

Scott Free!

Protecting Children against Sexual Exploitation in Tourism Challenges and Imperatives in the Indian Situation

EQUATIONS

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How many more of our children will we watch being destroyed for the pleasure and entertainment of adults, who go scot-free? Child exploitation in tourism is an organised and serious crime and it is growing. It demands committed and concerted action. Research, studies, investigations and police cases unearths that child sexual exploitation is a rampant crime in India and tourism is guilty. This paper reports on the growing concerns, the myths around child sexual exploitation, history of abuse and impunity, pinpoints destinations of abuse and the weak laws that allow child sexual exploitation to continue. Given this rather bleak landscape of pervasive and widespread abuse linked to tourism, the paper converges on the basic and minimum steps that different bodies must take with the greatest priority if there is to be hope for India's children.

Growing Tourism, Growing Concerns

India is home to 19 percent of the world's children¹. More than one third of the country's population, around 440 million, are children (below 18 years). Despite its claims to non-violence, tolerance, spirituality and a new trillion-dollar economy, India has the largest number of sexually abused children in the world. Every day, more and more children are subjected to sexual exploitation and sexual abuse. The National Study on Child Abuse (commissioned by the Ministry of Women and Child Development (MWCD) April 2007²,) covered 13 states in India and a sample size of 12,446 children. It revealed some rather ugly facts. Over half the surveyed children (53.22%) had been sexually abused. The report states that more boys than girls were harmed and 21 % of the children reported severe abuse. The most affected were children at work (61% reported sexual abuse) and street children (54%) were most vulnerable to sexual abuse.

Ministry of Tourism³ (MoT) Government of India data indicates that the foreign tourist arrival in India, which was 2.29 million in 1996, reached 5.08 million in 2007. The number of domestic tourists recorded as 140.12 million in 1996 increased to 526.56 million in 2007. The tourism industry contributed 5.9 per cent to the country's gross domestic product (GDP). According to the Ministry of Tourism's National Tourism Satellite Accounting Report for India (2006) claims that tourism supports 38.6 million jobs (directly and indirectly), thereby making up 8.2 per cent of the total jobs.

Tourism policies and plans at the national and state level have tended to focus on the unbridled growth and promotion of tourism with the mantra of increased arrivals privileging infrastructure, connectivity and transportation, high end accommodation and converting as many places as possible into tourism destinations. In their absorption to achieve this, the huge negative impacts of tourism – and its most shameful one – the sexual exploitation of children gets little attention. Perhaps the fear that if sex tourism is clamped down on, the arrival figures and contribution to GDP may suffer is a fact that policy makers find difficult to admit.

While different ministries and bodies, particularly those concerned with child rights, have seen the links of tourism and the exploitation of children, it is unfortunate that the tourism stakeholders have not done likewise and continue to exhibit apathy and denial. The Eleventh Plan Document of the Planning Commission of India, the apex planning body of the country records the direct contribution of tourism in the exploitation of children - child labour, trafficking, and sexual exploitation. This link was made in the Social Sector report in Section 6 "Towards Women's Agency and Child rights"⁴ for which the inputs are coordinated by the Ministry of Women and Child Development. However the section on tourism (inputs coordinated by the central Ministry of Tourism) makes no reference to this and has no steps laid out to mitigate this most shameful and painful aspect of unregulated tourism growth.

Busting the Myths

There is a widely and conveniently held myth that tourism related child sexual abuse in India is a phenomenon that is sporadic, mostly limited to Goa & Kerala, and linked only to a small section of foreign tourists. A series of studies over the years have clearly highlighted the links between tourism and the rampant existence of child sexual

abuse in other parts of the country indicting both domestic and foreign tourists. EQUATIONS' contribution to some of these studies is mentioned below.

EQUATIONS study *Coastal Sex Tourism and Gender (2002)* commissioned by the National Commission for Women (NCW), highlighted the prevalence of child sexual abuse and prostitution in Puri, Orissa.

Another study, *Situational Analysis of Child Sex Tourism in India (2003, Goa and Kerala)*, commissioned by ECPAT International, reported a rise in prostitution and trafficking in women and children for the purposes of sex tourism and labour. The study also revealed that child-sex tourism was facilitated with the help of intermediaries who assisted tourists in accessing the children, such as with local hotels and lodges, tour operators, former victims of paedophiles serving as procurers, beach boys, 'pilots' or motorcycle taxi drivers, and shack owners.

In 2006, a study on *Trafficking of Women and Children in India*, commissioned by the National Human Rights Commission (NHRC)⁵ provided further evidence of the growing phenomena of child-sex tourism in pilgrim, coastal tourism and most major tourist destinations such as Kerala, Delhi, Agra-Uttar Pradesh, Jaipur-Rajasthan, Orissa, Andhra Pradesh, and Pondicherry. The study also noted that the beaches of Goa and Kovalam were increasingly becoming destinations for those seeking child prostitutes.

In 2007, the Women and Child Development Minister, Renuka Chowdhury, admitted in response to a question from the floor in the Lower House of Parliament (Lok Sabha) that studies conducted by the National Human Rights Commission (NHRC) and the National Commission for Women (NCW) show that in the name of pilgrim heritage and coastal tourism, sexual exploitation of children is quite widespread⁶.

The 2006 ban on child labour in the hospitality industry (by the Ministry of Labour) rubbed the sheen off tourism brochures by its categorisation of the hospitality industry as hazardous in the context of child labour. However very little has been done to implement the ban in any sensible or systemic way and reactions of law enforcement officials have been mostly knee jerk resulting in further harassment and abuse of children.

The other important event in the legislative space was the Goa Children's Act (2003), legislated by and applicable to the state of Goa, well known for its reliance on tourism. This Act for the first time in the country recognised that tourism is a contributor to child exploitation. This was an outcome of several years of advocacy by child rights groups in Goa and outside the state to push for legislation which had teeth. An entire section recognises and deals with the protection of children in the context of tourism and places specific responsibility on different stakeholders. Within two years of its enactment it was amended in 2005. The amendment diluted the timelines for implementation without adequate rationale and omitted few important sections from the Act. One of these was Section 8 (11) which stated that offences in case of tourism related child sexual abuse are non-bailable offences under the Criminal Procedures Code. This unfortunately makes the Act virtually toothless in relation to sexual exploitation of children by tourists in Goa. Six years after its enactment only seven cases have come up before different Courts in Goa in relation to sexual exploitation of children by tourists, of which only two offenders have been convicted.

The evidence of the links between child abuse and tourism is clearly in the public domain as the examples above indicate. What is unfortunate in the Indian context is the fact that two key tourism players - the Ministry of Tourism & State Tourism Departments, as well as the industry, have taken very few active steps or even a clear position against child sexual abuse.

A Long History of Abuse and Impunity

One of the earliest cases in India of child abuse in tourism (1991) was of Freddy Peats (male 76, unknown origin). Several young boys sexually and physically abused over years, were in an orphanage run by Peats in Goa and abusers were mostly foreign tourists. Peats was convicted in 1996. This should have served as an alert of the existence of an organised system but it was dismissed by officials and the industry as an aberration.

Soon after, in February 1999, Brinkman Helmut, (male, 57 years German) was found guilty by the assistant sessions judge Panaji under Section 373⁷ and 377⁸ of Indian Penal Code (IPC), for hiring of a minor for illicit or immoral purpose and for committing unnatural sexual offences in Goa. He was awarded six years rigorous imprisonment. Brinkman appealed and was acquitted by the additional sessions judge in September 1999. In October 99 he left the country within the appeal period even though his passport was still with the Goa police. Intense pressure by civil society organisations resulted in the state filing an appeal in the High Court. The judges rejected the appeal on grounds that

Brinkman was not in Goa and had probably gone back to Germany. There was one more appeal to the Supreme Court where it was dismissed on the same grounds!

Duncan Grant, 62 and Allan Water, 58. both male, British nationals were sentenced to six years' imprisonment and fined 20,000 pounds sterling each by the Bombay High Court in March 2006 in a landmark judgement known as the Anchorage case. In early 2001, a court-appointed panel concluded that the management of the Anchorage shelter homes, run by the Britons, was physically and possibly sexually abusing children. When Childline India filed a police complaint based on the boys' signed statements and videotaped interviews, Waters and Grant fled the country. Concerted pressure from NGOs resulted in Interpol being asked to move against Waters and Grant. Waters was extradited from the United States to Mumbai in 2004 while Grant was tracked down to Tanzania where he had started another Anchorage children' shelter. He surrendered to the Mumbai police in June 2005. In July 2006 based on an appeal the High Court acquitted the accused, overturned and dismissed this landmark judgement – the trial of which had taken 7 years! Child line has now appealed to the Supreme Court.

In 2003, a Swiss couple, 61-year-old Wilhelm Marty, described as a general manager for a multinational company, and 58-year-old Loscher Marty, were convicted of paedophilia linked charges and sentenced to seven years rigorous imprisonment but managed to escape in circumstances that suggested bribery.

Wulf Werner Ingo (male, 54, Australian) was found guilty by the assistant sessions judge Panaji under Section 373 and 377 of the Indian Penal Code (IPC). He fled from India to Australia. In 2005 he was extradited from Australia to India by the Australian Federal Government to face charges over his role in Freddy Peats' paedophile network. He was placed in police custody in Delhi on 4th August 2006. The case against Wulf Werner Ingo is still going on in the Courts in Goa before the additional Sessions Judge.

Dominique Sabire, French national arrested by the Delhi Central Bureau of Investigation (CBI) in the child abuse racket run in Goa by Freddy Peats in the early 90's, also disappeared from India .

In yet another case in May 2008, the Kovalam police, Kerala, arrested an Australian national, Michael Corbett Joseph for indulging in unnatural sex with male children. Michael Corbett Joseph left the country, taking anticipatory bail in July 2008, on grounds that his mother was seriously ill and the Sessions Court in Trivandrum released his passport on condition that he would return in three months. Corbett submitted a faxed document as evidence in court that his mother had met with an accident and on that basis obtained three months bail! Though his deadline to return has long expired, the court has not yet issued a warrant against Corbett or his sureties

In October 2008 a team of EQUATIONS, Kerala Mahila Samakhya Society⁹ and a reporter from Indian Express, conducted an investigation in Kovalam, Kerala based on a tip off EQUATIONS had received from a Swiss tourist couple. Our investigations revealed that over 20 young boys from poor families were being abused over the past 15 years by Jakob Spalti (age 82, male, Swiss national). Their silence was bought by Spalti by giving money to the families and gifts in cash and kind including motorbikes and money to build homes.

Based on the commitment of support EQUATIONS and our partners offered, a complaint of long-standing sexual abuse was lodged by three minor boys and one young man (now age 21 - but was being abused by Spalti for the last five years). EQUATIONS and Mahila Samakya also filed complaints. The complaint was filed under Section 377 of the Indian Penal Code The police seized the passport of Spalti after recording the statements of the boys. Links with ECPAT member PEACE in Sri Lanka confirmed that Spalti has a history of abuse of boys in Sri Lanka as well. The day after the complaint was filed in the local police station, 3 of the minor boys withdrew their cases, but the 21 year old persisted. It took weeks for the court to issue the summons for the victim to testify.

Although the case was filed under Section 377 which is a nonailable offence, Spalti had approached the Sessions Court for anticipatory bail. The Public Prosecutor whose role is to assist the Court by placing before it all relevant aspects of the case did not seem to be particularly interested to pursue the facts and help bring the offender to book. He seemed to be more interested in the court being sympathetic to Spalti's anticipatory bail.

Within a month from of filing the complaint, Spalti secured bail again and left the country on grounds that his visa had expired (ironically he also quoted his advancing age, poor health and the fact that he engages in charitable activities as reasons to deserve bail!! These however did not prevent him from abusing children). Recently Spalti has returned probably because the Swiss laws are far more stringent than Indian laws. In spite of the fact that various

departments and officials at the highest levels – tourism, social welfare, the police, the child line have been made aware of the issue and enough time has lapsed for the evidence to be collected, and the fact that EQUATIONS along with other organisations and the media have kept the heat on, Spalti has not been arrested till date and lives a free man.

Perhaps the only good that has emerged out of this sorry case so far has been that due to the consistent pressure and demand for action that we put on various departments they met and discussed some coordinated approaches – perhaps for the first time in the case of child abuse in the context of tourism in Kerala. Kerala tourism is on the verge of declaring Kovalam a zero-tolerance zone for child abuse – again a historical first in the country. EQUATIONS is working to push for this to go beyond statements of good intentions and to evolve clear implementable mechanisms and define accountability for action and protection that involve communities, the police, child line, the tourism department, the social welfare department and tourists. But this is clearly taking its time.

As the cases above show there is a long way to go on each of these areas and as civil society organisations we have to bring to bear intense pressure to achieve results. However as long as individual cases are reported and abuse by foreign tourists alone is highlighted, and a few convictions occasionally handed out, the severity of the problem and its prevalence and spread remains hidden.

The following section highlights the issue of male child sexual abuse by both domestic and foreign tourists and shows how while Goa and Kerala are to some extent under the scanner, the spread of this problem to many other places and the indifference and denial of officials and the industry continues unabated.

The Exploitation of Male Children in Tourism Destinations – A Monster that Grows

As the earlier section indicated, most reported cases of tourists involved in sexual exploitation have been foreign men. It is assumed that their victims are either women or girls. However the victims are often male children. The double standards that society has about homosexuality and the fact that it is still criminalised in India, makes the problem less visible. Added to this is the relative anonymity of tourists that allows such exploitation to go unchecked.

In 2006 ECPAT commissioned a study on the prostitution of boys in South Asia¹⁰. The study indicated that prostitution of boys is an upcoming problem in India¹¹, Nepal, Sri Lanka, Pakistan and Bangladesh. Exploitation occurs on the streets, in markets, bus terminals, hotels, restaurants and religious establishments. A large number of boys living on the streets are victims of sexual exploitation, and the average age of boys being forced into exploitation was 12.5 years or younger. The majority of sexually exploited boys experienced sexual abuse prior to their entrapment into prostitution.

Following the South Asia study, EQUATIONS wished to study this problem further and understand the specific links to tourism. With ECPAT International's support we set out to study male child abuse in well known pilgrim centres in India. This study released in March 2009, gives clear evidence of prostitution and sexual abuse of male children in well known and revered pilgrim tourist sites of Tirupati (Andhra Pradesh), Puri (Orissa) and Guruvayoor (Kerala).

Tirupati (Andhra Pradesh)

Tirupati is well known for the temple of Lord Sri Venkateswara on the Tirumala Hills. One of the most visited religious sites in the world, in 2007 the temple drew over 20 million visitors mostly domestic and non-resident Indians. Very few foreign tourists come to Tirupati. For this case study we interviewed nine children, all male, with ages ranging from eight to eighteen.

The children spoke of domestic tourists who visit them regularly for sex. A few of these tourists prefer to have the same child during their next visit to Tirupati as well. This is done by contacting the child through phone, or by e-mail (which the children use in cyber cafés) to fix a place and date to meet. There are no middlemen for mediating with the clients. Some of the children were abused when they were as young as six to ten years old. By age fifteen they were engaged in prostitution catering mainly to domestic tourists as well as local people. Sexual abuse takes place in hotels, lodges, deserted construction sites, playgrounds, parks, cinema theatres, railway stations, stadia, cemetery etc. Domestic tourists often use small lodges and rooms in bars for this purpose. These children earn Rs.500 to 2000 per day. A few of the children work part-time in small hotels. They are sexually exploited by the seniors working with them in the lodges and hotels and get poorly paid. However they continue to work in these places as it brings them into contact with customers who come both to eat and to have sex with hotel boys. The children spoke of the pressure on them as a male child to earn a living for the family, as a reason to take up prostitution. They felt that

while it is often humiliating, they do not have an option to disassociate themselves now from the sex trade. Family members see less risk when male children are involved in selling sex as compared to girls, as the social stigma is less and fear of pregnancy does not exist

Puri (Orissa)

Puri is the site of the 12th-century temple of Lord Jagannatha. The number of domestic tourist arrivals in Puri in 2007 was nearly 6 million and foreign tourism arrivals around 42000. We also investigated Pentakota, a fishing village near Puri consisting of fishing families who migrated from Andhra Pradesh. We interviewed thirteen male children, eight from Pentakota and five from the Puri beach area. They were between the ages of six and eighteen and all were affected by sexual exploitation.

For these children building relationships with foreign tourists was more "profitable" than domestic tourists as foreign tourists provided them with toys, chocolates, cycles, nice dresses and sometimes even money to renovate or build houses. Sexual abuse takes place in places like railway stations, hotels, small local food joints (called dhabas), lodges, on the beach, massage parlours and local prostitution houses. Most foreign tourists use hotels while domestic tourists use small lodges and rooms in the bars for this purpose. A number of massage parlours and health clubs have mushroomed in Puri that primarily cater to foreign and domestic tourists, where prostitution takes place involving both adults and children (both male and female children). Some foreign tourists stay in hotels near slum and poor localities. They walk into the slums and poor families felt gratified at a foreigner visiting their home. They then took the children out and start abusing them, sometimes using force. In some cases the children do not say anything because they are scared. They feel that if they refuse they will miss the opportunity of enjoying their life. The children said that in exchange for sex they get what they wanted such as good clothes, food, going around to new places, movies, money, and sometimes even satisfying family needs. Most of the children had sex with a wide range of tourists, some who pay just Rs. 50 while others pay Rs. 200 per day, and the rates differ from day to day.

Guruvayoor (Kerala)

Guruvayoor the site of the famous Sree Krishna temple also is a popular domestic tourist destination. In 2006, over one million domestic tourists and about 1500 foreign tourists visited Guruvayoor. In Guruvayoor the issue of child sexual abuse is less visible. Unlike Tirupati and Puri, children were not seen living on the streets. The ban on child labour being enforced by officials in Kerala resulted in the department's jeeps prowling the district, and any homeless child seen on the street being picked up. As a result, child abuse cases have become even more hidden and covert.

However in discussions with community members in the surrounding villages, anganwadi teachers and workers, it emerged that it was common knowledge that male children are abused and involved in prostitution. The stories around the prevalence of homosexuality/bisexuality abound, and there seems to be a cultural acceptance of this. In early times, trading by the sea route was common from nearby Chavakkad and Ponnani areas. When men went to sea for several days on end they took smaller boys with them for sexual servicing. In the current scenario many of the men are in the Gulf countries and their remittances back home is a backbone of the economy. When they return, they engage in the abuse of male children. Discussions with women revealed that they often felt relieved that the men were not involved in extra marital relationships or seeking women prostitutes. In Guruvayoor, though law executing bodies have heard about male child sexual exploitation they have not heard of any registered case or any complaint from any one residing in the area. We could not find any evidence of foreigners being involved in child abuse in Guruvayoor. It seemed from the discussions and opinions of community members that tourists who were involved in such abuse were primarily from within Kerala.

Weak Laws and Lax Implementation

The key bodies concerned with child related laws are the Ministry of Women and Child Development, the Ministry of Labour the National Commission for the Protection of Children and the National Human Rights Commission There continue to be major gaps in provisions relating to child abuse, particularly in cases of trafficking, sexual and forced labour, child pornography, child-sex tourism and sexual abuse and assault of male children. While the laws deal with sexual offences in India, they do not specifically address child sexual abuse. In fact, the India Penal Code 1860 (IPC) does not define 'Child abuse' and Child sexual abuse has so far been largely ignored by the Indian legal system. The Goa Children's Act (2003) is the first to define child abuse and child trafficking but as mentioned earlier there is much to be desired in its implementation

The Indian legal system still recognises only peno-vaginal sex. Section 377 of the IPC criminalises 'carnal intercourse against the order of nature'. Thus, this section has been used against a wide range of sexual behaviour, such as oral

sex (heterosexual and homosexual), sodomy, etc. Section 377 does not differentiate between an adult and a child. Under this section, homosexuality is a crime in India. This along with social taboos results in cases of sexual exploitation of boys often going unreported and shrouded behind a veil of silence, shame and secrecy. Most interventions in India with regard to this target group have been on HIV/AIDS awareness. Very little has been done either by Government or civil society to develop and coordinate rescue, rehabilitation and welfare programmes for male children who are victims of sexual exploitation.

According to the IPC, only rape and sodomy can lead to criminal conviction. Any sexual abuse other than rape, as per IPC, amounts to 'outraging the modesty' of the victim. It does not address the issues of sexual exploitation of children per se. While Sec. 376 IPC seeks to provide women redress against rape, it is rarely interpreted to cover the range of sexual abuse of children that actually takes place.

To complicate matters further, a child is defined differently in various legislations in India. Under the Constitution of India and the Child Labour (Protection and Regulation) Act, 1986, a child is a person who has not completed 14 years of age. Under the Juvenile Justice (Care & Protection) Act 2000¹² (JJ Act), it is 18 years for both boys and girls. Under the Immoral Traffic (Prevention) Act, 1956, a child means a person who has not completed the age of 16 years.

The delay in the judicial proceedings and the time taken by the investigation officer to prepare a charge sheet for a crime is long delayed process due to which the victims become hostile or lose interest in the case, vital evidence goes missing, case papers are misplaced, the victims family is pressurized to withdraw the complaint under fear of dire consequences, or delayed filing of charge sheet results in delaying the trial.

Lack of extra-territorial law allows the offender to escape punishment by leaving the country/state. India's cyber laws are weak and in spite of strong civil society lobbying, the amended Information Technology Act does not have strong provisions to arrest pornography involving children on the Internet.

A *draft law* proposed by the Ministry of Women and Child Development in 2006 *The Offences against Children Prevention Bill*, (draft) specifically aimed at protecting children's rights has been under preparation for a while now. Civil society groups such as us have lobbied to ensure that gaps are addressed - including the definition of 'child in need', ensuring that the age of a child is not reduced to below 18, defining commercial sexual exploitation (child-sex tourism e.g.), child sexual abuse and pornography as well considering child abuse and exploitation of children in a context that is not commercial, as this is a loophole used by offenders. However we will know only when such a law actually sees the light of day.

Challenges and Imperatives

Given this rather bleak landscape of pervasive and widespread abuse linked to tourism, the impunity of abusers, the apathy and hypocrisy of officials, the indifference of the industry and the weak legal system what hope is there for India's children?

We note below some basic and minimum steps that different bodies must take with the greatest priority and sense of urgency

The UNWTO

- To work with various formations of industries (small and medium scale enterprises, and the informal sectors) and not just large enterprises, towards informing global strategies and steps.
- To hold detailed consultations with multiple stakeholders at national and regional level. To engage with and learn from NGOs and networks working on child rights and the protection of children in different country contexts
- To encourage and support research studies and action research to understand the realities on the ground. This will indicate UNWTO's commitment to the issue much more strongly beyond organising Task Force meetings, and help it be accountable for clear impacts and outcomes
- The Global Code of Ethics for Tourism must be expanded on to detail the problems of exploitation of children and to clearly condemn and act on tourism's complicity and role in child trafficking, pornography, child labour and sexual exploitation of children.
- An index for assessing the seriousness of national governments to address the issue must be developed so that governments, tourism boards, industry and civil society organisations can be held accountable for action on this front. The index could have elements of strong national legislation, coordination between various state

bodies and law enforcement, international coordination, role of private sector and involvement of civil society organisation as key indicators.

International Organisations

- Support with research and put pressure on our national and state governments to follow international protocols for protection of children from sexual abuse.
- Governments should have a protocol of rapid information sharing and collaboration particularly among police and immigration authorities to handle cases of foreign tourists fleeing the country.
- While work on the codes of conduct is a powerful awareness tool – its impact on actually preventing and protecting the bulk of children from being abused needs to be assessed. The strategies about whom the code addresses, and how more action orientation can be ensured needs to be debated. Industry has insisted on voluntarily codes and self –regulation. This simply does not work!

National and State Policy and Legislature

- The National and State Tourism Policies need to admit that tourism in its current forms exploits children, clearly denounce sexual exploitation of children and commit that tourism and tourist destinations in India will be child exploitation free zones. The highly successful Incredible India campaign can also pay attention to this incredible shame of Indian tourism.
- The Ministry of Tourism should expand its role from a promotion and road show department, with occasional knee jerk reactions when tourism’s image is threatened, to becoming a genuine policy maker and regulator. A “National Plan of Action to Counter Child Abuse In Tourism” by involving all the stakeholders such as industry, tour operators, travel agents, hotels local authorities, the judiciary , the police, child rights and other civil society organisations and communities should be set up and implemented seriously to ensure the combating child abuse in tourism. An extensive media campaign to inform tourists targeting both domestic and foreign tourists that the exploitation of children and Child Sex Tourism is not acceptable in our country should be run.
- Child sex crimes are still considered trivial and minor crimes in India. The Ministry of Women and Child Development should ensure comprehensive Act so that sexual abuse and exploitation of children (both male and female) is considered a very serious crime, non bailable, severe and deterrent punishment to the offenders is imposed.
- While India prides itself on being global player in the Information Technology sector – it has an abysmal record on basic laws to prevent the abuse of children that such information and communication technology so easily facilitates. The Information Technology Act (amended 2008) must be amended once again to clearly define and criminalize all acts linked to producing and distributing child pornography as well as possessing child pornography material.
- Immediate steps should be taken to adopt extra territorial laws and initiate appropriate action to ensure that no offending tourist (foreign and domestic) escapes the law.
- Indian Law on prostitution is a contentious issue on which civil society debate has also taken polarised positions. However the law cannot ignore children. It must clearly define which activities and types of remuneration are prohibited, and criminalise all acts of obtaining, procuring or providing a child for prostitution, as required under the Optional Protocol. In addition, legal protection against sexual exploitation must be granted to male children.
- Mechanisms and structures such as State Commission for protection of children must be formed. Hotline and Childline services must be strengthened and revived by guaranteeing that they have the networks and services that callers need.
- Rescue, rehabilitation and caring treatment of children in prostitution and their integration into their homes or in spaces which offer them security and dignity must be ensured. The male child needs particular attention as his needs are often ignored.
- The apathy and insensitivity of Indian bureaucrats to this issue is legendary and they seem to live in a state of perpetual denial. Capacity building of the police, government departments, immigration, airport authorities, hotel and travel industry, and local NGOs to address child pornography and child abuse issues is critical. Also as the victims are usually poor children there is a sense of expendability and very little middle class pressure or outrage. Tourist police for instance end up protecting tourists but do not think it their role to protect children from being abused by tourists!

The Tourism, Travel, and Hospitality Industry

- In India the tourism industry has distanced itself from the problem. This has to change. It is also not sufficient to focus mainly on awareness building, it is time the industry moved beyond that to demonstrate accountability. Much of the child abuse is visible (though not restricted to) the small and medium and informal sectors. Associations of the industry must be willing to act to deal with the problem not just in terms of what happens on their own premises – but recognising that much of child abuse happens in small houses, lodges, on beaches, in the street. Travel and Tourism linked bodies and associations must reach out to these sectors and not shrug off the problem as being “not in my backyard”.
- Beyond a point, voluntary codes and guidelines are ineffective. This has been seen both with environmental violations and violations such as child abuse. The industry must move beyond its corporate social responsibility rhetoric and be willing to take and demonstrate accountability, be willing to be subject to stringent laws of the land, indeed push for them as a demonstration of their commitment to eliminate child abuse.

How many more of our children will we watch being destroyed for the pleasure and entertainment of adults, who go scot free? Child exploitation in tourism is an organised and serious crime and is growing. It demands committed and concerted action. Governments, international bodies and the tourism industry must approach this with a sense of urgency and outrage. They must play proactive, decisive and demonstrated roles in protection of children and promise that tourism will be ethical, humane and non exploitative.

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Contact us

info@equitabletourism.org

+91-80-2545-7607 / 2545-7659

EQUATIONS, # 415, 2C-Cross, 4th Main, OMBR Layout, Banaswadi, Bangalore 560043, India

www.equitabletourism.org

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- 5 "Trafficking of Women and Children in India", study commissioned by National Human Rights Commission, 2003. , can be accessed at <http://nhrc.nic.in/Documents/ReportonTrafficking.pdf>.
- 6 Times of India "Child sex tourism prevalent in India", Renuka Chowdhury, , New Delhi., 23rd November 2007, can be accessed at <http://timesofindia.indiatimes.com/articleshow/2565154.cms>
- 7 Section 373 of IPC states -Buying Minors for purpose of prostitution, etc. – Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, of knowing it to be likely that such person will at any age he employed or used for any purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
- 8 Section 377 of IPC states Unnatural Offences- Whoever voluntarily has carnal intercourse against the order of nature with any man, women or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.
- 9 Kerala Mahila Samakhya Society was initiated in 1987-1989, under Department of Education and Social Welfare, Government of Kerala with a goal of National Policy of Education and Empowerment of women in rural areas, particularly of women from socially and economically marginalised group.
- 10 ECPAT International, "Situational analysis studies on prostitution of boys" in Bangladesh, India and Pakistan in collaboration with its partner organizations, 2006.
- 11 Situational Analysis report on Prostitution of Boys in India (Hyderabad), June 2006, ECPAT International
- 12 JJ Act is a law relating to juveniles in conflict with law and child in need of care and protection. The Juvenile Justice Act 1986 is the primary legal framework for juvenile justice in India. The Act provides for a special approach towards the prevention and treatment of juvenile delinquency and provides a framework for children in need of care and protection. The idea of a Children's Court was first mooted in the Government of India Children's Act 1960. The Juvenile Justice (Care and Protection of Children) Act, 1986 replaced the Children's Act, 1960