

ISSUES PAPER

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HOW VOLUNTOURISM MAY FACILITATE THE SEXUAL EXPLOITATION OF CHILDREN



In late 2021, experts estimated that international tourism would return to 2019 levels by about 2024.¹ Domestic tourism continues to flourish in many countries. The post COVID-19 rebound in travel and tourism will bring back the economic benefits tourism represents for destination countries. However, so too will some of the risk return that tourism can pose to the safety and protection of children.

Child sexual exploitation in travel and tourism

While tourism itself does not cause the sexual exploitation of children, it is an avenue that offenders may use to access vulnerable children.² Children of all ages, genders, and circumstances are sexually exploited by both foreign and domestic offenders who misuse travel and tourism infrastructure and services all over the world.³ Tourism operators and accommodation providers are incentivised to ignore tourists engaging in grooming and sexual exploitation,⁴ while power dynamics between cashed-up tourists who may act as benefactors, and poor communities, represent an environment ripe for exploitation to occur.

While some offenders travel with the specific intention of sexually exploiting children,⁵ situational offending also occurs when individuals who may not have set out to sexually exploit children, do so from feelings of anonymity and impunity emerging from being away from their regular communities. The issue is not limited to international movement, it includes domestic travel, business or leisure trips, temporary working contracts, visits to remote rural areas or religious pilgrimages and voluntourism packages. All represent potential avenues for abuse.⁶

1 UNWTO. (2021). *World Tourism Barometer*. Volume 19, Issue 5.

2 ECPAT International. (2019). *Uganda Country Overview*.

3 ECPAT International. (2016). *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism*.

4 *Ibid.*

5 UNICEF. (2006). *The Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*.

6 Eirienne, A. K. (2009). *Child Sex Tourism: 'Us' and 'Them' in a Globalized World*. *Inquiries Journal/Student Pulse*, 1(11).

Voluntourism

Child sexual exploitation has been identified as a concern associated with voluntourism. In fact, the term 'voluntourism' itself has had an image crisis and is now rarely used by those involved with it.⁷ For the purposes of this paper, voluntourism is defined in line with The Code's Voluntourism Policy which states:

VOLUNTOURISM: *is defined as organised and packaged tourist trips with a duration of a few hours to a year, in which the main purpose is to volunteer. The volunteer provides their 'work' within the destination free of charge. While the concept of 'voluntourism' generally includes an element of international travel, similar risks to children also apply in the context of domestic and local travel and tourism, when a person is allowed to volunteer with and for children in an organisation or an orphanage without previous background checks (also when such activities may not be organised by a company).*⁸

Voluntourism is not a new phenomenon, it's been around in one form or another since the industrial revolution when travel became more accessible, affordable and convenient.⁹ In the modern tourism landscape, improvements in technology have made travel faster, cheaper and more accessible for those lucky enough to have the privilege of money and time to spare. Like any other industry, voluntourism is built on the laws of supply and demand.¹⁰ Demand comes from

largely well-intentioned individuals looking to combine a holiday with 'giving back', or to dedicate their time to a specific cause, or as an element of 'self-improvement.' Where there is demand, the market therefore supplies. For-profit tourism companies have built entire business models¹¹ around meeting this demand, while on the supply side the number of non-government organisations (NGOs) offering volunteer placements has increased dramatically.¹² It's no surprise that many of these organisations are focused on children and other vulnerable groups,¹³ as many tourists want to volunteer with these groups as they are deemed the most needing of support.¹⁴ As with any demand, supply must be sourced and thus organisations need to ensure that enough children are available for volunteers to engage with.¹⁵

The orphanage industry

In the voluntourism context, 'orphanages'¹⁶ have been a significant focus of media and advocacy attention, not only because of the harm institutionalisation can cause to children¹⁷ and the negative impact of volunteers engaging with vulnerable children with complex needs in these facilities,¹⁸ but also because of numerous high-profile cases of children being sexually exploited by orphanage volunteers.¹⁹

It's no coincidence that the physical location of orphanages frequently correlates with tourism hotspots. For example, in Nepal, 90% of the country's orphanages are located in five main tourist districts.²⁰ Orphanages provide a captive environment for volunteers to interact with vulnerable

7 Schwaz, K. C. (2016). "It's Not Voluntourism": Unpacking Young People's Narrative Claims to Authenticity and Differentiation in the International Volunteer Experience.

8 The Code. (2021). Voluntourism Policy.

9 Biddle, P. (2018). *Ours to Explore: Privilege, Power and the Paradox of Voluntourism*. Nebraska University Press.

10 Smith, A. (1759). *The theory of moral sentiments*. London: Printed for A. Millar, and A. Kincaid and J. Bell.

11 Tomazos, K., & Cooper, W. (2012). *Volunteer tourism: at the crossroads of commercialisation and service?* *Current Issues in Tourism*, 15(5), 405–423.

12 Schech, S. (2017). *International volunteering in a changing aidland*. *Geography Compass*, 11(12).

13 Cheney, K., & Ucembe, S. (2019). *The Orphan Industrial Complex: The Charitable Commodification of Children and Its Consequences for Child Protection*. *Disadvantaged Childhoods and Humanitarian Intervention*, 37–61.

14 Cheer, J. M., Mathews, L., Doore, V. K., & Flanagan, K. (2019). *Modern Day Slavery and Orphanage Tourism*. CABI. 45.

15 Nhep, R., Doore, V. K. (2018, July 13). *Orphanage Trafficking and the Modern Slavery Act in Australia*. E-International Relations.

16 For the purposes of this paper, the term 'orphanage' is used to represent all types of residential care institutions including orphanages, children's villages, shelters, group homes, boarding houses, boarding schools etc.

17 Van Ijzendoorn, M. H., Bakermans-Kranenburg, M. J., Duschinsky, R., Fox, N. A., Goldman, P. S., Gunnar, M. R., Johnson, D. E., Nelson, C. A., Reijman, S., Skinner, G. C. M., Zeanah, C. H., & Sonuga-Barke, E. J. S. (2020). *Institutionalisation and deinstitutionalisation of children: A systematic and integrative review of evidence regarding effects on development*. *The Lancet Psychiatry*, 7(8), 703–720.

18 Responsible Tourism. (2019). *The Problem: why are orphanage visits harmful?*

19 Monballyu, J. (2019). *Het activisme in Kontich tijdens de Eerste Wereldoorlog en zijn strafrechtelijke vervolging*. *WT. Tijdschrift over de Geschiedenis van de Vlaamse Beweging*, 78(1), 5–35.

20 Punaks, M., & Feit, K. (2014). *Orphanage Voluntourism in Nepal and its Links to the Displacement and Unnecessary Institutionalisation of Children*. *Institutionalised Children Explorations and Beyond*, 1(2), 179–192.

children, often through close contact activities such as play, feeding, domestic care and teaching English.²¹

It is crucial to acknowledge that an estimated 80 to 90% of children living in orphanages are not in fact orphans.²² These children have one or more living parents who, with support, would be willing and able to care for them.²³ Children enter orphanage care for many reasons: some are placed there by their parents under promises that they will receive better education, some are placed by government authorities, some are trafficked into and between orphanages, but overwhelmingly, the underlying driver is poverty.²⁴

In many countries, orphanages lack regulation, oversight and minimum care standards. Monitoring of orphanages can pose challenges for under-resourced and stretched authorities, and counter-intuitively, sometimes only registered facilities are subjected to monitoring and regulation, while unregistered orphanages supported by foreign donors and voluntourists may proliferate.²⁵ For example, the number of orphanages in Uganda increased from 30 in 1992 to 800 in 2013.²⁶ Uganda's unregulated orphanages pull in nearly a quarter of a billion dollars a year from international donors — mainly from the U.S., Canada, Australia, and Europe.²⁷

Even when monitoring is regularly conducted, children may still be exposed to ongoing abuse and exploitation. An orphanage in Bihar, India, at the centre of a sexual abuse case was subject to sixty monitoring visits over five years, none of which identified any problems.²⁸

Compounding the issue is the fact that children who have experienced sexual exploitation or are deemed at risk, are often placed in orphanages by authorities as a protective factor,²⁹ however, research shows that children living in institutions can be at a high risk of experiencing sexual exploitation within the facility itself.³⁰

Voluntourism and sexual exploitation of children

Voluntourism and various types of voluntourism products can allow tourists access to vulnerable children with little regulation, oversight, or safeguarding mechanisms in place.^{31,32} A survey of law enforcement authorities across eleven Asian countries revealed that almost all (with the exception of Singapore) had identified cases of child sexual abuse by volunteers.³³ A 2016 report published by the Better Care Network referred to 'pseudo-care workers' - travelling sex offenders who present as professionals yet sexually exploit children that they work with.³⁴ While the majority of documented cases of child sexual exploitation in the voluntourism context have occurred within orphanages, this does not preclude other settings. Rather, it demonstrates that children in orphanages are particularly vulnerable to abuse and exploitation.

Schools are another popular voluntourism placement, where volunteers are embedded as 'teachers' in the public or private school system to teach English.³⁵ In many cases, volunteer teaching placements do not require teaching qualifications or experience, knowledge of local language, context or culture, or background and reference

21 Cheer, J. M., Mathews, L., Doore, V. K., & Flanagan, K. (2019). *Modern Day Slavery and Orphanage Tourism*. CABI. 49.

22 Catholic Relief Services. (2018). *80-90 Percent of Children in Orphanages Are Not Orphans*.

23 Faith To Action. (2014). *Children, Orphanages, and Families: A Summary of Research to Help Guide Faith-Based Action*.

24 Browne, K. (2009). *The Risk of Harm to Young Children in Institutional Care*.

25 Australian Institute of Criminology, Lynham, S., & Facchini, L. (2019, March). *Benevolent Harm: Orphanages, voluntourism and child sexual exploitation in South-East Asia*. Australian Institute of Criminology.

26 Lily Baron. (2021). *No Child Should Feel Left Behind: The Illegality of Orphanage Voluntourism under Article 19 of the United Nations Convention of the Rights of a Child*. *American University International Law Review*, 36 (3), Article 5.

27 Lindau, J. (2019, August 3). *How Foreign Donations, Poverty and Corruption Are Fuelling Uganda's Unregulated Orphanage Industry [Video]*.

28 Poonam, S. (2019, December 31). *In Muzaffarpur's shelter home, a web of silence shielded sexual abuse*. *Hindustan Times*.

29 National Institute of Social Development (NISD) for the Department of Probation and Child Care Services. (2013). *Current Status of Child Care Institutions and Institutionalized Children in Sri Lanka*. UNICEF.

30 UNICEF. (2020). *Action to End Child Sexual Abuse and Exploitation: A review of the evidence*. 13.

31 I am the Voluntourist. (2019, November 12). *Orphanage Tourism in Nepal: What You Should Know*.

32 Cheer, J. M., Mathews, L., Doore, V. K., & Flanagan, K. (2019). *Modern Day Slavery and Orphanage Tourism*. CABI. 49.

33 Bread for the World, Working Group Tourism & Development (akte) & ECPAT Germany. (2015). *From Volunteering to Voluntourism Challenges for the Responsible Development of a Growing Travel Trend*.

34 Better Volunteering Better Care. (2016, May). *Expert Paper: International Volunteering and Child Sexual Abuse*. *Global Study Exploitation of Children in Travel and Tourism*.

35 See, for example: [Volunteer to Teach in Africa](#) | Projects Abroad.

checks.³⁶ Volunteer teachers are often left unsupervised in classrooms and while offending would rarely take place on site, lack of supervision allows offenders to establish relationships and contact methods with children for later abuse.

In all voluntourism contexts where vulnerable children are present³⁷ there are challenges in investigation and reporting due to power dynamics.³⁸ Incentives exist for organisations to cover up cases out of concerns for impacts on funding streams,^{39,40} and children who benefit from services provided by organisations may feel pressure to stay silent from fear of losing support.⁴¹

Some children in residential care have already experienced trauma, violence, abuse or neglect. A revolving door of short-term volunteers can exacerbate attachment issues associated with these complex backgrounds.⁴² Add to this the low ratio of caregivers to children, non-existent safeguarding policies and practices, and unvetted visitors with unsupervised access to children. All these factors result in extremely high risk environments.

DEFINING THE PROBLEM

Voluntourism clearly poses a high-risk environment for the sexual exploitation of children, particularly, but not limited to, where residential environments such as orphanages are concerned. A review of the literature relating to the issue reveals three fundamental problems that are major contributing factors: lacking child safeguarding practices, gaps in legislation and regulation, and economic push factors.

Lacking child safeguarding practices

‘Child safeguarding’ is a term used to describe explicit steps that organisations can take to

minimise risks associated with working with children. Child safeguarding activities mitigate risks of abuse and neglect; prevent harm to children’s health and wellbeing; ensures children have a voice in decisions that affect them; empower children to reach their full potential; actively promote inclusion and participation of children; and, build a culture of safety within organisations.⁴³

However, child safeguarding practices are not standard or even widely understood in many countries. Many volunteer *sending* countries have strict national regulations and requirements for volunteering, such as background checks, interviews, referee checks, and physical and environmental standards around volunteering with children.⁴⁴ However, many volunteer *receiving* countries – including many targeted by international voluntourists – do not. The disconnection is where things can fall down. There is a need to ensure vigilance regarding child safeguarding occurs right throughout the ‘value chain’ of the volunteering experience. The opportunity exists to encourage companies and organisations arranging to send volunteers to ensure child safeguarding compliance right throughout the experience. This means appropriate checks at the recruitment phase, but also ensuring that host organisations have safeguarding policies in place and facilitating their implementation in practice. For example, breaches are reported and resolved, systems are continually improved and power dynamics that may prevent these addressed.

Lack of legislation and regulation

The majority of receiving countries lack legislative and regulatory measures that protect children from sexual exploitation in the context of travel and tourism, including voluntourism.⁴⁵ Where it does exist, authorities face barriers to enforcement given human capacity and financial resourcing challenges. Law enforcement and

36 Grimwood, B. S. (2015). ‘Fleshing out’ morality in tourism: A review of Moral encounters in tourism. *Tourism Geographies*, 17(3), 500–502.

37 Orphanages, schools, ‘slum’ communities, monasteries, shelters, outreach programs, community based tourism, eco-tourism, homestays.

38 Better Care Network. (2016). *How Volunteering Abroad in Orphanages is Harmful to Children*.

39 Budhathoki, A. (2018, October). *Why are Western pedophiles targeting Nepal?* TRT World.

40 Forget me Not Australia. (2018). *Expert Paper: Voluntourism and Child Trafficking into Orphanages*. Global Study Exploitation of Children in Travel and Tourism.

41 Riley, M. (2019, July 11). *The Care Leaver Experience*. Uganda Care Leavers.

42 Guiney, T. (2017). “Hug-an-orphan vacations”: “Love” and emotion in orphanage tourism. *The Geographical Journal*, 184(2), 125–137.

43 Child Wise. (2021). *What is Child Safeguarding: Meaning, Examples and More*.

44 Heilmann, S. (2019, July 17). *Explained: Australia’s parliamentary inquiry to combat orphanage tourism*. Responsible Volunteering.

45 ECPAT International. (2021). *Legal Checklist: Key Legal Interventions to Protect Children from Sexual Exploitation in Travel and Tourism* and accompanying country legal analysis reflecting the status of implementation of the 24 points of the legal checklist along with the *Global Progress Towards Ending the Sexual Exploitation of Children*.

judicial systems that are vulnerable to corruption and not child-centred also hinder progress. Where arrests have been made for offences related to child sexual exploitation, often cases do not move to prosecution. In some cases, labour laws provide some mechanisms enabling safeguards for children, however, these requirements rarely extend to volunteers, especially not international volunteers.⁴⁶

Economic push factors

It is evident that vulnerability to sexual exploitation of children in voluntourism is frequently driven by economic push factors, many of which have been exacerbated by the COVID-19 pandemic.⁴⁷ Families have been pushed into extreme poverty⁴⁸ and large numbers of children have been regularly out of school over two years. Schools represent a key protective factor in many children's lives.⁴⁹ COVID-19 related deaths have also directly resulted in an estimated 1.135 million children experiencing single or double orphanhood, with the death of at least one caregiver.⁵⁰

There has been an almost complete pause in international voluntourism globally. Companies, including those offering voluntourism packages, have been heavily impacted by the pandemic, with many closing down, shrinking, or suspending operations.⁵¹ Considering that the vulnerabilities of children have been exacerbated, and offenders keep adapting their approaches to accessing and exploiting children, ECPAT International called upon governments and businesses to strengthen collaboration during the post-COVID-19 recovery, with a focus on responsible and sustainable business and standards with child protection in focus.⁵²

The effect of the pandemic on orphanages was stark. A recent study on the effect of COVID-19 on 23 privately run and funded residential care

institutions revealed that nearly a quarter of the study participants found that the removal of short-term volunteers and visitors had a positive impact on children's wellbeing. None of the participants reported that former volunteering activities brought meaningful contributions to caregiving, and 62.5% reported that their organisations only hosted volunteers in order to access funding. Yet, of those interviewed, 81% stated that they still intended to fully resume orphanage volunteering and visiting post-pandemic, including 19% of respondents who also reported the benefits to children of not having volunteers in the institutions during the pandemic. This data supports existing research that orphanage volunteer placements are used primarily as a source of funding, despite the recognised harm that can be caused.⁵³

THE SOLUTIONS

While the three contributing factors outlined above have a significant impact on the issue of voluntourism, a global desk review revealed some positive examples that can be adopted to better prevent and respond to the sexual exploitation of children in travel and tourism.

Key legal interventions to protect children from sexual exploitation in travel and tourism

Detailed analysis of legal interventions to protect children in the context of travel and tourism, with a specific focus on the issue of voluntourism was published by ECPAT International in 2021.⁵⁴ The legal analysis was conducted for 12 target countries and included recommendations for key legal and policy interventions to be implemented by governments, if they have not done so already, to protect children in travel and tourism and

46 ECPAT. (2021). *Summary Paper on Sexual Exploitation of Children in Travel and Tourism*.

47 OHCHR. (2021, March 21). *Surge in violence against children must be addressed with a rights-based approach*.

48 World Bank Group. (2020, October 7). *COVID-19 to Add as Many as 150 Million Extreme Poor by 2021*. World Bank.

49 Save the Children. (2020). *The hidden impact of COVID-19 on children's education* | Health and Education Resource Centre.

50 Hillis, S. D., Unwin, H. J. T., Chen, Y., Cluver, L., Sherr, L., Goldman, P. S., Ratmann, O., Donnelly, C. A., Bhatt, S., Villaveces, A., Butchart, A., Bachman, G., Rawlings, L., Green, P., Nelson, C. A., & Flaxman, S. (2021). *Global minimum estimates of children affected by COVID-19-associated orphanhood and deaths of caregivers: a modelling study*. *The Lancet*, 398(10298), 391–402.

51 IMF & F&D. (2021). *Impact of the Pandemic on Tourism* – IMF F&D.

52 ECPAT International. (2021). *UN Responsible Business and Human Rights Forum, Asia-Pacific The New Decade of Action?*

53 van Doore, K., & Nhep, R. (2021). *Impact of COVID-19 on Privately Run Residential Care Institutions: Insights and Implications for Advocacy and Awareness Raising*.

54 ECPAT International. (2021). *Legal Checklist: Key Legal Interventions to Protect Children from Sexual Exploitation in Travel and Tourism and Assessment Matrix Legal Checklist on Key Legal Interventions to Protect Children From Sexual Exploitation in Travel And Tourism*.

specifically address the issue of voluntourism.⁵⁵ A brief overview of findings taken from detailed analysis of the 12 countries is captured in this paper and the full analysis can be found [here](#). An online visualisation of key results is also reflected in ECPAT's Global Progress Indicators map [here](#).

Indicator: Child protection standards for the travel and tourism industry exist.⁵⁶

BRAZIL has a voluntary Code of Conduct for the tourism industry and has allocated responsibility for implementation of this code to government ministries.⁵⁷

INDIA has a non-legally binding Code of Conduct that is mandatory for registered tourism service providers.⁵⁸

MEXICO has a voluntary Code of Conduct and held an event in 2017 where pledges were made to action the code more widely.⁵⁹

PERU has a mandatory Code of Conduct that lists specific crimes relating to sexual exploitation of children in travel and tourism and required reporting of suspected criminal activities. Failure to comply has consequences including revocation of licences and penal sanctions.⁶⁰

SRI LANKA's Policy on the Elimination of Child Labour (2017) specifically recognises the sexual exploitation of children in travel and tourism and the government has established a national database of complaints specific to the issue.

Indicator: Criminal background checks are strict requirements for national and non-nationals working in direct contact with children.⁶¹

INDIA requires schools to have individual child protection policies that include the requirement for background checks and police verification of employees, however there is no criminal liability if these are not implemented.⁶²

INDONESIA's Penal Code allows for convicted sex offenders to be deprived of access to certain roles, however does not require criminal background checks. Checks that are available do not provide a full criminal record, and are only relevant in the district of application for six months. There is no centralised/national criminal record check available.⁶³

BOLIVIA, although the criminal background check is not required by state regulations, all public or state officials and NGO workers need to certify that they do not have a criminal or violent record.⁶⁴

KENYA requires convicted sex offenders to disclose their criminal history when applying for employment with children - failure to disclose is punishable by imprisonment and fines, however there is no evidence of this in practice, with the process to obtain a police clearance being prohibitive.⁶⁵ Additionally, the legislation states that convicted sex offenders may be ordered to refrain from certain types of employment.

55 The focus countries Bolivia, Brazil, Cambodia, India, Indonesia, Kenya, Mexico, Nepal, Peru, Sri Lanka, Thailand and Uganda are part of the project "Ending trafficking and the sexual exploitation of children through sustainable travel & tourism recovery and development" implemented by ECPAT International with the support of UBS Optimus Foundation.

56 ECPAT International. (2021). [Legal Checklist: Key Legal Interventions to Protect Children from Sexual Exploitation in Travel and Tourism and Assessment Matrix Legal Checklist on Key Legal Interventions to Protect Children From Sexual Exploitation in Travel And Tourism](#) (point no. 13).

57 ECPAT International & Regional Action Group of the Americas for the prevention of sexual exploitation of children in travel and tourism (GARA). (2021, August). [Codes of Conduct on Child Protection for the Travel and Tourism Industry in the Americas](#).

58 ECPAT International. (2018, June). [Advancing Responsible Business Practices on Child Protection in India](#). The Conference Report.

59 OECD. (2018). [OECD Tourism Trends and Policies 2018: Mexico](#). OECD Publishing, Paris.

60 World Health Organisation. (n.d.). [Sexual Exploitation and Abuse- Prevent and protect: What you need to know and do](#).

61 ECPAT International. (2021). [Legal Checklist: Key Legal Interventions to Protect Children from Sexual Exploitation in Travel and Tourism and Assessment Matrix Legal Checklist on Key Legal Interventions to Protect Children From Sexual Exploitation in Travel And Tourism](#) (point no. 16).

62 The News Minute. (2021, June 24). [POCSO says child sexual abuse be mandatorily reported: Why it's a double-edged sword](#).

63 D. Emmerson, R. D., & Yuriutomo, I. D. (2015, November 30). [Update: Guide to Background Checks in Indonesia](#).

64 [Consejo de la Magistratura de Bolivia](#), Certificado de Registro Judicial de Antecedentes Penales (REJAP) and Certificado de No Violencia (CENVI) requirements.

65 Gumbihi, H. (2018, April 28). [Why certificate of good conduct is a ticket to jobless corner](#). Standard Entertainment and Lifestyle.

NEPAL's Children's Act prevents individuals convicted of offences against children from working with children for up to ten years, the majority of international volunteers operating in Nepal do not perform background checks.⁶⁶

Indicator: The national legislation establishes a national mechanism for centrally registering sex offenders that has been implemented/setup.⁶⁷

INDIA has a national database of sexual offenders and by January 2021, it contained over one million names.⁶⁸ It is used to carry out background checks for individuals working in schools, hostels, colleges and other institutions.⁶⁹

KENYA operates a sex offenders register where anyone with reasonable interest in finding out if an individual is on the registry may enquire - the register includes a notification to authorities for international travel.⁷⁰

MEXICO implements a national network to store criminal information and maintains a public registry of sex offenders, however no information is available on its use in relation to tourism.

PERU has legislated for a sex offenders register, however no information is available on whether this has been established.

SRI LANKA maintains a centralised criminal registry,⁷¹ and has been vocal regarding publicly naming child sex offenders.⁷²

THAILAND has no central sex offender registry, however does collect data on offenders nationally.

UGANDA introduced legislation to create a sex offender registry and also a requirement to disclose convictions when applying for employment with children.⁷³

Indicator: Regulate and monitor the use of volunteers (including in 'voluntourism') in settings and activities that involve direct contact with children, particularly prohibiting visits to orphanages/residential care settings in favour of redirecting the industry towards solutions that support community-based care.⁷⁴

Out of the analysed countries, only **PERU** has a specific law⁷⁵ which prevents people (nationals and foreigners) with serious criminal records from volunteering. No information was available on its implementation or effectiveness.

Legislative regulation of volunteering

Volunteering-related legislation is found globally, however it is predominantly focused on domestic volunteering. Even where legislation is in place, there are considerable challenges for implementation: A lack of ownership of volunteering initiatives and a lack of awareness on the part of government officials or political will for implementation.⁷⁶

Some good practice examples identified in the analysis⁷⁷ for this paper include:

- **SERBIA** specifies who the beneficiaries of volunteering can be and crucially, states that volunteering cannot be carried out by "a person... who has been prohibited from carrying out his/her profession and duties which are related to the volunteering activity, or a person sentenced for certain categories of serious crimes (which include sexual crimes related to children).

66 The New Humanitarian. (2011, October 26). Protecting children from abuser-volunteers.

67 ECPAT International. (2021). Legal Checklist: Key Legal Interventions to Protect Children from Sexual Exploitation in Travel and Tourism and Assessment Matrix Legal Checklist on Key Legal Interventions to Protect Children From Sexual Exploitation in Travel And Tourism (point no. 8).

68 The Economic Times. (2021, January 1). Sex offenders registry sees numbers soar past 1 million.

69 National Crime Records Bureau Ministry of Home Affairs India. (2020). Compendium of CCTNS/ICJS-Good Practices & Success Stories.

70 SMART. (2014). Global Overview of Sex Offender Registration and Notification Systems.

71 TheMorning. (2021, August 14). Child abuse in Sri Lanka: No separate sex offender registry.

72 Saleem, I. (2021, January 23). Should Sri Lanka Have A Sex Offender Registry?

73 Republic of Uganda. (2019). The Sexual Offences Bill 2019. Pending Bill.

74 ECPAT International. (2021). Legal Checklist: Key Legal Interventions to Protect Children from Sexual Exploitation in Travel and Tourism and Assessment Matrix Legal Checklist on Key Legal Interventions to Protect Children From Sexual Exploitation in Travel And Tourism (point no. 16).

75 Metropolitan Planning Institute Peru. (2021). Legal Framework.

76 UN Volunteers. (2009). Laws and Policies Affecting Volunteerism since 2001. 15.

77 ECPAT International. (2022). Annex: How Voluntourism may Facilitate the Sexual Exploitation of Children: Key findings from legal analysis of 12 countries. Bangkok: ECPAT International.

- **POLAND** requires that all volunteers should be duly qualified and conform to such requirements appropriate for the scope of activities, as laid down in other legislation.
- **DENMARK** requires all volunteers working with child beneficiaries be checked against the national register containing names of all people sentenced for sexual abuse of children.
- **AUSTRALIA** requires all volunteers having contact with children to undergo mandatory background checks and obtain a Working With Children Check or equivalent.⁷⁸
- **SOUTH AFRICA** amended its Immigration Act in 2002 to provide a procedure on granting visas for international volunteers.⁷⁹
- **THE UNITED STATES** requires volunteers working with children to undergo a national background check.⁸⁰

While not specifically developed to address volunteering, many existing **employment laws and policies** can be applicable to volunteers, however, application of these laws to this category of individual is generally limited.⁸¹

GOOD PRACTICE CASE STUDY – THE PHILIPPINES

Volunteering is a well-established practice in the Philippines, and many residents participate in national and international volunteering programs. The government of the Philippines has created the National Volunteer Services Coordinating Agency (PNVSCA) through Act No. 9418 on Strengthening Volunteerism. This agency maintains a centralised registry⁸² of the identity of all domestic volunteers and is mandated to work with government institutions and other stake-holders under the National Volunteer Service Program. In 2007 (updated in 2014),⁸² a Foreign Volunteer Program Deployment Framework was developed which acts as a guide for the deployment of foreign volunteers in the Philippines to meet key development priorities.⁸⁴

The International Volunteer Program is one of the major components of the framework and enables government agencies, academic institutions and NGOs to register requests for volunteer assistance. Requests are assessed by PNVSCA and decisions are based on merit and an indicative timetable for the placement. The applicant may be required to submit a project presentation and demonstrate consent to visit sites. The PNVSCA is responsible for granting or denying a special visa 47(a)(2), which provides foreign volunteers exemption from immigration fees and charges.⁸⁵ Once approval is granted, the PNVSCA passes on the request to an approved foreign volunteer organisation who then initiates recruitment and selection. Foreign partners are largely limited to government funded/operated organisations⁸⁶ that have internal measures for the effective recruitment selection and screening of volunteers.

Host organisations requesting volunteers are required to provide certain benefits for volunteers including transportation, accommodation, and emergency medical assistance, and also have certain responsibilities including monitoring and reporting against volunteer performance, ensuring the safety and security of the volunteer, and coordinating with the PNVSCA in the case of contract termination, conflict between volunteers and staff or communities, personal problems, or any 'untoward incident' that may happen to the volunteer.⁸⁷

However, it is anecdotally understood that foreign voluntourists can still access placements in the Philippines through voluntourism companies or directly with NGOs despite the PNVSCA system.⁸⁸



- 78 Australian Criminal Intelligence Commission. (n.d.). *Working with children checks*
- 79 UN Volunteers. (2009). *Laws and Policies Affecting Volunteerism since 2001*. 18.
- 80 US Congress. (1998). *H.R.2488- Volunteers for Children Act*. Congress.Gov | Library of Congress.
- 81 International Federation of the Red Cross and Red Crescent Societies. (2011). *Legal issues related to volunteering Toolkit*. 29.
- 82 Brown School Center for Social Development. (2018, December 10). *Emerging Perspectives on International Volunteerism in Asia*. Washington University in St. Louis.
- 83 Republic of the Philippines National Economic and Development Authority. (2014). *Updated 2011-2016 Foreign Volunteer Deployment Framework*.
- 84 Philippine Coalition on Volunteerism. (2015). *A Roadmap on Volunteering for Development in the Philippines*.
- 85 UN Volunteers. (2009). *Laws and Policies Affecting Volunteerism since 2001*. 21.
- 86 These are: Australian Volunteers International, Cuso International, France Volontaires, GIZ, Korea Overseas Volunteers, United States Peace Corps, Voluntary Service Overseas, Entrepreneurs du Monde, Forum Civil Peace Service, Global Initiative for Exchange and Development, Japan Overseas Cooperation Volunteers, Organization for Industrial, Spiritual and Cultural Advancement, and United Nations Volunteers.
- 87 Philippine National Volunteer Service Coordinating Agency. (n.d.). *International Volunteer Service*.
- 88 ECPAT Philippines. (2021). Personal communication.

Regulation to counter orphanage trafficking and modern slavery

Orphanage trafficking⁸⁹ has emerged as a key issue in the fight against orphanage voluntourism, and has clear intersections with the sexual exploitation of children in voluntourism. The 2017 Trafficking in Persons Report first mentioned orphanage trafficking in relation to Nepal, linking orphanage tourism/voluntourism directly with the trafficking of children into orphanages.

In 2016, The Global Slavery Index listed orphanage tourism/voluntourism in the Cambodian Country Report, referencing exploitation of children taking place within orphanages. In its 2016-2018 Action Plan, Sweden addressed the intersection of orphanage trafficking with orphanage tourism and volunteering and included measures to prevent crimes against children in orphanage tourism.

Australia's 2017 Inquiry into whether Australia should establish a Modern Slavery Act explored how Australia contributes to modern slavery through orphanage trafficking, with the inquiry hearing extensive evidence regarding Australia's financial and volunteer support of the orphanage industry. This resulted in eleven significant recommendations in relation to orphanage trafficking in the final report: Hidden in Plain Sight. These included: awareness raising, funding stream reforms, support for divestment and transition, mechanisms to register organisations operating orphanages, and the introduction of offences under the Modern Slavery Act.⁹⁰ Despite these positive steps, the final Modern Slavery Act (2018) failed to fully realise the Inquiry recommendations and the Act lacks explicit reference to orphanage trafficking. However, the supporting guidance⁹¹ for entities required to report⁹² against the Act clearly references orphanage trafficking as a form of trafficking, prosecutable under the Criminal Code.⁹³ In 2019, The Netherlands held a Parliamentary Roundtable

to debate the issue of orphanage tourism and actioned research into the scope and possible responses.⁹⁴ In the United Kingdom, orphanage trafficking was incorporated into a 2018 review of Modern Slavery legislation resulting in recommendations for policy guidance on the issue.⁹⁵

In India, the Goa Children's Act (2003) directly addressed the issue of child trafficking and sexual exploitation in tourism, however, this is only applicable to the State of Goa.⁹⁶

Use of visas and immigration law to regulate voluntourism

There is no legal distinction between a tourist and a volunteer. This is important to note, as the vast majority of international volunteering takes place by individuals entering countries on tourist visas.⁹⁷ A number of countries (Nepal, Indonesia, India and Sri Lanka) have made attempts to regulate foreign volunteers by making it illegal to engage in volunteering while in the country on a tourist visa. However, implementation of these laws is fragmented, and the process to secure a legitimate volunteer visa is arduous and bureaucratic. Further, voluntourism companies operating in these jurisdictions face no practical sanctions for facilitating volunteering on tourist visas.⁹⁸ Where there is evidence of the visa rules being enforced (for example, volunteers deported for being on the wrong visa) the reasons cited are immigration laws rather than child protection.⁹⁹ The existence of parallel systems is counterproductive, as when volunteers enter a country on a tourist visa, regulations such as background checks are unable to be enforced.¹⁰⁰ Mechanisms like INTERPOL's Green Notice system¹⁰¹ may assist with this as any individual who has a criminal child sexual exploitation or abuse background and a Green Notice issued will generate a hit at international borders regardless of the type of visa they hold.

89 Nhep, R., Doore, V. K. (2018, July 13). [Orphanage Trafficking and the Modern Slavery Act in Australia](#). E-International Relations.

90 *Ibid.*

91 Australian Government Department of Home Affairs. (2021). Cited 'Entities with consolidated revenue over AUD\$100 million'. [Modern Slavery Act 2018](#).

92 The Act requires reporting entities to report on assessment and mitigation of risk of orphanage trafficking and exploitation and to prepare a Modern Slavery Statement describing the risks of orphanage trafficking in supply chains and actions to assess and address risk.

93 Nhep, R., Doore, V. K. (2018, July 13). [Orphanage Trafficking and the Modern Slavery Act in Australia](#). E-International Relations.

94 ECPAT International. (2019, August 26). [The link between voluntourism, orphanage tourism and child sexual exploitation](#).

95 Thomson Reuters Foundation, Setter, C., & Lumos Foundation. (2019, March 29). [Hope is on the horizon for tackling orphanage trafficking](#).

96 ECPAT International. (2016). [Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism](#).

97 Next Generation Nepal. (2014, April). [Orphanage Trafficking and Orphanage Voluntourism- Frequently Asked Questions](#).

98 TRT World. (2019, May 2). [Why are Western pedophiles targeting Nepal?](#)

99 The Jakarta Post. (2019, March 22). [American volunteers deported from Lombok](#).

100 Paul Miedema. (2015). [Expert Paper – Volunteer Tourism and Child Protection](#). Global Study Exploitation of Children in Travel and Tourism

101 See: INTERPOL. (n.d.) [About notices](#).

Immigration procedures could be adapted by using mandatory declaration systems at the border to explore whether travellers intend to undertake volunteering in relation to children. Those indicating yes could then be screened with criminal background checks, including using the Green Notice system.

In cases where volunteer visas are legislated, many countries require volunteers to be sponsored by a host organisation who is responsible for monitoring them and may technically be held accountable for the actions of the volunteer. The consistent enforcement of volunteer visa legislation would enable governments to require criminal background checks prior to issuing visas and keep records of volunteer movements and placements in-country.

Background checks

It is important to acknowledge that criminal background checks are limited in their ability to identify child sex offenders or prevent them from offending due to the fact that many offenders may never have been yet convicted. Completing individual criminal record checks across borders for multiple countries can also be bureaucratically complex and time-consuming - thus an internationally coordinated system like INTERPOL's Green Notices represents an efficient way forward. Despite these challenges, background checks represent active safeguarding and play an important role in deterring offenders. There have been a number of high-profile cases where voluntourists with prior convictions for sexual abuse and exploitation of children have been caught reoffending. In these cases, these crimes against children would have been avoided had stringent background checks been conducted.¹⁰²

The United Kingdom's Criminal Justice Department issues 'International Child Protection Certificates' which specifically apply to individuals wanting to volunteer or take up paid employment in foreign countries. The certificate allows organisations who work directly with children to access the criminal record of United Kingdom citizens and those who have resided in the United

Kingdom for any period of time. This mechanism was implemented in response to clear evidence that known child sex offenders were deliberately seeking out opportunities to work or volunteer overseas with children.¹⁰³

Other examples come from countries that regulate the use of volunteers domestically. In the Netherlands, people who work in certain professions, such as day-care centre employees, are required to submit a 'Certificate of Good Conduct' as a condition of employment.¹⁰⁴ In the United Kingdom there are certain roles or activities which would amount to what is known as regulated activity, where enhanced background checks with barred lists are required by law, for both staff and volunteer positions.¹⁰⁵ In Australia, all employees, contractors and volunteers who may have contact with children are required to undergo a 'Working With Children/Vulnerable Persons Check', which incorporates a check of national police records and provides the individual with a card indicating they are cleared to work with children.¹⁰⁶

Standardised child safeguarding practices

Following repeated scandals in the aid and development sector, and the resulting #AidToo movement, the United Kingdom government led an international Safeguarding Summit in 2018 to tighten regulations on aid workers and improve tracing of those accused of misconduct. Measures included a scheme through INTERPOL to strengthen vetting of employees, a Misconduct Disclosure Scheme to check for previous misconduct, and an Aid Worker Passport to prove identity and vetting status. After one year of operation, the Misconduct Disclosure Scheme had prevented 10 individuals from being re-hired.¹⁰⁷ Additionally, BOND has produced a comprehensive safeguarding tool for the aid industry.¹⁰⁸ While these mechanisms are not strictly applicable to the voluntourism sector, they provide strong examples and opportunities for expansion.

Australia has adopted the National Principles for Child Safe Organisations¹⁰⁹ to ensure organisations

102 BBC News. (2017, July 12). [Should child sex offenders be allowed to travel?](#).

103 ACRO. (2021). [International Child Protection Certificate](#).

104 Library of Congress. (2015). [Netherlands: Coordination of European Campaign Against Child Sex Tourism](#).

105 Knowhow. (2021, June 22). [Getting started with criminal records checks — NCVO Knowhow](#).

106 *Ibid*.

107 Department for International Development. (2020, October 19). [Safeguarding Summit: One year on progress reports](#). GOV.UK.

108 Bond. (n.d.). [Bond Safeguarding- Bond Safeguarding tool](#).

109 Child Family Community Australia. (2019, November 6). [Child safe organisations: Information for organisations on how to keep children safe](#).

are safe for children. The principles are not mandatory, however do refer to actions that are mandatory for organisations working with children, including background checks, mandatory reporting and adult/child ratios. The United Kingdom has specific legislation and guidelines to safeguard children, which includes mandatory reporting obligations.¹¹⁰

Additionally, overseas aid and development departments/Ministries in sending countries including Australia,¹¹¹ the United States,¹¹² and the United Kingdom,¹¹³ often have clear safeguarding compliance requirements for recipients of aid funding. These requirements outline minimum standards for safeguarding of vulnerable persons and include the need for child protection policies, codes of conduct, recruitment and human resources processes, reporting mechanisms and data privacy considerations.

Extraterritorial legislation

While extraterritorial legislation does not strictly act as a preventative measure in the sexual exploitation of children in travel and tourism, like background checks it does provide a deterrent to would-be offenders who may think twice about offending if they are aware they can be prosecuted at home. Several high-profile cases involving voluntourists have resulted in convictions in the offender's home country: Simon Harris was convicted in the United Kingdom after multiple trips to Kenya arranging gap year teaching placements for students,¹¹⁴ and United States citizen Matthew Durham was convicted of sexually abusing a number of children in Kenyan orphanages while on his fourth mission trip, and subsequently sentenced to forty years in prison.¹¹⁵

There are now a growing number of countries with extraterritorial provisions that may be used to prosecute offenders for sexual crimes against children, however, actual use of the laws

is still relatively rare. In the United Kingdom, Section 72 of the Sexual Offences Act 2003, which allows individuals to be prosecuted in the UK for offences overseas, has only seen seven prosecutions between 1997 and 2018 – a rate of one prosecution every three years.¹¹⁶ Germany acknowledges extraterritorial jurisdiction in its Criminal Code and specific provisions have been passed to facilitate prosecution of travelling child sex offenders.¹¹⁷ Australia's Criminal Code (Division 272) focuses on child sex offences committed outside Australia by Australian citizens and permanent residents and further, defines the encouragement or benefit from these offences prosecutable.¹¹⁸ The United States has a federal law that prohibits an American citizen or resident from traveling to a foreign country with the intent to engage in sexual conduct with a minor, and also considers it a crime to organise or assist another person to travel for these purposes.¹¹⁹ However it has been noted that successful prosecutions using these provisions are relatively low.¹²⁰

While not examples of extraterritorial legislation, there are emerging examples of lawsuits being brought against host organisations in sending countries who provide voluntourism placements in orphanages. In 2021, a United States registered charity was sued under the Racketeer Influenced and Corrupt Organizations Act, claiming the non-profit, First Love International Ministries, and its partner, Loving InDeed in Kenya¹²¹ were fraudulently harming children and donors through the exploitation of children and misleading volunteers.

Tourism industry regulation

To date, governments efforts at regulating voluntourism are limited. Some governments require tourism operators to report on meeting minimum standards, however these are not specifically related to voluntourism. In India, the Ministry of Tourism enforces guidelines for

110 Department for Education. (2020, December 9). *Working together to safeguard children*. GOV.UK.

111 Australian Department of Foreign Affairs and Trade. (2017, October 26). *DFAT Child Protection Policy- October 2017- World*. ReliefWeb.

112 USAID. (2020, December 1). *USAID's Guidance on Child Safeguarding for Implementing Partners*. Preventing Sexual Misconduct. U.S. Agency for International Development.

113 Department for International Development. (2020). *Child Safeguarding Due Diligence: for external partners*. GOV.UK.

114 BBC News. (2015, February 26). *UK charity boss Simon Harris jailed for Kenya child sex abuse*.

115 Media Diversified. (2019, May 2). *The Theft of Innocence: Voluntourism and Child Sexual Abuse*.

116 UK Independent Inquiry into Child Sexual Abuse. (n.d.). *Children Outside the United Kingdom*.

117 ECPAT Germany. (2016). *Sexuelle Ausbeutung von Kindern im Ausland durch deutsche Täterinnen*.

118 Australia's Federal Prosecution Service. (n.d.). *Child Exploitation* | Commonwealth Director of Public Prosecutions.

119 The United States Department of Justice. (2021, April 13). *Extraterritorial Sexual Exploitation Of Children*.

120 ECPAT Germany. (2016). *Sexuelle Ausbeutung von Kindern im Ausland durch deutsche Täterinnen*.

121 Business Wire. (2021). *Illinois-Based Charity Targeted in Lawsuit Alleging Orphanage Trafficking in Kenya, According to FeganScott Law Firm*.

hotels, travel agents, travel associations and other tourism providers, with a mandatory reporting section on the Code of Conduct for Safe and Honourable Tourism. This serves as a prerequisite for the approval of all licenses, and records of compliance efforts must be kept and displayed for Committees during the license renewal process, although enforcement is limited.¹²²

There are longstanding discussions about industry regulations for voluntourism practices, and scores of guidelines, codes of conduct, standards and accreditations that have attempted to lay out good practice – a number of which include measures designed to safeguard children against exploitation, sexual and otherwise.¹²³ However, many regulations are voluntary, and rely entirely on self-assessment, regulation and reporting - limiting accountability and lacking government oversight, monitoring and enforcement.

In some cases, for example in Colombia and Peru, national codes that include child protection measures are mandatory for the industry and are implemented by the respective Tourism Authorities along with The Code at international level, with support of the Local Code Representatives. Another example of industry enforcement is the Hong Kong Code of Conduct for Tourist Guides which is enforced by the Travel Industry Council of Hong Kong who impose penalties when the Code is violated.¹²⁴

In the Netherlands, a study of voluntourism providers rated them highly on child protection practices, describing codes of conduct for working with children, mandatory requirements for a government issued certificate of good conduct for working in childcare placements, and the existence of child protection policies based on guidance from ECPAT/Defence for Children and Better Care Network.¹²⁵

Regulation of children's homes

Efforts to regulate orphanages through mandatory registration, the imposition of minimum standards of care,¹²⁶ and deinstitutionalisation strategies have seen improvements in the standards of care provided to children and building of awareness among orphanage staff of the harm's volunteers can cause. In Kenya, regulation of the sector has seen the government place moratoriums on the registration of new orphanages.^{127, 128}

In 2014, the Indian government vowed to place CCTV cameras in all residential facilities as a response to abuse,¹²⁹ however it is unclear as to whether this has occurred. The sheer volume of footage that would be collected through this mechanism would require significant resources to review and monitor. In Nepal and Uganda, it is illegal for orphanage voluntourists to stay in the same building as children, however analysis indicates that these laws are not enforced.¹³⁰

International cooperation and data sharing

The use of international mechanisms for cooperation and the sharing of data can act as a powerful tool in both prevention of, and response to the sexual exploitation of children in travel and tourism.

Australia¹³¹ and the Netherlands¹³² have comprehensive legislation in place to ban known sex offenders from obtaining passports or travelling internationally, while the United Kingdom has similar provisions that are not as stringently enforced.¹³³ In 2016, the United States passed the 'Megan's Law,' to create mechanisms for advanced notification of travelling sex offenders. It requires a visual identifier to be included on the passports of individuals

122 ECPAT International. (2021). *ECPAT Country Overview: India*. 23.

123 For example: The Code, Comhlamh, Childsafe, ABTA, VSO/Forum Standards for Volunteering for Development, UNWTO (Global Code of Ethics), ACFID, VOFAIR, Qualität in Freiwilligendiensten, The International Voluntourism Society, Tourism Concern.

124 Frieling, K. (2021, February). *Towards a Framework for Effective Codes of Conduct in the Tourism Industry: A Comparative and Analytical Study of Codes of Conduct in the Tourism and Textile industry*. Wageningen University and Research Centre.

125 van den Brink, S. (2015). *The Dutch Voluntourism Sector: A Qualitative Web Content Analysis of Responsibility Communication*. Wageningen University

126 FXB Center for Health & Human Rights (2015). *Cambodian Children Need Better Alternative Care Options*. Harvard University.

127 Chege, N. & Ucembe, S. (2020). *Kenya's Over-Reliance on Institutionalization as a Child Care and Child Protection Model: A Root-Cause Approach*. MDPI, 9(4).

128 The Conversation. (2019). *Kenya takes next steps to replace children's homes with family care*.

129 Rediff. (2014, May 29). *Shelter home HORROR: "Children sexually abused, made to eat faeces"*.

130 Better Care Network. (2016, November 1). *Alternative Child Care and Deinstitutionalisation: A case study of Nepal*.

131 Australian Federal Police. (n.d.). *Travelling child sex offenders*.

132 Koning, A. (2017). *Travel bans for known child sex offenders: tackling the "paedophile" threat?* Leiden Law Blog, University of Leiden.

133 BBC News. (2017, July 12). *Should child sex offenders be allowed to travel?*

convicted of sexual offences involving children and requires offenders to notify law enforcement of their intention to travel 21 days in advance, and subsequently for authorities to notify other countries of the arrival of a convicted child sex offender.¹³⁴ Germany also plans to crackdown and restrict the movement of sex offenders with proposed legislation.¹³⁵ Australia and Indonesia have an agreement in place that requires Australian immigration to alert the Indonesian government when a convicted child sex offender is travelling to their jurisdiction.¹³⁶

While these are positive steps, the ability to catch and notify requires increased capacity for recording biometric data at airports¹³⁷ or state borders - a tool many receiving countries struggle to implement.

Other examples of data sharing include Sri Lanka, where the Department of Immigration and Emigration maintains lists of visa applicants under three categories: red, amber and green. The system is linked to inputs received from diplomatic sources and through the State Intelligence Service.¹³⁸

In addition, the INTERPOL network includes 195 connected member countries who may access 19 specialised databases. Furthermore, the INTERPOL coloured-notices system enables countries to quickly share requests for police cooperation or disseminate alerts. INTERPOL Green Notices issued by INTERPOL upon the request of a member country will warn instantly all member countries about the risks posed by an identified travelling child sex offender that can be flagged at border checkpoints.

National volunteering bodies, volunteer and tourism strategies

A number of sending (e.g. Australia, United Kingdom, Netherlands) and receiving (e.g. Brazil, Peru, Thailand) countries have established national volunteer bodies or councils with

representation from government, civil society and the private sector. These bodies are designed to promote and facilitate volunteering and provide information, training, education, and volunteer matching services and are underpinned by national volunteering strategies designed to promote the growth and development of the volunteer sector.¹³⁹ Many have been established in response to legislation or policy efforts to promote domestic volunteering, however some explicitly mention international voluntourism.¹⁴⁰

None of the national volunteering strategy documents reviewed contained any reference to child safeguarding. Instead, the benefits of volunteering (including economic value) are promoted. For example, India's strategy refers to the difficulty obtaining visas for international volunteers due to the requirement for approval from three different government ministries and provides recommendations to improve the system.¹⁴¹

Almost all the countries reviewed in this exercise have a tourism development strategy, many of which refer to the need to increase the availability of 'responsible' forms of tourism such as ecotourism and community-based tourism. All strategies are centred on meeting the needs and demands of tourists, including prioritising their safety and security.¹⁴² Sri Lanka's strategy specifically references voluntourism as a positive, and seeks to encourage more of the practice.¹⁴³ While some country strategies acknowledge the need to mitigate the negative impacts of tourism, the risk of harm to children from sexual exploitation was not acknowledged in any of the strategies reviewed.

The regulation of tourism and acknowledgement of the negative impacts is a sensitive issue for governments due to the large amount of revenue generated by tourist dollars. The same logic applies to the regulation of international volunteers or acknowledgement of the risks they pose due to the intersectionality of tourism and volunteering: volunteers are also tourists

134 US Congress. (2016). H.R. 515 (114th): International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders. GovTrack.U.S.

135 Deutsche Welle. (2020). German government calls for crackdown on sex offenders.

136 ABC News. (2016, May 18). Scores of Australian paedophiles barred from Indonesia but fears more slip through the net.

137 Just Ask Thales. (2020, June 12). Biometric technology in airports – here's what you need to do.

138 UN Committee on the Rights of the Child. (2018). List of issues in relation to the report submitted by Sri Lanka under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. United Nations Digital Library System.

139 Setopati. (2020). National Volunteering Policy Draft: A unique opportunity for Nepal.

140 United Nations Volunteers. (2009). Laws and Policies Affecting Volunteerism Since 2001. 19.

141 United Nations Volunteers. (2012). Volunteering in India, Contexts, Perspectives and Discourses.

142 Turker, S. (2017). The Challenge of Voluntourism for Bali Tourism. | Semantic Scholar.

143 Sri Lanka Mirror. (2017, April 11). Sri Lanka implements tourism strategic plan.

and as such generate significant revenue for governments (visa fees, taxes) and provide much needed cash into struggling economies.¹⁴⁴

Public awareness, advocacy and education

Movements such as ReThink Orphanages¹⁴⁵ have contributed to an increased awareness of the risks to children in voluntourism, contributing heavily to the national discourse in Australia on the issue and working closely with the Australian government to develop guidance¹⁴⁶ for voluntourists wanting to work with children overseas. This work further resulted in the establishment of the Australian Volunteers International Child Safe Volunteering Hub¹⁴⁷ to promote responsible tourism and volunteering. In the United Kingdom, a government guidance document seeks to help voluntourists understand the risks and provide information to make good decisions.¹⁴⁸ While these are positive measures, child safeguarding and understanding of risks to children is complex and guidance is sometimes general and places the onus on the travellers to assess risks to children in the companies or voluntourism opportunities they are considering. Many people struggle to really grasp the extent of risks posed to children.

Efforts to raise awareness in receiving countries of the risks to children associated with voluntourism have largely centred on tourism more broadly. Successful campaigns include Childsafe's "Children Are Not Tourist Attractions"

campaign,¹⁴⁹ and the "Don't Look Away" campaign, both featuring awareness materials and reporting mechanisms.¹⁵⁰ In sending countries, multiple campaigns run by Rethink Orphanages¹⁵¹ including the university pledge, as well as Lumos¹⁵² have contributed to a greater awareness of the harms of voluntourism.¹⁵³ In the Netherlands, the Dutch NGO Pledge¹⁵⁴

calls on NGOs, companies, churches and schools to invest in family-based care and the #StopOrphanageTourism campaign calls on Dutch youth to reconsider voluntourism placements in orphanages.¹⁵⁵

Promoting responsible tourism

Globally, the movement to more responsible forms of tourism has increased in recent years, driven by demand from consumers who are increasingly aware of the impact travel can have on destination communities. While this has largely centred around environmental impacts, there has been a growing awareness of the social impact of tourism in destinations. Subsequently, we have seen a proliferation of social enterprises providing tourists who don't want to volunteer with opportunities to positively impact on the local community. However, sometimes these models can create their own safeguarding concerns as tourists and volunteers may more directly come into contact with communities at the local level via things like homestays and other community engagements. Community-based tourism poses many risks to children: missing school to work in tourism, unsupervised/inappropriate contact with children, breaches of children's privacy, children's needs being comprised to accommodate travellers, and an increased risk of sexual abuse and exploitation.¹⁵⁶ Voluntourists don't only have access to children within the organisation they are volunteering - they come into contact with children in the communities they live in, at beaches, bars and restaurants, and accommodation providers.

Research has found that children outside of parental care, street children and migrant children are especially vulnerable to sexual exploitation.¹⁵⁷ These children are often found in areas where tourists, especially those looking for a more "authentic" and "immersive" experience are drawn to.

144 Migration Policy Institute. (2021). *EU Strategy on Voluntary Return and Reintegration: Crafting a Road Map to Better Cooperation with Migrants' Countries of Origin- World*.

145 Rethink Orphanages. (n.d.). *Orphanage Volunteering*.

146 Australian Government Department of Foreign Affairs and Trade. (2018). *Smart volunteering*.

147 AVI. (2020, May 14). *Child Safe Volunteering Hub*.

148 UK Government. (2019). *Gap years, volunteering overseas and adventure travelling*. GOV.UK.

149 ChildSafe- Children Are Not Tourist Attractions. (2018, April 23). *ChildSafe Movement*.

150 Government of the Netherlands. (2015, March 26). *New campaign against child sex tourism: Don't look away*.

151 Rethink Orphanages. (n.d.). *Orphanage Volunteering*.

152 Lumos. (2021). *The Problem with Orphanages*.

153 Rethink Orphanages. (n.d.). *Orphanage Volunteering*.

154 Better Care Network Netherlands. (2019). *Dutch NGO Pledge*.

155 *Ibid*.

156 ChildSafe Movement. (n.d.). *An Industry First: Childsafe Community Based Tourism in Thailand*. ChildSafe Movement.

157 ECPAT International. (2020). *Summary Paper on Sexual Exploitation of Children in Prostitution*.

RECOMMENDATIONS

National child protection system strengthening

Governments should continue to invest in improving national child protection systems to ensure children are protected in all circumstances. This includes increased funding and investment in building technical expertise to respond to children's needs, as well as creating strong partnerships with civil society organisations for child-focused referral and the provision of support. Building capacity among local authorities and creating community-based child protection mechanisms ensures early identification and intervention. Government social welfare programs should be aimed at preventing child vulnerability to harm and should address root causes that place children, families and communities at risk.

As a very minimum, governments should ratify and implement all relevant child rights instruments¹⁵⁸ and revise all national laws accordingly. Additional measures specific to child protection and safeguarding should be implemented nationally to further strengthen prevention and response.

National reporting systems

Governments should develop, improve and promote national child protection reporting systems that allow for any person (including children) to safely report incidents and concerns. Reporting mechanisms should be accessible to all, including people with disabilities and children of different ages and abilities, and should include a variety of access points, including online, text-based, and resourced phone lines. Promotion should be differentiated for target audiences, including children, families, religious institutions, healthcare professionals, educators, the private sector (specifically tourism operators), civil society organisations, tourists and volunteers.

Governments should ensure protection mechanisms are in place for individuals making reports and allow for anonymous complaints.

Government departments responsible for child protection should be adequately resourced to receive, investigate, report and prosecute cases.

Child safeguarding minimum standards

All organisations working with children should be required to meet minimum standards for safeguarding children from harm. There is strong precedent for implementing safeguarding standards in the international development and humanitarian aid sector, and given the fact that many volunteer host organisations operate in the development space, implementing stronger standards in line with development organisation requirements should be mandatory. Implementation of standards should be linked to host organisation registration.

Safeguarding minimum standards may be based on the Australian Department of Foreign Affairs and Trade (DFAT) Child Protection Minimum Standards, which are best practice and have been widely implemented, including within recipient country aid activities. Standards include:

- A Child Protection Policy that is subject to regular review
- A Code of Conduct for staff, visitors and volunteers
- A documented reporting procedure
- Providing access to child protection training for staff and volunteers
- Risk assessment processes that identify risks and document steps to mitigate them
- Recruitment, selection and screening processes for staff and volunteers that incorporate referee checks¹⁵⁹

158 These are: Convention on the Rights of Child (2000); Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2002); Optional Protocol to the CRC on a Communications Procedure (2014); Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2002); ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182; Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007); Convention on Action against Trafficking in Human Beings (2005); Convention on Cybercrime (2001)

159 Adapted from: Australian Government Department of Foreign Affairs and Trade. (2018). [DFAT Child Protection Minimum Standards](#).

Additional requirements should apply relating to the qualifications of staff and volunteers working with children, especially those with complex or challenging needs, or in residential care settings. Staff and volunteers should have a minimum threshold for qualifications, skills and experience to be able to work with these children.

National legal frameworks to prevent sexual exploitation of children in travel and tourism

The Global Study on the Sexual Exploitation of Children in Travel and Tourism made a series of clear recommendations for national governments to strengthen national legal frameworks in order to address the sexual exploitation of children in travel and tourism. These recommendations are also applicable to the prevention of sexual exploitation of children in voluntourism and were reflected in the legal checklist and country legal analysis.¹⁶⁰

National legal frameworks to prevent sexual exploitation of children in voluntourism

Additional measures recommended for governments include actions specifically focused on regulating voluntourism providers and host organisations.

Voluntourist sending countries

Building on Australia's inclusion of orphanage trafficking as a form of modern slavery in the Modern Slavery Act (2018), sending country governments should require volunteer sending entities to comply with reporting requirements (regardless of revenue size) relating to the risk of orphanage trafficking.

Volunteer sending entities should be required to comply with national legislation in relation to the recruitment (including minimum qualifications), selection, screening and supervision of volunteers working with children, regardless of whether the work takes place domestically or internationally. Requiring compliance will ensure that appropriate safeguards are in place prior to the volunteer leaving their home country, and act as a deterrent to those wishing to harm children. Governments should impose sanctions and penalties on entities who fail to comply with child protection and

safeguarding requirements and those who have been found to have breached their obligations to safeguard children should be held criminally liable where crimes have been committed against children. This would incentivise increased due diligence and monitoring of host organisations.

Voluntourist receiving countries

The majority of children who experience sexual exploitation in the context of voluntourism are already vulnerable, with many lacking the protective factor of family-based care. Continued efforts to prevent the unnecessary institutionalisation of children through family strengthening, gatekeeping mechanisms, a strong social service workforce, and building of family and community-based alternative care systems will reduce vulnerability.

Governments can harmonise existing alternative care reform efforts and deinstitutionalisation programs with regulation of voluntourism by banning international volunteer placements in residential care institutions. There may be some exceptions to this in relation to long term domestic volunteers, or highly skilled international volunteers on long term placements specifically designed to support deinstitutionalisation.

Mandatory child protection standards for the travel and tourism sector

Requiring companies and NGOs who have contact with tourists and who host volunteers, to implement child safeguarding measures; and private sector companies to implement the six criteria of The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism ([The Code](#)) along with [The Code Voluntourism policy](#) would ensure further protections for children.

Specifically, in line with The Code Voluntourism Policy, companies should:

- Limit child-related voluntourism to only supervised activities that have clear policies and procedures
- Implement child safeguarding standards and a minimum threshold for qualifications, skills and experience required for any work with or for children

160 ECPAT International. (2021). [Legal Checklist: Key Legal Interventions to Protect Children from Sexual Exploitation in Travel and Tourism and Assessment Matrix Legal Checklist on Key Legal Interventions to Protect Children From Sexual Exploitation in Travel And Tourism.](#)

- Stop offering visits to orphanages and residential care centres as part of travel packages, and
- Redirect tourists to solutions that meaningfully help children, while responding to those volunteers that are already aware and are requesting companies to make ethical choices

The Code, though a voluntary initiative, can support the implementation of national codes and child protection standards that should be made obligatory for all the industry at country levels and address the issue of voluntourism. The Code can also support the travel and tourism industry in implementing obligatory measures resulting from due diligence laws that are being progressively introduced in a number of European countries.¹⁶¹

National legal frameworks for volunteering

Many countries have existing legal frameworks that with some adaptation, strengthening or enforcement can be used to provide further protections for children. Governments should move to create national, legally binding frameworks that lay the foundation for volunteerism, including protections for volunteers through the application of labour and employment laws, and restrictions on volunteer activity in order to protect children.

Use of visas to regulate volunteers

It is recommended that governments adapt existing immigration legislation to introduce a 'volunteer visa' category. To secure a volunteer visa, applicants would be required to have secured a volunteer placement with a registered volunteer host organisation that meets all relevant standards and legislative requirements. Applicants would also be required to provide a copy of their criminal record check with a copy of their volunteer contract specifying the length of their placement and their responsibilities. Governments should impose minimum qualification and length of stay requirements on volunteers working with children in residential care environments.

Employment law

It is recommended that governments expand existing employment laws to cover domestic and international volunteers, with specific reference

to mandatory background checks, recruitment and screening requirements, and minimum qualifications required in roles where direct or indirect contact with children is required.

Centralised volunteer recruitment and management

It is recommended that governments create and resource a statutory body responsible for the centralised recruitment and management of volunteers. The body would be responsible for:

- Management of the 'volunteer visa' application and approval process
- Ensuring all volunteers have a valid criminal record check and that volunteers (domestic and international) who have a conviction for offences against children (sexual or otherwise) are denied volunteer visas for roles where they may have direct or indirect contact with children
- Maintaining a database of past and current volunteers, and have systems that integrate with national and international criminal databases to flag when a volunteer is involved in criminal activity
- Ensuring volunteer host organisations meet minimum standards and legislative requirements in order to be approved for volunteer placements, including registration with relevant government ministries
- Conducting site visits and assessments of volunteer host organisations to ensure compliance
- Holding volunteer host organisations accountable for ensuring compliance with national child protection and safeguarding regulations
- Imposing sanctions and penalties on volunteer host organisations who fail to enforce or comply with volunteer visa requirements
- Requiring volunteer host organisations to provide individual volunteer contracts containing clear role descriptions including qualification/skill requirements and length of placement
- Creating partnerships with reputable volunteer sending companies and organisations who are compliant with all legislative requirements and minimum standards in both sending and receiving countries

¹⁶¹ Government of Germany. (2021). *(Supply Chain Act. (Lieferkettengesetz).*

- Ensuring all volunteers are required to sign a code of conduct that is directly linked to the approval of visas and placements

While these measures may seem a heavy burden on host organisations who have little resources, they will ensure that only organisations who can comply will be able to host volunteers coming into contact with children.

It is important that a parallel system does not operate, enabling volunteer sending companies and host organisations to bypass this system. Placing a greater burden of responsibility on the volunteer sending companies who are responsible for sending the vast majority of volunteers to receiving countries will ensure better practice overall and greater protections for children.

National volunteering bodies, volunteer and tourism strategies

National governments in both sending and receiving countries often have legislation, policy or strategies in place for tourism development and volunteering. In many cases, national tourism/volunteer bodies are mandated by governments to implement policy and strategy, including awareness building, training and monitoring.

Where national tourism and volunteering bodies exist, they should:

- Be mandated to ensure tourism operators and volunteer host organisations are compliant with mandatory child protection standards for the travel and tourism sector (The Code)
- Prioritise the delivery of training on the prevention and response of sexual exploitation of children in travel and tourism
- Ensure child protection risks in travel, tourism and volunteering are explicitly assessed, communicated and addressed in national strategy design, monitoring and reporting
- Raise public awareness of the issue of sexual exploitation of children in tourism and promote reporting mechanisms to national and tourist audiences

Additionally, in line with recommendations from The Global Study on the Sexual Exploitation of Children in Travel and Tourism, these bodies should also be responsible for ensuring that tourism operators and volunteer host organisations:

- Sign the UNWTO Code of Ethics
- Ensure compliance with Human Rights and Business Principles and Children's Rights and Business Principles
- Are aware of the issue of sexual exploitation of children in travel and tourism

These measures would apply to tourism operators and volunteer host organisations serving the domestic and international markets.

Enabling law enforcement agencies

Ensuring law enforcement are able to respond appropriately to child protection concerns is crucial. The Global Study on the Sexual Exploitation of Children in Travel and Tourism made a series of recommendations that are relevant to the voluntourism context:

- Ensuring law enforcement agencies have the resources and skills to identify, investigate and respond to SECTT and are able to use child-friendly methods when dealing with child victims and witnesses, and that enforcement is not undermined by corruption or social tolerance for SECTT
- Enhancing the regular exchange of up to date information about travelling child sex offenders among law enforcement agencies across jurisdictions of countries of demand, supply and victimisation, including greater use of INTERPOL tools, such as Green notices
- The development of sex offender registries that comply with international standards on confidentiality and privacy
- Investing in the development of analytical tools and new investigative techniques to enable law enforcement to identify offenders and rescue victims
- Deploying police liaison officers in destinations popular with travelling child sex offenders
- Cooperation across agencies and borders among the police and judiciary to allow exchange of information for investigations and prosecution of every case where a person is suspected or accused of having sexually exploited a child in another country
- Ensuring that law enforcement and justice system personnel understand the importance of SECTT and the particular needs of child victims

Based on evidence from this review, additional measures for law enforcement include:

- Measures to prevent passports being issued to child sex offenders
- Travel restriction orders on child sex offenders
- The inclusion of visual identifiers on passports of child sex offenders
- Requiring child sex offenders to provide 21 days advance notice of intention to travel

Mandatory criminal record checks

Governments should implement mandatory criminal record checks for any position that has direct or indirect contact with children, regardless of whether the individual is national or international, employed or voluntary. Government systems for conducting criminal record checks should be linked to INTERPOL to ensure currency of information, and any individual convicted of offences against children of any type should be prohibited from working or volunteering in organisations where children are present.

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