

A Narrative Review of Sex Tourism in India: A Danger that Needs Addressal

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Abstract

Kolkata holds the title for possessing Asia's largest red light area. Therefore, India is one of the largest booming industries for commercial sex tourism and a transnational crime. Through the review it was analysed that human trafficking and sex slavery is in increased numbers. Various reports/case studies state that missing numbers of women and children are vast in number and included in dark figures of crime. It was also studied that some victims were voluntarily involved in the sex work while mostly children were exploited into the business. This paper explores the dark side of sex tourism in India. This paper is a discussion paper that reviews about sex tourism, activities that run under its shade such as human trafficking and slavery, reasons for this tourism developing in the country and at last recommends key points to deter illegal Sex tourism. Hence this paper highlights the situation of human trafficking of children and women into Sex tourism and gives attention to curb this criminality from the society.

Keywords: Criminology, Child pornography, Human trafficking, Sex tourism, Victimology,

Sex Tourism in India: A danger that needs Addressal

Even though tourism is one of the most revenue-generating businesses at present, it has many dark sides. And the darkest being, Sex tourism! People visiting India seeking sexual pleasure were increasing exponentially until the current pandemic situation. The exploitation of the people of the country that's hosting foreigners is unacceptable and it is moreover morally wrong and illegal as per the law of the country. Even though the recent covid pandemic situation had put a temporary halt to all such activities, experts stated that within a few years there will be a tourism boom and this heightened tourism will result in a rise of diabolical activities and health issues associated with it. (Heaslip, 2018)

The lucrative nature of the business, the image of India being a third-world country, lack of proper restriction, lack of proper monitoring, lack of strong law and order are luring foreigners, as well as Indian nationals, indulge themselves in sex-related crimes such as trafficking, abduction, abuse, pornography, paedophilia, etc. Another aspect of sex tourism is that foreigners are fleeing to India in search of ethnically different and legally underage citizens.

Sex tourism's aid to the facilitation of human trafficking raises the possibility that travellers seeking sex services might incur criminal penalties. This implies that, depending on the laws of the foreign home nations and the one they are travelling to, sex tourism may be seen as a deviant or criminal act (Taylor et al., 2010)

This article is a deep analysis of the sex tourism-related criminal activities happening in India and what is it that can be done to ethically lessen this issue steadily and effectively if not eradicate at one stroke.

Sex tourism

Sex tourism can be defined as an individual travelling to another country in the quest of sexual pleasure along or along with other tourism-related activities in disguise to mask his true intention.

For many, sex tourism is limited to certain regions or certain types of people. But in reality, it's much uglier than anyone can fathom. At once, it used to be an activity that men executed to quench their sexual drive in the shadows of anonymity. Now it has turned out to be a multi-billion-dollar business that can even happen even without the physical presence of the perpetrator through one of the darkest places in the world, the internet. (Oppermann, 1999,)

Criminological perspective

Criminological theories that can correlated to the Sex tourism are the following :

Rational Choice Theory - This theory can be correlated to people voluntarily involved in Sex tourism such as prostitutes , porn actors and sex shows or such as the mail-order brides. These offenders are involved voluntarily seeking rewards and benefits for their livelihood. Among these offenders some individuals are aware of the laws while some lack knowledge. (Bouche & Shady, 2016)

Routine Activity Theory - It is proved that the three components of the theory—motivated criminals, appropriate targets, and the lack of a responsible guardian can be the three factors that lead some individuals to sex tourism or trafficking (Kenyon & Schanz, 2014)

Lifestyle Theory of Victimization - This theory elucidates that an individuals choices and lifestyle can lead to voluntarily or exploited activities. For example : A college student's lifestyle of being involved in illegal activities such as escorts or gambling , for pocket money, can lead them to be exploited into sex trafficking or organized crimes.

People involved in sex tourism

Men who are making use of the service offered by female prostitutes. In this case, prostitution is the career choice of the woman or men who are offering the service, and the person travelling to such a destination seeking sexual services has only one intention. Men make use of the situation like a business trip in a way that after their work is done they will be in search of women or men to satisfy their sexual desires. Men who are travelling to a destination with only one intention that is to sexually exploit children. Men who are travelling to a destination and living there for some time earning the trust of the local community and utilizing such favourable situations to exploit children. Women and men travelling to a destination in search of a sexual partner in exchange for valuable gifts. Married men and women who are travelling to such destinations for short-term fun that can either be achieved through payment or upon mutual interest. Young lads who are travelling to particular locations solely in search of sex. Women who are travelling to such destinations are very particular about experiencing sex from local men. With the power of anonymity vested in them tourists who wish to quench their paedophilic desire. College students getting involved for side income which is a necessity for varying lifestyles among the youth generation. These are the people involved in Sex tourism directly or indirectly who boost the tourism and economy of the country.

Although the term "trafficking" has been in use for a long time, the United Nations Office of Drugs and Crime warned in 2009 that the term may be deceptive because it has many positive connotations. The organisation correctly identified "enslavement" as the appropriate phrase. This is appropriate given that the majority of sex-related transactions involve a person or group kidnapping a woman. Adding the word

"enslavement" to the discussion of sex tourism-related concerns will bring up a number of important topics, including servitude, bondage by debt, marriage under coercion, the slave trade, actions that are similar to the practice of slavery, and the trafficking of people.

Lately, the International Labour Office 2017 has released a report which says that more than 40 million people are devastated by this modern servitude. The report also says that 99% of the victims in the sex industry are women and out of these, 21% are children (Brooks & Heaslip, 2019).

Owing to globalization and the tourism boom human enslavement has reached a new dimension that is very hard to track and trace. The new age internet bloom is what fuelled such a dangerous business to an extent where its ripples have affected people all over the world.

Gamuts of sex tourism



Figure 1: (The Shocking Truth About Sex Tourism: An Eye-Opening Exposé, 2024)

1. Prostitution

Prostitution happens when a woman or man offers sexual pleasures in exchange for money. Prostitution can happen at the location where these kinds of activities happen very much or in isolation. For example: Kamathipura-Mumbai, India ; Red light streets of Amsterdam

2. Pornography

Live or recorded shows can happen at a situation where men/women are indulging in sexual activities either by themselves/partner or with a group of people. They are allowing others to see the sexual activities either free or for a small sum of money. Sex shows are exclusive to institutions or certain online platforms. The known fact about sex shows is that many women who are a part of this type of business enjoy their line of work. There are many cases reported globally where married women with the consent of their husband are part of such shows which happens exclusively online. These are also the attractions for the tourists.

3. Mail- order brides

The woman willingly or by others will be listed in a catalogue either through printed media or on the internet that they are ready to offer sexual services as well as be a partner for a short term. The tourists link with them to gratify their insatiable thirst. For Example : Countless Cambodian women were sent as mail-order brides to South Korean men. The Cambodian government, perceiving the practice as a kind of human trafficking, enacted several laws in the 21st century, including ones that forbade marriages between Cambodian women and men over 50, between Cambodian women and Korean men, and with foreigners (a ban that was later lifted after six months).

4. Sex Slavery

In this kind of situation women or children are forced to take part in sexual activities followed by violence, coercion, or getting trapped in huge debts. Due to its covert nature, no organization is able to provide the exact number of people trapped in this treacherous business. Usually, children are either kidnapped or forcefully led to brothels by people who are related/acquainted to them at a younger age. They will be groomed to take part in heinous sexual acts in the future for the sake of money.

5. Child Sex Tourism

The UN has defined child sex tourism as a situation where an adult is seeking sexual pleasures from women/men who are under 18 years of age. The people who seek such illegal sexual encounters can be either domestic or international travellers.

For nearly a decade, Pallabi Ghosh, the founder of the Impact and Dialogue NGO, has been rescuing victims of sexual assault from traffickers around the nation. In 2021, 77,535 children (17,977 male, 59,544 female, and 14 transgender) were reported missing, according to the National Crime Record Bureau (NCRB). In 2021, there were 59,262 missing children, a 30.8% increase over 2020 (Jaswal, 2023).

In 2020, Pallabi established the Impact and Dialogue Foundation with the goal of stopping human trafficking at its origin. The organisation primarily works in northeast India, where the leader of panchayats and social welfare agencies are contacted to raise awareness about issues related to gender-based violence, trafficking, the negative impacts of social media, and the shame associated with trafficked survivors. (Jaswal, 2023)

Indian laws pertaining to Sex Tourism

According to 2(f) of The Immoral Trafficking Act (1956), prostitution, in a public place is banned in India. However, sex workers are free to practice their profession privately unless they are below 18. Prostitution is also defined as the sexual exploitation of an individual for a group of people. Related activities of prostitution such as pimping, soliciting, prostitution rings, running brothels are banned in the country (*The Immoral Traffic (Prevention) Act, 1956*)

The Immoral Traffic Suppression Act of 1956 states that sex workers should practice their profession 200 yards away from public places. They also have the legal right to be rescued, protected, and rehabilitated if they wish to. (*The Immoral Traffic (Prevention) Act, 1956*)

The Immoral Traffic Prevention Act 1986 was amended from the 1956 Act with more laws and restrictions before the country signs a UN declaration. The new amendment said that sex workers are prohibited to display their contact information in any public domain. Those who violate the law might get imprisoned for six months. And also, those who seek sexual services within 200 yards of public space will be imprisoned for three months. (*The Immoral Traffic Prevention Act, 1986*)

According to the law, people who will be sentenced if caught would not end with the client and the prostitute. Those who are actively taking part in the trade also get punished if proven guilty.

When it comes to foreigners committing crimes in India it has been clearly depicted in Section 2 of the Indian Penal Code that, "Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, which he shall be guilty within India". This law clearly defines that foreign nationals should obey the law of the land and if they get caught, they will be punished based on the law of the state he/she has committed the crime.

Another law that comes into the picture is The Extradition Act, 1962. The law clearly defines the extradition of foreign fugitives to and from India through Section 2(c). The section categorizes the severity

of the offense based on the treaty signed by the countries

Last but not least Under Article 1 of the Convention on the Rights of Child is defined as any individual who is under the age of 18. Under the Section 67B of the amended Indian Information Technology Act, 2000 anyone who cultivates, entice or induce children to online relationship or indulges in a sexually explicit act will be punished. 67B is a non-bailable offense and those who get caught can get five years' imprisonment of either description and a fine which may go up to Rs 10,00,000/- (*The Extradition Act, 1962*)

When it comes to child sex tourism, in 2003, Goa became the first to form state legislation through the Goa Children's Act; the law also addresses child sex tourism in particular, unlike the IPC. Based on the law, a child-friendly court was constituted in the year 2004 to minimize the trauma of the affected children. The Act clearly covered every aspect an abuser would use to abuse a child. And the new definition of the POCSO Act, any explicit content that's digital or computer-generated will be considered as child pornography (National Human Rights Commission India, 2020)

Case reports that cement sex tourism in India

In 2016, Rajnath Singh, then Home minister of India, stated that trafficking is one of the major challenges the country is facing currently. He clearly lamented that sex tourism and child pornography has become new forms of crime against children in India. (Deccan Herald, 2016)

Child sex workers found in hidden bunkers in brothels

Policeman Prabir Kumar never thought the missing person complaint he was investigating would lead to something so big and noble that it saved the lives of many children. The case happened in 2017 when an upright police officer was in search of a missing 17-year-old girl located in the eastern part of West Bengal. The search led him to brothels located in Delhi and Agra, one of the famous tourist spots in India. Brothels located at both places had bunkers where they hid children in cabinets. Police officers had to break the cabinets in order to free the children from dreadful conditions. It is high time we realised that child sex tourism has become so scary in the country.

The investigation revealed that these brothels located at Agra and Delhi serve as an interim place to keep these children and soon they will be sold to various brothels across the nation (Nagaraj, A. 2017, December 13).

Timothy Geddes Case

Timothy Geddes, a UK citizen was arrested in the year 2015 for illegally keeping 6 boys in his house located at Kolhapur, Maharashtra under suspicious circumstances. Among the boys found, four were underage and two were 18 and 19. The children were brought to the house without the consent of the parents or relatives and Timothy Geddes was outsourcing children from outside Goa with suspicious intent (T. 2015, April 26).

Goa: The dark side of the flashy industry

Invasive tourism development is diminishing the livelihood of natives of Goa by destroying the coastal ecology, privatizing public places, and people migrating from other states in search of mining. The lucrative tourism industry has spiked crime in the state to an alarming level. In 2015, five million domestic tourists visited Goa and the number was ten million in 2017 (India today. 1996, March). Once the pandemic situation is over there will be a surge of domestic tourists to Goa and the crime related to tourism will increase exponentially

1990 India witnessed shocking news that foreigners are not just coming to Goa to enjoy what tourism has

to offer. Foreigners are visiting the place also in search of sexual favours from adults as well as children in the shade of discreteness. Freddy Peats' case was an ample example of the claim. Freddy Peats was trusted by many men in the locality. But little did they know that he was a devil in disguise waiting to prey upon young children. He ran a charity home located at Colva and his main aim was not to save children but to become their biggest nightmare. Margao police arrested Freddy Peats along with his accomplice Eoghan Colm McBride for running a child prostitution racket through which he exploited them and has become the reason for many to do the same for a decade (Herald. 2014, September).

Once they were caught, they escaped from Goa and soon Interpol issued "Red Corner Notice " against Freddy Peats, Eoghan McBride, Werner Wulf Ingo, Dominique Sabire, Zell Jurgen Andreas, and Nils Oscar Johnson. Among the culprits, Eoghan McBride and Werner Wulf Ingo were located and convicted in Goa. Dominique Sabire was arrested by the CBI in Delhi. However, later on, he suspiciously disappeared from the country. Raymon Varley who fled to the UK appealed against India's extradition plea by stating that he is suffering from dementia and is not able to subdue any court proceedings. Freddy Peats was caught and was sentenced to life imprisonment at the central jail of Aguada in 1996 (Global Study on Sexual Exploitation of Children in Travel and Tourism, 2016).

Lost in flesh trade

The Murder of two women from Uzbekistan who got caught up in the flesh trade unravelled a huge network of sex rackets that foreigners are either a part of or got caught up in. Two women Shakhnoza Shukurova and Atazhanova Kupalbayevna were beaten and killed by their Indian handlers for double-crossing them as per news (DH News Service, 2015).

They were brutally murdered by their Delhi-based pimp Gagandeep Singh. Upon further investigation, it was revealed that both the women were victims of sex trafficking.

The biggest issue in front of the police force in our country is that under the current law of the land, it is hard to do proper raids without having solid proof and concerned authority approval. Such hardship is fully utilized by people who run sex rackets to their advantage.

Other reasons include, support from authorities and those who oppose are silenced by bribe and brute force.

In 2019, two Uzbek women were found in suspicious circumstances at a star hotel in Mumbai. According to a news report, after receiving a tip-off, the police raided the hotel and rescued two women who were caught up in the flesh trade run by an Uzbek woman with the help of a movie production manager. After a while, another three women were arrested from the same hotel found in similar circumstances. Even though the production manager, the person who acts as the transit point for the crime was arrested under the Immoral Traffic Prevention Act and various sections under the Indian Penal Code (IPC) the two Uzbek women escaped because of their nationality (DH News Service, 2015).

A 16-year-old girl was rescued in Kolkata from an apartment run by Suparna Mondal, Abhijit Mondal, and Payel Heera by police officers. It was alleged that the culprits ran a prostitution ring and the child was lured into the racket by promising wealth beyond her dreams. The girl who got rescued was an 8th standard dropout and her parents were separated at a young age. The criminals who were part of such a dreaded crime were arrested and charged with under 3, 4, 5, 7 (ITPA) and Section 17r/w 4 (Mirror Now Digital, 2019).

A respected NGO, International Justice Mission (IJM) played a major part in busting the racket. Later through a press release, they revealed that criminals often used the emotional and financial weakness of children to lure them into the sex trade. They also stated that tracing such rackets has become a hurdle

since the people who are a part of it use modern technologies and social media applications to run their business and also to entice customers.

Reasons for Trafficking

The root cause for trafficking differs with geographical disparity however, socio, political, cultural, and economic decline can be termed as the major reason for the crime. Listed below are some of the major reasons that's widely used to form a pattern.

Financial issues

India is a country where poverty is widespread. The majority of the home has financial issues and the children there are the most affected and vulnerable ones when it comes to sex tourism. Trafficker's primarily target the economical issue in these households and lure children out by promising a life that can put an end to their misfortune.

Sociological situations

We live in a world where women have objectified in every way possible. In India, the patriarchal mindset prevails large-scale and often women are not even given proper education or even allowed to mingle with people. Other reasons include, early marriages, lack of proper healthcare, domestic violence, and many more make them emotionally vulnerable than others. These are used by traffickers to make them the supply for the existing for the immeasurable demand.

And, when it comes to men, they are not allowed to mingle with women from childhood itself, mostly evident in rural areas. On top of that, the majority of them are exposed to content that gives them false ideas about everything they need to know about the woman, woman's physicality, mentality and sex. This content can stimulate their drive in a twisted way and makes them embark on things that can give them what they want. In short, there is a constant flow of supply and demand.

Cheap Labour

In India manual labour is very cheap. Employees are exploited by paying them much less than what they deserve. Since men are hard to handle after a certain point they choose children and women for manual work. There are many cases where women are falsely offered decent and steady salaries and a good workplace but got cheated.

Since women who get caught in these situations seldom raise their voices and are highly productive than men, landowners do not ask any questions about the background and they repeatedly rely on traffickers who are willing to give a steady labour supply at any time.

Migration

In search of better living conditions people often leave their clan and move to faraway places. What happens in this situation is the desperate need to start a new life. This status is often exploited by the traffickers to lure the victims to their den.

Corruption

If you look at countries that are struck with trafficking very hard, they have an existing crisis of corruption. Corruption leads to the grave inefficiency of the task force that is meant to curb the crime and often leads to a deadly silence towards the crime. The law enforces themselves, violates the law and collapses the whole system, which is not being questioned very often.

Suggestions to curb illegal sex tourism :***Through Education***

In many international schools, they teach men the devastation that's been caused by illegal prostitution and how it adversely affects children and women. In many places, there exists serious unawareness about the issue and it can be dangerous to society and favourable for criminals. Awareness programs with visual content have to take place at every nook and corner of the country so that people will get properly informed.

Tourists who are arriving in our country should be given clear instruction about the law of the land and the potential danger they pose in terms of legality and health-wise if they get caught up in immoral activities. (Cunningham & Shah, 2021)

Internet is a huge pit

Technically speaking, the parents should always give proper information about the ugly side of the internet to their wards. There should be an eye on the children to monitor their internet usage. Parental control settings/apps are a boon in this case. Without being a control freak, talk to them about the pitfalls and danger that is hidden on the internet. Criminals are constantly watching social media and dating platforms to seek potentially vulnerable victims to groom them and make them believe that dream life is nearby.

To battle technology, the only aid at present available is the technology itself. Facial recognition software must be installed in every monitoring centre in cities so that chances of finding victims on the road can be done discreetly. Honey trap websites should be closely monitored along with IP addresses of its users. Most of the time, VPNs are the resort of people to carry out illegal activities online. With a proper court order, IP addresses should be grouped with the help of Artificial Intelligence incorporated software that can track malicious activities and raise a flag (The Role of the Internet on Sex Trafficking. 2019, March 15).

Form a digital database of convicted sex offenders

Luckily, India has a sex offender's registry database since 2015. The register already has a million offenders who got punished by the court of law. However, the database can only be accessed by law enforcement agencies. That is the biggest drawback of the register at present as they remain anonymous to the general public. In countries like the USA, common people have access to the registry so that parents can be vigilant about the people who are mingling with their child. However, it is true that people who are on the path of redemption can also be affected by such a list. And in a country like India this list can be used to corner religious minorities and create further tensions that are already lurking. Another issue is mob lynching. Mob killing is always dangerous even though the public may find it as quick justice. People cannot take the law into their hands however heinous the crime is.

So the solution here is to categorize the list in such a way that repeated/dangerous/potential offenders should be given more visibility than that of alleged criminals or even people who are properly rehabilitated. Those who are accessing the list should only be able to do so after prior approval or submission of the relevant documents. (Laan et al., 2011)

Bring in public and professionals to the picture

Often local people who live in tourism destinations and employees who work in the tourism industry are the ones who deal with tourists on a daily basis. These people should be given proper training regarding the potential danger of sex tourism and should be made to understand the law of the land that is in vogue. Last but not the least, without creating an issue for tourists who do not have any bad intentions, local people should be able to have an eye on tourists who are wandering around the area with dubious intenti-

ons. (Laan et al., 2011)

Strengthening the extradition treaties

Often, crimes committed by other countrymen are left behind owing to the legal complexities in our country at present. So we need to chisel our legal arsenal in a way that will not allow the escape of a criminal who has considered India as a safe haven for sex tourism. Above all, the domestic legislature should be implemented to the existing extradition agreements for many reasons. One of the reasons is to eradicate additional traumas to the victims who may be required to testify in other parts of the country if the alleged criminal is not from India. (Cunningham & Shah, 2021)

Recommendations

- Make all the tourism-related companies aware of the law and order for them to have a strict policy against illegal sex-tourism. Perform periodical random checks, that is enshrined in the police duties, to make sure that companies associated with tourism are abiding by the law.
- Create more platforms to openly discuss and create awareness about unhealthy Sex tourism.
- Children should be properly taught the good and bad touch and other sexual advances from home and school.
- Make proper arrests and register cases so that a profound example can be set. Develop and maintain a good police database of sexual offenders and traffickers.
- An ethical code of conduct must be followed by hotels while receiving guests to their hotels .
- Easy and fast helplines for protection and assistance.
- Access to international databases and prohibit dangerous sex offenders from entering the country.
- Vigorous investigation has to take place by an exclusive entity
- A better clarification on the state and national mandates in protecting and rehabilitation of victims.
- Amend the definition of trafficking in Section 370 to broaden the aspects
- Provision of better socio-economic and employment conditions for women involved in sex work , so that they can lead a better and respectable life in society.
- Easy and accurate Healthcare access to women involved in sex work without any bias and stigma .
- Implementation of Identification cards and legal provisions for women participating voluntarily in Sex work . For example : In Amsterdam, sex workers are protected by the law,with a licensed ID card,work permit and provided government provisions as all citizens .

Conclusion

Through this paper it clearly indicates that it should be the collaborative work of the tourism industry and government to efficiently deal with the sex tourism that is flourishing in the country. Following the examples of countries like the Netherlands and Thailand,implementation of proper policies and regulations for sex tourism and laws restricting the organized crimes happening under sex tourism needs to be executed in the country. This paper highlights and focuses on Sex tourism and trafficking , Indian laws pertaining to illegal sexual activities, grounds on which sex tourism happens , suggestions and recommendations for further research works and for revision of policies .

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