

ISSN 2582 - 211X

LEX RESEARCH HUB JOURNAL

ON LAW & MULTIDISCIPLINARY ISSUES

VOLUME I, ISSUE IV

JULY, 2020

Website - journal.lexresearchhub.com

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CHILD SEX TOURISM- AN ANALYSIS

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ABSTRACT:

Sexual exploitation of children is being reported more frequently and is becoming a threat to society. Though not a new offence, the alarming rate of increase in sexual abuse of children is disturbing. Even after enacting the Protection of Children from Sexual Offences Act, 2012 the reports of crime keeps on increasing. It includes selling and renting children for being used in the sex industry, pornography and other forms of sexual abuse which are inclusive of any use of children for the sexual gratification of adults. In this background, the author attempts an analysis of child sex tourism, its reasons and its increase in India.

Keywords - child sex tourism, socio-legal impact, role of government.

INTRODUCTION:

The United Nations World Tourism Organization (UNWTO) has defined tourism as a social, cultural and economic phenomenon, which entails the movement of people to countries and places outside their usual environment for personal, business or other professional purposes. This includes travel for fun, entertainment and many more attractions and sex is a prominent attraction for many. Such travels for fun often see either the tourist searching for sexual services in destinations or pimps and prostitutes offering sexual services at affordable rates. Sex tourism has become more widespread across all continents. Persons from foreign countries, especially developed countries often travel to tourist centers of less developed nations with the intention of entering into sexual relationships. It has been said that prostitution is the oldest form of business. Once sex tourism takes roots, it is very difficult to shut it down. One phenomenon seen in sex tourism is child sex tourism or CST. Child sex tourism is the phenomenon where the pedophiles travel to a destination with the intention of having sex with younger persons, preferably children. Amongst the softest targets of the society of offenders, children are the most vulnerable group¹. They select far and less developed destinations as they are little known or anonymous in the host country and chances of being penalized are very low in those countries. As the news of the availability of sex services spread, tourists flow from different parts of the globe and naturally, supply increases with the increase in demand. The growth of

¹ Dr. Madhu Shastri, *Child Abuse-An International Perspective*, 37 J.L.S. 174 (2007).

commercial sexual exploitation of children is directly proportional to the growth of the tourism sector. Although tourism is not seen as a direct cause of child sexual exploitation, it leaves access to vulnerable children open. The service providers in destinations like tour companies, hotels, resorts, restaurants, airlines, transportation companies, tourist agents and pimps may offer children for prostitution so as to further their business. Children employed in such institutions, children who depend upon persons who are employed in or who run such business may also become vulnerable to sexual abuse.

Visitors from developing countries were encouraged to visit the underdeveloped to help the latter in the growth of economic development and international understandings². But many foreign visitors, were, however, attracted not only by increasing international interactions but also for the sexual exploitation of women and children. Sex, for long, has been the fourth ‘S’ in the tourism industry, others being sun, sea, and sand, which are often used for the selling of the holiday³. Tourism associated with prostitution has assumed alarming proportions in many Asian countries. Sex tourism has taken the shape of an organized industry in these countries. An increasing number of Asian women and children are being forced into sexual relationships with foreign travelers, especially the pedophiles from the west⁴. Sex tourism is the new threat many third world countries are facing in this age of globalization.

THE GRAVITY OF CHILD SEX ABUSE

According to the World Health Organization (WHO), one in every four girls and one in every seven boys in the world are sexually abused. The WHO estimates that 150 million girls and 73 million boys under 18 years of age have experienced forced sexual intercourse or other forms of sexual violence involving physical contact, though this is certainly an underestimate. Much of this sexual violence is inflicted by family members or other people residing in or visiting a child's family or home. Such people are normally trusted by children and often are responsible for their care.

² Usha Razdan, *Child paedophilia and International Travel and Tourism: An Unholy Nexus*, 48 JILI 540(2006).

³ SHASHI PRABHA SHARMA, *TOURISM AND ENVIRONMENT, CONCEPTS, PRINCIPLES AND APPROACHES*, 3(1st ed. 2006).

⁴ *Id* at 3

A review of epidemiological surveys from 21 countries, mainly high- and middle- income countries, found that at least 7% of females (ranging up to 36%) and 3% of males (ranging up to 29%) reported sexual victimization during their childhood. According to these studies, between 14% and 56% of the sexual abuse of girls, and up to 25% of the sexual abuse of boys was perpetrated by relatives or step-parents⁵. In many places, adults were outspoken about the risk of sexual violence their children faced at school or play in the community, but rarely did adults speak of children's risk of sexual abuse within the home and family context. The shame, secrecy and denial associated with familial sexual violence against children foster a pervasive culture of silence, where children cannot speak about sexual violence in the home, and where adults do not know what to do or say if they suspect someone, they know is sexually abusing a child.

UNDERSTANDING SEX TOURISM AND CST:

Sex tourism implies the travel to distant lands to engage in sexual activity with prostitutes. The World Tourism Organization, a specialized agency of the United Nations, defines sex tourism as "trips organized from within the tourism sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with residents at the destination"⁶. Sex tourism implies the trips organized with the primary purpose of effectuating a commercial sexual relationship, by the tourists with the residents at the destination.

Hiew⁷, who stated that there is a strong connection between tourism and child sex abuse enumerates the reasons that prepare the platform for the increase in CST. *Firstly*, the situational conditions in tourist destinations. This may include social, economic, cultural and educational factors existing in the destination. *Secondly*, the anonymity of the traveling pedophile who always interacts with personality. *Thirdly* cognitive factors in the tourist to enhance sexual interest and reduce inhibition. *Fourthly* the tourists who involve in child sex abuse often take up the role of trusted persons as charity providers, teachers, wardens of protective homes and

⁵ Pinheiro, P. S. (2006): World Report on Violence against Children; United Nations Secretary-General's Study on Violence against Children; United Nations, <http://www.violencestudy.org>

⁶ [WTO Statement On The Prevention Of Organized Sex Tourism](#), adopted by General Assembly of the World Tourism Organization Resolution A/RES/338 (XI)

⁷ Hiew, A Conceptual Framework to Deal With Paedophilic Tourist", paper presented to the ECPAT Consultation, 11-14 May, 1993

caretakers of juvenile homes whom the parents or guardians of the child will no doubt. They usually find places where they are less suspected and detected. Thus it is argued that there is something inherent in the nature of international tourism that increases the occurrence of child sex abuse.

VICTIMS OF CHILD SEX TOURISM:

Victims of CST is often adolescent children, especially girls. This does not mean that boys are not vulnerable to the offence. Children who attained puberty but not attained majority are often recruited as child prostitutes. But on closer analysis, it can be seen that the age of the victim is continuing to decrease with the increase in demand to some as young as five years old⁸. Considering the situation in Asia it can be seen that child sex slaves come from three sources⁹. Firstly there are poor, illiterate children kidnapped in rural areas. They are drugged and transported to cities. They cannot go home because they do not know where their village is. Their parents, who have had little contact with the world outside their own isolated rural area, are unable to track them down. Secondly, some children are sold by their parents to brokers. They receive much more for their offspring than they can imagine and earn for a period of life long. Parents can be so poor that the child is sold simply to allow the rest of the family to earn daily bread. The brokers find ready purchasers for the children in brothels. Finally, there are voluntary recruits. Some children are willing to be recruited by older prostitutes for better income, education and some offer themselves for sexual acts for supporting their families. They may not want to be sex workers but they do want to flee a hopeless life and dream of earning better by engaging in such activities. International tourism is a new and important way to make money, and many are ready to take advantage of this expanding industry. Additionally, governments are promoting tourism and travel to their nation as a means of generating foreign money. They have been reluctant to punish foreign visitors for fear of being seen as hostile to tourism. There are also institutional barriers to combating child prostitution, such as the role of criminal networks, corrupt police and bribery. Given the profit to be made from sexual exploitation, law-enforcement organizations are sometimes seduced. Finally, there are complications arising from AIDS - a major problem in the region. Asian countries do not wish

⁸ ROY A. COOK, CAHY H.C., LORRAINE L TAYLOR TORURISM, THE BUSINESS OF HOSPIALIY AND TRAVEL 355 (6th ed.2017)

⁹ Keith Suter, *Abuse Abroad*, 56 THE WORLD TODAY, 23-24 (2000).

to scare away tourists by drawing attention to this. Because some men believe that sex with a child, rather than an adult prostitute, is safer because a young person will have had fewer partners and so has less chance of having AIDS, there is a growing market for child sex slaves. Indeed, in some societies, such a relationship is even claimed to offer a cure.

THE LINK BETWEEN TOURISM AND CHILD SEX ABUSE:

The growth in the commercial sexual exploitation of children often follows growth in tourism in many areas of the world. Although tourism is not the cause of child sexual exploitation, it often paves the way for easier access to vulnerable children. Child sex abusers also make use of the facilities offered by tour companies, hotels, resorts, restaurants, airlines and other transportation companies, etc.

The link between tourism and child sex abuse is firstly developed by Hiew¹⁰, who argues that situational conditions on tourist destinations, the anonymity of the ‘traveling pedophile’ who interacts with personality and the cognitive factors in the tourist to enhance sexual interest and reduce inhibition prepare the platform for child sex abuse. Further, the tourists who involve in child sex abuse often take up the role of a trustworthy person whom the parents will no doubt. As mentioned earlier, they usually present themselves as charity providers or simply start institutions like schools, protective homes, or other juvenile homes where they are less suspected and their authority is less questioned. These combinations of factors suggest that there is something inherent in the nature of international tourism that increases the potential for child sex abuse to take place.

According to Phillip L. Peace¹¹ tourism and travel can create new opportunities for sexual relationships. Factors such as anonymity, sensory stimulation, time, levels of influence, and reduced social control all act to foster the possibility of begetting new sex partners in accordance with their gender preferences and also to indulge in child sex abuse¹². It is often the children of developing and the least developed countries that fell easy prey to the traveling pedophiles because of the unawareness of the locals and weak legal framework existing there. Moreover, the tourist customers are supported by the family members of the victims as the

¹⁰ HIEW, *supra* note 7

¹¹ PHILLIP L. PEACE, TOURIST BEHAVIOUR, THEMES AND CONCEPTUAL SCHEMES

126(1sted.,2006).

¹²*Id.*

huge monetary gain is attached to the business with foreign customers. In such countries, the sexual abuse of children through activities other than prostitution is also prevailing because of the vulnerability of the victims. These activities include abuse of street children, assuming the role of a trustworthy person like a teacher, priest, etc, and abusing the children under his or her care and setting up institutions like educational institutions, charitable homes, orphanages, religious institutions, etc. and abusing the inmates thereof. Parents or guardians, as the case may be, in such cases allow the children to freely visit the premises of the offender's residence, considering him as a reputed personality. Also, there are many children appointed as tourists' guides, domestic help, etc. in such circumstances, as is the case with almost all cases of child sex abuse, the child is not able to give consent and in most cases is taken by surprise. They do not fully comprehend the gravity of the activity and reports to none. It is children who often fall prey to sex tourism as they are more vulnerable to exploitation and also because the demand for them is very high. Further child sex tourism is gaining attention as information is offered openly on the internet as to the availability of child prostitutes and about the less stringent legislative and penal provisions existing in the host countries. The crime is fueled by weak law enforcement, the Internet, ease of travel, and poverty.

A particularly ugly and alarming face of tourism is the growing nexus between tourism, trafficking, and child sexual exploitation¹³. Poor tourism planning leads to the displacement of communities and the loss of traditional livelihoods. This pushes children into tourism-linked work, like selling trinkets and services and working in small eateries. The gap between tourists and local communities and the celebration of consumerism that tourism is mostly about defines these gaps more sharply. The increased demand for sex services by both domestic and foreign tourists and the cultural permissiveness that tourism brings in are other factors that contribute to the sexual exploitation of children. Child trafficking is one of the worst forms of human rights violations.

REASONS FOR THE INCREASE IN CHILD SEX TOURISM:

Like any other social issue, reasons for an increase in child sex tourism cannot also be studied by analyzing any single factor, for it is boosted by many connected complex issues like

¹³ Sexual Abuse and Trafficking of Children- An Ugly Face of Tourism, accessed on <http://www.equitabletourism.org>

economic, developmental, social, cultural, educational, and legal factors. An understanding of these factors is necessary to control and prevent sex tourism.

ECONOMIC AND DEVELOPMENTAL FACTORS:

Poverty is often cited as the main reason for the increase in prostitution and related offences. In poor societies, a child is considered as an income generator and a male child, therefore, is more welcomed than a girl child. This perception often leads to child employment and child trafficking. Often children are sold for prostitution, offered as domestic help, employed in child labour, used as tourist guides and even given away for adoption and sold as chattel. Dislocated local economies compel the society to justify such activities on grounds of necessity. And in less developed areas the emergence of tourism as a development strategy makes the policymakers ignore such aspects while making policies and laws as tourism help in the improvement of the local economy and also the national economy without much investment. With the development of tourism and less competent legal regime supply and demand for child sex workers increase. Though some legal systems try to prevent such tendencies, law enforcement agencies at local levels are often influenced by pimps and mafias who operate beyond the law.

Increase in international travel with the advent of globalization and decrease in travel expenses lead to acceptance of international tourism as an order of the day for many and persons looking for cost-effective vacations opt for less developed states where tourism is perceived as an extremely lucrative industry, sustained by the increasing demand of foreigners from wealthy nations.

SOCIAL, CULTURAL AND EDUCATIONAL FACTORS:

Social factors that result in an increase in the rate of CST are many. *Firstly*, social acceptance of poverty as a justification for parent's consent for sending their children for such vocations have a great influence on the increase of CST. Society tends to justify child abuse on various grounds ranging from the inappropriate dressing of children to the economic necessities of parents. *Secondly*, a child as an independent human being with dignity and freedom is not acceptable to many societies. The sexual vulnerability of children increases in such societies.

Thirdly, even though some behaviors, such as sexual acts with a child, have always been labeled and treated as sex offenses, but other acts now seen as abusive have not always been regarded as such and correspondingly reported or prosecuted with vigor. Sexual acts, sexuality, and sexual mores are subject to evolving societal norms regarding what is appropriate and healthy. In many of the societies, sexual offences are treated or regarded as an immoral act than an illegal act. Even legal systems tend to categorize sexual offences into offences relating to morality. For example, the Immoral Traffic Prevention Act in India deals with sexual offences. The Dutch criminal code, 2006 contains articles on sex offenses that fall under a section entitled *Misdrijven tegen de zeden* which means crimes against morality. This title illustrates that sex offenses used to be seen predominantly as offenses against good taste, or morality, or as simply indecent. Because of the humiliation involved or because victims are often too young or dependent, sex offenses are among the most underreported of crimes. *Fourthly*, the changing expansion of concepts of law is not always accepted by society. For example, even today children are treated as the property of parents than individual right holders. Likewise, some comparatively new concepts in law that men could legally be a victim of rape and that non-consensual intercourse by a man with his own wife could be rape, etc. are not accepted in many legal systems even today. The idea that rape could take place with instruments other than the male sexual organ and that even a person of easy virtue can have the right to dignity. are such concepts which are hardly accepted. Even though law recognizes these activities as offences they are offences of less gravity because of traditional concepts and perceptions.

Economic factors include poverty and other economic necessities. Desire to live according to changing trends and social standards compel children to undertake vocations unsuitable to their age and development. This may include a variety of activities ranging from offences such as drug trade, offering commercial sexual services and joining criminal groups to less dangerous activities like child labour including, domestic help, work in restaurants, hotels and dhabas, being tourist guides, etc. instances of parents compelling their children to take up such jobs because of economic necessity is also a reason for increase in sexual exploitation of children.

INTERNET AND ADVANCES OF SOCIAL MEDIA PLATFORMS:

With technological advancements and wide use of mobile phones and internet facilities, information spread from continent to continent in the blink of an eye. Information is freely available on internet as to the availability of sexual services in a locality, nature and types of

laws prevalent on the locality, punishments if any that may be inflicted for engaging unlawful sexual activities and attitude of law enforcing agencies and society, etc. are easier to know with the spread of information through the internet. This helps the pedophilic traveler to select the country where he can visit indicated, commit the offence and escape to his country without being caught. He is able to identify the loopholes in law and law enforcement prior to travel and plan his journey accordingly. One danger of this tendency is that the pedophile may be able to choose nations where there are no travel restrictions to offenders even though they are caught red-handed.

INTERNATIONAL MILITARY OPERATIONS (CONFLICT RELATED SEXUAL VIOLENCE):

Sexual Violence in conflict and post-conflict situations is a gross violation of International Human rights Law and may amount to a violation of international humanitarian law and a serious crime. The Security Council, through its resolution in 2010, has stated the necessity of all State and non-State parties to the conflict to comply with their obligations under applicable international law, including the prohibition of all forms of sexual violence. It also stressed the need for civilian and military leaders to demonstrate a commitment to prevent sexual violence, to combat impunity and enforce accountability. The Security Council has reiterated these obligations in its subsequent resolutions including resolutions 1998 (2011) and 2068 (2012). In its latest resolution 2106 (2013) on sexual violence in conflict, the Security Council noted with concern that sexual violence in armed conflict and post-conflict situations disproportionately affects women and girls. The Council also raised concern that groups that are particularly vulnerable or maybe specifically targeted are mostly affected by sexual harassment while it also affect men and boys as they are forced to witness sexual violence against family members. Even though the Security Council condemn such practices, sexual abuse is still alleged to be associated with military operations in conflict porn areas. When an emergency or internal conflict arises which needs to be handled by the military, local residents often complain of atrocities by military officials. In war-affected areas often the military is given wide powers without much restrictions and this lead in some cases to military taking complete control of the area with no guarantee of human rights to civilians. Especially if external forces are camping in war-affected areas, sexual abuses are alleged against them frequently. Reports of sexual abuse of children in such areas are made more frequently than at

peacetime. CRSV (conflict-related sexual violence) is often justified by myths that sexual violence in armed conflict is a cultural phenomenon or an inevitable consequence of war or a lesser crime. Even though the Security Council has recognized that effective investigation and documentation of sexual violence in armed conflict is instrumental both in bringing perpetrators to justice and ensuring access to justice for survivors, it is practically difficult to make it possible as the victims are reluctant to report because of shame and fear. Though cannot be strictly called CST, conflict-related sexual violence increases sexual abuse of children by foreigners.

IMPACTS OF CHILD SEX TOURISM

Like any other crime, CST has deep impacts on the victims, their families, society and the nation when it goes uncontrolled. However, the major and most disastrous impact is on the child victim. Generalizing the impact on the victims of child abuse is difficult as many of them take the abuse differently. Some get over the trauma quickly, while some fall into a deep depression and develop behavioral abnormalities. Some forget the incident while others feel they are wronged and seek revenge. Some turn out to be pedophiles and commit child sex abuse. But still, a pattern can be identified and the impact on the child victim can be classified as physical, mental, educational, developmental, spiral, or chain effect. While analyzing the effect on society it can be seen that CST has greater impacts than other forms of sexual offences like rape, incest, or molestation. These are seen as isolated incidents. But if CST is reported in a locality news spread across the globe and this often results in attracting more offenders to explore the locality. The place thus becomes a hot spot for flesh trade. Children are assets of a nation and if they are attacked, abused and treated as chattel the progress of the society will stagnate and it will tamper national development. Once an area becomes vulnerable to CST, it affects social values and destroys social institutions. Once the pedophile is welcomed in a society it is settled that it will end up becoming a paradise for pedophiles. Such societies witness changes in cultural values and become vulnerable to cultural changes. Social changes are often accompanied by economic impacts. The victims, their agents, or pimps who recruit them are usually paid highly than they can hardly wish for. High income from foreigners attracts many to take up CST as a profession and thus CST flourishes as lucrative business. The disparity in income created by such sudden riches often lead people to other problems like alcoholism, the use of narcotic substances, etc. which again create a lot many social and cultural

issues like broken families, an increase in crime rates and child delinquencies. Children who are recruited in the sex trade do not get the opportunity to have formal education and adequate means of development. Lack of education and substantial development leads to repeating the same in generations like a circulation action. Victims, once they become adults chose the same path and they end up becoming either pimps or abusers. In such conditions, the highest jobs they can dream of is domestic labour, hospitality work, etc. which do not demand much educational qualifications and expertise. Survival becomes the best thing that can happen to a child in such circumstances.

CONCLUSION

Child sex tourism remains one of the most difficult problems to tackle even after the enactment of legislation for this purpose. To tackle this problem strict laws should be enacted for monitoring international travelers and to see whether they are pedophiles. There should be working mechanisms to ensure that persons who have been arrested, prosecuted and punished for sexually abusing children must be notified as pedophiles and that information should be passed on to the countries to which he travels. To create awareness, education about CST at the grassroots level should be provided and peer groups such as police, teachers, parents, local self-government authorities and NGOs should be actively involved in monitoring and reporting CST. One of the main reasons for the increase in CST is the lack of financial support and the emancipation of the downtrodden. The long-standing connection between law and poverty is reflected in child sex tourism also. To overcome this governments should take positive measures and ensure that no child is brought into CST because of poverty. This requires a wide range of activities and strong commitments on the part of the government and society. Society should stop considering children as chattel and should learn to accept them as right holders and law should make it sure that their rights are protected and that they are not physically, mentally, or sexually abused.