

Kajol Menon's Introduction Speech

Introductory Speech of Kajol Menon, Executive Director, CHILDLINE India Foundation, at the Consultative Workshop on Paediophilia organized in association with SP Jain Institute of Management and Research, on April 29th 2006.

Good Morning, distinguished members of the Panel, and all of the concerned professionals from civil society organizations, government, academia, police, judiciary, media and health care organizations who have gathered here today for the Consultative Workshop on Paediophilia. I welcome you all and thank you for taking the time off to join us in these deliberations.

Like many other organizations working in the child care space, we at CHILDLINE have watched with some dismay at the evidence of rapid rise in sexual crimes against children in India.

CHILDLINE, as many of you know, is the country's largest helpline for CHILDREN. On our 1098 toll free line, we now receive over 2 million calls each year, from children in need of help, from 71 cities in 22 states of India- this represents 20% of all the calls received by children's helplines the world over.

I believe that 1098, has now matured to become a very significant instrument of change in the lives of children in distress. Children recognize the service. Therefore, we are now ready to work with all of you to tackle, in an effective way, the menace of Child sexual crimes in India.

Today's Consultative Workshop is our small first step in the direction of working with all the relevant stakeholders. We hope, with the help of all of you, to set up a Road map of actions and the policy framework that can help us target

Child Sex crimes in a far more effective way than is being done in India.

As you would have seen from the Program schedule, we have a presentation on the Anchorage Case by my colleague, Chitra Acharaya, Head of the Services group in CHILDLINE.

Following this, our panelists will be invited make their presentations/comments and then the floor will be thrown open to a full fledged discussions on defining the road map and the policy framework going forwards.

I will now invite our panelists to come on the dias.

It is with great pleasure that I introduce our very distinguished panelists:

Starting with my immediate left:

Ms Meher Pestonjee is a Journalist, Author and Playwright. As a journalist, she championed several social movements - the campaign to change rape laws, children's rights, housing rights for the dispossessed, anti-communalism among others. Besides her writing on theatre, art and sculpture, cinema, literature, Meher is the author of three books and now is all set to have her play staged at the NCPA.

Dr Nilima Mehta: has been in the field of Child Rights, Child Protection, Juvenile Justice, Adoption, Foster Care, Family Counselling and other Community Outreach Programmes for over twenty five years. Dr. Mehta has been an Honorary Consultant with several as well as the Central and State Government for policy development and review of legislations. She is a visiting faculty member at the College of Social Work, Nirmala Niketan, and the Department of Social Work at the S.N.D.T. University. She is currently the Chairperson of the Child Welfare Committee, Mumbai, Government of Maharashtra.

Ms Kalinidi Mazumdar: Taught in the College of Social Work (Nirmala Niketan) from 1972 and retired as its Vice Principal in '92. She has been a member several committees appointed by the Bombay High Court and the Maharashtra State Govt .

She Initiated an organization, Sakhya, for women in distress, under the auspices of College Of Social Work, Nirmala Niketan and the State Government.

Dr Armaity Desai, Facilitator for this Panel: needs no introduction to this audience! She has practically nurtured the social development sector leadership as Principal College of Social Work (Nirmala Niketan) and as Director of TISS, She has held various posts including Chairperson of the UGC and is on the board of several trusts. She is also one of the principal trustees on CHILDLINE board.

Ms Maharukh Adenwala: an activist lawyer, who uses case law to push legislation protecting children in distress, while educating the public on legal interventions that are available to children and current inadequacies of the law that must be addressed. She has been on the People's Human Rights Commission during Mumbai Riots, on the Juvenile board to study Children's homes and shelters. She was appointed by Bombay High Court as Amicus Curae on the Anchorage case.

Mr Paanmand: represents the Department of Woman and Child, Govt of Maharashtra.

Dr Sanjay Yashwant Aparanti: MA in Sociology alongwith MBBS and MD degrees makes him unusually qualified for the State Police Service where he has served with distinction and is currently Dy Commissioner of Police in Mumbai.

Ms Nirja Mattoo: is Chairperson of DOCC at the SP Jain Institute of Management and Research. She has 20 years of social work following her first assignment as Project Director in the CASP Plan Project, working for the deprived children and women in slum areas. She has been involved in program intervention for the child labour issues like girl child prostitution, children working in the restaurants and children affected by the earthquake at Kutch, Gujarat.

One of the panelists Mr Vijay Nahar, Public Prosecutor on the Anchorage case, is not able to join us in the morning session. Hopefully he will join us in the deliberations.

As you can see our panelist represent a huge canvas of experience and in the Child care space and with the combined wisdom represented by all of you in this room, I am sure we can end this day with an clear Road Map for the way ahead.

Before, I hand over the mike to Chitra for her presentation, I want to make a few points. This is just to provide the background to the deliberations today:

Commercial sexual exploitation (of children) is currently expressed through four modalities. These categories are not mutually exclusive:

Child prostitution,

Child pornography,

Sex tourism and

Trafficking of children for sexual purposes.

Each of these areas have recorded cases in India and all of them are on the rise.

The findings of a just published Study on Child Sexual abuse conducted by TULIR- Centre for prevention and Treatment of Sexual Abuse, reveals:

- 42% of surveyed children had been sexually molested.
- 48% abused children were boys, 39% girls.
- Higher incidence in upper income households.
- 15% of children reported serious abuse.
- 75 of sexual abusers were friends or close family acquaintances.

This is an amazing statistic: one in 3 children are sexually abused. Whether this study can be extrapolated to all India, cant be said without understanding the basis of sample selection. But the finding is certainly very alarming.

Most of you will be familiar with the Report on Situational Analysis of Child Sex Tourism in India by Equations in 2003. I am just highlighting a few key findings from that study:

Impact of Child Sexual Abuse:

Child sexual abuse results in a range of difficulties in later life, and there is asignificantly higher proportion of psychopathology after ten years or more. There is a clear difference between the short-term effects (for example fear, truancy) and the longterm effects (for example depression,).

Vulnerability factors:

NGOs mentioned that "Poverty" is not the only reason that makes children vulnerable to commercial sexual exploitation of children. Migration to tourism areas in search of jobs was found to be a major reason for vulnerability. Broken families or families headed by women (in case of death of husband or deserted women) children become more vulnerable to exploitation. Third factor mentioned were street children found on beaches selling trinkets to the tourists they prostitute themselves in order to survive. Other factor mentioned was the Child's perception of the interaction with the tourists as a considerate and caring relationship rather

than a commercial transaction. This perception has made only made migrant children vulnerable but also children living in coastal villages vulnerable to sexual exploitation.

Children interviewed under the category of "Children in work sector "(child labour) who are *at risk*, most of the children have spoken about the sexual relationship that they are forced to have with senior boys.

The children interviewed are primarily working in small hotels, fish processing units, self-employed as beach boys, trinket sellers or guides to the tourists. During their interview children have mentioned that providing sexual pleasure to their seniors is one of their daily routine jobs.

They have mentioned that working in hotel sector is a double-edged sword – they are exploited by their seniors were they do not get any monetary benefit, on the other hand they are in contact with customers those come to eat in their joints and also have sexual relationship with the hotel boys. In the second case, they receive money, good food and an opportunity to travel to other places as well.

Tourism driven Paediophilia:

They have highlighted that paedophilia in Goa is in danger of becoming institutionalized. Case studies and data collected through field studies show this disturbing trend. Various factors have found out be contributory factors – "lack of political will in formulating an effective strategy to deal with the problem and the failure of the organs of the state like the judiciary, the executive and the police have all unwittingly contributed to its growth.

NGOs highlighted a study conducted by them in 2001 in Kovalam & Varkala, Alappuzha and Ernakulam. They mentioned that out of the 185 samples 22% were children. The study showed that child prostitution is very high in Kovalam. Children earn around Rs.700 to 1000 per day. 80% of the hotels they thrive on sex tourism.

An ILO report warned that tourists seeking child prostitutes are flocking to Goa, where business is brisk enough to rival

Bangkok, currently the world's child prostitution capital. According to Roland Martins of the Jagrut Goenkaranchi Fouz, or the "Vigilant Goan Army" (JGF), a group that keeps a vigil on the state's tourism industry, Goa fulfils several prerequisites of "Child Sex Destination" - a large floating population of migrant children, an indifferent police force and government officials who want to promote tourism at any cost. But according to Martins, "unlike Sri Lanka and Thailand, in Goa, the abuse is more dangerous because it is covert."

Goa already has 1.5 million tourists visiting annually and this is expected to go up to over 3 million in another 10 years.

The Victims:

Most of the victims are children of migrant labourers from the drought-prone regions of Bijapur, Honawar and Gokarna in neighbouring Karnataka. The families migrate to Goa in search of work on construction sites. While the men and women engage in construction work, the children become "beach walkers", selling trinkets, eatables and gift articles to tourists in order to eke out a living. Many children are also bought from poor families in these states and put to work on beaches for agents who use them as cheap labour. Without any adult supervision and far away from their homes, these children are exposed to a wide range of visitors both domestic and foreign, as they have to approach strangers and engage in open, friendly conversations to sell their wares. This renders them vulnerable to maltreatment and abuse of various kinds at the hands of tourists.

Economic coercion needs a critical look

"I have to work in this hotel – whether I like it or not. My home situation is worst than the situation in this hotel. My father earns Rs. 1500/- a month. We are 10-member family with my grand

parents. I don't like to be on the street. I do not want to have sex with everyone who ever offers. But I can't help it,

tourist pay more than local people. I have to earn Rs. 500/- a day for the survival of my family. My father is a daily wager”.- A child from Kovalam

Child Rights framework:

4.5.1. Articles from CRC

Article 15 (3) – Nothing in this article shall prevent the state from making any special provision for women and children.

Article 39 (f) – The state shall in particular, direct it's policy towards securing that

Children are given opportunities and facilities to develop in a healthy manner and in

conditions of freedom and dignity and that childhood and youth are protected against moral and material abandonment.

Article 34 of the Convention on the Rights of the Child, 1989

- The member states shall

protect the child from all forms of sexual exploitation and sexual abuse.

The Legal framework:

4.5.3. Immoral Traffic Prevention Act (ITPA)

The main act, which now deals with the phenomenon of prostitution, is the Prevention

of Immoral Traffic Act (ITPA) 1996, the amended version of the earlier Act, Suppression of Immoral Traffic in Girls and women, which was enacted in 1956. The Suppression of Immoral Traffic in Women and Girls Act of 1956 addressed street prostitution but not brothels. The Act was amended in 1996 and renamed as the Immoral Traffic in Persons Prevention Act. It addresses prostitution of minors (16-18 years of age) and children (below 16 years).

4.5.4. No Special law Against Child Sexual Abuse

There is a law against rape but there is no law against child sexual abuse. Under section 375 in the Indian Penal Code:

Rape of a minor. Sexual intercourse with a woman with or without her consent when she is under 16 years of age amounts to rape and the offender is punishable up to imprisonment for life.

The Children in conflict with the law and neglected/vulnerable children covered under the Juvenile Justice Act does not address the needs of the children who are sexually abused. The need of a child victim is very different from the adult ones, the focus of law/Act has to be broadened to cover the need of children and address the problem in a much sensitive and child friendly manner.

There is a need for a special law to be enacted to deal with all forms of sexual abuse to give effect to the Convention of the Rights of the Child and the recommendations made by the World Congress on Commercial Sexual Abuse of the Child.

4.5.6. Prosecution of child sex offenders in India

Rates of convictions are extremely low. The law prescribes stringent action against those who procure, induce or take a child to prostitution. In reality, whenever a brothel is raided, it is the victims who land up in jail, while the real culprits – the clients and brothel owners go uncharged. In this process the children are subjected to a second victimization by investigative agencies, which ask them to recall minute details of sexual acts and experience.

The age of the child in all the Acts varies.

The laws in India dealing with children in general are

The Factories Act, 1948 and the Child Labour (Prohibition and Regulation) Act, 1986; under which a child is a person below the age of 14 years.

The Indian Penal Code, 1960 under which the definition of a child is a person below 12 years of age.

The Juvenile Justice Act, 1986; under which a child is a person below 16 years of age for a male child and below 18 years of age for a female child.

The Child Marriage Restraint Act, 1992; under which a child is a person below the age of 21 in case of male and below the age of 18 in case of females.

The Immoral Traffic Prevention Acts, 1996, says a female child should not exceed 16 years of ages, while a minor is defined as being up to 18 years old.

In the absence of a comprehensive set of laws pertaining to children's rights, the only recourse that the legal system offers is the **Juvenile Justice Act** and certain sections of the **Indian Penal Code (IPC) such as Section 377: "Unnatural Sexual Offences"**.

Apart from being inadequate, they fail to take into account the vast nature of child exploitation and the diverse levels at which abuses occur.

Finally,

In the UK, The Safeguarding Vulnerable Groups bill which is just being passed, will ensure that employers have access to a single data base of adults who have been cautioned or convicted for sexual offences, particularly against children.

In conclusion:

I hope that this gathering here today will address all issues relating to the Child Sex Crime menace that appears to be getting out of hand.

I now hand over the mike to my colleague , Chitra Acharya.

Thank you.