

ECPAT Consultation on Child Sex Tourism in India, Nepal and Sri Lanka

Kathmandu, Nepal

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Situational Analysis Studies on Child Sex Tourism in Tourist Destinations of India, Nepal and Sri Lanka



END CHILD PROSTITUTION
CHILD PORNOGRAPHY
& TRAFFICKING OF CHILDREN
FOR SEXUAL PURPOSES

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1. EXECUTIVE SUMMARY

Background

«The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery»

A statement from The Declaration and the Agenda for Action from the First World Congress Against the Commercial Sexual Exploitation of Children, held in Stockholm, 1996

Child Sex Tourism is part of the global phenomenon of commercial sexual exploitation of children. It involves the sexual abuse exploitation of both male and female children, usually - but not always, in tourism destinations *and* has become a common term to describe three different situations where children are abused and when the offender does not come from the location where the abuse takes place. It includes:

- The prostitution of children
- Paedophilia-related child abuse
- The production of pornography involving children.

Tourism is not the cause of child exploitation but the nature of the tourism environment can provide all the factors necessary to make children vulnerable to abuse.

- Poor tourism planning leads to displacement of communities and loss of traditional livelihood.
- Children are encouraged to sell products and services to tourists.
- The development of tourism in locations without local access to basic infrastructure and services - creates a gap between tourist 'have' and local 'have-not'.
- The absence of traditional values and socio-cultural norms in tourist destinations related to dress, nudity, relationships between adults and children/men and women.
- Perceptions that foreign tourists have wealth and high status.
- High level consumerism in tourist destinations.
- The absence of police and social welfare professionals in tourism destinations.
- The increased demand for sex services from domestic and foreign tourists.
- Lack of inhibitions and responsibility of tourists - the 'it's not my home' mentality.
- No integration of human rights and children's rights in tourism industry training or policy making.

Tourism in South Asia

The year 2001 registered 693 million international tourist arrivals worldwide, however only 5.8 million visited South Asia. Despite amazing potential, the region attracts only 1% of world tourist arrivals, which is obviously much lower than its capacity. The South Asian region- comprising Bangladesh, India, Nepal,

Sri Lanka, Bhutan, Pakistan and the Maldives- contains a large, though vastly untapped potential. South Asia only attracts 1% of world tourism arrivals. If fully tapped, the tourism sector can be a major contributor to economic growth in the region. However, in the rush for tourists careful consideration needs to be given to the impact that increased tourist arrivals will have on the social and natural environment.

Child Sex Tourism

Child Sex Tourism was first investigated in South East Asia in the late 1980's. Not long after research was done in Sri Lanka that uncovered numerous cases of child sexual abuse along the tourist beaches of Negombo and Hikkaduwa. More cases emerged in Goa and later Katmandu that confirmed fears that children were being abused by foreigners in tourist destinations across South Asia. At the same time international campaigns led by ECPAT groups worldwide highlighted the global nature of child sexual exploitation and called for strong actions to clamp down on child prostitution, child sex tourism, child pornography and child trafficking. As a result of international campaigns and increased concern by governments, NGOs and UN agencies, many 'tourist sending countries' have now enacted extra-territorial laws to protect children. This means that foreign nationals can be prosecuted in their own country for crimes committed while they are in a different country. These new laws require international and bi-lateral co-operation on a number of different levels. Global networking, research, documentation, distribution of information, and awareness campaigns provide the tools needed to advocate for child protection programmes and implementation of laws.

It is impossible to estimate how many children have been affected by child sex tourism. The covert and criminal nature of child sex crimes and the vulnerability of children, especially children living in poverty, make data collection a difficult and sometimes dangerous task. Those children most at risk of abuse include children with low/no education, homeless children, trafficked children, children from broken families, children affected by drug and alcohol abuse, and children who have already been abused within their family. Children in these circumstances often do not have the confidence, power or opportunity to speak out and they become invisible victims. Not all victims are from the poorest of poor communities - there is some evidence to suggest that school going children become involved for material gain and increased status by being associated with foreigners.

This research does not set out to provide conclusive statistics on numbers of children abused in tourism destinations. It has been developed to provide a 'snapshot' of children's lives in tourism destinations and the services available to protect them from abuse and exploitation.

Without appropriate research methodologies and intervention programs, establishing with an accurate figure is a case of 'running before we can walk'. Far more useful for policy makers and prevention campaigns is to identify trends relating to children and tourism destinations. For example: Do children involved in selling trinkets to tourists have access to health and education services in the tourist areas? Where do these children sleep at night? How many hotels have child protection policies? Having this information would mean being able to identify risk factors and a harm minimisation approach. This would be far more practical than documenting statistics. (Beddoe, C. 2001 The Incidence of Sexual Exploitation of Children in Tourism. World Tourism Organisation, Madrid)

Child Sex Tourism is not just a problem brought in by Western tourists. Offenders can also be local tourists or expatriates working in the community. The sexual abuse of children by foreign military personnel has also created a sub-group that could be labeled under child sex tourism although this needs much further investigation.

Child Sex Tourism in South Asia

ECPAT International and four NGO partners - Child Workers In Nepal (CWIN), EQUATIONS, South Asia Partnership International and SANLAAP - have undertaken this research in order to assess and document the nature and manifestations of child sex tourism in selected tourism destinations across India,

Nepal and Sri Lanka. Due to the vast geographical and social-cultural differences in India two separate reports were conducted - the first targets Delhi, Agra and Jaipur and the second targets Goa and Kerala. Each country report is presented separately in Chapters 5, 6, 7, and 8.

This is the first collection of data taken from a 'sub-regional' perspective across these three countries on child sex tourism. It is limited in scope and depth and was undertaken as a Rapid Assessment process in order to provide a starting point for gathering information and baseline data. It was designed and implemented using a participatory approach to research methods that have allowed for interviews and focus group discussions with children and young people. This was seen as an essential element to understand how children and young people see the problems and solutions. Each research team was given the same framework to use however the research teams have adopted this to their own environment and the country reports have been written to reflect the individual needs of each situation. All research teams were asked to undertake a literature review to help identify any trends or changes that have occurred over time.

Results and conclusions

The voice of children:

The research teams were asked to design methods that involve the participation of children and young people. Each report details stories and cases that come from children. The groups used different interview methods adapted to target groups and areas. For instance, while one research team favoured drawings and activity maps with at-risk children living on the streets (Nepal) another group conducted individual and private interviews (Goa and Kerala). Children themselves are often the ambassadors in tourism. On beaches, cafes and roadsides children make contact with tourists and speak a smattering of different languages. Most of this interaction is harmless but it does bring into question the role of children in tourism and the need to ensure that children can get access to information and services in tourist areas. The research across all locations has shown that children will often seek out contact with tourists in the belief that they will provide more than just monetary benefit, they seek love, shelter, care and a hope for the future. However, it was not always easy to get children to speak about abuse, and this is not unusual when children have had no education about their bodies or feel ashamed for what they have seen or experienced. If they don't have the language to describe their situation then they either don't say anything, or worse they could be dismissed for telling lies or stories to get money. Prostitution and sexual abuse are still stigmatized in these societies and bring about great shame. The research has shown that children need a broad range of services to enable them to access their rights to development. The research also shows that although children are exploited in similar ways, child sex tourism manifests itself in different ways within the target region of the study. While there is an established red-light district in Goa and a well-organised system of child sexual exploitation, child sex tourism occurs in a less visible and less structured manner in Nepal. Such differences are crucial to how services are set up.

The role of laws and law enforcement:

The overall results of the research reports show that there is no systematic collection of data that can provide a comprehensive overview of the nature and extent of child sex tourism at either the local or national level in each of the three countries. Of the three countries, Sri Lanka appears to have a more rigorous approach to policy development and law enforcement in recent years, probably due to the active role of NGOs and the media in lobbying for government action since the early 1990's.

Anecdotal evidence from all interviews and secondary sources show that children have been abused by both foreigners and locals within the child sex tourism context in all three countries. Only Delhi, Agra and Jaipur reports showed no obvious signs of the existence of child sex tourism - although interviews provided anecdotal information that could not be verified due to the limited scope of the research. Most information suggests that cases involving foreigners do not get reported.

There are laws in each country that can be used to prosecute for the sexual abuse of children. Not all of these laws are harmonized and many improvements are still to be made. However, although there are no laws specific to child sex tourism there are legal frameworks in each of the three countries that allow for the prosecution and imprisonment of foreigners. The major challenge appears to be the enforcement of laws, either because of lack of training, insufficient evidence to convict (or understanding what evidence is

needed), lack of motivation or corruption. Efforts are hampered across the three countries by a lack of coordination between in regular law enforcement and tourist police or local NGOs. The increasing use of high-tech equipment to produce and distribute child pornography can also hamper local police in their investigations. Most local police forces in these countries do not have access to the sophisticated technology to analyse computer files or have laws that can be used to address the making and distribution of child pornography.

Cases involving foreigners will often be avoided due to the pressure resulting from language issues, the role of the Embassy and perceptions that foreigners should not face local prison conditions. When cases do get reported the case information is difficult to access making the monitoring of cases, coordination with other countries and identification of linkages to organized crime almost impossible. This has not stopped significant arrests being made in India and Nepal such as that of Freddy Peats in Goa or the arrest of a British and a French national in 1999 who were abusing children in the child centres they ran. Such arrests have demonstrated the vital role that NGOs, legal professionals, media and the travel and tourism industry can play in exchanging relevant information to law enforcement and child protection authorities. Again similarities and differences across the region (solid or weak cooperation between tourist and regular police, existence of specially-mandated police divisions, etc) make it all the more important to share and coordinate efforts between the three states.

The role of child protection policies and development programmes:

A major element of the research was the identification of factors that make children vulnerable to child sex tourism. The reason for this was to provide a working knowledge that could help policy makers develop policy and programmes that address the gaps. Although poverty is a major underpinning issue in the exploitation of children there are many other factors that force children into situations where they become most vulnerable. All three countries have national development plans, plans for the protection and welfare of children, and their Governments have participated in Regional and International fora for the prevention of sexual exploitation of children. Children in especially vulnerable situations are easy targets for sex offenders. A summary of recommendations across all of the research reports suggest the need for a more comprehensive multi-stakeholder 'rights based' approach to policy development and implementation of welfare programmes. The researchers attempted to identify 'push' and 'pull' factors and most commonly these were:

Push Factors:

- Lack of economic opportunities, especially for girl children
- Lack of education opportunities, especially for girl children
- Ignorance about the physical and psychological impact of sexual abuse
- Abuse within the family, close community
- Welfare policies and programmes not implemented
- Aspiration for a better life
- Desire for consumer goods
- Perception that being with the tourist increases personal status and opportunity
- Unregulated and aggressive tourism development across the region whether or not tourism arrivals have dropped (Nepal) or increased (Sri Lanka).

Pull Factors:

- The powerless position of children in society
- Constructs of gender and violence
- Organised crime, including trafficking of children
- 'Sexualised' promotion of tourism
- Inaction by police and other authorities, corruption
- Involvement of 'third person' agents - taxis, tour guides, family member

- Migration to tourist areas
- Demand for children as sexual objects
- Existence of prostitution and sex tourism

The role of the travel and tourism industry:

All research reports showed a need for greater awareness and action by tourism stakeholders. Although some knowledge was shown by a few individuals the overall response from tourism operators was almost non-existent at the local level. There appears to be no training for hotel staff, managers or tour guides on the protection of children.

Children migrate to tourism destinations in order to find work, increase their income, increase their status by being with tourists or simply because they have nowhere else to go. Tourism destinations are traditionally not locations where NGO's or Governments develop outreach programmes or provide services to the poor and marginalised. The role of the hotels and tourism industry is paramount to provide information to authorities, support for children in need, create education and employment opportunities for young people, and take the message to tourists that child abuse is unacceptable. There is also a need by governments to include the tourism authorities in multi-stakeholder approaches to combating child abuse - including the development of national plans of action and monitoring mechanisms.

Tourism often demands opening up 'new' areas, going to areas not previously developed. This calls into question the need for a social audit of tourism practices to see the impact on local communities, especially children. Furthermore, tourism in the region is developing more and more quickly and travel among the three countries by foreigners and nationals is increasing. Yet there is no integrated regional tourism policy; no common immigration monitoring mechanisms; no integrated migration surveillance; little exchange between law enforcement personnel; insufficient social interventions in the popular tourist destination points; and no common repudiation in the region's private tourism sector.

For these reasons, local tourism associations must be connected to regional and international tourism initiatives. At the most basic level there is an immediate need for training and awareness-raising of tourism workers and the building of relationships between the tourism sector and the NGO community to help NGOs get access to areas that they are normally excluded from entering. In addition, regional state dialogue must be greater if safer and more sustainable integrated tourism is going to be successfully pursued.

The role of NGOs:

One of the key challenges for the research teams was to find NGOs that had specific knowledge about child sex tourism. Apart from the national ECPAT groups in each country there were few, if any, local NGOs that had any detailed knowledge of the problems related to child sex tourism, especially paedophilia-related abuse. This is important because of the particular methods used by paedophiles and other sex offenders to 'groom' children into abusive behaviour including being used in the production of pornography. Child sex offenders use many different techniques to gain the confidence of the children and parents - often children will speak about this but unless an NGO worker is aware of the risks to the child they may just ignore the details. Again, regional differences apply (longer grooming periods were noted in Nepal than in the North and South of India) which absolutely must be taken into consideration.

There were numerous NGOs that work across a broader range of issues but coordination of information appears to be lacking. The role of NGOs is essential for the delivery of direct services for children, advocacy, training and as a community watchdog - but this could be further enhanced by data collection and the dissemination of information on issues relating to child abuse. In many instances there was no disaggregation of data from records kept by NGOs that could help identify the existence of child sex tourism. NGOs can play an important role to act as the support network for the tourism industry in preventing child sex tourism.

This limited study proves that more research, prevention and intervention programmes are needed at the local, national and regional level to uncover and isolate causal factors and provide support to children in tourism destinations. Child sex tourism is a small but significant part of the overall abuse of children. The fact that many offenders are foreign adds an international dimension to a problem that is usually dealt with through local interventions. Each research report will speak for itself on local level responses needed to prevent child sex tourism however what is clear is the need to implement programmes within tourism destinations that increase awareness of children's rights, create opportunities for education and employment, particularly for girl children, and strengthen law enforcement.

Historically we have seen that foreigners, particularly tourists, have been allowed to get away with crimes against children - power, money and fear of reprisal have hindered legal action. However, over the last five years we have seen an increase in the prosecution of child sex tourism related offences all over the world. A significant part of this change is the willingness of countries to work together to enable investigation and prosecution; and the increased levels of information that come from community based networks. We hope this report provides the momentum for increased action and opens up avenues to exchange information.

Regional Recommendations

Although each country report provides detailed recommendations of what steps must be taken by which stakeholders, it is important to highlight what recommended measures overlap. In this way, a regional cross-sector set of recommendations can be established alongside the country-specific measures.

National Tourism Authorities

- Incorporate child rights into their tourism [promotion policy
- Conduct awareness-raising activities with travel companies and tourists alike.
- Establish contacts with NGOs and create joint networks of organisations working against Child Sex Tourism.

Tour Operators:

- Should take advantage of their front-line position in the tourism industry to inform travellers and nationals of existing legislation.
- Collaborate with NGOs
- Adopt a tourism code of conduct

Non Governmental Organisations:

- Must conduct extensive awareness and education campaigns.
- Work with the media to ensure informative and effective knowledge of the issue.
- Collaborate with all tourism players.
- Provide technical assistance to all those interested in the issue.

Law Enforcement:

- Stricter enforcement of existing legislation.
- Creation of stronger legislation
- Closer relationship with communities and concerned NGOs.

State Protection Services:

- Develop better monitoring systems.
- Fully incorporate the issue of sexual exploitation and trafficking of children into state policy.

2. ECPAT INTERNATIONAL: BACKGROUND AND THE PREVENTION OF CHILD SEX TOURISM

ECPAT International is a global network dedicated to eliminating the commercial sexual exploitation of children. It seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free from all forms of commercial sexual exploitation (CSEC). ECPAT began in the late '80s as a campaign to raise awareness of the growing incidence of CSEC in Asia, and gradually extended to formalise links with other groups and organisations around the world. The ECPAT network is currently comprised of 69 members in 61 countries.

In 1996, ECPAT, UNICEF and the NGO Group for the Convention on the Rights of the Child co-organised the First World Congress Against Commercial Sexual Exploitation of Children, hosted by the Swedish government in Stockholm. The Agenda for Action, providing for specific actions to be taken to prevent, protect, rehabilitate and reintegrate child victims of commercial sexual exploitation, was then declared by 122 governments. Significant efforts to combat CSEC were made in the years that followed, and in 2001, during the Second World Congress Against Commercial Sexual Exploitation of Children hosted in Yokohama by the Japanese government, the Agenda for Action was reaffirmed by 159 governments.

Today, ECPAT International continues to monitor closely the commitments made in Stockholm and Yokohama. In addition, ECPAT conducts a variety of child sex tourism prevention activities and collaborates with private and public sector actors as well as NGOs to provide better protection of children from sexual exploitation in tourism. Promotion and implementation on the Code of Conduct, training of tour operators and travel companies, technical assistance to organizations and governments and coordination of regional strategies are just some of the activities undertaken by ECPAT International and groups of the ECPAT network. A core aspect of ECPAT tourism activities is the development of in-depth and reliable expertise on the issue of Child Sex Tourism. Because Child Sex Tourism is not confined to any one destination and can shift in location and manifestation quite easily, prevention efforts must anticipate what factors will most influence the development of CST in a growing tourism destination quickly and accurately. This means precise field research and intelligent analysis must be conducted of past and present situations to better address and prevent the development of child sex tourism. Without the continuous and mature study of Child Sex Tourism, awareness campaigns, technical assistance and coordinated tourism prevention activities will simply be less effective.

3. PROBLEM STATEMENT

3.1 Overall Goals

The overall goals of this research are:

- To gather information on the nature, scope and manifestations of child sex tourism (CST) in the selected countries in South Asia (Nepal, India, Sri Lanka).
- To identify key-actors connected with CST in selected tourism settings in these countries and study the interplay within and outside the tourism industry that facilitates CST in those contexts
- To identify actions which can be taken at different levels to combat CST based on findings

4.2 Outcomes and Performance Measures

Outcomes:

- Situation analysis of the tourism sector in India, Nepal, Sri Lanka
- Comprehensive situation analysis of CST in targeted areas of India, Nepal, Sri Lanka
- List of key stakeholders at national and local level capable of influencing CST
- Identification of existing measures and gaps in legislation, law enforcement and care and protection of children from CST
- Recommendations on priority actions to be taken for combating CST in the selected areas of the region
- Needs analysis of stakeholder capacity and interest in combating CST

Performance Measures

- Information is collected and the research program progresses in accordance with agreed standards and timeframes.
- Ability of researchers to respond to requests for supplementary information, especially if clarification is needed by ECPAT or Lead Researcher.
- Full and complete monthly, midterm reports, Final Draft and Final Version.
- Revision of drafts based on input by ECPAT and Lead Researcher at midterm and final stages of research.
- Clear and complete responses to questions asked by ECPAT and the Lead Researcher regarding all reports.
- Elaborated guidelines for Focus Group Discussions and in-depth interviews in writing.
- Summaries of information extracted from information/interview sessions.
- Qualitative data to be complemented by quantitative data regarding origin of the information presented.
- Ethical considerations respected in full throughout entirety of research project.

5. COLLECTIVE METHODOLOGY

A research methods and planning workshop was held in Bangkok on July 1-2, 2003. Participants included representative members from all research teams and staff of ECPAT International. The purpose of the workshop was to discuss and agree upon a common understanding of participatory approaches to research including the participation of children and young people through interviews and focus group discussions. The Rapid Appraisal Method (RAM) was thought to be the best approach for this study as both time and budget were limited. RAM methods discussed included:

- Key informant interviews
- Focus groups
- Community interviews
- Observation
- Drawings and visual methods
- Mini-surveys

Finally, a Terms of Reference (Minimum Standards) document, taking into consideration the outcomes of the Planning Workshop, was compiled by ECPAT International in collaboration with the Lead Researcher in order to provide final guidelines for each research team.

Mid Term reports were prepared by each research team and shared with ECPAT International and the Lead Researcher. Feedback and guidance was provided to each team before they went on to complete the research.

A peer review workshop has also been built into the programme and a Lesson Learned document prepared.

ECPAT would like to again thank ***Ms. Diksha Mudbhary*** for her excellent analysis of developments and policies of the South Asian tourism industry. This research provided a strong backdrop to each country report and strengthen the analysis as a whole.