

# CHILD SEX TRAFFICKING IN THE TOURISM SECTOR IN SRI LANKA

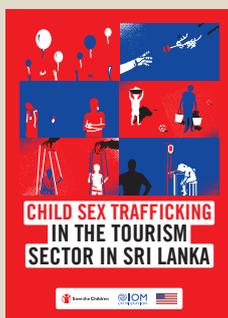


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The study “Child sex trafficking in the tourism sector in Sri Lanka”, was conducted by Save the Children and was commissioned by the International Organization for Migration (IOM) Sri Lanka as part of the project “Strengthening Counter Trafficking Efforts in Sri Lanka (SCOUT)”. It was authored by the lead researcher, Dr. D M Pamela Pieris. The input and support provided by government and non-government stakeholders, survivors of trafficking and all other interviewees for this research is acknowledged with sincere appreciation. The actual names of victims of human trafficking are replaced with pseudonyms to protect their identities.

This research was made possible through support provided by the United States Department of State’s Office to Monitor & Combat Trafficking in Persons under the terms of Award No. SSJTIP18GR0023.

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## Suggested Citation

Pieris, P. (2021) “Child Sex Trafficking in the Tourism Sector in Sri Lanka”, Save the Children and IOM: Colombo

**ISBN:** 978-624-5738-00-7

## Published by:

**Save the Children**

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# Acknowledgements

This qualitative research, 'Child Sex Trafficking in the Tourism Sector in Sri Lanka' was an opportunity to listen to the voices of victimized population through narrating their lived experiences. Each individual who participated in this research had a unique story to tell and were shared in confidence. Everyone one of them wanted their stories to be heard by everyone, so another child would not encounter deceit and deception as they did as children, only to make sure the future generations to come will not be deprived of any form of protection and care.

I had the collaboration and corporation of several teams to carry out this research. Save the Children International team bestowed their confidence and trust in me by assigning this research.

To Ms. Buddhini Withana, Mr. Ranjan Weththasinghe, Ms. Shyamali Gnanasena, Mr. Mohamed Ziyad, and Ms. Hannah Newth, Dr. Hadley Solomon: Thank you.

I had the privilege of working with a committed research team for several months. Do not fail to know that I appreciate your contributions for working as a tight-knit team, for moving through various obstacles to ensure that every research participant's voice was heard. For you it was a challenge to reach this clandestine population and present their stories in its authentic form to the Lead Researcher. COVID-19 did not dissuade you in anyway, and you excelled in demonstrating received researcher capacities. Thank you: Mr. Chanaka Peiris (Research Administrator) Mr. Ranjith Wickremasinghe (Social Liaison), Mr. W Withane (Social Liaison), Research Interviewers: Mr. Palitha Liyanawadu, Ms. Dharma Gunarathne, Ms. Manjula Weerasinghe, Mr. Charles Elamaldeniya, Mr. Kapila Kumar de Silva, Ms. Kumudu Kasthuriarachchi, Ms. Chalanika Sandamalie, Mr. Gamini Addharachchi, Mr. Chaminda Piyasekara, Mr. Gamini Wijerathne, Mr. Indika Fernando, Ms. Marian Predeepa, Ms. Samantha Darshani, and typist Ms. Shiromi Lowe.

My family and friends: I am immensely grateful to you for being at my side in every step, for being my moral support and believing me in bringing the trafficked child's voice to the world.

To the International Organization for Migration for providing valuable technical inputs and financial assistance for this research, and the US State Department Office to Monitor and Combat Human Trafficking which provided grants to undertake this research through IOM,

Thank You.

**Dr. D M Pamela Pieris**

Lead Researcher

# Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
BOI	Board of Investment
CBO	Community Base Organization
CCI	Child Care Institution
SCI	Save the Children International
CCTV	Closed-circuit television
COVID	Corona Virus Disease
CRC	Convention on the Rights of the Child
CRPO	Child Rights Promotion Officer
CV	Curriculum Vitae
CYPO	Children and Young Persons Ordinance
DSM	Diagnostic and Statistical Manual
FGD	Focus Group Discussion
GSN	Grama Seva Niladari
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
IRB	Institutional Review Board
JMO	Judicial Medical Officer
KII	Key Informant Interview
ME	Middle East
MEAL	Monitoring Evaluation Accountably Learning
MOH	Medical Officer of Health
NCPA	National Child Protection Authority
NGO	Non-Governmental Organization
OPSC	Optional Protocol on the Sale of Children, child prostitution and child pornography
PCA	Penal Code Amendment
PO	Probation Officer
SC	Save The Children
STD	Sexually Transmitted Disease
TiP	Trafficking in Persons
TOR	Terms of Reference
TSP	Tourism Service Provider
TVPA	Trafficking Victims Protection Act
UN	United Nations
UNCEF	United Nations Children's Fund
UNDOC	United Nations Office on Drugs and Crime
US	United States
WTO	World Trade Organization

# Contents

<b>Executive Summary</b>	<b>1</b>
<b>1. Introduction</b>	<b>3</b>
1.1 Research Objectives	4
1.2 Problem Statement	4
1.3 Definitions	5
1.3.1 Tourism	5
1.3.2 Child	5
1.3.3 Child Trafficking	5
1.4 Research Methodology	6
1.4.1 Method of Inquiry	6
1.4.2 Key Questions	6
1.4.3 Data Collection	7
1.4.4 Sample Size and Coverage	7
1.4.5 Ethical Clearance	8
1.4.6 Researcher Team	8
1.4.7 Limitations of the Research	8
<b>2. Review of Literature</b>	<b>9</b>
2.1 Analysis of the Legal Framework	9
2.2 Dearth of Data	10
2.3 The Boy Child in the Tourism Industry	10
2.4 The Girl Child and Modern Slavery	11
2.5 Landscape of Child Sex Trafficking in the Tourism Industry	11
2.6 The Child Protection System's Response to Child Victims of Trafficking	12
2.7 Legal Oversights and Lapses	13
2.8 The Private and Public Spheres	14
2.9 Implications of Human Trafficking on the Child at-risk of being Trafficked in the Tourism Industry	14
2.10 Common Themes that Emerged in the Literature Reviewed for this Study	14
<b>3. Research Findings</b>	<b>16</b>
3.1 Causal Factors of Vulnerability, Leading to Sex Trafficking in the Tourism Sector	16
3.1.1 Impact of Household Poverty	18
3.1.2 Parental Negligence	18
3.1.3 Consequences of Strict Parenting	19
3.1.4 Loss or Absence of a Parent	20
3.1.5 Labour Exploitation	21
3.1.6 Being a Victim of Child Sexual Abuse	22
3.1.7 Drug and Alcohol Addiction	22
3.1.8 Specific Socio-Cultural Circumstances	23

3.2	Experiences of Children as Victims of Trafficking	23
3.2.1	Victims' Perceptions of their Traffickers	23
3.2.2	Pornographic Materials	24
3.2.3	Sexual Abuse by the Trafficker	24
3.2.4	Deception	24
3.2.5	Seclusion and Isolation as forms of Slavery	25
3.2.6	Pregnancy	25
3.2.7	Medical Needs	25
3.2.8	Prosecution of Traffickers	25
3.3	Conditions of Exploitation Common in Trafficking in the Tourism Sector in Sri Lanka	25
3.3.1	Seasonal Demands	25
3.3.2	Work Arrangements	25
3.3.3	Choice of Client	26
3.3.4	Payments	26
3.3.5	A Victims' Database	26
3.3.6	Mobile Apps	26
3.4	Causal Factors that pull Girls and Boys to Remain in the Sex Tourism Industry	26
3.4.1	Economic Security and Material Benefits	26
3.4.2	Fear for their Lives	26
3.4.3	Addiction to Drugs	27
3.5	Caregiver Attitudes and Reactions towards Children's Victimization	27
3.6	Identification and Protection of Child Victims of Trafficking	27
3.7	Views on the Child Protection Mechanisms of the State and in the Tourism Industry	28
3.7.1	Victim Support Services	28
3.7.2	Female Teacher as a Confidante	28
3.7.3	Law Enforcement	28
3.7.4	Poor Re-integration Practices	29
3.7.5	Institutional Violence	29
3.7.6	Rehabilitation of Victims	29

## 4. Analysis and Outcomes 30

4.1	Child Trafficking in Sex Tourism as a Complex System	31
4.2	The Sub-systems	31
4.3	Moving Across Permeable Boundaries of the Sub-systems	33
4.4	Push and Pull Factors as Inputs and Outputs in the Sub-systems	34
4.5	State Intervention and Prosecution	34

## 5. Recommendations 35

5.1	Monitoring, Vigilance and Support to Families that are Known to be Vulnerable	35
5.2	Care and Protection for Child Victims of Trafficking	36
5.3	Detection and Investigation of Child Trafficking	37
5.4	Engagement with the Tourism Industry	37

## Bibliography 38

## Annex – Consent Forms and Research Tools 39



# EXECUTIVE SUMMARY

This qualitative research focused on generating an in-depth understanding on child sex trafficking in the tourism sector in Sri Lanka. The main research questions were: (a) What are the experiences of child victims of trafficking? (b) How can children who are vulnerable to trafficking be identified and supported early, to prevent them from being trafficked into the sex tourism industry? (c) How can victims of trafficking be identified for timely interventions? These questions also required understanding about children who were particularly vulnerable to trafficking and the push & pull factors that lead children to become victims. By examining these questions and related areas of inquiry, the research aimed to provide new knowledge on the circumstances and factors that lead to children becoming victims of trafficking and those that allow its sustainability. The research was conducted from September to December 2020 in 8 districts<sup>1</sup> which are already known to have a high incidence of exploitation.<sup>2</sup> This research is based on the views and experiences of youth who had been victims of trafficking in their childhood, identified and accessed

via collaboration with local civil society organisations. Their reflections and observations have brought out pertinent findings, not captured in research previously published in Sri Lanka.

The study finds significant correlation between victimisation and economic difficulties within the families of the study participants, that have resulted in family dysfunction, the neglect of children's basic needs and impediments to education and health. The other overarching factor is the clear lack of protection mechanisms within the family, community as well as the State. Poor parenting, the loss of a parent, parental migration (overseas or domestic), its resulting emotional distress and the muted voice of the child in all settings also appear as significant factors that influence the incidence of child sex trafficking. A noteworthy finding from the study participants is that child victims of sexual abuse are more likely to fall victim to sex trafficking and exploitation. The stigma and shame associated with abuse which result in social exclusion and secondary victimisation make child

<sup>1</sup> Nuwera Eliya, Ratnapura, Colombo, Hambantota, Anuradhapura, Gampaha, Galle & Ampara

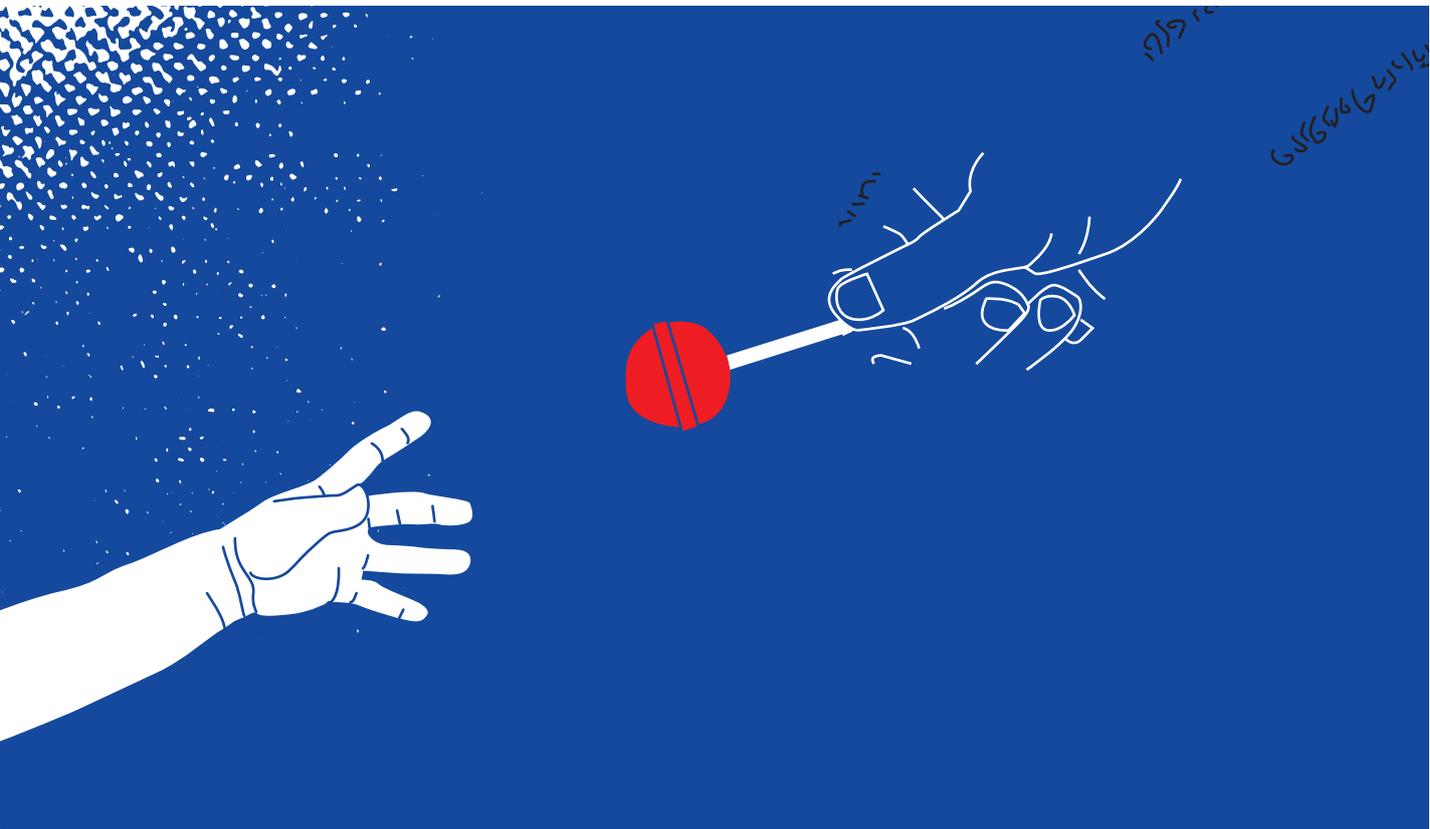
<sup>2</sup> Based on work done with target group by local civil society organisations

abuse victims an easy target for traffickers. Another important finding is how child victims of trafficking become re-victimised due to the actions or inaction of the State authorities. Findings indicate that, after victims are placed through care and protection orders at child care institutions, they are often re-united with their families without any case management intervention or re-integration plan; children then return to the abusive environments they came from and become victims once again.

The research identifies four stages in which child sex trafficking has occurred. While this is not to infer that all cases of child sex trafficking follow these stages, the study finds that this is the most likely process which victimises children in the local context. First, children are sexually molested/abused or introduced to drugs; thereafter children are subject to deception by persons familiar to them; then children are trafficked for sex work within the locality where the child resides; finally, the children are trafficked for sex in the international tourism industry. The findings reveal that children may enter this process through the first two stages, and then only some children would move on to the fourth stage. Child protection services often tend to identify children in the third stage, with hardly any children being identified once they enter the sex tourism industry targeting international clients. Some contributing pull factors into this industry are identified in the research that might suggest why children do not try to escape the exploitative conditions.

Children have continued living in exploitative conditions with their perpetrators, to escape the poor socioeconomic conditions at home. Also, the economic benefits that assisted the child as well as their families have kept children in the sector. Most children were also addicted to drugs, which was funded by the perpetrators. The perpetrator often protected victims from other perpetrators though on his/her terms, in his/her favour.

Some key recommendations are highlighted based on the findings of the report. **Increased monitoring, vigilance and support to families that are known to be vulnerable** is crucial, to recognise the risks of trafficking and exploitation, and ensure that strengthened families and community based child protection mechanisms are able to prevent children from becoming victims. Strong social protection mechanisms need to complement child protection mechanisms in this regard. **Adequate and quality care and protection for child victims of trafficking** is recommended as another priority area, with emphasis on the need for support services for vulnerable children (especially targeting children who are particularly vulnerable to trafficking – e.g child victims of abuse, children without parental care etc.) and child victims of trafficking. Victims of trafficking require well planned mental health and psychosocial support, through a strong case management process that eventually results in suitable re-integration of the child. Another important recommendation relates to **stronger enforcement of the law and strengthened mechanisms to detect and investigate crimes of trafficking**. To enable this and to have clear and uniform investigation procedures in place, the State needs to invest in developing skills and capacity of the law enforcement cadre and use evidence on strategies traffickers use to victimise children, and understand how investigation and detection of this phenomenon can be improved. Finally, the importance of engaging with the tourism industry is highlighted by working with the concept of **Child Rights and Business Principles** to ensure ethical business practices that do not harm to children.



# 1. INTRODUCTION

This study on child sex trafficking in the tourism sector in Sri Lanka was conducted to understand and build evidence that will shed light on the push and pull factors that render children vulnerable to being exploited and trafficked in the tourism industry. The purpose of the research was to generate evidence for advocacy as well as to ensure appropriate measures that can be taken to reduce children’s vulnerability, protect victims of trafficking and secure the prosecution of perpetrators. The Convention on the Rights of the Child is the main international instrument that upholds the protection rights of the child and addresses all forms of abuse, violence, neglect and exploitation.<sup>3</sup> With regard to child trafficking, Article 34 in particular addresses “all forms of sexual exploitation and sexual abuse<sup>4</sup>” in terms of “inducement or coercion of a child to engage in any

unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices, and the exploitative use of children in pornographic performances and materials”<sup>5</sup>(p.1). Sri Lanka became a signatory to this Convention on 26 January 1990, ratifying it on 12 July 1991<sup>6</sup>.

The UNCRC stands as the principal human rights legal instrument in reference to child rights. However, Verité Research (Pvt) Ltd (2017), informs, with regard to Sri Lanka’s National legal standards, The CRC is not justiciable (i.e. enforceable in any court of law), as there is no corresponding Act of Parliament that incorporates the Convention into National law. Notwithstanding this limitation, a number of existing laws have been amended to reflect Sri Lanka’s obligations under the CRC<sup>7</sup>. (p.9)

<sup>3</sup> UNICEF (2009) HANDBOOK ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY. UNICEF Innocenti Research Centre. Italy.

<sup>4</sup> UNICEF (2009) HANDBOOK ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY. UNICEF Innocenti Research Centre. Italy P.1

<sup>5</sup> Ibid

<sup>6</sup> <http://www.childwomenmin.gov.lk/institutes/dep-probation-and-child-care-services/child-rights/crc>.

<sup>7</sup> UNICEF (2017). A LEGAL AND INSTITUTIONAL ASSESSMENT OF SRI LANKA’S JUSTICE SYSTEM FOR CHILDREN. This report was prepared by Verité Research (Pvt) Ltd, informs: “The text has not been edited to official publication standards and UNICEF accepts no responsibility for errors.”

In 1992 the government of Sri Lanka had formulated the Children's Charter "as a follow up to the UNCRC"<sup>8</sup>. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitutions and child pornography was adopted by the UN General Assembly resolution 54/263 in 2000<sup>9</sup>. Sri Lanka signed and ratified this protocol in 2002<sup>10</sup>. The States Parties to the present Protocol<sup>11</sup> bring to the attention the child's vulnerabilities to international trafficking aimed at purposes of sale, prostitution and pornography, and identifies the rights that relate to such conditions as given in the CRC, "...articles 1, 11, 21, 32, 33, 34, 35, and 36," informing that the widespread of sex tourism especially makes children vulnerable "...as it directly promotes the sale of children, child prostitution and child pornography."<sup>12</sup>

Although defining such complex conditions would be problematic, a comprehensive definition in this regard is found in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Also known as Palermo Protocol), which received international acceptance<sup>13</sup>. Sri Lanka became a signatory to the Palermo Protocol in 2000<sup>14</sup>. Domestic legislation - Penal Code (Amendment) Act No. 16 of 2006 was enacted largely in line with the provisions of the Palermo protocol, comprehensively defining "human trafficking".

Save the Children Sweden (2008) has adapted this definition into a child-friendly version as follows:

"Stealing, kidnapping people, or asking people to come with you by using threats, promises, force, lies and/or power to trade them (buying and selling), to recruit them, to move them from one location to another (for example across borders); or to keep them against their will - all for the purpose of exploitation. Exploitation includes prostitution and other forms of sexual exploitation, harmful work, being forced to work, slavery, forcing people to do illegal or criminal things and the removal of organs."

"The definition applies to all people, men, women and children. But when it comes to children, any kind of recruitment, transportation, moving them around, buying or selling them or keeping them for the purpose

of exploitation will be considered 'trafficking' – no matter how it is done. The definition implies that a child cannot consent to being trafficked and a child's consent is not recognised as a justification of any form of child exploitation or abuse."

This qualitative research was designed to explore the phenomenon of child trafficking in tourism in Sri Lanka, inquiring from adults their lived experiences when they were trafficked as children. Initiatives of varying types have been conducted in Sri Lanka to understand the phenomenon of child trafficking, yet due to its clandestine characteristics and vulnerability of the child population it remains invisible. The introductory chapter addresses the research objective and problem statement, the purpose and definition, methods and processes.

The review of literature in chapter two addresses significant areas and gaps for further inquiry in studies carried out pertaining to situations particular to Sri Lanka. Chapter three will describe methodological foundations of this qualitative research, that anchored findings of the entire study. Chapter four is an open systems theory-based analytical discussion, highlighting push and pull factors that emerged in the inquiry. Chapter five involves recommendations in relation to push and pull factors, highlighting role expectations of duty bearers: The Parents; State; Communities; national and international non-governmental organisations and civil society organisation, towards the children.

## 1.1 Research Objective

The objective of the research is to generate an in-depth understanding of child sex trafficking in the tourism sector in Sri Lanka, including understanding which children are particularly vulnerable to exploitation and trafficking, push & pull factors, and geographic areas where exploitation is commonly found.

## 1.2 Problem Statement

IOM in a press release in 2015 informed: "Within the country [i.e. Sri Lanka], often women and children are exposed to the risk of being trafficked for the purpose of sexual and/or labour exploitation as a result of

<sup>8</sup> <http://www.childwomenmin.gov.lk/institutes/dep-probation-and-child-care-services/child-rights/crc>.

<sup>9</sup> UNICEF (1998) Implementation Handbook for the Convention on the Rights of the Child. Prepared for UNICEF by R. Hodgkin & P. Newell. New York:UNICEF

<sup>10</sup> <http://www.childwomenmin.gov.lk/institutes/dep-probation-and-child-care-services/child-rights/crc>.

<sup>11</sup> This is a sub heading in the OPSC

<sup>12</sup> UNICEF (1998) Implementation Handbook for the Convention on the Rights of the Child. Prepared for UNICEF by R. Hodgkin & P. Newell. New York:UNICEF. (p.671).

<sup>13</sup> Save the Children Sweden (2008).

<sup>14</sup> UNICEF. (2008). South Asia in Action: Preventing and Responding to Child Trafficking Summary Report. UNICEF Innocenti Research Centre. Italy.

deceptive or coercive means used by unscrupulous criminal networks.<sup>15</sup> The National Child Protection Authority (NCPA) reported that during 2019 the staff received 119 complaints of potential child trafficking on their 1929 hotline<sup>16</sup>. Citing the National Strategic Plan to Monitor and Combat Human Trafficking 2015 – 2019 authors of ‘Gaps and Needs Assessment of the Criminal Justice Response to Trafficking in Persons in Sri Lanka’ (2020) report that, where trafficking is concerned, Sri Lanka is a country of origin and to a lesser extent a destination country for trafficking of men, women and children primarily for servitude, sexual exploitation and labor exploitation.

The US Department of State Office to Monitor and Combat Trafficking in Persons notes that Sri Lanka is a primary source country for men, women, and children subjected to forced labour and sex trafficking<sup>17</sup>. Further, the report highlights that “Boys are more likely than girls to be forced into prostitution in coastal areas for child sex tourism. Children, individuals with physical deformities, and those from socially vulnerable groups are forced to beg or engage in criminal activity in Sri Lanka’s largest cities.”<sup>18</sup> Even though a number of reports identify that high numbers of children are exploited within the tourism sector<sup>19</sup>, there is little to no evidence that explains the push and pull factors of why children become involved in trafficking, or to confirm the prevalence levels of child sex trafficking in the tourism sector. Therefore, this research will be an exciting addition to the existing literature, providing a deeper understanding of the push and pull factors of children’s involvement in the key supply chains linked to the tourism sector, as well as why and how children are particularly vulnerable in Sri Lanka.

## 1.3 Definitions

### 1.3.1 Tourism

World Trade Organisation definition: Tourism is a social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal or business/professional purposes. These people are called visitors (which may be either tourists or

excursionists; residents or non-residents) and tourism has to do with their activities, some of which involve tourism expenditure<sup>20</sup>.

### 1.3.2 Child

The UNCRC defines a child as all human beings under the age of 18 years<sup>21</sup>. Children may be directly and indirectly involved in tourism activities as defined above.

### 1.3.3 Child Trafficking

A legal description of child trafficking that encompasses all known aspects affecting children is in the Palermo Protocol, which is considered to be the only ‘internationally agreed upon definition<sup>22</sup>’ with the widest coverage of the phenomenon:

The article 3. of the Palermo Protocol defines;

- a. “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d. “Child” shall mean any person under eighteen years of age. (p.42-43)

<sup>15</sup> IOM UN migration (2015) Sri Lanka Sets out to Protect Victims of Human Trafficking

<sup>16</sup> [http://www.childprotection.gov.lk/?page\\_id=2211](http://www.childprotection.gov.lk/?page_id=2211)

<sup>17</sup> Human Trafficking in Sri Lanka <<https://roar.media/english/life/reports/human-trafficking-sri-lanka-bigger-problem-may-realise/>> accessed 01/01/2020

<sup>18</sup> ibid

<sup>19</sup> Sri Lanka research report (2008) has quoted these numbers for children involved in the sex tourism 2,000 (1980), Department of Police: 2,000 (1985), Department of National Planning: 30,000 (1991), UNICEF: 25,000-30,000 (1991), PEACE: 15,000 (1999), Ratnapala: 1,459 (1999), SAP International: 36,000 (1998)

<sup>20</sup> <https://www.unwto.org/glossary-tourism-terms> downloaded on 23 June 2020

<sup>21</sup> As per the UN CRC 1989

<sup>22</sup> UNICEF. (2008). South Asia in Action: Preventing and Responding to Child Trafficking Summary Report. UNICEF Innocenti Research Centre: Innocenti, Italy. (Page 5).

### Domestic legislation:

Sri Lanka is a state party to both the UNCRC optional protocol II and the Palermo Protocol. Section 360C of the Penal Code (Amendment) Act No. 16 of 2006 of Sri Lanka specifies the following for a child<sup>23</sup>:

“(c) recruits, transports, transfers, harbours or receives a child or does any other act whether **with or without the consent of such child** for the purpose of securing forced or compulsory labour or services, slavery, servitude or the removal of organs, prostitution or other forms of sexual exploitation, or any other act which constitutes an offence under any law, shall be guilty of the offence of trafficking”.

## 1.4 Research Methodology

### 1.4.1 Method of Inquiry

A qualitative inquiry method was used to investigate Child Sex Trafficking in the Tourism Sector in Sri Lanka, and to obtain data concerning the phenomenon from adults who were victims of sex trafficking in the tourism sector as children and who provided narratives of their lived experiences.

### 1.4.2 Key Questions

The three key questions with sub questions given below instructed in designing research interview guides, and in formulating the research.

1. How can children at risk of trafficking be identified and supported early, to prevent them from being trafficked into the tourism sector, especially into the sex tourism industry?
  - a. What are the causal factors of girls’ and boys’ vulnerability to trafficking within the Tourism sector?
  - b. What forms of exploitation are common in the tourism sector in Sri Lanka, and how are these forms of exploitation distributed within the country?
  - c. Who are the victims and traffickers (their origin, nationalities, age, education level etc.)
  - d. Are there specific socio-economic, cultural or other circumstances that increase girls’ and boys’ vulnerability to trafficking?
  - e. What reasons push girls and boys to fall victim to traffickers and the sex trade in the tourism sector?
2. How can trafficked children in the tourism industry be identified for the provision of an intervention?
  - a. What are the existing identification/child protection mechanisms or policies in Sri Lanka or what due diligence/corporate policies exist on child protection in the tourism industry?
  - b. Which service providers/stakeholders/people etc. do trafficked children (in the tourism industry) come into contact with who identify them as trafficked children and refer them to support/report them to support services?
  - c. What is the supply chain for the tourism industry and where are the possible points for intervention/mitigation?
3. What is the experience of trafficked children?
  - a. Apart from trafficking and exploitation, what other kinds of violence (physical, sexual, emotional) do girls and boys experience as a victim of trafficking?
  - b. Are victims aware of the trafficking, or do they identify themselves as victims of other kinds of violence? Do they identify themselves as ‘victims’ at all?
  - c. What kind of protection/rehabilitation services they are in need of?
  - d. What measures could support children who are being trafficked during and after the COVID-19 pandemic?

- f. Why are girls and boys pulled into the sex tourism in Sri Lanka (what factors make this conducive or attractive?)
- g. What is the attitude of children’s care givers regarding trafficking/sex tourism and care giver’s roles in supporting or opposing their children from entering the sex tourism industry?
- h. What service providers/stakeholders/people etc. do at risk children come into contact with that could be engaged to intervene early in prevention measures/mechanisms?
- i. How has COVID-19 impacted the push and pull factors?
- j. How does promotion of tourism on-line impact the vulnerability of children on-line and what are the risks that children face in relation to on-line violence?

<sup>23</sup> Sri Lanka ratified the Palermo protocol in 2015

### 1.4.3 Data Collection

Data were gathered using two interview guides designed to conduct (i) Individual Interviews (ii) Key Informant Interviews. The Snowball sampling (also called chain sampling) method was successfully employed for this study, which involved a process of contacting several knowledgeable people with whom the researcher can speak about in getting in contact with prospective research participants.

The clandestine nature of the population required the researcher to locate 'well-situated people' to assist with reaching out to research participants. To facilitate this process, two persons were assigned to be Social Liaison who assisted with scouting prospective research participants, and identified various state and non-state personnel, and professionals in the tourism sector as Key Informants. Due to stigma and current social situations, it was found that prior victims of 'trafficking' would 'open up' only to someone familiar such as staff assisting with treatment and testing at HIV/AIDS and STD clinics, who they have known for a while and 'trust.' These persons of 'trust' were assigned to 'locate' and conduct individual interviews of former child victims of trafficking in the tourism sector. It is acknowledged that such snowball sampling could add 'researcher bias,' which was addressed at the interviewer training.

Individual Research Participant selection criteria:

- Participants had been trafficked as a child [under 18 years of age]
- At the time of interview the Interviewee is between 18 and 35 years of age
- People of all genders, including people with diverse sexual orientations, gender expressions and sex characteristics
- All ethnicities and religions
- Had been residing in a tourist hotspot, within the districts of Ampara, Anuradhapura, Badulla, Colombo, Galle, Gampaha, Hambantota, Nuwara Eliya, Ratnapura permanently or temporarily

KII criteria were established to ensure a wide spectrum of informants would be able to contribute valid information. Inputs were provided by the following key informants:

- A hotel owner for over 35 years,
- Two lawyers with extensive experience in work related to human trafficking and child labour;
- Former law enforcement officer;
- A person involved in the Global Project carried out at the Ministry of Health<sup>26</sup>,
- Director of an international Child Care Institution (CCI),
- An experienced trainer, carrying out programs for girls' education in Sri Lanka;
- A transgender representative of an organisation involved in carrying out educational initiatives and community outreach programs;
- A three-wheeler<sup>27</sup> driver currently involved as a 'peer educator' with extensive work experience in the tourism sector;
- An employee in the prison system with experience in working with youth prison inmates;
- A foreign national having interests in protection rights of children. He was approached by various people asking whether he was interested in underage girls

### 1.4.4 Sample Size and Coverage

Qualitative sampling size is determined by information saturation, at point of redundancy seeking depth and breadth, the latter referring to the number.<sup>28</sup> For this study however, 25 Individual interviews and 11 KIIs were carried out in spite of difficulties encountered in carrying out interviews due to COVID-19. These individual interviews were carried out in the following Districts.<sup>29</sup>

<sup>24</sup> Patton, M. Q. (1990). *Qualitative evaluation and research methods* (2nd ed.). Newbury Park, CA: Sage Publications, Inc.

<sup>25</sup> The Interviewers were persons employed at various NGOs, who under an established program with the Ministry of Health were responsible to facilitate services in HIV/AIDS and STD testing at State run clinics for persons involved in commercial sex work.

<sup>26</sup> The Global Fund to Fight AIDS, tuberculosis, and Malaria, a project carried out by the Ministry of Health, Sri Lanka

<sup>27</sup> This is a partially closed vehicle with three wheels, a scooter also famously known to tourists as 'Tuk-tuk'

<sup>28</sup> Patton, M. Q. (1990). *Qualitative evaluation and research methods* (2nd ed.). Newbury Park, CA: Sage Publications, Inc.

<sup>29</sup> As per instructions given by SC Team to LR on August 13, 2020 meeting, SC Office Colombo

### Individual Research Participant Sample Size and Coverage

District	Category	Cases	Gender	
Galle, Gampaha, Ampara	Coastal	11	F 4 <sup>30</sup>	M 7
Hambantota, Anuradhapura	Local	4	F 4	M 0
Nuwara Eliya, Ratnapura	Rural & Plantation	6	F 6	M 0
Colombo	Urban	4	F 1	M 03
The total number of participants of this research was 25			F 15	M 10

Individual interviews were conducted between 21 October and 29 November 2020, prepared in near verbatim in longhand script in the Sinhala language. Except for 6 typed transcripts, 19 handwritten transcripts were sent to a typist to type in order to facilitate readability of content. Interviews lasted from two hours to five hours with breaks. The planned interviews in the Badulla district had to be cancelled due to the Dyad team Interviewers failing to locate research participants who matched the given criteria.

#### 1.4.5 Ethical Clearance

Save the Children reached out to a number of local universities and academic bodies which have Ethics Review Committees that review and provide ethics clearance for research. However, due to COVID-19 long-term shut down of institutions and internal priorities, most institutions did not accept our application for ethical clearance. Therefore, ethical clearance was obtained from Save the Children US's Internal Review Board.

The following measures were taken to ensure research ethics were upheld;

- The research team was trained on the interview guides, research ethics, child safeguarding and data protection.
- Written and verbal consent were obtained from all the participants in the research.
- COVID 19 safety and security orientation and training were provided for research team and participants
- When the State declared the locked-down of certain districts as health precautionary measures the use of distance and on-line interview methods were established, and training provided.
- Confidentiality and Safe storage of data ensured.

#### 1.4.6 Research Team

A team of 17 interviewers – field personnel affiliated to a network of local CBOs and NGOs working with commercial sex workers and Tourist Service Providers. Interviewer Dyads were set up consisting of female and male interviewers: (i) To ensure the participants were open to provide information; (ii) To ensure the interviewer had adequate support in working with a commercial sex worker; (iii) While one person led the questions, the other wrote response near verbatim.

#### 1.4.7 Limitations of the Research

The challenges in obtaining ethical clearance as well as COVID-19 restrictions delayed data gathering, imposing limitations. Face-to-face preliminary visits could not be carried out. Because of the research participants' clandestine lifestyle, some did not agree to phone interviews. This resulted in searching for research participants from a wider circle for snowballing, involving longer periods of time to locate persons agreeable to be interviewed via mobile phone. Some contacts agreed to participate in interviews but did not have access to a phone and to speak freely.

The advent of the COVID-19 second wave in October 2020 compelled schools to close, signalling the need to exercise caution with regard to children's involvement in the research. Acquiring necessary approvals from the state officials to interview children and obtaining parents' consent for children's consultations in FGDs involved difficulties with regards to logistics, as well as requiring inordinate effort to gather children from various points to one place during the pandemic. Consequently, the proposed interviews with children were cancelled.

<sup>30</sup> F- female and M- for male, the number given here is to refer the number of people (ex: F4 means four female)



## 2. REVIEW OF LITERATURE

### 2.1 Analysis of the Legal Framework

It was observed the child and human trafficking legal instruments cited in the literature reviewed for this study had made references to the UN CRC and its optional protocol related to trafficking as foundational instruments, while several authors in their work pertaining to Sri Lanka in particular had identified the 1883 Penal Code of Sri Lanka and Children and Young Persons Ordinance (CYPO) as key to taking legal action on the child's behalf. The Palermo Protocol was generally identified in the literature as the international legal instrument that defines child trafficking most adequately and referred to in defining situations and conditions in which a trafficked child would be found a victim. Sri Lanka as a member State of the South Asian Association for Regional Cooperation (SAARC) has ratified the Convention on Preventing And Combating Trafficking in Women And Children For Prostitution, as well as

two other regional agreements: SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, and The South Asia Strategy against Commercial Sexual Exploitation of Children and Child Sexual Abuse (South Asia Strategy).

The Convention on the Rights of the Child is the main international instrument for the protection of children's rights, including from all forms of abuse, violence, neglect and exploitation<sup>31</sup>. With regard to child trafficking, in particular Article 34 addresses "all forms of sexual exploitation and sexual abuse."<sup>32</sup> Further elaborating UNICEF (2009) Handbook On The Optional Protocol On The Sale Of Children, Child Prostitution And Child Pornography states "This includes the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices, and the exploitative use of children in pornographic performances and materials"(p.1).

<sup>31</sup> UNICEF (2009) handbook on the optional protocol on the sale of children, child prostitution and child pornography. UNICEF innocenti research centre. Italy

<sup>32</sup> UNICEF (2009) handbook on the optional protocol on the sale of children, child prostitution and child pornography. UNICEF innocenti research centre. Italy p.1

The UN CRC stands as the principal human rights legal instrument in reference to child rights, however, with regard to Sri Lanka's National legal standards, the CRC is not justiciable (i.e. enforceable in any court of law), as there is no corresponding Act of Parliament that incorporates the Convention into National law. Notwithstanding this limitation, a number of existing laws have been amended to reflect Sri Lanka's obligations under the CRC<sup>33</sup>. (p.9)

Causal factors of child trafficking in Sri Lanka were viewed primarily emerging from poverty, hence the discussions in the majority of the literature highlight push and pull factors<sup>34</sup> stemming from economic needs.

## 2.2 Dearth of Data

UNODC (2020) reported the lack of available literature as well as a dearth of recent studies regarding the situation of Sri Lanka's trafficking in persons<sup>35</sup>. The absence of statistics in relation to child trafficking, in particular, in Sri Lanka was also observed in the literature, including the lack of certain published data that might show significance of push factors. In this regard, the non-availability of children's school drop-out rates was significant.

## 2.3 The Boy Child in the Tourism Industry

The exploitation of the boy child in the tourism industry has been extensively documented. Author Frederick (2010) in his research on Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses<sup>36</sup> has addressed explicitly the conditions of Sri Lanka's situation, making references to several research studies that had been carried out by ILO Staff and others. The author informs that:

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*It is not easy to separate sexual abuse of boys from their entry into sexual exploitation. Many boys enter abusive situations without remuneration, primarily through the influence of peers or foreign tourists. This is often a matter of 'friendship' with the perpetrator, as well as peer pressure to engage in what many boys consider a 'recreational activity'*

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A clear description of the boy child's confusion regarding boundaries on friendship is provided here, however, the push factor inherent in this statement as well as highlighted in the general literature is the cultural factor where physical ramifications on the boy are not apparent as they would be with a girl who ends up getting pregnant. The boy child is a victim not only in the tourism industry, he appears to be an inconsequential victim within the immediate and extended family. "...the focus of research on 'sex tourism' in Sri Lanka has obscured the incidence of abuse of boys in communities distant from the influence of foreign offenders. 'Local' abuse is perpetrated primarily by male relatives and teachers."<sup>37</sup> (p. 128) Frederick (2010) has provided elaborate descriptions, narratives of the plight of the boy overlooked in terms of the law, and protection issues involving work on the street, and in the tourism industry. The author however has concerns regarding boys' unwillingness to give up being exploited, perhaps in their views, the boys might be under the impression that they are at an advantage, in terms of the acceptance from the families, citing Amerasinghe, he states: "Interviews with boys in prostitution showed that 74 per cent were willingly involved, with no force or coercion"<sup>38</sup>. This author further informs, "The 2007 study involving 1,500 parents and guardians found that over 90 per cent were aware that sexual abuse could be committed by international travelling offenders, and more than three-quarters were aware that abuse could be committed by local offenders." The particular recommendations that have been made in the study are noteworthy for it provides information concerning the prevailing abusive conditions boy children encounter in the private and public spheres. The irony is although these studies were conducted several decades ago, even at the time of this study the boy child remains vulnerable to both local and international travel offenders.

<sup>33</sup> UNICEF (2017). A legal and institutional assessment of Sri Lanka's justice system for children. This report was prepared by Verité research (pvt) ltd, informs: "the text has not been edited to official publication standards and UNICEF accepts no responsibility for errors."

<sup>34</sup> migration theory

<sup>35</sup> United Nations Office on Drugs and Crime Regional Office For South Asia. (2020) Assessment Report: Gaps and needs assessment of the criminal justice response to trafficking in persons in Sri Lanka

<sup>36</sup> [https://www.unicef-irc.org/publications/pdf/iwp\\_2010\\_02.pdf](https://www.unicef-irc.org/publications/pdf/iwp_2010_02.pdf)

<sup>37</sup> Federick, J., (2010) Cites de Silva, H., 2000, 'Child Abuse in Sri Lanka', in Partners in the Judicial Process on Child Labour

<sup>38</sup> International Labour Organization (S. Amerasinghe), 2002, op. cit.

## 2.4 The Girl Child and Modern Slavery

ILO's Global Estimates on Modern Slavery: Forced Labour and Forced Marriage (2017)<sup>39</sup> reported that on any given day in 2016 Worldwide – 40.3 million people were victims of modern slavery, that 24.9 million people were in forced labour; and 15.4 million people lived in forced marriages. The report informed that there were 5.4 victims of modern slavery for every thousand people in the world in 2016. There were 5.9 adult victims of modern slavery, for every 1,000 adults in the world and 4.4 child victims for every 1,000 children in the world. With regard to gender, women and girls accounted for 71 per cent of modern slavery victims, and one in four victims of modern slavery, 25% were children. Literature on Sri Lanka's girl children fails to give estimates. The NCPA in 2019 reported that they received 119 complaints concerning potential child trafficking. However, what follow up measures were taken on the complaints, or profiles of these victims are not known. An emerging theme in the general discussions concerning the girl child is her vulnerability between 16 and 18 years of age. Her situation within the home environment, as well as her out-of-home environment, such as employment in the garment industry, and tourism (in particular employment in spas) needs attention. In a recent study carried out by UNODC<sup>40</sup>, anecdotal evidence given by TiP Interviewers was shared: "... female children [who were] being lured away from their families by 'boyfriends' play a significant role in the recruitment process as sub-agents." The Respondents had further informed of: "... the use of drugs as a recruitment method where children are made addicted to drugs and then subjected to labour or sexual exploitation which allows them to earn money to sustain their addiction." (p.14). This information points to a pull factor: enslavement of a severe nature. It is however, not clear if the author had referred to trafficked girls only, or both trafficked girls and boys. It needs to be noted that a significant absence of data exists on the girl children's pregnancies, illegal abortions, deaths, and information about the children born under such circumstances, especially if Probation and Child Care Services took over the children, if they

were sent for adoptions (any category recognized under the Alternative Care for Children Policy in Sri Lanka) and if a sale of children had occurred.

## 2.5 Landscape of Child Sex Trafficking in the Tourism Industry

Squire and Wijeratne (2008)<sup>41</sup> show 'commercial sexual exploitation of children' and 'trafficking of children in Sri Lanka' as separate relating such occurrences as taking place in the tourism industry. Their arguments are given below:

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*It is also important, particularly in the case of Sri Lanka, to differentiate the terms 'trafficking' and 'commercial sexual exploitation'. These terms are often conflated in legislation, policy, advocacy and research documents. It is seen that boys are frequently psychologically or physically coerced into situations of commercial sexual exploitation, particularly prostitution, from street or labour situations to which they have not been 'trafficked' according to international definitions. In the case of Sri Lanka, there is little evidence of boys being directly trafficked into prostitution situations in which they are directly exploited by others for the economic gain. Rather, it appears that most boys enter prostitution from vulnerable situations in their families and communities through peer coercion and by their own consent (although the term 'consent' has its limitations when applied to children), and generally act as economically independent agents in prostitution, although others benefit by procurement of the child prostitutes for clients, and provision of rooms and services related to their prostitution. (p.7)*

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It needs to be surmised that child trafficking and child sexual commercial exploitation occurs within the tourism industry. This author observed the lack of clarity in the reporting with regards to how the children who had been trafficked had viewed 'tourism.' A significant omission in the study was reporting on what children had to say about their lived experiences

<sup>39</sup> Global Estimates of Modern Slavery: Forced Labour and Forced Marriage. International Labour Organization and Walk Free Foundation. Geneva:2017]

<sup>40</sup> UNODC (2020) Assessment Report: Gaps and needs assessment of the criminal justice response to trafficking in persons in Sri Lanka.

<sup>41</sup> [https://lastradainternational.org/lisdocs/trafficking\\_report\\_srilanka\\_17\\_12\\_08.pdf](https://lastradainternational.org/lisdocs/trafficking_report_srilanka_17_12_08.pdf)

as victims of trafficking in the tourism sector. The UNODC report highlighted several other platforms which relate to local tourism in Sri Lanka.

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*... anecdotal evidence of children being transported to various prominent festivals that take place in the country in areas such as Ella, Hikkaduwa, and Polonnaruwa for sexual exploitation in return for small gifts and money during the festivities which can be indicative of child sex tourism. This form of trafficking therefore increases and decreases seasonally.<sup>42</sup>*

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An extensive discussion about what local tourism entails is absent in the general literature.

Some studies have identified family dysfunction (along with family fragmentation) as a contributing cause of both sexual abuse and children's entry into sexual exploitation through prostitution<sup>43</sup>. In studies, numerous respondents from all spheres state that 'parents don't take good care of their children,<sup>44</sup> citing domestic violence, physical abuse and alcoholism as primary problems. It is frequently said that families do not care about the abuse of their children and that they do not feel it is bad for their boys to 'go with' foreigners. On the contrary, many families are seen to encourage their boys to do so, expecting that both they and their children will benefit. Although not abjectly poor, many families recognize the relative wealth of the travelling sex offenders as an opportunity. They believe that their sons' sexual exploitation is a legitimate way to earn money<sup>45</sup>.

The general understanding about child commercial sexual exploitation is in relation to boys in the coastal areas of the country. What seems to emerge in the literature is that child trafficking is taking place with both local and foreign demand. However, there are lapses, such as gender segregation. The trafficked routes show the distances the child would have traversed, the trafficking point for the majority seem to be from the Anuradhapura district. One child has been trafficked outside of Sri Lanka. However, there are lapses, such as

gender segregation. One child has been trafficked outside of Sri Lanka. The trafficked routes show the distances the child would have traversed, the trafficking point for the majority seem to be from the Anuradhapura district. Frederick (2010) also informed citing information that was derived from, "A study conducted with 500 international tourists in 2007 showed that one-fourth had been approached for child sex – by beach boys, rickshaw drivers or hotel personnel"<sup>46</sup>. Frederick (2010) citing several studies states,

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*The low level of child protection, high level of family fragmentation and strong promotion of tourism have contributed to the growth of an industry that has resulted in the sexual exploitation of children in tourism<sup>47</sup>.*

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## 2.6 The Child Protection System's Response to Child Victims of Trafficking

The literature has shown the child victim has to relate his/her victimization various times to various judicial bodies. In these reporting of incidents, the child would use certain words to describe the violence inflicted on his/her body, which may not clearly explain actual injuries to which part his/her body. Such explanations were found to be incoherent depending on the child's age, and gender. The child may not give complete explanations if s/he had been in certain employment s/he was not supposed to reveal or been traumatized due to family dysfunction and peer pressure on what not to say. When a child had been in conflict with the law or afraid s/he might be, the child will withhold information the courts need to hear. Child protection services are extensively discussed for their role in combating violence against children. Certain protection measures have been established at the judiciary and community levels, its outputs have been reported in a variety of action plans instituted at the National and Regional platforms. Overall, various National and South Asian Regional plans of action to curtail child trafficking have been documented, delineating aspects

<sup>42</sup> UNODC (2020) Assessment Report: Gaps and needs assessment of the criminal justice response to trafficking in persons in Sri Lanka. Page 14 – 15.

<sup>43</sup> Goonesekara, S. and Wanasundare, L., 1998, 'Commercial sexual exploitation of children in Sri Lanka'

<sup>44</sup> Weeramunda, A.J., 1994, 'Child Prostitution or Poverty' Economic Review, May-June 1994.

<sup>45</sup> Terre des hommes (Lausanne), 2006, 'Sri Lanka research report: Child trafficking and links with child sex tourism and the commercial sexual exploitation of children' (draft).

<sup>46</sup> Sri Lanka Tourist Board and MG Consultants, 2007, 'Knowledge, attitudes and practices of local and international tourists in relation to commercial sexual exploitation of children in tourism: Final report'

<sup>47</sup> PEACE, 1996, 'Studies on the commercial sexual exploitation of children in Sri Lanka; and Weeramunda, A.J., 1994, 'Child prostitution or poverty' in Economic Review, May-June 1994.

of progress, and statuses of accomplishments. Critiques concerning lack of feedback on accomplishments have been reported, as well.

Authors in the reviewed studies did not address children being trafficked particularly for labour in the tourism sector; however the following was observed in the UNODC Assessment Report:

66 ...that incidents of trafficking for labour exploitation in domestic work and plantation sectors appear to have decreased, while the current trend is for children to be exploited in worst forms of labour particularly in shops or the construction field. The respondents also perceived the reduction in the former sectors to be due to the strict enforcement of Labour laws by the authorities. They also noted that child trafficking for labour exploitation is easier to detect as it is more visible.

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However, since child labour and trafficking are clandestine sectors, it is essential to investigate in what manner trafficked children are used as labour in the tourism sector.

## 2.7 Legal Oversights and Lapses

The 2017 Verité publication, “A Legal and Institutional Assessment of Sri Lanka’s Justice System for Children” is a four part volume, offers details concerning the legal oversights and lapses that affect children. It is presented as “a comprehensive study of the functionality of Sri Lanka’s justice system for children”<sup>48</sup> that has competently analysed legal and institutional systems, identifying challenges that hinder the actual justice that ought to be afforded to the child. The key discussion areas involve:

1. An analysis of the gap between prevailing international standards and the domestic framework on justice for children
2. An assessment of the performance of key institutions involved in the provision of specialised justice services for children

3. Recommendations to strengthen the administration of justice for children from a legislative, policy and institutional standpoint.
4. A mapping of the above recommendations in terms of their impact and solvability in the context of Sri Lanka’s administration of justice for children. (ix)

The report mentions 27 recommendations under Legislative Interventions, Law Enforcement, Attorney General’s Department, Judicial Medical Officers, Courts, Department of Probation and Child Care Services, and Cross cutting interventions. Since this report was published the recommendation made concerning the “Amendment to the Penal Code No. 2 of 1883 to increase the minimum age of criminality to twelve years of age” has been changed as of 2018, and is stated in the revised Penal Code as follows:

1. This Act may be cited as the Penal Code (Amendment) Act, No. 10 of 2018.
2. Section 75 of the Penal Code (Chapter 19) (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution—
  - a. for the words “eight years” of the words “twelve years”; and
  - b. in the marginal note thereof, for the words “eight years”, of the words “twelve years”.
3. Section 76 of the principal enactment is hereby amended by the substitution—
  - a. for the words “above eight years of age and under twelve,” of the words “above twelve years of age and under fourteen”; and
  - b. in the marginal note thereof, for the words “above eight and under twelve” of the words “above twelve and under fourteen”<sup>49</sup>.

This report is pertinent and an essential resource for those planning to propose interventions in areas of advocacy, program, policy and research on child trafficking. It is essential to understand that child trafficking in the tourism sector needs to be viewed

<sup>48</sup> Verité (2017). Executive Summary. In A Legal and Institutional Assessment of Sri Lanka’s Justice System for Children. UNICEF Publication

<sup>49</sup> PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA PENAL CODE (AMENDMENT) ACT, No. 10 OF 2018 [Certified on 21st of May, 2018] PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA Published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of May 25, 2018

as a sub-system in the larger system of the child, and considered his/her rights standing on the four child rights principles: on-discrimination, commitment to the best interests of the child, the right to life, and the survival and development.

## 2.8 The Private and Public Spheres<sup>50</sup>

The literature is inundated with 'child rights' discourse in reference to guidelines, and action plans, various protocols and conventions, training for state and non-state actors concerning institutional care, and reforms to strengthen families. The rights violations that occur in terms of the child's space, and spheres of influence are absent in the literature. Frederick (2010) citing NCPA statistics informs "An estimated 20 per cent of boys and 10 per cent of girls are abused at home or school<sup>51</sup>. Private and public spaces, spheres are the spatial areas where rights are sustained or violated; the child needs to understand, recognize, and acknowledge it. A noteworthy absence of such information in the discourse has significant implications in addressing and responding to discussions with the child concerning his/ her 'self-worth,' and to guide him/her to claim one's space. It is common knowledge in the child protection discourse that perpetrators frequent and encroach on child's spheres of influence. Rights ought to be claimed by the rights holder, the only person who could rightfully enjoy the right. If and when the child is unable to enjoy her rights the value given to action plans or policies diminish, and interventions would do harm to the child.

## 2.9 Implications of Human Trafficking on the Child at-risk of being Trafficked in the Tourism Industry:

The literature on human trafficking essentially addresses the implications to the 'individual or the victim' and does not extend information concerning those depending on the victim, or the ramifications on the 'child' born due to circumstances within 'trafficking.' Notable absences in the information are identified in three areas:

1. Stigma that is cast on the trafficked victim 'as a loose woman or commercial sex worker' reflects on her child, the child becomes a prisoner by the mother's circumstances.

2. Although care services are available for women who get pregnant under such circumstances, in the majority of cases the newly born child is then 'institutionalized' subsequently to be abandoned by its mother. There is a vacuum in the knowledge concerning the child who accompanies the mother returning to her routine job as a commercial sex worker. The child is at high risk of being trafficked.
3. Researchers are still to ascertain the economic ramifications in the beach boy phenomenon as well as its cultural implications on their families. How have second and third generation family members reacted to a father/brother/uncle who has been a beachboy? Or what are they presently called? It is suggested that the term Tourism Service Provider (TSP) be used. In the reviewed literature child traffickers in the 'tourism sector' are referred to as 'tourists' and on occasion as 'paedophiles.' Paedophilia is identified in DSM-5 (2013)<sup>52</sup> as a mental disorder<sup>53</sup> and needs to be addressed in the literature.

## 2.10 Common Themes that Emerged in the Literature Reviewed for this Study

- Implications of mothers' migrating to the Middle East for employment on children since the 1970s have been addressed: "the absence of primary caregivers in the home is considered a primary causal factor for the apparent high rate of domestic sexual abuse".<sup>54</sup> This finding is significant when it is viewed in relation to whether the primary caregiver is the child's father or the mother. It needs to be noted when either person migrates for labour to another country the family goes into gross debt. A family might encounter a string of creditors, from relatives to village money lenders. While a delay in paying back affects the family, when the mother leaves the family, the children are sent to live with various relatives. Living with relatives places the child at risk. These two-family situations have not been addressed in the literature adequately.

<sup>50</sup> Donnelly, Jack (2003)

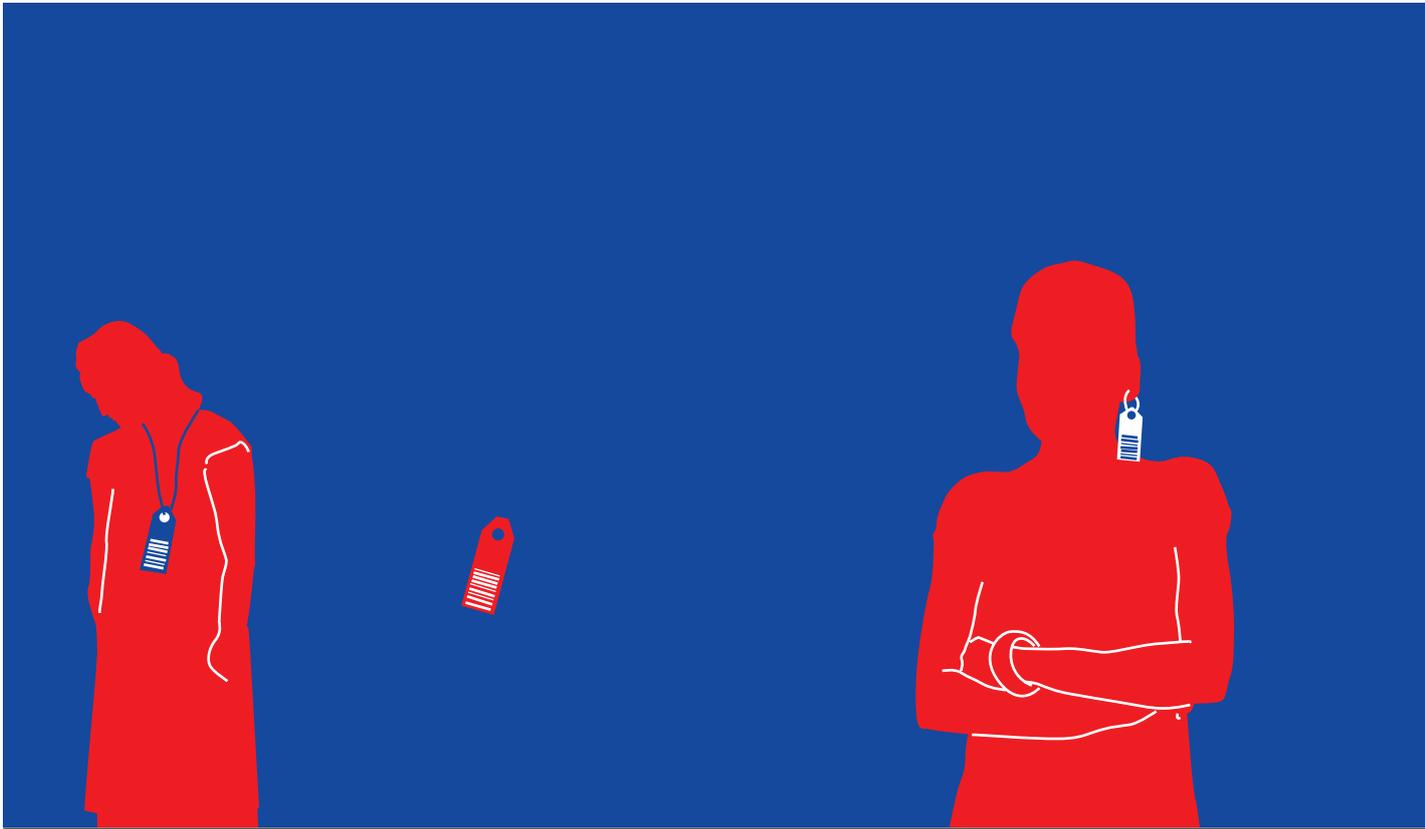
<sup>51</sup> National Child Protection Authority, 2003, 'Many children still abused and neglected in Sri Lanka'. : <[www.childprotection.gov.lk/newsUpdate081020031.htm](http://www.childprotection.gov.lk/newsUpdate081020031.htm)>

<sup>52</sup> The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition is the 2013 update to the Diagnostic and Statistical Manual of Mental Disorders, the taxonomic and diagnostic tool published by the American Psychiatric Association.

<sup>53</sup> Pedophilia (alternatively spelt paedophilia) is a psychiatric disorder in which an adult or older adolescent experiences a primary or exclusive sexual attraction to prepubescent children.[1][2] Although girls typically begin the process of puberty at age 10 or 11, and boys at age 11 or 12,[3] criteria for paedophilia extend the cut-off point for prepubescence to age 13.[4] A person must be at least 16 years old, and at least five years older than the prepubescent child, for the attraction to be diagnosed as paedophilia.[4][

<sup>54</sup> Save the Children in Sri Lanka, 2006, 'The impact on children and families of mothers migrating for work abroad.' LST Review, 7:226.

- Emphasis is placed on the boy child, and in particular to the ‘beach boy’ phenomenon in the tourism sector, overlooking the involvement of the girl child in the spa industry.
- Critical issues pertaining to law enforcement, support systems, root causes have been identified, yet successes are yet to be documented in the literature. Action plans have been established but outcomes have not been reported. Case studies or measures taken to curtail the perpetrators have not been highlighted.
- Law enforcement on the perpetrators of child trafficking in the tourism sector needs to be documented, focusing on the psychiatric treatment provided for the perpetrator as well as the psychiatric treatment and psychological counselling provided to the child. The literature documents that the child returning to her native place is problematic due to stigma connected to her back story. The backstory needs to be analysed carefully case by case in order to identify significant issues that require attention in the child’s processes to recovery. Paedophilia needs to be taken into consideration in efforts made to imprison perpetrators, as well as child victims growing up to be perpetrators.

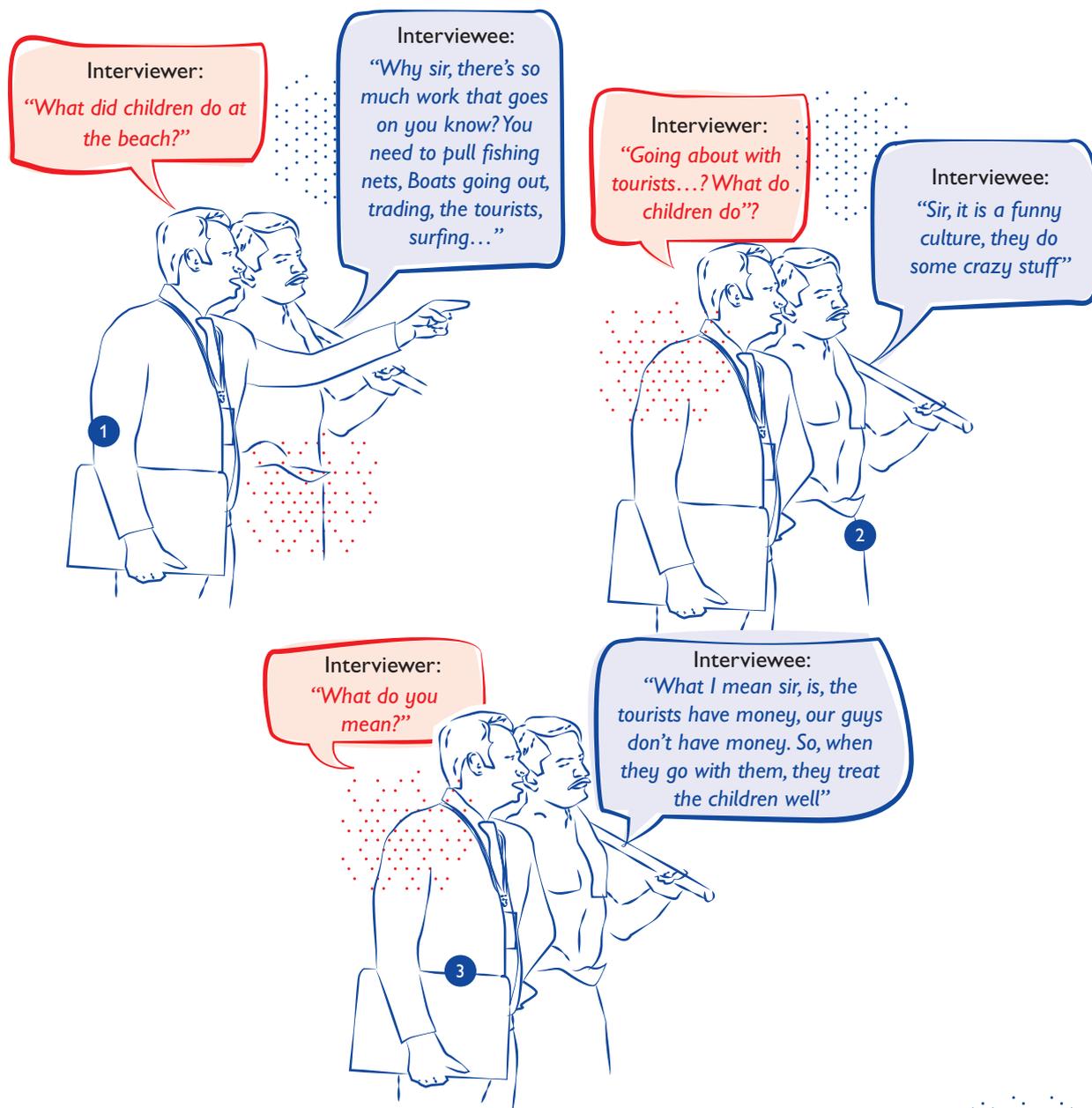


## 3. RESEARCH FINDINGS

The emerging themes in findings are presented in response to the three key questions and sub questions in the research. The research participants, now in their adulthood, recalled and identified various ‘statuses’ associated with their lived experience of being trafficked as children. Their vulnerabilities to exploitation deprived them of building self-confidence, leading into powerlessness, becoming convenient victims for trafficking.

### 3.1 Causal Factors of Vulnerability, Leading to Sex Trafficking in the Tourism Sector

The research participants’ narratives highlight various causal factors; two of them were common to both girls and boys. Children who have been sexually abused were especially vulnerable, irrespective of sex; and children suffering abject poverty are easily subject to trafficking. Key Informants stated traffickers hunt for male children from deprived families; they are then fed and brought to watch children of similar ages play in the beach area wearing fresh and new clothing. The indirect messaging and manipulation is aimed at luring children into seeking ways of making easy money. A victim of such circumstances had this to say to the interviewer.



A KI stated, traffickers search for girl children to work at spas frequented by foreigners and locals. Another KI stated that the recent trend is for traffickers to approach young workers employed in the companies registered under the Board of Investment (BOI), in particular, young persons from rural areas who are new to urban living. These people are lured by male and female 'peers' to change their style of attire, and frequent clubs. Further, they are forced into taking drugs, and are eventually trafficked. A research participant explained that in her experience, her roommate, an employee of a Board of Investment (BOI) company, trafficked her. She was then a school girl, and together with another girl who had attended the same school (both under 18 years at the time) shared a room with a woman employee of a BOI company at a boarding<sup>55</sup>. The woman had been 'helpful' to both girls, she said:

"Whenever possible 'akka' helped us a lot. She cleaned our hair (a cultural act and hygienic way of removing nits and lice from girls hair)...And sometimes she washed our clothes. When she got her 'pay' she brought us knick-knacks, she specially got us chocolates .... Helped out with our lessons. We too also treated the same. If she were to dry her clothes on the line outside, we would bring them in. We ironed her clothes. That is when I noticed that she had some affection towards me."

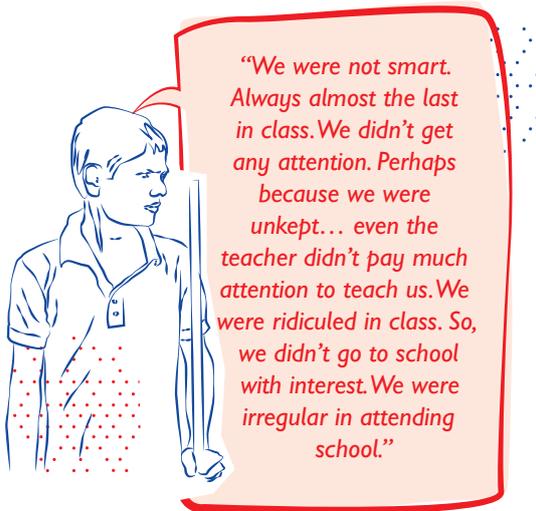


<sup>55</sup> A common living arrangement for school children as well as employed persons male and female to rent a room with a family. Some have a meal plan. It is common for parents living in distant areas to board children with a family living close to the children's school. "Closeness" varies depending on the child's commute to the school.

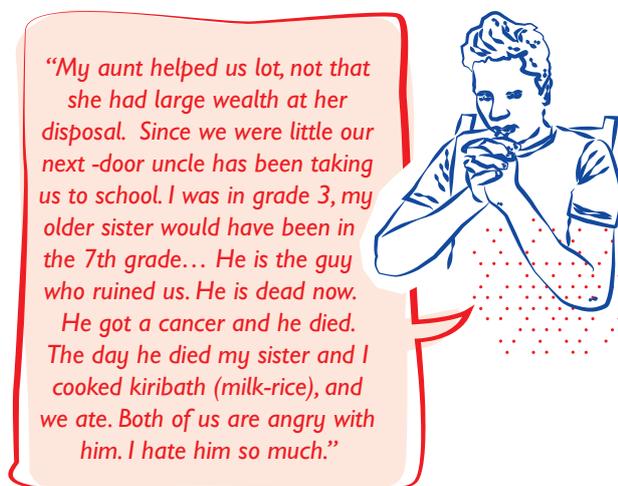
The Participant informed the interviewer that ‘akka’ had sexually abused her, then trafficked her to various friends in her circle, and later trafficked her to a well-established sex trafficker.

### 3.1.1 Impact of Household Poverty

The parents’ inability to provide adequate food, clothing and educational supplies affected the child failing in the primary and secondary education levels. In most instances the child’s unhygienic up keep and self-neglect led to stigmatization, and eventually dropping out of school. A research participant described her plight, as follows:



Another participant in similar circumstances shared that she would roam the villages dropping at homes of neighbours to seek food, carrying her younger brother, whom she took care of, in her arms all the time. Several of the participants shared information of instances where ‘their lack’ of basic needs, opened up opportunities for ‘others’ to intrude into family’s circumstances, to ‘assist’ financially, in kind and service; one such instance is given below.



The ‘uncle’ molested the two girls, ultimately selling them off for servitude, the narrator herself eventually was a victim of sex trafficking in the tourism sector.

In another interview, the research participant informed that his father was engaged in cultivation, and his earnings were not sufficient to support his children’s education. Due to financial difficulties the participant worked during school vacations to pay for educational needs. Through contacts, he was able to secure jobs at various companies coming under BOI in the Western Province, although he was a native of Eastern Province. He was 15 years old at the time. He stated in his narrative when school was in session he was sexually abused by a male teacher at his school. This teacher introduced the child to his colleague, a teacher in another school. This teacher eventually introduced him to a ‘tour guide’ who trafficked him to foreign and local tourists.

### 3.1.2 Parental Negligence

Irrespective of wealth and social status, several participants identified parental negligence as a cause for their predicament. *“My father died of an accident when I was very young.... From the time I remember, my mother has been working in houses and that is how she maintained the family.”* While the poor widowed mother worked long hours as a domestic help in the neighbourhood, daughters were left alone to which their boyfriends had unrestricted access. One such participant, fell for a drug addict who eventually trafficked her to friends; he was subsequently caught by law enforcement, sent to jail for drug trafficking. He was not charged for his crime against trafficking a person under 18 years of age.

A male participant in his narrative informed when he was a boy, while his mother worked as a migrant worker overseas, his father found another partner while neglecting the boy and his brother, leaving such responsibilities to his aging partially deaf mother. *“My father is a playboy, all what he earned he spent on women and his alcohol”* The father had lived separately, and never cared to give a penny to the grandmother for their expenses. *“No one cares when there’s no mother....”* He with his older brother grew up in their grandmother’s care, ended up victims to perpetrators in child trafficking in the tourism sector.

A research participant of wealthy parents said: *“My parents never had the time to watch out for me. They never knew what I was doing, with who I was ...”* She became addicted to alcohol and drugs while attending school, eventually a victim of child sex trafficking her ‘immediate’ perpetrator being a child herself. She was critical about her parents’ responsibilities towards her. She shared her story with the interviewer:



*“Really sir, by age 13 I had already got used to drinking [alcohol] at parties...and went about with friends. Once, mom yelled at me for going out with friends. I remember, what I told her sir. I said, you never cared to look out for me till I was 13 years, now why bother? I know what is right and wrong, don't tell me what to do. As I said that, she slapped me across my face! I cried my heart out. Really, sir, I wish she had slapped my face before I got into addictions...to all these...I would have been at a better place. It's no use crying after the horse has left the barn! From that day on, I hated my mother. Whatever said and done I continued with what I was going about doing...I had enough credit cards to spend on whatever I wanted. Dad had given me these...But never did he ask what I was doing...with them. Not a word!”*

She further shared her observations of her parents' poor family life. She said they had come as a couple just once when she was admitted to grade one at a prestigious private school, where she was educated in the English language. She never saw her parents together as a couple, each going in their separate ways.

A male participant opined, while parents make the effort to protect children, they should also assume responsibility for providing for the children adequately; if not, children would seek other means to obtain what they need. His remarks refer to parental neglect, a child's effort to provide for him or herself, and the lack of support structures within society.

in the capital, persuading her to let her enroll at an academy for television, while she was employed. The academy proved to be a platform where young women were lured into trafficking. Several participants described unauthorized use of mobile phones that led to communicating with a 'boyfriend' or 'friend' who eventually turned up to be a trafficker. A female participant in her story stated at the time of the incident she was under the guardianship of her grandmother. She had been a victim of sexual abuse and under the supervision of Probation and Child Care Services her aunt was appointed as guardian. The aunt came to know that the girl had a boyfriend, and informed Probation Services that she withdrew her guardianship. The grandmother was appointed as the guardian. The girl was not allowed to use a mobile phone. She said:

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*Parents also need to find means to provide whatever children require at that particular time...What children need at school...and once they are out of school; teach them how to find a job. When they don't have support systems children look for other ways of earning.*

*They work in shops, take to drugs, go with foreigners...all this is done for money. The children don't know the world... If these are taught in schools....They will not go to such extent. However, those involved in these things always find ways.... [to get at the children]. That's the problem. No support from society, they stigmatize you, we get caught!*

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*“They had taken away the phone from me. Grandma had a small phone. She had hidden mine, and lied to me saying it was with the 'Probation miss'. and I pretended I didn't know [that she had the phone]. So when grandma goes to bathe... or when she goes to the temple I use the phone and leave it at the same place. I use it at night ...when she goes to bed. Although I used to do this at the beginning, Kapila Aiya got me a phone, gave it to me on the sly. That's the one I used to call him at night.”*



### 3.1.3 Consequences of Strict Parenting

Several participants identified 'strict parenting' as a reason for them to seek freedom that ended in their victimization through trafficking. One such victim lied to her strict mother about her securing employment

This communication led her to elope with him, which ended up living a horrendous life, from which she managed to escape. A male research respondent shared his narrative, how he convinced his mother to purchase a mobile phone which eventually led to his becoming a victim of trafficking.



*"I told [my parents] that I wanted a (mobile) phone. All the guys have phones in their hands. I was the only one without one. I then got a (mobile) phone... Then from the same communication shop where we bought the phone, we got the sim, and the memory chip... and Semal Aiya at the same shop fixed the internet for me. My dad, older brother, my grandma (who lives abroad) and grandpa they all yelled at mom to not let me use the phone. I used to take the phone on the sly, and Semal Aiya, and Manjula [kept his Three-wheeler parked near our grounds] started calling me."*

He was lured into capturing on phone camera inappropriate photographs of girls without their knowledge, eventually sold these to Semal Aiya who had covered the girls' faces and sold in the market. He narrated his lived experiences of how he trafficked drugs and got involved in stealing. In his narrative he described his grievance against his mother for moving him out of the school where he had developed close friendships. The removal from school took place due to misbehaviour of a group of kids but he was the one accused as a bad influence on others. The participant told the interviewer that all the kids were involved in the incident only he was punished. At the same incident he heard from certain parents of the children involved that he was 'an adopted child.' The family had never treated him differently or informed him that he was adopted. From that point on wards his bad behaviour turned to worse. Later in the interview he informed he came to realize his family stood by him and loved his family for their care. He wrote a poem about his mother's affection which he shared with the interviewer.

### 3.1.4 Loss or Absence of a Parent

Several participants informed adverse life circumstances had impacted them; the death of a parent, abandonment, migrant work within and outside the country where the mother had left the family. Sickness and eventual death of one parent placed

inordinate pressure on the other in taking care of the children emotionally and carrying out responsibilities as the sole wage earner. A participant shared the difficulties single fathers confronted as sole parents; A father could not leave the children unattended while he attended to his employment as baker, farmer, and fishmonger. A female research participant shared her separation from her siblings.



*"After mom's [death] 'three months alms giving' dad found it difficult to get his work done, so he left my older sister and younger brother with my grandmother. The arrangement was that since my sister was a little bit older, she would care for our younger brother. Dad said considering my sister's age it is better that she stayed with grandma. That is what he said. I cried .... I said I wanted go with them, but dad kept me with him, saying grandma is not able to take care of everyone."*

This was a common story in several children's lives. Although a grandmother or an aunt were called upon for help, they would often not be able to manage all the children, resulting in the children being sent off to live with various relatives, thus separating siblings.

A female research participant informed the emotional distance she experienced from her aunt who was her primary carer at the time while the mother was away at work in another city: "Periya amma doesn't love me. She tells me to do all the [house work]... she cared for my brother... she never liked me because I took after my grandmother." In another narrative the male child's vulnerability became precarious when extended family members and villagers came to know of his plight as a victim of sexual abuse.

*"After that incident Miss my life became hell. I couldn't live in the village. All started teasing me. I couldn't speak loudly. Even if a male person were to walk by me, I got scared. Boys in the village started to tease me."*



These circumstances are common in the narratives of both male and female victims of trafficking. Circumstances of single parenthood led to certain parents bringing home a partner, who invariably caused dissonance in family dynamics.

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Mom started a vegetable cultivation. When she couldn't manage by herself she brought two men. A tradesman from Warakapola area came in a small truck to trade, he brought pineapples, from here he carried carrots. Mom used to go to the farmers market to sell pineapples. Then mom got friendly with this man. He was much younger than my mother. Nobody in the family knew about this...we didn't notice either...Mom on the pretext of going to the farmers' market started gallivanting with that man. Mom changed a lot! People in the market areas also started to gossip about her. I noticed that she became more stylish... Then mom started living with this man and somehow, the man worked his way in sending mom abroad [as a migrant worker to the Middle East]. That man was married.... He had a one year old child. Finally [he] sent mother abroad... somewhere in 2004. At the time I was about 12 years. We lived with my grandmother. Mother sent money to both grandmother and that man. His bank book was kept at our house. He gave us money for house expenses.

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Several participants shared narratives about their being victims of sexual molestation or sexual abuse due to a loss of a parent either when as a child been sent to live with a relative, or when a new male partner was brought in to the family by the mother.

A female research participant in her narrative informed she stopped speaking, going into a world of her own due to the loss of her father. She spoke of her anger, and even when she was sent off to a certified school, due to an adverse encounter at a CCI, she spoke only with a certain girl who had murdered her grandmother. She eventually received counselling. The Research Participant stated:

"N akka and I requested counselling, and we were taken for treatment. We were given the same medication. I did not remember what I did or said at that place, but we had enough to eat, drink, and everything was good... Not like at the children's home... there, I was ostracized, I was not even allowed to go to the toilet. I didn't know how to eat, how to be, didn't know anything. I had to learn everything from the beginning. I spoke very little, and that too... only with N akka. I was angry with others"



Not all participants in the study who were institutionalized had received counselling or reported of getting a complete medical examination.

### 3.1.5 Labour Exploitation

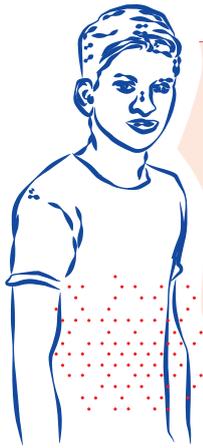
Several participants described being compelled to work at a young age, while some reported been simultaneously trafficked within the village as a sex slave. One person reported of her employment at a spa, although she had started as a domestic helper at the owner's house.

"I worked at the house for about two months... I had only to massage madam's legs when she came home tired... One day after returning from work, madam called me. She touched my head [a cultural demonstration of affection by an elder towards a younger person] She said she will get me employment at a shop. She said, 'Remember... your stepfather gave you to my care to get you a job?' 'You'll get good money' she said. Then she said, 'There are others there, same age as you, they'll help you.' I didn't think madam would do anything bad... Early morning the next day I got ready. She took me to her shop at the city. It is now that I know it was a Spa! I thought it was an ayurvedic pharmacy. Since I was told I could earn big... I was pretty excited. Since my childhood I suffered immensely because we didn't have money. Most of the days my grandmother and I went to bed with a glass of water."



At the time she was 15 years of age.

A male participant gave the following account about work.



*"I think the tradesman influenced 'aiya' to make me take lodgings at the shop... And I felt that he would have paid him big bucks. My father was under the impression that I was working there... But although I worked there, the tradesman didn't pay... that kind of a salary... He provided the food, ... and occasionally he gave some money, that too if he was in a happy mood"*

A neighbour, pretending to help the family, sexually abused another of the participants at the age of 12 and then sold her into servitude to a household in Colombo at the age of 13 years.



*I did all the house work, and took care of a small child... I was there for about a year... no freedom ... at all. Madam assigns about 100 things to do before she leaves for work. Once when they could not find some one I was put to mix concrete the entire day... that day... I wanted to give up on life... The work was so difficult.*

In her narrative she states that on the first day of work her employer sexually abused her, and it continued with the perpetrator inviting friends to sexually abuse her. She ran away with a man who had been working at a neighbouring work site.

A male research participant was blackmailed into trafficking, while given a job at a facility for disabled children. In his narrative he stated he had hardly had time to attend school for he had been working as a child. His father had abandoned them, so he became the sole wage earner for his mother and several other siblings. He had learned to sharpen knives and found he could earn a living by going from door-to-door sharpening knives and did well. On one of his 'work tours' he was introduced to work at a child care centre for the disabled which was funded by a foreign national but managed by a Sri Lankan. The Sri Lankan forced him to be a resident worker at the facility which he accepted because he needed the money to maintain

the family. He was then sold to the foreigner and was compelled to be trafficked when other foreigners came on vacation. The victim was concerned about his mother, in his words, *"she has suffered a lot... she or my other siblings didn't know how I earned the money, except that I was employed at the facility."* The perpetrator knowing the victim's vulnerability, blackmailed him that if he were to give up his 'employment' he would inform his mother about his 'relationship with foreigners.'

Another male participant narrated when he was still in year 11 in school, he worked at a restaurant during evenings and at night played his guitar to entertain patrons. He eventually dropped out of school only to realize later that he was lured into sex trafficking in the tourism sector.

### 3.1.6 Being a Victim of Child Sexual Abuse

Female and male participants' narratives pointed out that they became victims to trafficking when a perpetrator had knowledge about their being victims of sexual abuse. A female participant said in her narrative she had shared her story about her relationship with a boyfriend who absconded her, and then his two friends had blackmailed her subsequently and sexually abused her. The relative offered to educate her in the capital, and promised to send her to a leading school. However, instead she trafficked her to men of various ages, keeping her prisoner in the house. In another narrative, the victim's boyfriend knowing about her gang rape trafficked her to a Spa owner. While she was working at the Spa, the boyfriend blackmailed her into sex trafficking for local and foreign tourists. A male participant informed that he was initially sexually abused by a male teacher at school when he was 9 years of age.

Several female and male participants in their narratives described being victims of gang rape; in the case of girls, certain perpetrators were identified, and brought before the law. Except in one case involving a rape male participants in their narratives did not state if perpetrators were captured, or instances, where the case had been filed with the police. The participant, victim of the rape case reported to the Interviewer that his perpetrator was sent to 10 years of imprisonment. The same participant informed of being gang raped again when he was sent to live with relatives in another city.

### 3.1.7 Drug and Alcohol Addiction

A participant stated that her family was wealthy, she had sufficient funds to purchase the drugs she required. Her father had provided her with several credit cards. When he learned of her frequenting clubs, and 'a bad influence' on a friend, he cancelled all her credit cards. She explained to the Interviewer that it was 'the friend' who was 'a bad influence on her,' by introducing her

to drugs. She was determined to ‘manage on her own’ without her father’s money. At that point, a senior girl in school befriended her and trafficked her to a drug dealer in the area, while still a school girl she became a victim of sex trafficking. Another participant narrated that the trafficker had introduced her into taking alcohol, took her to night clubs where heavy drinking took place and eventually trafficked her to persons in the television industry.

### 3.1.8 Specific Socio-Cultural Circumstances

Two cultural circumstances were highlighted in the narratives that indicated the specific vulnerability among children to sexual molestation and abuse. Firstly, sharing the same bed among family members or among friends is a culturally accepted practice; usually boys share a bed with male members of the family, and girls share a bed with other female members of the family. Two participants shared experiences of abuse and later trafficking due to these circumstances. One girl was sexually molested by a 21-year-old woman and a boy was sexually molested by his aunt’s husband in similar circumstances, and later trafficked to a local tradesman.

Secondly, male children are found to be vulnerable when they participate in cultural events as dancers and musicians. One victim in his narrative described that the cultural festivals became the places where he was exploited for several years. At the time of the interview this participant was taking treatment for sex change.

A girl was lured into participating in the trafficking process for persons in the television industry. She accompanied the trafficker to various ‘shooting events’ and clubs. She stated in her narrative that her expectation was that the trafficker would eventually marry her. He had then informed her that he had a daughter of her age. She was 17 years old at the time.

## 3.2 Experiences of Children as Victims of Trafficking

### 3.2.1 Victims’ Perceptions of their Traffickers

Research participants’ narratives offered descriptions that showed majority of traffickers were situated in close geographic proximity to prospective victims. All participants in their reporting about initial encounters with the trafficker stated that s/he was kind and caring, those from low income families were provided food, on occasions the required groceries for the family were purchased. Some bought mobile phones for their victims. Females stated they were taken to salons for grooming. These were girls who had been wearing

‘hand me down’ attire their entire lives. A female stated, ‘I too like to be dressed nicely ...’ another female said, “I don’t want to get back to a poverty stricken life”. Certain research participants informed their gratitude to their traffickers for financially assisting them, such as paying for family member’s funeral expenses, or giving cash for emergencies at a moment’s notice.

### Female Traffickers

Research Participants in their descriptions identified several types of women traffickers. The youngest female trafficker was a teenager while the oldest female trafficker was a research participant’s grandmother, in her 60s, considered to be ‘crazy’ by her family and neighbors.

- A spa owner, in her fifties claimed to have had relatives living in other countries,
- The teenage female trafficker at the time of the interview lived overseas now in her 20s,
- A woman relative pretended to be ‘understanding of a young girl’s plight deceived and rejected by a boyfriend owned a large house in the capital, where she eventually trafficked her victim.
- A woman in her 30s was identified as a successful professional in the private sector. Her victim a male involved in trafficking drugs informed he did not realize the extent to which he was trafficked until he spoke at the interview for this study. While speaking he said that he realized how he was used by this woman, as well as his close friend’s father who was a prominent figure in the capital.
- 21 year old woman employee of a small company under The Board Of Investment Sri Lanka (BOI) was the victim’s roommate. She trafficked the victim to a circle of clients. The victim found the woman was ‘registered with a male trafficker’ who had an organized establishment of trafficking. She eventually sold the victim to this trafficker; at the time the victim was 15 years of age.
- A male research participant informed that he trafficked drugs with two women drug traffickers at an urban neighborhood.

### Male Traffickers

The research participant narratives showed male traffickers to be above 35 years of age, however, their victims were under 18 years of age. Research participants’ narratives offered descriptions that showed traffickers locations in terms of their proximity to the prospective victims.

- Two male participants narrated their traffickers as teachers at the school, a Sinhala language teacher and others teaching ‘extra-curricular’ activities such as dance, music, and sports. The dance teacher trafficked a research participant at the arts institute to other teachers when they met for cultural

festivals. The language teacher trafficked the child to a tour guide, who introduced him to child trafficking in the tourism sector.

- At the age of 16, a female research participant was trafficked by a television drama director through an advertisement he published in newspapers targeted for women. He simply guided her to lie to her mother, and instructed to meet him, and picked her up in his vehicle. He 'set the stage' for the victim to voluntarily come to him. The participant did not blame her trafficker for being deceitful in her narrative. No academy was in existence, she was trafficked to people in the television industry.
- Several victims identified 'aiyas' who had trafficked them to 'foreigners' among them was a foreigner who funded a care facility for children with disabilities. Since the foreigner's death this facility has been closed for several years. One victim identified a restaurant manager as well as the restaurant owner as traffickers.
- The 'boyfriend' was highlighted in three narratives as traffickers;
- A three-wheeler driver appeared in a narrative as a trafficker who sold a victim to a small hotel owner,
- A victim identified her stepfather receiving money from the spa owner who trafficked her to wealthy male clients;
- Two traffickers that research participants called 'uncle' but had no family relationship to the victim played significant roles in impacting the children's lives adversely. An uncle by marriage to victim's aunt the trafficker made him to call 'aiya' sexually abused him knowing the child's past as a rape victim.

### Multiple Traffickers

Research participant narratives showed that there was always more than one trafficker involved in their lives. In a majority of the cases, the first trafficker, after sexually abusing the child, trafficked the child to a second trafficker. In some cases the narratives pointed a child would be trafficked by groups of two or three traffickers.

### 3.2.2 Pornographic Materials

Several female and male participants informed that their male sexual perpetrators and traffickers had showed them pornographic materials in print form, photographs, video clips and movies. A female participant informed the interviewer that trafficker had persuaded her to pose for a video. He had said it was for his pleasure however, he used to it eventually to blackmail her. A male participant informed his 'foreign clients' had taken photographs, and he liked being photographed. Another participant stated she watched adult movies with her school friends, it was a friend's idea. She did not explain how as children

under age 18 they were able to acquire such materials. Another victim stated in his narrative that using his phone camera he filmed two girls while they were in the shower without their knowledge. The trafficker had blurred their faces and prepared videos, which he sold.

### 3.2.3 Sexual Abuse by the Trafficker

In the majority of the cases, the research participants in their narratives informed the trafficker sexually abused the victims prior to trafficking. A participant informed the interviewer that he was compromised to an 'older boy': Kamal Aiya who took care of his expenses in exchange for sexual favors. He was 12 years old, Kamal eventually trafficked him into sex tourism. Another female participant informed on the first day the trafficker obtained details from her, and then she 'had to' have sex with him, it is after that, that he had shared her details with his clients.

### 3.2.4 Deception

Majority of participants recalled their traffickers lying and selling them to perpetrators while they were children. But in these narratives none of the traffickers had shown coercive or aggressive behavior towards the victims at the beginning. Two female victims at the time of interviews as adults were still in denial that they were trafficked, while one did not respond to the interviewer question: "did the spa owner traffic you?" She was 14 years of age when she was trafficked at the spa. The other believed, her trafficker who had orchestrated the entire process of moving her out from her city to the capital on false pretexts stating that he was "a nice man." Another in her interview informed that she loved food: *If there's food [she had been deprived of food] I eat ... I love food.* The only person who gave whatever she loved to eat was her grandmother. Essentially, the 'crazy' grandmother trafficked her granddaughter to men on the street by feeding her with food she loved. Another participant said this about traffickers: *"It's not only men even women are opportunists."*

Several female and male participants informed that as children, they were not aware of being deceived in to trafficking. 'Boyfriends' lied to their girlfriends until they took sexual advantages, and some participants in their narratives stated they expected a marriage proposal. Males informed that as minors when lured into same sex trafficking, they were taken by surprise. One person said, *"... I was just pushed in [to a room], he [trafficker] left the room, I was taken aback, and it was too late."* Another victim informed that without her knowledge she was used as the mode for a high level business transaction. She reflected back about being trafficked as a 16 year old, she has realized that several people were involved in exploiting her, including the security officer at the school, and the male trafficker who supplied drugs.

She also stated that the person who initially supplied drugs to her was the same person who trafficked her to 'famous people' in her city and those at the capital.

### 3.2.5 Seclusion and Isolation as forms of Slavery

Two research participants informed of being kept secluded in a certain hotel to the extent that she was not aware of the existence of others in the same hotel working in a similar capacity until the police raided the 'Guest' (the term used for small hotels) two weeks into her captivity. Another stated in her narrative that her trafficker was constantly vigilant of her, allowing her to work at the spa, and then for him. He had used the research participant to traffic drugs without her knowledge. Another informed of having kept her in a remote area, in a house that could not be easily traced.

### 3.2.6 Pregnancy

Several female participants mentioned they got pregnant, some lost babies due to traffickers' physical violence, a few stated they willingly went through the pregnancy. Sometimes if they are found to be pregnant, they are taken to private clinics for abortions. A research participant informed she first got pregnant at age 16 and had dropped out of school. She then got pregnant for the second time when she was 18 years of age. While some informed they had given children for adoption, some opted to care for them in the family.

### 3.2.7 Medical Needs

The interviewers inquired from participants if they were detected suffering from STD, HIV and AIDS. The male participants informed that they had encountered sicknesses, and the trafficker referred them to doctors in the private practice. Male Research participants informed that their traffickers assisted them with funds for medical requirements, and were attentive if they were to have symptoms of Socially Transmitted Diseases.

### 3.2.8 Prosecution of Traffickers

- A female participant carried with her a phone that belonged to the trafficker's friend, not knowing the phone contained information valuable to the police to track down several criminals who had been absconding the law.
- A mother was lured into selling her daughter to her boyfriend and eventually was convicted to two years' imprisonment. The participant in her narrative did not state if the mother was charged for 'trafficking.'
- A woman who trafficked her grandmother was not arrested, for the girl did not confide to the authorities of her actual experience. None of the participants mentioned that their perpetrators were prosecuted for trafficking.

- Some perpetrators, however, were prosecuted for drug smuggling, gang rape and child sexual abuse. A victim's mother was found guilty, sent to prison for being an accomplice for her 'boyfriend' to make sexual advances to her daughter.
- On two occasions 'boyfriends' trafficking drugs were prosecuted for the 'possession of drugs' but not for crimes of trafficking people under 18 years of age.
- Victims of drug trafficking, when arrested by law enforcement were released with 'traffickers' paying the 'bail charges.'

## 3.3 Conditions of Exploitation Common in Trafficking in the Tourism Sector in Sri Lanka

Exploitation according to the narratives, seemed to rely on many arrangements that had to be made to make exploitation possible, such as 'dealings' between the trafficker and the client, the client paying for the hotel, including whosoever on the 'supply chain.' These included the hotel staff, transportation, and those supplying drugs. The same people would carry out more than one role in the supply chain. Demands were made on the victims to be on call throughout the day, and week, some even being kept by force.

### 3.3.1 Seasonal Demands

Several female and male participants stated that traffickers responded to seasonal demands in the country, as well as demands in the cities as local tourists frequented. Research participants mentioned the traffickers maintained a database of their customers and maintained the information confidential. The victims had no access to the data, although a customer would obtain the victim's contact details, and call the next time he was in the area. A participant stated when she was introduced to her trafficker, he obtained various details from her, that is how she was 'registered' to work. The details involved her physical features, age, and her preferred age of the client.

### 3.3.2 Work Arrangements

A participant in his narrative stated that, while employed at a hotel, they were required to work after working hours on the instructions of his employer and this would be known to the management. The hotel staff was a part of a wide network, so were some external individuals such as 'tuk-tuk' (three-wheeler) drivers. Two research participants were regular employees of such a 'Guest house,' both serving clients under the instructions of the trafficker – the owner or the manager of the facility. Some reported hotels did not make cash payments although they provided generous amounts of food. One participant added, however, at a moment's notice he had to be prepared to leave on a trip with any client the trafficker brought in.

### 3.3.3 Choice of Client

The victim was compelled to work with any client the ‘trafficker’ arranged, although there was one exception. One former trafficked child informed the ‘trafficker’ had allowed the ‘workers’ to select the type of clientele, in her case she preferred people under 25 years of age. She herself was under 16 years at the time. Male and female victims stated that they were compelled to work for any number of clients as demanded by the trafficker.

The research participants also informed their perpetrators were condescending, while some felt their dignity was adversely affected. “I feel piggish” said one research participant, another said, “I feel shy to tell you this miss.” A male participant stated, after accompanying a client on a road trip for several days, “ [he was] ...pleased with me, gave me large tips,” several male victims informed their foreign perpetrators appreciated of being a “good boy”. Female and male victims mentioned not knowing the English language. They were unable to communicate with the perpetrators; however, the traffickers spoke several foreign languages.

### 3.3.4 Payments

The client would give ‘tips’ based on their satisfaction; the foreigners were more generous in ‘tipping’ than the locals. The research participant would accept whatever payment the owner provides, and she said, with him, no one would question regarding the amount that is provided. This particular research participant at the time was still attending school. She informed of not needing money since her father provided for her. She also stated she was happy since her sisters called her frequently, and her teachers were nice to her. When she was initially trafficked by her roommate, she never got paid, but she noticed her trafficker wearing new clothes, and shoes. Some informed whatever they earn they pay for drugs, and some victims inform that it is a pull factor for them to stay in the industry. One participant informed that with her earnings at the spa, she took care of her stepfather who trafficked her, and his wife. Occasionally, she also helps out her best friend’s family with groceries. While some participants informed they were able to purchase properties and vehicles, took care of parents and grandparents, and had given siblings in marriage, some still claim to be miserable.

### 3.3.5 A Victims’ Database

Certain female and male research participants informed that their traffickers maintained a database of their victims and customers, and the information was regarded confidential. A participant stated when she was introduced to her trafficker, she was required

to ‘register’ with him, giving various details involving description of physical features, age, her address and her preferred age of the client. They spoke of not having access to clients’ data, but one male victim stated that certain customers would obtain the victim’s contact details and call the next time he was in the area.

### 3.3.6 Mobile Apps

Several female and male participants informed of their use of mobile applications that showed their availability to prospective customers. A male participant informed that at the time [when he was an under aged trafficking victim] of knowing “other boys younger than me in this work” and seeing their data on the ‘App.’ A female participant stated that as an adult commercial sex worker she had observed children aged 14 and 15 showing their availability on GPS (Global Positioning System).

## 3.4 Causal Factors that pull Girls and Boys to Remain in the Sex Tourism Industry

### 3.4.1 Economic Security and Material Benefits

The data showed the trafficker female and male provided the victim – with what a child was lacking, basically responding to the child’s food, and clothing, and then to his or her emotional needs. The girls informed since they had come from low income families, when the trafficker bought new clothes, one said ‘I too like to be dressed nicely ...’ further, and these were girls who had been wearing ‘hand me down’ attire in their entire lives. One woman informed that, she did not want to get back to a poverty stricken life. In a narrative the research participant stated his surprise to receive a payment and a tip for the work. He said ‘...it is nothing ..., I just get this amount of money for, .... just for this kind of work’ meaning it is easy money, no hard work necessary have fun, in terms of consuming drugs, alcohol, and good food. With the adequate earnings they mentioned, they were able to maintain their families, allowed them to take care of sick and elderly parents, and grandparents, send siblings to school, and give them in marriage.

### 3.4.2 Fear for their Lives

The fear that the trafficker would ‘kill’ was stated by several research participants. When questioned as to why the victims did not attempt to escape, one respondent declared that ‘there was no one... [to help]’. A previous traumatic experience of gang rape haunted one such person; the fear that such a similar incident would occur if she were to leave the relationship.



### 3.4.3 Addiction to Drugs

Several female victims of sex trafficking in the tourism sector informed their addiction to hard drugs compelled them to be in the industry since they needed the funds to purchase drugs. One participant informed she not only had to earn for her drug requirements, but also had to earn for her ‘trafficker-boyfriend’s’ needs. The ‘trafficker-boyfriend’ in one case used his victim to traffic drugs. In another case research participant informed she joined the client, a foreigner in a ‘joint’ because she could not submit herself to him without such drugs. She informed the trafficker had taken ‘big money’ from the client (foreigner) hence she was compelled to meet whatever demands her client made of her. She was 15 years old at the time. Male drug traffickers informed they had access to drugs at any time, that lured them to be in the industry.

### 3.5 Caregiver Attitudes and Reactions towards Children’s Victimization

The narratives indicated in most instances the caregiver was not aware, or not in a condition to perceive the transaction that had occurred between the child victim and perpetrator. In one case, the mother hid the pregnant daughter at a relative’s home fearing the trafficker would come after her. In another case, the mother accepted the pregnant daughter without blaming her, while the sisters were unhappy, blamed her for being promiscuous. The mother confronted the first perpetrator for the chaos she caused in her daughter’s life. The trafficker had fallen at her mother’s feet and begged for forgiveness. A male research participant shared that his family was under the impression that he was a tour-guide, although his trafficker blackmailed him by threatening to reveal the truth to his mother if he refused to go out with clients. He informed: *“My mother has suffered a lot, and I didn’t want her to know how I have been supporting the family, economically.”*

Some encountered victimization from the caregiver. In another narrative, the participant shared that her aunt had supported a perpetrator because he allowed her to live in a house he owned.

### 3.6 Identification and Protection of Child Victims of Trafficking

The research participants in their narratives of lived experiences did not inform of being identified by any law enforcement authority while being child victims of trafficking in the tourism sector. It was observed that sufficient evidence existed to detect when children were at risk of trafficking such as when children were identified as victims of rape, and sexual abuse, while being transported to certain locations. Although evidence existed for law enforcement to identify trafficked children on all reported cases, such evidence had been overlooked.

A clear place of detection would have been when children were admitted to hospital on charges of sexual abuse and rape. On two other occasions, rapists were brought before justice, except for one instance where the case was dismissed which did not have a bearing on the incident, but the complainant failed to be present at the court. She did not have a permanent address resulting in her mail from the court registrar arrived to her late. Another informed her rape case is still pending for the past 17 years.

A Key Informant said stringent law enforcement has pushed the case of trafficked children into hiding. The police were strict with law enforcement, the traffickers taking measures to carry out trafficking in private residences, where their houses are protected with high walls CCTV monitoring for suspicious outsiders. Research participants did not report of being ‘identified’ by law enforcement, although several research participants mentioned about ‘police raids’ at Spas and Guest Houses. Certain research participants informed of being taken into custody for trafficking drugs. On such occasions the trafficker arrived promptly to bail them out.

Instances were reported of law enforcement authorities not recognizing the accused were under the age of 18. The victims looked mature than their age and there were no cause for suspicion. Some did not have a National Identification Card since they were under 18 years of age, the State mandated age for individuals to obtain identification documents. Research Participants narratives showed they were not detected even when they were travelling with the ‘trafficker’ to where the ‘tourists’ were located. One other stated that, she spent the day in a three-wheeler vehicle, until the trafficker received a call from a prospective client. Child trafficking as a clandestine phenomenon, any evidence of identification seemed to be camouflaged by traffickers.

Except for one female, the rest of the research participants in the study had not realized they had been trafficked through deceit and lies. Those who were kept in slave like conditions although had described their conditions were not aware until they were directly questioned about being trafficked as children realize they were in slavery. Some also recognized their addictions to drugs were a means to keep them in slavery. A male participant said, until the interview for this study was conducted, had not realized of being enslaved by a woman drug trafficker. Although at the time they were all under 18 years of age survivors described their heroic experiences of escape. They did not state if they considered themselves as 'survivors' presently, but they were inspired and had the need to ensure that children under their watch would not become victims of sex trafficking. What emerged in the study is the lack of discourse concerning the child trafficking in the tourism sector.

In a female participant's assessment, it is not only important to educate children on protecting themselves, but also important for State service providers to be responsible towards children in the plantation sector.

66

*At the age of eight they understand... You have to teach them in a way they understand... When they don't go to school the teachers ought to inquire why they are not in school? When children fail to go to school... that is when they fall into trouble. Children should not be left alone in the house. Teachers, police, the probation officers ought to visit and see... send children to school.*

99

This points to the extremely important role of teachers to identify potential victims, and the role of all three major child protection stakeholders – education, police and probation services to be much more vigilant.

### 3.7 Views on the Child Protection Mechanisms of the State and in the Tourism Industry

#### 3.7.1 Victim Support Services

The individual participants did not address child protection mechanisms, although some participants informed that the time they spent at a certified school, trade school or CCI (except on one occasion) were favourable.

The participants in their narratives informed about the services they accessed from State service providers, NGOs and Faith-based organizations run CCI. However, they had not accessed these services due to them being victims of trafficking. The Police and Department of Probation and Child Care Services staff at various provinces had collaborated in responding to rape and gang rape incidents, as well as in the case where a participant was supported to escape her abusive trafficker. She was taken to Probation Services by a female sweep-seller in the city.

#### 3.7.2 Female Teacher as a Confidante

A research participant reported that she wrote a letter to a female teacher describing her predicament with sexual molestation by her stepfather. On reading the letter the teacher had informed the Police. In another case the participant stated her sister's boyfriend had trafficked her and had assaulted her heavily, due to her injuries she was unable to attend school for two days. A close friend who had seen the injuries on the girl confided in a female teacher, who instantly called the police. On both instances with police intervention the Probation and Child Care Services had removed the children to safe homes. Another participant informed a female teacher noticed that she was pregnant on questioning, she informed that she was a victim of gang rape. The teacher informed the police, who, with the Probation and Child Care Services, moved the child to a Child Care Institution.

#### 3.7.3 Law Enforcement

**Convictions:** One person was convicted and sentenced to imprisonment. Police with the Probation department staff arrested a grandmother who was roaming the streets with her granddaughter. Although she was trafficked on the streets, the charges did not correspond to trafficking. Another participant who was kept in an isolated area waited for an opportunity to escape. When she did, she carried vital information with her that she provided to the police, who followed up her complaint by arresting the perpetrators.

It was observed that only female participants attempted to escape or reach out for help among those interviewed.

**Police interviews:** It is significant that none of the children mentioned trafficking in their statement, depriving an opportunity to capture traffickers. "I felt that I was the guilty one. Police questioned me as if I had done wrong things, that too in front of the entire neighbourhood. I just looked down." KIs had several suggestions with regards

to the police. The entire police needs training about child trafficking, the training was previously provided to selected groups, who after training get transferred to other departments, leaving a vacuum in the position. *“They are trained, and then transferred.”*

Two Key Informants expressed concerns that police documentation is illegible, and problematic to use such information in preparing the case. One suggested such documentations are computerized, where the case could be typed in Word format in clear form. Another Key Informant recalling experiences observed Police at the time of an arrest of a young offender needs to focus on the particular incident. For example, the drug use or possession of drugs. He opined in these cases the ‘back story’ does not get documented, resulting in losing and overlooking vital information concerning the child’s relationships with the traffickers. Such oversights have ramifications to the understanding of the entire case. This includes information about trafficker networks, locations, operations, etc.

### 3.7.4 Poor Re-integration Practices

What emerged in the data was that certain children were released to the families by Probation Services and the Judiciary without proper review of the family conditions. The reviews seem to have been partial to one condition such as sexual abuse, and not on other aspects such as the parents’ or guardians’ ability to protect the victim. A participant in one case stated,

*‘My mother who had abandoned us came with my father, and said they wanted to take me home, so I was sent home with my parents. I went back to the same situation, nothing to eat, and I couldn’t find employment.’*



She returned to the same life circumstances, and in one such case, the initial perpetrator introduced her to another trafficker. This particular person is now a drug addict.

A KI opined that much could be done to promote child sex trafficking free tourism in Sri Lanka, such as with aggressive online promotion, with massive training for staff in the tourism industry, and orientation programs for ‘tourism service providers.’ He also informed the

‘beach boy’ phenomenon has changed, to ‘tourism service provider.’ He was concerned about the STD status of under 18-year-olds, that needs attention. Another KI shared an observation about high numbers of rural children in the Eastern Province dropping out of school by age 12, and that their parents were not interested in addressing the situation. The need for public engagement in addressing trafficking was highlighted by one KI who observed that law enforcement cannot work in isolation. The existing child protection mechanisms have left gaps with regards to girls in the ages of 16 -18 years of age, opined a KI, highlighting the immense vulnerabilities the girl child encounters. Further girls in the North Central Province in particular, wait until 16 years of age to elope, as then they are legally ‘safe’. This means girls are legally allowed to co-habit with men, but need to wait until 18 years of age to get married. KI mentioned that the State provides lands deeds to new couples in North Central Province, which is an incentive for young couples to live together, and is encouraged by certain parents so that the family could access more land. Since the couple needs a marriage certificate to claim this offer, marriage documents are falsified giving a higher age for the girl.

### 3.7.5 Institutional Violence

One male research participant in his narrative informed of been sent to a certified school having had seven charges against him, six had been dismissed. He was also at a Trade School for two years. He narrated as being a victim of police brutality, and later institutional violence at the certified school.

### 3.7.6 Rehabilitation of Victims

Two instances were observed where children were sent for rehabilitation, which is provided by the Department of Probation and Child Care Services. The female research participant was glad she had the opportunity to receive psychiatric treatment and learn about trafficking. However, the male research participant, due to violence and maltreatment encountered at the facility was on the verge of committing suicide.



## 4. ANALYSIS AND OUTCOMES

The findings reported on child sex trafficking in the tourism sector in Sri Lanka were interpreted using social systems theory<sup>56</sup> as an analytical framework. Systems theory explains complex social phenomena such as child sex trafficking in the tourism sector; it shows individuals, families, and formal and informal organizations that are involved as identifiable dynamic systems and subsystems in relational terms. The open systems' permeable boundaries allow for inputs, and outputs to stream in and out, while throughputs affect changes within subsystems, i.e. the lives of each individual, his/her family, and community in a wide variety of ways. For this discussion, subsystems were identified in various settings where the child was located, and where social interactions took place. Here it is recognized that based on established economic, social, cultural, religious, political, as well as other established systems the individual and the

family become its parts, receiving and responding to 'inputs' of various kinds. Child sex trafficking in the tourism sector was found to be a complex system, the existence of the following subsystems was observed.

- Each research participant is a sub-system of his/her family system, and the extended family systems;
- Each participant's family is a subsystem of a village, neighbourhood, beach area, or the 'line-rooms' for those in the plantation areas.
- Each participant has been regarded as a part in the various state and non-state systems: the school and the entire school system, Divisional Secretariat Division (DSD), state services including probation and child care services, Law Enforcement, health and local public health systems, the Church, Buddhist Temple, Hindu Temple, Mosque, CCI, the Justice system.

<sup>56</sup> Payne, M. (1991) in *Modern Social Work Theory a critical introduction* explains the concept of open system as a main system .... "Where energy crosses the boundary which is permeable, rather like a tea-bag in a cup of hot water which lets water in and tea out but keeps the tea leaves inside." (p.135), Further citing Greif and Lynch, (1983) presents other relevant concepts: "...input – energy being fed into the system across the boundary[,] throughput – how the energy is used within the system[,] output – effects on the environment of energy passed out through the boundary of a system[,] feedback loops – information and energy passed to the system caused by its outputs affecting the environment which tell it the results of its output[,] entropy – the tendency of systems to use their own energy to keep going, which means that unless they receive inputs from outside the boundary, they run down and die." (p. 135)

While the above systems could be considered ‘formal systems’ the existence of various ‘informal settings for child sex trafficking’ were identified which existed within the established systems such as in the social, educational, economic, entertainment, pleasure, cultural, religious, as well as within the social service settings described below.

#### 4.1 Child sex trafficking in the tourism sector as a complex system

In the interpretation of qualitative data findings, child trafficking emerged as a ‘complex system of child protection violations,’ comprising of four subsystems established in an ascending order.

1. Child sexually molested/abused or introduced to hard drugs
2. Child deceived by a known person
3. Child trafficked into the local tourism sector
4. Child trafficked into the wider tourism sector involving foreign tourists

Within the complex system the child moved, propelled by various external inputs, throughputs and outputs (these described below in terms of push and pull factors) from the first subsystem, to the second, then third and the fourth. It was also noticeable that the children had entered this complex system based on external inputs s/he received, i.e. protection violation at the first subsystem such as in the case of child sexual abuse. The child had no control over the circumstance, as with the situation in terms of drugs. Then, while being in the first subsystem the child encountered deceit either by the same or other perpetrator which propelled her/him to the second subsystem. Some children directly entered the second subsystem as victims of deceit. It seemed that all moved to the third subsystem where child sex trafficking in the local areas occurred. Here it was observed that children who entered through deceit were introduced to drug consumption; children who entered the system due to drugs converted themselves into drug traffickers, operating as partners. Some remained in this subsystem beyond the age of 18 years, some others moved to the fourth subsystem.

While observing that children moved between the third and fourth subsystems, certain children broke away from this complex child sex trafficking system on realizing the deceit and slave-like treatment thus escaping from the perpetrator. Some received assistance to escape through interventions by an external ‘entity’, such as a female school teacher, or involvement with law enforcement for a crime unrelated to child trafficking. Evidence showed child’s ‘re-victimization’ i.e. becoming a victim of sex trafficking having already been a victim of abuse, occurred when due protection

assessments were not carried out by the child’s State Duty Bearers (e.g. the Police, Probation Officers, Child Protection Officers). At the time of ‘revictimization’ the children had been under the guardianship of parents, or a State appointed guardian.

#### 4.2 The Sub-systems

##### Sub-system One: Child Sexually Molested/Abused or Introduced to Hard Drugs

Children who were victims of sexual abuse and children who had been introduced to drugs were part of this sub-system. The majority of girls and boys in their progression to sub-systems three and four were found to be addicted to drugs. However, in one exceptional case, a child drug trafficker did not appear to have been an addict; his interests were to save money to purchase a motorcycle. It was observed that drugs were introduced to children in their familiar surroundings such as at a place adjacent to the school playground. The children used the school settings to obtain information and plan their drug deals. It was also observed that children who entered the sub-system as drugs users, also trafficked drugs in the local tourism sector.

Incidents of sexual abuse and rape occurred in the child’s own home in the majority of incidents, while some reported incidents which took place at the school or at a teacher’s residential quarters. Rape and gang rape occurred at places away from the child’s familiar surroundings. For two victims, sexual abuse occurred at the perpetrators’ premises. Medical personnel at hospitals had identified victims of rape, where medical attention was immediately provided, and law enforcement authorities were informed. None of the research participants informed of receiving counselling, one person carried her trauma throughout her ‘trafficking experience’. After being identified by an authoritative figure, several victims of sexual molestation and abuse came under the guardianship of Probation and Child Care Services. Except for one, prior victims of sexual molestation, sexual abuse, rape and gang rape were re-victimized when perpetrators learned about the child’s predicament. These instances show that children had consistently been at risk of protection violations, including those who were allowed to return to parents or guardians.

##### Sub-system Two: Child Deceived by a Known Person

Children who entered the sub-systems were vulnerable due to their adverse experiences. Sub-system two entailed the child being exposed to deceit. The traffickers deceived their prospective victims by initially showing compassion, demonstrating affection,

comprehension, and ensuring her/ his needs were being met. Traffickers seem to take advantage of the victim's predicaments, such as disharmonious relationships children have due to negligent or strict parents or absentee parents. The 'deceiver' assumed the role of 'aiya' – brother, 'akka' – sister, 'mama' – uncle, 'Bappa'- stepfather, 'nanda'- aunt. In two instances the 'teacher' was found to be the perpetrator deceiving and breaching the trust the parents and students had placed on him. A KI opined that when victims address the perpetrator in such close 'familial terms', it sends a wrong message about their abusive relationship. 'Deceit' appeared to take place in a variety of ways, such as promises to obtain acting roles in the television industry, similar to young women in Western countries who go after opportunities in modelling. Instances where the parents had placed their 'trust' in locations they considered safe, such as the school, a 'boarding house,' and homes of relatives, had proved unsafe to the child. Children were deceived with promises of employment and opportunities to make 'lots of money' which then propelled them into trafficking in the local tourism sector. Situations and conditions children encountered within these various sub-systems show the complexities of a child's protection, and that both the parent and child had been deceived.

### **Sub-system Three: Child Trafficked into the Local Tourism Sector**

Within the local tourism sector were well organized and established traffickers who had maintained an information database on the clients and the 'sex workers,' that included persons under 18 years of age. The data had been used to 'match' clients to service providers, and schedule appointments. Certain 'informal settings' were reported where 'informal dealings' between the trafficker and his/her clients took place. These were noted as sub-systems existing within the sub-system of local tourism. For example, the trafficker established an informal setting for the victim to meet a client; the place was a private home in a remote area. The local tourist settings included private homes, (residential facilities provided for state employees, houses taken on rent, backrooms adjacent to a shop). Clients' sub-systems in the local tourism were categorized as follows: male labourers (construction workers, workers mining sand, and porters); young men on day excursions; men frequenting a 'guest house', and brothels; male teachers employed within the state school system; successful business persons; television artists; high ranking state employees as well as wealthy men in their 50s and 60s. These categories of clients patronized the local tourism sector. In this study, dealings with female clients were not reported. 'Spas' were identified as providing services for 'local clients' in certain narratives, while some others identified as providing services for 'foreigners.'

Several research participants were aware of the existence of mobile applications designed for soliciting services. One person as a child had used an App with the assistance of his trafficker and known other children with similar links. Children were exposed to serious health issues, such as HIV and AIDS and other STDs, while girls were subjected to illegal abortions, which could have been fatal. Children dropping out of school prior to acquiring appropriate educational qualifications limited their earning capacities, as well as their potential to live a life of quality. A child victim in the above sub-systems did not seem to understand the extent to which his or her protection had been violated.

Four significant dynamics were observed in the third subsystem. One, some children were identified by law enforcement, taken out of the system, sent into rehabilitation and protection. The changes occurred either due to direct intervention by law enforcement (one child informed of having had seven charges against him, but six were dismissed), or by a teacher coming forward to inform authorities about the child protection violation (pregnancy due to rape, physical abuse). Two, children involved in drug trafficking were removed to rehabilitation in collaboration with law enforcement. Three, although certain children escaped the perpetrators and some appeared before the law, no one accused the perpetrator of trafficking. Although children were taken into probation services for protection, once they were allowed to reintegrate with the family, the child having encountered the same survival circumstances, entered the third subsystem for the second time. Four, some children were propelled into the fourth sub-system, while some remained in the third. Some moved out at this stage due to pregnancies.

### **Sub-system Four – Child Trafficked into the Wider Tourism Sector Involving Local and Foreign Tourists**

At the fourth sub-system of child sex trafficking in the tourism sector, children become victims of foreign and local perpetrators. As a picturesque tourist destination and with remarkable hospitality shown by hoteliers, Sri Lanka's tourism landscape seems to extensively cater to the needs of a large and varied local and foreign clientele. For several decades Sri Lanka's tourism has been tarnished by its notoriety for foreign national paedophiles arriving as perpetrators of child victims. "The surveillance on the 'foreigner' [referring to foreign tourists] is high," a Key Informant noted. What is not known is the extent to which the 'locals' prey on children. The tourism industry's influence was seen in various sub-systems in the industry, mainly spas where both locals and foreigners frequented. While a few female research participants were employees at spas and had experiences with 'foreigners' as clients, several male participants reported their economic survival

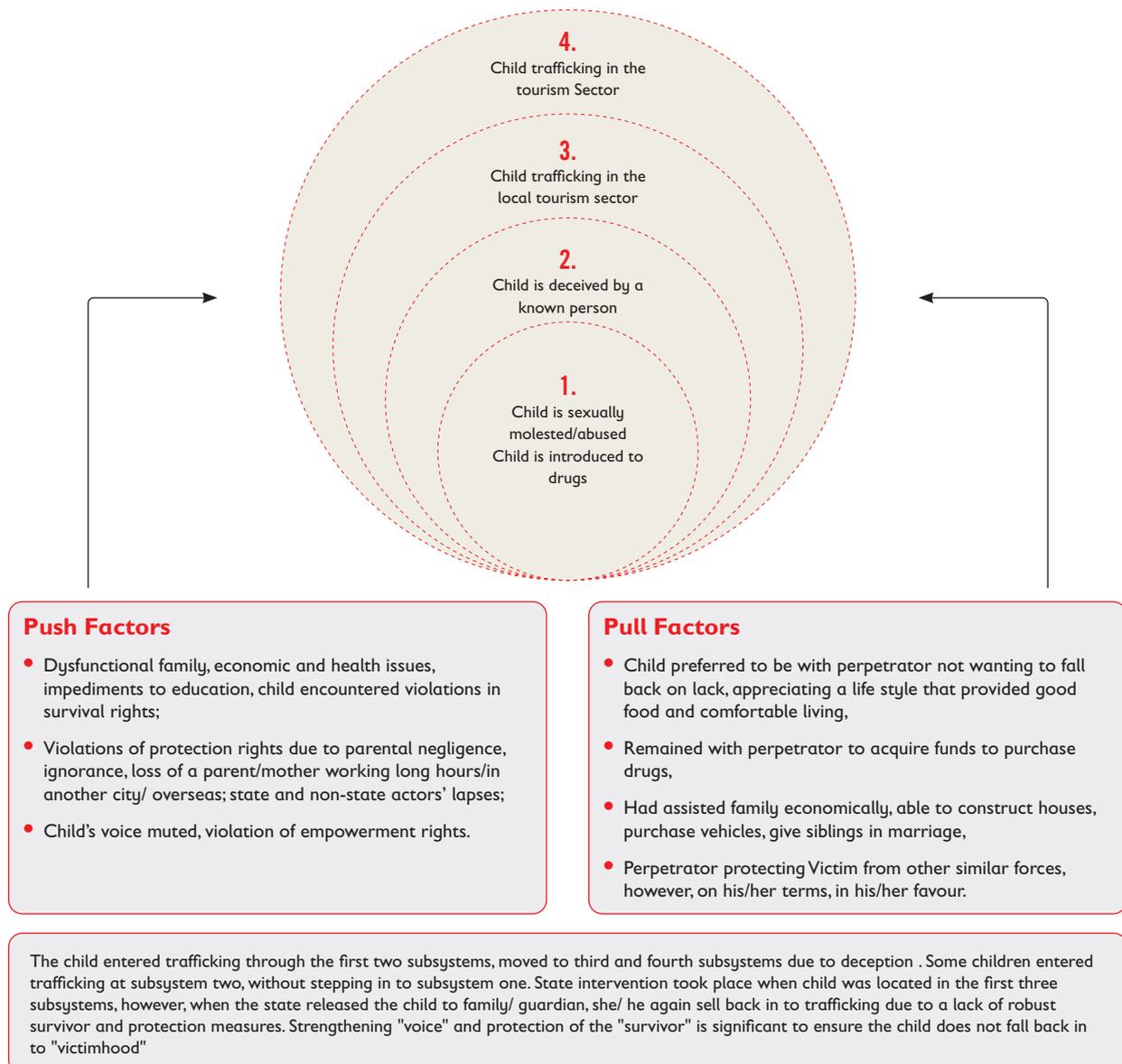
since childhood had been anchored as Tourist Service Provider (TSP), or as 'tour guides' for foreigners. From the research participant's narratives, it was clear that, within the sophisticated tourism system were various subsystems that catered for tourists' countless needs. The female participants in particular seem to have had encounters with less sophisticated foreign clients while male research participants seemed to have had dealings with more sophisticated foreign individuals.

The stringent laws in existence to protect children from paedophile predators seem to be common knowledge at the present time. A KI informed that as a consequence, the trend had been to move business from the beach areas to private homes that have high parapet walls surrounding its buildings and CCTV fixed to monitor arrival of law enforcement officers. With the ongoing pandemic and aggressive promotion of local tourism Sri Lankan nationals frequenting sophisticated tourists facilities could pose threats to the protection of children under 18 years of age.

### 4.3 Moving Across Permeable Boundaries of the Sub-systems

Out of the 25 participants who entered the trafficking system all 25 arrived at sub-system three and 10 moved up to subsystem four. Among the 15 who remained at subsystem three, two escaped the perpetrators and were taken over by probation and child care services. One was arrested by law enforcement, two were removed for drug rehabilitation. Three were sent to probation care, but two returned to the system. After child birth, one returned to sub-system three. One is currently taking hormonal treatment for gender transformation, and a total of 10 remained in subsystem three. Out of a sample of 25, ten reached subsystem four (five females and five males). It is then observed that not all children entering the trafficking system, become victims of sex trafficking in the wider tourism sector; however those remaining at subsystem three are at-risk of reaching sub-system four. The time duration for a child to move within the system from the time of entry at sub-system

## Child Sex Trafficking in the Tourism Sector in Sri Lanka



one to sub-system four varied. The youngest was a nine year old when entering the system, and the longest period they stayed was until the age of 18. Some entered the system at 17 years of age. Three remained in the system for several months.

#### 4.4 Push and Pull Factors as Inputs and Outputs in the Sub-systems

The Sub-systems are impacted by push and pull factors. Essentially the push factors, which are also 'inputs' into the system, are linked to survival, protection and participation rights violations the child had encountered.

##### 4.4.1 The Push Factors as Inputs

###### Survival

- Dysfunctional family life involved parents' separation and abandonment. The children experienced loneliness, not having an elder to guide them to live a 'normal life' or provide emotional support, and some witnessed violence.
- Economic and health issues that resulted in abandonment, hunger, loss of a parent due to sickness.
- Impediments to education due to economic hardship

###### Protection

- Violations of protection rights due to parental negligence, ignorance, abandonment, oversight.
- Loss of a parent, and mother working long hours, in another city or overseas.
- State and non-state actors' oversight that led to re-victimization of children as sex trafficking victims in the tourism sector.

###### Participation

- Child's voice muted, especially when state authorities unjustly condemned the child in public
- Denial of opportunities to advocate as 'survivors' on behalf of 'victims'

##### 4.4.2 The Pull Factors as Outputs

- Children's preference to be with perpetrators, not wanting to fall back on lack or deficiency, appreciating a life style that provided good food, drugs and comfortable living. Two women were reluctant to be recognized as being a victim of child sex trafficking and seem to be content with their comfortable lifestyle and adequate income.
- Traffickers' capacity to assist the child's family to overcome economic hardship, ability to build houses, purchase vehicles, and give siblings in marriage. Although married with a family, one participant stated that if he were given an opportunity with foreigner tourists again, he would return to the tourism sector as a sex worker.

Dependency of perpetrators to protect the victims from other similar forces. However, this always happened on the trafficker's terms and in his/her favour. A participant who was a victim of gang rape believed that the perpetrator would take care of her; eventually the perpetrator left her when she got pregnant with his child.

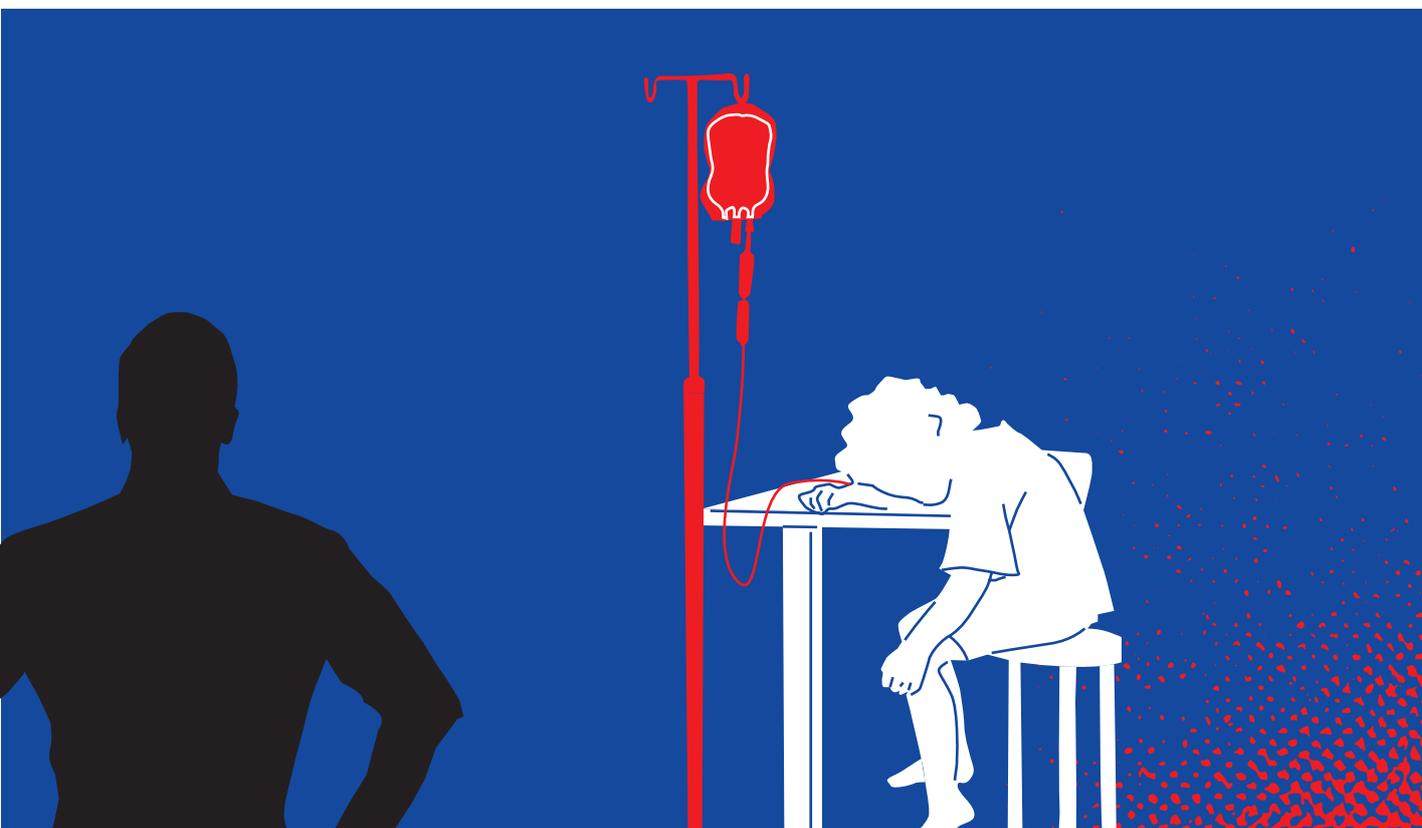
#### 4.5 State Intervention and Prosecution

Some child victims had been identified by the State (not as trafficking victims but as victims of other types of violence) and ordered to be provided care and protection by Probation and Child Care Services, when they were involved in the first three sub-systems: children who were sexually molested/abused or introduced to drugs; children deceived by a known person; and Children trafficked into the local tourism sector. However, this does not imply that children received adequate care and protection; rather, children were placed in alternative care institutions, with no proper plan for their short or long term care and support.

Law enforcement authorities were unaware of the presence of under aged girls when they had raided spas, and private homes used for trafficking under-aged persons. Two reasons for this are identified; a) they did not have identification documents to prove the age; b) the girls in particular looked more mature than their actual age. It seemed law enforcement officers neglected to investigate the National Identity information. The assumption here is that it is not unusual to overlook such details since the girls appear as commercial sex workers and not victims of child sex trafficking in the tourism sector. However, in fairness to the plaintiff, and in observing her rights, relevant processes and investigations ought to have been followed.

The majority of child victims are not identified early, to prevent their victimization to trafficking and exploitation. Causal factors point to the breakdown of education and dropping out of school, which make children vulnerable to all types of protection issues. The role of teachers and the education system in the identification of vulnerabilities that cause children to discontinue education is critically important to acknowledge in this context. Furthermore, community-based child protection mechanisms to detect children at risk and take action to address those risks were not identified during the research, pointing to a gap in community awareness, empowerment and mobilization to support vulnerable children and families in communities.

Strengthening 'voice' and protection of the 'survivor' was significant to ensure the individual does not fall back into 'victimhood.' In this regard, there were instances where four girl children who escaped the traffickers survived their trafficking ordeal due to State interventions. However, it was also observed the State had released a girl child to her family/ guardian, who again fell back into trafficking due to a lack of robust protection measures.



## 5. RECOMMENDATIONS

### 5.1 Monitoring, Vigilance and Support to Families that are Known to be Vulnerable

Most of the case studies in the study found significant gaps in basic needs fulfilment of children which led them to be more exposed to traffickers and other adults taking advantage of their vulnerability. Poverty can be identified as one of the key root causes in many situations where children or their families were not able to meet their basic needs which traffickers used as an entry point by providing some financial and other support. Difficulties in having access to services such as social protection, education, psycho-social, health care and protection have pushed children into becoming victims of abuse and trafficking. Study findings show that lack of adequate parental care has been one of the key contributing factors for children becoming victims of trafficking in many instances. Children without appropriate care and protection were also not doing well in their studies and eventually dropped out as a result of a difficult learning environment.

These children were easily targeted by traffickers or associates of traffickers in the community by manipulating the child's situation to their advantage.

- Increase monitoring, vigilance and support to families that are known to be vulnerable to prevent a descent into negative behaviours and coping mechanisms. Close, regular assessment and follow-up by social workers of vulnerable households, social protection measures, and education of teachers and community child protection mechanisms for early identification of families who are falling into hardship / negative coping mechanisms.
- Utilize existing measures and tools to protect children from all forms of violence such as the National Child Protection Case Management System to Prevent Violence Against Children.
- Enhance the multi-stakeholder coordination at community and divisional level to increase holistic support for vulnerable families and children. This will increase the level of identification at the community level from multiple sources, ensuring improved reporting of cases. Providing adequate support before children are subjected to all forms of violence and exploitation.

- Community based child protection mechanisms including Village Child Development Committees, School Child Protection Committees and Children's clubs should be strengthened in high risks areas. Especially identified hot spots for local and international tourism. This could include areas such as coastal tourist hot spots, religious worship places, rural tourism hotspots with high levels of poverty.
- Promote children's agency and create platforms for children to proactively engage in dialogues through systems such as children's clubs. Especially, ensure children of most marginalized and vulnerable families are able to participate in such platforms.
- Adequate sensitization and skills development programmes for teachers and education officials to promote a safe school environment for all children, especially those who are at risk and vulnerable to ensure these children are not easily dropped off the education system.
- Provide training and sensitisation for teachers and school administration (up to the highest level of senior management in a school) to avoid stigmatising and discriminating against children who have been sexually abused or who come from poor households. Schools need to promote an inclusive and caring environment in which ALL children, and especially the most vulnerable, can be accepted and thrive.
- Increase awareness and tools for school teachers to identify, report and refer children who are with potential risks and vulnerabilities to abuse and exploitation.
- Increased awareness for high risks families and communities in targeted areas on positive parenting and child protection.
- Large scale campaigning similar to child domestic workers awareness in the 90's to increase public mobilization to be vigilant, identify and report incidents or risks of child trafficking and exploitation.
- Use more effective, innovative and child friendly approaches to educate children on their own protection and empower them to access support in situations of vulnerabilities or incidents of exploitation/trafficking.
- Strengthen the family support mechanisms and alternative care options for children of single parent families with vulnerabilities, such as children of migrated parents, single parents who do not or cannot provide adequate care and children are at risk of abuse and exploitation within the family.
- Children of migrated parents, especially in situations where mothers have migrated, have become significantly vulnerable to exploitation and trafficking. Foreign Employment Bureau Development Officers attached to the Ministry of Foreign Employment should work closely with the

child protection officials as part of their engagement with children of migrated families to ensure the protection of the children.

## 5.2 Care and Protection for Child Victims of Trafficking

A clear message that emanates from the research is that although State authorities have at times identified children as victims of violence, children were not identified as victims of trafficking, or provided adequate care and protection to enable them to overcome their trauma and adversity. Often children experienced secondary victimisation by the system, which included law enforcement authorities as well as the care facilities that they were placed at.

- Mental health and psychosocial support seem to be a significant lack, as well as a significant need, considering the experiences of trauma and repeated abuse the children had experienced. Sri Lanka currently does not have a government cadre of Clinical Psychologists; hence there is no statutory mechanism to provide specialist psychological support for child victims of trafficking as well as victims of other types of crime. To address this significant need, the government should invest and take immediate measures to establish MHPSS services as a standard response to child victims of trafficking as well as others. These services should be routinely available for children living in government institutions as well as those who have returned to their families.
- Provide quality alternative care services for child victims of trafficking without detention and institutionalisation, by ensuring systemic case management, care plans and through available legal provisions such as 'Fit Persons' under the Children and Young Person's Ordinance (CYPO).
- Alternative care institutions for child victims of violence are where children should be placed for their care and protection as a last resort. These institutions should be monitored closely to ensure that children do not face violence by the hands of caregivers or other individuals who reside there, and that violence is condemned and prohibited in accordance with the Corporal Punishment Repeal Act (2006).
- From the case studies we see that children who have been subject to violence and abuse are most likely to be trafficked by their abusers or others. This is as a result of social stigma and socio-cultural challenges for victims of sexual abuse. Additionally, the research findings indicate that weak responses from the State, pull children back into victimhood. Many children had become victims again after being returned to their homes. Therefore, careful and well-planned re-integration of victims is required, ensuring their

voices are heard, together with the participation of both victims and their families are fully ensured in the process. The 'Guide for the Reintegration of Child Victims of Trafficking with their Families and Communities of Origin' developed collaboratively by the Department of Probation and Child Care Services and Save the Children can be used to guide this process.

### 5.3 Detection and Investigation of Child Trafficking

An alarming research finding was that most of the young adults interviewed had not been identified as victims of trafficking during their childhood, pointing to a serious gap in the law enforcement system. The shortcomings are in spite of concrete legislative and administrative measures that have been taken during the past decade; however, a gap is observed in strengthening law enforcement services in investigating cases of trafficking. Moreover, specific skills and competencies to successfully detect and investigate cases of child trafficking, and understanding the linkages between different types of crime, such as drug trafficking and human trafficking appears to be inadequate with the local law enforcement services.

- Currently the Code of Criminal Procedure (Part V) provides generic guidance on the investigation of crimes, but there is no specific procedure or guidance on methods to investigate specific types of crime. As the offence of trafficking may not be apparent, the Police require training and guidance on the inter-linkages between crimes such as abuse, exploitation and trafficking. In its absence, the Police may not expand their inquiry to look beyond the primary offence in each case, which is usually sexual or physical abuse. Therefore, a Standard Operating Procedure (SOP) with a focus on child trafficking should be developed for the Police on investigating and detecting child trafficking.
- Develop skills and competencies of the Police force on detection and investigation of cases of child trafficking, including skills to investigate sophisticated and technological platforms. The Police should develop their skills on the types of evidence that is needed for prosecution of trafficking and the techniques on how that evidence can be gathered. NCPA's 'Guidelines for Interviewing Child Victims of Trafficking', developed with Save the Children and the International Organization for Migration (IOM), highlights how to get the best evidence from a child through interviewing techniques that are child-sensitive and supportive.
- With reference to the push factors, clear linkages are observed between particular types of crimes and child trafficking. E.g. sexual abuse, labour exploitation and involvement in drug trafficking increased the likelihood of sex trafficking. Law enforcement

authorities should analyse these interlinkages carefully based on evidence, and identify trends and pathways to trafficking, so that there can be better vigilance and surveillance that may contribute to preventing incidents of child sex trafficking.

- A key finding through this research was on how traffickers operated and the strategies they used to victimise children. These strategies provide a crucial entry point and a pathway for law enforcement services to understand what the investigation can focus on, and what to look out for to gather evidence of the process of trafficking. Understanding of these strategies can also help build awareness among children and families about how traffickers operate and victimise children. This is also critical to understand the nature of victim support that children would require as a victim of trafficking, so that victim support can be provided based on the real needs of victims.

### 5.4 Engagement with the Tourism Industry

The research indicates that children who enter the 4th sphere (child trafficking in the tourism sector) are more likely to remain in the sex industry due to the materialistic gains that pull them into it. As the tourism industry is heavily promoted and considered one of the key contributors to Sri Lanka's economic development, this phenomenon is unlikely to change without the direct intervention of the Tourism authorities, supported by state and non-state child protection actors.

- 4.1 The tourism industry should be engaged to advocate for ethical business practices that recognise the risks to children's protection within the industry and clear measures to eradicate practices that are harmful to children. Child Rights and Business Principles introduced by the UN Global Compact, Save the Children and UNICEF is a set of standards that businesses should adopt to ensure their businesses protect the rights of children. The National Child Protection Authority should support the tourism authorities to regulate the sector through measures for prevention, monitoring and reporting of abuse, trafficking and exploitation, to keep children safe from unethical businesses in the industry.
- 4.2 Raise awareness among the tourist service providers, hotels, tourist police and other entities on the identification and referral of child victims of trafficking.

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