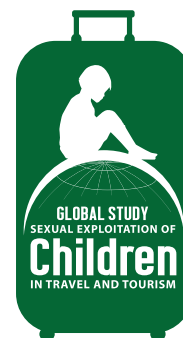


VOLUNTOURISM AND CHILD TRAFFICKING INTO ORPHANAGES

FORGET ME NOT AUSTRALIA



INTRODUCTION

Forget Me Not (FMN) aligns with the position that the active recruitment of children into orphanages for the purpose of profit and exploitation is child trafficking.¹ Based on FMN's experience, first as an orphanage and subsequently as a child rights NGO, the ongoing institutionalisation of children in orphanages is contrary to the best interests of the child and their right to family under the Convention of the Rights of the Child.

The profit in the orphanage business comes from volunteers and foreign funding. Volunteering in orphanages is a popular activity for people travelling to developing nations and as such is frequently established in popular tourist hubs.² Volunteering with children in orphanages is often used to attract funds.³ Some orphanages are established for the sole purpose of satisfying the western desire to volunteer. Children are portrayed as paper orphans to garner international funding.⁴

The effect orphanage tourism has on children is a form of exploitation that causes detrimental harm to a child's well-being and development. Volunteering in orphanages is frequently regarded as admirable. Children in orphanages are often taught traditional dances, and are forced to perform for visitors including volunteers. Some are sent out to beg for money in bars at night or hand out flyers advertising their orphanage.⁵ Others are kept malnourished to attract greater sympathy and donations.⁶ Over sixty years of research advises that even where orphanages are well run, the very process of institutionalisation is harmful to a child's development.⁷ In addition, orphanages are often targeted by paedophiles posing as volunteers due to the lack of documentation (i.e police and background checks) required.

In accordance with best practice research, FMN works in Nepal and Uganda to remove children from orphanages, both legal and illegal, and return them to their families in a supported manner. FMN works in partnership with the Nepali government through the Central Child Welfare Board (CCWB) to remove children from orphanages after the CCWB has made a decision to close the orphanage. FMN then cares for these children in a transit home whilst their families are traced, coupled with intensive social work support and counselling before and after a child returns home to prevent re-trafficking.

- 1 Kathryn E. van Doore, 'Paper Orphans: Exploring Child Trafficking for the Purpose of Orphanages' (2016) 24(2), *International Journal of Children's Rights* 378.
- 2 Jane Reas, "'So, Child Protection, I'll Make a Quick Point of It Now': Broadening the Notion of Child Abuse in Volunteering Vacations in Siem Reap, Cambodia' (2015) 18(4) *Tourism Review International* 295, 306.
- 3 UNICEF, 'With the best intentions: A study of attitudes towards residential care in Cambodia' (Report, UNICEF & Ministry of Social Affairs, Veterans and Youth Rehabilitation, Cambodia, 2011) 27.
- 4 Kathryn E. van Doore, 'The Business of Orphanages: Where do 'Orphans' come from?' on The Conversation (10 March 2015) <<https://theconversation.com/the-business-of-orphanages-where-do-orphans-come-from-38485>>. Last accessed 28 April 2017.
- 5 UNICEF, above n3.
- 6 Tess Guiney and Mary Mostafanezhad, 'The political economy of orphanage tourism in Cambodia' (2014) 15(2) *Tourist Studies* 13, 213.

CASE STUDY: THE FORGET ME NOT STORY

FMN was co-founded by three friends in 2005 after hearing the horrors one had experienced volunteering in several orphanages in Nepal. With no experience yet a strong commitment to providing better care for children orphaned in Kathmandu, they established an NGO in Nepal, registered the FMN charity in Australia and rallied their local community to fundraise.

In 2006 FMN Children's Home opened the doors to six Nepali girls aged 4 to 10 years. The local NGO partner in Kathmandu told FMN that the children were victims of the civil war that had raged in Nepal for the previous decade. The children came to FMN with death certificates of parents and recommendations from Village Councils stating they were orphaned and in need of care. FMN conducted due diligence and checked each one of the documents to ensure the children were indeed orphans in need of care and assistance.

Over the next eight years the number of children cared for by FMN increased to 20 girls. They lived together in a well maintained home with excellent facilities and access to good nutrition, health and medical care. All attended great schools, in pressed uniforms, polished shoes and all the required books and stationery. FMN Board members, child sponsors and other supporters regularly visited the orphanage in Nepal to monitor and evaluate the children's welfare and meet with the management of the orphanage. The FMN Children's Home was viewed by many as a 'model of excellence' and received awards in Nepal from the government. In Australia, the three founders were recognised with awards for their community service.

Because of its burgeoning reputation FMN was approached to take over a struggling orphanage in Uganda in 2010. Upon undertaking an independent investigative audit in 2011 it was found that the orphanage directors were siphoning funds for personal profit. A Board member flew to Uganda to coordinate a diverse array of stakeholders including government officials to conduct FMN's first 'child rescue' removing 39 children from a corrupt orphanage.⁸ At first believed to be a standard case of fraud, it was revealed that the children were not orphans at all, but rather had been taken from their families for the purpose of being falsely presented as orphans to live in the orphanage and elicit international funding.

As the complexity of the situation was uncovered it emerged that the children's names and identities had been changed to ensure their families could not locate them. In addition, the children had been systematically threatened with violence if they revealed their true identities or that they actually had families. In some cases this had been going on for years. The FMN Families project was established to support the reunification and reintegration of children with their families in collaboration with the Ugandan government.⁹

After this experience in Uganda, FMN closely examined their orphanage in Kathmandu. It was discovered the 'orphans' in Nepal had also been deliberately displaced for the purpose of creating an orphanage in 2006. In 2012 FMN spent 7 months in intense legal negotiations to release the 20 children from the custody of the corrupt institution. Finally, FMN achieved what no other international non-governmental organisation had before – the successful transfer of guardianship of the 20 children to another partnering NGO. Once released, the children revealed that they too had been threatened with violence if they told the truth regarding their familial situation. This had been sustained for eight years. FMN then set about tracing the children's families and the children were subsequently reunified with them.¹⁰

As a result of these experiences, FMN began to focus on the issue of children being displaced from their biological families for the purpose of garnering international funding for orphanages. Children in this situation are termed 'paper orphans' because they are presented on paper (through documentation) as orphans. The same recruiting strategy had been used to traffic children into orphanages in both Uganda and Nepal.

This strategy involves recruiters visiting remote villages and telling the parents that they will take their children to the city for educational purposes. Since education is very highly regarded, parents will often pay large sums of money, believing their children will have a brighter future with an excellent education in the city. The parents are assured they can visit and that their children will come home for holidays. Once in the city, the children become 'orphans' on paper with false documentation including identification and death certificates of parents. The recruiter then sells the children to an orphanage also hoping to profit from this commodification through

7 UNICEF, above n3.

8 Sarah Binney and Kim Lyell, 'Brisbane lecturer helps rescue Ugandan children' ABC News (2011) <<http://www.abc.net.au/news/2011-08-12/brisbane-lecturer-helps-rescue-uganda-children/2836564>> at 28 April 2017.

9 Kay Dibben, 'The Lost Children' *U on Sunday, The Sunday Mail* (2011) <<http://www.couriermail.com.au/ipad/u-on-sunday-feature-the-lost-children/story-fn6ck8la-1226139832771>> at 17 May 2015.

10 Averyll Loft, 'Give Trafficked Kids Hope' *Fraser Coast Chronicle* (2013) <<http://www.frasercoastchronicle.com.au/news/give-trafficked-kids-hope/1926546/>> at 23 August 2014.

voluntourism, donations, international funding or inter-country adoption. Many orphanages will exploit all of these income streams providing a very lucrative business model.

Children are often kept looking impoverished through lack of food and medicine to ensure donations are encouraged. The common element in these circumstances is that orphanages are receiving foreign funding via volunteers and sponsors.

In Nepal

In Nepal, there are currently 16,886 children residing in orphanages¹¹ with up to 80% that could be raised by at least one of their parents.¹² The majority of orphanages in Nepal are located in the Kathmandu valley or the other popular tourist destinations of Pokhara and Chitwan.¹³ Most of these orphanages are reliant on international charities and non-government organisations for funding.¹⁴ The problem of orphanage tourism and international NGO funding intersecting with the trafficking of children into orphanages is well documented in Nepal.¹⁵

FMN has rescued and reunified 108 children in Nepal since 2013, where the movement of children into orphanages for the purpose of exploitation is regarded as child trafficking domestically. FMN has successfully participated in the prosecution of three orphanage directors for the trafficking of children into orphanages for the purpose of profit.

To maintain the profit from institutionalisation, orphanage directors will often not release children even where they have been requested to do so by parents. There have been cases where parents have located their children in

an orphanage and the directors have required the costs of having the child institutionalised within the orphanage be reimbursed. In one case, an orphanage director created a system of bonded labour for a mother who believed her two children were in school but searched and located them at his orphanage.¹⁶ Instead of releasing the children to her, the orphanage director insisted the mother pay him 144,000 rupees (USD\$1440) for two years of 'care' at the orphanage for two years at the cost of 6,000 rupees per month.¹⁷ This felt impossible for the mother who at that time was employed as a family servant earning just 4000 rupees per month.

In the same orphanage, another mother stated that she was asked to pay 30,000 rupees to release her child. It was reported that the orphanage director asked the parents not to reveal that they were being charged to release their children, but rather that they were making a donation to the organisation.¹⁸ The orphanage director was subsequently successfully prosecuted for child trafficking.

In Uganda

In Uganda, it has been strongly argued that the increase in orphanages and residential care for children has been the direct result of foreign sponsorship and donations, mission trips and orphanage voluntourism¹⁹ driving the active recruitment of children into orphanages.²⁰ The number of orphanages in Uganda went from 30 in late 1992 to an estimated 800 in 2013²¹ with more than 95% of the facilities not appropriately licensed by the government to operate as residential care institutions.²²

11 Central Child Welfare Board, Nepal, 'The State of the Children in Nepal 2016' (Report, Ministry of Women, Children and Social Welfare, Nepal, 2016) 115-116.

12 UNICEF and Terre Des Hommes, 'Adopting the rights of the child: A study on intercountry adoption and its influence on child protection in Nepal' (Report, UNICEF & Terre Des Hommes, 2008) 19.

13 Office of the Special Rapporteur on Trafficking in Women and Children, 'Trafficking in Persons Especially on Women and Children in Nepal: National Report 2012-2013' (Report, National Human Rights Commission, Nepal, 2014) 49.

14 New ERA, 'Study of Children's Homes In Nepal' (Report, USAID, 2005) 43.

15 Martin Punaks and Katie Feit, 'Orphanage voluntourism in Nepal and its links to the displacement and unnecessary institutionalisation of children' (2014) 1(2) *Institutionalised Children Explorations and Beyond* 179.

16 Anju Pun, 'Post-quake Emergency Rescue of Ten Children Trafficked into Illegal Children's Homes in Kathmandu and Lamjung Districts' (Report, Forget Me Not, 2015) 4.

17 Ibid.

18 Ibid.

19 Kristen E Cheney and Karen Smith Rotabi, 'Addicted to Orphans: How the Global Orphan Industrial Complex Jeopardizes Local Child Protection Systems' in Kathrin Hörschelmann Christopher Harker, Tracey Skelton (ed), *Conflict, Violence and Peace, Geographies of Children and Young People* (Springer, 2015) vol 11, 12.

20 Hope Among, Study on Legal Guardianship and Adoption Practices in Uganda (Ministry of Gender, Labour and Social Development and UNICEF, 2015) 42.

21 Neil Boothby et al, 'What are the most effective early response strategies and interventions to assess and address the immediate needs of children outside of family care?' (2012) 36(10) *Child abuse & neglect* 711 713.

22 Mark Riley, *Uganda's Official Alternative Care Framework. Situation Analysis and Response*, Children without Appropriate Care in Uganda Workshop (Kampala, Uganda). (4 December 2013).

In 2003, Save the Children reported that 85% of children in residential care in Uganda had identifiable and traceable family.²³ Over 80% of orphanages in Uganda are funded by predominantly faith-based foreign non-government organisations,²⁴ through child sponsorship by individuals and churches.²⁵ FMN has rescued and reunified 39 children in Uganda and funds initiatives aimed at keeping children at home with their families and preventing trafficking.

BEST PRACTICES

The FMN experience in Nepal and Uganda highlights that collaborative action is imperative to put an end to orphanage voluntourism and to stop the funding of orphanages which separates children from their families. Even where an orphanage is considered a model in accordance with best practices, it still maintains the separation of children from their families, who with support, could provide and care for their own children – at home where they belong. As such, FMN recommends the following best practices:

- Charities and foundations should be encouraged to fund programs that focus on family preservation and community-based services rather than orphanages.
- Businesses and NGOs should not support orphanages through their corporate donations or development programs, and they should recognise the implications of their supply chains and activities including the impact on trafficking.
- Volunteering in orphanages should not be encouraged as it creates demand for children to be trafficked.

Rescue and reunification programs should be guided by research and experience, and be child focused, holistic, consumer-driven, collaborative and innovative:

- The Rights of the Child must be upheld and the best interests of the child are paramount always and in all forms. Appropriate measures must be taken to protect children from all forms of harm including violence, abuse, neglect and exploitation.
- Care and attention must be given to every aspect of a child's well-being and

development including their intellectual, emotional, social, physical, artistic, creative and spiritual potentials.

- Children and young people must be involved in decisions that affect their lives. Program delivery should be paced according to each child's capacity. Children and young people should inform campaign and program development.
- Working together with value-aligned individuals and organisations avoids duplication and ensures human and financial resources are utilised effectively to maximise positive outcomes.
- Continual development and improvement striving for best practice in all programming and service delivery ensures exceptional outcomes for beneficiaries: children, their families and the communities they thrive in.

CONCLUSIONS

As young and enthusiastic volunteers with an intense desire to assist, the three co-founders of FMN had no idea that they were complicit in child trafficking. Children were being removed from their families and produced as orphans for the consumption of western volunteers wishing to engage with the developing world in a 'helpful' way.

FMN now works to remove children from orphanages and reunify them with their families. The transition from giving 'orphans' opportunities to now supporting families raising their children to be thriving, vibrant and connected to their communities and opportunities was significant and brave. Support for rescue, family tracing and reunification of children with their families was resounding from sponsors, donors and staff.

This issue is confronting on many levels for founders, volunteers and donors of orphanages. As an organisation that has actively fulfilled all of these roles in the past, FMN has a responsibility to halt the harmful practice of volunteering in orphanages. If not for Australian volunteers and donors, the original twenty children of FMN's Nepali orphanage would not have been trafficked and kept separated from their families for eight years.

Institutionalisation harms children forever.

23 Andrew Dunn, W. Jareg & Douglas Webb, 'A last resort: The growing concern about children in residential care' (Report, Save the Children, 2003) 16.

24 Samantha Chaitkin et al, 'Towards the Right Care for Children: Orientations for reforming alternative care systems – Africa, Asia, Latin America' (Report, European Union, 2017) 20.

25 Eddy J. Walakira, Ismael Ddumba-Nyanzi and Badru Bukunya, 'Child Care Institutions in Selected Districts in Uganda and the Situation of Children in Care: A Baseline Survey Report for the Strong Beginnings Project.' (Report, Terre Des Hommes, 2015) viii.

With concerted effort we can put an end to voluntourism and child trafficking into orphanages. Together we can get more children home, where they belong.

ABOUT FORGET ME NOT

Forget Me Not is an Australian-based international non-government organisation working with partner organisations in Nepal, Uganda and India in child protection. With respect, courage and commitment, FMN honours the rights of every child and, works to ensure children are thriving, vibrant and connected to family, community and opportunity. We exist to prevent children and young people around the world from being displaced through investing in innovative initiatives that keep children within their families and communities. We grow our impact through leveraging local partnerships on the ground in-country, raising community awareness and advocating for change as we learn. FMN is most recognised for working with the Nepali and Ugandan governments to remove children from abusive orphanages and reunify them with their families. Please email: enquiries@forgetmenot.org.au or visit www.forgetmenot.org.au to learn more.

ABOUT THE AUTHORS

Kate van Doore

Kate van Doore is the Co-Founder of Forget Me Not Australia, an international child rights lawyer and an academic at Griffith Law School, Australia. Her work includes publishing the first legal argument under international law for the displacement of children from their biological families into orphanages to be regarded as a form of child trafficking and modern slavery.

Andrea Nave

Andrea Nave is CEO of Forget Me Not Australia. She facilitated the change necessary to move FMN from the defunct orphanage-model to nurturing hearts and minds through innovative programs focused on family preservation, reunification and development. Working in India, Nepal and Uganda, Andrea has insisted on best practice, impactful prevention and reintegration projects raising children to be thriving, vibrant and connected to family, community and opportunity.

Emmalene Travers

Emmalene Travers joined Forget Me Not on the verge of deinstitutionalization and assisted with FMNs organisational change. Her development, legal and advocacy work is focused on empowering children and young people, especially those removed from their families through no fault of their own.

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