



protecting children everywhere

# Child Sex Tourism in Sri Lanka

## 1. Background

In Sri Lanka an estimated 36,000 children are believed to be victims of prostitution, according to a study by UNICEF in 1998. Although girls are sexually exploited both in the sex industry and by sex tourists, many nongovernmental organisations (NGOs) believe that it is boys who face greater abuse by foreign sex offenders. This may be because, culturally, virginity in a girl is highly prized and therefore her movements and behaviour more strictly controlled. The full extent of child sex tourism and exploitation has been difficult to investigate and document because of its covert nature. However, PEACE, a Sri Lankan NGO, estimates that some 10,000 children, especially boys, may be involved in child sex tourism.

However, both boys and girls are equally vulnerable to trafficking by criminal networks for the purposes of coerced labour and sexual exploitation. According to the US State Department Trafficking Report the government of Sri Lanka is making progress towards eliminating trafficking. A National Plan of Action has been formulated to combat trafficking in children for exploitative employment in Sri Lanka.

Local organisations argue that child sex tourism exists because of the level of poverty and unemployment in the areas where it is prevalent. Poorer families are unable to send their children to school and also depend on their labour as a contribution to the family income. The problem of child prostitution and sex tourism appears to be a major issue in coastal areas, particularly in the South and South West. In these areas it is places such as: Hikkaduwa, Negombo, Colombo, Mt. Lavinia and Galle that report the highest incidence of abuse.

### Sri Lankan Legislation

Sri Lanka has a number of laws on child protection and the prevention of child abuse, including having ratified the United Nations Convention on the Rights of the Child (CRC) in 1991. In 2002, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography was signed and the ILO Convention 182 on the Worst Forms of Child Labour ratified. Under domestic law, the definition of a child is anyone below the age of eighteen years and child abuse includes all acts of sexual violence against, trafficking in and cruelty to children. The law prohibits the use of children in exploitative labour or illegal activities. The penalties for sexual exploitation and child trafficking range from five to twenty years imprisonment and an unspecified fine. Procurers and those who knowingly allow a child to be abused on their premises also face the same sentences as those directly abusing a child. Since 1994 and 2003 nineteen foreign sex offenders have been convicted in Sri Lanka for child abuse. The government also operates a CyberWatch Project, which contains a database of suspected sex offenders.

### UK Legislation

While British tourists who commit sexual offences in Sri Lanka can be prosecuted in that country, they can also be prosecuted in the UK for crimes committed while abroad. Under the UK Sexual Offences Act, 2003, article 72, persons can be prosecuted for a crime that is viewed as a criminal offence in both countries. Therefore, if tourists sexually abuse a child in Sri Lanka, they can be tried in the UK as both countries legislate against this offence. This Act is intended to cover crimes that may be

committed by the traveller against either a travelling child companion or a child living in the country, but in which the crime is not detected until returning to the UK.

Additionally, the Sexual Offences (Conspiracy and Incitement) Act, 1996, allows for the prosecution of those who conspire to commit a sexual offence outside the UK, or incite someone else to commit the offence. Therefore if one person either helps or pushes another to commit the offence, they too can be prosecuted in the UK.

## 2. Who are the children and aspects of vulnerability?

All children from poor coastal and rural communities are vulnerable to sexual abuse. Those between the ages of eight and fifteen living in coastal areas of the country are particularly vulnerable. Others who are from inland rural areas, including street children and child domestic workers are also easily tempted by false promises of employment into situations of abuse.

**Poverty and economic insecurity:** Research has found that the children that are particularly vulnerable are from poor communities facing economic insecurity, which leads to families relying on the labour of their children and often ignoring the abuse of the child. The economic wealth of the sex tourist is seen as an opportunity that can enable children to contribute to the family or fulfil ambitions of travelling abroad.

**Weakening of family structure:** Family breakdown and the loss of the nuclear family expose children to exploitation, particularly in relation to girls. According to PEACE since the December 2004 Tsunami many children have become orphans or are simply separated and lost from their families. This situation has left many children exposed to the material enticements often offered by sex offenders.

**Lack of parental supervision:** Many parents work for a daily wage in fishing hamlets and other trades that force many of them to leave their children alone and unsupervised. In addition, the phenomenon of mothers travelling abroad to the Middle East for work is believed to have left many young children at risk of exploitation. It is mothers who are considered the primary carers of the welfare of the family and in their absence children appear to be susceptible to abuse.

**Sexual and intra-family violence:** There has been some documentation done on the issue of sexual and domestic violence leading children, particularly girls, into entering the sex industry. For girls, losing their virginity before marriage carries a heavy social stigma in Sri Lankan society and often leaves them with few options other than prostitution for economic security. Being a part of the sex industry means these girls are also abused by foreign sex tourists.

**Ethnic conflict:** Ethnic conflict has left an estimated one million children displaced or abandoned in Sri Lanka. This exposes them to criminal networks that traffic children to various parts of the country into all kinds of labour, including sexual exploitation.

## 3. Who are the abusers?

The children, both boys and girls, are often introduced to sex tourism by a 'trustworthy other' who may be community members, neighbours, or known foreigners. In many cases the abusers are older foreign tourists, mainly from Western Europe, who often reside in Sri Lanka for some period of time and travel there frequently. One reason offenders give for seeking children in Sri Lanka is because they perceive them as being submissive compared to children from other countries. However, offenders are also known to ply children with drugs and alcohol, thus making them dependent on them.

Child prostitution in the country is organised through brokers or pimps, although there are some beach areas, such as Hikkaduwa, where the children appear to approach tourists themselves. Sex offenders also search for and approach children themselves when residing or travelling in the centre of the country. However, *Trishaw* (three wheeler) drivers are the main and often first point of contact

for sex offenders when procuring children for sexual purposes. In some cases, these trishaw drivers are the brokers, but often they work as intermediaries between the sex tourists and pimps.

Many of the sex tourists lure children into sexual abuse by giving them gifts and promising them travel abroad or a better life. Research suggests that most offenders groom the children in this way to gain their trust and then go on to abuse them. It is this grooming that lures many children to the beach resorts to seek out tourists. Many of the sex tourists are frequent visitors who travel to the same area and visit the same child or children each year. They have been known to gift children with increasingly expensive gifts in order to maintain control over them. Some of these children then go on to become pimps themselves once they have grown older.

Much of the abuse remains undetected and unreported because of its covert nature. A favoured location by sex tourists to abuse children is in village guesthouses and there is some evidence to suggest that the managers of such guesthouses either provide children for sexual abuse or tolerate the practice in their establishments. Additionally, unscrupulous tour guides are also known to cater for the demands of sex offenders.

#### **4. How is the travel industry involved?**

Tourism has flourished since the 1970's, with a mushrooming of hotels and guesthouses in the coastal areas. The ethnic conflict in Sri Lanka only reduced tourism to a slight extent and since the 2001 cease-fire agreement between the government and the Liberation Tigers of Tamil Eelam it is projected to increase by 36 percent in 2004. However, the growth in tourism is believed to be at the heart of an increase in sex tourism. Sex tourists are not only attracted by the beaches and good weather. The government only responded to the problem by enacting legislation to combat the problem in 1995. In 1997, with cooperation from local and international NGOs a Task Force on child protection issues was set up. This in turn led to the formation of a National Child Protection Authority (NCPA) in 1999 that has the authority to investigate child abuse cases in collaboration with police. The NCPA has developed a national plan of action against the trafficking of children.

Since then there have been a host of publications and trainings of frontline workers who are tasked with child protection and enforcement of the law. In 1977 the government introduced compulsory education in order to reduce the chances of children being vulnerable to abuse and exploitative labour. The government has also included child rights monitoring provisions in the Sri Lankan Charter. The Department of Probation and Child Care Services provides protection to child victims of abuse and sexual exploitation, but it is local NGOs that do the bulk of this work, including the provision of shelters.

The Sri Lanka Tourist Board is the main regulatory body overseeing tour operators and guides. In Negombo, there is a Tour Guides Association regulating and registering trishaw drivers and awarding them a certificate of membership. However, in most of the coastal regions the tour guides are not registered with the Sri Lanka Tourist Board and thus have little accountability or regulations governing their behaviour and quality of services. The Tourist Board has now initiated a Plan of Action with the government that is meant to train staff, provide information to travellers and cooperate with authorities on child sex tourism issues.