongoings, positive consequences of sharing about incident to law enforcement bodies, emotional support and motivation
- Privacy and confidentiality during investigation and trial
- Counseling of survivors and parents/guardians – 41 percent of survivors conditions improved from poor to good
- Regular information on their rights

Recommendations:

Mass awareness raising and advocacy to address potential threats of SECTT

- Reaching children and at-risk children
- Enhancing stakeholder capacity to identify and prevent potential threats of SECTT
- Promote collaborative efforts between government and non government bodies, horizontally and vertically, to be adopted for outreach across nation.

Capacity Building of Law Enforcement, Judicial Bodies and CSOs to Promote Survivors' Access to Justice

- Nepal Police
- Judicial professionals
- Civil society organizations and travel and tourism related bodies

Enhance Government Support Mechanisms to Address Immediate and Long Term Survivor Needs (and Avoid Re-victimization)

- Registration of FIR
- Enhance security of survivors during investigation and trial periods
- Ensure resource provision for immediate, interim and long term survivor needs
- Improve implementation and monitor of existing protection mechanisms, address procedural challenges.

Interim Relief and Compensation

- Sensitize law enforcement agencies and public prosecutors on survivors' need of interim relief
- Create widespread awareness and accountability of judicial personnel to ensure legal provisions are duly taken into account, overcoming procedural challenges, and ensuring compensation align with gravity of crime.

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CHAPTER 1: INTRODUCTION

1. Background

In 1989 a landmark legal framework – the Convention on the Rights of the Child (CRC), was adopted whereby world leaders committed to protect and fulfil the rights of children. Today, with the commitment of 193 state parties the CRC is one the world's most ratified human rights treaty. The CRC defines the child as a human being under 18 years of age unless under the law applicable to the child, majority is attained earlier.

Article 34 of CRC states that, “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (i) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (ii) The exploitative use of children in prostitution or other unlawful sexual practices;
- (iii) The exploitative use of children in pornographic performances and materials.”

Adoption of CRC led to formulation of numerous laws and policies, and implementation of wide-ranging interventions over the past three decades which have improved health care, nutrition, and necessary safeguards to protect children across the world. Despite headways, evolving worldwide landscape with increasing socio-economic gaps, natural and human-made disasters, migration, diseases and pandemics, and authoritarian regimes, amongst others are

leading to rising vulnerabilities of children globally. One such vulnerability is child sexual abuse. It is a global phenomenon identified as ‘an insidious, persistent, and serious problem that, depending on the population studied and definition used, affects 2–62 percent of women and 3–16 percent of men as victims’. A 2004 WHO review of research estimated ‘the global prevalence of childhood sexual victimization to be about 27 percent among girls and around 14 percent among boys’.

For South Asia (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) - burdened by poverty, and discriminatory socio-cultural norms and values influencing behavioral, institutional and structural practices one outcome of such prejudices is abuse and exploitation of children. Child abuse in the forms of child marriage, child labor, child prostitution, and child trafficking have alarmingly risen over the years, and sexual exploitation and abuse of girls – within and outside households – remains a widespread concern.

Economic growth and development taking place in South Asian region, while creating economic opportunities for millions, is nonetheless also opening space for vulnerability of children. The travel and tourism sector is one such area becoming a burgeoning point for child sexual abuse. Studies in Asia find boys to be equally affected by child sexual abuse as girls, though these remain concealed; one such study notes that among ‘children aged 6 to 12 years old in South Asia, boys are generally considered to be more vulnerable than girls outside the home because social custom protects

and monitors girls more, while boys have relatively more freedom'. ECPAT (2017) also highlights the rise of online abuse stating, '...today, children are more prone to be victimized in both the older offline world, and the newer online world, where there is continuum of abuse and exploitation'.⁵

2. Theories of Child Sexual Abuse and Pedophilia

Findings from literature review on theories on child sexual abuse, mostly available in western world, can be loosely categorized as beginning with Sigmund Freud's theory on Oedipus Complex in the early 1900s. Though later challenged and rejected by professional community, the theory however continued to influence many later writings. Review of various theories finds them generally in two categories, namely, (a) cause for child sexual abuse (psychiatry, psychology and sociology based), and (b) a Feminist theory on child sexual abuse. The following sections briefly examine some of these major theories:

"Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society.

Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to: the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performance and materials."

WHO Consultation on Child Abuse Prevention, 1999

(a) Psychiatry, Psychology and Sociology based Theories

An early theory of Finkelhor's Precondition Theory (1948) highlights causes of child sexual abuse, and examines four preconditions that must be fulfilled before sexual abuse occurs, namely, a) motivation to sexually abuse a child, b) overcoming internal inhibitions, c) overcoming external inhibitions, and d) dealing with a child's possible resistance to the abuse. The theory is appraised as failing to explain developmental elements and differentiating offenders' strategies, and focusing more on proximal factors.

Marshall And Barbaree's Integrated Theory (1990) presents sexual abuse as resulting from several interrelated elements, namely, biological, psychological, social, cultural and situational. The theory while highlighting how developmental adversity contributes to sexual offending, is criticized as failing to address crimes pertaining to situational offenders. It is evaluated as not making sense in relation to child molestation.

Hall and Hirschman's Quadripartite Theory (1992) identifies offenders in four categories, namely, (i) preferential offenders who tend to commit offences against large numbers of children, (ii) incest offenders misinterpreting children's behaviour as revealing sexual intent and possess good self-regulatory and planning skills, (iii) situational offenders who frequently behave in impulsive and unplanned manner, and (iv) fixated offenders who experience difficulties establishing intimate adult relationships and functioning effectively in the world. However, this theory faces criticism as failing to outline mechanisms that generate sexual desire, biased perceptions, absence

of emotional control and personality problems among offenders. It is further criticized as not considering adverse events that psychologically affect and influence an individual.

Ward and Siegert's Pathways Model presents child sexual offenders as a result of four deficits, namely, (i) intimacy deficits (stemming from insecure attachment during childhood), (ii) deviant sexual scripts (stemming from sexual abuse in childhood or early sexual experiences), (iii) emotional dysregulation (stemming from insecure attachments resulting in negative beliefs about self and others (Grady and Shields 2018; Sullivan and Sheehan 2016), (iv) cognitive distortions (Ward and Siegert 2002) (stemming from problematic thinking styles indicative of maladaptive attitudes and beliefs), and (v) dysfunctional pathways (stemming from deviant sexual behavior) and includes 'pure pedophiles' (Ward and Siegert 2002) with their idea of perfect sexual partner being the relationship between adult and child. The model is criticized by Craven et al. (2006) and Gannon et al. (2012) amongst others who argue the Model does not recognize offenders can create their own opportunities to offend.

(b) Feminist Theories

In the 1970s when radical feminists ventured into the arena of child sexual abuse debates it brought alongside wider deliberations. The feminist theories primarily underlined child sexual abuse as a more pervasive phenomenon, and also challenged child sexual abuse theories for adopting patriarchal and misogynist biases. A major criticism feminist theories brought along was the tendency to overlook offenders and put the blame on the girl and the mother of the child. They

differed from non-feminist theories as they noted child sexual abuse as (i) a gendered act as most offenders are male and victims are female, and (ii) a manifestation of male power.

(c) Pedophilia

Within child sexual abuse two groups are identified, namely, (i) those who show no particular sexual preference disorder, and (ii) those who show sexual preference for prepubescent minors, i.e. pedophiles. The former is identified as including sexually inexperienced adults, mentally challenged persons, persons with anti-social personality disorders, or perpetrators seeking surrogate partners in children. On the other hand, pedophilia includes those displaying a sexual preference disorder for prepubescent minors. The term Pedophilia derives from the Greek *pais* = child and *filia* = love, and means love for children.

An ongoing debate regarding pedophilia is whether it should be regarded as a mental disorder (Bancroft, J. 2009). Literature review indicates pedophilia as 'a form of paraphilia recognized and classified in the DSM-V (Diagnostic and Statistical Manual of Mental Disorders, V ed.) and other psychodiagnostic manuals; but there is continuing criticism that such clinical rule is overlooking environmental factors and circumstances. Perrota, G. (2020) notes that according to interactions of an adult subject with his peers or with mature adults, the pedophile disorder can be considered (i) exclusive (when the patient is attracted only to children); (ii) non-exclusive (if the pedophile experiences attraction and sexual drive for subjects over the age considered to be pathological); (iii) differentiated (when the adult is attracted exclusively to one sex (male or female); d) undifferentiated [when

the adult is attracted indiscriminately to both sexes (male and female)]; (iv) preferential (when the adult is attracted to both sexes but has a higher prevalence to one); and (v) incestuous [when the adult experiences attraction and drive exclusively or mainly for a minor linked by a family relationship (children, brothers, sisters, grandchildren, or cousins)] – and concludes a need to look holistically into psychological, physical and environmental elements while addressing pedophiles.

3. How is Child Sexual Abuse Understood Formally and Informally in Nepal?

Nepal has ratified internationally binding documents such as the CRC and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 2000 (and the Optional Protocol on the Involvement of Children in Armed Conflict). In March 2020 it also endorsed the Palermo Protocol; Article (3) of the Protocol specifies that “the recruitment, transportation, transfer harboring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means stipulated in Article 3 (a). Hence, the Protocol recognizes children can never be willing participant to their own exploitation. The Constitution of Nepal 2015 also protects the rights of children, and the recruitment or use of a child for sexual exploitation from all forms of sexual exploitation.

The Muluki Criminal Code (Penal Code 2017, B.S. 2074) provides general principles of criminal justice which are applicable to cases of abuse and exploitation of children. The Criminal Procedural (Code) Act, 2017 (B.S. 2074) supplements the Penal Code 2017 as it provides procedural provisions to implement substantive provisions. The

Act Relating to Children 2018 (B.S. 2075), enacted after revising the previous Children’s Act 1992 (B.S. 2048), provides for protection of children from “.....gender based or untouchability related abuse, sexual abuse and exploitation” (Section 7). Section 66(3) provides a list of offences considered as child sexual abuse, which also includes ‘child sexual exploitation’ as an offence.

Additionally, the Human Trafficking and Transportation (Control) Act, 2007 – which protects all from trafficking and transportation, along with the Children’s Act, 2018, are used when there are cases of human trafficking or when crimes are committed against children. Some key legal provisions are presented in Annex 1.

Despite progressive provisions, legal loopholes regarding definitions and

Reviewing some past data:

2002: The ILO (2002) study among 100 street children (92 boys and 8 girls) in Kathmandu, indicated 63 of them were sexually abused. Out of them, 66.7% (42) were sexually abused by tourists.
2003: A study on 5,413 school children and 216 out-of school children in Kathmandu Valley reports 13.7 percent children experiencing one or more contact forms of sexual abuse that included kissing, fondling private parts, oral sex and penetrative sex.

Source: CWIN/SCNN (2003) Silent Suffering, Child Sexual Abuse in the Kathmandu Valley: Children’s Perspectives

Reported cases of sexual violence against children
2010/2011 (CCWB): Girls: 217; boys: 15
2011/2012 (Nepal Police): Girls: 344; boys: 4
2013 (INSEC): Girls: 578; boys: 10
2013/2014 (Child Helpline): Girls: 99; Boys: 1

Source: Ministry of Women, Children and Social Welfare (2015) Situation of Violence against Children in Nepal

2019: ‘There is lack of hard data on the prevalence of sexual exploitation of children in the country’.
ECPAT Briefing Paper: Sexual Exploitation of Children in Nepal

activities that constitute child sexual abuse and exploitation under Children’s Act 2018 persist. The Penal Code 2017 and Act Relating to Children 2018 have not clearly explained or distinguished between “sexual abuse” or “sexual exploitation”, and unnatural sex against children. The same type of crime may be defined as child sexual abuse, child sexual exploitation and unnatural sex against children. These laws also do not define ‘unnatural sex’. The mention of abuse of male child is missing in the Section on Rape, and even the recent December 2020 ordinance to amend law on rape authenticated by President Bidya Devi Bhandari, failed to address it – news reports indicate the draft ordinance had a provision which replaced “woman or girl child” of Clause 221 of the Criminal Code 2017 with “person” implying both women or men could be raped; the provision was however missing in the final version. Penalties attached to the above mentioned offences range from three to fifteen years, as well as the punishment liable to a rape offender “as per prevailing laws” (Section 72(3)(g)); however, legal shortcomings (Table 1) are providing space for manipulation enabling offenders to abscond with light sentences, and preventing children’s access to justice.

Over the last decades the government of Nepal (GoN), civil society organizations (CSOs) and various bi-lateral and multi-lateral organizations have consistently engaged in identifying and addressing prominent forms of child sexual abuse such as child marriage, domestic violence, and cross-border trafficking for prostitution. The sexual abuse of girls in orphanages – government run and otherwise – by those in authority have also made headlines, and there is continuing effort to address these.

Literature review, consultations with Advisory Committee members, key informant interview (KII) (Annex 2: List of KII Respondents) findings, and Saathi’s over 25 years of experiences in the sector reflect a wide-ranging trend to understand child sexual exploitation and abuse as rape and/or attempted rape, and occurrences that transpire predominantly to the female child. This is true for normative understanding as well as legal contexts. Boys, on the other hand, are perceived by the patriarchal society as ‘capable’ and ‘able to defend themselves’. Such preconceived notions have molded a general opinion across sex, class, caste and creed, that sexual abuse occurs to girls, not boys.

Table 1: Some Legal Lacunas

Identified Elements	Status
Distinction between child sexual abuse, child sexual exploitation and unnatural sex against children	Missing
Definition of unnatural sex	Missing
Definition of child sexual abuse, child sexual exploitation and unnatural sex against male child or child from LGBTIQI community	Missing
Requirement for survivors to report any such act within a one-year period, failing which, within one year of their 18th birthday (Section 74)	Restricts children’s rights to access justice
Section 226 states committing unnatural sex on either boys and girls and will be punished as per Section 219 on Rape; however, Section 219 does not mention rape of boys.	Sexual abuse of boys unaddressed

There is also little data available on male child sexual exploitation and abuse, and even less so on their perpetrators. Aside from occasional media reports on boys abused by older male students or teachers, or a foreigner or limited research concentrating exclusively on marginalized groups such as street children – abuse by other perpetrators rarely come out in the open. Those that are exposed are swiftly silenced. Many Nepalese find it hard to believe a male child can even be sexually abused. There has been limited effort to document such evidences in the country. There is also no related data on children belonging to the lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) community.

4. Is there any Linkage between Child Sexual Abuse and the Travel and Tourism Sector?

Since Nepal opened its borders in the 1950s, tourism has gradually become a major source of income providing employment opportunities across the nation through hotels, restaurants, trekking, rafting, mountaineering, and homestays. In 2018 the Ministry of Culture, Tourism and Civil Aviation registered a record number of international tourists at an estimated 1,173,072, and as stated by Country Review Report on Sexual Exploitation of Children in Nepal (ECPAT 2020), a developing country like Nepal where 37.3 percent of its population are children and 25.2 percent of

the population are living under the poverty line, it is becoming one of the targets of traveling child sexual abuse offenders.

In the last decade several international tourists, as well as those working in the country have been arrested and convicted in Nepal. The Nepal Police and Central Investigation Bureau (CIB) branch (Pillar No. 3) of the Nepal Police have played a pro-active role in this regards. News reports of sexual exploitation of children in travel and tourism sector (SECTT) perpetrators have generally involved young male child survivors. Though it is essential to state most tourists are well-meaning, and there is little information on domestic tourists, many perpetrators are identified as hiding behind ensemble of tourists and voluntourists (short-term volunteer experience combined with travel for work, study or leisure), while others openly befriend children under the pretext of supporting, educating, or providing them entertainment opportunities. Some others have adopted the mask of humanitarian aid workers for easy access and exploitation of children. A socio-cultural norm of regarding and treating foreigners with deference, coupled with lack of awareness about risks from foreign offenders to both boys and girls is creating immense space for children's vulnerability in the travel and tourism sector. However, the exact magnitude of SECTT remains concealed and unknown.

CHAPTER 2: CONTEXT

2.1 Why was this Research Necessary?

Saathi's work in the area of violence against women and children in Nepal commenced in 1992. Work with children concentrated primarily on shelter, socio-economic, and psychological support for the most marginalized children such as orphans, survivors of domestic violence and human trafficking, conflict affected children, and children facing other forms of child abuse and exploitation.

With support of Terre des Hommes Netherlands, Saathi commenced its ground-breaking work in the area of SECTT sector from 2013 onwards. Entitled "Working Actively Together for Children (WATCH): Preventing and Tackling Sexual Exploitation of Children in the Travel and Tourism in Kathmandu, Nepal", the intervention works in the areas of prevention, protection, rehabilitation, and reintegration of children in Nepal. Saathi has worked in partnership with various law enforcement bodies, namely, CIB - Pillar No. 3, Nepal Police, and the National Child Right Council⁴ (NCRC) as well as non government organizations such as Centre for Legal Research and Resource Development (CeLLRD), Child Workers in Nepal Concerned Centre (CWIN), Sath Sath and Change Nepal.

Saathi's seven years of pioneering engagement in SECTT has generated invaluable information on SECTT survivors, primarily male children, who were identified and supported. Its hands-

on experiences of dealing with SECTT survivors include data on type of sexual abuse experienced by survivors, types of perpetrators and their modus operandi, extent of efforts at preventing victimization, care and support received by survivors and challenges encountered, and procedural challenges in survivors' access to justice and compensations. Available information also highlights changing trends of perpetrators in SECTT, differences in child sexual abuse and exploitation by Nepali and foreign perpetrators, and challenges encountered by rights holders and duty bearers in ensuring child survivors' rights. Encapsulating these information and challenges encountered by Saathi team members at different stages of supporting child sexual abuse survivors was deemed essential for effective advocacy as well as enabling wider stakeholder engagement for prevention and protection of children in the travel and tourism sector.

2.2 Research Objectives

The current study holds a dual purpose. First, it aims to review and analyze available case studies of survivors of arrested/convicted perpetrator cases to generate consolidated evidence on SECTT and its impact on children, and create mass awareness and policy influences. Second, it seeks to determine and directly inform Saathi, Terre des Hommes Netherlands and its partner organizations and stakeholders – both national and international actors - to develop or revise programs and policies to effectively reach vulnerable girls and boys

⁴ Formerly known as Central Child Welfare Board (CCWB)

Specific objectives of the study are to:

- a. Consolidate information on types, causes and extent of child sexual exploitation by travelling sex offenders in Nepal;
- b. Examine the trend of child sex offenders in Nepal - national and international, their modus operandi and potential linkages, based on available cases;
- c. Analyze patterns pertaining to perpetrators: frequency of visits, selection of locations, measures adopted for identifying victims and ongoing trends and grooming techniques adopted, and potential linkages between offenders;
- d. Examine the background of victims, length of victimization and specific forms of abuse undertaken;
- e. Understand the impact of sexual exploitation on survivors;
- f. Learn possible solutions to the problems of child sexual exploitation, and efforts needed to transform the lives of vulnerable boys and girls from sexual predators in the travel and tourism sector.

2.3 Study Methodology

The study is an analysis of cases of survivors of child sexual abuse and pedophilia who have been supported by Saathi/WATCH project over the past seven years. All cases are of child survivors who filed charges against arrested and/or convicted perpetrators. The methodology involved extensive deliberations with Saathi/WATCH team members on type of cases to be examined, sample selection process, and variables to be reviewed. The following data collection methods were adopted.

- a. Literature review of national and international documents and studies;
- b. Extensive review of available cases on SECTT survivors supported by Saathi/WATCH project, based on discussions with its team members;
- c. Consultations with Advisory Committee members;
- d. Key informant interviews with major government and non government stakeholders engaged in the sector; and
- e. Feedback collection on initial findings from workshop with stakeholders.

Two Study Associates were recruited, and provided intensive 4-day orientation by the Research Team Leader prior to literature and data review, and analysis.

The overall study sample is of 111 child survivors who registered cases against 36 foreign perpetrators. During project implementation, Saathi/WATCH team was referred 45 survivors of child sexual abuse by Nepali perpetrators; they are also reviewed by the study.

A total of 14 KIIs were administered to government and non government stakeholders (n=12) and male survivors (n=3) (Annex 2). Case studies helped reinforce findings.

The process of examining cases involved extensive discussions, reviewing and cross-verifications with Saathi/WATCH team members based on available information on survivors. As discussion progressed some variables were added or deleted. All information collected were triangulated to reach conclusions and recommendations.

2.4 Ethical Considerations

In view of the sensitive nature of information, and taking into consideration the confidentiality and security needs of child survivors, their family members and Saathi/WATCH team care was taken to ensure identity of survivors was protected at all times. This led to a consensus among study team and Saathi/WATCH team that child survivors - with the exception of three consenting for interview, would not be interviewed to avoid re-traumatization. The interviewed survivors were also not asked about the incident of abuse, and Saathi psycho-social counselor was present during all interviews. All information is hence based on detailed case studies available with Saathi/WATCH team, with concerted efforts undertaken to protect survivor identity.

2.5 Challenges

Considering the sensitivity of the study an initial challenge was convincing Saathi/WATCH team members and Terre des

Hommes Netherlands of the need and significance of a study for wider advocacy purposes. Their apprehension regarding safety of child survivors required substantial convincing and time.

Once the study commenced exhaustive deliberations was required on variables to be addressed, and the process of collecting them. Some cases were several years old and review of documents and validation with each team member was critical to ensure information accuracy. To overcome recall-bias, longer time period than initially anticipated was required to validate information.

Finally, while the study progressed the COVID-19 pandemic led to lockdowns and office closure. Data consolidation was undertaken during this period with much anxiety and safety concerns of all team members. The pandemic has resulted in delaying report finalization.

Case Study 1: From Survivor to Perpetrator

Aadesh lived in India with his single mother and younger brother. He did not have a father. When the family moved to Kathmandu he and his family started the rag-picking occupation. Aadesh did not go to school. In the process of collecting rags, Aadesh, 11 years at the time, met a foreigner. The foreigner befriended him and started supporting the family financially; he even enrolled Aadesh in a school. However, the intention of supporting Aadesh and his family was a means of sexually abusing Aadesh. He was sexually abused until the age of 17. After crossing this age Aadesh began sending his own younger brother to the foreigner as well as other young male boys.

Aadesh continued receiving support from the perpetrator who even gave him his ATM card to withdraw fund. The perpetrator put him in a good school to study and bought him expensive flight tickets. In return for the support he and his family received, he contacted other young boys, usually in the rag-picking profession and sent them to the perpetrator.

CHAPTER 3: RESEARCH FINDINGS

A total sample size of 111 survivors, of 36 foreign child sex abusers in the travel and tourism sector is examined by this study.

Sample size of child survivors from Nepali perpetrators is 45. Limited information on Nepali perpetrators is not available as many of the cases were referred to Saathi for survivor support.

The first three sub-sections examine socio-demographic information on survivors, type of abuse experienced and modus operandi adopted by foreign perpetrators to sexually abuse children, and the impact of such abuses. Information on access to justice and procedural challenges are also outlined.

Sub-section 3.4 looks into the foreign perpetrators and patterns and trends pertaining to them.

The next sub-section looks into information on children abused by Nepali perpetrators.

Findings can be used to understand the trend of child sexual abuse in SECTT, vulnerability of children, and ongoing efforts to address these needs.

A. Child Sexual Abuse Survivors and Foreign Perpetrators

3.1 Demographic Variables: Survivors

Sex

An overwhelming majority of 95 percent (n=106) survivors are male. Only a few survivors (5%; n=5) are female.

Age

Of the 102 survivors whose age information is known, the youngest survivor was 7 years of age, and the oldest 17 at the time of case filing. Age of 9 survivors remains unknown as Saathi/WATCH was unable to access information. However, all of them were between the age of 13-15 years.

Ethnicity

Findings indicate survivors belong to various caste/ethnic background. Among the 111 survivors, majority of survivors were Janajati⁵ (n=31), followed by Brahmin (n=27), Dalit (n=26) and Terai⁶ middle caste (n=4). No information is available on 11 percent survivors.

Education

76 percent (n=84) survivors were pursuing formal education at the time of abuse. The lowest school grade among survivors was Nursery/Pre-Primary class and the highest was grade 11. Some 12 percent (n=13) survivors each had either dropped out of school, or no data was available, respectively.

Place of living

Of the total survivors, 66 percent (n=73) were living with their parents at the time of abuse. They either lived in a nuclear family (n=22), or a joint family with both parents (n=13). One survivor lived in a joint family with a single parent.

5. Include both hill Janajati (n=21) and Terai Janajati (n=08), and Newar (n=2)

6. Include both Hill Dalits (n=19) and Terai Dalits (n=07)

Among the remaining 34 percent (n=38), survivors were either living in a school hostel (n=14), as a child on the street (n=12), or as street children (n=7). One survivor each was living in a social service center, a monastery, and alone. No information was available on 2 survivors.

Economic status

Economic condition of survivor/survivor families was determined based on indicators pertaining to health, education, housing and living standards, and their ability to address these needs. Information from survivor case studies and observations by Saathi/WATCH team were minutely reviewed to determine conditions. These were then categorized under the following: poor, middle class, lower middle class and very poor.

A little over half of the survivors (57 out of 111) were perceived to be poor. A little over a quarter belonged to middle (17%; n=19) and lower middle (12%; n=13) economic background. Some 7 percent (n=8) survivors were from very poor economic backgrounds.

Profession of Survivors' parents

Examination of the background of parents of child sexual abuse survivors reveal a wide range of profession. Some parents' professions were unavailable either because survivor was a street child, or parents were deceased or they had been abandoned.

Among survivors whose parental profession was available, most mothers were housewives (44%; n=49), followed by daily wage laborers (9%; n=10) and running small enterprises in the form of shops (7%; n=8).

Agriculture (17%; n=19) was identified as the main occupation of survivors' fathers

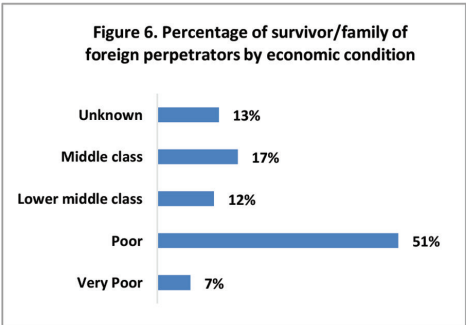
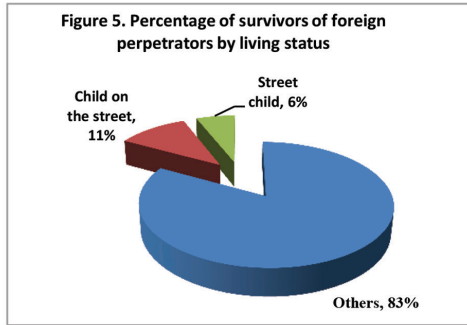
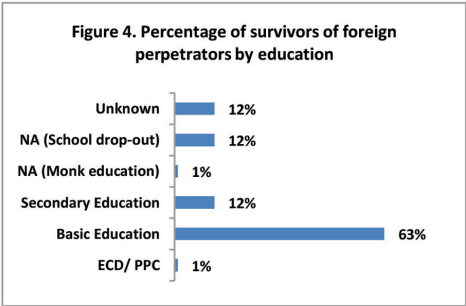
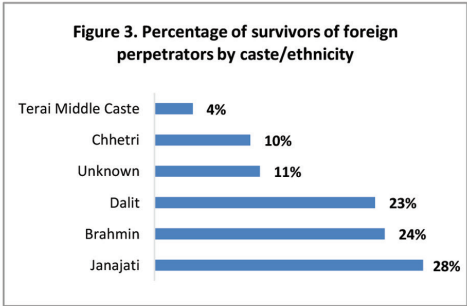
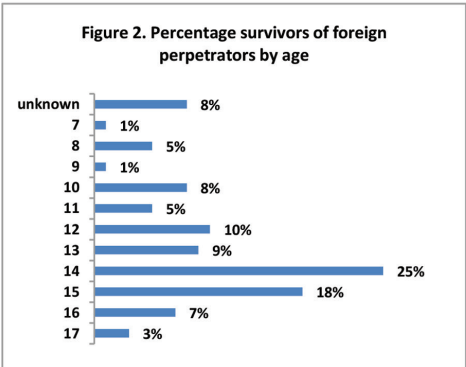
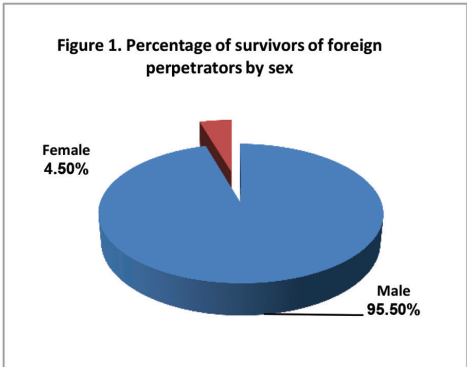
followed by daily wage labour (14%; n=15). No information is available on 12 percent (n=13) fathers, while 11 percent (n=12) were absent - either deceased, abandonment of family, in prison, or living separately from family.

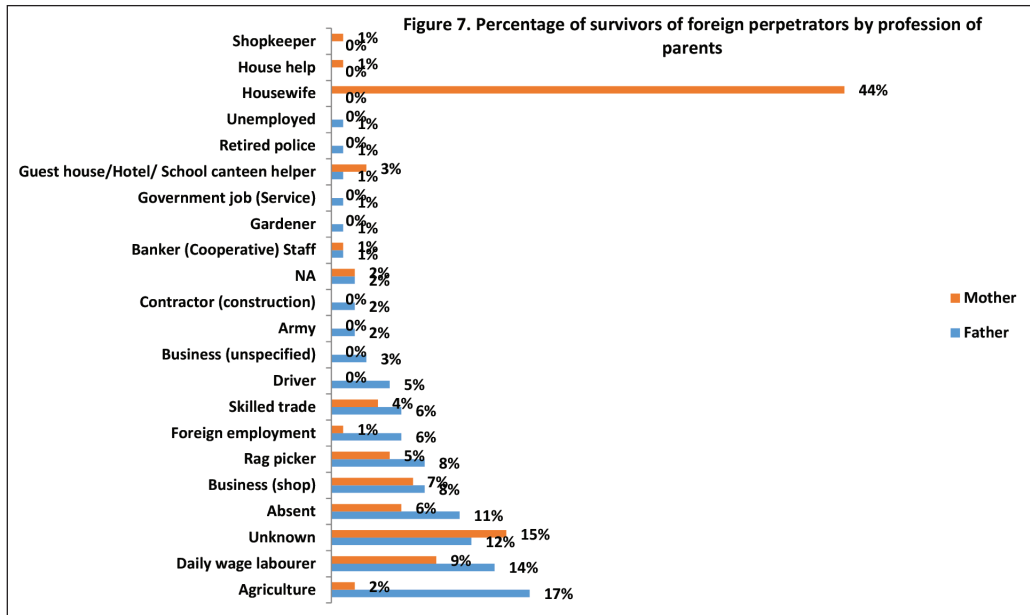
Place of abuse

Findings indicate 77 percent (n=85) survivors lived in Kathmandu district at the time of abuse. Only 14 of these survivors were originally from Kathmandu, while the rest were from other parts of the country. Some survivors are from India (Bihar: n=9), and unspecified location: n=2. The study team notes WATCH project is based in Kathmandu, hence higher number of cases may be identified here.

The remaining 23 percent (n=26) were living in other districts (Lalitpur, Bardiya, Kaski, Dhading, Chitwan, Ramechhap, and Kavre) at the time of abuse.

Demographic Variables on Child Survivors of Foreign Perpetrators





3.2 Incidents of Child Sexual Abuse by Foreign Perpetrators

What forms of abuse did the children experience?

Of the total survivors fondling of child survivors’ genitals (86%; n=96) by perpetrators is most common, followed by oral sex by perpetrator to survivor (35%). Three different forms of oral sex are identified: perpetrator to child (35%; n=39), child to perpetrator (3%; n=3), and both ways (8%; n=9). Other prominent forms of abuse include compelling children to watch adult porn (22%; n=24) to stimulate sexual conversations and activities between survivor and perpetrator, followed by anal sex experienced by survivors (14%; n=15), and survivors being filmed and photographed naked, or while being engaged in sexual activities (12%; n=13).

Child labour such as survivors being made to wash dishes and clothes of perpetrators, and cleaning their place of stay was also identified (8%; n=9). Type of abuse of some survivors (8%; n=9) remains unknown.

Occurrences of penetration

Among the 111 survivors, almost half 49% (n=54) experienced either or both of the following; oral, anal and vaginal penetration. Anal penetration ranged from fingering to penile and oral penetration.

Where are the children mostly abused?

Findings indicate children are most commonly abused in hotel rooms and guest houses that

offer cheap accommodations (n=67). Perpetrators who frequently travel to Nepal choose to rent a room, an apartment, or a house where they abuse the children. Other places of abuse include forest, bushes, swimming pool, lakeside, dark alleys of Kathmandu, as well as survivors' own residence amongst others.

At what time are children mostly abused?

Over half the survivors (52%; n=58) were abused during both daytime and nighttime. Timing of abuse depended on elements such as availability of children and their school routine, distance between place of stay of perpetrator and survivor, and whether children and perpetrator lived in the same place. School going children were generally abused after school hours and during public holidays, while street children and school dropouts were abused at convenience of perpetrators. In some cases, perpetrators persuaded survivors for sleepovers, or to spend weeks at their rented apartment/house/place of stay during their visit to Nepal. Perpetrators living at the same place as children have abused the latter during both day and night.

Were the children alone at the time of abuse?

Almost half (46%; n=51) of the 111 children were sexually abused when they were alone. However, a tendency to bring children in groups of 2-3 and abuse them while other children are asleep, or made to wait in another room, or engaged in games or television is also evidenced by findings.

What is the timespan and frequency of abuse?

Most survivors have been abused by the same perpetrator several times on different occasions. Over half the survivors (53%; n=59) were abused more than 6 times.

Evidence indicates duration of abuse varies, ranging from being abused on one or two occasions, to over a period of 8 years.

How did the children first come into contact with perpetrators?

Categorization of information from survivors on how they met perpetrators the first time reflect four major ways:

- *Residing in same or close-by neighborhood/building/community:* Over a quarter (26%; n=29) of survivors were living in the same neighborhood as the perpetrator (same neighborhood: n=10; living in children's home visited by perpetrator: n=9; met perpetrator at local ice-cream shop: n=3; employed in hotel where perpetrator stayed: n=2; were co-tenant with perpetrator, met at local restaurant, met at social service center where survivor stayed at, and monastery where survivor and perpetrator stayed: n=1 each, respectively).
- *Recreational spaces frequented by children:* Some 16 percent survivors (n=18) encountered perpetrators in a playground (football ground: n=9; river-bank: n=6; general playground: n=3).
- *On the streets:* 19 survivors encountered respective perpetrators whilst living on the streets, begging and rag-picking in tourist areas around Kathmandu.

- *Through peers and relatives, and past survivors:* Some 13 percent (n=14) and 9 percent (n=10) survivors met perpetrators through their peers and close relatives (some of who were past survivors), respectively. Nine survivors were introduced by agents (some were past survivors) working for perpetrator. 4 percent (n=4) were introduced by their sibling, one of whom was simultaneously sexually abused by the same perpetrator.
- *Others:* Some survivors (4%; n=4) were children living on the streets, 3 of whom were identified by perpetrators whilst begging in Kathmandu tourist areas, and one survivor met the perpetrator at an NGO supporting street children and children living on the streets where the perpetrator volunteered. The identification process of some survivors is unknown.

How are children manipulated to stay in contact with perpetrators?

Findings that some children have been sexually abused over a period of several years raises a query on why survivors continued to stay in touch with perpetrators. Information shared by survivors and their analysis underscore children are psychologically manipulated, and made dependent with education, recreational opportunities, false promises and gadgets which their families can ill-afford. Some also stayed in contact via social media, namely, facebook, while in one case the survivors had an ATM card provided by the perpetrator for use. Social media is identified as a method to maintain contact by perpetrators.

Findings on survivors' education also revealed that while 61 percent (n=68) were supported by their parents/guardians, 20 percent (n=22) were being educated by perpetrators (direct support: n=18; indirect support through foreign sponsors: n=4).

Why are parents/guardians/service providers/duty bearers unaware of what is happening?

Information from Saathi/WATCH team and their deliberations with survivors reveal 45 percent (n=50) survivors were not under regular supervision of parents due to the demanding nature of parents' work (e.g. daily wage labor). However, even some 29 percent (n=32) survivors who asserted being regularly supervised by parents have also fallen victim.

Almost all parents/guardians of survivors (100 out of 111) were unaware their child was being sexually abused. Most parents/guardians of boy children were unaware a boy child can be sexually abused. There is also a sense of immense trust towards foreigners.

For those living in hostel, social service center, and children's homes, the trust of respective management supervising children have been exploited by perpetrators under pretexts of taking them out on outings and purchasing clothes.

Guesthouse owners of two perpetrators (linked to each other and abusing same children) were speaking very highly of perpetrators, finding it hard to believe perpetrators were abusing children, even after 10 child survivors reported it to police. In a couple of cases even community members of survivors were also found unsupportive.

Table 2: What was the impact of the abuse?

Impact of abuse by foreign perpetrators	
Psycho-social Consequences	
Fear of perpetrator	4
Fear (general, of family and society)	16
Flashback of abuse	3
Fear of police	1
Nightmare/ Sleep disturbance	12
Depression/ Sadness/ Suicidal thoughts	6
Social isolation (not talking at all, not meeting friends)	4
Aggressive behavior and wanting to punish perpetrator	1
Anxiety/Nervousness/ Panic attack/ Easily startled by small movements/sounds/Panic disorder	5
Bedwetting	1
Mental Disturbance (Distress due to blame by others/ Guilt)	2
Refused to talk (fear of stigma=1; perpetrator influencing=1)	2
Heart palpitation	1
Lack of trust in foreigners	28
Screaming/ at night	1
Low self-esteem/ Confidence	2
Not willing to go with perpetrator	2
Acute stress disorder	2
Awareness about foreigners' sexual abuse of children; Unwilling to go into such situations	1
Behavioral Consequences	
Constant crying	2
Substance abuse	3
Hostility towards service providers	1
Lying	1
Borderline personality disorder	1
Physical Consequences	
Somatic complaints	4
Educational Consequences	
School drop-out / Not wanting to study	11
Other Consequences	
Intellectual growth impaired (possible impact of abuse)	1
Sexual maturity relative to age (others)	1
None observed (unaware of abuse as survivor too young)	3
Unknown	16

*Multiple response

Incidents of Child Sexual Abuse by Foreign Perpetrators

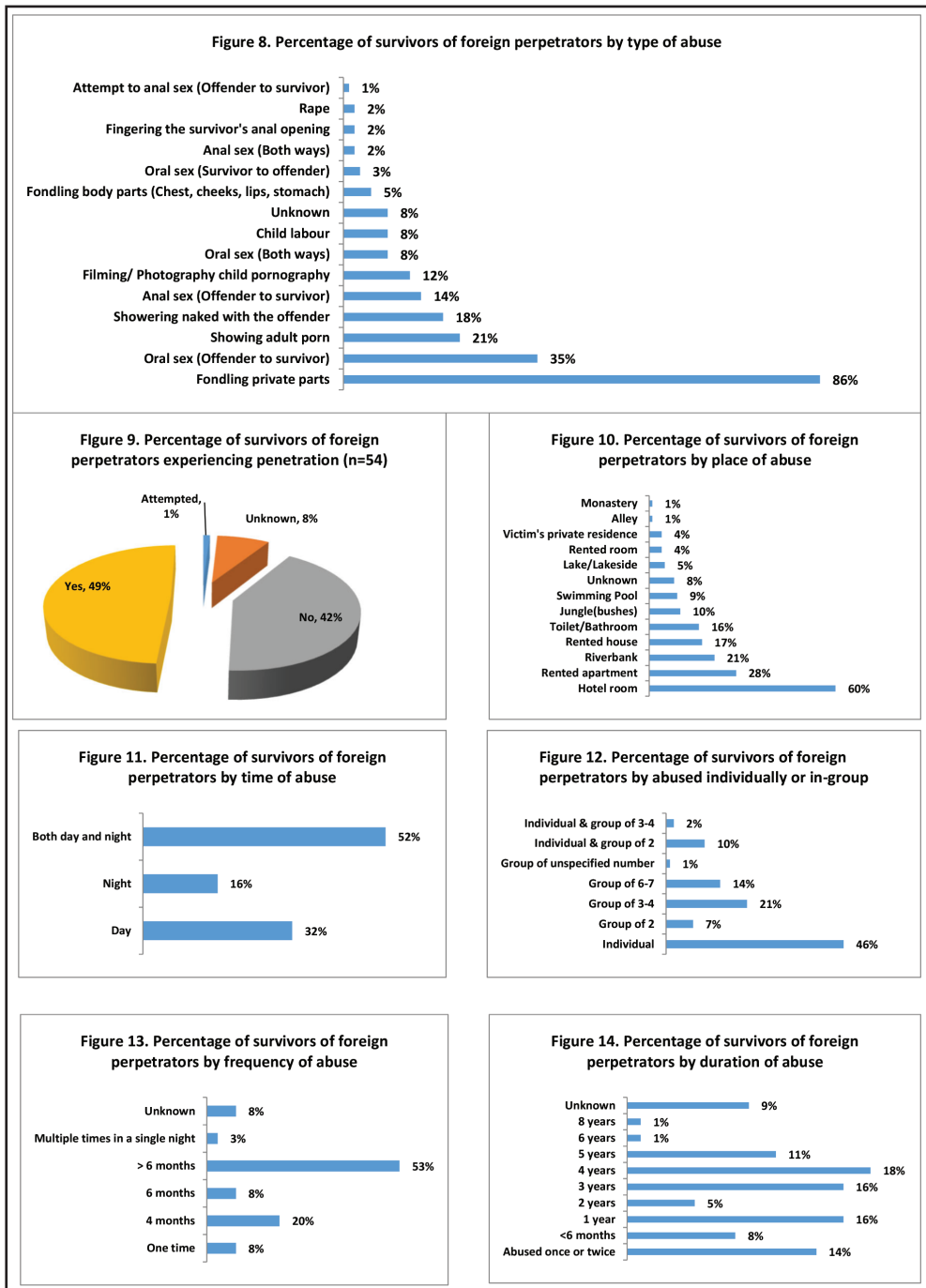


Figure 15. Percentage of survivors by Identification process adopted by foreign perpetrators

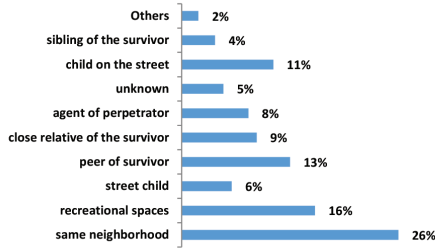


Figure 16. Percentage of survivors of foreign perpetrators by reasons for staying in touch with perpetrator

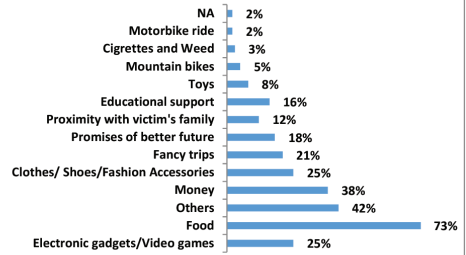


Figure 17. Percentage of survivors of foreign perpetrators by source of education support

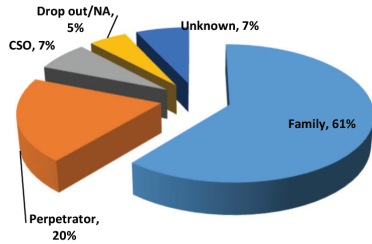
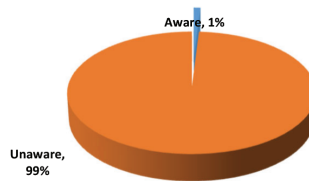


Figure 18. Level of awareness of CSA among parents of survivors of foreign perpetrators



3.3 Support Required by Survivors during Arrest, Trial and Post-Conviction of Perpetrators

The following section looks into support accessed by survivors vis-à-vis those they required from the time of the arrest of perpetrator. Information is based on Saathi/WATCH's seven years of engagement with survivors of convicted foreign perpetrators.

Immediate support requirements

Survivors mostly have no money in hand for food while awaiting interviews by the police. Government bodies such as Nepal Police and CIB, NCRC and NGOs are supporting survivors during different stages post perpetrator arrest. These immediate support include food, medical support and transportation during investigation periods. In some cases, clothes are essential as many children require new clothes post medical check-up. Food, lodging and transport are also essential during court testimony. Immediate needs differ according to survivor.

Table 3: Type of Support Provided during Trial Investigation and Court period (2013 January – 2020 August)

	Food	Lodging	Medical Support	Clothes	Transportation to and from police station, court, etc.
CIB/ Pillar 3, Nepal Police	-	-	39	-	3
Nepal Police	-	-	7	-	-
Saathi	84	33	30	73	16
CIB & Saathi	-	-	-	-	65
Total	84	33	76	73	84

Reducing fear and creating comfort zones

Findings reveal the role played by Saathi/WATCH team and law enforcement bodies in reassuring survivors, in some cases, is critical. Most survivors experience anxiety and fear at police stations. Some evidences in this regard are:

- Survivors voluntarily revealed their abuse to police following counselling, even though 9 children had initially expressed great fear in testifying
- 5 survivors voluntarily revealed their abuse to police post awareness program.

Saathi/WATCH experiences uncover a clear need for ensuring fears of child survivors are addressed and overcome by creating comfort zones. Some measures effectively undertaken include:

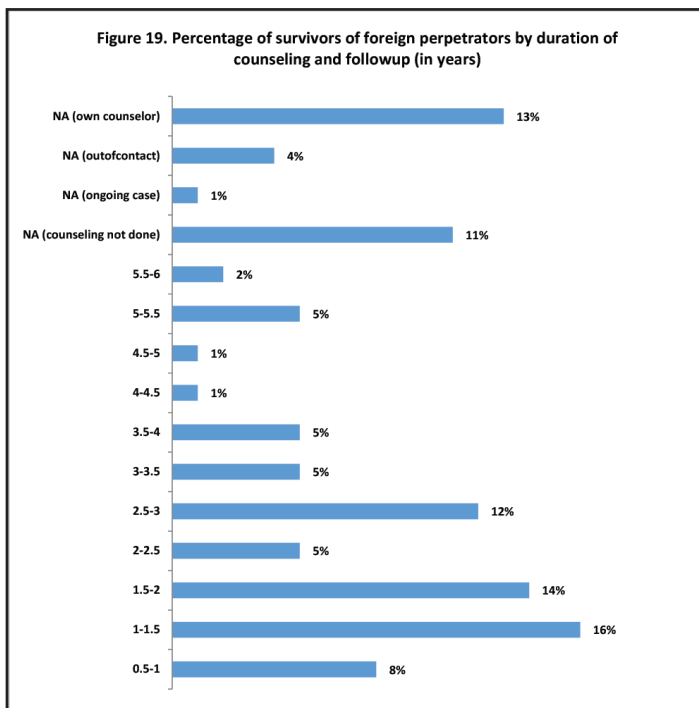
- Clearly informing survivors of the purpose of interview with law enforcement
- Informing survivors of ongoings, and positive consequences of sharing about the abuse to law enforcement bodies
- Emotional support and motivation
- Psycho-social counseling, if and where required.

Whenever applicable, moral support was provided to survivor - during medical check-up, victim statement, accompanying survivor during court testimony, at government attorney canteens, and waiting rooms. Such physical presence and clarification of ongoing processes helped overcome their fears, and also created a victim-friendly environment. In some instances, law enforcement personnel also worked to reduce survivor fear by wearing civil clothes.

Privacy and confidentiality

Privacy and confidentiality of survivors during investigation and trial period are critical, both for survivor security reasons and to prevent risk of re-victimization.

Findings indicate despite legal requirements for ensuring separate room during First Information Report (FIR) registration, interviews and testimonies, infrastructural support are often not present – such as at police stations, or CIB - or not used even when available such as at the Kathmandu District court in some instances. Information collected



during the study indicate that in a couple of cases the District Court room was under lock and key, and could not be utilized even upon request.

3.4 Counseling of survivors

A total of 80 survivors have been counseled since the WATCH project commenced. Some have been brief while some have lasted almost five and a half years. 13 percent (n=14) survivors had their own counselor, and Saathi psycho-social counselor was not required. Some (n=12) survivors have not been counseled, while others were out of contact (n=4) or went out of contact after initial sessions, thus follow-up was not possible; one is an ongoing case hence follow-up is not applicable.

Does psycho-social counseling help child survivors?

Of the total 80 survivors counseled, information on 61 survivors could be extracted regarding level of improvement or otherwise of survivors. Information on remaining survivors could not be ascertained as their initial condition and/or current condition was unknown because of, but not limited to, following reasons:

- Survivors were living too far, hence could not physically meet the counselor nor was it feasible for counselor to go to them to provide psycho-social counseling service
- Loss of contact as the survivor changed phone numbers and did not inform Saathi/WATCH team
- Survivor returned to village where neither survivor nor their family could be traced
- Lack of recent counseling/follow-up/contact whereby their current status could be determined

Saathi/WATCH psychosocial counselor who administered counseling and follow-up sessions (visits, phone calls), assessed both the initial and current condition of survivors. Since a single person used similar indicators to judge improvement levels, error due to difference in judgment was mitigated.

The psycho-social counselor was asked to rate the initial and current conditions of each survivor on a five-point scale, i.e., 1: excellent, 2: good, 3: fair, 4: poor, and 5: very poor.

Among the 61 survivors, the following conditions were indicated:

- 41 percent survivors: poor to good
- 16 percent survivors: fair to good
- 15 percent survivors: poor to fair
- 10 percent survivors: very poor to good
- 7 percent survivors: very poor to fair
- 5 percent survivors: very poor to poor
- 3 percent survivors: poor to excellent
- 2 percent survivors: fair to excellent, and very poor to excellent.

Parents/Guardians

Saathi/WATCH team are normally found counselling parents/guardians of survivors during initial phases of a case. This functions mainly to inform parents about child sexual abuse, its impacts on a survivor, and a reminder to support their child. Findings reveal counseling to parents/ guardians of survivors are as important as counseling to survivors. One reason is parents at times tend to blame survivors for the abuse; this could be contributing to aggravating psycho-social impact(s) on survivor.

3.5 Patterns of Arrested and/or Convicted Foreign Perpetrators

The sub-section covers information on 36 foreign child sex abuse perpetrators arrested and/or convicted over the past seven years (January 2013 – March 2020), in Nepal (n=25) or abroad (n=11). The sub-section is based on knowledge shared by survivors, discussion with law enforcement bodies, and WATCH partners, namely, CeLLRD which supports the children legally in the WATCH project.

Who are these foreign child sex abusers?

Most perpetrators are Europeans (Austrian, British, Dutch, French, German) followed by American, Canadian, Indian, Australian, Saudi Arabian and Danish citizens.

What is the age of foreign perpetrators sexually abusing children?

Age of perpetrators were categorized into 5-year intervals. Most perpetrators are above 35 years, with a little over a quarter (28%; n=10) falling under the 61-65 age group.

What form of abuse did the foreign perpetrators commit?

All 36 cases analyzed are cases of child sexual abuse, as defined by CRC. Almost half the perpetrators (42%; n=15) committed unnatural sex (oral and/or anal penetration). Other forms of abuse include rape (36%; n=13), carrying child pornographic materials or making child pornography (16%; n=6) and child trafficking (6%; n=2).

Did the foreign perpetrators have a past history of child sexual abuse?

Surprisingly, 42 percent (n=15) perpetrators had previous offense history of which approximately half were for child sexual abuse (n=8), a third pedophile (n=5), and 7 percent child pornography (n=1) and rape each. Two other previous offense cases, however, were charged but not convicted.

Why are perpetrators here in Nepal?

Tourism (58%, n=21) is identified as the primary reason for perpetrators' presence in Nepal. Employment (11%; n=4), social work (8%; n=3) and business (6%; n=2) also appeared in a number of cases. Other reasons included to be a monk, student and volunteer. Information could not be extracted for 8 percent (n=3) cases.

How often were perpetrators in Nepal, and what was their length of stay?

Survivor case studies reveal most perpetrators had visited Nepal once or twice prior to arrest. Over half the perpetrators had been visiting Nepal once a year or more, with a third (n=12) visiting Nepal twice a year. 17 percent (n=6) had been staying in Nepal, while no information could be gathered on a quarter (n=9) of perpetrators.

Regarding length of stay of visit no information was available on half (n=18) the perpetrators. Among the remaining, 67 percent (n=12) stayed for approximately three months or less, and 22 percent (n=4) between 3-6 months. Two perpetrators were found staying for over a year.

What was the perpetrators' mode of transportation?

Perpetrators used various means of mobility, with public transportation being the most common (39%; n=15) for short and long distances.

What grooming techniques did the foreign perpetrators use?

Findings reveal a single perpetrator can use multiple grooming techniques. Perpetrators are primarily using food, money and electronic gadgets to lure potential victims. Close examination of grooming techniques reveals a trend to purchase or provide the following:

58 percent (n=21): Food such as chocolates, panipuri (snacks), chatpatey (snacks), noodles, momocha (dumplings), etc.

- 53 percent (n=19): Money (ranging from NRs. 50.00 to NRs. 16,000.00)
- 31 percent (n=11): Clothes, shoes and other fashion accessories
- 22 percent (n=8): Electronic gadgets such as smart phones and laptop (prices varied as per desire and financial status of perpetrator)
- 19 percent (n=7): Building close relationships with survivor families by visiting their houses, paying rents, employing parents and winning their trust which facilitated their stay at survivors' residence
- 19 percent: Teaching children to swim, taking them boating, fishing, playing football and badminton
- 14 percent (n=5): Direct or indirect support of survivor education
- 14 percent (n=5): Taking children on trips to tourist destinations such as Pokhara, Chitwan, Bardiya, riverbanks, trekking and hikes
- 11 percent (n=4): Purchase of toys for survivors
- 8 percent (n=3): Promises of better future, job opportunities, visa for their countries
- 8 percent (n=3): Purchase of toys, and expensive mountain bikes
- 8 percent: Taking survivors on motorbike rides or allowing them to ride their motorbikes
- 8 percent (n=3): Technique unknown
- 6 percent (n=2): Offering survivors cigarettes and marijuana.

How much time did they spend on grooming?

Survivor case studies uncover a common pattern among perpetrators to ‘groom’ potential victims. Almost half the perpetrators (n=17) spent 2-14 days employing varied measures mentioned above. No information was available on 7 perpetrators (19%), while for 8 percent (n=3) cases these were cases referred to Saathi for child support.

Are there any linkages between foreign perpetrators?

Findings reveal 22 percent (n=8) perpetrators knew each other very well, sharing common place of abuse and common victims as well. Similar trend was observed among other 3 perpetrators as well, though it could not be established if they knew each other.

Number of children filing cases against foreign perpetrators, and those unwilling to register police case

In most cases (31%; n=11) one survivor is found filing a case against a perpetrator. However, cases filed against perpetrator ranges from 1 to up to 15 survivors also. For 14 percent (n=5) of perpetrators, the category was not applicable. Even in the case where 15 survivors had filed a case, as shared by survivors, there were an estimated 65 other survivors, including themselves.

Are witnesses supportive during trial of foreign perpetrators ?

Findings indicate witnesses do come forward to provide evidences of abuse. In the case of 21 perpetrators prosecuted in Nepal a total of 112 witnesses testified on behalf of the survivors.

Some 46 percent (n=51) of witnesses were family members (parents and siblings) of survivors. Community members living in the vicinity of place of abuse, hotel owners and hotel staff where survivors were abused, travel agent who arranged perpetrators’ visit, employee of perpetrator, members of civil society organizations working to stop child sexual abuse and friends of survivors aware of the abuse were key witnesses in these cases.

Patterns of Arrested and/or Convicted Foreign Perpetrators and Related Information

Figure 20. Number of foreign perpetrators arrested by year (Jan.2013 - Mar. 2020)

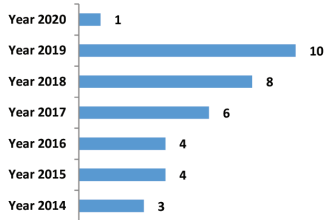


Figure 21. Number of foreign perpetrators by nationality

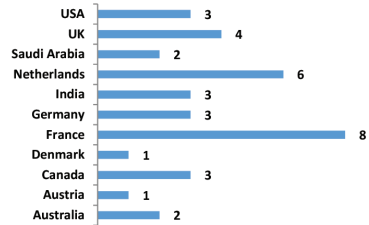


Figure 22. Percentage of foreign perpetrators by age group

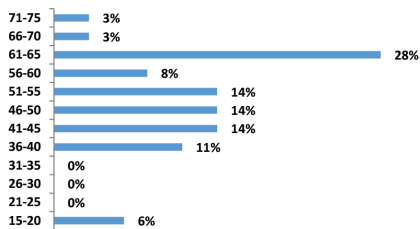


Figure 23. Percentage of foreign perpetrators by type of abuse committed

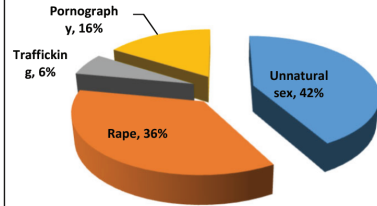


Figure 24. Number of foreign perpetrators by country of previous offense history

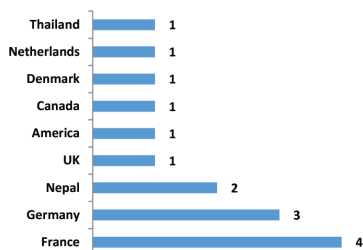


Figure 25. Percentage of foreign perpetrators by reason for being in Nepal

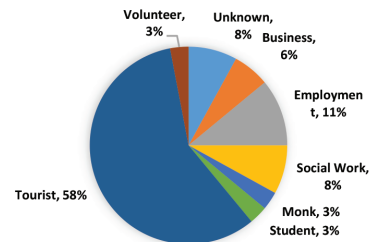


Figure 26. Percentage of foreign perpetrators by frequency of visit to Nepal

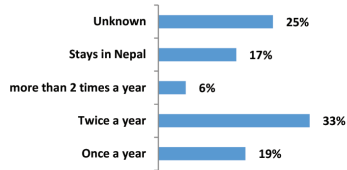


Figure 27. Percentage of foreign perpetrators by mode of transportation used around town

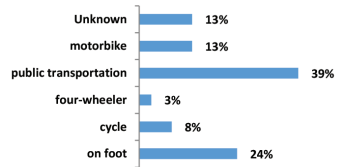


Figure 28. Percentage of foreign perpetrators by time spent on grooming

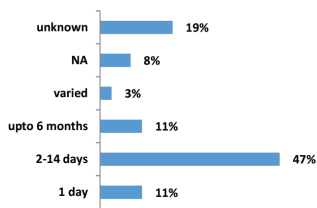


Figure 29. Percentage of foreign perpetrators with linkages with each other

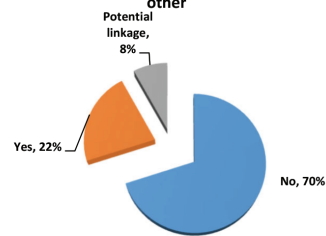


Figure 30. Percentage of foreign perpetrators by number of survivors filing case

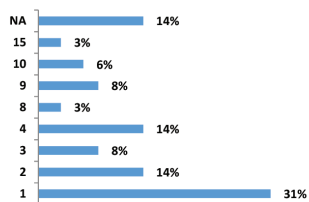
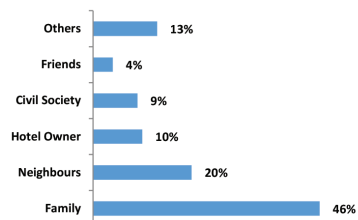


Figure 31. Percentage of witnesses by type



B. Child Sexual Abuse Survivors and Nepali Perpetrators

3.6 Demographic Variables: Survivors

A total of 45 survivors abused by Nepali perpetrators are analysed by the current study. Survivors were encountered in the process of working in SECTT. They are however not necessarily part of travel and tourism sector, and only limited information is available.

Sex of Survivors

98 percent (n=44) survivors are female, only 2 percent (n=1) are male.

Age

The age of 41 survivors is known, of which the youngest survivor was 5 years of age, and the oldest 18 at the time of case registration. .

Caste/Ethnicity

A little over half the survivors are Janajati (n=24), followed by unknown (n=12), Brahmins (n=5), Dalits (n=3) and Chettri (n=1).

Economic variables

Based on indicators identified for health, education and living conditions, most survivors are from poor (44%; n=20) and lower middle class (36%; n=16) economic backgrounds.

Length of stay in Kathmandu Valley

Out of 45 survivors, 42 survivors were living in and abused in Kathmandu valley. Seven percent survivors (n=3) were living and abused outside Kathmandu.

3.7 Incidents of Child Sexual Abuse by Nepali Perpetrators

Limited information could be gathered on survivors of Nepali perpetrators due to factors such as unwillingness of family to reveal further information, and/or seek Saathi/WATCH support due to social stigma attached. The fear of stigma was further amplified by survivors being girls. The lower mobility of girls in Nepali society has also limited their access to psycho-social counseling support post abuse.

Duration of abuse

Over half the survivors (65%) experienced one-time abuse, while 9 percent (n=4) were abused for a span of one to six months with survivors being lured with promises of better future and job opportunities (n=3) or groomed with food (n=1). Two survivors abused for a week were held hostage and sexually abused multiple times. For the 4 percent (n=2) survivors abused for the period of one to five years, the perpetrator was the father of survivors. No information could be gathered on remaining survivors.

Impact of abuse

The impacts of abuse on survivors are extensive ranging from psycho-social to behavioral, somatic and educational consequences. A frequent impact observed is fear of family and society. (Table 4)

Table 4: Impact of Abuse by Nepali Perpetrators*

Psycho-social Consequences	
Anxiety/Nervousness/ Panic attack	4
Bed wetting	3
Depression/ Sadness	3
Fear (general, of family and society)	20
Fear of perpetrator	13
Hopelessness	2
Helplessness	2
Low self-esteem/ confidence	5
Nightmare/ Sleep disturbance	6
Dissociative behavior (Social self-isolation, not talking at all, not meeting friends)	2
Post-Traumatic Stress Disorder (PTSD)	2
Restlessness	1
Screaming/ at night	2
Stress	3
Suicidal thought/behavior	3
Panic attack	1
Separation anxiety	1
Behavioral Consequences	
Attention seeking	1
Stubborn (unreasonably)	1
Constant Crying	1
Physical Consequences	
Somatic complaints	6
Educational Consequences	
Dropping out of school/ Not wanting to study (possibly impact of abuse)	3
Reproductive Health Consequence	
Sexually Transmitted Infections (STI)	3
Unknown	14

*Multiple Responses

3.8 Patterns of Arrested and/or Convicted Nepali Perpetrators

Who are these Nepali perpetrators?

Observing the means of contact between perpetrators and survivors, majority (69%; n=31) of perpetrators were known to survivors, or had met them before. Nepali perpetrators range from fathers and relatives, to parents' friends to facebook friends and cousin brothers. Only 2 perpetrators were complete strangers to survivors. Means of contact and relationship between 26 percent (n=11) survivors and perpetrators is unknown.

What is the age of the Nepali perpetrators?

Taking the known age of 42 perpetrators, their average age was 40.2 years.

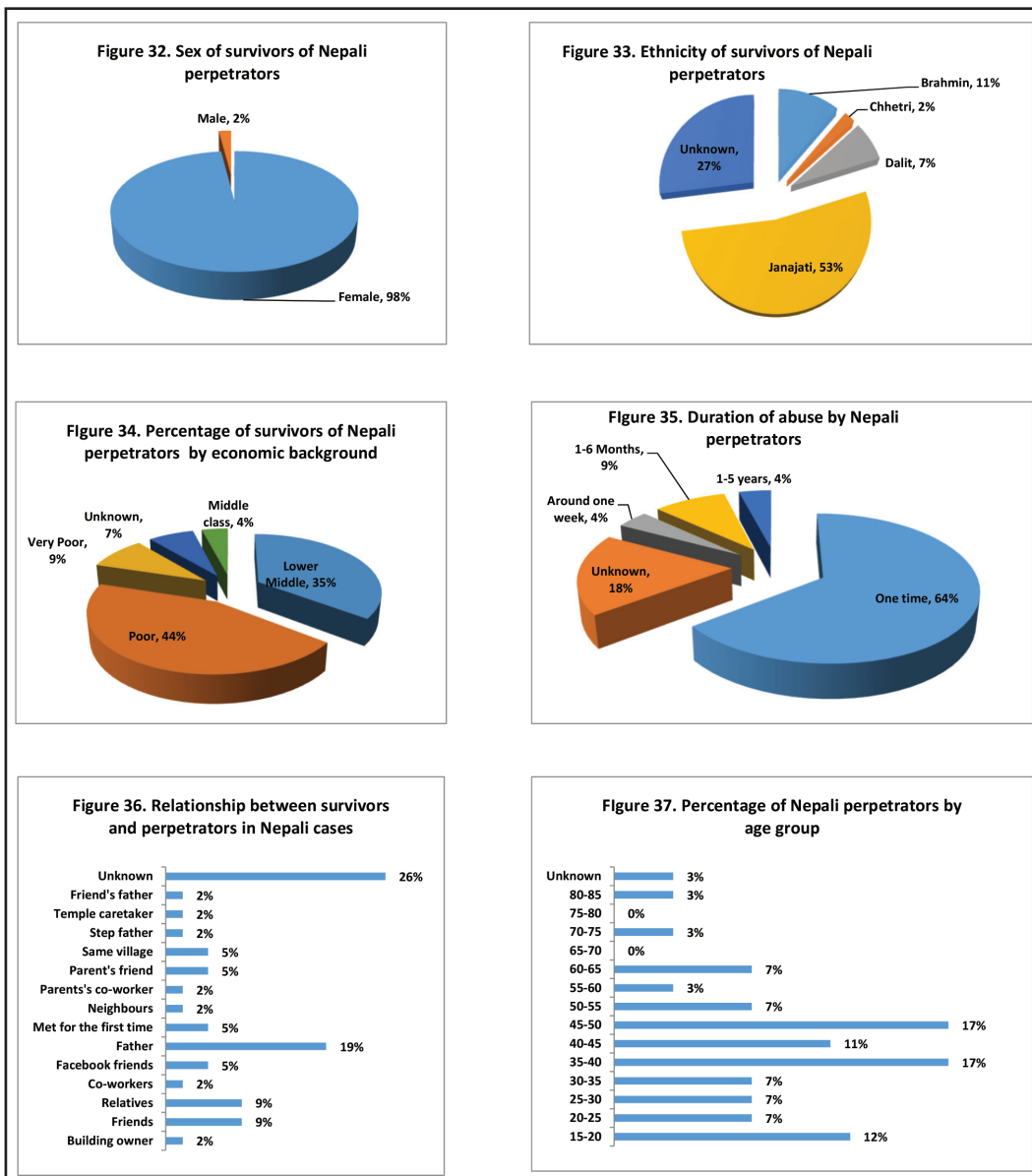
Case Study 2: Incest and its impact on the survivor

Rani's father began sexually abusing her when she was of 10 years of age. Her father was a taxi driver, and her mother a domestic helper working in different people's houses. She also had a younger brother. At the age of 14 after suffering continuous sexual abuse, Rani confided in her maternal aunt. Prior to that, she had not shared it to anyone. The aunt then shared it with Rani's maternal uncle following which a police case was filed, and the perpetrator arrested.

Rani suffers from various psycho-social impacts due to the sexual abuse. She had and still has, seven years later, immense fear. She fears the perpetrator and worries he may murder her upon release from jail. She also suffers from Post Traumatic Stress Disorders (PTSD) along with associated symptoms such as fear and nightmares. She faces panic attacks at the slightest movements and sound, battles with feelings of helplessness and suicidal thoughts.

Rani is currently continuing counseling with Saathi. Despite the improvement since the time of abuse, Rani has some way to go. Her low self-esteem and confidence level prevent her from making eye contact with people while talking to them, constantly fidgeting with her hands while talking, and has very crouched body posture. She also experiences symptoms such as sweating and heart palpitation. Rani is one of the extremely impacted survivors, and continues to suffer the consequences of sexual abuse.

Demographic Variables and Incidents of Child Sexual Abuse by Nepali Perpetrators

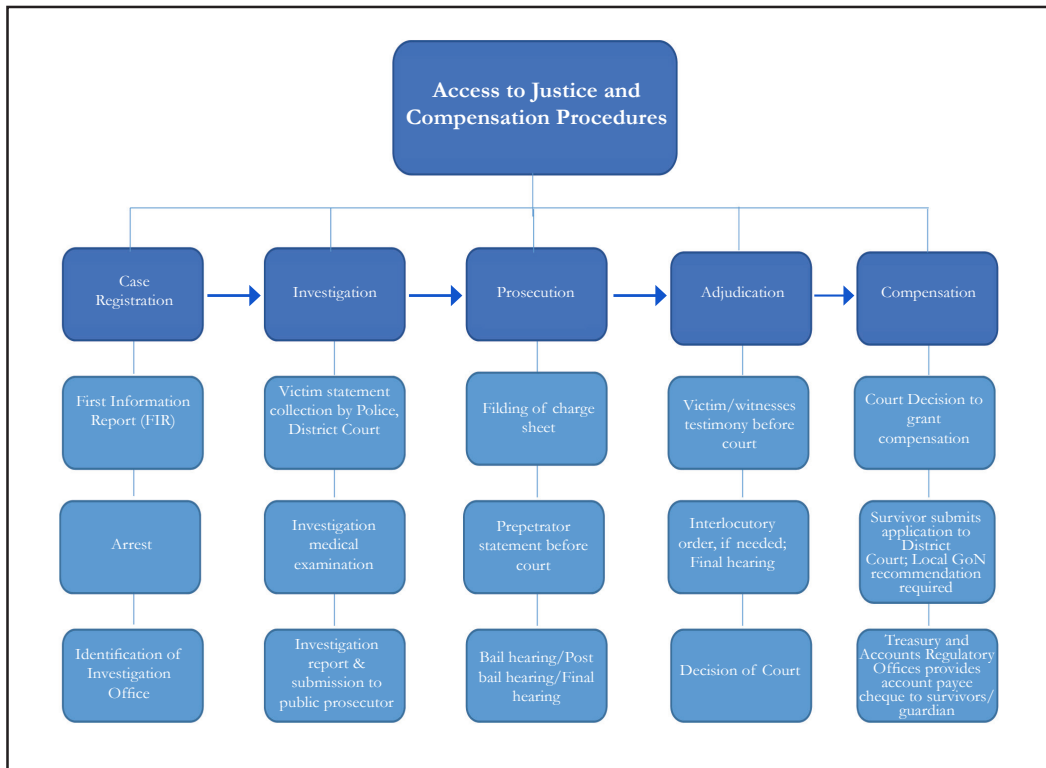


CHAPTER 4: ACCESS TO JUSTICE AND PROCEDURAL CHALLENGES

The section briefly presents the legal route a survivor must steer through to seek redress. Some major hurdles encountered by the 111 survivors of 36 foreign perpetrators are also presented.

The following Diagram presents the process to be adopted to access justice and compensation.

Diagram 1



Note: Victims have right to know about these procedures from all related stakeholders; however, current study findings indicate trend is very limited.

4.1 Have Survivors of Foreign Perpetrators Been Able to Access Justice and Compensation?

Of the total 36 foreign perpetrators reviewed, 25 foreign perpetrators were arrested in Nepal. Of these two families refused to file charges, one case was withdrawn as survivors turned hostile, while 1 perpetrator was acquitted. Concerned authorities reported and apprehended remaining perpetrators in their native countries respectively for the offence of child sexual abuse committed in Nepal.

Legal provisions demand expediting child sexual abuse cases. Review of cases indicate the shortest conviction decision was made within 48 days. (Jawalakhel GA v. Ernest Fenwick Macintosh) However, over half the cases required more than 9 months.

The longest period of imprisonment is 12 years and the shortest 1 year. Even the recent 2019 case 2076 (B, C), *GoN v. Thomas Alfred Berryman* was convicted for 1 year only.

Reviewing cases of the time period only one survivor has received compensation. Findings indicate ensuring survivors' access to compensation is a complex, protracted and intimidating process for them. It is generally non prioritized by related stakeholders. Interim relief continues to remain in theory only, while survivors and families face immense social and economic challenges while seeking justice.

4.2 Legal Processes and Challenges Delaying Access to Justice and Compensation

In the process of ensuring survivors' access to justice and compensation, the following inadequacies and shortcomings were identified during project implementation period:

Pre-Initiation of legal proceedings

- Lack of knowledge among survivors on being abused
- Lack of confidence among survivors on whether their story will be 'heard and believed'
- Guilt and remorse for trusting perpetrator
- Fear of social stigma - from family, neighbors and media, among others
- Fear of being blamed by parents and community
- Fear of individual and family support from perpetrators being terminated

Stage 1: Case Registration

Beginning Legal Proceedings

Victims and families

- Lack of knowledge and/or disbelief among parents/guardians regarding abuse of son
- Lack of knowledge on filing First Information Report (FIR)
- Perception among survivors and families that going to police station is seen as 'having done something wrong'
- Fear of police
- Fear due to threats by perpetrator

How long does the police/CIB take in interviewing children, and how sensitive are they?

Almost half (n=54) the survivors were interviewed by Nepal Police/including CIB over a 1-day period, and a third (n=37) were interviewed for 2 days. For some it required longer: 3 days: 3percent (n=3); 4 days: 1 percent (n=1). For some survivors' the information is not applicable because they were handled by other organizations, cases were undertaken in other countries; survivors' interviews were not taken as they returned to their villages.

Most (n=94) survivor interviews were administered by Nepal Police and/or CIB during the trial period. Majority (68%; n=75) identified them as supportive such as ensuring privacy, making them comfortable, etc.

- High level of trust towards foreigners
- Lack of trust in legal system among survivor family members; disinclination to lodge FIR due to lengthy process
- Fear of social stigma among survivors and families.

Other stakeholders

- Absence of knowledge among general public, and non-reporting of suspicious cases
- Inadequate knowledge and/or cooperation among some law enforcement officials
- Disturbance by outsiders while registering complaints at police station, due to open space
- Hesitance among some law enforcement officials to register cases against foreigners.

Arresting alleged perpetrator

- Inadequate number of law enforcement personnel with necessary skills and training in planning investigations
- Apprehension among law enforcement bodies regarding inadequacy of evidences - delay in arrest
- Inadequate knowledge/understanding of new laws and provisions
- Inadequate understanding on types of evidences recognized by court
- Some survivors unwilling and/or fearful of cooperation due to risks of retributions from perpetrator.

Stage 2: Investigation

- Inadequate resources with survivor/and their families to attend police stations
- Transfer of police personnel investigating cases
- Limited number of law enforcement personnel with skills and training in fact-finding, evidence collection, and dealing with children
- Challenges in collecting critical evidences leading to implausible case framing
- Survivors, families and witnesses threatened and/or lured by defense; Efforts to turn survivors, families and witnesses, hostile
- Inadequate knowledge and preparation on child sexual abuse case - especially of boys by some legal personnel resulting in weak case framing
- Inadequate understanding on gravity of offence among law enforcement bodies; Child sexual abuse treated as any other State Party case.

Table 5: Are Survivors Able to Freely Talk During Investigation Stage?

Interview Process/Law Enforcement Type	CIB/Nepal Police	Nepal Police	Others	Total
Separate room not available, but closed interview administered	47	9	1	57
Separate room not available, openly interviewed	0	6	0	6
Separate room available, closed interview administered	31	0	0	31
Unknown	0	3	0	3
Total	78	18	1	97

Stage 3 : Prosecution

- Ambiguity in laws creating confusion and leading to the following risks: charge sheet being weakly framed (e.g. public prosecutor presses less charges than required), low penalty charged and easy escape of offenders (e.g. Section 226 on unnatural sex states punishment to be under Section 219; however, Section 219 on rape does not mention rape of boys)
- Limited or absence of clarity among judicial personnel regarding child sexual abuse of boys; Prevalence of belief influenced by narrow and patriarchal mindset that child sexual abuse occurs to girls only
- Irregularity (by some law enforcement officials and judicial representatives in carrying out responsibilities (e.g. some public prosecutors not attending testimonies)
- Delay in court hearings despite legal provisions for fast-track; judicial professionals’ lack of empathy regarding gravity of case and impacts on child survivors and families
- Influencing of survivor, survivor families and witnesses by alleged perpetrator supporters.

Trial (bail hearing, post-bail hearing and final hearing)

- Delay in trial due to centralized forensic laboratory (due to bulk of cases from across Nepal) and lengthy time period for forensic tests and submission of evidence in court
- Inadequate communication and coordination between police and court
- Witness protection - ‘only in law, not in practice’
- Influencing and threats from perpetrator supporters with attempts to turn hostile survivors and family members
- Lengthy court processes provide perpetrators opportunity to establish ‘connections’ to turn hostile survivors and family members
- Court staff unaware of emerging issue of pedophilia, and sexual abuse and exploitation of boys

- Continuous hearing become tokenistic and survivor, family and witness hearings become protracted
- Absence of prosecutor during bail hearing (in some cases)
- Juvenile bench - only for juvenile delinquents, not for juvenile survivors.

Stage 4: Adjudication

- Inadequate follow-up by legal professionals to ensure closed-door hearings; Non victim-friendly and witness-friendly environment
- Disturbance by outsiders during court proceedings (in some cases)
- Tedious and protracted process during testimonies - children become restless, and family members agitated (e.g. need to reach work places)
- Uncalled-for cross-questioning of survivors and plaintiff, 'to the point of harassment'
- Inadequate support mechanisms to create enabling environment for survivors and families (transportation cost to and from court, food during proceedings, etc.)
- Insensitivity of legal professionals due to ambiguous laws related to child sexual abuse of male victims
- Influencing, and in some instances intimidation, by defense lawyer/s and supporters of accused
- Non-utilization of medical and psycho-social counseling reports on impact of abuse on survivors, as evidence.

Stage 5: Compensation

- Survivors and their families possess little or no knowledge on compensation provisions; inadequate efforts to create understanding
- Inadequate resources and time with survivor and their families to frequently attend courts
- Victim Protection Act 2075 provides for interim relief to survivors; However, procedure yet to come about - interim relief remains a discretionary power of judges, and no initiative undertaken to date
- Non submission and referencing of survivor impact reports undermines gravity of crime
- Judges' propensity to consider financial status of perpetrator rather than severity of crime and impact on survivors, influence compensation amount.

Reintegration

Reintegration efforts remain challenged by the following:

- Psychological impacts of ‘grooming’ and sexual abuse resulting in long term counseling requirements
- Non-acceptance in society
- Inability and/or unwillingness to attend counseling sessions and/or discontinued counseling sessions due to fear of social stigma among parents and survivors
- Financial crisis of survivor and families
- Donor dependency of NGOs resulting in risks of termination of survivor support; Inadequate government support mechanisms
- Absence of ownership of child sexual abuse issue and required reintegration support by GoN, such as psycho-social counselling, medical costs, prevention of re-victimisation risk etc.

Case Study 3: Impact of Sexual Abuse on a Child Survivor

Mukesh was sexually abused since the age of 11 by a foreign perpetrator. Mukesh is from a financially poor background, with a mother who no longer lived with him. He was close to his grandmother who raised him. His father had a second marriage. His stepmother, younger stepsister and father lived separately close to the perpetrator’s residence where his father was employed. The perpetrator was supporting Mukesh’s family financially and also enrolled Mukesh in school.

Mukesh’s father used to stay in the living quarters, separately located from the main house, when he came to work. When Mukesh’s father returned to their house upon completion of work, Mukesh stayed on in the perpetrator’ house. There he was continuously sexually abused by the perpetrator. After four years of sexual abuse, at 14, Mukesh began showing learning difficulties. He went through feelings of guilt and could not continue his education. He dropped out of school, and could not re-enroll despite an attempt. He is yet to show substantial improvement. Even today Mukesh lives a disturbed day-to-day life due to constant threats from perpetrator, and perpetrator supporters who even come visit him.

Table 6: Current Status of Foreign Perpetrator Cases Prosecuted in Nepal

Perpetrator name/Case	Con- victed	Required timeframe: charge sheet file to conviction	Fine (in NRs.)	Impris- onment period	Compen- sation (in NRs.)	Compen- sation received or not
Yes/No/Other		Yes/No/Other			Yes/No/Other	
1. <i>Report of Sub-Inspector N. Adhikari et. al working at Kaski District, GoN v. Hans Christoph Cornelius Schilling Von Constatt</i>	√	53 days	X	8 years	51,000.00	X
2. <i>Ozous GoN v. Claude Herve Denis Ozoux</i>	√	300 days	X	9 years	100,000.00	X
3. <i>GoN v. Bababri Selha Mohammed</i>	√	261 days	X	7 years	50,000.00	X
4. <i>Kathmandu 26 CIB 194 v. Markus Kendler</i>	√	443 days	X	8 years	100,000.00 per survivor x 3 survivors = 300,000.00	X
5. <i>CIB 257 et al. v. Hans Jurgen August Dahm</i>	√	336 days	13,000.00	1 year and 3 months	15,000.00	X
6. <i>CIB 185 GoN v. Albert Fred Klincke</i>	√	252 days	X	7 years	100,000.00 per survivor x 3 survivors = 300,000.00	X
7. <i>Jawlakbel Ga v. Ernest Fenwick Macintosh</i>	√	48 days	X	7 years	300,000.00	√
8. <i>Kathmandu 26 CIB 472 v. George Igor Simansky</i>	√	428 days	15,000.00	12 years	50,000.00 per victim	X

9. 2076 (B,C), <i>GoN v. Thomas Alfred Berryman</i>	√	177 days	15,000.00	1 year	150,000.00 for prime survivor, and 100,000.00 x 3 survivors =300,000.00; Total =450,000.00	X
10. <i>Talchikbelka, GoN v. Moham-mad Taj</i>	√	217 days	X	5.5 years	100,000.00	X
11. <i>Kathmandu 26 CIB 350 et al GoN v. Denish Chupau</i>	√	273 days	30,000.00	1 year	50,000.00	Compen-sation application in court; not received
12. <i>Kathmandu 26 CIB 350 et all GoN v. Christophe Guilloux</i>	√	273 days	30,000.00	1 year	50,000.00	Compen-sation application in court; not received
13. <i>GoN v. Alexandar Over Gard</i>	√	219 days	X	9 years	100,000.00	X
14. <i>CIB 167 GoN v. Kenneth Joseph Coomb</i>	√	206 days	X	8 years imprisonment and 50,000 compensation to prime accused; 4 years imprisonment to co-ac-cused	50,000.00	Currently in Supreme Court; not received
15. <i>CIB 216 GoN v. Henricus Adrianus Jose-phus Kruissen</i>	√	211 days	X	8 years	25,000.00	X

16. Name changed 415 et. al GoN v. Iain Robert Cole	√	376 days	30,000.00	3 years (co-accused was released due to age)	20,000.00	X
17. Lainchour Ka GoN v. Andriew Rene Ywes	Acquitted	333 days	X	-	-	X
18. Name changed Kathmandu 26 CIB 296 et. al GoN v. Peter John Dalglisb	√	432 days	X	8 years	500,000.00 compensation per victim x 2 survivors = 1,000,000.00	Currently in Supreme Court; not received
19. Kathmandu 26 CIB 337 GoN v. Piet Hein Van Tervisga	√	152 days	15000.00	1 year 6 months	50000.00	
20. Name changed Kathmandu 26 CIB 501,496, GoN v. Jason Llyod Moody						Case ongoing
21. Ian – Ajay (co-accused in . 415 et. al GoN v. Iain Robert Cole	Co-accused					Due to SEE examination was allowed bail; did not stay in jail (previous victim)
22. Case 22 (Bouddha, Ktm.)						Family refused to file charges
23. Case 23 (Saudi Arabian migration agent)						
24. Case 24 (Incest case)						Family refused to file charges
25. Case 25 (M)						Family refused to file charges



प्रभावितहरूलाई न्यायमा पहुँचको सुनिश्चितता,
सबैको साभ्वा जिम्मेवारी अनुभूतिको आवश्यकता !



CHAPTER 5: ANALYSIS OF FINDINGS AND CONCLUSION

Findings of this study denote child sexual abuse by foreigners in the travel and tourism sector as a veiled yet prevalent occurrence in Nepal. Whilst pervasiveness of abuse and exploitation of Nepali girls is common knowledge, sexual abuse and exploitation of the male child by foreign perpetrators in travel and tourism sector, and by Nepali perpetrators, remains relatively unknown. Even duty bearers working in the sector of child rights and protection possess limited knowledge. Current findings present tangible evidences child sexual abuse in the travel and tourism sector require nuanced understanding by government and non government bodies engaged in protecting children rights, those directly and indirectly engaged in travel and tourism, as well as the general public.

5.1 Child Sexual Abuse Survivors of Foreign Perpetrators

Boys (95%) are the primary target of travelling foreign perpetrators. A disturbing picture of children as young as seven preyed on and sexually abused by foreign perpetrators has emerged from the study; for other survivors abuse has occurred when they are in their adolescence. Sexual abuse is across all caste/ethnic background of survivors – Brahmin, Chhetri, Dalit, Janajati, Terai middle caste and others, as well as Indian national children. Both school going and non school going children are falling victim to foreign sexual predators. Survivors' poor economic conditions are exploited by perpetrators to 'groom' them over a period of time. Poverty increases

children's risk of exploitation, nevertheless, even children from middle income families are sexually exploited. Unlike in earlier days of WATCH project implementation (2013 onwards) when street children were targeted by foreign perpetrators, findings indicate a changing pattern in recent years. This was reiterated by KII respondents who maintained foreign perpetrators are now shifting to remote villages outside Kathmandu, compared to earlier more visible hotspot tourist areas of Kathmandu. One possibility for this change may be the increasing arrest in and around Kathmandu hotspots.

Findings warrant parents and guardians no longer remain complacent about foreign strangers trying to befriend their children. While such behavior cannot be generalized about all foreigners, the need for caution cannot be stressed enough.

Prevalence, type and impact of abuse

A total of 111 survivors reporting against 36 foreign child sexual abuse perpetrators, and with many more children unwilling or untraceable reflects the inclination of a single perpetrator abusing more than one child. This also underlines the alarming and pervasive nature of this heinous crime. Even after conviction it is difficult to gauge the total number of children each perpetrator may have abused, aside from those registering cases.

Type of abuses experienced range from fondling of survivors' private parts to fingering their anal opening, to oral and anal penetration (by and to perpetrator). Penetration was found in 49 percent of

sampled survivors. Findings indicate perpetrators manipulate and groom children, and use adult porn movies, naked showering, alcohol and in some cases drugs in the process of abusing children. For some survivors the abuse has continued for over a period of years (4 years: 18%), with perpetrators maintaining regular contact and supporting them - with education, electronic gadgets, food, lodging, and such during trips to Nepal, and staying in touch via means of social media or in a few cases even sending small amounts of cash.

Regardless of frequency and timespan of abuse – a single incident or over a span of time - consequences of abuse and damage to survivor and parents are evident. These have manifested in physical, psychological and social impacts ranging from anal injuries to ongoing sleep disturbances, learning difficulties, fear of social stigma and dissociative behaviors among survivors. Such abuse is changing survivors' characters and lives. Conditions are aggravated in cases where perpetrator support to survivors and families (e.g. family support) ceases with perpetrator arrest, and children fear parents and society holds them responsible. There is conclusive evidence that overcoming consequences of such abusive experiences warrant short term and long term counseling. Psycho-social counseling by Saathi/WATCH team over the years, underscore counseling support as essential to both survivors and parents; however, these may vary according to child and parents. Review of counseling data leads to the conclusion that greater the number of survivor counseling sessions, time period of counseling and follow-up, the greater the improvement can be seen among survivors.

Saathi/WATCH experiences also reveal such support from NGOs can only be temporary, and there is urgent need for institutionalizing such support within government system.

Findings also draw attention to the place of abuse and witnesses thereabout. Short term abuse occurred in low-cost hotel rooms, while rented rooms and apartments were used by longer term perpetrators denoting presence of witnesses when children as young as 7 years were being taken to hotels and apartments. This raises several questions: Why did the owners/managers/landlords not question children's presence? What assumption was made about the purpose of bringing children? Did they simply remain complacent and overlook potential risks at the cost of financial gains? Are they also complicit in the crime? Information generated from survivor cases studies, KIIs and consultations uncover most parents and guardians as ignorant of sexual abuse risks to boys, while among hotel and apartment owners/managers also there is a trend to hold foreigners in high esteem and reverence and overlook potential threats. Such evidences conclude an imperative need to raise mass awareness on risks of SECTI, especially of boys. Sensitizing parents/guardians and those engaged in travel and tourism sector, making them mindful of foreigners building relations with children, and disallowing unsupervised outings should be regularly addressed. Concurrently, their responsibility in notifying the police is critical.

Description of foreign perpetrators

Perpetrators examined in the study have been arrested and/or convicted for a variety of cases ranging from unnatural sex, to making child pornography and rape. A look at their

backgrounds reveal most convicted foreign perpetrators in travel and tourism sector are Europeans, followed by Americans and others. They are generally above 35 years with a little over a quarter falling in the 61-65 year age category.

Most perpetrators came to Nepal as tourists (58%), while others - either employed, on business, studying or volunteering – underlines different façades foreign perpetrators adopt. Evidences from survivor case studies, KIIs and consultations disclose most had been in Nepal a couple of times prior to their arrest, with a general tendency to visit Nepal a couple of times a year. Such disclosures reinforce findings most foreign perpetrators are not situational offenders, rather strategically plan visits to groom and abuse Nepali children over a span of time. Shockingly almost half (42%) had previous child offence history – previously arrested in France (n=3), Germany (n=3), Nepal (n=2), UK (n=1), USA (n=1), Denmark (n=1), Netherlands (n=1) and Thailand (n=1). It is therefore disturbing that efforts to prevent such offenders into the country – e.g. checking and returning suspicious perpetrators by immigration at the airport - remain limited. Moreover, inter-linkages of 22 percent of perpetrators (n=8) raises the fear of a network of foreign child sexual abuse perpetrators operating in the country.

5.2 Child Sexual Abuse Survivors of Nepali Perpetrators

As earlier stated survivors of Nepali perpetrators were identified while working on SECTI, with some survivors were referred to Saathi/WATCH by other GoN bodies and NGOs. The study is thus not an attempt to compare the abuses by foreign

and Nepali perpetrators. Nonetheless, glaring dissimilarities are evident between abuse by foreign perpetrators and Nepali perpetrators. Survivors of foreign perpetrators are mostly male (female: 5%; male: 95%), while most child survivors of Nepali perpetrators are female (female: 98%; male: 2%). There is also higher percentage of Janajati (53%) girls being abused by Nepali perpetrators. In contrast survivors of foreign perpetrators cut across all caste/ethnicities.

The study concludes Nepalese perpetrators as demonstrating a situational pattern of committing an offence, unlike foreign perpetrators who spend significant time grooming and winning trust of survivors and their families. Regrettably, for Nepali survivors many of the perpetrators were known to them and their family members.

5.3 Child Survivors' access to Justice and Challenges Encountered

Study findings reveal process of accessing justice and compensation for child survivors as lengthy and tedious. Many children keep their abuse concealed, as they are unable to voice it for fear of blame by family and society. For those filing charges against perpetrators, notwithstanding progressive laws aimed at easing the process, it remains an arduous journey. Findings reveal children and families are filled with misgivings on whether the justice system can be trusted, and how they will be able to keep up with the requirements of police and courts. Delays, lack of support during investigations and judicial processes, threats and financial enticements by perpetrator, absence of supporting elements to empathize, reassure and update them on ongoing process – as evidenced by findings, further reinforce

such opinions. At a time when survivors and parents face tremendous mental and social anxiety, inadequate knowledge on legal processes become major hurdles easily manipulated by perpetrator side. Cases where survivors turn hostile substantiate this, hence the role of NGO support, in collaboration with government bodies, for a smooth legal processes is fundamental.

The study also underscores inadequate understanding of male child sexual abuse among both law enforcement and judicial professionals, reinforced by absence of clearly defined legal provisions on sexual abuse of boys and overlapping laws. Lack of sensitivity, empathy and responsibility among judicial professionals further aggravate conditions. Subsequently they lag behind in ensuring perpetrators are penalized as per gravity of crime and consequences. At the other end such gaps are easily exploited by the defense leading to perpetrators absconding with minimum penalty (*e.g. 2076 (B.S.), GoN v. Thomas Alfred Berryman case*), and minimum or no compensation for survivors. (See Table 6).

The presence of Pillar No. 3 of CIB is a commendable initiative to address the crime. Nevertheless, level of knowledge among law enforcement professionals - with the exception of a few, also demand upgrading, beginning from regular sensitization on SECTI, effective fact-finding and evidence collection during investigations, ensuring survivors overcome fears of police and police stations to provide necessary information, and addressing their fears and reservations. Whilst some efforts to ensure privacy during FIR and investigation is evident, infrastructural support to ensure these across different police stations is notably

missing. Even within courts such sensitivity is overlooked, and KII respondents shared little can be expected at district level where support systems are even frailer. Sensitivity to address these elements are absent among both law enforcement, as well as those engaged in the legal support of child survivors. Further, with the exception of a few, lack of empathy among duty bearers – across officials to lawyers and judges - were repeatedly voiced by KII respondents.

Impact of these gaps are manifesting in survivors' difficulty in accessing justice, compensation and reintegration support. For many psycho-social support from Saathi/WATCH and legal support from Saathi/CeLRRD/WATCH are the only forms available. Compensation from convicted cases have a trend of taking long periods (over a year) in reaching conclusions, while despite provisions for interim relief, till date none has been initiated. Notwithstanding legal requirements to expedite child related cases the general trend is for cases to take over a year. Further, to date only one survivor has received compensation. These elements conclude the need for holistic support to survivors, and continuous follow up to ensure compensation, else justice will continue to elude them.

To further examine this gap, the study carried out statistical analysis on access to justice and compensation. For the cases taken for analysis here, all were from data available to Saathi relating to foreign perpetrators and judgments passed in Nepal. Elements of judgment are imprisonment years faced, compensation amount paid to each survivor, and fine amount paid to GoN by the offender. The judgment elements are analyzed with different factors that could potentially affect judgment. The following conclusions were reached:

Relationship between factors and judgments

For the cases taken for analysis here, all were from the data available to Saathi. All of these cases were CSA committed by foreign perpetrators in Nepal and judgments were passed in Nepal. The elements of judgment are imprisonment years faced, compensation amount paid to each survivor, and fine amount paid to the GoN by the perpetrator. The judgment elements are analyzed with different factors that could potentially affect judgment.

Bivariate associations of the factors with the judgment elements were made using Pearson's correlation tests (Annex 3: Table 3.1). Bivariate associations of the judgment elements among each other were also made using Pearson's correlation tests to check for any significant correlation between any judgment elements (Annex 3: Table 3.2). A p-value provides a measure of how likely the observed association between a factor and judgment element is to be due to random chance alone. Generally, a p-value less than or equal to 0.05 is considered statistically significant as the observed result is likely to have occurred by random chance less than 5 percent of the time if there is no association between the variables. The cut-off of 0.05 is somewhat arbitrary, and p-values less than 0.10 do provide moderate evidence of results unlikely to be due to random chance. The smaller the p-value, the stronger the likelihood that the association is not a result of chance.

Discussion

Factors affecting judgment in cases of child sexual abuse will be presented to describe the current situation relating to judgment of cases of child sexual abuse from the data available to Saathi. The significant relationships as well as some noteworthy relationships between the various factors and judgment (imprisonment, compensation and fine) are presented below.

For the regression analysis of the factors and judgment, all the types of child sexual abuse are categorized into a single category of child sexual abuse to simplify the analysis, as opposed to analyzing differently for each type. Here, child sexual abuse is committing one or more of the following: unnatural sex (boys), rape (girls)³, trafficking and child pornography.

- The positive relationship ($r = 0.461$) between the age of survivors and years of imprisonment faced by offender is statistically significant with p-value much smaller than 0.05 (p-value = 0.001). This means **that the older the survivor of child sexual abuse at the time of the abuse, the greater the imprisonment years faced by offender**. Or, alternatively, the younger the survivor at time of child sexual abuse, the fewer the imprisonment years faced by the offender. The statistical significance and additionally independent association between age of survivors and years of imprisonment is reaffirmed even when including and controlling for another factor (years of abuse) in a multiple regression analysis. Each year older the survivor abused is, the imprisonment term faced by the offender is predicted to increase by 0.830 years or

about 10 months when years of abuse is unchanged (regression coefficient of Age of Survivor = 0.830). However, the age of survivors analyzed did not have sufficient sample size for survivors below 10 years of age, hence the association should only be applicable to survivors ages 10-18. Larger sample size across age categories below 10 years of age of survivors could aid in deriving a conclusion about significance of relationship between age of survivors and years of imprisonment for a greater range of age of survivors.

- A negative association between age of survivors and fine amount paid by offender to GoN might be considered statistically significant since the p-value of 0.051 is very close to 0.05. **This could mean the older the survivor of child sexual abuse, the less the fine amount to be paid by offender to GoN.** It is predicted that each year older the survivor is, the fine amount required to be paid by offender decreases by NRs. 5,107 (slope coefficient = - 5.107). However, upon controlling for another factor (duration of abuse) in a multiple regression analysis, the age of survivors no longer was statistically significant with fine amount. This suggests that additional facts do not add predictive information to the regression model. The sample size was small for cases involving this factor, and a larger sample size could therefore lead to a more conclusive significance of the relationship between Fine Amount and Age of Survivors (See Annex 3: Table 3.1 and 3.3 for more information).

Other noteworthy associations, although statistically not significant, include:

- The number of survivors abused by offender and years of imprisonment faced by the offender (p-value = 0.094) are negatively associated. Hence, **the more the survivors abused by offender, fewer the number of years of imprisonment faced offender.** The imprisonment term is predicted to decrease by 0.399 years or almost about 5 months for each additional number of survivors abused by the offender (slope coefficient = -0.399). This negative association is not what should be seen – one would hope the direction would be positive.
- The number of survivors abused by offender and fine amount paid by offender to GoN (p-value = 0.067) are positively associated. Hence, the more the number of survivors abused by offender, greater the amount of fine amount required to be paid to GoN by offender. The direction of this association is as we would expect. In both of these cases, the p-values might well be smaller (less than 0.05) with a larger sample size. Data should continue to be collected and analyzed to follow-up.

Absence of statistically significant associations also speaks about the current situation related to judgments of child sexual abuse cases and hence should not be disregarded. For example, a question could be raised about why the duration of abuse the survivors had to face did not have a statistically significant association with the judgment elements. Hence, the data (Annex 3) including the relationships which are not statistically significant should be referred to while considering ways to deliver justice for child sexual abuse survivors.

CHAPTER 6: RECOMMENDATIONS

The following section looks into recommendations that have stemmed from findings and analysis of Saathi/WATCH interventions over the past seven years. Recommendations are formulated to ensure prevention and protection of children from child sexual abuse, as well as participation of various stakeholders towards this end. At another level, recommendations also prioritize stringent action against foreign and national child sexual abusers while enhancing the capacity of law enforcement and judicial bodies towards this end.

Mass awareness raising and advocacy: Addressing potential threats of SECTT

Reaching children and at-risk children

- Review and revise school curriculum to include potential risks faced by children in travel and tourism sector, and to identify potential threats and grooming techniques
- Enhance knowledge of out-of-school children through child clubs and community level programs, e.g. street dramas
- Sensitize teachers through inclusion of child sexual abuse topic, including SECTT, in teacher training curriculum
- Information sharing via social media hubs frequently used by Nepali boys and girls (e.g., facebook, tiktok, etc.) and raising awareness on risks of online sexual exploitation of children

Enhancing stakeholder capacity to identify and prevent potential threats of SECTT

Develop and widely disseminate research findings via radio, print, and social media, to highlight risks to children at national, provincial and local government levels

- Undertake sensitization to the following duty bearers on roles, responsibilities and accountability in identifying potential risks and symptoms, and need for reporting
- Parents/guardians
- Tourism related bodies (Nepal Tourism Board) and organizations – hotels/restaurants, trekking agencies, travel agencies and agents, etc.
- Immigration officials (ensuring they closely review passports)
- Law enforcement agencies
- Judicial personnel
- Policy makers (local, provincial and federal governments)
- Advocacy to Parliamentary bodies for oversight and action
- Develop brief information materials, info-graphs for distribution among parliamentarians across seven provinces

Promote collaborative efforts between government and non government bodies, horizontally and vertically, to be adopted for outreach across nation.

- Hold regular trust building and sensitization sessions between government and non government bodies, e.g. NGOs working in the sector, NCRC, Nepal Police, Public Prosecutors, judicial professional, etc.

Capacity building of law enforcement, judicial bodies and CSOs to promote survivors' access to justice

Nepal Police

- Include information on child sexual abuse, including in travel and tourism sector, in police training curriculum and ensure periodic training
- Enhance capacity of law enforcement personnel on effective investigation planning and evidence collection for framing a case file

Judicial Professionals

- Undertake periodic awareness and sensitization sessions with lawyers, judges, public prosecutors to highlight gravity of female and male child sexual abuse, including in travel and tourism sector; underscore impact of such abuse on children and their families

Civil society organizations and travel and tourism related bodies

- NCRC to regularly inform CSOs and travel and tourism bodies on risks related to child sexual abuse in travel and tourism sector, and ensure related stakeholders prevent, refer and supporting victims/survivors – depending on specific area of work

Enhance government support mechanisms to address immediate and long term survivor needs (and avoid re-victimization)

Registration of FIR

- Ensure sensitivity of police personnel and FIR scribes for effectively documenting child sexual abuse cases; ensure sensitization on sexual abuse of male child
- Ensure collection of receipt following FIR registration

Enhance security of survivors during investigation and trial periods

- Prevent risks of survivors and their families turning hostile by enforcing stringent penalties on those attempting to do so
- Support survivors and families by 'being with them' during investigation and trial periods; social workers or CSOs engaged in sector in collaboration with government bodies to ensure their rights are upheld. For instance, government should initiate assigning of social workers to support in this regards

Allocating resources for immediate, interim and long term survivor needs

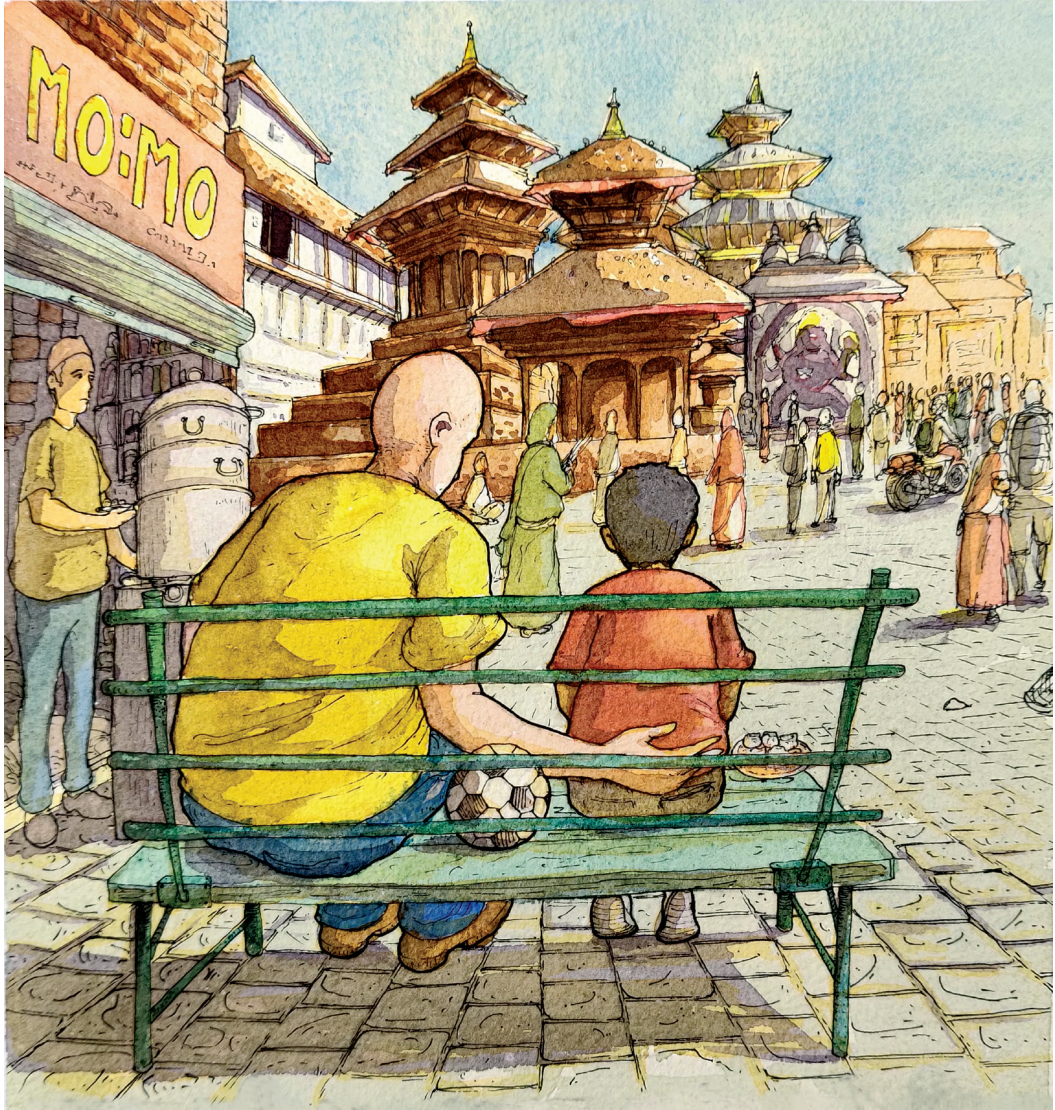
- Support for transportation in the process of seeking justice and psycho-social counseling
- Collaborative effort between government and CSOs to address immediate and interim needs (financial, medical, food, psycho-social, lodging, etc.), and long term (education, psycho-social counseling) support
- Support survivor family with income generation activities to prevent survivor re-victimisation

Improve implementation of existing protection mechanisms, address procedural challenges

- Regular monitoring to ensure cases are following legal provisions such as in-camera hearing, closed door hearings, victim and witness protection, and expedited as per legal provisions – hold to account those failing to follow procedures
- Ensure survivors are regularly updated on their cases, and services accessed
- NCRC to regularly monitor CSOs and government bodies to ensure effective implementation of legal provisions

Interim relief and compensation

- Sensitize law enforcement agencies and public prosecutors on survivors’ need and right of interim relief
- Create widespread awareness and accountability of judicial personnel to ensure legal provisions are duly taken into account, ensuring speedy trial, overcoming procedural challenges, and compensation to align with gravity of crime rather than capacity of perpetrator, and ensuring prosecutors and judges’ presence during testimonies.



बालक पनि हुन सक्छन् दुर्व्यवहारको शिकार,
यौन दुराचारीबाट सजग रहौं होशियार !



ANNEX 1: KEY LEGAL PROVISIONS PROTECTING THE RIGHTS OF CHILDREN

Constitution of Nepal, 2015	Muluki Criminal Code (Penal Code 2017, B.S. 2074)	Criminal Procedural (Code) Act, 2017 (B.S. 2074)	The Act Relating to Children 2018 (B.S. 2075)
<p>Protects the rights of children by prohibiting all forms of discriminations and guaranteeing following rights:</p> <p>Article 16 Rights to a dignified life</p> <p>Article 17 Rights to personal liberty</p> <p>Article 17 Freedom of expression.</p> <p>Article 21 A victim of crime shall have the right to get information about the investigation and proceedings of a case in which he or she is the victim.</p> <p>A victim of crime shall have the right to justice including social rehabilitation and compensation in accordance with law.</p> <p>Article 39 Fundamental rights of the children</p> <p>Article 39 (4) Prohibits the recruitment or use of a child for sexual exploitation from all forms of sexual exploitation are also provisioned by the Constitution.</p>	<p>Section 119 No one should promote or influence anyone to promote prostitution</p> <p>Section 215 Prohibits anyone from inciting, conspiring or ordering or trading for prostitution, pornography or nudity</p> <p>Section 162 Prohibits forced labour</p> <p>Sec. 163 Prohibits slavery, servitude or slavery like practices</p> <p>Section 164 Prohibits hostage taking or keep anyone as bonded labour</p> <p>Section 219 Prohibits rape. Sexual intercourse with a girl below 18 even with her consent is considered the crime of rape.</p> <p>Section 224 Describes about acts that constitutes sexual harassment.</p> <p>Section 225 Prohibits child sexual exploitation</p> <p>Section 226 Prohibits unnatural sex without consent.</p>	<p>Provides procedural provisions to implement substantive provisions.</p> <p>Section 113 Mentions that travel and daily allowance as well as security should be provided to witness</p> <p>Section 114 Mentions about victim and witness protection</p> <p>Sec. 129 Mentions about the provision of in-camera hearing in sensitive cases like, sexual exploitation.</p> <p>Provisions for fast track procedure and continuous hearing.</p>	<p>A comprehensive law for overall protection and welfare of children.</p> <p>provides for the protection of children from “...gender based or untouchability related abuse, sexual abuse and exploitation” (Section 7).</p> <p>Section 66(3) provides a list of offences considered as child sexual abuse, which also includes ‘child sexual exploitation’ as an offence.</p> <p>Section. 2(j) Defines a ‘child’ as a person who has not attained the age of 18.</p> <p>Replaces the Children’s Act 1992 and extends areas of protection for children.</p> <p>Section 7 Provides right to protection, including protection against sexual exploitation.</p> <p>Section 25 Provides rights of child victim.</p> <p>Section 26 provides rights during court case hearing (especially for juvenile delinquents)</p> <p>Section 30 Mentions about establishment of Juvenile Court</p> <p>Section 57 Mentions about standard for child protection</p> <p>Section 63 Mentions about Children’s Fund: for rescue, reparation, rehabilitation and compensation</p> <p>Section 64 Mentions about responsibility of Local Government to ensure exercise of rights mentioned in the Act</p> <p>Section 66(2), Defines ‘Violence against Children’</p> <p>Section 66(3) Defines sexual abuse and exploitation against children.</p> <p>Section 72 Prescribes punishment for sexual abuse, punishment as prescribed for the crime of rape. For other forms of exploitations, punishment may range from NRs. 150,000 fine and up to 15 years of imprisonment.</p> <p>Section 73 Mentions about interim compensation and adequate compensation from Children’s Fund if the compensation amount could not be recovered from the perpetrator or the amount retrieved from the perpetrator is insufficient.</p> <p>Section 74 Complaints relating to an offence punishable under this Act shall be filed within the prescribed time limitation if there is any, otherwise such complaint should be filed within one year from the date the victim child attains the age of 18 years.</p>

ANNEX 2: Key Informant Interview Respondents

1. Anup Nasnani, WATCH team member
2. Inspector Basanta Acharya, Inspector, Central Investigation Bureau, Nepal Police
3. Devendra Simkhada, Related business person
4. Gyanendra Shrestha, National Child Rights Council
5. Janak Sapkota, Journalist, Kantipur
6. Khakendra Thakulla, WATCH team
7. Krishna Mohan Koirala, Deputy Government Attorney
8. Kundan Mishra, Senior Officer, Nepal Tourism Board
9. NR, Child Survivor
10. RG, Child Survivor
11. Rubina Khatri, WATCH team member
12. Sagar Bhandari, CWIN
13. Santosh Maharjan, CeLRRD
14. Shobha Pokharel, Advocate, CeLRRD
15. ST, Child Survivor
16. Sulakshana Rana, General Member, Saathi
17. Uma Limbu, former WATCH team member

ANNEX 3: Relationship Between Factors and Judgment

Table 3.1: Judgment by Factors

Factors (Variables) ^a	Sam- ple size ^b	Correlation Co- efficient ^c	p-value ^e	Regression equa- tion ^c
X = Age of survivors Y = Years imprisoned	N = 51	$r = 0.461$	0.001	$Y = -4.999 + 0.778.X$
X = Avg. age of survivors Y = Fine	N = 6	$r = -0.809$	0.051	$Y = 90.946 - 5.107.X$
X = Age of survivors Y = Compensation	N = 53	$r = 0.058$	0.68	$Y = 36.661 + 3.017.X$
X = Number of survivors abused Y = Years imprisoned	N = 17	$r = -0.419$	0.094	$Y = 7.212 - 0.399.X$
X = Number of survivors abused Y = Fine	N = 6	$r = 0.78$	0.067	$Y = 14.668 + 1.607.X$
X = Number of survivors abused Y = Avg. compensation	N = 18	$r = -0.18$	0.475	$Y = 115.712 - 7.159.X$
X = Years of abuse Y = Years imprisoned	N = 51	$r = -0.018$	0.901	$Y = 5.481 - 0.031.X$
X = Avg. years of abuse Y = fine	N = 6	$r = 0.507$	0.305	$Y = 35.375 - 5.409.X$
X = Years of abuse Y = Compensation	N = 53	$r = 0.061$	0.666	$Y = 83.314 - 3.235.X$
<p>^a Fine and (Average) Compensation are in 1000s of NRs. and Age of survivors is in yrs. ^b Averages taken where appropriate and noted. ^c Outlier of high imprisonment years for one offender (2 survivors) was removed to avoid skewing of the data (considered to be based solely on the judge's discretion). ^d Figures are up to 3 d.p.s</p>				

Table 3.2: Relationships Between Judgment Elements

	N ^a	r ^b	p-value ^b
<i>Imprisonment vs Avg. Compensation (in 1000s of NRs.)</i>	51	$r = 0.148$	0.030
<i>Fine (in 1000s of NRs.) vs. Imprisonment</i>	5	$r = -0.458$	0.438
<i>Fine vs. Avg. Compensation (both in 1000s of NRs.)</i>	6	$r = 0.118$	0.823
^a Outlier of high imprisonment years for one offender (2 survivors) was removed to avoid skewing of the data (considered to be based solely on the judge's discretion).			
^b Figures are up to 3 d.p.s			

Table 3.3: Multiple Linear Regressions

Predicting ^a	Predictor Factor	Regression coefficient ^b	p-value ^b
Years Imprisoned (N = 51)	Age of Survivors	0.830	< 0.0001
	Years of Abuse	-0.231	0.313
Fine (in 1000s of NRs.) (N = 6)	Avg. Age of Survivors Abused	-4.727	0.152
	Avg. Years of Abuse	-1.233	0.788
Compensation (in 1000s of NRs.) (N = 53)	Age of Survivors	3.940	0.603
	Years of Abuse	-4.154	0.593
^a Outlier of high imprisonment years for one offender (2 survivors) was removed to avoid skewing of the data (considered to be based solely on the judge's discretion).			
^b Figures are up to 3 d.p.s			

BIBLIOGRAPHY

Adewunmi, B. (2014) Kimberlé Crenshaw on intersectionality: 'I wanted to come up with an everyday metaphor that anyone could use' (in *New Statesman*). Available at: <https://www.newstatesman.com/lifestyle/2014/04/kimberl-crenshaw-intersectionality-i-wanted-come-everyday-metaphor-anyone-could>

Andrews G et al. Child sexual Abuse. In: Ezzeati M, et al, eds. *Comparative quantification of health risks: global and regional burden of disease attributable to selected major risk factors*. Geneva, World Health Organization, 2004.

Annan, K. (2004) *Access to Justice*, UNDP Practice Note. Available at: https://www.un.org/ruleoflaw/files/Access%20to%20Justice_Practice%20Note.pdf

Bancroft, J. (2009) MD FRCP FRCPE FRCPsych, in *Human Sexuality and Its Problems (Third Edition)*, 2009.

BBC News (2015) *Nepal earthquake: Eight million people affected, UN says*. Available at: <https://www.bbc.co.uk/news/world-asia-32492232>

Beier K. M., Neutze J., Mundt I. A., Ablers C. J., Goecker D., Konrad A., et al. (2009b). *Encouraging self-identified pedophiles and hebephiles to seek professional help: first results of the prevention project dunkelfeld (PPD)*

BIDE, 1998, *Report: First public hearings of the International Tribunal for Children's Rights, 'Extraterritorial Legislation in Response to the International Dimension of Child Sexual Exploitation'*, Paris, France, 30 September-2 October 1998, Montreal, Bureau International des Droits des Enfants.

Blanchard, R., Klassen, P., Dickey, R., Kuban, M., & Blak, T. (2001). *Sensitivity and specificity of the phallometric test for pedophilia in nonadmitting sex offenders*. <https://psycnet.apa.org/record/2001-00177-009>

CeLRRD (2019) *Analytical Study of Judgments made by Nepalese Courts in Pronouncing Compensation in Child Abuse Cases*. Kathmandu: Centre for Legal Research and Resource Development

CeLRRD (2018) *Balbalika Mathi Hume Byaparik Younsbosan Aparadbako Sakriya Anusndhan Bidhayako Talim Digdarshan*. Printing supported by Terre des Hommes Netherlands.

Convention on the Rights of the Child. (n.d.). Retrieved from <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Children's Act 2075 (2018) Sec. 2(f). Available at: <https://www.unicef.org/nepal/media/1946/file/Act%20relating%20to%20children%202018.pdf>

Council of Europe (2007b) *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: Explanatory note*, <http://conventions.coe.int/Treaty/EN/Reports/Html/201.htm>

Criminal (Code) Act 2074 (2017). Available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=106060

CWIN/SCNN (2003) *Silent Suffering. Child Sexual Abuse in the Kathmandu Valley. Children's Perspectives. Research Report. Child Workers in Nepal Concerned Centre and Save the Children-Norway, Nepal.*

CWIN/ECPAT (2015) *Preparatory Study for Situational Analysis of Commercial Sexual Exploitation of Children in Nepal*, p.16-17. Available at: https://sca.riselearningnetwork.org/wp-content/uploads/sites/4/2016/03/ECPATLUX_CSECprepstudynepJan2015-1.pdf

Deuba, A.R. & Rana, P.S. (2005) *A Study on Linkages Between Domestic Violence & Pregnancy. SAMANATA-Institute for Social & Gender Equality. Kathmandu, Nepal.*

Deuba, A. R. and Rana, P.S. (2001) *A Study on the Psycho-Social Impacts of Violence Against Women and Girls with Special Focus on Rape, Incest and Polygamy. Saathi. Supported by SNV/Nepal.*

ECPAT International. (n.d.). *Exploitation of children in prostitution Thematic paper World Congress III Against the Sexual Exploitation of Children and Adolescents Rio de Janeiro, Brazil, November 2008 (Draft)*. Retrieved from https://www.ecpat.org/wp-content/uploads/legacy/Thematic_Paper_Prostitution_ENG.pdf.

ECPAT International. (2020). *ECPAT Country Overview: Nepal*. Bangkok: ECPAT International

ECPAT/INTERPOL (2018) *Towards a Global Indicator on Unidentified Victims in Child Sexual Exploitation Material*. ECPAT International, Bangkok. INTERPOL.

The Freedom Fund (2019) *Minors in Kathmandu's adult entertainment sector: What's driving demand?* p.11. Available at: <https://freedomfund.org/library/minors-in-kathmandus-adult-entertainment-sector-whats-driving-demand/>

Forum for Women, Law and Development (2018) *Concluding Observations on the Sixth Periodic Report of Nepal on CEDAW*. Available at: <http://fwld.org/wp-content/uploads/2019/01/Concluding-comments-English.pdf>

FWLD/HRTMCC, CEDAW Committee (2018) *Shadow Report on Sixth Periodic Report of Nepal on CEDAW*. Kathmandu, Nepal.

Gilian, T. et al. (2015). *The Neurobiology and Psychology of Pedophilia: Recent Advances and Challenges*. *Frontiers in Human Neuroscience*, 9. doi:10.3389/fnhum.2015.00344

Girls of Nepal (2018) *Girl-Led Report on the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Nepal*, p.7. Available at: https://tbinternet.obch.org/Treaties/CEDAW/Shared%20Documents/NPL/INT_CEDAW_CSS_NPL_32588_E.pdf

Kamat, R.K. (2019) *New Penal Code fails minor rape victims: Lawyers* (in *The Himalayan Times*). Available at: <https://thehimalayantimes.com/nepal/new-penal-code-fails-minor-rape-victims-lawyers/>
Nepal Police, Women, Children and Senior Citizen Service Directorate. Available at: <https://cid.nepalpolice.gov.np/index.php/cid-wings/women-children-service-directorate>

Krutttschnitt, C. (2014, April 07). Panel On Measuring Rape and Sexual Assault in Bureau Of Justice Statistics Household Survey. <https://www.ncbi.nlm.nih.gov/books/NBK202269/>

Lalor, K.J., 1999, *The victimization of juvenile prostitutes in Ethiopia*, *International Social Work*, 43 (2) 227-242. Kathmandu, Nepal.

Ministry of Culture, Tourism & Civil Aviation. (2019, May). *Nepal Tourism Statistics 2018*. 3.

Ministry of Health and Population, New Era and ICF International (2012) *2011 Nepal Demographic and Health Survey: Key Findings*. Kathmandu, Nepal, and Calverton, Maryland, USA: Ministry of Health and Population, New Era and ICF International.

Ministry of Women, Children and Social Welfare (2015) *Situation of Violence Against Children in Nepal. Compilation of Data on SAIEVAC's 5 Thematic Areas*.

National Research Council. (2014). *Estimating the Incidence of Rape and Sexual Assault*. Panel on Measuring Rape and Sexual Assault in Bureau of Justice Statistics Household Surveys, C. Krutttschnitt, W.D. Kalsbeek, and C.C. House, Editors. Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

National Human Right Commission (2018) *National Report on Trafficking in Persons in Nepal*. National Human Rights Commission, Harihar Bhawan, Lalitpur, Nepal, p.XV. Available at: http://nhrcnepal.org/nhrc_new/doc/newsletter/NHRC_National_Report_TIP_in_Nepal_September_2018.pdf

Perrotta G (2020) *Pedophilia: definition, classifications, criminological and neurobiological profiles, and clinical treatments. A complete review*. *Open J Pediatr Child Health* 5(1): 019-026. DOI: 10.17352/ojpc.000026.

Pradhan, A. Poudel, P., Thomas, D and Barnett, S. (2011) *A Review of the Evidence: Suicide Among Women in Nepal*. Options, UKAID and UNFPA.

Radford, L. et al, (2015) *Promising Programmes to Prevent and Respond to Child Sexual Abuse and Exploitation* (UNICEF). Available at: [https://www.unicef.org/protection/files/Promising_programme_responses_SEA_\(Radford_et_al\).pdf](https://www.unicef.org/protection/files/Promising_programme_responses_SEA_(Radford_et_al).pdf)

Renault, R., 2006, *Survey on street-based child sexual exploitation in Cambodia: Overview of 7 provinces, Phnom Penh, Action Pour les Enfants*.

Saathi (1997) *A Situational Analysis of Violence Against Women and Girls in Nepal*. Prepared by Saathi in collaboration with The Asia Foundation.

Saathi (2017) *A Survey on the Impact of Earthquake on Migration and Trafficking in 3 VDCs of Dhading District*, unpublished.

State Case Act (2017) Schedule-6. Available at: <http://www.lawcommission.gov.np/en/archives/19531>
UN (2017) *Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations*, p.6. Available at: https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf

Schaefer, G., Mundt, I., Feelgood, S., Hupp, E., Neutze, J., Ablers, C., Beier, K. (2010, May 13). *Potential and Dunkelfeld offenders: Two neglected target groups for prevention of child sexual abuse*. <https://www.sciencedirect.com/science/article/pii/S0160252710000191>

Tony Ward & Richard J. Siebert, 2008, *Toward a comprehensive theory of child sexual abuse: A theory knitting perspective*

UN Economic and Social Commission for Asia and the Pacific (UN ESCAP) (1999) *Sexually Abused and Sexually Exploited Children and Youth in South Asia: A Qualitative Assessment of Their Health Needs and Available Services*. New York: UN ESCAP.

UNFPA. (2015). *Population situational analysis of Nepal (with relation to sustainable development)*. <https://nepal.unfpa.org/sites/default/files/pub-pdf/Nepal%20Population%20Situation%20Analysis.pdf>

UNFPA/IRC/Saathi/WHR (2008) *Situational Analysis of Gender-Based Violence in Surkhet and Dang Districts, Nepal*.

UNICEF (2007) *Note on the definition of 'child trafficking'*. Available at: https://www.unicef.org/southafrica/SAF_pressrelease_notetrafficking.pdf

UN Women (2018) *Concluding Observations on the Sixth Periodic Report of Nepal on CEDAW*, No.206, p.9. Available at: <https://asiapacific.unwomen.org/en/countries/nepal/about-un-women-nepal>

USAID (2017) *The Asia Foundation, Cases of Human Trafficking and Transportation: Provisions of Compensation and Access of Victims to Compensation*, p.15.

US Department of State (2019) *Trafficking in Persons Report: Nepal*. Available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/nepal/>

Voice of Children/ECPAT (2017) *Assessing and Understanding the Risk: Sexual Exploitation of Children Online in Nepal*.

Ward, T., & Siebert, R. J. (2002). *Toward a comprehensive theory of child sexual abuse: A theory knitting perspective*. *Psychology, Crime & Law*, 8(4), 319-351. doi:<https://doi.org/10.1080/10683160208401823>

WHO (2003). *Guidelines for medico-legal care for victims of sexual violence (Publication)*. UN Glossary on Sexual Exploitation and Abuse [PDF]. (2017, July 24).

WHO (2016) *INSPIRE: Seven Strategies for Ending Violence Against Children*. Available at: <https://apps.who.int/iris/bitstream/handle/10665/207717/9789241565356-eng.pdf;jsessionid=E24C0346262A9BEAE415C15111587DDC?sequence=1>

<https://www.frontiersin.org/articles/10.3389/fnbum.2015.00344/full>

<https://www.tandfonline.com/doi/abs/10.1080/10683160208401823?journalCode=gpcl20>

बालबालिकाले अपरिचितबाट पाउँदा कुनै उपहार,
शंका गरौं हुन सक्छ प्रलोभन संगै दुर्व्यवहार !



terre des hommes
stops child exploitation

ENDNOTE

- i. Source: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
- ii. Source: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(04\)16771-8/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(04)16771-8/fulltext) Published: July 31, 2004 | VOLUME 364, ISSUE 9432, P462-470, JULY 31, 2004
- iii. Source: Andrews, G. et al. Child sexual abuse. In: Ezzati M, et al, eds. Comparative quantification of health risks: global and regional burden of disease attributable to selected major risk factors. Geneva, World Health Organization, (2004).
- iv. https://www.unicef-irc.org/publications/pdf/iwp_2010_02.pdf
- v. https://www.ecpat.org/wp-content/uploads/2018/03/Regional-Overview_South-Asia.pdf
- vi. A term used by Sigmund Freud in his theory of psychosexual stages of development to describe a child's feelings of desire for his or her opposite-sex parent and jealousy and anger toward his or her same-sex parent. (Source: <https://www.verywellmind.com/what-is-an-oedipal-complex-2795403>)
- vii. <https://link.springer.com/article/10.1007/s12119-020-09718-4>
- viii. <https://www.frontiersin.org/articles/10.3389/fnhum.2015.00344/full>
- ix. <https://www.peertechz.com/articles/OJPCH-5-126.php>
- x. John Bancroft MD FRCP FRCPE FRCPsych, in Human Sexuality and Its Problems (Third Edition), 2009
- xi. <https://www.peertechz.com/articles/OJPCH-5-126.php>
- xii. Perrotta G (2020) Pedophilia: definition, classifications, criminological and neurobiological profiles, and clinical treatments. A complete review. Open J Pediatr Child Health 5(1): 019-026. DOI: [10.17352/ojpch.000026](https://doi.org/10.17352/ojpch.000026). <https://www.peertechz.com/articles/OJPCH-5-126.php>
- xiii. <https://kathmandupost.com/national/2020/12/11/ordinance-amends-law-on-rape-but-fails-to-recognise-rape-of-boy-child-and-sexual-minorities>
- xiv. <https://scroll.in/article/677531/illegal-orphanages-flourish-in-nepal-putting-children-at-risk-of-abuse>
- xv. Ministry of Culture, Tourism & Civil Aviation. (2019, May). Nepal Tourism Statistics 2018. 3.
- xvi. Source: <https://www.ecpat.org/wp-content/uploads/2020/01/ECPAT-Country-Overview-Report-Sexual-Exploitation-of-Children-in-Nepal-2020-ENG.pdf>
- xvii. <https://www.ecpat.org/wp-content/uploads/2016/10/Volun-tourism.pdf>
- xviii. Saathi/WATCH follows the American Psychological Association guidelines that counseling sessions are limited to 16 sessions per survivor as much as possible. However, more sessions may be required for cases such as those of post-traumatic stress disorder (PTSD), etc. for it to be effective. Hence, the psycho-social counselor of Saathi limited the sessions to 16 sessions unless more were needed to be effective to avoid dependency on psycho-social counseling.

- xix. The ongoing cases, and cases filed and/or judged abroad have not been taken for analysis here.
- xx. The ongoing cases, and cases filed and/or judged abroad have not been taken for analysis here.
- xxi. Bivariate associations of the judgment elements among each other were also made using Pearson's correlation tests to check for any correlation between any judgment elements (Annex 3.2). P-value provides a measure of statistical significance of the association between a factor and judgment element. It can be concluded that there is an association between the factor and judgment element if the p-value is 0.05 or less (two-tailed tests with a p-value less than or equal to 0.05 is considered statistically significant). The smaller the p-value, the stronger the likelihood that the association does not result by chance.
- xxii. Refer to Annex 3 for complete statistical results, and further explanation. Statistically significant results are shown here along with some other results that could be considered.

About Saathi

Saathi is a non-governmental organization established in 1992 to address the different forms of violence and discrimination faced by Nepali women and girls. Saathi was the first organization that was instrumental in drawing significant national attention towards domestic violence in Nepal as an area requiring urgent attention and intervention. Saathi contributed substantively in the enactment of the Domestic Violence (Offence and Punishment) Act, 2066 (2019), and has unstintingly continued its crusade for creating a safe and violence-free society where women and children can live with respect and dignity.

Saathi's vision is for a just and peaceful society where individuals can enjoy their fundamental rights to lead a violence-free life regardless of their sex and gender. Its core objectives include, (i) To reduce violence against women and children through awareness, research, advocacy and empowerment, (ii) Provide support to women and children survivors of violence, (iii) Build the capacity of women and children for empowerment and sustenance, and (iv) Advocate for gender equality, human rights and women's rights.

In the course of its 29 years of work Saathi has acquired valuable experiences on diverse issues of violence against women and children. One such area is sexual exploitation of children in travel and tourism sector wherein Saathi became engaged since 2013. It is in this context and realizing the limited knowledge and understanding of child sexual abuse – particularly of boys in the travel and tourism sector, Saathi has endeavored to undertake this research. It is anticipated the findings will provide direction to prevent and protect the rights of the child, while advocating across different rights holders and duty bearers.

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