

CHILD PROSTITUTION AND TOURISM

Child prostitution in Asian tourism is a problem of vast proportions. It involves the sexual abuse and exploitation of around 200 000 children in Thailand alone. And the exploitation is on the increase. On a global scale, around 1 million children are forced into prostitution every year. Justice Elizabeth Evatt and Jenni Millbank report on a tragedy on our doorstep that many of our countrymen have had a hand in creating.

The causes

There is no single cause of child prostitution, and so there is no simple solution. Terrible poverty, lack of job opportunities and debt bondage go only part of the way towards explaining why parents are forced to sell, or are tricked into selling their children into sexual slavery. Massive foreign debt and a desire to encourage tourism cannot

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fully explain why some officials turn a blind eye, while other officials work hard at eradicating the sexual exploitation of children by foreigners. Finally, cheap sex and a small likelihood of punishment do not explain why Western tourists desire sexual access to children in the first place.

The combined factors of age, wealth, race and — usually — gender mean that Western men visiting Asian countries hold an enormous amount of power in relation to the children whom they abuse. Until men no longer want such power in sexual

situations, child sexual abuse will continue — whether it be on the streets or in the home. As that day will be a long time coming, it is up to us to do all we can to prevent children being placed in situations of vulnerability and to punish the men who exploit such vulnerability.

To prevent children from entering child prostitution you must first understand the systemic forms of exploitation. In Thailand and the Philippines child prostitution mostly involves young girls who go or are sold into domestic service in the city. Once there, the girls can become victims of sexual abuse from their employers and can lose their job as a result. The experience makes them reluctant to return to the village and they turn to prostitution in the city as their only means of earning a living. Sometimes the original promise of domestic service is a sham on the part of procurers who sell the girls directly into prostitution. This form of prostitution really amounts to slavery — as virtually all the girls' earnings are taken by pimps and large numbers of customers are forced on the girls.

In situations of that kind, the major issues are: abuse in the home, poverty and trickery and fraud on parents and girls by procurers. The scope for fraud could be reduced by

education and exchange programs to show villagers the tactics of procurers and tricksters. Poverty is hard to overcome, but providing opportunities for education, training and employment might help lessen

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the girls' dependence on domestic work. Regrettably, there is some evidence that as 'demand' for child prostitution increases, there is a corresponding increase in fraud and outright abductions to get girls away from their villages, to cities and increasingly to other countries to meet this demand. In this way, measures to combat the exploitation of poverty and naivete may actually increase the brutality of the measures taken by the exploiters unless demand can be reduced.

In Sri Lanka, the situation is somewhat different. The predominant type of child prostitution involves teenage and younger boys. Some of these boys are lured into brothels by adult pimps. Many boys act in gangs or alone, and solicit part time to

supplement their income or to survive as street children. In this sense, a lot of child prostitution in Sri Lanka is not organised and the major issues are those of poverty and abuse within the home, which drives children to live on streets.

Legal responses

When faced with the problem of child sexual exploitation the natural response is: 'There ought to be a law against it.' Many countries do, in fact, have laws making procuring or exploiting child prostitution illegal, and these are generally enforceable against pimps and brothel owners. Laws which make child labour illegal are enforceable against the same people. Laws against the sale of children are enforceable against those who trick and abduct children, as well as those who purchase them. There are also laws relating to violence, rape and parental neglect. Some countries have introduced laws specifically directed against foreign tourists who sexually exploit children. Finally, there are usually laws which set a minimum age of consent for children, and it is generally these which makes a customer's actions illegal.

Enforcing these laws, particularly where the perpetrators are foreigners, wealthy by local standards, is the difficulty. The prostitution industry may be a significant factor in attracting tourists. There may as a result be a general acceptance among law enforcement officers, countenanced by government, that one should turn a 'blind eye' to the sex industry.

Even supposing that evidence is available identifying organisers and/or customers involved in child prostitution, and that there are officials willing to prosecute, there are a number of other difficulties in enforcing local laws where the perpetrators are tourists. By local standards, most tourists and procurers are very wealthy — and may attempt to bribe their way out of trouble. Furthermore, if alerted prior to arrest, or released on bail following arrest, it is relatively

simple to flee the country. Knowing this, and knowing that the punishment is often a fine and deportation in any case, officials are

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reluctant to spend scarce time and resources in prosecuting. An additional difficulty is that the children being exploited may themselves be breaking the law. In countries where prostitution is illegal — as it is in Thailand — a child working as a prostitute can be arrested and prosecuted.

International obligations

The exploitation and sexual abuse of children is not just a problem for the country in which it occurs. It has a significant international dimension because a high proportion of the demand is coming from tourists from wealthier countries. Several international instruments to which Australia is committed contain provisions relevant to the exploitation and sexual abuse of children. The main instruments are the United Nations Declaration of Human Rights, the International Covenant on Civil and Political Rights, The Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

Article 34 of the children's convention imposes an obligation on States to protect the child from all forms of sexual exploitation and sexual abuse. It requires that

State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, State Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child in any unlawful sexual activity;
- (b) The exploitative use of

children in prostitution or other unlawful sexual practices;

- (c) The exploitative use of children in pornographic performances and materials.

Under Article 35 States are to take all appropriate national, bilateral and multilateral measures to prevent the abduction sale or traffic in children for any purpose or in any form.

What can be done within Australia?

It appears to be widely accepted that a large number of Australian men are going to our neighbouring countries, either as tourists or as business operators, for the purpose of doing something which would certainly be a crime if done here. In many cases it is a crime against the laws of the country they intend to visit, or at the very least is a gross exploitation of the poor and vulnerable. An important precedent is the action being taken by Germany to prosecute German nationals who commit crimes against children while overseas. At present any German who sexually abuses a German child under the age of 14 while overseas can be

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prosecuted upon return to Germany. A bill to extend these provisions to protect children of any nationality is reportedly under consideration.

It is possible that, following extensive research and consultation, and in co-operation with State Police forces around Australia, legislation could be introduced at a federal level to enable prosecution within Australia of Australian citizens and residents who commit sexual offences against children while overseas.

There would be some difficulty in collecting information and evidence to run prosecutions of Australian paedophiles who have committed crimes overseas. It would necessarily entail a great deal of co-operation with foreign officials — some of whom may have been reluctant to prosecute in their own countries. Nevertheless some countries, such as Thailand and the Philippines, have collected inform-

ation on foreign tourists who have abused children in their countries — although their more usual response is to deport them or ask that they leave, rather than face the difficulties of prosecuting.

Obviously, it would take a firm commitment and an appropriate allocation of resources to make this proposal effective. But prosecutions within Australia of Australian men

who committed sexual offences against children while overseas would have a dramatic impact. Not only would it signal to our neighbouring countries that Australia is committed to fighting sex tourism, it would show Australian men that we will not tolerate the sexual exploitation of children by our citizens, whether committed at home or overseas.

