

Protecting Children from Sexual Exploitation in Tourism : the Indian Context

EQUATIONS, India

overview

- India's children : 440 million (19% of the worlds children)
- 53% are sexually abused (National Study on Child Abuse, 2007 Ministry of Women and Child Development, Government of India, sample 13 states, 12446 children (in family situation no school, school going, working , street children, institutional care)

Growing tourism , growing concerns

Foreign tourists

2.29 million (1996) to 5.08 million (2007)

16% each USA and UK, 9.5% Bangladesh, 4% each Canada, France, Sri Lanka, Germany,

Domestic tourists

140.12 million (1996) to 526.56 million(2007)

- Tourism policies & plans focus on unbridled growth & promotion of tourism.
- Central Ministry of Women and Child development, Ministry of labour, National Human Rights Commission have the child exploitation & links to tourism.
- Ban on Child labour 2006, Goa Children's Act 2003 (2005), 7 cases , 2 convictions
- Tourism Ministry and the Tourism industry are in denial

Busting the myths

- The Myths
- CST - a phenomenon that is sporadic, mostly limited to Goa & Kerala
- Linked to a small section of foreign tourists
- The realities
- Kerala, Goa, Delhi, Uttar Pradesh, Maharashtra, Rajasthan, Orissa, Andhra Pradesh, and Pondicherry, Karnataka.
- Very large number of domestic tourists are child abusers , evidence of increasing male child abuse

Abuse and impunity

- 1991 Peats (76) convicted 1996
- 1999, Brinkman (German 57) convicted Feb 99 six years RI, appealed & acquitted Sept, left the country Oct even though passport with police, state appealed in High court rejected, state appealed in Supreme court rejected- reason Brinkman not in the country!
- Grant 62, Water 58 British sentenced 6 years RI, trial for 7 for 7 years, extradited, landmark judgment in March 2006, appeal and acquitted in July 2006, in supreme court
- 2003 Marty 61 & 58, Swiss couple, convicted , 7 years RI, fled the country

Abuse and impunity

- Wulf Ingo Australian 54 (Peats case) fled , extradited in 2005 . Case going on in Goa . Dominique Sabire – disappeared
- May 2008, Michael Joseph (Australian) arrested, left the country on bail – fax that his mother was ill. Not returned. Court has not yet issued a warrant on him or his sureties.
- October 2008 EQS investigated Jakob Spalti (82, Swiss)– more than 20 boys over 15 years. 4 complained , 3 withdrew. History of abuse in Sri Lanka. Bail twice, left the country. Has returned , no arrest yet

Male Child Sexual Abuse

- **EQS Research 2008**
- **In revered pilgrim sites – Tirupati, Guruvayoor, Puri**
- Children between 8 and 18. Some abused even younger . Very poor families , abused at young age and forced into full time prostitution.
- On the streets, on the beach, in seedy bars, lodges, rooms on hire, massage parlours, desolate places. Tirupati and Guruvayoor domestic, Puri foreign and domestic.
- Those working in small hotels and lodges were sexually abused by the senior boys and men in the hotel
- family pressure to survive – could not get out of the clutches. Shame + stigma +Humiliation+ no protection/recourse
- Offered them goodies that they could not get otherwise

Weak Laws + lax implementation

- Child abuse not defined in the law (except Goa act), “age” of the child varies under different laws
- most cases under 377 (criminalising homosexuality) does not differentiate between adult and child
- male child abuse in particular goes underground and completely unreported,
- Very poor record of convictions –crimes against children are treated as minor crimes, added to that delay in judicial proceeding , victims , witness turn hostile , threats pressure, complete lack of coordination between various officials
- No extradition or extraterritorial laws, offenders escape with impunity
- Information Technology Act – very weak provisions against child pornography

what hope for India's children?

- pervasive and widespread abuse linked to tourism- poor children, lodges, street, beaches, seedy bars massage parlours –NOT the medium or big hotels
- impunity of abusers -domestic tourists get away scot free.
- apathy and hypocrisy of officials – particularly tourism
- Complete indifference of the industry- silence
- Weak and ineffective legal system

Imperatives

- Work with different sections of the industry – particularly those where the abuse is most rampant – small medium informal.
- Strong stringent legal provisions
- COORDINATION/international pressure particularly on Indian tourism officials
- Research , data from the ground – engage more with those who work on the issue.
- Codes? Examine the effectiveness of its current strategies – influence impact and accountability
Industry- Voluntary codes serve a limited purpose. Not in my backyard!