



# SEXUAL EXPLOITATION OF BOYS



## STOP

STOP Trafficking and Oppression of children & Woman

## INDIA REPORT

October, 2022

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# BACKGROUND AND RATIONALE

Violence against children, including sexual exploitation and abuse, is estimated to affect millions of children worldwide and no country or region is ‘immune’.<sup>1</sup> Child sexual exploitation and abuse happens to children in all socio-economic groups, of all educational levels, across all ethnic and cultural groups, and in all countries around the world.<sup>2</sup> In recent years, there has been an increasing awareness of the gap in the global understanding of how boys are impacted by sexual exploitation.<sup>3</sup> While data about sexual exploitation of all children is generally lacking, this is even more so when looking at boys specifically. For example, in the rare cases that countries collect prevalence data on sexual exploitation and abuse of children, samples are often limited to adolescent girls, obscuring any understanding of the unique experiences and vulnerabilities of boys.<sup>4</sup> Yet, the limited evidence that is available about boys suggests that in certain contexts, boys are just as heavily impacted as girls, and in some contexts, maybe even more.<sup>5</sup> Boys – regardless of whether they are heterosexual or of diverse sexual orientation – may even face legal consequences when they are victimised by a male offender in countries where homosexuality is criminalised.

Systemic gender norms around masculinity and femininity are important to consider in understanding child sexual exploitation and abuse. These norms typically hold that males are strong and resilient, while females are vulnerable. Such beliefs often hamper equitable and necessary discourse on the sexual exploitation of children of all genders, but especially for boys where the development of policies, practices, advocacy and research methodologies about the sexual exploitation of children regularly underrepresent or even completely leave out

boys. “While many vulnerability factors for sexual exploitation and abuse are common to all genders, boys access to support is unquestioningly conditioned by gender norms, constraining their help-seeking behaviour and their ability to seek care.”<sup>6</sup>

While these circumstances should not detract attention from continued research, advocacy, and support for girls subjected to sexual exploitation, there is a clear need for greater advocacy and a higher quality evidence-base on the sexual exploitation of children of all genders to better inform all work to prevent and respond.

## A GLOBAL BOYS’ INITIATIVE

As the programmatic responses to identify and meet the particular needs of boys are scarce, ECPAT International launched the **Global Initiative to explore the sexual exploitation of boys** which activates our global network of member organisations in a range of research and response activities focused on boys. To meet the initial challenge of such limited data, in 2020-21, the Global Boys’ Initiative embarked on a series of research projects in 10 countries around the world, to shed light on understanding sexual exploitation involving boys, how they came into these vulnerable situations and what their needs are in terms of prevention, protection and services. India is an important target country for the study because whilst it has national legislation criminalising various crimes of sexual exploitation against children, there remains room for improvement to ensure boys genuinely receive the protection that the law establishes.

1 Office of the Special Representative of the Secretary General on VAC. (2019, July). [Keeping the Promise: Ending Violence against Children by 2030](#). New York: United Nations.

2 ECPAT International. (2020). [Summary paper: Sexual Exploitation of Children in Travel and Tourism](#). ECPAT International: Bangkok. p. 4.

3 Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). [Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys](#). *Child Abuse and Neglect* 110 (1).

4 The Economist Intelligence Unit (2018) [Methodology paper Out of the Shadows: Shining light on the response to child sexual abuse and exploitation – a 40-country benchmarking index](#), London: The Economist Intelligence Unit. 3.

5 Davis J and Miles, G (2015), “They didn’t help me: They shamed me.” [A Baseline Study on the Vulnerabilities of Street-Involved Boys to Sexual Exploitation in Manila, Philippines](#). Manila: Love 146.

6 Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). [Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys](#). *Child Abuse and Neglect* 110 (1).

## THIS REPORT

The organisation Stop Trafficking and Oppression of Children and Women, (hereafter referred to as STOP), has been at the forefront of actions to prevent and respond to sexual exploitation of children in India since 1990. STOP and ECPAT International partnered for a ground-breaking research project into the sexual exploitation of boys in India during 2021, with results captured in this report. The study was based upon primary field research (with frontline social support workers who support sexually exploited boys in

India) as well as secondary data (a desk review of India's legal framework that protects children from sexual exploitation and a literature review with a focus on boys). By identifying core themes emerging from this study, the results captured in this report are intended to inform service improvements to ensure that they are gender-sensitive and accessible for children of all genders. It is hoped that the results may also help to break down the stigma and taboos surrounding boys' experiences of sexual exploitation and abuse. Clear recommendations for improvements that are driven by the evidence are also provided.

# COUNTRY CONTEXT

India is an Asian country bordering Afghanistan and Pakistan to the north-west, China, Bhutan and Nepal to the north and Myanmar and Bangladesh to the east.<sup>7</sup> According to the latest available statistics from UNICEF, the population of India was 1.380 billion in 2020, with 31.6% of the population being under 18 and 8.4% being under 5.<sup>8</sup> Approximately 47% of boys and 48% of girls are not enrolled in upper secondary education<sup>9</sup> which increases the risks of sexual exploitation.<sup>10</sup> The World Bank estimates from 2015 indicated that 176 million Indians were living in extreme poverty<sup>11</sup> which is likely to indicate heightened risk of children being sexually exploited.<sup>12</sup> Child labour is widespread within India<sup>13</sup> and recent research has shown how sexual abuse and exploitation are possible correlates of child labour in the Indian context.<sup>14</sup>

Harmful gender norms prevalent in India can easily manifest into high levels of sexual violence against women and girls.<sup>15</sup> However, boys may also be negatively affected by certain norms within India and research has shown a lack of focus on the vulnerabilities of boys to sexual crimes.<sup>16</sup> Further, gender norms may also contribute to stigma and shame around sexual exploitation of boys in a different way; males are expected to be 'strong' and to 'take care of themselves', which discourages help seeking and perhaps even brings ridicule if a boy discloses he has been victimised. Therefore, it is expected that crimes relating to the sexual abuse and

exploitation of boys are underreported in India.

Limited specific research on the exploitation of children in prostitution, and the barriers to reporting noted above, make it difficult to estimate the scale of this problem. A 2019 study on trends within child trafficking showed that children are exploited in brothels, massage parlours, spas and private houses of big cities.<sup>17</sup>

India is identified by the US State Department's annual report on trafficking in persons as a source, destination and transit country for trafficking for sexual purposes.<sup>18</sup> The National Crime Records Bureau reported that in 2020, among the 2,222 child victims of trafficking 845 were girls and 1,377 were boys.<sup>19</sup> However, these data are not disaggregated by type of exploitation (thus including together labour, sexual exploitation etc). While perhaps not clear and precise, boys are certainly amongst those children trafficked for sexual purposes in the country: aggregated government data from 2018 showed that among 489 children identified as trafficked for sexual exploitation and who were registered in Child Care Institutions, 451 were girls and 38 boys.<sup>20</sup>

A 2020 research study on child sexual abuse materials in India indicated that there were as many as 5 million searches per month from Indian registered IP addresses that included search terms possibly related to child sexual abuse

7 Government of India. (n.d.). [India at a glance: Profile](#).

8 UNICEF. (2021). [The State of the World's Children 2021: On My Mind – Promoting, protecting and caring for children's mental health](#). 189.

9 *Ibid.*, 229.

10 ECPAT International. (2016). [Power, Impunity and Anonymity](#). 39.

11 The World Bank. (2020). [Poverty and Equity Brief: India](#).

12 ECPAT International. (2016). [Power, Impunity and Anonymity](#). 42.

13 Sanlaap India. (2021). Personal Communication.

14 Kaur, N & Byard, R. W. (2021). [Prevalence and potential consequences of child labour in India and the possible impact of COVID-19 – a contemporary overview](#). *Medicine, Science and the Law*.

15 Centre for Child and the Law, National Law School of India University. (2018). [Implementation of the POCSO Act, 2012 by Special Courts: Challenges and Issues](#). 32.

16 Choudhry V, Dayal R, Pillai D, Kalokhe AS, Beier K, Patel V. (2018). [Child sexual abuse in India: A systematic review](#). *PLoS ONE* 13(10).

17 Toast Advisory – Global Fund for Children. (2019). [Scan of Issue Areas, Trends and Organisations Working in the Area of Child Trafficking in India – Final report](#). 18-24.

18 U.S. Department of State. (2022). [Trafficking in Persons Report](#).

19 Government of India, National Crime Records Bureau. (2020). [Crime in India 2020](#). 989-990.

20 Government of India, Ministry of Women and Development. (2018). [The report of the Committee for Analysing Data and Mapping and Review Exercise of Child Care Institutions under the Juvenile Justice \(Care and Protection of Children\) Act, 2015 and Other Homes. Volume-I: Main Report](#). 64.

material.<sup>21</sup> Research has also uncovered the use of social media platforms to access children in the State of Goa for sexual exploitation.<sup>22</sup>

## INTERNATIONAL, REGIONAL AND NATIONAL LEGAL COMMITMENTS

India has demonstrated its strong commitment to the protection of children's rights through ratifying several international and regional instruments to protect children against sexual exploitation. The main international instrument underpinning the protection and defence of children's rights is the United Nations Convention on the Rights of the Child,<sup>23</sup> which was ratified by India in 1992. This Convention is the primary international document that contains provisions to protect children from sexual abuse and exploitation. In 2000, in response to the rising concern of trafficking of children for sexual exploitation as well as other forms of sexual abuse and exploitation, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography<sup>24</sup> was adopted. India last reported to the Committee on the Rights of the Child regarding the implementation of the optional protocol in 2011. In its Concluding Observations on the report submitted by India, the Committee expressed concern regarding the inadequate protection of boys and intersex children from sexual abuse and exploitation in India and called upon the government to ensure that prevention strategies include key actions to address

protection of boys and intersex children from sexual abuse and exploitation<sup>25</sup> And changes to national legislation in the last decade (described below) were a significant step forward in this respect. India has yet to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>26</sup>

There are other instruments that have been adopted by the international community in its attempt to protect children from sexual exploitation and abuse.<sup>27</sup> Through ratifying these instruments and agreeing to ensure their effective implementation and enforcement, India has endeavoured to adopt legislative measures to effectively prohibit the forms of sexual exploitation of children prescribed within.

The Constitution of India requires that the State directs its policy towards ensuring that "children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment".<sup>28</sup> To meet its international as well as constitutional obligations, India has adopted a number of laws on child protection and welfare. The main laws on child protection are the Protection of Children from Sexual Offences Act (POCSO Act), 2012<sup>29</sup> and the Juvenile Justice (Care and Protection of Children) Act, 2015 (Juvenile Justice Act).<sup>30</sup> In particular, the POCSO Act is the first act fully dedicated to sexual offences against children providing equal protection to boys and girls, as further described in the Thematic Analysis chapter below. Moreover, a landmark judgement by the Supreme Court on the unconstitutionality of the ban of homosexuality in combination with the existence

21 India Child Protection Fund. (2020). [Child Sexual Abuse Material in India, report on demand for child pornography and pilot deterrence using artificial intelligence.](#)

22 Ferrao, R. (2020). [Sale and sexual exploitation of children in the context of travel and tourism in Goa.](#) Journal of Victimology and Victim Justice. Vol 3(i). 14.

23 [UN Convention on the Rights of the Child.](#) (1989).

24 [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.](#) (2000).

25 Committee on the Rights of the Child. (2014). [Concluding observations on the report submitted by India under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, CRC/C/OPSC/IND/CO/1,](#) para 21(d).

26 UN General Assembly. (2011). [Optional Protocol to the Convention on the Rights of the Child on a communications procedure.](#) UN Doc. A/RES/66/138.

27 The International Labour Organisation Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention No. 182) was ratified by India in 2017, and the Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children supplementing the UN convention against Transnational Organised Crime (UN Trafficking Protocol) in 2011.

28 Government of India. (1949). [The Constitution of India,](#) Article 39(f).

29 Government of India. (2012). [The Protection of Children from Sexual Offences Act, 2012.](#)

30 Government of India. (2015). [Juvenile Justice \(Care and Protection of Children\) Act, 2015.](#)

of a specific gender-neutral act on sexual offences against children – the POCSO Act - has led to the increased use of its specific provisions on child sexual abuse to prosecute male offenders of boys instead of provisions criminalising same-sex acts.

Other relevant pieces of legislation are the Indian Penal Code,<sup>31</sup> the Immoral Traffic Prevention Act, 1956,<sup>32</sup> the Information Technology Act, 2000,<sup>33</sup>

the Child and Adolescent Labour (Prohibition and Regulation), 1986,<sup>34</sup> and the Prohibition of Child Marriage Act, 2006,<sup>35</sup> which all criminalise certain offences relating to the sexual exploitation of children. Despite the adoption of a robust legal framework to safeguard the rights of children and to protect them from exploitation, abuse and violence, a few gaps persist in key areas as discussed in section 4 of this report.

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31 Government of India. (1860). Indian Penal Code (No. 45 of 1860) (as amended in 2018).

32 Government of India. (1956). Immoral Traffic Prevention Act, 1956.

33 Government of India. (2000). Information Technology (IT) Act, 2000 (amended in 2008).

34 Government of India. (1986). The Child and Adolescent labour (Prohibition and Regulation) Act, 1986 (as amended in 2016).

35 Government of India. (2007). The Prohibition of Child Marriage Act (Act No. 6 OF 2007).



# METHODOLOGY

The main purpose of the research in India was to build an empirical base for better understanding of the sexual exploitation of boys. To generate new primary data, the methodology included a survey of frontline support workers with both quantitative and qualitative components, as well as a documentary analysis of national legislation related to sexual exploitation and abuse of children. The research in India had two main aims:

- *To measure the access to, and quality and effectiveness of, support services regarding sexual exploitation and abuse that are available to boys in India.*
- *To identify the legal gaps, barriers, and opportunities in addressing the sexual exploitation of boys using a standardised method to review national legal frameworks.*

## FRONTLINE SUPPORT WORKERS' SURVEY

Workforce surveys have increasingly been used as a tool in research to gain an understanding of the effectiveness of social support systems. Most commonly these surveys are used by health<sup>36</sup> and social work professions<sup>37</sup> to measure service delivery effectiveness and to examine the efficiency of public spending. Social support to children who are subjected to sexual exploitation and abuse is generally provided within the broader context of child protection.

Organisations in India who provide child protection support services were identified and approached by STOP. While this research focused on boys, very few focused services for boys exist in India, thus the sample included support workers who worked with sexually exploited children of any gender. Once identified, survey administrators from STOP contacted management

staff of organisations to explain the survey and invite the participation of frontline staff. Participants were included on the basis that they were over 18 years of age, with at least twelve months' experience in service provision and had a current caseload which included children.

An online survey that consisted of 121 multiple-choice and short open answer questions was developed in English in consultation with the Global Boys Initiative Steering Committee. The draft tool was then translated to Hindi and Bangla, and ECPAT International and STOP collaborated to check and contextualise the survey, which was pilot tested with a small number of local social support workers. The cohort was a 'convenience sample', and thus is not representative of the population of frontline support workers in India. The sample were also mostly urban based, as the majority of social support services tend to be concentrated in more populated urban areas. Further to this, different types of support services were included in the sample design. In total, 101 frontline support workers from India who were providing services for children subjected to sexual exploitation were included in the sample. The majority (57%) identified as female and 42% identified as male (with one worker choosing 'other'). Most of the sample had bachelor or post-graduate degrees in areas relevant to child protection such as social work or psychology, with a small number having degrees unrelated to their current professions (e.g. engineering, political science, bio science, languages). Whilst half had spent less than 5 years in service, 37% had spent more than 10 years providing support to children; 93% worked for non-governmental organisations, 5% for faith-based organisations and two for government.

Self-administered online tools alone (emailing a survey link) have notoriously low participation rates. Thus, the design opted for in-person administration (but using an online tool).

36 Magadzire, P M et al. (2014, November) [Frontline health workers as brokers: provider perceptions, experiences and mitigating strategies to improve access to essential medicines in South Africa.](#)

37 Sadeghi, T and Fekjaer, S. (2018) [Frontline workers' competency in activation work.](#) International Journal of Social Welfare. 77-88; Netsayi, M (2019) [Perceptions of frontline social workers on their contributions agenda for social work and social development.](#)

Appointments were planned to occur face-to-face, but COVID-19 restrictions meant most were administered by phone call or chat apps. The administrators explained participation, sought written consent, and provided trouble-shooting and guidance throughout completion of the survey. The personal connection helped motivate participation.

As part of the survey, frontline support workers were given five hypothetical scenarios about sexual exploitation, which reflected unequal power relationships, gender norms and other intersectional vulnerabilities. Questions were interspersed as the scenario unfolded to unpack different attitudes and knowledge. Following each scenario, participants were asked to describe what practical steps they would take if they were supporting the children depicted. Their responses are interspersed throughout this report with the full scenarios and summarised responses presented in Annex 1.

Data collection took place between April and September 2021. Once data collection was completed, open-ended responses were translated to English, and cleaning and analysis was completed by an expert data analyst engaged by ECPAT International. Once completed, the analyst consulted with STOP for further insights and to validate the findings.

## ANALYSIS OF LEGISLATION

A comprehensive analysis of the Indian legal framework addressing the sexual abuse and exploitation of children, with a focus on boys, was undertaken as a collaboration between STOP and ECPAT International. The analysis of the legal framework was conducted utilising a method and tools developed by ECPAT International. In particular, a checklist including approximately 120 points and sub-points was created to support the development of the analysis and ensure its comprehensiveness as well as consistency across countries.

## ETHICAL ISSUES

Given the inherent vulnerability of children, research on child sexual abuse and exploitation must be designed in ways that abide by strict ethical standards.<sup>38</sup> For this project, ECPAT International convened a panel of three global experts for an independent third-party review of the proposed methodology. A detailed research protocol that included mitigations for ethical risks developed, along with draft tools, was developed and shared with the panel. Detailed feedback from the panel was accommodated in two rounds of review before the project commenced.

Sampling frontline support workers - rather than children themselves - has the additional ethical benefit of reducing the need to engage large numbers of children in research who have had potentially traumatising experiences. As such, the experiences of boys have come from those working first hand with them.

Before conducting the online survey, all participants were informed about the purpose of the study and consent was obtained as an integrated part of the online survey tool. If any participant wished to withdraw from the study, they were free to do so at any time. Participants were also informed that their responses would be used to write a research report and to protect participant anonymity, names would not be requested at any stage of completing the survey. Qualitative data from frontline support workers in this report is identified with codes (e.g. FW 86).

## LIMITATIONS

A limitation occurred as a result of the inclusion criteria. During design, the intent was to include frontline support workers who had recent experience of supporting children directly. Thus, inclusion criteria included requirements of recent work with children “within the last 12 months”. As data collection occurred in the first half of 2021, the impacts of COVID-19 restricting some service

38 ECPAT International. (2019). *Guidelines for Ethical Research on Sexual Exploitation Involving Children*. Bangkok: ECPAT International.

providers from being able to directly work with children became evident. More than 500 participants were invited to participate, but this inclusion requirement resulted in many dropping out. The pandemic also prevented the opportunity to interview the frontline support workers face-to-face.

Finally, it should be noted that the data is not statistically representative of the experiences of all frontline social support workers in India. However, the estimates, perceptions and experiences reported here offer valuable insight into an under-researched area and shed light on the access and quality of social supports for boys subjected to sexual exploitation and abuse in India. The findings are presented under emerging thematic issues around boys' vulnerabilities, abilities to access support services and frontline worker's ability to provide support to their needs.

# A THEMATIC ANALYSIS

The analysis of the India research findings resulted in an emergence of critical themes which summarised the frontline workers' experiences of the often hidden and complex vulnerabilities of the sexually exploited boys that they came in contact with. Such a thematic framework helps describe why the sexual exploitation of boys gets such minimal attention in India despite frontline workers' awareness that the problem exists. The analysis of the layered vulnerabilities of these boys exposed the myriad of factors that explains why boys have little choice but to withdraw behind the gender-based norms of masculinity and patriarchy where they are expected to be independent, strong and resilient. They thus are forced to adapt to exploitative and abusive situations, suppress their feelings of hurt and vulnerability and usually avoid seeking help. All these experiences commonly proceed from the same regressive, harmful cultural and gender norms. Thus, the framework presented below provides a window in to how frontline workers view the sexual exploitation of boys and helps provide learnings for key duty-bearers to provide specific and tailored measures to better prevent and respond to this crime for all children.

## LAYERS OR 'TIERS OF VULNERABILITY'<sup>39</sup>

India has many states that encompass diverse environments, ethnicities and customs as well as varying levels of wealth, education and living circumstances. Child protection systems are hugely influenced by wide-ranging pressures regarding efficiency and accountability. In essence, India is made up of states that are the size of many countries, each with diverse socio-economic characteristics that affect the

vulnerability of children to a range of concerns, including sexual exploitation. As such, care must be taken in any data analysis not to assume representativeness. Nevertheless, research can still provide vital insights into patterns, push and pull factors regarding this complex topic to assist in tailoring prevention and response actions.

### *Socio-economic vulnerabilities impacting boys*

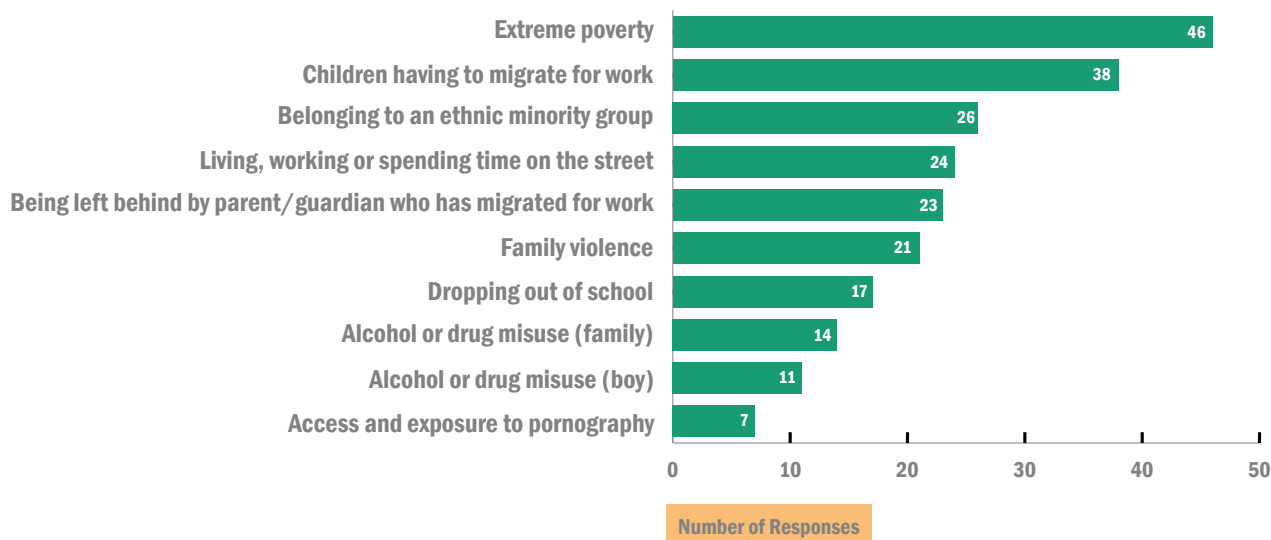
Despite the lack of studies specifically exploring the sexual exploitation of boys in India, it can be assumed that there are a large number of boys living in extremely vulnerable socio-economic situations. By far the biggest concern raised by the frontline workers in the survey was 'extreme poverty' (68%). Despite substantial progress throughout the 2000's in reducing absolute poverty in the country, this remains a widespread problem in India, with the latest World Bank estimates from 2015 indicating that 176 million Indians were living in severe poverty.<sup>40</sup> This is an issue that has been exacerbated by the COVID-19 pandemic and subsequent containment measures.<sup>41</sup> High rates of poverty and growing inequalities push boys into migration (predominantly seeking work) with 38% of frontline workers identifying this as a main risk factor for sexual exploitation. Boys migrate between states and often end up working and living in street situations in big cities. Lack of secure employment, extensive child labour and the prevalence of bonded labour increase vulnerabilities. Workers also described that children are left vulnerable after a parent or caregiver migrates in search of work (see Figure 1 below).

39 The term 'tiers of vulnerability' was first coined by John Federick in a 2010 study on India. He used it to show successive tiers of vulnerability linked to child sexual exploitation and vulnerabilities that come from separation from family. See: Federick, J. (2010). 'Sexual abuse and exploitation of boys in South Asia: A review of research findings, legislation, policy and programme responses.' UNICEF. Page 72.

40 The World Bank. (2020). *Poverty and Equity Brief: India*.

41 *Ibid*.

Figure 1: Most common social and economic vulnerability factors identified by frontline workers.



Family violence (21%) was also identified as a common risk factor for boys to sexual exploitation and can be seen as having important independent psychological consequences also. Family backgrounds are a helpful discussion point for frontline workers to understand what the boys that they support may be experiencing:

*“The boys usually describe the problems in the lives, such as the difficulties they have with their family and close friends. They also talk about their negative past experiences which make them feel vulnerable and embarrassed; and they frequently cry while sharing.” (FW 253)*

India has rich ethnic diversity and a complex societal structure (known as the scheduled castes). As can be seen from Figure 1, 26% of frontline workers ranked such status as a key risk factor for sexual exploitation. The sexual abuse and exploitation of ethnic minorities

and Dalit girls and women in India is well documented<sup>42</sup> and whilst the numbers of Dalit boys trafficked for sexual purposes is unknown, social disempowerment likely makes them vulnerable.

Another population of boys which it can be assumed are especially vulnerable to sexual exploitation and abuse are those who live in urban slums. A large number of boys from urban slum settings are living or working in street situations. The number of children in street situations was recently estimated at 18 million, the largest number in the world.<sup>43</sup> The majority of these children are boys. Global studies have identified that high proportions of boys in street situations report sexual exploitation.<sup>44</sup> In India, a 2018 systematic review of child sexual abuse found that one third of adolescent boys in street situations reported forced intercourse.<sup>45</sup> Similarly, growing up in environments such as in brothels or red-light districts, places children at high risk of sexual exploitation and abuse.<sup>46</sup>

42 International Dalit Solidarity Network. (2016). [Briefing Note: Caste Discrimination in India](#); Equality Now. (2021). [Sexual Violence in South Asia: Legal and Other Barriers to Justice For Survivors](#).

43 Sankunni, K. (2021). ‘Estimated 18 million children live on streets in India, home to one of the largest child populations on Earth’. Available at: [International Day for Street Children | Estimated 18 million children live on streets in India, home to one of the largest child populations on Earth | India News \(timesnownews.com\)](#)

44 Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). [Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys](#). *Child Abuse and Neglect* 110 (1).

45 Choudhry, V. Dayal, R. Pillai D. Kalokhe, A. Beier, K. & Patel, V. (2018). [Child sexual abuse in India: A systematic review](#). *PLoS ONE* 13(10).

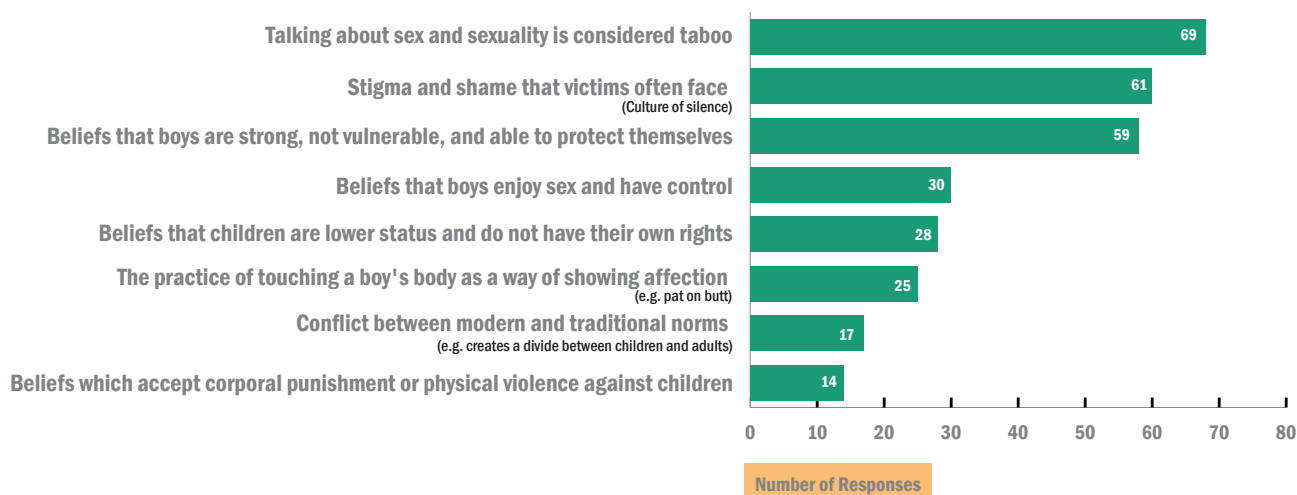
46 *Ibid.*

## Beliefs and practices impacting vulnerability of boys

Boys are generally considered capable of protecting themselves as they are perceived as strong, resilient and invulnerable: *“Because boys are strong. Therefore, if they are sexually abused, they cannot express it.”* (FW 188) Boys are expected to assert their masculinity, suppress their fears and to be independent, not in need of help. According to social norms in South Asia, post-pubescent boys are considered adults.<sup>47</sup> 58% of frontline workers identified these issues in their top three attitudinal vulnerability factors for boys. The high prevalence of these influences can also explain the underreporting of boys’ sexual exploitation.

Furthermore, any discussions of sex and sexuality are broadly viewed as uncomfortable: 68% of frontline workers identified this in their top three factors. This discomfort can also be aggravated by different social and religious influences and by tensions between modern and traditional norms (see Figure 2). Many of the frontline workers raised this barrier in their additional insights: *“The taboo of talking about sex should be challenged. Only then can they share their problems with us.”* (FW 260) and *“If we can open up with the boys and if we can talk openly with them about sex and sexual life, then it will not remain that much complicated.”* (FW 298)

Figure 2: Most common beliefs and practices which influence boys’ vulnerability to sexual exploitation.



## BOYS’ LIVED EXPERIENCES

From the experience of the frontline workers, it appears that boys aged 6-10 years old are generally considered more vulnerable to sexual exploitation and abuse (31%). This is a higher percentage than found with girls of that age (21%)

which most likely reflects that girls’ movements outside of the home are more restricted, whilst boys have relatively more freedom (see Figure 3). Adolescent boys aged 16-17 years was the next largest group (28%), perhaps illustrating risks experienced as they go in search of work.

47 Tuli, M. (2018). ‘Beliefs on parenting and childhood in India’. *Journal of Comparative Family Studies*.

Figure 3: The most common age that supported children experienced sexual exploitation and abuse.

Boys	Average %	Girls	Average %
0-5 years	15%	0-5 years	13%
6-10 years	31%	6-10 years	21%
11-15 years	18%	11-15 years	37%
16-17 years	28%	16-17 years	39%

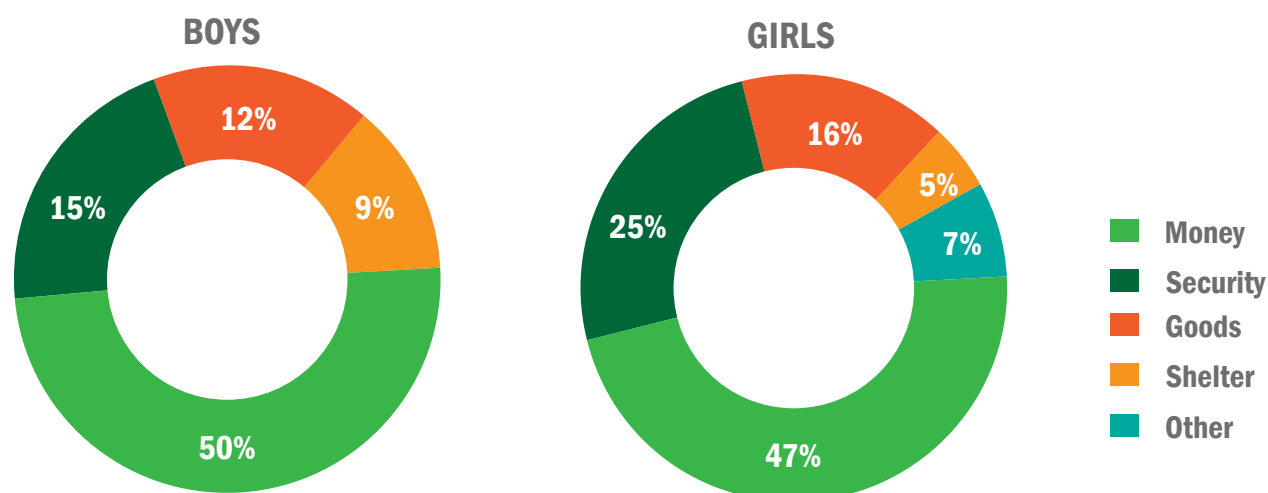
### Types of sexual exploitation observed

The frontline workers were asked to think separately about the boys and girls they supported and indicate different forms of sexual exploitation and abuse they encountered:

For boy clients:	For girl clients:
<ul style="list-style-type: none"> <li>19% had direct experience with boys exploited in the production of child sexual abuse material</li> <li>22% had direct experience with boys who had been groomed for sexual purposes</li> <li>20% had direct experience with boys who have been exploited through live-streaming of child sexual abuse</li> <li>24% had experience of boys that had self-created and shared sexual images or videos of themselves</li> <li>26% had experience of boys that had been trafficked for sexual purposes</li> </ul>	<ul style="list-style-type: none"> <li>37% had direct experience with girls exploited in the production of child sexual abuse material</li> <li>43% had direct experience with girls who had been groomed for sexual purposes</li> <li>23% had direct experience with girls who have been exploited through live-streaming of child sexual abuse</li> <li>29% had experience of girls that had self-created and shared sexual images or videos of themselves</li> <li>52% had experience of girls that had been trafficked for sexual purposes</li> </ul>

The most common exchange for sex was consistent between boys and girls with money, security, goods and shelter ranked in that order (see Figure 4 below).

Figure 4: What is the most common exchange made with children for sex in India ?



The 2020 Indian National Crime Record Bureau showed 2,471 reported cases of “procurement of minor girls”; out of 14 cases of “selling of minors for prostitution”, 2 concerned boys and 12 girls.<sup>48</sup>

The representation of boys in the official data is extremely low, beyond likely underreporting already described, another consideration may be to understand that boys subjected to sexual exploitation in India may be targeted within the context of labour. These boys, and others including those collecting data, may not recognise or categorise the sexual exploitation for what it is. Boys can be trafficked for various purposes such as to work in agriculture, domestic service, factories, begging and for other small-scale industries although no official data is available to indicate the scale of trafficking of boys for sexual exploitation.<sup>49</sup>

‘Voluntourism’ is another key concern related to the sexual exploitation of boys, particularly a risk as international travel begins to open up after Covid-19.<sup>50</sup> Through this practice, children in residential shelters may be vulnerable to volunteers, some of whom may use this cloak of respectability of their volunteering to sexually exploit the children they are in contact with.<sup>51</sup> In 2015, a British man was arrested in India after trafficking boys who lived in a residential centre that he ran.<sup>52</sup>

The increasing use of mobile phones and the proliferation of Internet access across India,<sup>53</sup> although bringing huge positives also presents potential risks of child sexual exploitation, offering offenders new ways to groom and exploit children. Growing awareness of these risks has seen increases of recorded incidents of cyber-crimes against children, with the

National Crime Records Bureau reporting 1,102 cases of cyber-crimes against children in 2020.<sup>54</sup> Among these 738 cases<sup>55</sup> were registered as “cyberpornography/hosting of publishing obscene sexual materials depicting children”,<sup>56</sup> a sharp increase compared to the 45 cases in 2018<sup>57</sup> and 102 cases in 2019.<sup>58</sup> In addition, Childline India Foundation reported that between April 2019 and March 2020, among the 73,165 calls regarding abuse and violence that they received, 489 were flagged as related to cyber-crime, which included cyber-bullying and child sexual abuse material.<sup>59</sup> These numbers are likely the tip of the iceberg as global research indicates very few children impacted by online sexual exploitation tend to report.<sup>60</sup>

## Offenders

Although the vast majority of offenders of sexual exploitation of boys are male, evidence gathered from research globally shows that women account for a small proportion of offenders.<sup>61</sup> Offenders may include both people committing abuse as well as those who facilitate the abuse. A 2006 study of sexual exploitation of boys in Hyderabad reportedly found a high percentage of female offenders with 75% of the boys reporting they were exploited by women. The female offenders contacted boys in street situations. They were described in the study as single, widowed or married with husbands away working.<sup>62</sup>

The surveyed frontline workers indicated that 62% of the cases that they supported involving boys involved male offenders and 38% involved female offenders (this was different to the girls

48 Government of India, National Crime Record Bureau. (2020). *Crime in India 2020*.

49 ECPAT International. (2021). *Country Overview for India*. Bangkok: ECPAT International.

50 ECPAT International. (2019). *Thematic Note: Sexual Exploitation of Children & Voluntourism*. Bangkok: ECPAT International. 1.

51 *Ibid.*

52 The Times of India. (2016). *6 boys rescued from house rent by Brit*.

53 The Internet and Mobile Association of India reported that there were 504 million active Internet users in 2019 of which 71 million were estimated to be 5-11 years old - predominantly accessing the Internet through the mobile device of a family member. See: Internet and Mobile Association of India. (2019). *Digital in India 2019 – Round 2 Report*.

54 Government of India, National Crime Records Bureau. (2020). *Crime in India 2020*. 805.

55 Government of India, National Crime Records Bureau. (2020). *Crime in India 2020*. 805.

56 The terminology used by the Government of India is “Cyber Pornography/Hosting or Publishing Obscene Sexual Material depicting children”. ECPAT International advocates for the use of ‘child sexual abuse material’ in line with the [Luxembourg Guidelines](#).

57 Government of India, National Crime Records Bureau. (2018). *Cyber Crimes against Children (State/UT-wise) – 2018*.

58 Government of India, National Crime Records Bureau. (2019). *Cyber Crimes against Children (State/UT-wise) – 2019*.

59 Childline India Foundation. (2020). *Childline Calling...Is India Listening? An Analysis of calls to 1098 (2019-20)*. 35.

60 ECPAT, INTERPOL and UNICEF. (2021). *Disrupting Harm in Kenya: Evidence on online child sexual abuse*. Global Partnership to End Violence against Children. 7.

61 Josenhans, V., Kavenagh, M., Smith, S., & Wekerle, C. (2020). *Gender, rights and responsibilities: the need for a global analysis of the sexual exploitation of boys*. *Child Abuse and Neglect* 110 (1).

62 Akula, S. (2006). *Situational analysis report on the prostitution of boys in India (Hyderabad)*, ECPAT International.



they supported, where 51% of the offenders were male and 49% female: see Figure 5 below). The high rates of female offenders can also be explained by this category including facilitators as well as the individuals abusing directly. Workers noted that boys' experiences of sexual exploitation are consistently viewed as less traumatic than that for girls: "the biggest constraint is the assumption

that boys do not face similar violence or intensity as compared to girls." (FW 243) Research in other parts of the world has shown these attitudes are particularly common when offenders are female.<sup>63</sup> This data highlights the need to shift attitudes in order to better address the involvement of female offenders of child sexual exploitation.

Figure 5: Gender and nationality of offenders of child sexual abuse and exploitation.

Cases involving boys		Cases involving girls	
Estimated % of female offenders	38%	Estimated % of female offenders	49%
Estimated % of male offenders	62%	Estimated % of male offenders	51%
Estimated % of foreign offenders	35%	Estimated % of foreign offenders	49%
Estimated % of national offenders	65%	Estimated % of national offenders	51%

The frontline workers in India were asked about the common relationships with offenders that they witnessed (Figure 6). Family relatives were the most common for both male offenders (70%) and female offenders (68%). Other family friends, community members, and those in authority (e.g. teachers or

religious leaders) also scored high. This data shows that children face risks of sexual abuse both in the private and public spheres whilst confirming that most sexual violence against children is perpetrated by someone that they know.

Figure 6: Top five most common offenders in the sexual abuse and exploitation of children in India

For male offenders, what is the most common relationship to the boys?	Count	%	For female offenders, what is the most common relationship to the boys?	Count	%
Other relative (over 18)	35	35%	Other relative (over 18)	33	33%
Community member (over 18)	27	27%	Family friend	31	31%
Family friend	27	27%	Community member (over 18)	27	27%
Parent/Step-parent	24	24%	Parent/Step-parent	24	24%
Person in authority (e.g. teacher, religious leader)	23	23%	Person in authority (e.g. teacher, religious leader)	23	23%

For male offenders, what is the most common relationship to the girls?	Count	%	For female offenders, what is the most common relationship to the girls?	Count	%
Family friend	31	31%	Family friend	37	37%
Other relative (over 18)	29	29%	Community member (over 18)	29	29%
Community member (over 18)	29	29%	Other relative (over 18)	28	28%
Parent/Step-parent	25	25%	Parent/Step-parent	24	24%
Person in authority (e.g. teacher or religious leader)	22	22%	Person in authority (e.g. teacher or religious leader)	20	20%

63 Hilton, A., Sokhem, K., Socheat, N., Syphat, O., Channy, S., Sotheawat, S., Ponarry, T., Vibol, L., & Dalin, M. (2008). *I Thought it Could Never Happen to Boys: Sexual Abuse & Exploitation of Boys in Cambodia, an Exploratory Study*. Cambodia: Social Services of Cambodia.

## The outcomes of sexual exploitation of boys

Research globally has shown that key outcomes of sexual exploitation of boys include a range of mental health concerns, substance misuse, and sexually transmitted infections.<sup>64</sup> These, and other outcomes, may lead to dropping out of school, running away from home, and legal trouble and were all identified by the frontline workers in India during the survey:

*“In the beginning they never open up...later, after the relation/rapport building stage they trust us and then speak. Normally their stories are based on betrayal, frustrations and breaking of trust. They also explain about their experience of nightmare, fear, anxieties and other regressive symptoms.” (FW 282)*

In addition, it seems that the experience of sexual abuse has particular consequences for boys as compared to girls in respect to emotional and behavioural problems: *“Boys, due to typical gender constructions and masculine mind set do not easily express their actual problems. It takes much longer time for them (than the girls) to express their actual problems.” (FW 216) and “they respond with aggression.” (FW 332)* The frontline workers noted that female adolescents tend to engage in internalising behaviours while male adolescents engage in externalising behaviours. For example, one suggested that girls *“lie and hide facts and show affection towards the abuser.” (FW 123) and “girls are concerned more about their own and parents honour.” (FW 314) as “the girl gets very scared thinking about her future, which makes her ashamed to tell.” (FW 429)*

The India study showed that physical injury, mental health concerns and substance misuse are prominent outcomes for boys subjected to sexual exploitation. These boys are at very high risk of HIV/AIDS and other forms of sexually transmitted infections.<sup>65</sup> In such contexts, a dual target approach that considers unsafe migration, poverty and neglect, sexually transmitted infections or substance misuse may be beneficial in providing support for boys to disclose sexual exploitation or abuse (without or without a disclosure of abuse). Similarly, training frontline workers in child maltreatment more generally is important in equipping them to be able to respond and prevent the onset of risks to sexual exploitation.

## GENDER NORMS AND THE SEXUAL EXPLOITATION OF BOYS

Gender norms and the associated concepts of patriarchy, masculinity and gender-based violence are normally associated with the sexual violence of women and girls - the largest proportion of victims of sexual violence globally.<sup>66</sup> However, these norms establish and maintain hierarchies of power and patriarchy both between and within genders.<sup>67</sup> Whilst male perpetration may be seen as interpreting male identities, its flip side is that gender norms around masculinity and victimisation make boys particularly reluctant to disclose sexual violence for fear of being seen as weak. These gendered aspects of boys' sexual exploitation are important as they often reflect gendered biases both from society and that boys have internalised themselves.

64 ECPAT International (2021). *A Global Review of Existing Literature on the Sexual Exploitation of Boys*. Bangkok: ECPAT International.

65 Lahiri, A. & Kar, S. (2007). *Situational Assessment Report on Adolescents and Young Boys Vulnerable to Forced Migration, Trafficking and Sexual Exploitation in India*. Kolkata: People Like Us (PLUS).

66 Dalby, J., Hart, R. and Russell, W. (2017). *Childhood sexual abuse of boys as gender-based violence*. Academic Letters.

67 Connell, R.W. (2005) *Masculinities* (second edition). University of California Press.

## Stigma, shame and the barriers to boys disclosing

Survivors of sexual violence face deep-rooted stigma within South Asia. It can occur at a personal level with feelings of embarrassment or self-blame, to stigma from the family or community. Feelings of guilt and shame are fueled by misconceptions that boys cannot be victimised: *“it is generally accepted that boys are not sexually abused as boys are very strong.”* (FW 171) Another frontline worker explained *“they get frightened to whom they should share their problem as they are boys and they feel ashamed to discuss that other boys indulge in abusing them.”* (FW 263) One more stated *“since boys are not meant to be weak, they can’t say if they are sexually abused because they are ashamed.”* (FW 194) In essence, the stigma is based on the idea that sexual violence is degrading for the victim, not the offender.<sup>68</sup> Within the context of this study in India, the burden of shame is thus carried by the boys: *“a mockery of masculinity”* as described by one frontline worker (FW 220) and they fear not being believed:

***“Teenagers do not discuss their sexual problems in detail because they will be considered stigmatised in the society. No one will believe them and people will think that they are liars, no one has wronged them so it must be their own fault.”*** (FW 292)

Even when a boy discloses abuse to a family member the information may go no further as families may fear stigmatisation if discussed outside the family<sup>69</sup> One frontline worker described trying to respond to a boy saying that *“the family was not supportive and told him what he felt is rubbish.”* (FW 314) Furthermore, victimised boys rarely access essential support services such as health care for fear of humiliation, rejection and discrimination. Law enforcement officers tasked with registering criminal complaints of sexual abuse may

recommend that survivors and their families drop their complaint to avoid potential ‘shame’ in their communities as mentioned by one frontline worker:

***“Firstly, there is a lack of awareness [as the boys] often do not realise that they are being sexually abused. Even if the adults are informed, often the complaint is not taken seriously. Even if he goes to the police station, the police station often refuses to take complaints. In short, the details of the torture are not available due to family cover-up, resulting in difficulty in filing statutory legal complaints.”*** (FW 100)

Globally, such harmful attitudes have been found to set significant barriers to boys disclosing with boys commonly less likely than girls to reveal their experience.<sup>70</sup> Perceived negative consequences and responses to disclosure including guilt, self-blame, shame or a sense of personal responsibility for the abuse are commonly identified by boys.<sup>71</sup> Even when they need help they may not disclose at first. As one frontline worker stated: *“they don’t want to share what happened with them due to social stigma.”* (FW 290)

Frontline support workers in India were asked to identify their top three barriers to boys’ disclosures from a list developed from the research literature. Figure 7 below shows that many responses were focused on social and gender norms, taboos surrounding sex and sexuality and stigmatisation related to victimisation of sexual violence: *“fear and shame often impede these cases from being revealed.”* (FW 83) Fifty-four percent identified ‘Talking about sex and sexuality is considered taboo’ as a top barrier that keeps boys silent about their experiences of sexual exploitation and abuse and 34% highlighted the ‘sensitive and upsetting nature of talking about the experience’. *“Society’s*

68 Trial International. (2020). Sexual Violence: Stigma at all levels. [Sexual violence: stigma at all levels - TRIAL International](#).

69 Belur, J. & Singh, B. (2015). ‘Child sexual abuse and the law in India: A commentary’. *Crime Science*, 4:26.

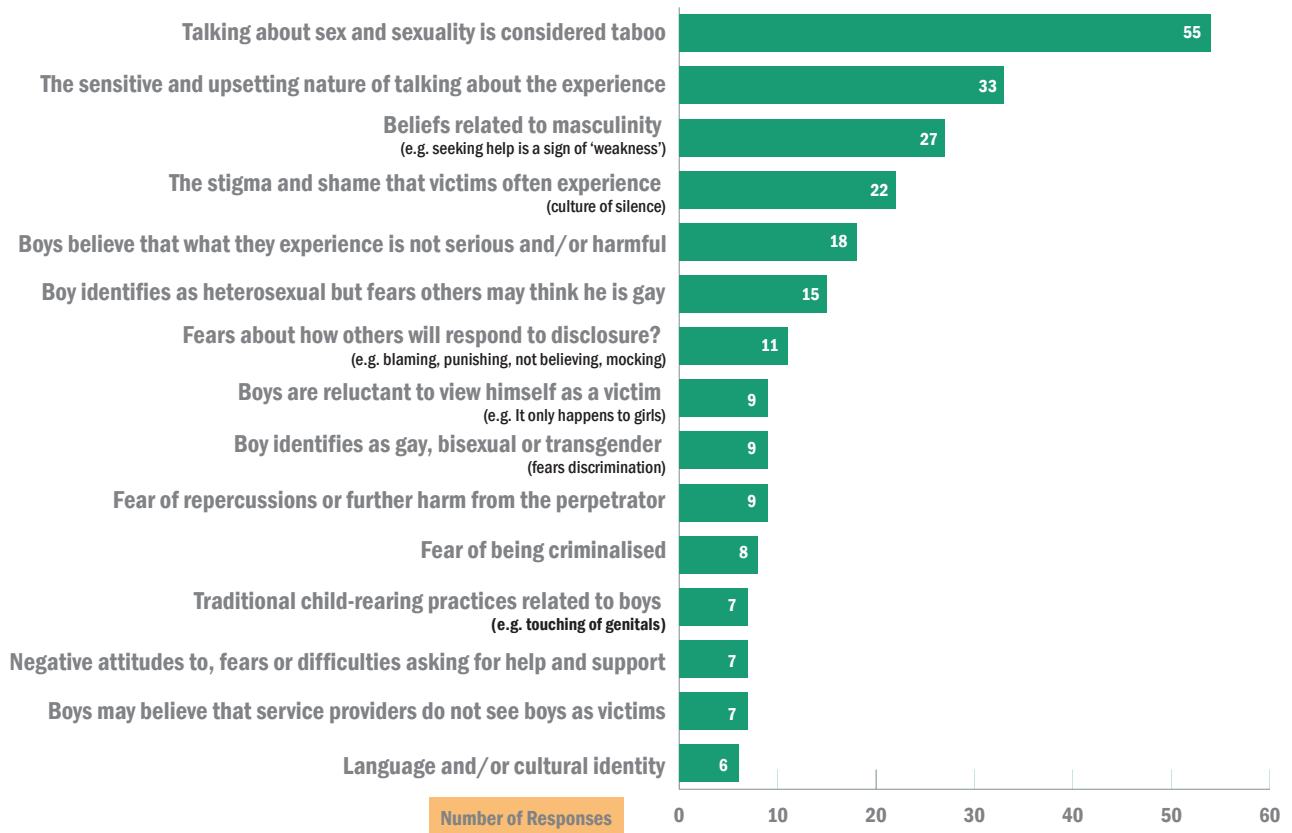
70 For example, in a study in the UK, girls were four times more likely to disclose sexual exploitation than boys. See: Cockbain E., Ashby, M., & Brayley, H. (2017). *Immaterial boys? A large-scale exploration of gender-based differences in child sexual exploitation service users. Sexual Abuse*, 29(7): 658-684.

71 Lemaigre, C., Taylor, E & Gittos, C. (2017). *Barriers and facilitators to disclosing sexual abuse in childhood and adolescence: A systematic review. Child Abuse and Neglect*, 70: 39-52.

perceptions of sexuality create terrible obstacles.” (FW 167) lamented one support worker and “they feel ashamed – feel like they are not

‘manly enough’ – they feel scared of the society’s expectation at large.” (FW 333)

Figure 7: Barriers for boys to disclose sexual exploitation



These experiences of boy victims are clearly reflected in the frontline workers’ responses on how to address barriers to disclosure as the boys are “afraid to disclose the incident that happened to them because they think that they will be seen with stigma in the society as well that they have misbehaved...” (FW 292) The recommended starting point was “eradication of this social stigma through awareness and talking about boys being victims of sexual abuse.” (FW 409) Another explained:

*“Some of the ways I as a service provider address these factors are - constantly encouraging discourse about false stereotypes about boys and men that make them vulnerable - talking about the mental health of boys and men is something that is crucial as well - making sure that [they] get to speak about such issues and know that they do not have to fit a certain mold that society has made for them.” (FW 332)*

It should be noted that gendered assumptions about offenders can also lead to lesser reporting when females offend and males are victimised.<sup>72</sup>

### Non-binary and transgender young people

Sexual stigma is a form of social stigma against those who are perceived to be non-heterosexual because of their identities, behaviours or choices in life which heightens the risk of abuse: “when boys identify themselves as gay or transgender, or are particularly feminine, they are considered more vulnerable to sexual exploitation” (FW 354). A recent study in India found sexual stigma was particularly damaging and led to high rates of violence and discrimination, denial of rights and attitudes of intolerance.<sup>73</sup> One frontline worker for this study explained that “being non-binary makes others think they are born as a sex object.” (FW 214)

In some parts of India, ‘Hirjas’ – non-binary or third-gender people - perform at important social functions in the community such as wedding ceremonies or festivities to bless new-born children.<sup>74,75</sup> Such events are noted for dancing, merry making and bawdy behaviour and as male guests get progressively drunk, can sometimes degenerate into physical assault, sexual assaults and gang rape.<sup>76</sup> In some instances, boys with feminine gender expression are encouraged to join in this work, which may bring positives in terms of community connection, but can also bring risks of sexual exploitation.

Without addressing the sexual stigma faced from the wider community by gender diverse people, the options for them remain limited. As explained by one frontline worker:

*“We work with a group of transgender (30 people) in Puri and they are involved in sexual trades. The worst concern is that there are children below the age group of 18 years. They are also finding it easy for income. We work with them to develop their alternative livelihood so that they would not get involved in the trade.” (FW 282)*

## THE LACK OF SPECIFIC AND TAILORED MEASURES TO PREVENT AND PROTECT BOYS FROM SEXUAL EXPLOITATION

Although all children may be affected by sexual exploitation, research has tended to focus heavily on girls, due to the perception that girls tend to be more vulnerable to sexual exploitation.<sup>77</sup> However, from this study, it is clear that male victims of sexual exploitation are prevalent in India. Such abuse can have many harmful and specific psychological effects. As boys can struggle to acknowledge and disclose the exploitation they are experiencing, they also struggle to find appropriate services that can help them. It is with these barriers in mind that this section also looks at how boys are afforded protection within the legal system of India.

### Gaps in the legal frameworks and enforcement

Whilst legislators and law enforcement are in agreement of the need for a robust legal

72 Tozdan, S., Briken, P. & Dekker, A. (2019). *Uncovering Female Child Sex Offenders – Needs and Challenges for Practice and Research*. *Journal of Clinical Medicine*, 8(3): 401.

73 Bowling J. et. al., (2019). *The Influences of Stigma on Sexuality among Sexual and Gender Minoritized Individuals in Urban India*, *International Journal of Sexual Health*, 31(3): 269–282.

74 Dwivedi, V. (n.d.). ‘Sagas of stigma, shame and social exclusion of Hijras in India’. (99+) *Sagas of Stigma, Shame and Social Exclusion of Hijras in India | Vachaspati Dwivedi - Academia.edu*

75 In the states of Uttar Pradesh and Bihar, these boys are known as *launda* dancers.

76 Dasgupta, R. (2013). *Launda Dancers: The Dancing Boys of India*. *Asian Affairs*, 44(3).

77 Greenbaum, J., Crawford-Jakubiak, J. E., & Committee on Child Abuse & Neglect. (2015). “Child sex trafficking and commercial sexual exploitation: Health care needs of victims.” *Pediatrics*, 135(3), 566–574

framework to tackle the problem of sexual exploitation of children, the power of the legal framework can easily become lost within loopholes or the understanding and consciousness of those tasked with protecting children. For example, in order to ensure the rights of all children below the age of 18 years and to define the scope of protection, it is vitally important that the national legislation adopts a uniform legal definition of the term ‘child’ in line with international standards<sup>78</sup> that is consistently used across different laws.<sup>79</sup> Currently, the Indian legislation does not use a uniform definition of a ‘child’ in line with international standards. Although the POCSO Act,<sup>80</sup> the Juvenile Justice Act<sup>81</sup> and the Information Technology Act,<sup>82</sup> define a child as anyone under the age of 18, section 2(aa) of the Immoral Traffic Prevention Act, 1956 defines a child as a person who has not completed the age of 16 years.<sup>83</sup> Further, the Immoral Traffic Prevention Act uses the term minor under Section 2(cb) for children aged 16-18 years.<sup>84</sup> Furthermore, Section 2(ii) of The Child Labour (Protection and Regulation) Act, 1986 states that “child means a person who has not completed his fourteenth year of age”<sup>85</sup> and “adolescent” means a person aged 14-18 years.<sup>86</sup> Whilst these inconsistencies should not result in a barrier to accessing justice or protective services for boys, one frontline worker raised concerns about gaps in the legal framework saying *“the scope of the law is not enough to support boys.”* (FW 89)

The POCSO Act establishes the age of sexual consent at 18 for both boys and girls.<sup>87</sup> Although the POCSO Act is gender neutral and provides equal protection to boys and girls from sexual offences such as sexual assault, penetrative sexual assault, and sexual harassment, the statutory rape provision under the Penal Code still uses a

gendered definition of rape. Section 375 of the Penal Code (as amended in 2013) criminalises the rape of girls below the age of 18, thereby denying boys protection against rape.<sup>88</sup> Since, the rape under Section 375 of the Penal Code only protects girls, male offenders who abused boys were often charged under Section 377 of the Penal Code (which criminalised homosexuality). However, in 2018, the Supreme Court of India delivered a landmark judgment declaring Section 377 unconstitutional as it criminalised homosexuality.<sup>89</sup> Positively, this has led to the increased use of POCSA to prosecute male offenders for sexual abuse of boys, However, Section 377 is still yet to be repealed from the law.

The presence of gender bias is not limited to the offence of rape but extends to other offences as well. For instance, Sections 366 and 366A which deal with the procurement for prostitution protect only girls. Gender-biased provisions are also present in the procedural law of India. The Criminal Procedure Code allows the courts to make special provisions for the female victims of rape below the age of 18 thereby, excluding boys. Needless to say, these provisions are inconsistent with the gender-neutral international legal instruments to which India is a party. Boys deserve equal protection as girls against such heinous offences and a strong, gender-neutral legislation is the first and the foremost step to ensure that. In addition, the POCSO Act does not recognise any close in age exception for sexual contact between same-aged peers below 18<sup>90</sup> or any criteria to determine whether such sex was voluntary, well-informed and mutual. Boys could be held liable for the rape of girls under Section 375 of the Penal Code (discussed in detail later). Read together with the Juvenile Justice Act,

78 In line with the majority of international legal instruments and with international practice, the participating organisations advise that the term “child” be understood as including any person who is under the age of 18 years. ([Terminology Guidelines](#), 6)

79 Interagency Working Group on Sexual Exploitation of Children. (2016). [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#).

80 Government of India. (2012). [The Protection of Children from Sexual Offences Act, 2012](#), Section 2(d).

81 Government of India. (2015). [Juvenile Justice \(Care and Protection of Children\) Act, 2015](#), Section 2(12).

82 Government of India. (2000). [Information Technology \(IT\) Act, 2000 \(amended in 2008\)](#), Section 67B.

83 Government of India. (1956). [Immoral Traffic Prevention Act, 1956](#), Section 2(aa).

84 *Ibid.* Section 2(cb).

85 Government of India. (1986). [The Child and Adolescent Labour \(Prohibition and Regulation\) Act, 1986 \(as amended in 2016\)](#), Section 2(ii).

86 *Ibid.* Section 2(i).

87 Government of India. (2012). [The Protection of Children from Sexual Offences Act, 2012](#), Section 2(d).

88 Government of India. (1860). [Indian Penal Code \(No. 45 of 1860\) \(as amended in 2018\)](#), Section 375.

89 Supreme Court of India. (2018). [Navtej Singh Johar & Ors. v Union of India, \[Writ Petition \(Criminal\) No. 76 Of 2016\]](#), para 97.

90 Close in age exemptions allow consensual sexual activity between persons who are significantly close in age to each other, and one or both partners are below the age of consent.

2015, which allows the trial of 16 and 17-year-old children as adults in respect of heinous offences,<sup>91</sup> a child above 16 years can be prosecuted for engaging in willing sex with a same-aged peer.

In India, the legal working age is 14.<sup>92</sup> The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 prohibits children from being employed in any occupation or processes, except family enterprises or as a child artist in the entertainment industry.<sup>93</sup> Further, the Act prohibits the employment of adolescent (aged 14-18) in any hazardous occupations or processes listed in Schedule to the Act.<sup>94</sup> Accordingly, adolescents are permitted to work only in government declared non-hazardous occupations, in a family business or as an artist. In India, a large number of boys engage in child labour and labour exploitation is often linked with sexual exploitation. One frontline worker explained that they have supported sexually exploited boys whereby *“some get taken out for a job but they did not get a salary on time, don’t get proper food.....and they are not allowed to return home and they face a lot of issues.”* (FW 298) One of the scenarios shared with frontline workers during the survey tackled the issue of “Dani” who was paid by a female neighbour to work on her farm. In the case study, Dani experienced sexual harassment. Whilst 86% of respondents correctly identified this as exploitation, the others were unsure. The exemption of ‘child artists’ also raises concerns for boys that become ‘luanda dancers’, a traditional dance troop of young boys popular at certain ceremonies in India and that can present risks of sexual violence and exploitation in prostitution as noted earlier in this report.

In India there is no specific legislation addressing risks of sexual exploitation in travel and tourism settings. With human trafficking, whilst the Indian legislation criminalises sale and trafficking offences under the Penal Code<sup>95</sup> in order to constitute an offence, use of means that is, force, fraud, or coercion must be proved which for child trafficking is not compliant with the UN Trafficking Protocol.

The laws also do not exempt children from being prosecuted for offences relating to sale and trafficking of children for sexual purposes raising concerns that the authorities have arrested, fined, penalised, and deported some child trafficking victims for crimes their traffickers compelled them to commit.<sup>96</sup>

The frontline workers surveyed estimated that around 39% of boys they worked with had experienced sexual exploitation involving technology. However, the national legislation uses a broad terminology especially with regard to offences such as online grooming, online sexual extortion and live-streaming of child sexual abuse – which have not been categorically criminalised. These circumstances create doubt for frontline workers in how the law can assist in protecting children. During the presentation of different scenarios and the case of “Adam”, 19% of respondents failed to initially identify online sexual exploitation. Furthermore, bearing in mind frontline workers reported dealing with boys who had self-generated sexual images or videos of themselves (44% of their caseload), the legislation also needs to incorporate a provision that specifically excludes a child’s criminal liability for sharing such content, especially when compelled to do so in any abusive situation.

Capacity building around awareness of the different laws in India that can protect boys from sexual exploitation is also essential to empower frontline workers: *“Increasing awareness on child sexual offences and the law against such offence... making all the duty-bearers and service providers accountable towards ensuring child’s rights and well-being.”* (FW 544) During the frontline workers’ survey, it was evident that professionals are not always clear on how the existing legal framework can be used as shown in Figure 8 below.

91 Government of India. (2015). *Juvenile Justice (Care and Protection of Children) Act, 2015*, Section 15.

92 Government of India. (2016). *The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (as amended in 2016)*, Section 3 read with Section 2(ii).

93 *Ibid.* Section 3.

94 *Ibid.* Section 3A.

95 Government of India. (1860). *Indian Penal Code (No. 45 of 1860) (as amended in 2018)*, Section 370.

96 U.S. Department of State. (2020). *2020 Trafficking in Persons Report: India*.

Figure 8: Worker knowledge of legislation related to sexual exploitation of children.

Does India establish an age of sexual consent (statutory rape) for boys below 18?	Yes	43	43%
	No	47	47%
	I don't know	11	11%
Does legislation establish a close-in-age exemption to avoid criminalisation of peer-to-peer consensual sexual relationship?	Yes	41	41%
	No	30	30%
	I don't know	30	30%
Is it specifically defined in law in India that it is a criminal offence to engage a boy below 18 in sexual activities for money?	Yes	76	75%
	No	13	13%
	I don't know	12	12%
Merely possessing child sexual abuse material with no intent to distribute/share criminalised?	Yes	65	64%
	No	22	22%
	I don't know	14	14%
Does Indian legislation explicitly state that a child victim can never consent to be trafficked?	Yes	58	57%
	No	21	21%
	I don't know	22	22%
Can child victims seek formal financial compensation via civil or criminal court proceedings from convicted perpetrators or country-managed funds?	Yes	71	70%
	No	11	13%
	I don't know	19	19%
Knowledge of any sexually exploited boys (below 18) who have received compensation?	Yes	47	47%
	No	28	28%
	I don't know	26	26%

## Access to Recovery and Reintegration

For the timely and effective response to the sexual exploitation of boys, it is important that the professionals and institutions that work to protect them (healthcare professionals, social care professionals, teachers, law enforcement officers, the judiciary etc.) understand and are aware of the scale and scope of the problem, particularly because *“the biggest constraint is the assumption that boys do not face similar violence or intensity is lower as compared to girls.”* (FW 243) Whilst India does have programmes seeking to address the sexual abuse and exploitation of boys, the sheer immensity of the country means they are sparse and isolated so *“India does not have as many quality male support centres as there are women support centres.”* (FW 56) yet *“the support given to girls should be given to boys also.*

*They also need the same care and support.”* (FW 263)

One challenge is that the sexual exploitation of boys in India can take a myriad of forms which keeps it hidden. This is hindered by the fact that boys are often referred to social services for other issues such as living in street situations, substance misuse or gang violence which masks other more complex experiences as they present themselves seeking *“medical treatment, food, shelter.”* (FW 367) Rescue of trafficked children and those in the worst forms of child labour is undertaken, often as raids, by Government agencies and non-governmental organisations with help from police. Often there is limited logistical planning ahead of raids and a lack of coordination between rescue and post-rescue support of victims.<sup>97</sup>

97 Toast Advisory – Global Fund for Children. (2019). *Scan of Issue Areas, Trends and Organisations Working in the Area of Child Trafficking in India – Final report.* 18-24.



The frontline support workers reached through this study provided a range of services through projects ran by non-governmental organisations that largely fell into the following categories:

- Physical and mental health support: such as one-on-one counselling (68%), sexual health advice (62%), group psychosocial support (59%), medical care and treatment (51%) and LGBT specific support (14%).
- Socio-economic support: legal support (72%), basic supplies such as food and clothing (65%), economic assistance, cash transfers (33%) and reintegration support (38%).
- Family support and accommodation: support for families and caregivers (60%), residential care (45%) and semi-independent supported housing (28%).
- Support to access education: high school (52%) and tertiary studies (30%)
- Non-formal education provided by organisation (53%), vocational training provided by their organization (54%) and paying for access to non-formal education at other organisations (23%).

However, one frontline worker emphasised that there is a *“lack of coordination and multi sectoral engagement of different departments to ensure linking with services.”* (FW 546)

Overall, participants estimated that around half of their caseloads were boys and half girls. Approximately 46% of the boys were referred because of experience of sexual exploitation whilst 56% of the girls they supported were referred because of sexual exploitation. The similarities of these figures illustrate the importance of making sure that there is equal access to recovery and reintegration services for all children.

In light of the fact that services for boys are generally provided by non-governmental organisations, frontline workers identified the medical support given as either: good (24%); fair (40%); or excellent (4%); 33% felt the medical services available were poor. Similar figures were given for the quality of legal assistance with 31% identifying it as ‘poor’. The lowest scores were given to psychological care with 41% identifying the quality of services as ‘poor’ with only 7% rating it as excellent. One frontline worker noting *“people in the system are not so skilled and sensitive.”* (FW 314) The institutions for children in need of care and protection in India include children’s homes, open shelters, observation homes, special homes, place of safety, specialised adoption agencies and fit facilities.<sup>98</sup> Most of the centres specifically available for boys are open-access night shelters or drop-in services for boys offering medical care, nutrition and shelter.<sup>99</sup> Of the 9,589 child care institutions/homes in India, 91% were run and established by non-governmental organisations, supported or not by the government.<sup>100</sup> Unfortunately, concerns have been raised about the oversight of these institutions.<sup>101</sup> In February 2020, the Ministry of Women and Child Development shared that 49 complaints of sexual exploitation, torture and violence against children have been reported in child care institutions during the last four years.<sup>102</sup>

A significant challenge in recovery and reintegration is the lack of systematic follow-up and support of children subjected to sexual exploitation India has a severe shortage of mental health professionals generally, and this is also reflected in the lack of adequate psychological assistance and counselling to children subjected to sexual exploitation.<sup>103</sup> As one frontline worker stated *“there is a lack of proper structure with no well-defined pre-requisite of a person assigned to help [boys] professionally.”* (FW 244) Furthermore, the lack of services specifically designed for boys can lead to less appropriate and potentially punitive responses to boys involved

98 Government of India, Ministry of Women and Child Development. (2018). *The report of the Committee for Analysing Data of Mapping and Review Exercise of Child Care Institutions under the Juvenile Justice (Care and protection of Children) Act, 2015 and Other Homes*, 33.

99 Nair, S. (2017). ‘Shelter for Homeless: Just a handful under the roof’, *The Indian Express*. Available at: [Shelter for Homeless: Just a handful under the roof | India News, The Indian Express](#)

100 *Ibid.*, 40.

101 *Ibid.*

102 Government of India, Press Information Bureau. (2020). *Press release 07 February 2020*.

103 Toast Advisory – Global Fund for Children. (2019). *Scan of Issue Areas, Trends and Organisations Working in the Area of Child Trafficking in India – Final report*. 18-24.

in sexual exploitation rather than the necessary specialised psychosocial and legal support that they need. Boys in India who need crisis accommodation following disclosure of sexual exploitation may find themselves in juvenile detention homes where they are seen as displaying behavioural problems rather than being in need of empathy and specialised care.<sup>104</sup>

Frontline workers were asked to reflect on what is needed to improve the quality of services for boys in India. Most commonly they cited the need to raise awareness of the issue of sexual exploitation of boys *“through awareness raising campaigns by both non-governmental organisations and government agencies”* (FW 71) and with *“proper allocation of funds and cross checking the same for proper use.”* (FW 255) The allocation of more resources was repeatedly cited whether it be *“mandatory training”* (FW 216) or *“improved infrastructure”* (FW 171). Also *“To increase the child care institutions...to provide trained service providers.”* (FW 203) Outreach programmes which target boys in the settings where they are most vulnerable is a proven strategy that can have an impact;<sup>105</sup> one frontline worker highlighted the benefit of *“barefoot volunteers at risky places.”* (FW 282)

Finally, whilst the Indian legislation has incorporated important provisions relating to ensure children’s access to justice and legal remedies the information relating to the enforcement of these provisions is scarce. For instance, Indian legislation has explicit provisions for child victims of crime to access financial compensation although the efficacy of the compensation schemes set up in different states is doubtful. For example, a 2019 study highlighted the issues faced by child victims of rape and their families that affected their rehabilitation and social reintegration by interviewing 100 child victims which included 94 girls and 6 boys.<sup>106</sup> The study found that out of the 100 children, only 15 children had received compensation, all of which were girls.<sup>107</sup>

104 Tyagi, D. (n.d.) ‘The Murky Truth of India’s Juvenile Correctional Facilities and How They’re Destroying Young Lives’. The Story Pedia. Available at: [The Murky Truth Of India’s Juvenile Correctional Facilities And How They’re Destroying Young Lives \(thestorypedia.com\)](https://thestorypedia.com)

105 Jain, B., Krishnan, S. & Ramesh, S. (2014). ‘Effect of peer led outreach activities on injecting risk behavior among male drug users in Haryana, India’ Harm Reduction Journal, 11(1):3. Available at: (1) (PDF) [Effect of peer-led outreach activities on injecting risk behavior among male drug users in Haryana, India \(researchgate.net\)](https://www.researchgate.net/publication/260444444) and: Public Health Foundation of India, Health Policy Project, MEASURE Evaluation, and International Center for Research on Women. (2014). Evidence-based Strategies to Engage Men and Boys in Gender-integrated Health Interventions. Washington, DC: Futures Group, Health Policy Project.

106 Delhi Commission for Protection of Children’s Rights. (2019). [Mapping of Needs and Priorities: A Study of Child Rape Victims in Delhi](#). xiii..

107 *Ibid.*,31.

# CONCLUSION

The purpose of this study was to build an empirical base for better understanding of the sexual exploitation of boys. Through a survey of frontline support workers, as well as a literature review of secondary data and legal analysis, a picture has emerged of the lived experiences of boys subjected to sexual exploitation in India. The frontline workers survey explored professional attitudes and perspectives of the sexual exploitation of boys. Generally, while attitudes differ, the findings from the survey, and from the existing literature, make the case that sexual exploitation of boys is clearly present, and in some contexts may be as common as it is for girls.

Attention and action to address the sexual exploitation of boys in India is impacted by pervasive gender norms and stigma, which also discourage boys' help-seeking and disclosure and likely results in under-reporting in existing data. However, a 2018 systematic review of 51 studies concerning child sexual abuse in the country found that 10-55% of boys in school and college samples experienced some form of sexual harassment or violence as children.<sup>108</sup> Prevalence of child sexual abuse and exploitation in general were reported to be highest with young people in street situations and with children working as domestic labourers.<sup>109</sup>

While this study represents an important contribution to the limited knowledge of sexual exploitation of boys in India, the emerging evidence base remains underdeveloped and complex.

*Four key themes emerged:*

## *Layers or 'Tiers of Vulnerability'*

The risks of boys' sexual exploitation in India can be compounded by a chain of disempowering norms and ideas around sexuality, childhood,

gender, caste and power. Dominant patriarchal norms may result in closer supervision of girls, whilst boys have more independence. Heightened concern over girls' vulnerability means the primary focus when considering child sexual exploitation and abuse is the risk of girls' victimisation, leaving the vulnerabilities of boys underexplored. From the existing research boys migrating for work is clear. Child labourers are especially vulnerable and sexual exploitation can occur in this context. Extreme poverty remains one of the main factors pushing boys into circumstances of sexual exploitation, with offenders exchanging money, shelter or survival with boys for the exploitation. Negative coping strategies such as substance misuse can be exploited by offenders and exacerbate boys' vulnerabilities.

There remains a lack of knowledge about the vulnerabilities of male and non-binary children to sexual exploitation and a range of norms conceal the issue – which can also be internalised by boys themselves.

## *Boys Lived Experiences*

The frontline survey data revealed a higher than expected proportion of women involved in the sexual exploitation of boys (38%). Identifying and acknowledging abuse by female offenders is difficult for a range of reasons. Professionals need to overcome their reluctance to accept that it can happen. The reviewed literature also identified the tendency for sexual exploitation by a female offender to be treated as less serious than that perpetrated by a male.<sup>110</sup>

The physical, psychological and social harm experienced by boys documented in different studies has clearly demonstrated the trauma and stigmatisation that these young people feel and concurrent negative mental health outcomes.

108 Choudhry V, Dayal R, Pillai D, Kalokhe AS, Beier K, Patel V. (2018). *Child sexual abuse in India: A systematic review*. PLoS ONE 13(10).

109 *Ibid.*

110 ECPAT International. (2021). *A global review of existing literature on the sexual exploitation of boys*. Bangkok: ECPAT International.

These boys are also at very high risk of sexually transmitted infections and risks of the impacts from substance misuse.<sup>111</sup> These circumstances can all contribute to the vicious cycle of exploitation which makes it so much more difficult for boys to break out of.

### **Gender Norms**

This study has shown how harmful gender constructions have created myths about male roles and led to inadequate protection of boys in relation to sexual exploitation. The shame and stigma that surrounds abuse of boys usually discourages their disclosure, keeping the problem hidden and the offenders safe from any exposure and punishment. Gender norms presume that boys are 'strong' and less affected by abuse. Even if a boy wishes to report, those responsible, including the police, may discourage or block investigation or follow-up.

Dalit boys are vulnerable to trafficking due to their social disempowerment, and their presence in unskilled and poorly protected labour contexts may also make them vulnerable to sexual exploitation. Non-binary and transgender young people may be at risk of sexual exploitation through risky work in entertainment by hirjas at marriages and other ceremonies.

### **Lack of Specific and Tailored Measures**

India has ratified most major international conventions against child sexual exploitation and is party to additional international legal frameworks. While national level legislation has gradually adapted to align with its international commitments, limitations still exist. Many offences relating to children are grouped with those relating to adults and gendered provisions still provide unequal treatment of boys and girls. Even within the existing commitments enshrined in the law, there are limitations observed in practical implementation. Capacity-development measures are needed to improve awareness and education of professionals working on sexual exploitation of both girls and boys, including on child-sensitive justice measures.

Across India there is more awareness, outreach and residential caregiving for girls than boys, with most of it provided by non-governmental organisations. However, the sheer scale and size of India means existing programmes vary in scope, outreach and effectiveness and are limited for boys. Boys may be supported through open-access night-shelters or drop-in centres providing medical care and nutrition. However, professionals are poorly trained in dealing with children from a gender perspective leaving boys less likely to be able to access comprehensive and specialised protection and support. Whilst a boy may be identified as having physical or mental health issues, relevant professionals may not have the necessary skills or training to link the symptoms to harms created by sexual exploitation and thus fail to refer the child for appropriate recovery and reintegration services.

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111 *Ibid.*

# RECOMMENDATIONS

## LEARNING 1:

*Layers of vulnerabilities make many boys in India especially vulnerable to sexual exploitation and abuse.*

- Develop affirmative provisions within national and state policies to mainstream boys' issues in relation to specific areas of vulnerabilities such as migration, child labour and boys living and working on the streets.
- Carry out comprehensive learning needs assessments with a range of service providers (social, community workers, medical, legal professionals etc.) and develop a learning curriculum, essential elements of which can be incorporated into existing orientation, training and continued professional development. Existing resources exist and may be easily adapted.<sup>112</sup>
- Establish a child protection community of practice (locally and nationally), to share experience, knowledge and develop guidance, strategy, learning, and practice related to sexual exploitation and abuse of boys across the workforce of child protection practitioners.
- When boys do not know about sex and the risks of sexual exploitation and abuse, it enables offenders to take advantage. Ensure knowledge reaches all children including information about sex, sexuality, consent, personal boundaries, what adults and others around them can and cannot do. Take time to listen and talk with boys about sexual exploitation and abuse.
- Discriminatory attitudes remain regarding boys of different sexual orientation and young people with diverse gender identity, and the intersections with child sexual exploitation and abuse. This can prohibit children who are subjected to sexual exploitation from disclosing and seeking help. Work to reduce these attitudes must be increased. Partner with organisations that specialise on working with individuals of differing sexual orientations.
- Develop and expand counselling, vocational and life skills programmes tailored to boys' needs; Expand and integrate interventions to address substance abuse and other negative coping strategies.
- Children with disabilities are rarely recognised as vulnerable to sexual exploitation and were not specifically mentioned by frontline workers surveyed. Therefore, develop initiatives to improve public awareness of the risks for children with disabilities, and train and promote closer collaboration between people working with children and sexual exploitation and disability experts.

112 Down to Zero. (2020). [Bridging the Gap: A toolkit for supporting boys affected by sexual exploitation and abuse.](#)

## LEARNING 2:

### *There are critical gaps in data and knowledge about the scale and scope of sexual exploitation of boys in India*

- Prioritise research and gathering of primary data that highlights the experiences and perspectives of boys involved in sexual exploitation. Qualitative, gender inclusive research may be especially helpful within this context to explore their lived experiences, the help-seeking process, their expressed needs and ideas about how and what type of services and support should be available. Make this information publicly available.
- Promote collaborative research between academic researchers, non-governmental organisations and government; ensure the participation of vulnerable and sexually exploited boys so that their voices, experiences and ideas are used to shape recommendations for future policy and programme development.
- Research needs specifically identified from this study include but not be limited to:
  - ✎ Examination of particular contexts where boys are vulnerable (e.g. labour, migration, street living, travel and tourism, residential institutions including religious institutions); studies should also be directed at disadvantaged groups such as ethnic minorities or those non-binary genders;
  - ✎ Explore how gender norms are experienced by boys including construction of masculinities and male sexuality;
  - ✎ Conduct research on emerging manifestations of online sexual exploitation of boys;
  - ✎ The full gamut of offenders of sexual exploitation of boys including female offenders and male offenders who associate as heterosexual;
  - ✎ Productive help-seeking behaviours of boys and their psychosocial, mental, and physical health needs;
  - ✎ Issues related to the lack of compensation for child victims, especially boys.
- Data collection and monitoring for child protection should be significantly improved. This includes the development and implementation of systematic, disaggregated national data collection, including databases, baseline studies and progress indicators.

## LEARNING 3:

### *Harmful gender norms contribute to the vulnerability of boys and inhibit them being perceived as victims of sexual exploitation and abuse.*

- Critically reflect on gender norms and gendered aspects (such as masculinities, patriarchy and power abuse). Provide information and education on boys' issues and male gender issues to show how boys are vulnerable to sexual exploitation and abuse, that they can be victims, and need adequate protection and support.
- Develop and implement mechanisms to evaluate the effectiveness of awareness-raising and prevention operations.
- Provide resources and embed essential learning on the sexual exploitation of boys within existing professional training and orientation materials.

- Dismantle discomfort around discussions on sex, sexuality and traditional social norms that may be harmful amongst caregivers, support workers and other adults who come into contact with children.
- Create opportunities for boys to participate in matters that affect them and to be able to express their views; Listen and engage with boys about their worries and experiences, and how they view gender norms that have an impact on their lives. ECPAT International's *Survivor Conversations* approach in research and consultation can be used to talk with boys and develop responses addressing their vulnerability.
- Conduct capacity building for frontline professionals such as healthcare workers, social workers, caregivers and law enforcement to reduce discrimination and hostile attitudes towards particular groups of boys such as those engaged in prostitution or young people with diverse sexuality or gender identity.
- Increase the number of projects using peer educators and outreach workers to identify and support vulnerable boys and boys subjected to sexual exploitation.

## LEARNING 4:

*There are a lack of specific and tailored measures that are male sensitive and inclusive of appropriate child protection responses.*

- Strengthen collaboration agreements and protocols between non-governmental organisations and government agencies to ensure coordination and service referral for boy victims.
- Needs assessments and capacity building of frontline workers along with evaluation of existing services are required and should be prioritised, to contribute to the development of inclusive, gender- and trauma- informed skills for practitioners.
- Invest in prevention programmes to address the root causes and multiple vulnerabilities that place boys and girls, families and communities at risk of child sexual exploitation and abuse.
- Develop more drop-in services and outreach programmes directed at boys in low-level labour or living and working on the streets.
- Create adequate infrastructures, recovery and restoration programmes for victims of trafficking and child sexual exploitation and abuse. Provide the necessary funding to registered child care institutions that cater for boys. Identify alternatives to residential care such as family care and community-based placements.
- Make access to compensation and information on procedures accessible to all children by increasing awareness with boy victims around compensation seeking mechanisms.
- Recommendations for law makers for legal changes include:
  - India should ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
  - Amend all gendered provisions to cover children of all genders, such as Article 366A of the Penal Code to cover procurement of all children and Article 375 of the Penal Code to criminalise the rape of both boys and girls;
  - Create separate offences relating to prostitution and trafficking in respect of children to aid prosecution efforts and enhance the protection of children and to prevent them from being held liable for their own exploitation;

- ✎ Establish a separate offence of child trafficking to ensure provisions related to the trafficking of children take precedence over the trafficking offences contained under the Penal Code;
- ✎ Amend the definition of child sexual abuse material given under the Protection of Children from Sexual Offences Act to include “any representation” of child sexual abuse materials and “depictions of sexual parts of a child for primarily sexual purposes” to be in full compliance with international standards; Legislation needs to incorporate a provision that specifically excludes a child’s criminal liability for sharing self-generated sexual content (through sexting) especially when compelled to do so in an abusive situation; Enact legislation that explicitly criminalises the live streaming of child sexual abuse.
- ✎ Strengthen the legal framework governing the sexual exploitation of children in the context of travel and tourism in the country so that related offences are explicitly defined and criminalised and introduce binding regulations for the tourism industry;
- ✎ Remove the double criminality requirement for both extraterritorial jurisdiction and extradition for sexual exploitation of children offences.



# ANNEX: SCENARIOS

Support workers were given five hypothetical scenarios about sexual exploitation, which reflected unequal power relationships, gender norms and other intersectional vulnerabilities. Questions were interspersed as the scenario unfolded to unpack different attitudes and knowledge. Following each scenario, participants were asked to describe what practical steps they would take if they were supporting the children depicted.

## “Adam”

*19-year-old Petti pays a 17-year-old cousin, Adam, to undress while filming. Adam agrees to do it without concerns.*

81 percent of participants agreed that Adam had been sexually exploited, with 14% judging that Adam was not a victim and 5 were uncertain.

*“Peti later posts this video to his online social media accounts that are publicly visible (no payment is needed to access them).”*

With this additional revelation, 83% were clear that Peti had committed sexual exploitation, however 11 believed he had not done wrong.

*“Zoli, who does not know Peti or Adam, finds and watches the video online from home elsewhere in the country.”*

Given this information, only 64% of participants responded that this viewing of child sexual abuse material was sexual exploitation. Twenty-three per cent did not believe viewing child sexual abuse material was problematic. Access to Recovery and Reintegration c and 13 respondents were unsure.

The practical steps or immediate responses suggested by support workers were mostly centred with legal action highlighting children being used for business purposes in India is a general concern:

Most support workers suggest reporting to police should be the first step to held the social media service providers and stop spreading the content. (FW 216, FW253, FW 290, F291, FW292, FW 298, FW354, FW546)

*“Immediately talk to Adam and his parents and lodge a FIR at police station against Peti. Since Zoli stays somewhere else, it would be difficult to access him, otherwise case can be lodged against him also.” (FW216)*

*“First step would be to collect the data and take it to local law enforcement and relevant cyber security department to get the content banned. Next will be filling a formal complaint against the offender.” (FW243)*

Whilst some also suggest educating Adam about good touch and bad touch, sexual abuse and its impact and connect him with Child protection services (FW 208, FW 281). Others suggested first step should be to stop spreading video and protection of Adam (FW 281, FW 332, FW 370).

## “Abel”

*Abel is a 7-year-old boy whose mother struggles to make ends meet in their rural village. His uncle, Gergo, has a good government job and has always given money to help the family out. Recently, during a visit to Abel’s family home, the uncle asked Abel to sit on his lap and touches him.*

Fifty percent agreed that Abel had been exploited, yet 35% said that he had not been exploited, and 15 participants were uncertain.

*“While Abel was sitting on the uncle’s lap, the uncle began to touch his private parts. Abel’s mother then walks into the room and realizes that something is happening. The uncle reminds Abel’s mother of how happy he is to be able to visit them today and provides her with some money.*

The majority of participants (77%) now believed that the uncle had committed sexual exploitation, although 18 still held that he had not committed sexual exploitation, and five were uncertain.

*“Abel’s mother nodded, closed the door and went out of the house”*

The majority of support workers (77%) believed that Abel’s mother was responsible for facilitating sexual exploitation, but 16% believed that she was not to blame, and seven remained uncertain.

Most of the support worker’s practical responses to this scenario focused on immediate rescue of Abel, suggesting to seek support through child protection hotline (Child Line India Police), placing the child at safe home and then initiate legal action against both the uncle and the mother (FW 71, FW 89, FW 194, FW 455).

Some participants think that the mother is equally responsible for the exploitation of the child and so legal action should be taken against her and Gergo (FW 149, FW 139, FW 316, FW 225).

Some participants suggested on correcting or educating Abel about the difference between ‘good touch’ and ‘bad touch’<sup>113</sup> and seeking help in any abusive situation (FW 184, FW 167).

## “Dani”

*Dani is a 16-year-old boy who prides himself on being a hard worker. When his adult neighbour, Sandor, asked if he could help work on her farm for payment, he was happy to help. While Dani was working around the farm, Sandor invited Dani into the house for lunch. Sandor sat very close to Dani and touched his arm often while chatting. Dani felt very uncomfortable with this.*

Seventy-two percent of participants said that Dani had experienced sexual exploitation. While Fifteen percent participants think that the act of touching an arm while chatting may not constitute sexual exploitation and 13 participants were uncertain about the situation.

*“The next time Dani helped at the farm; the same thing happened at lunch. This time, Sandor touched Dani’s thigh. This also made Dani very uncomfortable.”*

In this clearer situation, more support workers (86%) believed that Dani had been exploited though 9 still held that he hadn’t, and five were uncertain.

Many of the ‘practical steps’ focused offering education and awareness to Dani on “good touch and bad touch” (FW 255, FW316, FW409), ask the child to stop visiting places with risk (FW 253, FW220, FW139, FW409) and to have the “courage to seek help” (FW255, FW348, FW546) and to protest the woman’s attempted child sexual

113 It should be noted that while popular, education regarding sexual abuse has moved away from this older terminology of ‘good and bad touch’. It has been noted that children may internalise the ‘bad’ as a judgement of themselves. Terminology that educates children about control over their bodies or ‘bodily autonomy’ is preferred. A good example can be seen in NSPCC’s [Talk PANTS with Pantosaurus](#). PAHCHAAN has translated one of the songs of ‘[My body is my body](#)’ by Chrissy Sykes.

exploitation and not visit her house (FW 255, FW 243).

A group of participants also suggest to consult with the family to take legal action by filing a Sexual harassment case under POCSO Act India (FW 455, FW467).

### **“Jani”**

*Jani is 15 years old, although he looks older. He self-identifies as gay. On the weekends, Jani meets men, who he describes as his ‘boyfriends’. He has sex with them and accepts money and gifts. When asked about these encounters, Jani says that it is his choice, and that other people should mind their own business.*

Seventy-eight percent of workers correctly identified Jani as a victim of sexual exploitation, although fifteen percent did not and seven were uncertain.

Considering “the men” that Jani meets on the weekends, eighty percent (80%) participants correctly identified the men as exploiters, 13% did not, and seven were uncertain.

Most (78%) of the support workers indicating that Jani had experienced sexual exploitation however also expressed the necessity of educating the child about his age as minor (15 years), his qualification to make such decision, local laws and its implications:

*“Jani should be told calmly that he is still a minor. It is not possible to make such a decision on his own without a mature mind and mature body. In order to make him aware, the details of some previous incidents can be given and he should be assured to be by his side in case of danger.” (FW167)*

Supporting the fact that Jani is exploited, most participants recommend counselling and professional intervention (FW 71, FW 253, FW 255, FW 282, FW 332).

*“Educate Jani about the laws and sexual transmitted diseases. Moreover, also enlightening him that his regular encounter with his so called boyfriends can turn into an abuse where he would not be able to defend himself because he is young.” (FW253)*

Some participants suggest to support Jani to lodge complaint and seek legal support (FW 331, FW 384, FW 409, FW 455, FW 493).

### **“Marci”**

*Marci is 17 years old and identifies as a transgender person. Marci used to live in the countryside but faced discrimination from family and neighbours. Marci moved to the city but could not find a place to stay. Marci has not been able to find work and is homeless. Marci needs to pay for food, so quite often meets men and sometimes women, and has sex with them for money. Marci accepts that this life is tough but only temporary.*

Eighty percent of participants correctly identified Marci as a victim of sexual exploitation, though 13% held that Marci had not been exploited and 7% is uncertain.

*“On one occasion, Marci was arrested for prostitution and intends to plead guilty. “*

Eighty percent of participants correctly identified that the men and women that Marci met for sex had committed sexual exploitation, while 12% disagree and 8 % were uncertain.

While majority of the participants have identified the case as sexual exploitation, the practical responses mostly emphasised on helping the child with comprehensive livelihood support including shelter, food, income, counselling (FW 253, FW 89, FW 139, FW 149, FW 208, FW 255, FW 314, FW 409, FW 267).

Some suggest Marci needs to be connected with a specialised institute or non-profit organizations for comprehensive support:

***“First, for the most, I will make sure Marci to get in touch with some non-profit organization and institution who work for the welfare of the third gender person who can provide food and shelter to them. Then I will try to find out some livelihood opportunities for Marci. And also try to take some legal action against those men and women who took advantage of Marci situation.” (FW348)***

***“Marci shall be provided immediate shelter and food facilities queer affirmative counselling. Vocational training, connect him with an LGBTQ organization.” (FW332)***

Participants also suggest to handle such cases with positivity and compassion (FW 71, FW 291).

***“Provide individual counselling to help Marci deal with the negative experiences of hard life. Help Marci in exploring career fields that would best suit Marci’s interest and education and explain that regular sexual encounter with adults can lead to sexual transmitted diseases and also that there are other better ways of earning money.” (FW253)***

Whilst a group of participants also suggest to seek legal action (FW409, FW 331, FW455, FW493, FW 521).



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