Master Thesis

Sustainable Tourism M.A.

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Child Exploitation and Tourism at the Example of Orphanage Tourism: A Situation Analysis on the Current Situation of Orphanage Tourism in Myanmar Including a Comparison of Myanmar and Cambodia

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Abstract

While in industrial countries most of the residential care institutions for children are replaced by alternative child care the number of orphanages increased at tourist hotspots in developing countries. The reason for this is the booming orphanage tourism. In some countries as Cambodia this type of tourist activity already turned into a huge business (Horton, 2011). Tourists and Volunteers want to do something good and many of them decide to do this by visiting, donating and working at orphanages. But instead of doing something good they support a corrupt business which exploits children. The children have to suffer under family separations, mental and physical neglect, labour and sexual exploitation. (Better Care Network, 2017; Tourism Concern, n.d.a.; Carmichael, 2011). While the business already established in some countries other countries are still unaware of it. Myanmar is one of these countries. Due to widespread poverty and a young tourism industry the concerns grew that Myanmar could turn into a second Cambodia with an increasing orphanage tourism business (Asian Development Bank, 2017b; UNICEF, 2012). Currently nearly no data exists on the current situation of orphanage tourism in Myanmar. Therefore, this thesis focused on the two questions 'What is the current situation on orphanage tourism in Myanmar?' and 'What are the causes of orphanage tourism?'. A literature research was undertaken to understand what child protection, child abuse and exploitation and residential care institution mean. Afterwards the phenomenon orphanage tourism was analysed by using Cambodia as a case study and creating a problem tree to identify the causes who lead to the phenomenon. Poverty, missing laws, unawareness on the risks of orphanage tourism, corruption and missing monitoring mechanism were the main causes. Finally a field research was undertaken in Myanmar. 48 in-depth interviews with principals form residential care institutions were conducted at the four tourism destinations Yangon, Bagan, Mandalay and Inle Region. After the field research the findings were compared with the causes from the problem tree to evaluate the current situation of orphanage tourism in Myanmar. As a result it can be said that orphanage tourism has yet not developed into a widespread business but some of the interviewed places already welcome tourists as well as foreign visitors. An understanding of the terms orphanage tourism or child protection hardly exists. Further research, for example in form of surveys on the tourists behaviour, is needed to gain more information on the current situation as well as the implementation of awareness raising measures for residential care institutions, tourists and volunteers, the government of Myanmar and the tourism industry. If these actions taken place soon the establishing of an orphanage tourism business can be avoided to protect the children of Myanmar.

Zusammenfassung

Während in Industrieländern die meisten Waisenhäuser bereits durch alternative Fürsorge Maßnahmen ausgetauscht wurden, steigt hingegen die Anzahl der Waisenhäuser in Entwicklungsländern in Gegenden mit einem hohen Touristenaufkommen an. Grund dafür, ist der boomende Trend „Waisenhaustourismus“. Dieser Trend hat sich in einigen Ländern bereits in ein lukratives Geschäft verwandelt (Horton, 2011). Touristen und Volunteers haben gute Absichten, wenn sie Waisenhäuser besuchen, dort Spenden geben und arbeiten. Jedoch verursachen sie damit oft genau das Gegenteil und unterstützen ein Geschäft, welches Kinder aus Profitgründen ausbeutet. Die Kinder leiden unter Familientrennungen, körperlichem und seelischem Missbrauch, Kinderarbeit und sexuellem Missbrauch. (Better Care Network, 2017; Tourism Concern, n.d.a.; Carmichael, 2011). Während sich Waisenhaustourismus in einigen Ländern bereits weit verbreitet hat, sind andere Länder noch völlig Unwissend über dieses Phänomen. Eines dieser Länder ist Myanmar. Aufgrund starker Armut und einer noch jungen Tourismusindustrie besteht ein erhöhtes Risiko, dass sich Waisenhaustourismus in dem Land etablieren könnte (Asian Development Bank, 2017b; UNICEF, 2012). Bisher liegen kaum Information über die aktuelle Situation im Land vor. Daher beschäftigte sich diese Arbeit mit den beiden Fragen ‚Wie sieht die aktuelle Waisenhaustourismus-Situation in Myanmar aus?‘ und ‚Was sind die Ursachen, die zu diesem Trend führen?‘. Zunächst wurde eine Literaturanalyse durchgeführt, um Themen wie Kinderschutz, Kindesmisshandlung und Ausbeutung, sowie Heimpflege zu analysieren. Anschließend wurde das Phänomen Waisenhaustourismus untersucht, während Kambodscha dabei als Fallbeispiel diente. Mit den Ergebnissen wurde ein ‚problem tree‘ erstellt, welcher die Ursachen des Waisenhaustourismus‘ identifizierte. Hierbei wurden Armut, Korruption, fehlende Gesetze sowie fehlende Kontrollmechanismen und ein weitverbreitetes Unwissen über Waisenhaustourismus festgestellt. Abschließend wurde eine Feldanalyse in Myanmar durchgeführt. Dafür wurden 48 Experteninterviews mit Heimleitern in den vier Touristenregionen Yangon, Bagan, Mandalay und Inle Region durchgeführt. Die Ergebnisse wurden mit den Ursachen des ‚problem trees‘ verglichen um die Situation in Myanmar bewerten zu können. Als Ergebnis wurde festgestellt, das sich Waisenhaustourismus bisher nicht weitflächig in Myanmar etabliert hat. Jedoch berichteten einige Heimleiter bereits, dass Touristen und auch Volunteers zu ihnen kommen. In Bezug auf die Themen Waisenhaustourismus und Kinderschutz besteht bisher kaum Aufklärung. Die Autorin empfiehlt weitere Untersuchungen, wie beispielsweise Touristenbefragungen durchzuführen, um weitere Informationen über die aktuelle Situation zu erhalten. Des Weiteren müssen Aufklärungsmaßnahmen über Waisenhaustourismus durchgeführt werden um die Entwicklung eines Waisenhaustourismus‘ in Myanmar zu verhindern.

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Abbreviations

ACTIP	ASEAN Convention Against Trafficking in Person, Especially Women and Children
ACWC	Commission on the Promotion and Protection of the Rights of Women and Children
AHRD	ASEAN Human Rights Declaration
ASEAN	Association of Southeast Asian Nations
CRBC	Children's Rights and Business Principles
CRC	Convention on the Rights of the Child
DSW	Department of Social and Welfare of Myanmar
DEVAWC	Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ILO	International Labour Organisation
MOHT	Ministry of Hotels and Tourism of Myanmar
MOSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation of Cambodia
MRTI	Myanmar Responsible Tourism Institute
NGO	non-governmental Organisation
OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
RCI	Residential Care Institution
SECTT	Sexual Exploitation of Children in Travel and Tourism
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations Children's Fund
UNWTO	United Nations World Tourism Organisation
WHO	World Health Organisations

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1 Introduction

1.1 Thesis Background

During the last several years, the number of international tourists has continually grown worldwide. In the first half of 2016, 561 million international tourists travelled worldwide. By the first half of the year 2017 that number already increased up to 598 million (UNWTO, 2016; UNWTO, 2017). Myanmar has benefitted from the growth of the tourism industry. The country opened its boarders for tourists in 2012. Since then more and more tourists came to explore the country and the numbers of visitors rises constantly every year (MOHT, 2013). The growing tourism industry brings money and employment and represents a great opportunity to improve the economy and the status of the country in the global comparison.

But while there are many positive opportunities coming out of this economical upspring, negative impacts can occur at the same time (Hawke/Raphael, 2016). A lack of laws and regulations can cause violations against human rights through the tourism industry. In such cases children are the most vulnerable group, at high risk to get abused and exploited (WHO,n.d.a: UNICEF, 2011). It is often a combination of poverty and a lack of a proper social welfare system combined with manipulation and trafficking which force children into exploitive situations (SOS Childrens Village International November, 2016). Sometimes parents sell their own children to traffickers because of poverty and the promise the children will get a better future. But many of those children end up in child labour and will be never reunited with their families (Thein, 2014). Labour exploitation of children occurs in many different sectors, including the tourism industry. According to the International Labour Organisation (ILO) an estimate from 13-19 million children are working in the tourism industry. The children have to work, for example, as waitress, at souvenir shops, in hotels or even as prostitutes (Kamp, 2011; Plüss, 1999).

Another form of child abuse and exploitation where the tourism industry is involved in is orphanage tourism. Children at residential care institutions[1] are at high risk for abuse and exploitation as many orphanages give offenders an easy access to the children and use them as tourist attractions (The Guardian, 2016b).

The phenomenon orphanage tourism is supported often by the good intention of the tourists (Horton, 2011). During their holidays more and more tourists are interested in visiting poor places like slums or orphanages. This type of tourism has various names, for example poorism, and takes place in developing countries. Tourists want to see the “real life” and want to get an “authentic experience”. They also want to give something back while

[1] Hereinafter the terms “orphanage” and “residential care institutions” are used as synonyms

traveling. Tourists often leave donations at the places they have visited, (Sharpley, 2011) they are willing to work during their holidays. This type of traveling is called voluntourism. Working at orphanages is the most popular form of voluntourism. If one searches the keywords “volunteer orphanage abroad“ on google it lead to a result of over 505,000 results (Tourism Concern, n.d.a.). A destination where voluntourism is becoming increasingly popular is South-East Asia. Since then the number of orphanages has steadily increased at tourist hotspots.

Orphanage tourism is one of this type of traveling. Basically orphanage tourism means that tourists or volunteers visiting or working at an orphanage in a developing country for a short period of time. They teach and play with the children and often leave donations. In tourist hotspots like Siem Reap the getaway city to Ankor Wat in Cambodia many tour operator offering those trips to orphanages (Carpenter, 2015).

Tourists want to do something good by volunteering or working at orphanages However, instead of giving something back and doing something good, the tourists and volunteers cause harm and exploitation by supporting the orphanage tourism business. As this kind of tourism business includes often child exploitation, child trafficking, physical and emotional harm and violence and sex tourism and is even defined as a form of modern slavery (Better Care Network, 2017; Tourism Concern, n.d.a.; Carmichael, 2011).

Professionals estimate that many of the children who live at orphanages are trafficked to be used as tourist attractions. The residential child care institutions are often private run and not registered at the government making it very difficult to monitor the situation to ensure the safety of the children. Visitor often have an easy access to the young children at the orphanage. This puts the children at high risk to suffer several forms of abuse including sexual abuse and exploitation. A country where orphanage tourism already turned into a business is Cambodia (Berens, 2015; Save the Children, n.d.; Horton, 2011). A significant concern exists that Myanmar could get a similar situation like its neighbouring country (MRTI, 2016).

So far nearly no data exists on the current situation of orphanage tourism in Myanmar. But at the end of 2016, UNICEF Myanmar launched a project called “Promoting Child Safe Tourism and Online Environment in Myanmar”. UNICEF Myanmar, in cooperation with ECPAT International and the Myanmar Responsible Tourism Institute (MRTI), undertook a situation analysis on the sexual exploitation of children in travel and tourism and research on the current situation of orphanage tourism in Myanmar. The results of these two research projects will provide the implementation of a training and awareness-raising programme on child safe tourism and prevention of child exploitation in travel and tourism for the tourism

industry and other involved parties as well as creating awareness raising measures for tourists (MRTI, 2016). The author of this thesis was one of the authors of the orphanage tourism research and wrote this thesis to analyse the phenomenon orphanage tourism and the current situation of orphanage tourism.

1.2 Objectives and Research Questions

As mentioned above, there is nearly no existing data on the current situation of orphanage tourism in Myanmar. Without knowing the current situation it is not possible to create proper awareness raising measures or to implement tasks to avoid and stop this form of child exploitation. Thus, the main objective of this master thesis is to get an overview of the current situation of orphanage tourism in Myanmar and to give recommendations for awareness raising measures against orphanage tourism in Myanmar to protect children from abuse and exploitation. Another main purpose of this thesis was to identify the causes who lead to orphanage tourism. Related to this the two main research questions for this thesis are:

- What is the current situation of orphanage tourism in Myanmar?
- What are the causes of orphanage tourism?

The two main research questions are accompanied by follow-up research questions which are necessary to understand the whole topic and to find an answer to the two main research questions:

- What are the laws protecting children?
- What does child abuse and exploitation mean, in particular?
- What is the current situation on orphanhood and orphanages?
- Is there a connection between child exploitation and the tourism industry?
- What does orphanage tourism mean, in particular, and how does it work?
- What can be done by the tourism industry to raise awareness against orphanage tourism?

The expected outcome of this thesis is to create a document that provides its reader a fundamental understanding of the phenomenon orphanage tourism and its causes and the system behind it. By focusing on the current situation of orphanage tourism in Myanmar and recommendations for the tourism industry on how to deal with/ combat this trend. Including necessary background information on child protection laws, child abuse and exploitation and the impact of residential care institutions on children.

1.3 Thesis Structure and Methodology

The thesis is divided into three parts:

- An overview on necessary general information related to orphanage tourism
- A problem tree analysis to identify the causes of orphanage tourism by using Cambodia as case study
- A field research on the current situation of orphanage tourism in Myanmar

As mentioned above, before analysing the phenomenon orphanage tourism it is necessary to clarify some general information to provide a foundation of knowledge. This general information including an overview on relevant child protection laws and regulations, the definition of the terms child abuse and exploitation, the connection between child exploitation and the tourism industry and the worldwide situation of orphan hood and residential care facilities. Therefore, the author undertook a secondary literature research.

After clarifying the general information the author analysed the phenomenon orphanage tourism and its causes. To do so she created an Ishikawa Diagrams also known as Problem Tree Analysis (Bundesministerium des Inneren, 2017) based on a secondary online research by using Cambodia as a case study. The author decided on Cambodia because that a) Orphanage tourism has already become a business in Cambodia and the number of orphanages increased with the raising number of tourists and b) several NGO's in Cambodia have already started to implement awareness raising programmes such as the campaign "Children are no Tourists Attractions" launched by Friends International in cooperation with other organisations to combat orphanage tourism (Friends International, 2011).

The aim of a problem tree analysis is to identify the causes that lead to a specific situation. In case of this thesis the problem tree was created to identify the causes that lead to orphanage tourism. The content of both, for clarifying the general information and for creating the problem tree has been drawn from a number of sources, notably: surveys and reports from NGO's, websites, scientific papers and national and international declarations and other legal documents.

After the development of a problem tree a situation analysis will be undertaken to get a first overview on the current situation on orphanage tourism in Myanmar. The research in Myanmar was a mix of a secondary online research and a primary field research. The primary field research: As part of the UNICEF project on "Promoting Child Safe Tourism and Online Environment in Myanmar" the author undertook together with a research partner a primary field research in the tourist destinations Mandalay, Bagan and Inle Lake. They

conducted qualitative in-depth interviews with principals or representatives of the principals of different orphanages. They undertook 33 interviews in the three destinations. The two other researchers undertook 15 additional interviews in Yangon which makes a total of 48 interviews. Beforehand a questionnaire was created to conduct the interviews as guided interviews.

The secondary online research: Due to the natural time limit of this master thesis it was only possible to interview the residential care institutions and none of other parties who are involved in orphanage tourism. If the author could not analyse a cause from the problem tree by using the results from the field research she tried to get information through a secondary online research.

The findings from the situation analysis will be later on compared with the causes from the Cambodian problem tree to evaluate the orphanage tourism situation in Myanmar. To finally give an outlook on the level of orphanage tourism in Myanmar including recommendation for the tourism industry for possible counter-activities to avoid or stop orphanage tourism in Myanmar.

With the findings of the filed research and the online research the author analysed every of the causes from the Cambodian problem tree by answering the following questions: Does the cause exist in Myanmar? If yes to what extent? Are measures currently implemented to combat the cause? Based on these results the author was able to give an overview on the current situation of orphanage tourism in Myanmar as well as recommendations, mainly for the tourism industry, on how to counteract the developing of orphanage tourism in Myanmar.

2 General Information

2.1 Child Rights

"[…] the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection […]" (United Nations, 1989)

Before undertaking the desk research on the orphanage tourism situation in Cambodia to understand the phenomenon orphanage tourism and to create a problem tree followed by the field research in Myanmar it is necessary to understand the situation of child law, child abuse and exploitation and orphanage tourism. Therefore this chapter will analyse international legal frameworks and other relevant documents related to child protection by giving an overview about relevant human rights and child protection laws, regulations and protocols. This is necessary to understand and to evaluate later on the legal framework

situation for child protection related to orphanage tourism. It is neither an in-depth analysis of the laws and regulations nor a total overview of the complete international or national legal frameworks. It serves to give only a basic overview and understanding about the legal situation relating to child protection to assess the situation of orphanage tourism/child exploitation and its causes. Laws, regulations and guidelines who are mentioned in this chapter are either signed by the Cambodian and/or Myanmar governments and/or including content regarding to the phenomenon orphanage tourism and/or it causes and/or measures to avoid that crime. The author focused in this chapter on laws, regulations and guidelines on the international level and will analyse specific country laws from Myanmar and Cambodia later on in the chapters 3 and 4.

Due to its worldwide influence and political implications this chapter will start with the international level of the United Nations, followed by the international level of the Association of Southeast Asian Nations (ASEAN), supplemented by important guidelines and frameworks from the United Nations World Tourism Organisation (UNWTO), International Labour Organisation (ILO) and Non-Governmental-Organisations.

2.1.1 United Nations Laws and Regulations related to Child Protection

Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR) was proclaimed on the 10th December of 1948 by the United Nations (UN) with the aim to avoid that human rights abuse, as it happened during the Second World War, will ever happen again. It was the first time an attempt to safeguard human rights was made on an international level. And it was also the first time that civil rights, political rights and ESC rights[2] were combined in one declaration. Therefore the UDHR was a milestone in the history of human rights. It is a declaration and not an international treaty - which means the UDHR is not legally binding - it is, meanwhile, highly accepted in many countries and is seen as a part of international protocols so that the declaration has a profound influence on the development of national human rights laws. Many states use the declaration as a fundamental base for its legal framework or at least adding single articles or statements from the declaration to the legal framework of their country (Fritzsche, 2009; UN Menschenrechtsabkommen, n.d.a).

However all the articles of the UDHR are equal in its importance the following ones are in particular more relevant related to child protection:

[2] ESC rights = Economic, Social and Cultural Rights

"Article 16.3: The family is the natural and fundamental group unit of society and its entitled to protection by society and the State

Article 22: Everyone, as a member of society, has the right to social security and […] the free development of his personality

Article 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services [...]

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection*."* (Universal Declaration of Human Rights, 1948).

The UDHR was underpinned in 1966 by two international human rights pacts: The International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights[4]. These two pacts include nearly all the 30 articles of the UDHR and are - unlike the UDHR - legally binding. Over 75% of the members of the UN ratified the pacts. The Universal Declaration of Human Rights and the two pacts from 1966 are also known as the International Bill of Rights.

Presently the United Nations consists of 193 states and every member state has to accept the UDHR. Furthermore, over 160 states ratified the two legally binding pacts. (Deutsche Gesellschaft für die Vereinten Nationen e.V., 2017; United Nations, n.d.a.).

Myanmar entered the UN in 1948, Cambodia seven years later in 1955. (United Nations, n.d.a) Myanmar signed only the *International Covenant on Economic, Social and Cultural Rights* in 2015, whereas Cambodia signed both pacts in 1980 and ratified both 12 years later in 1992 (United Nations Human Rights Office of the High Commissioner. n.d.a.; United Nations, n.d.b).

However all the articles of the International Covenant on Civil and Political Rights are equal in its importance the following ones are in particular most relevant related to child protection:

"Article 23. 1.: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 24. 1.: Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of

[3] Hereinafter referred as pact 1
[4] Hereinafter referred as pact 2

protection as are required by his status as a minor, on the part of his family, society and the State." (United Nations, 1966a).

However all the articles of the *International Covenant on Economic, Social and Cultural Rights* are equal in its importance the following ones are in particular most relevant related to child protection:

"Article 10.1.: The widest possible protection and assistance should be accorded to ***the family, which is the natural and fundamental group unit of society,*** *particularly for its establishment and while it is responsible for the care and education of dependent children […].*

Article 10.3.: Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. ***Children and young persons should be protected from economic and social exploitation****. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law."* (United Nations, 1966b).

UN Convention on the Rights of the Child (CRC)

After proclaiming the Universal Declaration of Human Rights the United Nations implemented 10 legally binding human rights conventions during the last 50 years. (UN-Menschenrechtsabkommen, n.d.b) For this thesis the most important convention out of this ten is the Convention on the Rights of the Child, proclaimed in 1989.

Today the CRC is ratified by 195 countries with exception of the United States of America and South Sudan. These both countries have not ratified the convention yet. The high number of countries who ratified the CRC makes it to the "most widely ratified international human rights treaty in history" and is a milestone in the history for the rights of the children (UN News Centre, n.d.).

The Declaration on the Rights of the Child includes 54 Articles. However all the articles of the CRC are equal in its importance the following ones are in particular more relevant related to the phenomenon orphanage tourism:

"Article 3.3.: States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 9.1.: States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when […] such separation is necessary for the best interests of the child […]

Article 19.1.: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 20.1.: A child temporarily or permanently deprived of his or her family environment […] shall be entitled to special protection and assistance provided by the State.

Article 20.2.: States Parties shall in accordance with their national laws ensure alternative care for such a child.

Article 32.1.: States Parties recognize the right of the child to be protected from economic exploitation […]

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

Article 36: States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare"[5] (United Nations, 1989).

Myanmar ratified the *Convention on the Rights of the Child* in July 1991. (Ministry of National Planning and Development, 2012) Cambodia ratified the CRC in October 1992 (United Nations, n.d.b).

Besides the UDHR and the CRC two other protocols from the UN also have a special focus on the protection of children. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime short Trafficking Protocol and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and

[5] See more relevant articles from the CRC in the Annex

child pornography (OPSC). The two protocols will be briefly explained in the next two following subchapters.

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was added as an optional protocol to the CRC to implement more detailed regulations regarding to safe children from prostitution, to protect children from being exploited through pornography and trafficking. The protocol includes 17 articles and was added to the Convention on the Rights of the Child in 2000. Today the OPSC is signed by 120 countries. (United Nations Human Rights Office of the High Commissioner, n.d.b. United Nations, n.d.).

All the articles of this Protocol are equal in their importance, however, the following ones are particularly more relevant related to the phenomenon orphanage tourism:

Myanmar ratified the OPSC in January 2012 and Cambodia in May 2002 (United Nations, n.d.).

The Trafficking Protocol

The Trafficking Protocol or Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime is – as the name suggests – a protocol to protect people from trafficking including cross-border regulations how to handle, avoid and fight trafficking and how to respond to the victims and offenders. The Annex 2 of the protocol is a special chapter for the protection of children and women (United Nations, 2000). The protocol was published in 2000 and was entered into force in 2003.

Myanmar ratified the Trafficking Protocol in March 2004 and Cambodia in July 2007 (United Nations, n.d.c.).

Different monitoring mechanisms are implemented to ensure that the different laws and conventions are be followed by the states. Member states of the UN are obliged to write regular reports on how they implemented human rights laws into their legal framework. Each member state writes a report, the first after two years and then once every five years onwards. To proof these reports the United Nations formed the Human Rights Committee and the Committee on the Rights of the Child. The Committee on the Rights of the Child consists of 18 independent members who monitor and evaluate the reports from the member parties (OHCHR, n.d.a; OHCHR, n.d.b).

2.1.2 ASEAN Laws and Regulations Related to Child Protection

In 1967 the Association of Southeast Asian Nations short ASEAN was founded and consists since 1999 of the following ten member states: Thailand, Indonesia, Malaysia, Singapore, Philippines, Vietnam, Laos, Myanmar, Cambodia and Brunei Darussalam. The aim of this association is to promote economic growth, to support cooperation among ASEAN members as well as worldwide and to support peace and stability insight Southeast Asia (ASEAN, n.d.a.). Besides other regulations ASEAN adopted several declarations on childcare and child protection to promote and protect children. These declarations will be described in the following.

Myanmar joined ASEAN in July 1997 and Cambodia in April 1999 (ASEAN, n.d.a.).

ASEAN Human Rights Declaration (AHRD)

Based on the UDHR the ten states decided to establish an own human rights declaration for Southeast Asia. With the adoption of the ASEAN Human Rights Declaration in November 2012 the ten members of the ASEAN set the first step for promoting and protecting human rights in Southeast Asia. However there was significant criticism over the lack of human rights in the declaration from all over the world the declaration was a milestone in the history of Southeast Asian human rights. The AHRD was developed by the ASEAN intergovernmental Commission on Human Rights (AICHR) established in 2009. This commission is also in charge to ensure to watch, support and promote the development of the implementation of the AHRD. The declaration includes 40 articles who are inspired by the UDHR (Robertson, 2012; ASEAN Intergovernmental Commission on Human Rights, n.d.; ASEAN, 2013a).

As member of the ASEAN Myanmar and Cambodia adopted the AHRD in 2012.

Resolution on the ASEAN Plan of Action for Children

Before Myanmar and Cambodia joined the ASEAN a resolution called Resolution on the ASEAN Plan of Action for Children was released in 1993 by the then members of the association. It was the first of its kind in Southeast Asia related to child protection and included statements from the ASEAN members as the member states *"believing that responsible parenthood and family development are key factors in enabling children to develop to their fullest potential".* The aim of the resolution was that every member state of the ASEAN shall until the end of the year 2000 implement a legal framework to protect its children. Therefore the resolution includes specific terms which had to be included in the countries child protection law. These terms shall focus on three main points: child survival,

child protection and child development. Issues that have to be addressed are for example "*child abuse, neglect and exploitation including child prostitution, child labour, street children and abandoned children. And […] Alternative family care arrangements for the victims of child abuse, neglect and exploitation."* (ASEAN,1993). Other tasks stipulated in the resolution were to evaluate the then current situation on child protection including trainings and exchange of information among the member states of ASEAN. Every country shall recruit a "desk officer for children" who is in charge for monitoring the process, the information exchange with other ASEAN members, creating of policies and regulation and writing regular reports to the ASEAN Committee on Social Development (ASEAN,1993).

ASEAN Declaration on the Commitments of the Children in ASEAN

In August 2001 the ASEAN members adopted the Declaration on the Commitments of the Children in ASEAN. This declaration is accepted by all the ten member states but is not legally binding. The declaration is guided by the CRC and includes in total 18 articles (ASEAN, 2001). All of the articles are equal in its importance on achieving the rights of the child but the when it comes to orphanage tourism the following five articles are the most relevant:

"Article 8.: Create employment opportunities for adult family members in ASEAN countries, as stable families are the key to the social, physical and emotional development of children. (ASEAN, 2001, §8)

Article 9.: Develop family support and family life education programmes to help families, the primary caretakers of children, to nurture and protect their children. (ASEAN, 2001, §9)

Article 10.: Provide appropriate care, including alternative family care or home with a family environment, to homeless children and those without families. (ASEAN, 2001, §10)

Article 15.: Protect children from all forms of violence, abuse, neglect, trafficking and exploitation while at home, in school and in the community. (ASEAN, 2001, §15)

Article 18.: Establish a child-centred juvenile justice system which fully safeguards children's rights and promotes children's reintegration to society." (ASEAN, 2001, §18)

Adopted by all ASEAN members but not legally binding.

The member states of the ASEAN also formed a commission as a monitoring mechanism to ensure monitoring, support and the implementation of the ASEAN Declaration on the Commitments of the Children in ASEAN. The commission is called ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and belongs to the AICHR (Human Rights in ASEAN, 2013a).

Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children

The Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children was adopted in October, 2010. It includes 21 measures that every one of the ten member state shall implement in its country to support and enhance the rights of women and children in Southeast Asia (ASEAN, 2010).

However all the articles of the declaration are equal in its importance the following ones are in particular more relevant related to orphanage tourism:

"Article 11.: To strengthen family resilience - as the basic units of society - and the capacity of families in meeting new challenges arising from rapid social economic and environmental/climate changes through the establishment of an ASEAN network for family development and by engaging organisations working on issues of families, women and children; (ASEAN, 2010,§11)

Article 16.: To achieve the goals for children in the ASEAN region as regards the child's rights to survival, protection, development and participation in a comprehensive and systematic way" (ASEAN, 2010,§16)

The declaration was adopted in October 2010 by all members of ASEAN.

The Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN. (DEVAWC)

The Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN (DEVAWC) was created in 2013 by all the ten ASEAN members with the aim to create measures to protect women and children in Southeast Asia from any type of violence. As same as the other ASEAN declarations the DEVAWC commissioned the ASEAN member states to undertake action to implement the measures mentioned in the declaration and the ACWC to monitor the progress (ASEAN, 2013b).

Was created in 2013 by all member states.

ASEAN Convention Against Trafficking in Person, Especially Women and Children (ACTIP)

The Convention Against Trafficking in Person, Especially Women and Children (ACTIP) was created in 2015 and entered into force in 2017 (ASEAN, 2017a). The aim of this convention is to stop and avoid all forms of trafficking especially trafficking of women and children. The convention includes a detailed definition for the term trafficking and related

terms as well as agreements how to cooperate and interact insight the ASEAN group including paragraphs regulations/agreements on how to protect, support and reintegrate traffic victims and guidance on how to punish the offenders (ASEAN, 2017b). To realise the political agreements in this convention the members of ASEAN wrote an action plan called Plan of Action Against Trafficking in Persons, Especially Women and Children including relevant measures to achieve the objectives of the convention (ASEAN, 2015).

Both Myanmar and Cambodia ratified the Convention Against Trafficking in Person, Especially Women and Children (ACTIP) in 2016 (The Irrawady, 2016; Equality Myanmar, 2016).

Nearly all of the mentioned ASEAN documents above are declarations. The ACTIP is the only document which included legal requirements (Phan, 2012).

2.1.3 Child Protection Undertaken by NGO's

Besides international and national legal frameworks other non-legally-binding regulations and guidelines to end child abuse and exploitation and to support children rights were developed by different organisations. The following chapter will address, according to the author, the most relevant organisations who have influence on the development of child protection in the whole world. These are the Global Code of Ethics for Tourism from the UNWTO, the Worst Forms of Child Labour Convention from the International Labour Organisation (ILO), the organisation UNICEF, The Code and the organisation ECPAT.

UN Guidelines for the Alternative Care of the Children

"Article 14: Removal of a child from the care of the family should be seen as a measure of last resort and should, whenever possible, be temporary and for the shortest possible duration" (United Nations, 2010, §14).

Outside related conventions and protocols for the protection of human rights and children rights, in 2010 the United Nations also created a special guideline for the alternative care of the children called Guidelines for the Alternative Care of the Children. This guideline is a non-binding document but was created to assist the countries by implementing the CRC by giving information and recommendations related to alternative care with the aim to enhance the implementation of the rights of the child. The guideline contains in particular language about how to prevent family separation, to keep children in or reunite them with their families; it shows different ways how to take care of children who cannot live with their parents' e.g. foster care or residential care as well as information on implementing policies (United Nations, 2010).

In Myanmar the *Guidelines for the Alternative Care of the Children* were for example the basement for a handbook on Kinship Care in Myanmar in 2013 by the NGO *Save the Children* (Save the Children, 2013). Cambodias Ministry of Social Affairs, Veterans and Youth Rehabilitation already adopted a Policy on Alternative Care for Children four years before the UN Guideline was written (Ministry of Social Affairs, Veterans and Youth Rehabilitation Cambodia, 2006a).

Children's Rights and Business Principles (CRBC)

One form of child exploitation is child labour. In cooperation with Save the Children and The UN Global Compact created UNICEF in 2012 the Children`s Rights and Business Principles (CRBC). The aim of providing this document was to a) give an impression to the negative impacts businesses can present to children, their well-being and their rights and b) creating a guide for companies on how to avoid negative impacts to children. Therefore the document includes 10 principles every company should follow (UNICEF, 2013).

The author could not get any information if Myanmar or Cambodian companies using this guideline.

International Labour Organisation (ILO)

Another international organisation who implemented frameworks and guidelines to protect children is the International Labour Organisation (ILO). Over 187 states are members of the organisation which was established in 1919 "to set labour standards, develop policies and devise programmes promoting decent work for all women and men" (International Labour Organisation, n.d.a.).

The ILO published in 1999 the Convention 182: Worst Forms of Child Labour Convention. It was the first one of its kind and contains specific information, definitions and regulations related to child labour. The convention identified slavery, child selling and trafficking, child prostitution and pornography, illicit activities and any work that could harm the safety, morale or health of children as the worst forms of child labour. The main goal of this convention is every member who signed this convention has to create and implement measures to avoid and eliminate all kinds of the worst forms of child labour and to support measures to rehabilitate children who suffered from child labour and to reunite them with their families (International Labour Organisation, 2001).

So far 181 states ratified the Convention of Worst Forms of Child Labour Convention. Myanmar ratified it in December 2013 and Cambodia in March 2006 (International Labour Organisation, n.d.a.).

Along with UN and ASEAN, the International Labour Organisation has implemented a monitoring mechanism to ensure that the signed conventions are entered into force. Therefore the member parties a obliged – as same as at the UN and ASEAN committees - to submit regular reports (International Labour Organisation, n.d.b).

UNICEF

After the Second World War the United Nations founded the International Children's Emergency Fund (ICEF) to respond to children who lost their families during conflicts. During the years the organisation extended its work field more and more until it starts working global wide. In 1953 it was official that UNICEF will continue its work as a permanent United Nations agency. UNICEF has a non-political and non-discriminatory aid philosophy, means it is operating worldwide and helping every child in need regardless of the political or national background. Today UNICEF works worldwide in every field related to child protection e.g. health care, education programs or support of refugees. They are the leading NGO fighting for children's rights (UNICEF, n.d.a.).

ECPAT

Another NGO aiming to stop child exploitation, particularly sexual exploitation of children, is ECPAT. ECPAT started in 1990 during a congress in Thailand when a group of international professionals started a campaign to end child prostitution in Asia's tourism industry. At that time the acronym ECPAT stood for End Child Prostitution in Asian Tourism. The campaign continued to grow and ECPAT became an international NGO in 1997, implementing programs on worldwide scale to end sexual exploitation of children. The acronym was changed into End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes. Today the organisation is working in over 88 countries on national, regional and international levels together with professionals, key-stakeholders and governments to fight sexual exploitation of children. ECPAT implement awareness raising measures, supports countries and organisations by creating policies and laws and undertakes research on several topics on the current situation of sexual exploitation of children. One essential part of their work focuses on the sexual exploitation of children in travel and tourism (SECTT) (ECPAT International, 2016; ECPAT International, 2015).

The Code

The organisation The Code short for The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was established in 1966 by the UNWTO, ECPAT Sweden and Swedish tour operator with the goal to end sexual exploitation of children in travel and tourism by raising awareness in the tourism industry. The tourism

industry is often unwillingly involved in sexual exploitation of children due to the fact that the exploitation often happens in hotels and the offenders use transportation networks e.g. trains or plains to arrive at their crime destination. Therefore The Code is supporting the tourism industry by raising awareness and implementing measures to avoid sexual exploitation of children. Every tourism company who joins the organisation has to sign a document which is based on the following 6 agreements:

1. Establish a policy and procedures against sexual exploitation of children
2. Train employees in children's rights, on what sexual exploitation of children means and how to report it
3. Include a clause in contract throughout the value chain including a zero tolerance policy of SECTT
4. Provide information to travellers about SECTT and report measures
5. Support, collaborate and engage stakeholder to prevent SECTT
6. Write an annual report (The Code, n.d.)

Global Code of Ethics for Tourism (UNWTO)

The responsibility the tourism industry has in relation to its huge impact on the development of a country, including its strong influence on poverty, biodiversity and economic growth of a country, in December 2001 the United Nations World Tourism Organisation (UNWTO) adopted the resolution for the Global Code of Ethics. The aim of this document is to avoid harm and to support the positive impacts the tourism industry can produce. This document is not legally binding but recommends and guides the tourism industry to an ethical and sustainable tourism (UNWTO, 2001).

"Article 1: Tourism's contribution to mutual understanding and respect between peoples and societies

Article 2: Tourism as a vehicle for individual and collective fulfilment

Article 3: Tourism, a factor of sustainable development

Article 4: Tourism, a user of the cultural heritage of mankind and contributor to its enhancement

Article 5: Tourism, a beneficial activity for host countries and communities

Article 6: Obligations of stakeholders in tourism development

Article 7: Right to tourism

Article 8: Liberty of tourist movements

Article 9: Rights of the workers and entrepreneurs in the tourism industry

Article 10: Implementation of the principles of the Global Code of Ethics for Tourism" (UNWTO, 2001)

Furthermore the UNWTO implemented the World Tourism Network on Child Protection in 1997. This network of multi-stakeholders has the goal to end every form of child exploitation (sexual exploitation, trafficking and child labour) in the tourism industry. During annual meetings the members of the network discuss the current situation and discuss new strategies (UNWTO, n.d.).

There are several of other non-governmental organisations who are dedicated their work to child protection as well as more laws and regulations on national levels. But as mentioned at the beginning, this chapter shall only give an overview on the most important legal frameworks as well as on measures to support children's rights.

2.1.4 Interim Conclusion

This chapter finds a first answer to one of the sub research questions of this thesis: How is the law situation on child protection? This chapter gave an overview of different child protection laws and regulations and how the Myanmar and Cambodian government reacted to them. The chapter also informed about relevant NGO's working against child exploitation. All the information was included because the legal situation of the children to evaluate their situation, is relevant. Related to the articles and regulations mentioned above, an understanding of the necessary legal and regulatory structures on child protection exists. How the different countries ensure the compliance of all these laws and regulations is a separate topic. The above mentioned documents follow a common theme: children have to be protected. Children are highly vulnerable to abuse and exploitation and therefore they have to be protected. All forms of abuse and exploitation should be prohibited and avoided. The governments and organisations must implement child protection measures to ensure that children do not get abused or exploited.

How Myanmar and Cambodia reacted to the different regulations are displayed in the table below. As previously stated, the legal situation of children seems to be well established but the question is how do countries implement the decisions into their national legal framework and how do they ensure the compliance. More information on the implementation of the mentioned child protection frameworks in Myanmar and Cambodia will be explained in the chapters 3 and 4.

Table 1: Laws & Regulations

Organisations	Laws/Regulations	Myanmar	Cambodia
United Nations (UN)	Member	1948	1955
	UDHR	Accepted	Accepted
	Pact 1	-	1992 ratified
	Pact 2	2015 signed	1992 ratified
	CRC	1991 ratified	1992 ratified
	OPSC	2012 ratified	2002 ratified
	Trafficking Protocol	2004 ratified	2007 ratified
	Guidelines for the Alternative Care of the Children	2013 used Guidelines for a kinship paper	2006 (other Policy for Alternative Care for Children)
	Children`s Rights and Business Principles (CRBC)	No information	No information
ILO	Convention of Worst Forms of Child Labour	2013 ratified	2006 ratified
ASEAN	Member	1997	1999
	AHRD	2012 adopted	2012 adopted
	Resolution on the ASEAN Plan of Action for Children	No information	No information
	Declaration on the Commitments of the Children in ASEAN	2001 adopted	2001 adopted
	ASEAN Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children 2012 adopted	2010 adopted	2010 adopted
	DEVAWC	2013 created	2013 created
	ACTIP	2016 ratified	2016 ratified

Source: Own design based on the findings of chapter 2.1

After establishing an overview on all main relevant laws and legal frameworks as well as child protection measures implemented by NGO's the next chapter deals with the question why all these regulations and measures are necessary. What does child abuse and exploitation mean in particular and where is the connection to the tourism industry?

2.2 Child Abuse, Exploitation and Orphanhood

Why all these regulations and laws are necessary will be analysed in this chapter by going into detail of the nature child exploitation and abuse and which dimensions it occurs globally. Later, the relationship between child exploitation and the tourism industry will be explained giving an overview on the worldwide situation of orphan hood and residential care facilities and its impact on the children.

2.2.1 The Difference between Abuse and Exploitation

For this thesis, the author will use the terms *child abuse* and *child exploitation* with the understanding of the following definitions.

The World Health Organisations (WHO) defines the term child abuse as the following: "*Child maltreatment, sometimes referred to as child abuse and neglect, includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation."* (WHO, n.d.b).

The UNHCR defines the different terms of child abuse as well as child exploitation as the following:

- *"**physical abuse**, the deliberate use of force on a child's body which may result in injury, e.g. hitting, burning, shaking, choking;*
- ***Sexual abuse**, should be understood not only as violent sexual assault but also other sexual activities, including inappropriate touching, where the child does not fully comprehend, is unable to give informed consent, or for which the child is not developmentally prepared.*
- ***emotional abuse**, persistent attacks on a child's sense of self, e.g. constant belittling, taunting or humiliation, isolation and intimidation. Child neglect is rather an act of omission, the failure to provide for the child's basic needs. Again this can include:*
- ***physical neglect**, the failure to adequately meet the child's needs for, for example, nutrition, clothing, health care, and protection from harm; and/or*
- ***emotional neglect**, the failure to satisfy the developmental needs of a child by denying the child an appropriate level of affection, care, education and security.*
- ***Exploitation** is the abuse of a child where some form of remuneration is involved or whereby the perpetrators benefit in some manner – monetarily, socially, politically,*

etc. Exploitation constitutes a form of coercion and violence, detrimental to the child's physical and mental health, development, and education" (UNHCR, 2001).

- Children who have experienced one form of abuse or exploitation often suffered under other forms of abuse and/or exploitation as well because often one form of abuse or exploitation leads to the next or rather several forms are linked to each other e.g. the child get trafficked for child prostitution (UNHCR, 2001).

2.2.2 Different Forms of Child Abuse and Exploitation

Children are most vulnerable group in the world (WHO, n.d.a; UNICEF, 2011). UNICEF estimates *" that 133–275 million children every year witness violence between primary caregivers on a regular basis, whereas at least 150 million girls and 73 million boys are victims of forced sexual activity. Among the most vulnerable are "children outside of family care"* (Berens, 2015).

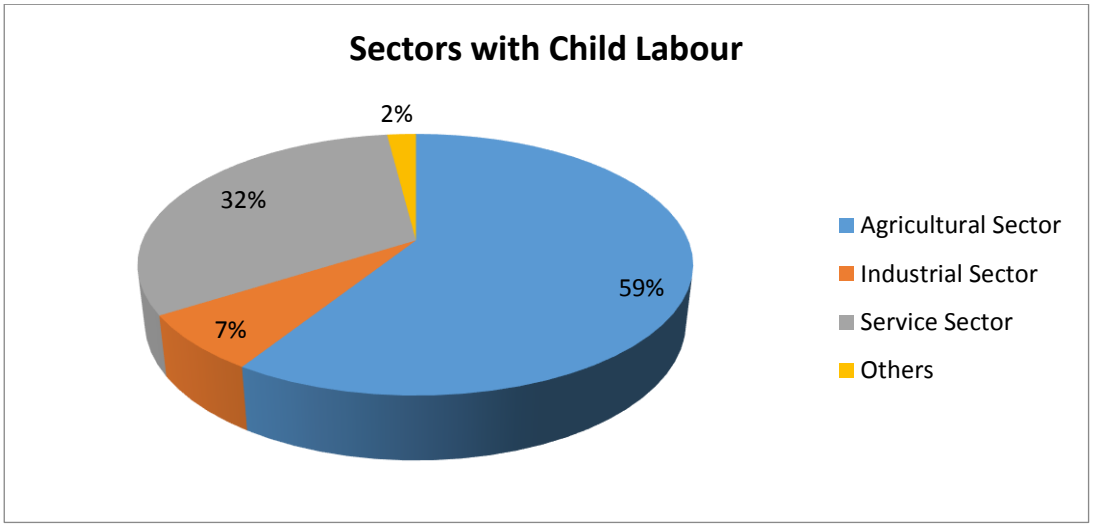
However, some children are more vulnerable than others. There are certain causes and situations which make some children particularly vulnerable than other children: *"[…] children with disabilities, who are orphaned, indigenous, from ethnic minorities and other marginalised groups. Children that living and working on the streets, living in institutions and detention, and living in communities where inequality, unemployment and poverty are highly concentrated. Natural disasters, armed conflict, and displacement may expose children to additional risks. Child refugees, internally displaced children and unaccompanied migrant children, younger children"* (UNICEF, 2011).

But the fact that some children are at a higher risk than other children does not mean that only those can suffer from abuse and exploitation. All children are at risk to be exposed to abuse and exploitation. The offenders can be strangers, but in many cases the children know their offenders. Children are abused and exploited by family members, friends, teachers or care givers. As mentioned above over 133-275 million children get abused by their caregiver. Abuse, violence and exploitation happens everywhere: at the children's school, at home or other for the child familiar locations. It occurs in communities, workplaces and care facilities like orphanages (UNICEF, 2011; UNICEF,n.d.b.).

As previously mentioned, child abuse and exploitation takes on various forms. While the different kinds of abuse and exploitation are often connected. Child abuse includes - violence and bullying including cyber-bullying, child trafficking and sexual abuse. Child exploitation includes different forms of child labour (UNICEF, 2001). The different forms of child labour will be briefly explained in the following. The figure below shows different work fields/sectors where children are involved. The main sector is the agricultural sector where

59% of the children working in, followed by the service sector with 32% and the industrial sector with 7% (Terre des Hommes, n.d.a.).

Figure 1: Sectors with Child Labour



Source: (Terre des Hommes, n.d.a.)

In most cases, children are working involuntarily (due to poverty, false promises or kidnapping). Poverty and a lack of a social welfare system in countries are two reasons why children end up in child labour. (SOS Childrens Village International November, 2015) Children working e.g. as waitresses, on farms, as house maids or in restaurants, they get recruited as child soldiers[6] or have to work due to bonded labour[7] (Terre des Hommes, n.d.b.; UNICEF, 2009).

Children who have lost their families or families where parents are too poor to raise them, children are forced to earn money on their own or are forced into child labour. In some cases, parents in poverty will sell their children because they a) either think the children will get a better education and better future or b) their children have to work to earn money for the family. Some of these parents are never reunited with their children. Illegal smuggling networks buy children from parents under false promises and traffick them – sometimes over borders – as housemaids, cheap worker e.g. on farms or restaurants or for prostitution.

[6] Child solider= children get recruited in conflict areas and wars from the military or rebel forces. The estimate number of child soldier worldwide is 300.000 but a much higher number of unreported cases is presumed. Myanmar is the country with the highest number of child soldiers with an estimate of 80.000 children (Terre des Hommes, n.d.b.).

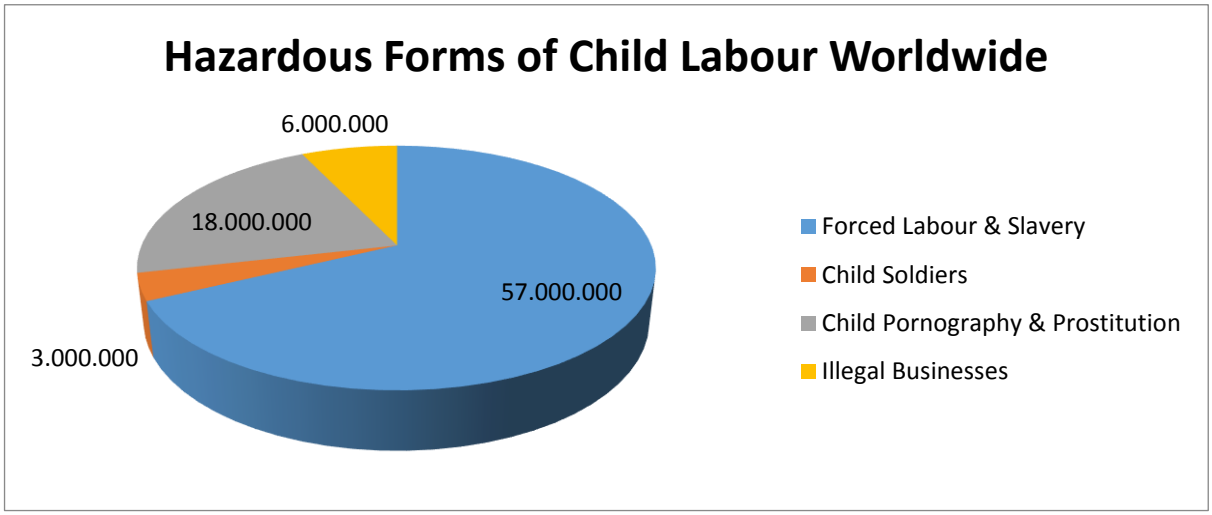
[7] Bonded labour= In some areas people are so poor that they accept credits under worst conditions. They are not able to pay the credit back or the creditor changes the credit condition arbitrarily so that the whole family even the children have to work for the creditor to pay the credit back (Terre des Hommes, n.d.c.).

The numbers of children who suffer under child labour are very difficult to measure because a lot of children working illegally are unregistered and unknown (UNICEF, 2009).

A reliable estimate of the ILO says that 264 million children are working world-wide. But not all of these cases are child labour for example the child is working at their parents' restaurant but only after school and only for a few hours – the work does not belong to child labour in fact sometimes rather the opposite because the children are proud to support their family (Plüss, 1999). Nevertheless, it is a delicate line between work that does not harm the child and child labour. Worldwide estimate of 168 million children are working under child labour conditions. And even 85 Mio. children between the age of 5 – 17 under hazardous forms of child labour (ILO, 2016).

According to the definition of the *ILO Convention 182 on the worst forms of child labour* hazardous forms of child labour are "*[…] all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict […] the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances […] the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties […] work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children"* (ILO,1999, §3) International Labour Organisation, 2001). The figure below shows that most children who work under hazardous conditions, slavery, followed by children who get exploited for the purpose of pornography and prostitution, illegal businesses e.g. drug smuggling and recruiting as child soldiers.

Figure 2: Hazardous Forms of Child Labour Worldwide



Source figure: (UNICEF, 2009)

"There is significant evidence that violence, exploitation and abuse can affect the child's physical and mental health in the short and longer term, impairing their ability to learn and socialize, and impacting their transition to adulthood with adverse consequences later in life" (UNICEF, 2011). Children not only suffer during the abuse/exploitation and affects the future life of the children.

2.2.3 Relationship between Child Exploitation and Tourism

After clarifying the definition of child abuse and exploitation, the next question is if there is a connection between child abuse and exploitation and the tourism industry. Related to this question, the UNTWO pointed out that the tourism industry is against human rights violation and child abuse and is accordingly not supporting any of these businesses or crimes. But the UNWTO also admitted that the tourism industry gets involuntarily used e.g. for transportation or location (UNWTO, 2014). But there are also cases where the tourism industry is, not only, used but is responsible for violations against human rights directly through members and groups of the tourism industry (Kamp, 2011).

Violations against human rights directly or indirectly caused or at least (involuntarily) supported by the tourism industry are for example land grabbing, water grabbing, oppression of indigenous groups, missing protection of privacy and forced labour (Kamp, 2011).

All these violations can cause a negative impact on children and can lead to harm, abuse and exploitation. Besides these violations, a lot of children are exploited directly through the tourism industry while they get used to attract tourists or are forced into child labour (Friends International, 2011; Plüss, 1999). As already mentioned in chapter 2.2.2 an estimate of 168 million children working worldwide and 32% of them in the industrial sector, the sector where the tourism industry belongs. According to estimates of the ILO 13 – 19 million children are working in the tourism industry worldwide. Which means that 7,7 – 11,3% of the 168 million children are working in the tourism industry (Kamp, 2011). Not all of this cases are considered child labour, children who e.g. work after school at their parents restaurant for a few hours do not work under child labour conditions. However, there are many cases defined as child abuse and exploitation. In the tourism industry the children working in many different areas e.g. as waitress or in hotels (Plüss, 1999). In some cases these children work under terrible conditions. They have no rights, for example, do not get paid, get not enough food, have to work more than ten hours per day, get never a day off and are not allowed to go back to their families, are abused and suffer under violence and harm (Plüss, 1999). Some of the children are even forced into hazardous forms of child labour as child prostitution which is often linked with child trafficking and other forms of violation. Worldwide

an estimate of 1,8 million children are forced into prostitution (UNICEF, 2009). One form of child prostitution is directly linked with the tourism industry and is called sexual exploitation of children in travel and tourism (SECTT). A serious crime which has expanded across the globe. SECTT is happening in nearly every country and the offenders are national as well as international traveller. The exact number of children who are forced to work in the sex tourism industry is unknown due to the fact that most of the children are trafficked and are "working" illegally. What is known is that both girls and boys are victims of this crime. The offender get access to the children in hotels, bars or karaoke bars. Some of the tourists even get access to the children by volunteering as caretakers at schools or orphanages (Hawke/Raphael, 2016); Farrington, 2016).

The phenomenon of orphanage tourism, which is often linked with SECTT, is another form of child exploitation involving the tourism industry. The next chapter will analyse the worldwide situation of orphanhood and residential care institutions before the chapter 3 will have a dedicate look at the phenomenon orphanage tourism and the business it supports.

2.2.4 Worldwide Situation on Orphanhood and Residential Care Institutions

Before analysing the phenomenon orphanage tourism, it is necessary to understand the situation of orphan hood and child residential care institutions. This chapter will explain these two terms before analysing orphanage tourism.

Of the 2.2 billion children in the world there is an estimate of 140.000 children who are orphans (SOS Children's Village USA, 2016). But the number of children living at residential care facilities is much higher. A UNICEF research from 2017 figured out that worldwide a minimum of 2.7 million children between 0 and 17 years old are living in residential care facilities. Other sources like the *UN's World Report on Violence against Children* estimate the number up to 8 million children (Berens, 2015). Due to a lack of data on the number of children who live in residential care facilities in many countries, it is assumed that the dark figure is much higher than the estimated numbers (UNICEF, 2017). In many countries most institutions are unregistered and the ministries suffer a missing reporting system to monitor the institutions, resulting in a lack of data (Berens, 2015). But even if the correct number of children who live in residential care is unknown it is a fact that the number of children without parents is significantly less than the number of children in residential care. This leads to the question: How is it possible that worldwide "only" 140.000 children are orphans but over 2.7 to 8 million children living at residential care facilities? When 140.000 children are orphans and the number of children at residential care facilities is 2.7 to 8 billion children then the number of children at orphanages and other residential cares who still have living parents is over 19- 57 times higher than the number of children living at residential care institutions

who did lost their parents. Why do so many children live at residential care when they have parents? What are the reasons that forced the children away from their parents?

First, relevant literature is misleading that often only the terms orphan and orphanage are used to describe children in residential care, assuming a Western context of these terms. This gives the wrong impression that the institutions are only take care for orphans and that the children who live at such places are only children without parents. Which is - other than first expected -not the case as you can see on the massive gap between the number of orphans (140.000 children) and numbers of children who live at child care facilities (2.7- 8 million). Orphanhood is indeed one of the reasons why children live at residential care institutions but the percentage of real or half orphans in the institutions is very low. This brings us back to the question: If orphanhood is not the only reason why do children live at residential care institutions, what are the other reasons? The answer is that there are several reasons and circumstances which force children to live without their parents and in childcare institutions. Other reason is discrimination (e.g. ethnic minorities), access to education, outmigration of parents (fleeing because of war and out of conflict areas or because of natural disasters) or neglect, abuse and exploitation caused by their own parents or family. Most of these reasons going hand in hand with poverty and (Chatkin, 2017) *"a lack of functioning social welfare services and child protection systems"* (SOS Childrens Village International, 2016).

Over 570 Mio. children worldwide suffer under extreme poverty. This situation combined with the fact that many countries still have no proper social welfare system leads to the result that many parents send their children to residential care institutions because, as already mentioned in 2.2.2., the parents see no other option and believe this would be the best solution for a safe future and a good education for their children. In many countries childcare institutions are run by the private sector, religious institutions and oversea NGO's and not by the government which makes it complicated to get reliable data about the number of existing residential care facilities due to the fact that many of these intuitions are not registered. Furthermore, this makes it complicated for the government to ensure the quality of these childcare institutions (Horton, 2011).

As previously mentioned orphanages are not the only institutions for children in need. There are several other forms of residential care as reception centres or child protection centres, residential nurseries, children's homes, training/boarding schools, monastic schools and cottage-type complexes. All of these facilities have in common that they take care for children 24 hours a day and provide food, shelter and education. In other words they offer all the basic support a child need but often also not much more than that. Besides childcare

institutions there are forms of alternative care which includes foster care and kinship care, guardianship or adoption. These options have in common that the child lives in a more familiar environment which is important for the healthy development of the child as one can read below (UNICEF, 2006).

At this point, before continuing the thesis, it is important for the author to say that from her point of view residential care institutions as well as the different forms of alternative care for children are a sign of humanity, are important and necessary to give shelter to children in need. The author is convinced that most of the people who work in the field of childcare are doing it with best intentions and only with the aim to offer the children a safe environment. But there are as well people who are not interested in the well-being of the children who use these facilities as for-profit businesses.

Several studies have shown that living without its parents and at residential care can cause serious damages to the physical and mental health of a child. As already mentioned in chapter 2.2.2 children without parents and children who live at residential care institutions are at higher risk for abuse or exploitation compare to other children (Beer de, 2017). *"Across diverse contexts, studies have shown that institutionalised children have delays or deficits in physical, cognitive, emotional, and social development "(*Berens, 2015). The risks can be divided into physical harm and emotional harm.

Emotional harm:

As mentioned above most of the children who live in residential care institutions are not actual orphans. At least one of their parents is still alive. But instead of living with their parent or other family members the child is separated from their family. This experience can negatively affect the mental health of the child. Children are not able to experience the deep emotional connection and safety only a family can give. Furthermore, children at residential care institutions can suffer under several other mental health issues due to a lack of proper care, neglect and abuse (Save the Children, n.d.).

An interesting survey from Ruth Emond undertaken in a Cambodian orphanage in 2009 focused on the question how children who live in an orphanage see themselves and their life in a residential care institution. The interviewer spent ten weeks with children aged 4 - 18 in an orphanage in Cambodia and undertook observations, an evaluation of drawings and 19 interviews with children who live at the orphanage (Emond, 2009). Emond suspected that the fact that she is a white young western woman influenced the interviews and was not sure if the children told always the truth or if the children sometimes only said what the principle would like to hear or rather what the care taker told them to answer (Emond, 2009).

However, most of the interviewed children said they lost at least one parent. Some told the interviewer they came together with their brothers and sisters but their siblings were sent away or sold to foreigners. Now the children do not know where their siblings are and have nearly no contact to their families. But they accept the situation because they think they had no right to decide about their life. They accepted that the adults decided for them.

The children at the orphanage saw themselves as a family; they supported and protected each other. Only sometimes if one of the younger children received presents from the visitors or donors the older ones took it away and kept it (Emond, 2009). They also saw themselves different from other children, because they were the poor ones without a family while the other children outside the orphanage were the happy ones with a family. But at the same time the children at the orphanage said they were in a better position compared to their peers outside of the institution. A better position because they saw the orphanage as a chance for a better future. The institution provided food, clothes, shelter and education. Therefore, the children had enough time to concentrate on their education to get a good job and a better social status in the community in the future. Furthermore, due to the foreign visitors the younger children received attention and presents and the older ones used the visits to practise their English skills. For them it was like a window to the outside world. An opportunity they never had at their parents' place (Emond, 2009).

To get this support and opportunity they accept their situation as an orphan. Anyway, they said that they cannot decide about their past or future. The adults decide for them. The study showed that most of the children are happy about getting the opportunity for a better future and therefore accept their situation. But some children also said that these opportunities came with a price. One child described it as "our heads get bigger but hurts smaller" = they get basic support and education but not enough love and emotional connection. It seems that the children only accept its situation because it seems to be the only option; they have no other place to go to (Emond, 2009).

The fact that the children said they viewed their time at the orphanage as a chance for education but at the same time experience the orphanage was not a place where they get love or emotional connection underlines the results of other studies that residential care institutions are not the best solution for children in need and can cause emotional harm and neglect. Studies have shown that children who live at residential care facilities often have a lover IQ compared to their peer group as well as delays in some cognitive functions as memory or attention and often show an age-inappropriate behaviour for example nervous excitement or excessive playfulness or hyperactivity. This reactions are also known as "institutional deprivation syndrome" caused through a lack of emotional "happiness" (Berens

2015). Positive is that some studies have also shown that a reunion or reintegration into its own family or a new one (e.g. adoption) can have a positive effect to the child and can lead to a well recovery of the child (Berens 2015).

Unfortunately, it is also often the case that the deprivations of social and environmental stimulations during the time at residential care has lifelong consequences for the child (Berens 2015). Children who grew up at residential care institutions often suffer in their future life after leaving the institution. For example problems of reintegration into the society and by poor parenting of their own children due to the lack of emotional connection through their childhood live at the institutions. They also have problems building close relationships with others. Surveys show *that "young adults who leave residential care are 10 times more likely to fall into sex work than their peers, 40 times more likely to have a criminal record and 500 times more likely to take their own lives".* (Save the Children, n.d.).

Physical harm:

The negative impact on the emotional and physical development of a child who lives at residential care institutions has been researched for over 80 years. Researches were undertaken to understand what kind of influence living in residential care facilities has to the children's development. Professionals are certain that "*the least access to individualised caregiving"* is one of the key indicators that lead to development difficulties (Berens, 2015).

Due to a lack of regulations, professional caretakers, awareness of policies children who live at residential care institutions are at high risk not only to suffer emotional harm because of family separation and missing emotional connections but also to experience emotional, physical and sexual violence through caretaker and visitors. The risk of sexual abuse is four times higher for children at such institutions than for other children. In addition, the risk to become a perpetrator in their future live for residential care children is also higher (Save the Children, n.d.).

Due to all the mentioned risks children are exposed to at residential care institutions professionals recommend alternative ways of care for children who cannot live with their parents including e.g. foster care, kinship care, guardianship or adoption (UNICEF, 2006). These forms of childcare provide children a life with their intended family, community or adopted parents so that the child is not one out of many children and can build close relationships (Ruby, 2011).

Unfortunately, the rapid increase of residential care institutions all over the world has a negative impact on alternative care forms because it is cheaper for families and

communities to give the child to an institution instead of raising children on their own. (Save the Children, n.d.).

Bearing in mind that residential care can cause negative impacts on the children it can be said that under normal circumstances the best way for a child to grow up is to live with their parents. If this is not possible the next best option is to live with their extended family or community or in other forms of alternative care instead of living at residential care institutions. Only if there is no other option the child should be sent to a residential care facility.

2.2.5 Interim Conclusion

The chapter 2.2 focused on the research question: what does child abuse and exploitation mean? What is the connection between child exploitation and the tourism industry? And what is the current situation on orphan hood and orphanages?

The terms child abuse and child exploitation including the definitions and the worldwide situation of children related to child abuse and exploitation and the connection to the tourism industry were researched in this chapter. Furthermore, this chapter focused on orphanhood and the different kinds of care including a research on the impacts and risks of these kinds of childcare.

The results show that child abuse and exploitation can happen in every country, destination, institution or home. There are different forms of abuse as physical abuse, mental harm, neglect or sexual abuse. According to UNICEF an estimate of 133–275 million suffer under violence from their caregiver. If the abuse includes benefits for the perpetrator it is called child exploitation. Worldwide an estimate of 168 million children are forced into child labour. 32% of these children are working in the service industry which includes the tourism industry. over 13-19 million children work in the tourism industry, for example, as waitresses or in hotels or restaurants. But there are also hazardous forms of child labour in the tourism, for example, the case when the children are forced to work as prostitutions. Children often end up in child labour due to poverty and a lack of social welfare systems. Parents send its children to work or sell their children to trafficker because they think the children will get a better future. But many of these children have to work under hazardous conditions or are sent to orphanages.

Children at orphanages belong to a highly vulnerable group of children. They are on a higher risk to be abused or exploited than other children. They can suffer under mental and physical abuse by caretaker or visitor. Professionals recommend that residential care

institutions be the last option for children in needed and recommend instead that children should grow up in alternative care as living with their extended family or foster care.

Now by knowing the definition of child abuse and child exploitation, how many children worldwide suffer under these crimes; knowing that there is a link to the tourism industry and knowing that children in residential care institutions*" […]are already vulnerable due to family separation[…]"* and*" […] are at increased risk of violence, abuse and long-term damage to their cognitive, social and emotional development,"* (UNICEF, 2017). makes it even worst that children get used for profit through orphanage tourism. The next chapter will explain what orphanage tourism means in particular, how it works and who is involved.

3 Orphanage Tourism in Cambodia

Orphanage tourism describes a tourist activity in which tourists or volunteers visit or work at a residential care institution, mostly called orphanage, in a developing country for a short period of time. They teach and play with the children and often leave donations. In tourist hotspots like Siem Reap, the gateway city to Ankor Wat in Cambodia, many tour operators offer these trips to orphanages (Carpenter, 2015).

During the last years, allegations have grown that this type of travel activity, which is based on the good intention of the traveller, leads to child exploitation and that children at residential care institutions, who are already at a higher risk for abuse than other children (as mentioned in chapter 2.2.2), get used as tourist attractions and therefore suffer under abuse and exploitation. Sebastien Marot, founder of the NGO *Friends International* and based in Cambodia, described orphanage tourism as “a cynical marketing ploy that exploits children. The system is very simple, you put a few poor-looking, sad-looking children in a centre and you try to attract tourists." (Carmichael, 2011). This is indeed a harsh statement but looking at it from a scientific point of view the important questions are: What does orphanage tourism mean in particular? How does this system work? What are the causes that lead to this phenomenon? And how can the children be protected?

Nowadays a lot of journals and articles – more on orphanage tourism from journalists and NGO’s than academic ones - exist and nearly all of them say the same: most of the children are not real orphans; tourists and volunteers want to do something good but do harm instead; and the children are trafficked and exposed to violence, mental harm and sexual exploitation. However, only little has been published on the causes and the whole construct of the system of orphanage tourism with all the involved parties and their intrinsic intentions.

Therefore, the author wants to analyse the involved parties to create an Ishikawa Diagram to analyse the causes that lead to orphanage tourism. To do so the orphanage tourism situation in Cambodia will be used as a case study.

The author decided to use Cambodia as a case study due to the facts that a) Orphanage tourism already turned into a business in Cambodia and the number of orphanages increased with the raising number of tourists and b) several NGO's in Cambodia have already started to implement awareness raising programmes such as the campaign "Children are no Tourists Attractions" launched by the NGO Friends International in cooperation with other organisations to combat orphanage tourism (Friends International, 2001).

Looking again at the following statement: "orphanage tourism is a cynical marketing ploy that exploits children. The system is very simple, you put a few poor-looking, sad-looking children in a centre and you try to attract tourists" (Carmichael, 2011). In other words, this statement says that orphanage tourism is a business where children get exploited and used to attract tourists with the aim of the tourists feeling sad for the child and donating money.

If orphanage tourism is a business, there must be a supply side and a demand side as well as a product, as in every other business. If this is the case tourists and volunteers would be on the demand side and the orphanages have to be on the supply side. The product would be the child which is used to gain compassion and by these donations from the tourists and volunteers. Based on this assumption, the author starts with analysing the "product" which are in this case the children at the residential care institutions, followed by analysing the demand side consisting of the two target groups' tourists and volunteers, before analysing the orphanages on the supply side. This will be followed by the identification and analysis of other involved parties.

3.1 Economy and Country Information

Before analysing the orphanage tourism situation, it is useful to get some basic information about the economic situation of Cambodia. Cambodia with a size of over 181.035 square feet is located in Southeast Asia next to Thailand, Laos, Vietnam and the Gulf of Thailand. The main language is Khmer while English and French are common languages as well. 95% of the 16 million citizens are Buddhists. Phnom Penh is the capital city of the country. Once a French colony the country has been independent since 1953. After the Vietnam war extended into the country in 1969, years of war and a genocide by the Khmer Rouge from 1975-1979 the country turned in 1993 into the "Kingdom of Cambodia" (worldometers, n.d.; Asia Travel, n.d.).

While Cambodia's economy is continuously growing the country still belongs to the least developed countries (LDCs) in the world with over 14% of its people living below the national poverty line (Asian Development Bank, 2017a; UNCTAD, 2016). Whereas the country experienced an economic uprising the people still suffer under poverty and corruption where children are the ones who suffer the most under these circumstances (ECPAT International, 2011). The country's history of war forced thousands of Cambodia's children into orphanhood. During the Khmer Rouge period over 1.7 million people died and the orphanages were overfilled with orphans. There were so many orphans that in 1975 the USA extended its "Operation Babylift"[8] and brought hundreds of children from Cambodia to America to save them. While after the war the number of orphans slowly but continually started to decline the number of orphanages began to grow in tourist hotspots during the last few years. Professionals say this phenomenon is related to the rising number of tourists who visit the country (BBC, 2014). The number of tourists rises constantly every year up to 5 Mio. tourists in 2016. This made the tourism industry one of the main economic sectors in the country (Tourism Cambodia, 2016). In the last decades orphanage tourism turned into one of the central activities for tourists (Guiney, Mostafanezhad, 2014). This has followed with growing concern that this kind of tourist activity exploits the children. As a result, a double movement developed in the country were Cambodia's economy stands opposite a countermovement of anti-orphanage tourism campaigns. The double movement after Polanyi assumes that always after a while a countermovement against a neoliberal economy is implemented to ensure social protection. In cases of the neoliberalism of orphanages and its orphans in Cambodia, it was mainly international NGO's that started a countermovement to stop orphanage tourism in the country. The kinds of measures and campaigns that have been undertaken will be specified in chapter 3.8 (Guiney, Mostafanezhad, 2014).

3.2 Children at Residential Care Institutions

Before looking at the countermovement campaigns lets have a look at how the orphanage tourism system works, starting with the "product": the children itself. Reasons why children end up in orphanages in Cambodia are the same as mentioned in chapter 2.2.4. Again, poverty is the main reason as parents send, or sometimes even sell, their children to orphanages with the hope they will get a good education and better future (Pitrelli, 2012). The children who have to live at a residential care institution think the orphanage is a good choice to get a good education and a better future. At the same time, they say that they

[8] Operation Babylift = Babies were brought from Vietnam and Cambodia in 1975. The babies were orphans or at least children were no information about the parents existed. They were brought to America and other countries for adoption. (Agency for International Development. 1975)

miss emotional connections (see chapter 2.2.4). The families and children do not know that the orphanage is involved in the tourism business. The orphanages who only run for business exploit the children and see them only as commodities. Those institutions use the children as tourist attractions. They want the children to look poor to ensure that they catch the emotions from the tourists and earn donations. This means that the children have to live under unacceptable conditions. Some have to work for the principal e.g. on rice fields to make money for the orphanage, and many of the children who life at residential care institutions have to perform shows and dances in front of tourists to earn donation. In the worst case, the children are sexually exploited. Moreover, most of the donated money from the tourists do not benefit the children. It stays with the principal of the orphanage while donation as clothes or toys get sold on the markets (The Guardian, 2016a; Carmichael, 2011). Overall, orphanage tourism has no positive effect on the children who live at the orphanages.

3.3 Tourists & Volunteers

The phenomenon of orphanage tourism and its institutionalisation meaning that more and more children in Cambodia are brought to an orphanage, is supported by the well intending but unaware tourists and volunteers who come to Cambodia and other developing countries to visit and work at orphanages (ReThink Orphanages, n.d.; Horton, 2011).

Whereas in the past tourists had little interest in their impact on their travel destination and were focused on activities for relaxation, nowadays more and more tourists are interested in contributing to their travel destination. This new behaviour is influenced by the positive development in the tourism industry and its trend of sustainable tourism. These days tourists are interested in being more involved in their travel destination and want to visit poor places like slums or orphanages during their vacation. This type of tourism has various names, for example, poorism and takes place in developing countries. Tourists want to see the “real life” and want to get an “authentic experience”. They also want to give something back while traveling. For this the tourists often leave donations at the places they have visited (Sharpley, 2011; The Conversatioin, 2017). They are often also willing to work during their holidays. This type of traveling is called voluntourism. The volunteers are especially interested in working with children. If one searches the keywords “volunteer orphanage abroad“ on google it leads to a result of over 505.000 findings. A destination where voluntourism became increasingly popular is South-East Asia. Since then, the number of orphanages strongly increased in its tourist hotspots (Tourism Concern, n.d.a.).

Most of the tourists have the best intention in mind when they visit an orphanage. Thousands of traveller come to Cambodia every year accompanied with a desire to help

the children in the country. Unfortunately, this good intention leads to a rise in orphanages in tourist hotspots simultaneously with the rising number of visitors and thereby to a rising number of orphans, which automatically implies family separations (Tourism Concern, n.d.; Friends International, 2011).

While the tourists and volunteers believe they do something good by visiting, donating or working at an orphanage, they in fact back a business that separates families and exploits children (Horton, 2011). As orphanage tourism is a business which includes child exploitation, child trafficking, physical and emotional harm and violence as well as sex tourism and is even defined as a form of modern slavery (Better Care Network, 2017;Tourism Concern, n.d.a.; Carmichael, 2011).

In this context, the results from a research undertaken by UNICEF and the The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) in Cambodia are quite interesting. The study has shown that 65 percent of the interviewed tourists actually said that living with a relative is the best environment for an orphan while at the same time 91.8 percent of the interviewed tourists said they are willing to donate or already donated to an orphanage. These two statements are contradictory to each other. The reason why the tourists support orphanages even though most of them said they prefer family care for orphans is that many tourists do not trust the parents and assume they would not use the money for the children and thus do not want to donate to single families. They prefer to donate to an orphanage or an organisation that supports orphanages because they seem trust worthier. The research indicates that the tourists are not aware of the orphanage business and their own impact on the situation in Cambodia and thus continue donating to orphanages (Ministry of Social Affaires, Veterans and Youth Rehabilitation Cambodia, 2011).

Another interesting fact is that the number of orphans in residential care institutions increased worldwide while the number of both raised in tourists hotspots in developing countries (Horton, 2011; Tourism Concern, n.d.). This shows that tourists and volunteers and their good will are the reason why many orphanages are launched.

As mentioned at the beginning of this chapter another special form of traveller who is involved in the orphanage tourism business is a volunteer. Volunteers are working during their journey for companies or organisations who try to alleviate poverty or other negative circumstances in a specific area, mainly in developing countries. At the same time the volunteer is seeking for a personal experience and the feeling of doing something good. Volunteering is not a new phenomenon. It started with missionary movements in the 19th

century and has since then become a common strategy for many organisations to undertake their workload on a minimum of financial expense (Hertwig, 2014).

Volunteering is one of the fastest growing travel trends and promises a lucrative business. In 2016 more than 1.6 million volunteers spend worldwide 2 billion USD (Stowaway, 2016). As mentioned above the keywords “volunteer orphanage abroad“ on google alone leads to a result of over 505.000 findings. A high number of organisations are nowadays offering voluntourism only to financially benefit from this business. There are cases where only a minimum of the money the volunteers paid to the organisation goes towards the project e.g. the orphanage that the volunteer is working for. Most of the money stays with the organisation. This leads to the result that volunteering not only supports the growing number of orphanages in the country but also the rise of corrupt organisations that benefit from sending volunteers to orphanages (Ruhfus, 2012).

Similarly to other tourists who visit orphanages, volunteers have the best intention in mind when working at an orphanage. This interest in volunteering at an orphanage supports the orphanage tourism business in the same way how day tourists support it. Moreover, the volunteers can cause even more harm to the children than the day tourists because they are often unexperienced in childcare. They do not have the professional knowledge to interact with and care for the children in a proper way. The average volunteer is between 20 – 25 years old while the age is getting younger. Today many of the volunteers just finished school or studies. Furthermore, the volunteers stay at the residential care institution only for a short time like a few weeks or months. Children at residential care suffer under a lack of emotional care and seek attention as a result of this emotional neglect (see chapter 2.2.4). By interacting and building relationships with the children the volunteers believe they help the children at the orphanage. But at the end it just produces a good feeling for the volunteers while the children have to live with regular emotional neglect after every farewell from another volunteer (Ruhfus, 2012: NPR, 2014; Rosas, 2012). This is the reason why there is a growing concern that voluntourism at orphanages benefits the volunteers much more than the children who live at the residential care institutions. Some people even say the young volunteers only work at an orphanage for self-presentation by taking selfies and posting it on social media channels NPR, 2014; Horton, 2001).

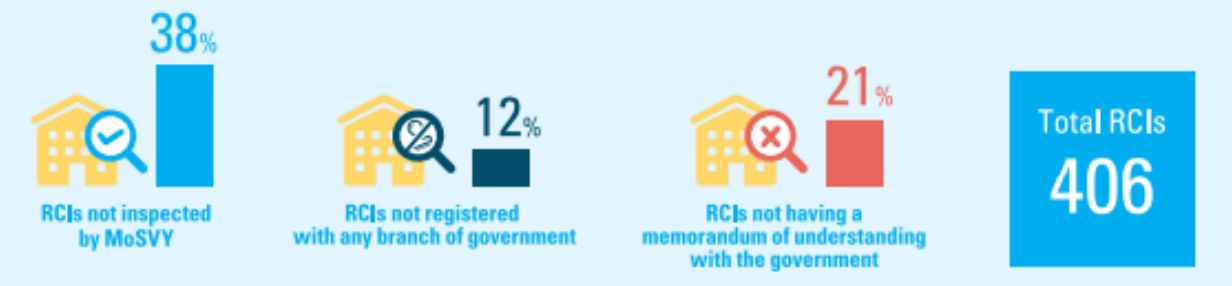
Another negative and alarming fact that demonstrates how dangerous orphanage tourism can be for the children at the residential care institution is that not all of the tourists and volunteers who visit an orphanage come with good intentions. As already mentioned in chapter 2.2.4 children at residential care institutions are at high risk to get sexually exploited. SECTT (Sexual Exploitation of Children in Travel and Tourism) has become a serious

problem in Cambodia and many of the perpetrator use orphanages to get in contact with the children. They come to the institutions in the guise of volunteers or tourists or they even open an orphanage themselves. Several cases have been identified in Cambodia during the last years were children at residential care institutions are sexually exploited not only by caretakers but also by tourists and volunteers (Dombrowski, 2015; Al Jazeera, 2012; Hawke/Raphael, 2016). Finally it can be said that tourists and volunteers enable the orphanage tourism business, or more specifically their interest in visiting children at residential care institutions is the reason why many orphanages around tourism hotspots turned to tourism and into a business to earn money. In the worst case, the tourists and volunteers are visiting the institutions with bad intentions and sexually exploit the children who live there.

3.4 Orphanages

After analysing the demand side and understanding the intentions of the traveller as well as the thereby occurring risk, the question is who belongs to the supply side. As mentioned above this will start with analysing the orphanages.

Figure 3: Who is running residential care institutions in Cambodia



Source: (Ministry of Social Affaires, Veterans and Youth Rehabilitation Cambodia, 2017b)

A new research undertaken by the MOSVY (Ministry of Social Affairs, Veterans and Youth Rehabilitation) with the support of UNICEF in 2017 tried to identify the current number of existing childcare institutions in the country. The results show the complexity of the situation especially related to residential care institutions.

In Cambodia a number of 639 childcare institutions are identified all over the country. Out of this amount of childcare institutions, 406 are residential care institutions while the other facilities are transit homes & temporary emergency accommodations, pagodas and other religious buildings, group homes or boarding schools. These 639 institutions hosting more than 26.00 children plus over 9.000 youth (age 18-24) distributed over all the different types of facility. More than 16.500 of the children live at the 406 residential care institutions. Out of these 406 facilities, 22 are state run under the MOSVY, 334 registered at one of the

ministries or local authorities and 50 institutions are still unregistered. Most of the 406 institutions are private run besides the 22 who run under the government. Several of the 384 private run institutions are religious based but a specific number could not be identified yet. Besides the 22 governmental run institutions 297 accepted one or more memorandums of understanding with the government, whereby 87 do not. Moreover, the MOSVY already inspected 250 of the residential care institutions while 156 have not been inspected by the MOSVY yet. This means there are 156 so far uninspected (by MOSVY) orphanages and 87 orphanages that have not accepted one of the memorandums from the government. This leads to a lack in the legal system and a lack of control, which puts the children at these orphanages at higher risk for abuse and exploitation. (Ministry of Social Affaires, Veterans and Youth Rehabilitation Cambodia, 2017a).

As mentioned in chapter 2.2.4 orphanages are actually childcare institutions with the intention to take care of children who lost its parents or in many cases as well for children whose parents are not able to take care of them. Whereby professionals pointing out, that such institutions should be the last option for a child in need and only be considered if there is no other way to take care of a child. By knowing that it makes it even worse that today more and more child protection NGO's such as Friends International or UNICEF are concerned and already pointed out that running an orphanage turned in many countries into a profit making business (Tourism Concern, n.d.b.). Related to this it is an interesting and alarming fact that during the last years the number of orphans worldwide declined and also the number of orphanages declined in industrial countries and were replaced by alternative care, while the number of orphanages in third world countries raised constantly (Tourism Concern, n.d.a.; Horton, 2011).

Professionals see here a connection between the rising number of orphanages and the rising number of tourists. As already mentioned tourists are interested in visiting and supporting poor children. The tourists are asking for visits to orphanages and therefore, as in every other business the demand determines supply. And while the number of orphans actually declines children get trafficked from their families to fill the orphanages with orphans. These trafficked children are known as paper orphans, because the orphanages create fake documents in where the children titled as orphans**.** Partially the principals of the residential care institution even buy or rent the children from the parents (Baranova, 2012).

Many of the orphanages are founded privately and are often supported by overseas donors. These donors are often private donor and often ex volunteers or tourists who travelled through the country in the past (Ministry of Social Affaires, Veterans and Youth Rehabilitation Cambodia, 2011). Therefore, it is not quite surprising that orphanages also

started to try earning donations from tourists during their journey while they are still in the country. This way of collecting money includes the negative trend that the orphanages started to use the children as attractions for the tourists to earn the money (Aquino, 2017; Carmichael, 2011).

This newly discovered opportunity to generate donations leads to the result that nowadays the main interest of many orphanage owners in developing countries is no longer to create a safe environment for the children. They open the institution to attract tourists and donors to earn money (Tourism Concern, n.d.b.).

One indicator that orphanages are run only to attract tourists and volunteers is, as mentioned above, that the number of orphanages increased almost simultaneously with the rising number of tourists. In Cambodia the number of orphanages rose over 88% during the last years while the number of tourists also rose over 76%. Another indicator to underpin the claim that many orphanages are only run with the purpose to attract tourists is the fact that most of the institutions are based in or near by tourism hotspots as is the case in Siem Reap, the city close to the tourist attraction “Ankor Wat” (Horton, 2011).

To earn money, the orphanages use the good will of the tourists by using the children from their institution as a tourist attraction. By holding the children at the institution on a minimum of care the orphanages warrant to catch the emotions of the tourists and volunteers and therefore their money (Rosas, 2012).

The fact that living at a child care institution leads to emotional harm of the children plays right into the hands of corrupt orphanage owners: due to a lack of emotional connection (mentioned in chapter 2.2.4) the children are desperately seeking for attention. This desire to get attention then again appears to the tourists as a lovely and pitiful behaviour, which leads to the result that tourists spend money and the orphanage makes profit. This shows again that the good-will of the tourists and volunteers enables the orphanage tourism business in countries like Cambodia (Horton, 2011).

When reading about orphanage tourism and its causes one can often find two more arguments that are considered as indicators that orphanages turned into businesses in Cambodia. The arguments are the following: one argument is that according to UNICEF only 28% of the children at the orphanages in Cambodia are real orphans whereby the other children still have at least one parent alive and these non-orphans were only brought to the institution to fill the orphanage to make profit (Horton, 2011). Indeed children should not live at residential care facilities if they have relatives. But from the author’s point of view is the fact that non-orphans live at an orphanage not automatically a proof that these orphanages

only run the orphanage for profit. After all, as mentioned in chapter 2.2.4, there are several other reasons than orphan hood why children live at child care institutions. The high number of non-orphans at residential care institutions is only proof of the inability of Cambodia's social system to protect the children. The main reason why children live in orphanages in Cambodia is poverty. Parents who live in poverty often see no other way than sending their children to child care institutions. So what can be said is that the high number of non-orphans is not a direct indicator that those orphanages turned into business but an indicator that the economic situation and the fact that 14% of Cambodia citizens live under the countries poverty line puts children at high risk to be sent into child care institutions and thus are used as tourist attractions. In addition, the fact that parents send or sell their children to child care institutions seems to be a basic condition that the whole orphanage tourism business can work. This proves that high poverty and a bad social welfare system in the country influence the orphanage tourism business.

The other of the two often-mentioned arguments is that not all of the orphanages are registered at the government or their local ministries (Chanel News Asia, 2016). There are only 22 orphanages in Cambodia, which are state run under the government. The others out of the over 406 orphanages are private run and often faith-based. Professionals implement it as a fact that the private run, especially the unregistered orphanages, use the children as a tourist attraction (Carmichael, 2011; Chanel News Asia, 2016). Even if the private run institutions rely on donations this alone is from the author's point of view difficult to see as proof that they turned into businesses or that the orphanage owners use the children as a tourist attraction. What can be said is that those orphanages are at a higher risk to turn to the tourism industry for money because they rely on donations. It is difficult to say and has not been proved that all unregistered orphanages are unregistered because they want to run the orphanages as a business. What can be said instead is that the high number of unregistered orphanages has a high potential to cause orphanage tourism. The important question here is: How is it possible that so many orphanages are unregistered? Who is running these orphanages? And what does the regulations to open an orphanage look like? Therefore, it is necessary to look at the regulations and the social welfare system of Cambodia. This will be analysed later on under chapter 3.

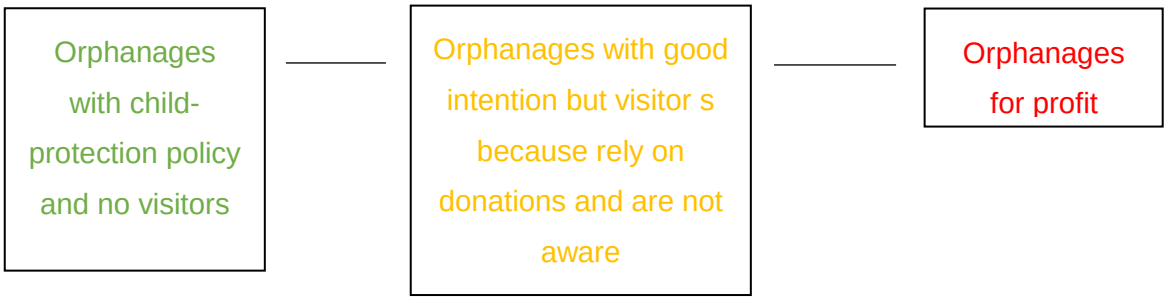
There are many cases in Cambodia where children were exploited at the orphanages. The orphanage staff do not take care of the children. They abuse them and do not provide enough care as e.g enough food or water or a proper bed. There are orphanages who force the children to perform shows and dances for tourists to earn money and therefore force the children into child labour (Al Jazeera, 2012).

Furthermore, most of the institutions do not undertake any criminal background checks before hiring caretakers or before allowing visitors and volunteers to enter the compound. They do not have a child- protection policy or other regulations related to child protection. Some have even an open entrance policy so that everyone can come in at any time without any check-ups. Some even allow the visitors to take the children out of the orphanage. And there are also cases where the orphanages force the children into the sex industry. These circumstances put the children at the orphanages at high risk to get abused and exploited in the hazardous forms. The children can get sexually exploited by the orphanage staff but also sexually exploited by visitors. This leads to the result that orphanage tourism supports SECTT (Al Jazeera, 2012; Dombrovski, 2015).

As mentioned earlier there are cases where foreigners opened an orphanage in Cambodia and sexually exploited the children and there are as well registered cases where visitors came to an orphanage to sexually exploit children at the institution (BBC, 2011).

At this point it has to be mentioned that not all of the residential care institutions in Cambodia are corrupt institutions with bad intentions. There are orphanages that provide good care for the children, who do not accept tourists or other visitors and have a child protection policy. There are child care institutions that run the orphanage with best intentions but since they rely on donations and are not aware of the risks of orphanage tourism they turned to the tourism industry and try to attract tourists and volunteers to earn more money (Tourism Concern, n.d.b.; Hartley, Walker, 2013). In addition, there are that kind of orphanages who only exists for business. Child care institutions as orphanages can thus be divided into three different categories:

Figure 4: Three Different Kinds of Orphanages



Source: Own design based on the findings of chapter 3.4

Green= Residential care institutions who really take care of the children (even if residential care is not the best solution for a child and forms of alternative care would be the better way to build a safe environment for the children)

Yellow= Orphanages with good intention but who need the donations from visitors and/or are not aware of the risks of orphanage tourism and without proper child protection policies

Red = Orphanages who only opened for profit. Hosting eventually trafficked children as well

3.5 Tourism Industry

The fact that many tourists and volunteers are interested in visiting an orphanage leads to the assumption that the tourism industry is also involved in orphanage tourism. Both independent travellers and those who travel in organized groups are interested in visiting orphanages. In Cambodia it is common that the travel itinerary includes a stop at a residential care institution for children (Horton, 2011). At the tourism hotspots like Siem Reap tourists can find a high number of offered trips to private orphanages. Tour operators, tour guides and hotels offer orphanage visits and tell the tourists that they could make a difference when they visit and maybe as well donate at an orphanage (Pitrelli, 2012; Carmichael, 2011). Besides the tourists, volunteers are the other group of travellers who using tour operators and travel agencies to get connected with orphanages. Volunteers can also book a volunteer stay from one of the organisations that are specialised in that kind of traveling. If one searches the keywords “volunteer orphanage abroad“ on google it lead to a result of over 505.000 findings (Tourism Concern, n.d.). The problem is that many of the organisations who send volunteers to orphanages in Cambodia do so without undertaking criminal background checks on the potential volunteers (Al Jazeera, 2012). Also, the control of whom the organisations work with is not done well. One of the biggest operators that offers volunteer work abroad is *Project Abroad*. The organisation is one of the organisations that sends the volunteers to Cambodia’s orphanages. Research has proven that *Project Abroad* still works with orphanages where the government has identified that these orphanages do not undertake proper childcare and do not comply with the regulations. This is a drastic fact, which proves that the tourism industry supports the exploitation of children through orphanage tourism.

During the online research the author also found an organisation named “WorldUnited!” that offers volunteering at orphanages from a short time stay starting at 4 month. The website supplies a page called “child protection in volunteering”. There WolrdUnited! informs the reader that if volunteering at an orphanage, no close relationships shall be made with the orphans and every child has to be treated equally to avoid that the children get emotionally hurt or feel neglected. It is possible that this aim to inform the website visitor can be counted as positive but from the author’s point of view this tour still supports possible child abuse because even if WorldUnited! writes about possible risks for the children they still offer voluntourism at orphanages. These circumstances, in combination with the fact that many organisations keep most of the money for themselves, assumes that the organisation focuses on making profit instead of protecting children. The fact is that they support the

orphanage tourism business by sending volunteers to orphanages (World United, n.d.a; World United, n.d.b.).

3.6 Trafficker

When the number of orphans declined during the last decades but the number of orphanages rose constantly in Cambodia the question is: where do the children come from? The answer is that orphanages recruit street children or children from families who suffer from poverty. As mentioned above poverty is one of the main reasons why children are sent to an orphanage. The parents send their children to orphanages and think this would be the best option for a better future for the children. The orphanages who run the institution for business use this situation to fill their institution with children. That leads to the result that children get rented or bought and sent away from their families into the orphanages. The orphanages tell the families that the children will get a better future and proper education and by doing so convince the parents to give away their children. The parents even sign contracts with the orphanage owner or trafficker in which they agree that they send their children to live at the orphanage (Somervail, 2014; Chanel News Asia, 2016). These trafficked children are also called paper orphans because they still have a family and are only on the faked document referred to as orphans. (Doore, 2016). Because the children are trafficked and forced to live at the orphanage and often have to perform shows for the tourists, orphanage tourism is already described as a modern form slavery (Save the Children, 2017).

3.7 Laws and Regulations related to Residential Care

How is all this happening? How is it possible that children get trafficked and sent to orphanages and can everyone open and run an orphanage without any childcare experiences or official registration? To find an answer to these questions one has to go a step further on to the governmental level. Looking back at the figure 1 Cambodia agreed with all regulations and laws from the UN, ASEAN and ILO related to child protection. Furthermore, the country implemented several national laws, regulations and policies related to child protection to created a proper child protection system[9]. This includes for example the Law on the Suppression of Human Trafficking and Sexual Exploitation (2008), Policy and Minimum Standards for Protection of the Rights of Victim of Human Trafficking

[9]Child protection system: A child protection system is 'a set of laws, policies, regulations, services and capacities needed cross all sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks'. (United Nation, 2008)

(2009), the National Plan of Action on Counter Trafficking 2014-2018, Juvenile Justice Law (2016), and Action Plan on Violence Against Children (2017-2021) (World Vision, 2017).

Moreover, the government implemented mechanisms that shall ensure the realisation and fulfilment of the implemented measures. This includes the establishment of the Cambodia National Council for Children (CNCC), the Women and Children Consultative Committee (WCCC) and the Commune Committee for Women and Children (CCWC) (World Vision, 2017). The Cambodian National Council for Children was established as a monitoring mechanism for all actions related to child protection in Cambodia. The council has the task to evaluate and monitor the implementation of the CRC, to develop policies and action plans and to build a linkage between different groups on international and national level (Cambodia National Council for Children, 2017).

Also policies especially focused on protection of children in care facilities do exist. In 2006 the MOSVY (Ministry of Social Affairs, Veterans and Youth Rehabilitation) published a Policy on Alternative Care for Children which was entered into force in 2011. In 2008 the government published the Minimum Standards on Residential Care for Children. These two documents are the first one of its kind in Cambodia and include minimum standards to ensure a safe environment for children who are separated from its parents (Gjerde, 2015).

The Minimum Standards on Residential Care for Children includes 12 articles which contain clarifications on how the children at the residential care institution have to be treaded, how the buildings and the compound have to look like, conditions for the staff as well as what kind of information about the child have to be documented. Furthermore, the article 10 says that “Provincial/Municipal DoSVY are obliged to regularly monitor the implementation of the Minimum Standards in the residential care facilities in their respective province/municipality and the Child Welfare Department is obliged to monitor MoSVY’s orphanages. In case the facilities do not comply with the Minimum Standards, Child Welfare Department or DoSVY shall notify the facility and give the facility 3 month before re-monitoring. After this 3 month period if the facility is still not complying with the Minimum Standards the Child Welfare Department or DoSVY shall make a report to MoSVY to suspend the facility or take legal action.” (Ministry of Social Affairs, Veterans and Youth Rehabilitation Cambodia, 2006b).

It can be said that the combination of international and national laws, regulations and guidelines build a solid legal framework for child protection in Cambodia to keep children safe from abuse and exploitation. Trafficking, prostitution as well as child labor are prohibited in the country and minimum standards for residential care institutions are set up to ensure a safe environment for the children. Even monitoring mechanism are implemented to supervise the implementation and compliance of these regulations such as article 10 of

the Minimum Standard on Residential Care Institutions for Children or the Cambodian National Council for Children.

The reason why children still suffer under abuse and exploitation through (besides others) orphanage tourism is that the government has problems in monitoring and implementing the laws and regulations due to a lack of control. As recently mentioned 50 institutions are still unregistered, 156 have never been inspected by the MOSVY and 87 have not accept any memorandums of understanding with the government. That means there are still many orphanages who do not follow the minimum standards, which leads to the result that many residential care institutions can still abuse and exploit the children without being noticed (Davidson, 2014; Dombrowski, 2015).

The unclear and uncontrolled situation leads to the result that still an estimate of 313.000 children got trafficked and send into child labour and prostitution in Cambodia (ECPAT International, 2011). Moreover, due to the lack of control theoretically everyone can open an orphanage at any time without having any experience in childcare or an interest in preparing a safe environment for the children. From 2012 – 2014 only two orphanages were identified and closed because of proof of child abuse and exploitation. In 2016 a total of 56 residential care institutions were closed for these reasons. This shows how slow and unregularly the control process is (Somervail, 2014; Davidson, 2014; Meta, Maza, 2017).

The Committee on the Rights of the Child said in a monitoring report from 2015 they appreciate that Cambodia implemented measures to prevent child sex tourism in the country. Nevertheless, they are concerned that children still are (besides others) sexually exploited by tourists and travellers. They are especially concerned about the growing trend of orphanage tourism where children are exposed to sexual exploitation (The Committee on the Rights of the Child, 2015).

Finally, it can be said that first steps have been undertaken to stop orphanage tourism in Cambodia but the implementation and monitoring of these measures is lacking and therefore the ongoing situation is still unacceptable and a breach of child rights as long as children at residential care institutions are abused and exploited (Save the Children, 2017).

3.8 Implemented Awareness Raising Measures

As mentioned in chapter 3.1 a countermovement against the exploitive orphanage tourism phenomenon already exists. These are expressed in the form of awareness raising campaigns mainly aimed at tourists and volunteers executed mainly by NGO’s. This subchapter will give an overview of the most popular awareness raising measures.

A non-governmental organisation who is doing a lot to raise awareness on orphanage tourism in Cambodia is the NGO *Friends International*. The organisation launched the global child protection initiative “Child Safe Movement”. This initiative published in 2011 a campaign under the title “Children Are Not Tourist Attractions”. Addressed to travellers the campaign wanted to inform tourists about orphanage tourism and their impact on the exploitation by visiting, donating or working at an orphanage. For the campaign *Friends International* created with the support of UNICEF a scene where, as one can see below, two children sitting in a glass box are surrounded by people who are starring and taking pictures of the children (Friends International, 2015). 4 years later another campaign was created. This time addressed the donors who support orphanage tourism. A video was produced that shows how donations to orphanages support family separation and create orphans. And that donations to projects who support poor families are an alternative. To depict this they used doll packaging covered with pictures of orphans in the video as one can see in the image below. In an interview, *Friends International* said that in 2015 over 30 million people have seen the Child Safe messages (Think Child Safe, n.d.; Friends International. 2015).

Figure 5: Campaigns Against Orphanage

Source: (Friends International, 2015a; Friends International, 2015b)

Another organisation who works in the child protection field is *SISHA* based in Phnom Penh. The organisation offers volunteers who work at orphanages in the country the possibility to report their concerns about their workplace related to the wellbeing and protection of the children. The organisation then proves these concerns and undertakes measures if necessary (Al Jazeera, 2012).

Tour operators have also started to inform their costumers about orphanage tourism and/or added child protection policies and statements on their position to orphanage tourism. For example, *Travel Indochina* published a paper called “Statement on orphanage tourism”. In this statement the organisation pointed out that they do not offer any trips to orphanages and do not support the orphanage tourism business. They inform about the phenomenon

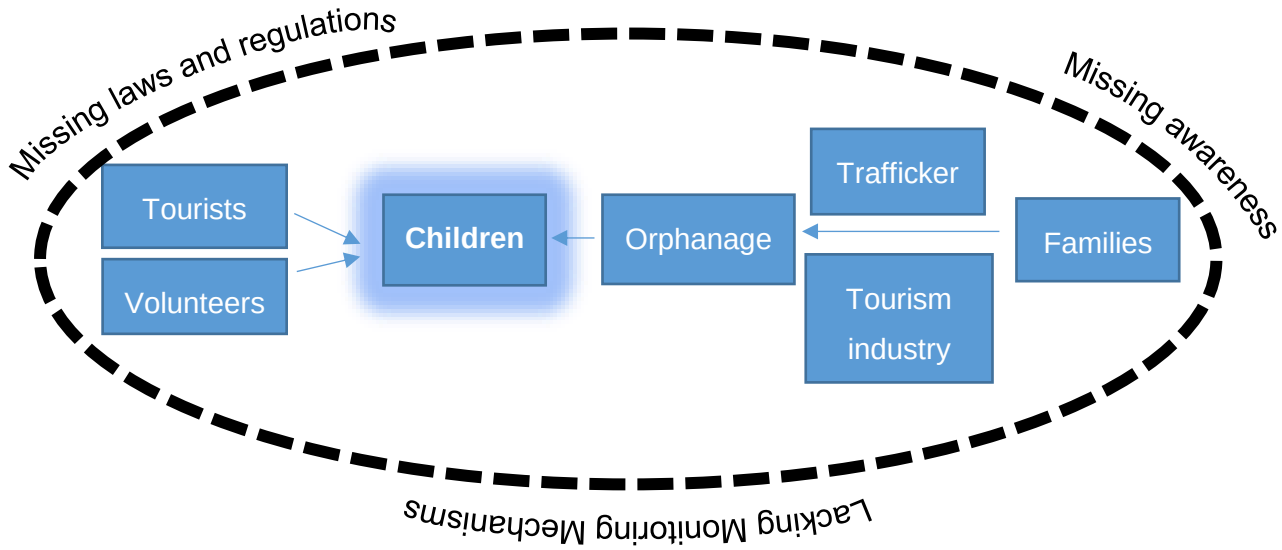
and how the tourists, if they are interested in giving donations, can do so by donating to other NGO's after undertaking deeper research on the NGO before the donation (Travel Indochina, n.d.). Other tour operators, like the organisation *Intrepid Travel,* published several journals on its website and blog. The journals inform about orphanage tourism and measures a traveller can undertake to avoid child exploitation (Intrepid Travel, 2017).

Besides awareness raising campaigns from NGO's the countermovement is widespread even over country boarders. For example, Australia is planning to ban the involvement of Australia in the orphanage tourism business. This shall include every tour operator or other organisations who offers orphanage tourism as well as any support or donation to organisations or person who are involved in that kind of business. Furthermore, awareness raising measures within Australia shall be undertaken to avoid that Australian citizens are interested in orphanage tourism in the future and know how to support poor children during their stay in e.g. Cambodia in the right way (Knaus, 2017; Yaxley, 2017).

3.9 Interim Conclusion and Problem Tree

The orphanage tourism business can be explain as followed: the tourists and volunteers are on the demand side, the children are commodities and on the supply side are the orphanages surrounded by trafficker, tour operator and tour guides and with unaware families as the source of supply. Enabled through missing regulations, lacking monitoring systems and unawareness of the risks of orphanage tourism throughout nearly all involved parties as shown in figure 6.

Figure 6: Orphanage Tourism System



Source: Own design based on findings of chapter 3

A lack of regulations and a lack of awareness offer an easy access for offenders and traffickers to exploit children. As long as there are no proper regulation systems from the government in place, it is not possible to fully protect the children. Only when all the childcare institutions are registered at the government and are following reasonable child policies it will be possible to control the uncontrolled opening of orphanages for profit in tourist hotspots.

It is proved that orphanage tourism puts children at high risk for exploitation and that - as already mentioned - the number of orphanages rises with the number of tourists and that the orphanages mainly located at tourist hotspots is what proves that these orphanages are run for profit. Additionally, a lack of regulations and a lack of awareness offer an easy access for offenders and trafficker to harm and exploit children.

Corrupt orphanage principals run the institution for profit and use the children as tourist attractions. They keep the children on basic conditions to reach the compassion from the tourists. They often force the children into child labour and force the children to perform traditional dances and shows for the visitor. In turn the tourists and volunteers want to help the children and in turn support the orphanage tourism business. Their compassion and interest in helping the children enables the business. The number of orphanages in tourist hotspots in Cambodia rose with the number of tourists while the number of orphans declined during the last decades worldwide. Poverty is the main reason why many parents decide to send their children to residential child care institutions with the hope they will get a better future and a good education. In some cases, traffickers buy or rent the children from the families. Which is the reason why orphanage tourism is even identified as a modern form of slavery. The children end up as paper orphans, many of them will never see their parents again. After arrival at the institution the children suffer in the worst case under several forms of physical and mental neglect and even under sexual exploitation. When the tourists and volunteers come to the orphanage they think it is cute that the children offer so much attention but they produce more emotional neglect to the children especially the volunteers who build close relationships during their short time at the orphanage. In addition, there are also the visitors with bad intentions. They use the easy and uncontrolled access to the children at the residential care institution to sexually exploit them. Several laws and regulations related to child protection, against trafficking, sexual exploitation, child labour and child abuse and neglect do exist in Cambodia. But the country suffers under a lacking monitoring system. As a result, several orphanages are not registered at the government, never undergo any control or accepted regulations neither implemented child protection policies. These circumstances offer predators an easy access to the children. Thus, the children not only suffer under neglect and family separation and get used as tourist

attractions and have to perform shows to attract tourists, they also have to live with a continual creation of new emotional connections and separations with every new tourist and volunteer. Furthermore, young unprofessional volunteers can cause additional harm and in the worst case the children are sexually exploited not only by staff at the institution but also by tourists and volunteers who have an easy access to the orphanage and therefore to the children. Based on the findings in this chapter the author created a problem tree as one can see below in figure number 7. The figure below shows the causes on three different levels who lead to orphanage tourism and the resulting risks for the children.

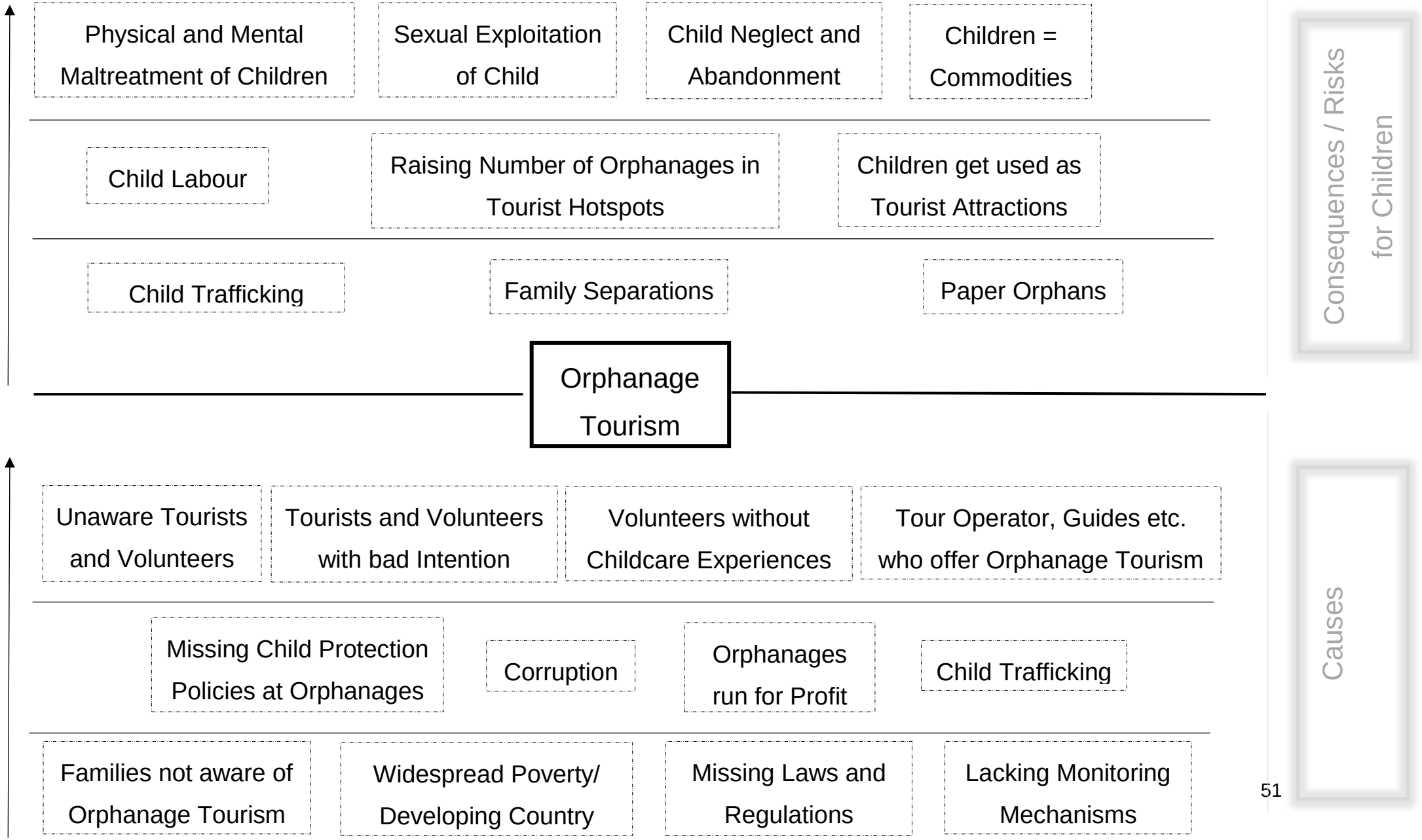
The causes as well as the risks are divided into three areas. The causes at the bottom level are the fundamental causes. These are: widespread poverty; missing laws and regulation on child protection and residential care institutions, lacking monitoring mechanism; and families who live in poverty and are not aware of the risks orphanages that can occur to their children enable the development of orphanage tourism. This enables a situation in which a corrupt person runs an orphanage for profit or where unaware orphanages that do not have any child protection policies and are not aware of the risks and negative impacts of orphanage tourism turn to the tourism industry to gain money. To fill the rising number of orphanages the children are trafficked from their families which is possible due to missing regulations and control mechanisms. When this scenario is extended by tour operator (national and overseas) and tour guides who add orphanage visits to the itinerary and unaware tourists and volunteers welcome this as part of their tourists' activities or volunteer work and have neither childcare experiences nor an understanding of the exploiting business they involuntarily support or in the worst case travel with bad intentions, then the orphanage tourism business is complete.

Also divided into three levels are the consequences and risks for the children. The single levels do not rate the single risks in term of which risk is more dangerous for the child. It is a classification of which of the causes occurs first. Child trafficking, family separations and paper orphans are on the bottom level because these are the first risks that appear when it comes to orphanage tourism. When the children are taken away from their parents and brought to an orphanage the institutions issue false documents in which they title the children as orphans. The rising number of orphanages in tourism hotspots has the effect that more children are needed to fill the orphanages. The children at the institutions have to work for the orphanage principals and are used as tourist attractions. As a result the children can suffer under physical and mental maltreatment, neglect, sexual exploitation and turn into commodities.

The figure is not a rigid model. It is possible that single causes or risk can move between the single levels. For example the cause unaware tourists could be on the second level and orphanage run for profit on the third level as a result of the unaware tourists who went to an orphanages which was at this time not run for profit or to attract tourists but the orphanage learned that it can generate donations and therefore decided to turn to the tourism industry.

This research has shown that whether residential care institutions are good or bad for children the fact is that orphanage tourism puts the children on even higher risk for abuse and exploitation than previously. In addition, it proves that the orphanage business uses children as a tourist attraction. To stop child exploitation through orphanage tourism awareness-raising measures are already implemented. These have mainly been created by NGO's and addressed to tourists, volunteers and donors. In addition, Cambodia's government needs to create a deterrent to the growing problem of orphanage tourism by implementing laws and regulations related to child protection.

Figure 7: Cambodia Problem Tree



Source: Own design based on the findings of chapter 3

4 Orphanage Tourism in Myanmar

The previous chapters clarified all important background information related to orphanage tourism. Followed by an analysis to understand the system of the orphanage tourism business including the development of a problem tree to identify the causes and risks of orphanage tourism on the example of the situation in Cambodia. Currently nearly no data exists on the number of existing orphanages or the current situation on orphanage tourism in Myanmar. Therefore, the next step of this thesis will be a situational on the current situation of orphanage tourism in Myanmar to identify if orphanage tourism is already happening in the country or not.

The findings of the analysis will be later on compared with the identified causes of the Cambodian problem tree to evaluate the current situation of orphanage tourism in Myanmar. The research in Myanmar was a mix of a secondary online research and a primary field research.

The primary field research was part of the project on "Promoting Child Safe Tourism and Online Environment in Myanmar", undertaken by UNICEF Myanmar in cooperation with ECPAT International and MRTI. The author of this thesis undertook together with a Burmese research partner a primary field research in the destinations Mandalay, Bagan and Inle Lake. These destinations were selected because they are the main tourists hotspots in the country and the aim was to gain an overview on the current situation of orphanage tourism in the country. Therefore, qualitative in-depth interviews were conducted with principals or representatives of the principals of different orphanages as well as monastic schools and other residential care facilities identified through the field research. They undertook a total of 33 interviews in the three destinations: 12 in Mandalay, 5 in Bagan and 16 at Inle Region. In addition, two other researchers from MRTI undertook 15 interviews in Yangon, which makes 48 interviews in total. A questionnaire was created to undertake the interviews as guided interviews. The questionnaire includes nearly 30 questions divided on the 5 topics: Orphanage structure, Children, Donations, Visits, Foreigners and Volunteering.[10]

The field research includes interviews with orphanages as well as 13 tour operators, but no interviews have been conducted with other parties who are involved in the tourism business, such as tourists or volunteers. This is related to the natural time limit of this thesis. The author highly recommends (as later on mentioned again in chapter 5.2) to undertake further

[10] The questionnaire is added to the annex.

research and interviews with tourists and volunteers as well as tour operators and tour guides to gain information from different perspectives on the current situation of orphanage tourism in Myanmar.

Before writing about the findings of the field research, the author will give a general overview on the country including the economic situation, the situation of the children in the country and an overview on the country's child protection laws and regulations related to childcare and orphanage tourism.

4.1 General Information

Myanmar has a size of over 675.000km² and is located in Southeast Asia surrounded by its neighbouring countries Bangladesh, India, China, Laos, Thailand, and the Andaman Sea. The country is divided into seven regions: Ayeyarwady, Bago, Magwe, Mandalay, Yangon, Sagaing and Taninthharyi. The Capital City is Nay Pyi Taw. Over 51,5 million people are living in Myanmar who belong to 135 ethnical groups and speak over 240 languages. The largest religious group is the Theravada-Buddhism (nearly 90%). After being a British colony, the country gained independence in 1948. In 1962 the military took over and started a military regime. After years of war the country had its first elections in 2010. Since then the country slowly started to develop democratic structures (Petrich, 2016; Spiegel,2016; Kraas, 2017). Even though, poverty declined continually during the last years, over 25,6% of the population still living under the poverty line. This makes Myanmar one of the poorest countries in the world (Asian Development Bank, 2017b; Global Finance, n.d.).

Myanmar opened its borders to tourism industry in the year 2012. Since then the tourism sector has continued to grow with the number of tourists rising constantly. (MOHT, 2013). Until 2016 the number decreased by 38%, but still had nearly 3 million tourists arrivals in the last year. (Eleven Myanmar, 2017). Its various regions of mountains, rice fields, beaches and pagoda-covered landscapes combined with a strong culture and history makes this country an incomparable tourist destination. Main tourist hotspots in Myanmar are the Inle Lake, Bagan, Hpa-An, the beach area at Ngapali, Mandalay and Kyaiktiyo also known as the golden rock. (Petrich, 2016). The tourism industry is a great economic opportunity for Myanmar but it also brings risks and challenges. As always children belong to the most vulnerable groups.

4.2 Legal Framework Relating to Child Protection

Besides the *International Convention on Civil and Political Rights* pact Myanmar agreed to all the regulations and laws of the UN, ASEAN and ILO related to child protection, mentioned in the first chapter of this thesis. In addition, the government of Myanmar

implemented some national laws relating to child protection. Same as in the chapters before, this chapter shall not be seen as an in-depth analysis on the legal framework of Myanmar. The purpose of this subchapter is to give an overview on the child protection legal framework related to orphanage tourism.

The most relevant law for the protection of the children is the *Myanmar Child Law* published in 1993 and amended in 2001. This law in accordance to the CRC includes several similarities with the CRC and extends some protections. For example, according to the Child Law a child is not older than 16, while a child according to the CRC is anyone under the age of 18 (The State Law and Order Restoration Council, 1993).

The following articles are relevant in relation to the orphanage tourism phenomenon. Article 12 provides that every child has the right to live and grow up with both of his or her parents and shall not be separated from his or her parents without a valid reason or for their own protection. (The State Law and Order Restoration Council, 1993 §12) Article 63 of the Child Law provides that if a private person or NGO opens a residential care institution for children the person has to register at the social welfare department (The State Law and Order Restoration Council, 1993 §63).

Article 66 pointed out that sexual exploitation of children which includes prostitution and forcing a child into begging is highly forbidden by law (The State Law and Order Restoration Council, 1993, §66). The government also launched a National Committee on the Rights on the Child, on a national level, has the same tasks as the *International Committee on the Rights of the Child*. Currently the Child Law is under rework including raising of the age of a child to 18 years is under discussion for the new *Child Law* (Eleven Myanmar, 2016).

The Child Law is not the only law in Myanmar that includes child protection regulations. The Penal Code from 1861 includes 511 articles covering a wide range of areas such as regulations related to criminal intimidation, violence, harm, safety of person or offences affecting public health include specific parts for the protection of the child. Recording to the penal code, nothing done by a child under the age of 7 can be avenged as a crime. And until the age of 12 nothing can be prosecuted as a crime when the child does not understand the consequences of his or her conduct. (Government on the Union of Burma, 1860, § 81-83) Furthermore, regulations related to trafficking, slavery and prostitution are included in the penal code. It says any person who forced another one into labour against their will shall be punished. (Government on the Union of Burma, 1860, § 374) And *"Whoever kidnaps or abductions of any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected*

or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to time." (Government on the Union of Burma, 1860, § 367). The same punishment also applies to any person who knows that a person has been kidnapped but does not report the crime. (Government on the Union of Burma, 1860, § 368) In case that any child gets kidnaped by a person with *"the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years […]"* (Government on the Union of Burma, 1860, § 369) Besides kidnaping selling or buying of a person or holding as a slave is against the law and will be punished with imprisonment up to a lifetime(Government on the Union of Burma, 1860, § 370-371). Related to child prostitution the penal code includes paragraphs to stated that any person who sells/ buys or let hire/hires a person under the age of eighteen with the purpose of prostitution or similar tasks, this person will be punished with imprisonment up to 10 years (Government on the Union of Burma, 1860, § 372-373).

During the last year the legal framework was extended to laws and regulations to include child protection measures. For example, in 2005 Myanmar implemented the Anti Trafficking in Person Law. According to this law the terms trafficking and exploitation means the following: *"Trafficking means […] giving or receiving of money or benefit to obtain the consent of the person having control over another person."* And *"Exploitation includes receipt or agreement for receipt of money or benefit for the prostitution of one person by another, other forms of sexual exploitation, forced labour, forced service, slavery, servitude, debt-bondage or the removal and sale of organs from the body."* Furthermore, the law includes regulations related to reintegration and rehabilitation of trafficked victims as well as how to handle trafficker. It has also articles who are focused on children. For example the article 12 *"The Central Body shall, if the trafficked victims are women, children and youth, make necessary arrangements for the preservation of dignity, physical and mental security"* and a whole chapter with regulations related to children women, children and youth (The State Peace and Development Council, 2005).

There are also some laws related to child labour published in different laws. Based on this laws the situation for children in terms of labour are as follows: Any child has the right to work voluntarily on his own will. Children from the age of 13 are allowed the be employed. But up to the age of 18 they are only allowed to enter employment after achieving a certificate which attests that the child is in a healthy condition to undertake the work. This document is valid for 12 months. Any employer who hires person between 13 – 18 has to run a complied list of relevant information about the child including the work shifts and the fitness certification. In addition, children under 16 are not allowed to work in night shifts or

more than 4 hours per day. These regulations are defined in the Child Law, the Factories Act (1951), the Payment of Wages Act (1936) and the Leave and Holidays Act (1951) (International Labour Organisation, 2017).

Besides these laws there are other laws, regulations and associations implemented which affect the wellbeing of the children such as the *Myanmar Maternal and Child Welfare Association* established in 1991 or the *National Health Policy*. Both have the objectives to improve the healthcare of children. As these regulations are not directly related with the orphanage tourism topic and therefore not quite relevant for this thesis it is not necessary to explain them (Myanmar Maternal and Child Welfare Association, n.d.).

As an interim conclusion for this subchapter, it can be said that Myanmar has a stable base on child protection laws and child regulations even if some changes should be reworked e.g. the maximum age of a child. Positive is that the legal framework system is under construction. Currently the Child Law is undergoing a renewing of its articles. Trafficking, prostitution or child abuse are classified as crimes and actions against such crimes are regulated by law. Committees are launched to prove and overlook the implementation on child protection measures and the government is cooperating with child protection organisations like UNICEF to improve the situation and to ensure a safe environment for children in Myanmar.

Beside the extension and reworking of the legal framework, other main difficulties lie at the execution of these laws and regulations. A lack of control and report system in combination with corruption and missing data on the situation of the children and child protection issues such for example child labour have the consequences that children in Myanmar cannot protected in a proper way and still suffer under abuse and exploitation (Business Anti Corruption Portal, 2017; UNICEF Myanmar, n.d.a.).

4.3 Situation of Children in Myanmar

40% of the Myanmar population are children and youth under the age of 18 (Köster, 2015). Despite Myanmar being on its way to becoming a democratic country it still has to fight several problems. Due to a long standing military regime, years of isolation and ongoing conflicts between the military and/ or ethnic groups combined with widespread poverty and a lack of education many children are exposed to violence, abuse and exploitation and are often forced into labour (UNICEF, 2012).

While the educational situation improved during the last years there are still significant differences between urban and rural areas. The differences are also influenced by the variety of ethnical groups (Over 135 groups with the group of the Barma as the largest one

with 69%.) Nearly each group has its own language which also leads to difficulties for the children to find a vocational training or a job due to language barriers. Today only 54% of the children finish elementary school (UNICEF, 2012).

Instead of going to school many children are forced to work. Even though Myanmar signed the ILO 'Convention of Worst Forms of Child Labour', the minimum age of employment is 13 and child labour is widely accepted in Myanmar. The number of children who have to work in the country is unknown but is expected to be high as one can see children in several work fields. They work for example at tea shops, on rice fields or as street vendors as well as in the tourism industry at hotels, as souvenir sellers or tour guides (refworld, 2010; Myanmar Center for Responsible Business, 2015). The children are even forced into hazardous forms of work including recruiting as child soldiers and child prostitution (Child Soldiers International, 2016). Many young women under the age of 18 end up in the sex industry due to poverty. Because of high poverty parents see no other way than giving their children away. Most of them are not aware of the inherent risks that can occur to the children. The parents think the children will get an education and a better future. In other cases, the parents even though they are aware of their actions and the consequences for the children sell the virginity of their own children for up to 3.000 USD. This business is very popular at the border area to China and is known as the "virgin market". (Thein, 2014; Myanmar now, 2015; Khaung Lin, 2015). Not only the virgin market at the Chinese boarder but also child prostitution in the tourism industry is happening in Myanmar. Same as with the orphanage tourism phenomenon nearly no data on the current situation of sexual exploitation of children related to the tourism industry exists. Currently MRTI and ECPAT International are undertaking a 'Situational Analysis (SITAN) on Sexual Exploitation of Children Online (SECO) and in Travel and Tourism (SECTT) in Myanmar' to get in-depth information and to develop recommendations for awareness raising measures (Hanel/Konrad, 2017).

In other cases, the poverty of parents forces them to give their children away not for work but to live at a residential care institution. Children in Myanmar have to live without their parents and in alternative care or residential care institutions not only because of orphanhood or poverty but for several other socio-economic reasons such as the divorce of the parents, the discrimination of single parents in the country, migration of the parents for work to neighbouring countries, moving away for a better education or living in conflict areas or resettlement due to conflicts (Save the Children, 2013).

In the past abandoned or neglected children were taken into care by extended family members. This way of protecting children who cannot live with their parents due to different

reasons, has a long tradition in Myanmar (Save the Children, 2013). However, this tradition seems to be changing and the number of children in residential care institutions grew during the last years (UNICEF Myanmar, n.d.a.). To gain information on the situation of residential care institutions in Myanmar the DSW undertook in cooperation with UNICEF Myanmar in 2011 a research on "The Situation on Children in Residential Care Facilities in Myanmar". They interviewed 147 residential care institutions of which 37 are unregistered and 110 registered at the DSW. From the 147 were 14 institutions run by the government and 133 private run. In addition, focus group discussion with children and interviews with members of the surrounded community were undertaken (Department of Social Welfare Myanmar/UNICEF, 2011).

The findings gave an overview of the situation in the country on residential care institutions. Nearly 12.500 children lived at the interviewed places, while over 44% of the children who lived at the institutions still had both parents alive and over 28% had only one parent. Also 75% of the children still had contact with their family or knew at least where their families live. Furthermore, over 52% of the children were brought to the institution by their family. The interviewed community members said they think positive about the residential care for children in their community and 83% leave donations. The researcher identified several concerns related to the safety and wellbeing of the children. The realisation of the minimum standards for residential care which include basic and necessary regulation to protect children at residential care institution, published by the DSW[11] in 2005, are inadequate at many of the interviewed facilities. Regular reporting on the current situation of the institution or of case records or personal information about the children were rare. Even at some of the places that implemented a child protection policy the staff often were not aware of the content of the policy. Although the caregiver had the best of the intentions in mind, less than half of them received no training on childcare. The caregiver works 60 hours per week in average and have to take care of the children at a key supervision of 1:48 on average. At all institutions, the children were involved in daily demanded work at the institutions compound. Moreover, at some institutions were further grievance were identified such physical punishment or unacceptable living conditions as not enough sleeping space or not enough food to provide every child three meals per day (Department of Social Welfare Myanmar/UNICEF, 2011).

The study shows that children at residential care institutions in Myanmar have to face a variety of risks who can affect their health and safety. The negative living conditions at the

[11] Unfortunately, the author could not find an English version of the minimum standard document, only Burmese versions like the one in the link below http://bettercarenetwork.org/sites/default/files/Minimum%20Standard%20%281.9..pdf

orphanages and the fact that tradition of childcare through extend family members arise therefore the question why the number of children at residential care institutions raised in the last years. The raise could be an indicator that orphanage tourism is already underway in Myanmar. As already mentioned so far nearly no data on the current situation of orphanage tourism in Myanmar exists. To give an overview on the current situation of orphanage tourism the next subchapter will present the undertaken filed research in March to April 2017.

4.4 Field Research

Before writing about the findings at the single destinations it is relevant to explain the registration system at the DSW. According to article 63 of the *Chid Law* any NGO or private founder who launches an orphanage has to register at the DSW (The State Law and Order Restoration Council, 1993). The ministry then undertakes annual reporting and inspecting visits. Depending on the size of the institution and number of children the orphanage gets supported after a 3 level system." *Level 1: Criteria is a minimum of 50 orphans. The support includes rice rations. Step 2: increased support of rice and clothes. Orphanages achieve this level after three years. Step 3: Achieved after 5 years this includes education stipend and salary for the principals."* (Hanel/Konrad, 2017). But as already identified the registration and monitoring system of the government is lacking so that not all residential care institutions are registered (Hanel/Konrad, 2017).

Based on the research undertaken by the international researcher Mona Konrad and her colleague the results of the 15 interviews in Yangon are the following. The registration situation of the inspected orphanages is quite opaque. While only one orphanage was listed at the MOHT registration list 14 out of the 15 said they were registered. The reason why the statements from the orphanages disaccord with the list could not be figured out. It is possible that the list, which was from 2013, is outdated, that the orphanage principals were afraid to get into trouble if the tell the true or they are registered at local ministries. Not one of the institutions were run by the government, 12 were Buddhist based and two Christian based.

Besides one institution who is gathering its finance support from the Swiss NGO who founded the orphanage, all others rely on donations. One is also getting an income from a rice field that belongs to the orphanage. The Buddhist-based orphanages gained more donations than the Christian-based ones, which might be related to the fact that nearly 90% of the population are Buddhists (see chapter 4.1) and that it is a traditional act of donating in the Buddhist religion. As mentioned above in chapter 2.2.4 most of the children who live at the residential care facilities were no real orphans. Only 29% were real orphans. The main reasons why the other children live at the institutions is poverty and access to

education. Between 10 to 350 children live in the 15 orphanages, while most of them coming from the Shan State.

Table 2: Frequency of Foreign Visitors in Yangon

Category	Percentage
None	20% (3 Orphanages)
Hardly any (up to 2 a year)	40% (6 Orphanages)
Medium (up to 30 a year)	20% (3 Orphanages)
Frequently (up to 300 a year)	20% (3 Orphanages)

Source: (Hanel/Konrad, 2017)

The figure above shows the frequency of the foreign visitors in the 15 orphanages in Yangon. As one can see 40% of the institutions have regular visitors at their orphanages while the other 60% have nearly none or no visitors. The orphanages who have visitors said it is a mix of foreigner and locals. The foreign visitors are from every continent. They find out about the orphanages through friends (38%), tour operator and tour guides (38%) and online (22%). They stay 1 hour in average with the main purpose of giving donations, playing and teaching the children. Alarming is that fact that 33% of the principals said the visitors have free access and are not under any supervision while interacting with the children or rather the principals would allow the visitor to be alone with the children. On asking the connection in the tourism industry it was hard to get proper answers. According to the interviewees some visitors come with tour guide, others on their own and cooperation with tour operator do not exists. Besides daily visitor 9 orphanages have volunteers coming to their institution. Only 6 have local volunteers on a regular basis while three said they have frequent foreign volunteers who stay for a time of up to one month. Again as with the daily tourists situation the orphanages, besides one institution, The others do not cooperate with any organisation who offer voluntourism at orphanages. 50% of the orphanages who do not have volunteers yet pointed out that they would be interested in hiring some in the future but only if the head monk or principal accepted it. Positive is that one orphanage has a no volunteer policy.

Especially in the tourist regions Bahan and Dala could be seen a potential for orphanage tourism in the future due to a widespread lack of awareness on the orphanage tourism phenomenon and its risks throughout the interviewed orphanages. A potential for daily tourists as well as for volunteers. Due to the fact that most of the orphanages rely on donations they are on a high risk to turn to the orphanage tourism business and put the children at the orphanages on high risks of exploitation.

After the research in Yangon the field research in Mandalay was undertaken. The 12 interviewed institutions in Mandalay were a mix of orphanages, training schools and monastic education schools. 10 were private run and 2 were run by the government. These two were a non-traditional orphanage for boys who had already contact with the law and a girl's training school. The private ones were divided into 8 Buddhist-based and 2 Christian-based orphanages. Out of the 12 institutions 7 were registered at the DSW while only 6 of them got support from the DSW but a total of 8 institutions got support from the DSW. Which means that two got support even if they are not registered. This shows the lack of regulations and organisation from the government. Getting support from DSW or not, all the 12 institutions depend on donations. They gain financial and technical support from the local citizens. 6 got additional financial and technical support from international NGOs. Some of the interviewees did not mention support from NGO's but the author saw several signs from NGO's on the orphanage compounds which implies the support to these institutions through these NGO's (Hanel/Konrad, 2017).

The institutions host between 31 and 1.000 children on their compound from infants to youth with the oldest age of 23. Only two out of the 12 orphanages hosts girls and boys, while 6 were only for boys and 4 only for girls. 4 orphanages did not know how many real orphans live at their institution. The number of real orphans in the other 8 orphanages varied between 9,8 – 20,8 percent. The reason for the non-orphans was again poverty and better education as well as that their parents living in conflict areas. The children came from Shan State, Rakhine State, Mandalay and 8 institutions said the children came from all parts of Myanmar (Hanel/Konrad, 2017).

The one with the 1.000 children was the biggest and also the most popular monastic school. During the school time over 10.000 live on the compound. The school got support from several NGO's. The author got the impression that not even one of the interviewed people at this monastic school had a complete overview on the number of staff, NGO's, volunteers or tourists group at the compound. The situation was a bit chaotic. In addition, the huge compound had several entrances but none of them were watched which leads to the result that everyone could easily enter the compound and even enter some of the buildings without any control. This seems to be a result of the chaotic situation and a missing visitor management. Due to the fact that this monastic school had also a separate orphanage on the compound the situation for the children to get abused appeared high from the authors perception (Hanel/Konrad, 2017).

Table 3: Frequency of Foreign Visitors in Mandalay

Category	Percentage
None	16,7% (2 Orphanages)
Hardly any (up to 2 a year)	25,0% (3 Orphanages)
Medium (up to 30 a year)	50,0% (6 Orphanages)
Frequently (up to 300 a year)	8,3% (1 Orphanages)

Source: (Hanel/Konrad, 2017)

Regarding to the number of visitors at the orphanages one institution had no visitors at all and one only local visitors from the surrounding areas. The other 10 orphanages had a mix of local and foreign visitors coming to their institution. Mainly with the intention to donate. Nearly 60% added playing and teaching the children as reasons why visitors come by and 40% said the visitor want to observe the compound without interacting with the children as a main interest (Hanel/Konrad, 2017).

It seems that all the interviewed orphanages are not aware of possible risk for the children when allowing visitors to enter the compound. None of the institutions have visitor regulations list, only 9 had a donation list. But again with the focus is on the donations and not for overlooking the situation of people who come to visit. It was also difficult for the interviewees to give a clear answer on the question if the tourists come on their own or with a tour operator or tour guide. At the end 2 said the tourists come always independent and without any tour operator or guide, 4 said it is a mix of independent travellers and those who come with a tour operator or guide and 6 orphanages said the tourists always come with a tour guide. From the institutions who said the tourists come with tour guides none has any arrangements with tour guides. Moreover, only at 3 orphanages tour guides have to make an appointment for visiting with the tourists. The author had the impression that none of the principals of the institutions had ever thought about any visitor regulations. None had a proper visitor regulation management, a child protection policy or other measures regarding to child protection. They also do not see any risks for the children, on the contrary they think it is a positive opportunity for the children to get in touch with foreign visitor so that they can improve their English skills (Hanel/Konrad, 2017).

The huge monastic school even allows the children in small groups to go to a tourist hotspot to get in touch with foreigners, to talk to them and improve their English and even to bring them to the monastic school to show them how they live. The interviewee justifies this with the fact that the young monks are also allowed to walk around alone outside the compound to collect the daily donations (Hanel/Konrad, 2017).

While 8 institutions have local volunteers who work as teachers, cooks or cleaners, only one place had foreign volunteers. There also seems to be no intense interest in working with foreign volunteers in the future. Only 5 orphanages mentioned that they would be interested in foreign volunteers for healthcare and teaching the children (Hanel/Konrad, 2017).

The one institution with foreign volunteers is the huge monastic school. It is common for the school to work with foreign volunteers. The volunteers get in contact with the institution via website or they just visit the school and offer their work. Some of them are hired from the principal of the monastic schools and others are working for one of the several NGO's who work together with the school. The volunteers stay at the same compound in a separate building not together with the children who live there. The one interviewee said the volunteers do not have to sign a contract but the school is doing background checks before allowing the volunteers to work for them. It is interesting to note that some of the volunteers in the past came to Myanmar on a meditation visa and not with a business visa. It hast to be clarified if it is maybe easier to enter the country on a meditation visa instead on a business visa and if it influences the control mechanism that are necessary to protect children at orphanages (Hanel/Konrad, 2017).

It can be said that orphanage tourism is not happening in Mandalay yet but the risk that it starts is there due to missing awareness on the part of orphanages. 11 orphanages do not work together with foreign volunteers but 10 already allow visitors to enter the compound without having any child protection policies or visitor regulations. The only residential care institution where orphanage tourism is already happening is the huge monastic school.

The next tourism hotspot was Bagan that was the destination with the least number of interviewed residential care institutions. This came from the circumstance that Bagan had the lowest number of orphanages compared to the other three destinations. The situation was aggravated by the fact that 6 of the orphanages were located outside the tourist hotspots and some even in restricted areas which leads to the result, that the author was not allowed to join two of the orphanages. While the other 4 were not quite relevant due to the fact that they were not located at tourist hotspots (Hanel/Konrad, 2017).

In Bagan city there were only two places identified. One was a monastic school and the other one an orphanage, the only orphanage that was visited in Bagan. In addition, 3 more places were interviewed outside the city but inside the Bagan district. 4 were Buddhist-based and one non-religious. The number of children ranged between 30 up to 415 children who live at the institutions. If possible, the children who stay at the 4 schools went back home during school holidays. Donations from the local community were the main answer if

asked about the financial situation. For three institutions this is the only income. One monastic school receives support from the Ministry of Religious Affairs. None of the 5 interviewed places got any support from the DSW which is quite surprising due to the fact that all the places were listed at the DSW. The author could not get information why they are listed at the DSW but do not get any support but it seems to be another indicator of a malfunction registration system.

Compare to the other research locations Bagan was the one with the least tourist numbers at the interviewed residential care institutions. One never had any visitors and two out of the 5 never had only local visitor who came to bring donations. Also at the other three institutions the local visitor only came by to leave donations while the tourists came to interact with the children. None of the institutions had a child protection policy or other regulations related to visitors and the children. They even allowed the visitors to be alone with the children. At least, none of them allowed to take the children outside of the compound (Hanel/Konrad, 2017).

During the whole field research, one monastic school in Bagan was the only one out of the interviewed places which was running a registration list for visitors. But this school still did not have, same as the other places, arrangements with tour operators or tour guides or requested appointments for visitors. Which leads to a chaotic and unstructured visitor guidance (Hanel/Konrad, 2017).

Table 4: Frequency of Foreign Visitors in Bagan

Category	Percentage
None	40% (2 Orphanages)
Hardly any (up to 2 a year)	40% (2 Orphanages)
Medium (up to 30 a year)	0% (0 Orphanages)
Frequently (up to 300 a year)	20% (1 Orphanages)

Source: (Hanel/Konrad, 2017)

Besides local and foreign visitors some of the 5 institutions had experiences with volunteers as well. One monastic school has 14 local volunteers regularly working at its school. This school also had three foreign volunteers staying for three days. The interviewee only accepted these foreign volunteers and let them work as teachers and stay at the school compound in a building separated from the children because they came from the huge monastic school in Mandalay. The principal from the huge Mandalay monastic school wrote a letter in where he recommended the three foreign volunteers. The other interviewed place which hosts foreign volunteers on a regular basis is mentioned below (Hanel/Konrad, 2017).

One place was a two-hour drive away from Bagan. It was worth the visit because of its unique structure. It was a private but “free of charge” school. The founder was a foreigner who is also running a guesthouse 5 minutes away from the school. The only visitors who are allowed to enter the school compound are the guests from the guesthouse. They are the only visitor. However, the visitor can enter the compound whenever they like to. It is forbidden to disrupt the children in class but the visitors are allowed to walk around on their own. No registration system or child policy exists to protect the children. The interviewee said that this would not be necessary because only the guesthouse guests are allowed to visit and so they know who the visitors are. Financial support is coming from European donors and some of the income from the guesthouse. The school has every year during school season from June to December 2-5 foreign volunteers. They get in touch via the schools’ website or their donors. The foreign volunteers can stay during the whole school season and most of them did in the past. The interviewee did not know if the volunteers came to Myanmar on the meditation visa. But due to the fact that a tourist visa is only valid for 28 days it is not hard to assume that they came on a business or meditation visa. The foreign volunteers teach English and are even allowed to go home with the children to see how they live. There was no understanding from the interviewee why it could be a risk for the child if the volunteer leaves the compound with the children (Hanel/Konrad, 2017).

Finally, it can be said that Bagan is yet not a destination where orphanage tourism is happening. The low number of foreign tourists at the orphanages might be related to the nature of the location. According to one of the interviewed tour operator the tourists are highly interested in visiting the Pagodas around Bagan. Nevertheless, as same as at the other research destinations the level of awareness on possible risks for children through visitors and orphanage tourism seems very low. This in combination with the fact that, again same as at the other research locations, most of the orphanages rely on donations could lead to a developing of orphanage tourism in the future (Hanel/Konrad, 2017).

The fourth and last research destination was the Inle Region. This was the location with the highest number of undertaken interviews. In total 16 places, 8 orphanages and 8 monastic schools were investigated in the areas Nyaung Shwe and Taunggyi. The researchers decided to focus on these two areas for the reason that these are the main tourist destinations at Inle Region. All the 16 interviewed orphanages were faith-based. One Muslim-based, three Christian-based and 12 Buddhist-based. While only one is run by the government and the others private. One is only for girls, one only hosts boys while the other 14 are for boys and girls (Hanel/Konrad, 2017).

Additional to the orphanage which is run by the government 10 more are registered at the DSW and get in addition support from the ministry. Besides that, all places receive donations from the local community, the Christian-based ones also from their church and 5 institutions get the support from different NGO's such *Novel Planet* or *New Humanity*. There is only one monastic school who solely relies on the donations from the community (Hanel/Konrad, 2017).

Like at the other research destinations the orphanages receive support in form of in-kind donations such as stationary, food and clothes as well as financial support. Interesting fact is that the Buddhist-based institutions get more donations than the other ones. While all the Christian and Muslim-based places mentioned that their support is not sufficient only a few Buddhist-based said so. To fill the financial gap, two orphanages developed little businesses. One has its own small drinking water factory and the other one built a hall where people from the village can rent to celebrate festivals (Hanel/Konrad, 2017).

At the 16 orphanages living 44 to 1.000 children from infants to the age of 80. One orphanage was a place not only for children but also for disabled people who could live at the orphanage for their whole life. That is the reason why the age of the orphans varies between infant to 80. 5 orphanages said their children are from all parts of Myanmar. While others were more specific and said the children are from Shan State and other conflict zones. From all the children who live at the institutions 19% are real orphans, while the number of real orphans varies between the single institutions (Hanel/Konrad, 2017).

Table 5: Frequency of Foreign Visitors at Inle Lake

Category	**Percentage**
None	31,3% (5 Orphanages)
Hardly any (up to 2 a year)	25,0% (4 Orphanages)
Medium (up to 30 a year)	31,3% (5 Orphanages)
Frequently (up to 300 a year)	12,4% (2 Orphanages)

Source: (Hanel/Konrad, 2017)

Same as at the other research destinations the orphanages welcomed local and foreign visitors at their institutions. At the Inle Region all the 16 interviewed places had local visitors coming to visit and leaving donations. And 11 have next the local visitors also tourists who came to the orphanage to interact with the children (in 7 out of the 11 cases) and to observe the orphanage compound (in 4 out of the 11 places). While none of the institutions allow visitors to take the children outside the compound four allow them to be alone with the children. By asking for child policies or other regulations related to the visitors and children

none of the orphanages had anything to present. But positive to mention is that 9 orphanages already received a training on child protection trained by UNICEF and the DSW (Hanel/Konrad, 2017).

Also nearly same as at the other research destination were the answers related to arrangements with tour operator or tour guides. None of the inspected places had arrangements and only two arrange appointments with the guides before they arrive. Four from the orphanages who welcome tourists mentioned it is a mix of individual travellers and tourists with a guide. Six said they only have guided tours coming to their institution. And one institutions had only individual visitors (Hanel/Konrad, 2017).

An interesting finding is that the location of the residential care institution close to a tourist hotspot is not an indicator for a high amount of tourists who come to visit. Some orphanages who are outside of a tourist hotspot had a frequent number of visitors while others close to tourist attractions had no tourists at all. Unfortunately, the author could not find out what the indicators are that leads the tourists to the decision to visit a specific orphanage. From the authors point of view there are three possible answers: ((Hanel/Konrad, 2017) “a) a spontaneous decision while walking along the orphanage, b) if the tourist is travelling with a tour guide, the tour guide selects the orphanage, or c) the orphanage was recommended to the tourist through friends or on the Internet. Unfortunately, the researcher could not find an answer to that question ((Hanel/Konrad, 2017). The volunteer situation is quite different between the 16 orphanages. Ten of the institutions do not have foreign volunteers, while 3 out of them have local volunteers on an irregular basis. 8 from this 10 institutions would be interested in hiring foreign volunteers in the future and one principal was even planning to build an extra house on the compound for foreign volunteers. But at the same time he had no idea how to get in touch with foreign volunteers. Only 2 out of the 16 orphanages had foreign volunteers and no local ones and 4 had a mix of both. As different as the volunteer situation is the length of stay of the foreign volunteers between the 6 orphanages who work with them. The foreign volunteers came to the orphanages to teach English and stayed for 1 – 6 month. They got in contact with the orphanages through NGO’s or tour guides (Hanel/Konrad, 2017).

Two interviewed places were quite familiar with volunteers. One got every year a group of foreign volunteers from the NGO who is supporting the place. The principal did not know on which visa they came to Myanmar or how the NGO selected the volunteers. But because they work very close with the NGO it was not important for the interviewee to know that, she just trusted the NGO. The second orphanage which is very familiar with foreign volunteers was located outside tourist attraction. But this one was besides the huge monastic school

in Mandalay the one with the highest number of visitors and foreign volunteers. The compound was so huge that they had extra rooms for the volunteers. Therefore, the volunteers were allowed to live on the compound with the children. They were also allowed to take the children out for a day trip but only after gaining a permission from the principal monk. The principal said the foreign volunteers apply at a NGO who is sending the applications from potential volunteers to the principal and he decides if they can come to the orphanage or not. The principal did not know on what visa the volunteers came or for how long they stay on average. But he said that since the new government they had 60-100 foreign volunteers per year (Hanel/Konrad, 2017).

The findings show that orphanage tourism is also at the Inle Region but not a common business. While the experiences with tourists and foreign volunteers vary between the single orphanages. The potential for orphanage tourism is at some interviewed places clearly visible. Besides, at the orphanage with the huge number of foreign volunteers, an understanding of orphanage tourism does not seem to exist yet. And also an understanding as well as awareness on the risks of orphanage tourism for the children does not seem to exist (Hanel/Konrad, 2017).

To get information where to find orphanages in the research destinations 14 interviews were undertaken with 13 tour operators and one hotel. Due to the low number, these interviews are not quite representative. However, they still give a first-hand overview on the understanding of orphanage tourism from members of the tourism industry (Hanel/Konrad, 2017).

One tour operator in Bagan explained that the tourists stay in Bagan only for a few days so there is no time to visit an orphanage besides all the Pagodas. Another tour operator in Bagan was aware of the risk who come with orphanage tourism and therefore, do not put an orphanage visit on the itinerary. But both stated they undertake a visit to orphanages if the tourists request it. The same answer gave 4 other tour operator. Only three of the interviewed tour operator are offering visits to orphanages before the tourists request it. Positive is that 4 tour operators already have a “no-orphanage” policy to protect the children who live at residential care institutions. Regarding to the 13-tour operators only few tourists ask for orphanages. There were only two operators in Yangon who said that around 40% of their costumer were asking for such visits (Hanel/Konrad, 2017).

While most of the interviewees mentioned sexual exploitation and unclear intentions of the orphanage principals and interrupting the classes as possible risks of orphanages it was a much more difficult question when asked about alternative programs. Answers were to offer

visits to social enterprises or cbt[12] projects. Besides the 13 tour operator a hostel in Bagan was interviewed as well. The director was surprised about the topic and not aware that this is or could be happening in Myanmar. She said that she never had any requests like that so far. These 14 interviews lead to the impression that a gap exists inside the tourism industry in Myanmar where as a result some companies are already aware and also started to undertake measures to not support the orphanage business while other companies suffers under a lack of awareness related to the orphanage tourism phenomenon (Hanel/Konrad, 2017).

As a conclusion for the field research it can be said that none of the orphanages could tell us an exact amount of their visitors in a year. Some had a guest book where they offered visitors to write a few words down. But this was only optional and not a regular registration procedure. Others had donation lists where they listed everyone who gave a donation. It was often a way to honour the donors. They wrote the name of the donor and the amount of the donation in a book or on a huge poster so that everyone can see it. This shows that the focus lies more on honouring the donor instead of running a list for a visitor overview and regulations. And let's assume that the orphanages are not aware of the risks, an open door policy could bring for the children.

The interviews lead to the impression that the orphanages do not have a proper understanding of the tourism industry rather of a good visitor regulation management. They are more focused on earning donation and appreciate everyone who wants to help or donate. The orphanage principals are not aware on the risks visitor and orphanage tourism can occur to the children who live at the residential care institutions. But besides the lack of awareness on possible risks for the children and besides the fact that orphanages are not the best option for children in need it seems at least that the existing orphanages in Myanmar are not run for profit.

Related to the question if the interviewee knows possible risks it is interesting that all the asked orphanages in Yangon mentioned the risk of sexual exploitation of the children while the other interviewed institutions at the other destinations did not mentioned it. This also draws the conclusion that significant differences of the awareness level between the destinations exist and that most of the orphanages are not aware of possible risk when they allow tourists and other visitors to enter the compound.

The unawareness of the situation could be related with the fact that at this time more than half of the inspected orphanages do not have at all or at least have nearly no foreign visitors

[12] Cbt = community based tourism

or volunteers. On the other side there are already a few orphanages with a high number of tourists and foreign volunteers. These residential care facilities are, even if involuntarily, part of the orphanage tourism business.

Table 6: Frequency of Foreign Visitors all Research Destinations

Category	Percentage
None	25,0% (12 Orphanages)
Hardly any (up to 2 a year)	31,2% (15 Orphanages)
Medium (up to 30 a year)	29,2% (14 Orphanages)
Frequently (up to 300 a year)	14,6% (7 Orphanages)

Source: (Hanel/Konrad, 2017)

The results from the field research have shown that there are significant differences between the single orphanages. At some institutions orphanage tourism is already happening while other orphanages never have any visitors coming to their institution. However, orphanage tourism has yet not firmly established in Myanmar it is already at the beginning to develop in the country. The lack of awareness on the risks of orphanage tourism at the residential care institutions combined with a lack of registration system and the fact that most of the institutions rely on donations put the children at these institutions at high risk to get abused and exploited through the orphanage tourism business.

5 Results

5.1 Comparison of the Myanmar Findings and the Cambodian Problem Tree

To evaluate the current situation of orphanage tourism in Myanmar and to be able to give an outlook and recommendations for counteractions against orphanage tourism the author compared the findings of the research in Myanmar with the identified causes of the Cambodian problem tree.

Due to its history of military regime and isolation Myanmar still struggles with the consequences from this time. It is a developing country and one of the poorest countries in the world with widespread poverty and corruption. Thus the causes **"widespread poverty / developing country**" and **"corruption"** do exist in Myanmar.

The legal framework of Myanmar includes several laws and regulations related to child protection. As early as 1993 the country published its own child protection law. It provides a stabile legal basis on child protection who could however be reformed at some parts, for example lift the definition of a child up to 18 years instead of 16. The Child Law is currently

under rework to improve legal child protection regulations. Some articles are directly related with orphanage tourism. For example, the article who provides that a child has the right to grow up with both of its parents. Or the article who legally bound orphanages to register at the DSW if run by a private person or NGO. Besides the Child Law other laws and regulations, as the Anti Trafficking in Person Law, were implemented to safe Myanmars children. As a result of the legal framework child trafficking, family separation and violence, hazardous forms of labour as slavery and child prostitution are against the law. Thus it can be said that the cause **"missing laws and regulations"** exists only partially in Myanmar. Laws and regulations do exist but they have to be improved and more specific to build a safe environment for the children in Myanmar.

The monitoring mechanism who are in charge to control the implementation and compliance of child protection laws and regulations are inadequate. The current situation of children who live at residential care institutions is unclear due to a lacking implementing and monitoring system, corruption and a lack of awareness on child protection issues. There are many orphanages who are not registered at the government and as result do not underlie any monitoring mechanism. Therefore, the cause **"lacking monitoring mechanism"** do exist in Myanmar.

During the interviews with the residential care institutions it turned out that, besides one orphanage, none of the others had a visitor registration management. Only a few kept a donation list on voluntary basis. When asked for child protection policies or other visitor management measures none of the interviewees had any. This proofs that **"missing child protection policies at the orphanages**" are a widespread issue at Myanmars residential care institutions.

Widespread poverty in the country and often a lack of access to education lead to the result that parents decide to send their children away in the hope they will receive a better education and a better live in the future. The parents send their children to work or sell them even for prostitutions or send them to residential care institutions. If they are aware of the risks that living at a residential care institution can occur or if they know the meaning of orphanage tourism means is unclear. But it can be assumed that the parents are not aware of it. Currently it cannot be said if **"families are not aware of orphanage tourism"** in Myanmar. But in regards to the fact that even the orphanages are not aware of the risks of orphanage tourism it is to expect that the parents are not aware of it either.

It could not be proofed if children get trafficked to live at residential care institutions. But it is proofed that child trafficking is an ongoing crime in Myanmar. This in turn indicates that children could be trafficked for the orphanage tourism business as well. Therefore, **"child**

trafficking" is one of the causes from the Cambodian problem tree who are already happening in Myanmar.

The field research did not identify any indications that the interviewed principals "**run the orphanages for profit"**. The only thing which is proofed is that most of the orphanages rely on outside support as donations. This could lead orphanages to the decision to turn to the tourism industry to attract tourists to gather donations from them.

Relating to the causes **"unaware tourists and volunteers",** "**tourists and volunteers with bad intention"** and **"volunteers without childcare experiences"** it can only be said that some of the interviewed orphanages already welcome tourists and foreign volunteers at their institution and nine from the interviewed tour operator said that tourists asking for trips to orphanages. The frequency of visits varies strongly between the single orphanages between no tourists and up to 300 per year. But it is neither known if the tourists and volunteers are aware of the risks that orphanage tourism can occur to the children nor if the foreign volunteers who working at the orphanages have childcare experiences.

But previous studies in other countries have shown that, besides visitors with bad intention, most of the foreign tourists and volunteers come to an orphanage with the aim to do good and are are not aware that they support a cruel business which eventually harms the children. It can be assumed that some tourists and volunteers visit the country with the intention to exploit the children while most have the intention to do something good. But since this is only an assumption further researches and surveys are necessary to gain reliable information.

Out of the 13 interviewed tour operator four are aware of the risks of orphanage tourism and already created a non-orphanage policy. While the other nine offer visits at orphanages. Three of them have orphanage visits included as part of the itinerary and the other six offer visits at orphanages only on request from the tourists. Therefore, it can be said that the cause **"tour operator, guides etc. who offering orphanage tourism"** already exists in Myanmar.

Status / Causes	Does not exist	Does exist	Not enough Information
Widespread Poverty / Developing Country		X	
Missing Laws and Regulations	X	X	
Lacking Monitoring Mechanism		X	
Families are not aware of Orphanage Tourism			X
Corruption		X	
Missing Child Protection Policies at Orphanages		X	
Orphanage run for Profit	X		
Child Trafficking		X	
Unaware Tourists and Volunteers			X
Tourists and Volunteers with bad Intentions			X
Volunteers without Childcare Experiences			X
Tour Operator, Guides etc. who offer Orphanage Tourism		X	

Source: own figure based on research findings

The figure above shows the causes identified through the Cambodian problem tree and compared their current status in Myanmar. The causes are divided between the three categories “not enough information”, “do exist” and “do not exist”. Only the causes “missing laws and regulations” was categorized to both “do not exists” and “does exist”. This has the reason that child protection laws exist but they are not fully sufficient. Based on the findings of the comparison of the causes from the Cambodian problem tree and the situation analysis of Myanmar the current situation of orphanage tourism in Myanmar is as followed: Seven out of the 12 causes from the Cambodian Problem Tree were identified as “do exist” in the country. Huge differences exist between the 48 interviewed orphanages relating to the

amount of visitors and foreign volunteers. Some institutions never had any visitors other have more than 300 per year or regular support from foreign volunteers. None of the orphanages seems to be aware on the risks of orphanage tourism. Positive is that it has the impression that none of the orphanages runs the institution for profit. But the fact that tourists and volunteers already visiting orphanages in Myanmar and that tour operator offering such visits as a tourist activity indicates that orphanage tourism has already started in Myanmar. This in combination with a lack of understanding and awareness of orphanage tourism, lacking laws and monitoring systems, widespread poverty and often a lack of access to education and the fact that most of the orphanages rely on donations puts Myanmar on high risk to develop into an orphanage tourism destination if nothing will be undertaken to avoid the developing of this business.

5.2 Recommendations

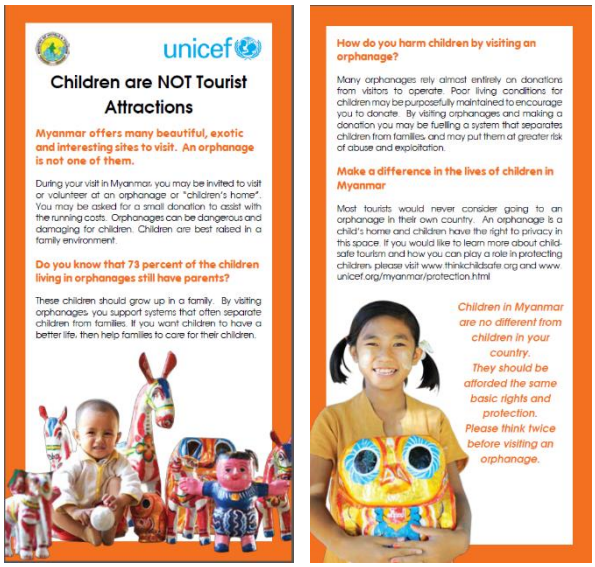
The research conducted in this thesis had the aim to understand and analyse the phenomenon orphanage tourism and to get a first overview on the current situation of orphanage tourism in Myanmar.

To avoid that Myanmar developed into a second Cambodia it is necessary to react now. Clear statements against this kind of tourism combined with awareness raising measures for all involved parties as well as strict and executed laws and regulations are needed inside the country. To achieve that goal different actions should be undertaken:

1) It is necessary to extent the field research to gain a wider understanding and in-depth information on the current situation of orphanage tourism in Myanmar. It would be useful to interview the other involved parties such as tourists, volunteers and tour operator. A questionnaire for tourists could include questions like: What is the purpose of your travel? What kind of tourist activities are you planning to do? Have you ever visited schools or orphanages or are you planning to do so? If yes, what is the purpose (playing, donating)? Have you heard about orphanage tourism? Do you know where you can report child abuse issues? Would you be interested to support child protection projects in your travel destination? Would you be interested in visiting child protection projects or organisations? Based on the results awareness raising measures for tourists can be developed.

2) Awareness raising measures for tourists and foreign volunteers. The author recommends the following awareness raising measures: UNICEF already created a flyer as part of the "Children are not Tourist Attraction" campaign. The MRTI is currently reworking the flyer. The author recommends to reduce the text and replace it with more short but concise statements. A definition of orphanage tourism with facts on the situation in Myanmar shall be included. But instead of headlines like "How do you harm children by visiting an orphanage?" it should be explained how to support children in the right way. For example it could recommend to donate to a family reuniting project. The text should give a good feeling to the tourist instead of being a prosaic lecture. The flyer should give the tourist the feeling he/she can change the situation of the children in a positive way and helps to avoid orphanage tourism. In addition, besides the link to UNICEF and Think Child Safe the flyer should include a link to reporting measures such as the campaign '*don't look away*'[13].

Figure 8: Flyer from the 'Children are NOT Tourist Attractions' Campaign



Source: UNICEF Myanmar, n.d.b.)

The flyer should be placed at every tourist attraction, hotel, restaurant and transportation place such airports and bus stations. To inform the tourists even before they travel to Myanmar the flyer can added to the booking confirmations. Tour operator can also add a link to the flyer and other awareness raising information on their website. The flyer can be extended with specific information for foreign volunteers as well and organisations who offer foreign volunteering could inform their costumer on their website about the negative impact of orphanage tourism.

Flyer are still one of the main tools to gain attention. Important is to create a flyer which is distinguish from other flyers to again the attention from tourists and foreign volunteers (e-tailment, 2008). In addition to the flyer publicity campaigns can be launched to gain attention and to raise awareness. However, due to the sensitivity of the topic this is more difficult than creating a flyer. It is important to raise awareness without shocking the tourists and foreign volunteers. Publicity campaigns can be undertaken at airports or tourist attractions; basically at all places with a high frequency of tourist. For all the awareness raising

[13] 'Don't look away' is a campaign to raise awareness among traveller to report sexual exploitation in travel and tourism. http://www.reportchildsextourism.eu/?lang=de

measures the author recommends to cooperate with professionals e.g. from the PR industry. The tourism industry, NGO's and the government should cooperate when creating, funding and publishing the awareness raising measures to get the best possible result.

3) In regards to the missing laws and regulations and inadequate monitoring mechanisms the author recommends that the government shall implement more specific laws and controlling mechanism as well as awareness raising measures at residential care institutions. Having a child protection policy and a proper visitor management system should be obligation at every orphanage. Visits and working as foreign volunteers or tourists shall be prohibited by law. In addition, regular participation in child protection trainings and awareness raising workshops should be a condition for everyone who runs an orphanage as well as for the staff working at such institutions. The trainings and workshops could be undertaken by the DSW and child protection NGO's.

Residential care institutions have a negative influence on the development of a child and should only considered as a last option for children in need. Therefore measures to support reuniting projects and alternative care methods have to be implemented by the government. This change of the social welfare system will take time. For the time in between it is necessary to ensure a safe environment for the children who live at residential care facilities in the country by implementing the recommended measures mentioned previously. Furthermore, the social welfare system has to be improved to protect and support poor families so that they are not forced to give their children away due to poverty and a lack of access to education. However, the change of the whole social welfare system would be a significant legislative change.

4) As the tourism industry plays an important role in the orphanage tourism business it is necessary to create awareness raising workshops for members of the tourism industry. This includes not only tour operator and tour guides but also employees from hotels, transportation companies, restaurants and tourist attractions. Currently the MRTI is already undertaking workshops on awareness raising training on orphanage tourism (MRTI, 2017).

All the awareness raising measures have to include an explanation on the phenomenon orphanage tourism as well as child protection issues in general to create a fundamental knowledge. Followed by teaching how everyone can contribute to stop orphanage tourism by using reporting mechanism as the 'Don't look Away' campaign. The awareness raising trainings should include workshops on creating and implementing child protection policies for the tourism industry as well as for the orphanages.

The cooperation should be extended to child protection NGO's, the police and other security organisations as well as oversea cooperation as organisations who offer volunteer work to gain a network which is supporting the end of orphanage tourism from several different perspectives and levels. To establish a comprehensive and safe environment for the children and to protect them against exploitation through orphanage tourism transitional models are needed to stop orphanage tourism completely.

5.3 Conclusion

This thesis was focused on the question on the current situation of orphanage tourism in Myanmar. This question was underlined with sub questions related to general information on child protection and child exploitation, legal frameworks and an analysis of the phenomenon orphanage tourism and its causes.

The United Nations as well as ASEAN implemented child protection laws and regulations on international level. This includes the UN Declaration on Human Rights, the UN Convention on the Right of the Child, the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the UN Trafficking Protocol, the ASEAN Human Rights Declaration, the ASEAN Plan of Action for Children and the Declaration on the Commitments of the Children in ASEAN as well as monitoring mechanisms. All of these laws, besides one additional protocol, were ratified by the government of Myanmar. In addition, international organisations like the ILO or UNWTO and international NGO's like ECPAT International, The Code or UNICEF published and implemented child protection measures and conventions. Furthermore, Myanmar implemented a legal framework which includes child protection laws and regulations in relation to the laws on international level mentioned above. The legal framework of Myanmar includes for example the Child Law and the Policy and Minimum Standards for Protection of the Rights of Victim of Human Trafficking. However, these laws build a solid legal framework for the children in Myanmar, the legal framework has to be improved and reworked at some parts to ensure a stronger child protection in the country.

Child abuse includes different kinds such as mental harm, neglect, physical abuse and sexual exploitation. An estimate of 133-275 million children worldwide suffer under violence from their caregiver. If the child abuse undertaken with the aim to gather profit out of the situation it is called child exploitation. An estimate of over 168 million children are worldwide forced into labour. They have to work in different kinds of fields such as housemaids, in a restaurant, on the street, as tour guides or in the agriculture sector. Some even have to work under hazardous conditions such as child soldiers or as prostitutes. In the tourism industry working approximately 13-19 million children. They work at hotels, restaurant, *as*

souvenir sellers or guides and also in hazardous forms as in the sex tourism industry. Often is poverty the reason why children have to quite school and are forced into labour.

Poverty is also one of the main reasons why parents decide to give their children away. Some children are given away for work or they get trafficked and sold as housemaids or into prostitution. Other ones a brought to a residential care institution. Their parents think this would be the only way for the children to get a well education. Studies have proofed that residential care institutions have a negative impact on the development of the children. As a result this type of childcare has nearly abolished in industrial countries and was replaced with alternative care as for example kinship care. Whereas in developing countries residential care institutions are still the main and often only option for children in need. At some tourists hotspots in the developing countries the number of orphanages has even increased during the last years. In some countries as Cambodia to run an orphanage turned into a business.

The orphanage tourism business describes a phenomenon where residential care institutions try to attract tourists to gather donations. During their holidays tourists and foreign volunteers went to orphanages with the intention to do something good and give something back by playing with the children, teaching them and leaving donations. But instead of doing something good they harm the children and put them on high risk to get abused and exploited by supporting the orphanage tourism business.

Many of the children at the orphanages are no real orphans and have at least one parent alive. In some of the cases the children get bought from their families to live at the orphanage. Children who live at residential care institutions who run for profit often have to beg for money, are forced to work and have to perform traditional dances to attract tourists and volunteers. Therefore orphanage tourism is also described as a modern form of slavery. Children who actually have parents and only have to live at the orphanage because the principal of the institution wants to make money with the children are called ‘paper orphans’. Negative circumstances like poverty and a lacking access to education force children to live at an orphanage. By undertaking a research on orphanage tourism in Cambodia the author has identified 12 causes who lead to orphanage tourism. Widespread poverty missing laws and regulations and a lacking monitoring system, unaware parents, tourists and volunteers, volunteers without childcare experience and visitors with bed intention were identified during the research.

The situation analysis in Myanmar has identified that most of the interviewed residential care institutions had no visitor management and no child protection policy. This puts children at a high risk to get abused and exploited. With an uncontrolled coming and going

from tourists and volunteers the children have to scope with emotional neglect over and over again. Another risk based on unregulated visitors is that people have an easy access to the children and therefore an easy change to abuse the children. Alarming was that in most of the cases the orphanage principals did not see any risks for the children when they are alone with the visitors. That is a dangerous misbelief and a proof of missing awareness since besides visitors with good intention also visitors with bad intention, for example with the intention to sexual exploit the children, have an easy access to the children.

Even though the Myanmar Child Law includes that every orphanage run by a private person or NGO has to be registered at the DSW, the registration system is lacking. Many orphanages are unregistered and as result underlie no monitoring systems. That leaves the children at these institutions unprotected. As long as this situation is not under control the number of orphanages at tourist hotspots can continue growing and leaves the children at risk for abuse and exploitation.

The situation analysis of Myanmar identified a significant difference between the single orphanages regarding to the number of visitors. Twelve orphanages never had any visitor whereas seven institutions had tourists coming frequently on a regular basis. The other 29 orphanages mentioned something between hardly any and a medium frequency. Four institutions also had foreign volunteers coming regular to their orphanage. It seemed difficult for the interviewees to answer the question if the tourists came on their own or with a tour guide. Also no arrangements between the orphanages and tour guides were agreed. This indicates that the understanding of the tourism industry as well as awareness on child protection issues are very low among the orphanages. The research has shown that orphanage tourism is quite new in Myanmar and the understanding of this business and its risks for the children hardly not exists. The visitor regulation situation at nearly all of the orphanages was inefficient, only one orphanage had a visitor regulation list.

Finally, based on the findings of this thesis it can be said that orphanage tourism is yet not a huge business in Myanmar but it already started at some orphanages. The institutions are not aware of orphanage tourism or its risks for the children who live at the residential care institutions. There are already tour operator and guides as well as other organisations who offer visits and volunteering at some of Myanmars orphanages. If countermovement measures will be taken into place now it is possible to stop orphanage tourism in Myanmar before its starts to develop. Therefore, all the involved parties have to cooperate. The implementing of improved child protection laws and regulations as well as an improved register and monitoring system combined with awareness raising measures for orphanages, the tourism industry and tourists and foreign volunteers is necessary. In case of the

awareness raising measures for tourists and volunteers it would be ideally to raise awareness even before they travel to Myanmar. To achieve that an intercontinental cooperation would be needed. If the right measures will be indicated it is still possible to stop the development of an orphanage tourism business in Myanmar.

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Declaration of Authorship

I declare that the work presented here is, to the best of my knowledge and belief, original and the result of my own investigations, except as acknowledged, and has not been submitted, either in part or whole, for a degree at this or any other University.

Eberswalde, 15th November, 2017

..... (Signature)

Julia Hanel

Annex

Annex 1: Articles from the CRC related to Orphanage Tourism Topics

"Article 3.1.: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 3.2.: States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

Article 3.3.: States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 7.1.: The child shall be registered immediately after birth and shall have […] the right to know and be cared for by his or her parents.

Article 8.1.: States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Article 8.2.: Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9.1.: States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when […] such separation is necessary for the best interests of the child […]

Article 9.3.: States Parties shall respect the right of the child who is separated from one or both parents ***to maintain personal relations and direct contact with both parents on a regular basis****, except if it is contrary to the child's best interests.*

Article 19.1.: States Parties shall take all appropriate legislative, administrative, social and educational measures ***to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse,*** *while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*

Article 19.2.: Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.!

Article 20.1.: A child temporarily or permanently deprived of his or her family environment […] shall be entitled to special protection and assistance provided by the State.

Article 20.2.: States Parties shall in accordance with their national laws ensure alternative care for such a child.

Article 20.3.: Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 27.1.: States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Article 27.2.: The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties […] shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 32.1.: States Parties recognize the right of the child to ***be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.***

Article 32.2.: States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. […] States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 34: ***States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.*** *For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:*

(a) The inducement or coercion of a child to engage 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.

Article 35: States Parties shall take all appropriate national, bilateral and multilateral ***measures to prevent the abduction of, the sale of or traffic in children*** *for any purpose or in any form.*

Article 36: States Parties shall ***protect the child against all other forms of exploitation*** *prejudicial to any aspects of the child's welfare.*

Article 39: States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Annex 2: Questionnaire Field Research Orphanage Tourism Myanmar

The field research is part of the “Promoting Child Safe Tourism and Online Environment in Myanmar” project. All the findings underlying a non-disclosure agreement. Thus no transcriptions of the interviews or other documents, besides the questionnaire, are added to the annex.

Orphanage structure:

- How old is your orphanage?
- Who founded it?
- How many staff do you have?
- How many children do you have here?
- Is the orphanage registered or acknowledged by the Department of Social Welfare?
- Is the orphanage receiving any support from the Department of Social Welfare?
- How many caregivers are there? And if they have received any training on child care and protection?

Children:

- How many boys, how many girls?

- What is their age?
- Where do the children come from?
- How many of them are actual orphans?
- For what reasons are the non-orphans here?

Donations:

- How do you finance your orphanage?
- Where are you getting donations from?
- What kind of donations do you receive and how often?

Visits:

- Do people come to visit the orphanage?
- How many come a week/ How often do you receive visitors?
- And what do they do? What are the purposes of the visits?
- Are they allowed to be alone with the children or are they allowed to take children outside of the institutions?
- Do you see any problems with visitors being alone with the children?

Foreigners:

- Do any foreigners come here? If yes: how many a year?
- What is the purpose of the visit?
- What kind of foreigners: tourists and/or expats?
- What nationality do most of the foreigners who come here have?
- How long do they stay here?
- What do they do?
- How do the foreign visitors know about your orphanage?
- Do you have any arrangements with tour guides/tour operators?

Volunteering:

- ➔ Do people come here to do volunteer work?
  - If yes: What kind of work are they doing?
  - If no: Would you like people to come here to do volunteer work?
- ➔ Would you accept foreign volunteers to work at your orphanage for some days or even months?
  - If no: what is the reason?
  - If yes: What kind of volunteer work could you imagine them to do in the orphanage?
- ➔ Do you know of any orphanages or schools who work together with foreign volunteers?

Registration list & Child Protection Policy

- Do you have a registration list for visitors?
- Do you have a child protection policy?
- Would you be interested in a child protection policy?