

TRANSNATIONAL PAEDOPHILIA AND INDIA ANALYSING THE EMERGING TRENDS IN SEXUAL EXPLOITATION OF CHILDREN

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Abstract: The *raison d'être* of all states is to protect the most vulnerable and defenceless segments of its society, which obviously includes the children. Despite unrelenting, unanimous and persistent efforts by states and other organizations, strong mitigation against sexual abuse of children has not been possible. The three main aims of this paper are firstly, to analyse why certain states, though they have the ability to restrict outsiders to intrude within their sovereign territory, are unable to protect their own minor citizens from exploitation by paedophiles? Secondly, this paper analyses the emergence of Goa and Kovalam (Kerala) as new centres of sexual exploitation of children in India. These changing trends clearly reflect the influence of market demands which creates a nexus of power, wealth and control. Finally, it examines the power asymmetries that emerge when developing economies are unable to curb this menace and ensure protection to young children *vis-à-vis* the developed western economies.

Keywords: Transnational Paedophilia, Globalisation, Power Asymmetries and State.

Introduction: The phenomenon of globalisation has become the buzzword of contemporary international politics. Its political, cultural, social and economic incarnations have touched every aspect of human life and society. A wide range of scholars have argued that the present world order is restructured due to global and transnational activities. Several others have denounced such world view and instead focused on the resurgence and dominance of powerful states within a capitalist economic system. Considering that globalisation is a distinguishing trend with both positive and negative impacts, the paper looks at the emerging forms of exploitation towards children from the perspective of international political economy (IPE).

As per the existing statistics, there is a general agreement that violation of child rights to protection against sexual abuse is one of the most heinous consequences of globalisation (UNCRC 2000). International deliberations have multifaceted objectives in carving out norms against sexual abuse. These efforts focus on the prosecution of nationals for crimes of child sexual exploitation, whether committed domestically or internationally. International treaties and conventions also compel member states to review their laws and judicial procedures governing child abuse and make it a moral as well as legal responsibility of all sections of society to provide security to children. The European Union (EU) has released a directive rejecting all forms of sexual abuse of children as punishable and criminal offence (EU 2011). The United Nations Convention on the Rights of the Child (UNCRC) is an internationally binding treaty upon states to protect children's rights. There are 193 signatories of this treaty. Articles 34 and 35 of the UNCRC require states to protect children from all forms of sexual exploitation and abuse. This includes outlawing the

coercion of a child to perform sexual activity and the exploitation of children in creating pornography (UNESCO 1999). Both International and regional organisations condemn and criminalise sexual abuse. They unanimously state that children cannot consent in sexual activity with adult as it is immoral and unacceptable behaviour (ECPAT 2011). Tourism is one of those sectors that perpetuate child exploitation. In this context, the UNWTO released a Global Code of Ethics that directs all states to respect and protect the rights of vulnerable groups and prevent sexual exploitation of children (Article 3, Clause 2).

The overarching culture of domination between developed and developing countries has prevailed for thousands of years, provides the framework and sanction for oppression and exploitation, and is characterized by imbalances in relationships. The pattern of asymmetrical relationship between developed and developing countries finds its manifestation in several forms. Amidst all this a child finds himself/herself surrounded by several types of vulnerabilities. In India, problems like child marriage, child labour, beggary, illiteracy, homelessness have been existing since quite a long time. However, with changing political dynamics some new forms of exploitation have emerged in India like substance abuse, child trafficking etc. of which sexual exploitation is one of the most common form of mistreatment that Indian children are subjected to.

Paedophilia is on the rise across the world (Storr 1994). However, statistics show an alarming discrepancy in numbers between developed and developing societies. Since 1950s, several activist groups have operated as organisations propagating for paedophile rights. These groups originate in developed countries like Australia, Belgium, Canada, Denmark, France, Germany, Italy, Netherlands, Norway, Switzerland, United Kingdom and United

States of America (USA). The literature present on paedophilia underlines that child sexual abuse does not always cause harm to the child (Rind et al. 1998). From the late 1950s to early 1990s, several paedophile membership organisations advocated lowering of the consent age or abolish age of consent laws (Brown 1999) as well as for the acceptance of paedophilia as a sexual orientation rather than a psychological disorder, and for the legalisation of child pornography (Brewer 1987). The efforts of paedophile advocacy groups did not gain any public support and today those few groups that have not dissolved have only minimal membership and have ceased their activities other than through a few websites (Sen 2010). Due to strong legal mechanisms in their own countries paedophiles make efforts to engage with children in developing countries. They flow across borders, where they find easier access to children to satisfy their demands and needs.

Transnational Paedophilia and patterns of change in Sexual Exploitation of Indian Children:

Traditionally, the idea of child rights and protection of children from external or internal threats was restricted to the private domain of a family. On the one hand, the parent was considered to be the primary caretaker and protector of a child and on the other hand, the state was expected to ensure smooth access to quality education, infrastructure and opportunities that would cater to the growth and development of children. However, in the wake of contemporary happenings there has been an inevitable requirement of relooking at the needs of children and challenging the limited role played by state in ensuring the same. Moreover, in the era of a globalised economic and social setup the concern and requirement of a child has transcended domestic boundaries and the international community at large has been compelled to take up the issues of concern affecting the most vulnerable sections of the community i.e., children.

Paedophilia has been a part of the societal rubrics since time immemorial. Several factors have contributed to its growth and existence in different parts of the world. Undoubtedly, paedophilia is not a phenomenon occurring in bracketed pockets or compartmentalised borders of the world. Paedophiles are everywhere and exist in all societies. In some societies there is greater tolerance to it than others. In this article, the term '*transnational paedophilia*' refers to networks of adult members of the society who work together for sexual access to children, both at the national and transnational level. The term transnational conceives identity from the perspective of international political economy. On the other hand, paedophiles are adults who are consistently lobbying for abolition of age of consent laws and allow sexual rights to children. However, not all child

sexual abusers are paedophiles. Thus, the emergence of transnational paedophilia as a consequence of globalisation has raised crucial questions pertaining to the relationship between power, money, the Indian state and market. It pushes us to explain why such 'flows and networks' emerge and how they find markets to satisfy their needs. India as a developing country faces acute poverty and puts emphasis on development, at any cost. They are riddled with corruption, malpractices and instability. The historical trajectory of colonialism makes India far more vulnerable. Children are pushed into these domains as they come from poor families and are uneducated (Sen 2010). Thus, despite adherence to international norms against sexual abuse a country like India is home to a very high number of cases reported for child sexual exploitation.

During the period between 1945 and 2005, 90 countries revised legal provisions regarding child sexual exploitation which highlights the impact of individualization and shifting international human rights standards. These changes, while effective in increasing child protection, are not universal and vary significantly in their interpretation of abuse in India, as well as methods to ensure child safety and access to resources. As modernization and globalization expand, countries are also being forced to address the trafficking, sex tourism and internet related child pornography. Legal discrepancies regarding the treatment of paedophilia serve as perhaps the largest barrier to addressing paedophilia as a public health concern before it progresses to sex offence.

In India a major segment of children live in circumstances that are extremely difficult i.e without proper housing, without clean drinking water or adequate sanitation; numerous children suffer from chronic illnesses; many do not attend school and a sizable proportion work at an early age. It is evident that these children suffer from inadequacy due to gross neglect and access to basic minimum living conditions. The easiest alternative for such children is to engage in commercial exploitation.

Sexual exploitation of Indian children has three main forms of sexual abuse; penetrative sexual assault, sexual assault without penetration and sexual harassment (POSCO 2012). Initially sexual abuse was in the realm of the private domain of the family. Family members, cousins or related people abused children as they were within easy vicinity and access (Childline Undated). Tourism has several socio-economic, political and cultural benefits to India. However, at the same time it has been a source of threat to children in our country which has contributed to an increase in crimes, several inequalities and several other problems which have posed as a threat rather than a boon. Over the years,

globalization and networks of transnational paedophiles have contributed in transcending the realm of exploitation from the private to the public domain where sexual abuse has evolved to the public domain finding its way to the Indian markets for commercial exploitation of children.

In contemporary India sexual exploitation comprises of methods like child prostitution, child sex tourism, cybersex and child pornography. India has advocated and taken a strong stand against all forms of sexual exploitation toward its children. It has reiterated the importance of child care and protection both within the ambit of its society as well as at all international forums. The Government of India has ratified several international treaties and conventions like United Nations Declaration of the Rights of the Child, the Convention of the Rights of the Child and its two Protocols, International Covenant etc. (National Policy of Children 2013). Despite all its efforts India has been unable to curb this menace and ensure protection to young children. It seems that cheap sex, fragile laws and corrupt system of governance attract paedophiles from economically wealthier parts of the world to their weaker counterpart i.e., India.

The Government of India adopted a National Policy for Children in 1974. This was a follow-up of this commitment and being a party to the UN declaration on the Rights of the Child 1989. The policy reaffirmed the constitutional provisions and stated that the State would provide adequate services to children, both before and after birth and through the period of growth to ensure their full physical, mental and social development. In 2004 the government formed a National plan of action. This was to reiterate its commitment to the realization of children rights in India. It further stipulates the duties that the State and community has towards children and those that children and young people have towards the society and the nation. The Indian Government has also constituted the National Commission for Protection of Child Rights. The Commission has the power to inquire into complaints and take *suo motu* notice of matters relating to deprivation of child's rights and non-implementation of laws providing for protection and development of children, among other things. The Protection of Children from Sexual Offences Act, 2012 (POCSO) was enacted in the year 2012 with the aim to protect children from sexual offences, such as, sexual assault, sexual harassment and pornography. This Act also provides for the establishment of special courts for trial of child sexual abuse matters. In the past decade, India has recorded an alarmingly high level of sexual assault cases on children. While, the Government of India has made a sincere attempt to address the issue of sexual exploitation of children through the POCSO Act, the impact of the legislation remains to be seen.

Goa and Kovalam is the new hub for child sex and paedophile activities (Desai 2004). The contours of these activities unlike other parts of the country cannot be termed as rape. While children in other parts of the country are sleeping, playing, going to school and enjoying the innocence of their youth, child sex workers in Goa and Kovalam are dealing with the devastating realities of their exploitation – AIDS, malnutrition, psychological trauma and sexually transmitted disease. Several data circulated on child prostitution reports that sexual exploitation of children is a common problem in Goa and Kovalam (Virani 2000). Of all the states in India, the problem is most prolific in these two places. Both Goa and Kovalam has long been a top destination for sex tourists and pedophiles seeking to take advantage of the weak law enforcement mechanism in these places. There is a strong vigilance of paedophiles in their home countries where they are listed, monitored and scrutinised at all levels.

The existence of paedophile groups and its spreading transnational characteristic makes the relationship between countries of North and South vulnerable (Desai 2004). In lieu of this statement it can be understood that unless states, especially those of the South, gives due emphasis to questions of power, to the need for justice in global relationships and to the right of a child against sexual abuse, this issue will not be taken seriously by most of the world 's people, or enriched by their experiences and insights. It will also fail to address the question of domination, and arguably help to perpetuate it, rather than for the achievement of genuinely peaceful relationships. Further, the insecurities faced by the child at the hands of paedophiles will not reduce, making them easy targets across countries of the developing world. It is indeed quite hard to define power in a fixed and rigid format and it has tend to be a topic of debate in social sciences. In this context power has been defined by linking it to the phenomenon of exploitation. Exploitation is simplified to encompass two related meanings: to make unfair profit; and to take undue advantage of inequalities of ability and/or economic status. Used in both senses with respect to children in prostitution, exploitation can be seen to result from the actions of both customers and providers. Thus, power lies in the hands of the country that has the capacity to exploit others and simultaneously protect itself. Whereas, power asymmetries emerge from a countries inability to prevent itself from such exploitation and shape its structure and mechanisms in consonance with the demands of the more powerful.

Exploitation of a child refers to the use of the child in work or other activities for the benefit of others and to the detriment of the child's physical or mental health, development, and education. Exploitation

includes, but is not limited to, child labour and child prostitution. Both terms, however, indicate that

advantage is being taken of the child's lack of power and status.

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