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Protecting the Volountoured. An Explanatory Human Rights Impact Assessment for Ethical Voluntourism in Nepal

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ABSTRACT

Voluntourism has become increasingly criticised in recent years with reports asserting it does more harm than good. As part of wider shifts in the sector aiming to minimise harms and maximise benefits, 'ethical voluntourism' has emerged in Nepal aimed explicitly at overcoming the harms of orphanage voluntourism. Despite good intentions, however, the rights of the voluntoured remain unprotected.

PROTECTING THE VOLUNTOURED

LIST OF SYMBOLS, ABBREVIATIONS AND NOMENCLATURE

AICAN	Australian Intercountry Adoption Network
BVBC	Better Volunteering Better Care
CCWB	Central Child Welfare Board
CWIN	Child Workers in Nepal Concerned Centre
DAO	District Administrative Office
DCWB	District Child Welfare Board
DRI	Disability Rights International
HRBA	Human Rights Based Approach
HRIA	Human Rights Impact Assessment
HfHK	Hope for Himalayan Kids
NGN	Next Generation Nepal
NGO	Non-Governmental Organization
MoWCSW	Ministry of Women Children and Social Welfare
SWC	Social Welfare Council
TAF	The Asia Foundation
TDH	Terres Des Hommes
UNICEF	United Nations Children's Fund
US	United States
USD	United States Dollar
USDOS	United States Department of State
WCSC	Women and Children Service Centres

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1.

INTRODUCTION

‘Ethical voluntourism’ has recently emerged in Nepal as a controversial initiative

attempting to reduce negative on-the-ground effects of ‘voluntourism’, by ending voluntourism in the child home sector and redirecting voluntourists elsewhere. It is spearheaded by the non-governmental organisation (NGO), Next Generation Nepal (NGN), who defines it as, ‘Voluntourism practices that do not harm the host community in any way and, ideally, improve the lives of the people in the host community alongside the personal development of the volunteer’ (NGN, 2014, p. viii). NGN was co-founded by a former American voluntourist, who whilst volunteering at an orphanage in Nepal, discovered that the children were not actually orphans. Ethical voluntourism is, therefore, underpinned by the belief that linkages exist between voluntourism and trafficking of non-orphaned children into child institutions for the purpose of generating money for corrupt actors. The primary intention of ethical voluntourism is to end the unnecessary institutionalisation of children, for whom negative voluntourism impacts are believed to be particularly acute, by directing voluntourists, and therefor funding and help, elsewhere.

Over 1.6 million voluntourists head overseas each year (TRAM, 2008), potentially bringing with them vast resources to help those most in need. Voluntourists have a major presence in Nepal’s child home sector where hundreds of homes are fully reliant on donor funding to care for, and provide education to, thousands of Nepal’s most vulnerable and poor children. At the same time, with human rights abuses increasingly reported in the orphanage voluntourism sector, few can argue against the need for a new approach which can address negative impacts.

With millions of vulnerable children living in orphanages globally,

the stakes are high for ending it altogether, and implications may be vast, for better or worse. By applying a human rights lens, this research aims to understand the real and potential human rights impacts of ethical voluntourism. With the voluntourism sector widely criticised for prioritising ‘voluntourists’ from the North, this research also seeks to understand if NGN’s model is an approach which finally prioritises the ‘voluntoured’ in the South. Can the new model help voluntourism realise its intention to be mutually beneficial by eliminating orphanage voluntourism? Or, does it put the voluntoured children in Nepal further at risk for human rights violations? These concerns raise a very big question which this research aims to answer. To what extent does the new ethical voluntourism initiative in Nepal *respect* the rights of children in the child home sector?

AN UNDEFINED DISCOURSE: UNPACKING ‘VOLUNTOURISM’

At the outset, there is a fundamental problem for voluntourism research—nobody knows what it actually is. As a complex, dynamic, ambiguous and shifting industry, the only things agreed upon in existing literature, is that it is one of the fastest-growing sectors of the travel industry (Wearing, 2001; Campbell and Smith, 2006; Gray and Campbell, 2007; Harlow & Pomfret, 2007; TRAM, 2008; Guttentag, 2009; Rattan, 2015), and that it combines travel and volunteering, where tourists volunteer for all or part of their travels (Wearing, 2001). Existing definitions are criticised for being too narrow and unable to capture a holistic picture of experiences, motives and impacts (Lyons & Wearing, 2008; Benson, 2011). The most commonly cited definition comes from Wearing (2001) as, ‘those tourists, who for various reasons, volunteer in an organised way to undertake holidays that might involve aiding or alleviating the material poverty of some groups in society, the restoration of certain environments or research into aspects of society or environment’ (p. 1). Keese (2011) offers a much simpler definition of, ‘a combination of development work, education and tourism’ (p. 258). New definitions continue surfacing, but no single overarching one has emerged (Benson, 2011). This makes gaining a complete understanding of voluntourism a challenge, as lines continue to evolve and blur (Taplin, Dredge & Scherrer, 2014).

The four dimensions of voluntourism as identified by Taplin,

Dredge & Scherrer (2014) are discussed here including stakeholders, organisations, markets and programmes. The primary stakeholders in voluntourism, include organisations serving as funders and recruiters, voluntourists, and the host community and governments. Interests, values, objectives, and motivations for each stakeholder vary (Taplin, Dredge & Scherrer, 2014).

There is a wide variety of organisations offering voluntourism programs that work individually or in partnerships including social enterprises, non-profit organizations, for-profit businesses, academic institutions and religious organisations (TRAM, 2008; Coghlan & Noakes, 2012; Tomazos & Cooper, 2012). ‘Volunteer tourism organisation’ is a common umbrella statement for sending and recruiting organisations or business, including tourism operators. Typical arrangements involve an operator from the ‘North’ partnering with organisations in the ‘South’ known as ‘host organisations’, ‘local communities’ or the ‘volountoured’, in a funder-funded relationship. Planning, policies and procedures are influenced by values, goals and interests, so vary tremendously. Monitoring and evaluation is rare and typically dictated only by funder interests (Taplin, Dredge & Scherrer, 2014, pp. 885-887).

Markets is a broad dimension represented by age, skill level and whether voluntourists travel solo, as a couple, with family, or as part of an academic or religious group (TRAM, 2008). It most commonly flows in a North—South dichotomy with voluntourists from the North and volountoured from the South, although recent research suggests the sector is expanding to include all variations (ie: Wearing & McGehee, 2013; Lo & Lee, 2011; McIntosh & Zahra, 2007).

Programmes also hold a broad range of sub dimensions, but most commonly voluntourism focuses on environmental or humanitarian projects (Wearing, 2001) with the majority of tasks related to conservation or community development. Caring for and teaching children is a common community development role (Callanan & Thomas, 2005). Cultural exchange, service learning and charity fundraisers are more ambiguous forms (e.g. Broad, 2003; Lyons & Wearing, 2012; Sin, 2010). The duration of experience varies from a relatively short period of time, ranging from as little as a few hours to longer than a year (Simpson, 2004). The amount of time divided between volunteering and touring also varies, as well as whether a program is ongoing or a one-off. These dimensions and their endless variations seem far removed from early voluntourism days.

Voluntourism is believed to have emerged in opposition to harmful mass tourism, and is historically rooted in the European ‘grand tour’ and American evangelical mission trips (Wearing & McGehee, 2013). The 1980s saw increasing consumer demand for alternative forms of more sustainable and mutually beneficial tourism (Novelli, 2005; Pastran, 2014). This departed from traditional mass tourism models where profit superseded local development (Hall & Tucker, 2004). The incidents of September 11, 2001 and the 2004 Indian Ocean Tsunami are said to have triggered demand, alongside reduced travel barriers and a growing middle class seeking more unusual travel experiences (Nestora, Yeung, & Calderon, 2009; Wearing & McGehee, 2013).

THE VOLUNTOURISM PROBLEM

Underpinned by the belief that tourism can, and should, benefit host communities, as well as tourists and tour operators (Callanan & Thomas, 2005; Pastran, 2014), the expansion of voluntourism in recent years is ripe with potential for bringing valuable resources to those most in need. However, a rapid participant upsurge and increased commercialisation of an unregulated and unmonitored sector has paved the way for the significant body of literature which illustrates the negative effects of voluntourism. Debates have polarised around the efficacy and ethics of voluntourism as a model for development (Pastran, 2014). Arguments both critique the integrity of voluntourism for development programs and promote it as a major player for socio-economic change.

The arguments *against* voluntourism have gained cogency, as evidence connecting human rights violations to it has shifted beyond theory or speculation and into the territory of reprehensible certainty. In recent years there has been an upward trend in reported cases of sexual exploitation of children in institutions by foreign volunteers (ie: Al Jazeera, 2016). The press and NGOs reporting on child trafficking and false orphanhood globally, and particularly in Nepal, has given a clear indication that the exploitation of children for the purposes of voluntourism has in recent years expanded and involves violations of human rights (ECPAT, 2016). With no widespread protection measures in place, nor background checks for participation, the industry remains unchecked. As such, questions considering how to maximise positive

impacts and minimise the negative, have become timely (Wearing & McGehee, 2013).

The primary motive of voluntourism is to help the less fortunate (Stoddart & Rogerson, 2004), and there is a notable shift in the sector, working towards figuring out how to help without harming. A major shortcoming of these efforts, as will become clear in the literature review, is that they are based on evidence gathered only from the voluntourist perspective, not the volountoured. Nonetheless, research has begun prescribing specific measures for developing and maintaining less harmful forms of voluntourism (Wearing & McGehee, 2013).

After decades of ineffective foreign assistance with often harmful outcomes (Mihaly, 2009; Panday, 2009; Panday, 2011), shifting efforts in Nepal's development sector are underway. Recent years have seen countless organisations working towards the same goals all over the world, incorporating a normative framework into policies and practice based on human rights. These shifts, rooted in internationally agreed standards laid out by the UN, have allowed a collective understanding in working towards the respect, protection, and fulfilment of human rights. There exists no evidence in voluntourism literature, however, indicating, incorporating or even suggesting the value of human rights principles. At the same time, the UN (General Assembly resolution 70/129) considers volunteering to be an important aspect of any strategies aiming to address poverty reduction, sustainable development, health, education, youth empowerment, climate change, disaster risk reduction, social integration, social welfare, humanitarian action, peacebuilding and, in particular, overcoming social exclusion and discrimination—all areas that voluntourism is actively engaged in. Also recognised by the UN is the need for research around volunteering, 'in order to provide sound knowledge as a foundation for policies and programmes' (General Assembly resolution 70/129). This research thesis serves that goal. It brings human rights into the voluntourism discussion, which in turn, brings voluntourism into the discussion of global volunteerism for human rights. The challenge is to ensure the shifts currently underway in the voluntourism sector are able to achieve their intended goals, particularly those seeking to minimise harm and maximise benefit.

This research focuses on the organisation, NGN, whose new ethical voluntourism model belongs to the overarching sector shifts, intended to address harmful problems. NGN seeks to end voluntourism altogether in the orphanage sector, which attracts vast numbers of

voluntourists. Through the application of an exploratory human rights impact assessment (HRIA), this research aims to understand, from the perspective of the voluntoured, if ethical voluntourism is adequate to realise its primary goal to ‘do no harm’ to the host community. From a human rights perspective, this question asks if ethical voluntourism *respects* the human rights of the voluntoured?

This research begins with an extensive literature review to identify key challenges, limitations and gaps in knowledge. By considering key debates around voluntourism, inadequacies of the existing approaches point to the need for a human rights perspective from the position of the voluntoured. To achieve this task, chapter three discusses the value and limitations of a human rights impact assessment (HRIA), as an exploratory methodology for evaluating voluntourism. A modified HRIA based in international human rights standards and the primary principle of *respecting* human rights is developed for assessing the human rights impacts of ethical voluntourism, which is a first step in understanding the actual capacity of duty-bearing voluntourists. Chapter four develops a human rights benchmark for the application of the HRIA by analysing the level of human rights enjoyment for institutionalised children in Nepal. The history of child institutions and Nepal’s commitments to human rights are discussed, which contextualises voluntourism today from the perspective of the voluntoured. Chapter five begins with a rights-holder—duty bearer analysis for the child home sector. It then raises concerns with voluntourism in the child home sector noting particular abuses and risks including human trafficking. Human rights concerns with NGN’s ethical voluntourism model are then raised for both the elimination of orphanage voluntourism and the promotion of other forms of voluntourism. This research will show that neither the current design and implementation of voluntourism in the child home sector, nor the new ethical voluntourism model, adequately factor in the rights of the voluntoured, and indeed, poses significant risks in terms of human rights violations.

2.

TOWARDS A NEW APPROACH FOR VOLUNTOURISM:
A LITERATURE REVIEW

The main purpose of this chapter is to form the basis for an alternative framework most suited to assessing human rights impacts of voluntourism from the position of the voluntoured. This literature review makes it clear that despite embodying *two* components, travel and volunteering, research has primarily considered the voluntourism phenomenon within *one*, the tourism frame. This proliferation of tourism framed literature has almost exclusively prioritised the voluntourist perspective, revealing a glaring gap in the literature—there remains a clear lack of engagement with the perspective of the voluntoured across the board.

The basic assumption central to voluntourism rhetoric, is that by volunteering, host communities are benefited not harmed, but existing literature shows that voluntourism is having the opposite of the intended effect. This has raised important questions, particularly concerning whose interests are served, and how (or if) the sector can (or even should) address increasingly growing reports of human rights violations connected to projects. How can research ensure the voluntourist is prioritized in a study model? Does the commonly used tourism frame offer an appropriate space to examine whether the new ethical voluntourism model is adequate for protecting the voluntoured? To consciously consider which framework and subsequently, methodology, is most suited to prioritizing the human rights of the voluntoured, this chapter digs into the ongoing tourism-development debate.

Examined first is the tourism framework, which is contextualized by using Jafari's (1990) advocacy, cautionary, adaptancy and scientific platforms. Then, having identified the need to expand into other discourse, an idea for a de commodified paradigm is considered. The need to shift UN's perception of 'volunteerism' into voluntourism discourse as a way to address global issues is briefly discussed. The chapter closes

by ultimately challenging the status quo for voluntourism research, as a necessary act to prioritize the human rights of the voluntoured.

THE TOURISM-DEVELOPMENT DEBATE

Voluntourism is positioned somewhere on an increasingly growing continuum of tourism and development, which is far more diverse and complex than early literature understood or reported (McGehee, 2014). Its widespread growth and diversification has given rise to a fundamental confusion in literature around the debate which asks if voluntourism is tourism or is it development, and what the relationship is between the two. At one end, it is understood as a niche form of tourism, while at the opposite, a major player for socio-cultural change (Wearing & McGehee, 2013). This debate catches further debates around purpose, intent, goals, impact and responsibility, raising difficult threshold issues for any voluntourism research existing at the onset. More confusingly, this debate is a contradiction in itself, as the two sectors are inherently at odds. The opportunity for compatibility between tourism and development goals is limited, as the principles and objectives diverge greatly (Shaply, 2010). That much of voluntourism stakes claims to both, tourism and development, either implicitly or explicitly, is a conundrum seldom acknowledged.

Voluntourism remains nearly exclusively understood, researched and published within a tourism discourse, falling largely under the broader umbrella of sustainable tourism. Consequently, a great deal of research has considered it as a form of tourism, investigating the market, and/or the customer, the voluntourist (Uriely & Reichel, 2000; Holmes et al. 2010). Voluntourism in practice and research should take into account *all* relevant stakeholders (Mascarenhas et al. 2010; Taplin, Dredge & Scherrer, 2014). Lewis (2001) defines stakeholders as ‘any person or group that is able to make a claim on an organisation’s attention, resources or output, or who may be affected by the organisation.’ As voluntourism claims to be mutually beneficially to both the voluntourist and the voluntoured, and much is known about the former, a look at existing literature demonstrates that there is an apparent need for research which positions the latter as the central stakeholder. To address this gap, the essential starting point is to understand why research remains biased to the North.

In the diverse, multi-sectorial and fragmented sector of voluntourism, a multiplicity of variables has an influence on how it is practiced on the ground, making it difficult to contextualise in research. Jafari's (2001) four platforms, advocacy, cautionary, adaptancy and scientific, have become increasingly used in academia to position voluntourism literature (ie: Taplin, Dredge & Scherrer, 2014; Rattan, 2015). This trend lends itself to the most common frame in which voluntourism is examined—tourism. It was initiated into voluntourism literature by tourism academics, Wearing and McGehee (2013) to present an overview of the maturation literature. In order to contextualise voluntourism within the tourism sector more broadly, Jafari's (2001) platforms are examined here, where the separation of texts between platforms helps to explain the diversity of views. Bearing in mind that they sequentially build upon one another, it is important to note that progression through the platforms does not make proceeding platforms less influential (Jafari, 1990). In this particular presentation, positions are not necessarily static as some literature overlaps between the two.

The first platform, advocacy, is characterised by strong support for tourism, where it is widely held that host communities economically benefit from all forms of travel, as tourism is nearly universally adopted as a development agent (Sharpley, 2010). Through the free market, tourism is believed to generate direct and indirect revenue, create jobs, stimulate regional development, promote cross-cultural understanding, and incentivize cultural and environment preservation (Weaver, 1991). Many countries around the world have embraced tourism as an integral part of development strategies (Sharpley, 2010). In 2015, it made a global contribution of \$7.2 trillion USD and provided jobs for 1 in 11 of all people around the world (WTTC, 2016). In the South, tourism dominates the economic sector (Sharpley, 2010), making a strong case for a potential financial benefit for the voluntoured. With voluntourism participation on the increase, potential economic impacts are also likely to increase.

In 2004 the most vigorous growth for voluntourism was occurring in the commercial sector (Simpson, 2004) driven by Northern demand (Wearing & McGehee, 2013). Oddly, however, literature aligning with the advocacy platform has engaged in limited discussion around economic benefits to host countries, and the actual market value remains unknown. Research has yet to provide strong evidence of any benefit, economic or otherwise, to the voluntoured in the South. Instead,

advocacy literature has primarily focused on benefits for voluntourists.

Early literature professed vast benefits for the voluntourists, as the first wave of research took an advocacy stance, accepting it as an altruistic experience with few negative impacts (Broad, 2003; Higgins-Desboilles, 2003; Clifton & Benson, 2006; McIntosh & Zahra, 2007; Singh 2002; Wearing & McGehee, 2013). It was widely held that voluntourists could have a self-developing travel experience, whilst engaging in development work, giving back to the community and gaining cultural understanding (Brown & Morrison, 2003; Wearing & Dean, 2003; Stoddart & Rogerson, 2004; Brown, 2005; Callanan & Thomas, 2005; McIntosh & Zahra, 2007; Coghlan, 2008). Improving one's CV is also commonly noted (Simpson, 2004; McGloin & Georgeou, 2015). McGloin & Georgeou (2015) found voluntourist recruitment materials assert 'doing development' through voluntourism is a personal investment which will show returns (to the voluntourist) for years to come. For some then, by paying thousands of dollars for authentic travel experiences, 'making a difference' occurs in a consumer market (McGloin & Georgeou, 2015). Wearing (2001) argues another benefit is the knowledge that voluntourists spread to their 'privileged' communities (in the North) when they return home.

Voluntourism research aligning with this platform has effectively demonstrated potential and real positive outcomes of voluntourism, but only for the voluntourist, and not in the ways which typical tourism advocacy suggests, notably the lack of economic benefit to the destination communities. A further characteristic of advocacy literature is its uncritical approach that views voluntourism as a panacea, leading to the implicit or explicit endorsement of continual growth. Through its uncritical support, this wave of one-sided pro-voluntourism research has played a role in the unregulated, rapid expansion and commercialization of the sector, which has brought with it many issues.

The cautionary platform brings a counter perspective to advocacy, by casting doubt on the assertion that tourism is beneficial to destination communities, because the cumulative effects of tourism development, come at an unacceptably high cost to host destinations (Jafari, 1990). Research has shown tourism doesn't actually have an extensive economic benefit and is problematic for the environment, economy, and socio-cultural well-being of destinations (Weaver, 2007). It is well documented in literature that tourism privileges tourist needs over destination communities (Meyer, 2007). This is, in part, because dominant neoliberal

agendas have led economic, social and political order to position profits over people (Chomsky, 1999). In reality, any economic benefits of tourism are eroded as profits are ‘leaked’ to agencies, and employment benefits are low (Mdee & Emmott, 2008). Tourism is held to play a role in broadening the wealth gap in destination countries (Tyson, 2015). When countries in the South are over-reliant on tourism to improve their economic standing, it often comes at the expense of its inhabitants (Tyson, 2015). Voluntourism, for example, has been accused of taking, rather than making jobs (Ver Beek, 2006; Guttentag, 2009; Sin, 2010). By providing services for free, or worse, actually *paying* large sums of money to volunteers, it becomes impossible for local labour to compete, often inciting feelings of inferiority amongst the voluntoured (Wall & Mathieson, 2006).

Amidst vast commercial growth, voluntourist operators from the North are accused of selling the idea of helping those in the South for personal profit (Simpson, 2004; Smith & Font 2014). According to McGloin & Georgeou (2015), ‘companies have appropriated the language of humanitarian development’ in order to trade on the idea that they send people to ‘help’ others’ (p. 3). This view aligns with the well established position in tourism academia that external tourism operators economically benefit the most (Mdee & Emmott, 2008). ‘Greenwashing’ is well documented in voluntourism research, where misleading marketing is increasingly being used to paint a picture of ethical consumption, without actual or adequate concern for social and environmental imperatives (Najam, 1999).

Smith & Font (2014) found operators consistently greenwashing by over positioning and irresponsibly communicating about voluntourist programs. The study further found an inverse relationship between price and responsible marketing—the higher the price, the lower the ethical marketing. This study was somewhat of a breakthrough for voluntourism research, making a clear case that the industry runs as a profitable business. Quite interestingly, the study found itself in a wash of controversy—the voluntourism operators investigated were granted anonymity in the published version after the researchers were threatened with litigation (Smith & Font, 2014, p. 960).

On the whole, issues around financial benefit to the South are unreported—the following example may demonstrate why. A 2004 study by Jones, found over 800 voluntourism operators (not for profit and for profit) were offering ‘gap-year’ placements across 200 countries

with the average cost ranging from \$680 USD to nearly \$3000 USD. These findings show voluntourist programs would effectively be out of reach for many from the South. For example, that same year (2004) in Nepal, the World Bank reported the gross national income, was \$288 USD per person. Two full years of wages would not be sufficient for even the lowest priced program. There is a clear financial basis for power imbalance in this arrangement.

Research has consistently shown that in voluntourism, North-South power dynamics are skewed, a concern also apparent more broadly in tourism. For example, as tourism expanded haphazardly into new areas in the 1970s, it was accused of perpetuating master-slave-like relationships (Harrigan, 1974). Voluntourism power dynamics have been explored through a post-colonial theoretical framework by numerous researchers (ie: Simpson, 2004; Palacios, 2010; Pastran, 2014), where any positive impacts are questioned by underscoring the apolitical discourse which overshadows the inherent structural inequalities (Conran, 2011).

Exploiting host communities and creating new systems of dependency for the voluntoured (Caton & Santos, 2009; Guttentag, 2009; Theerapapissit, 2009; Palacios, 2010; Sin, 2010; Vradi, 2013), became particularly critical concerns when Brown and Hall (2008) suggested voluntourists are the new colonialists. These concerns are valid given studies routinely showing voluntourists being positioned as experts irrespective of their actual level of skill or experience. Brown (2003) reported that voluntourists use locals as guinea pigs to practice being professional adults, while a further study of medical voluntourism in Nepal, showed anyone was permitted to participate, irrespective of a medical background (McLennan, 2014). In Palacio's (2010) study, a group of untrained university students from Australia worked with vulnerable children in Vietnam, despite having no training to do so. In these examples, power dynamics that position the voluntoured as secondary to the voluntourists are reinforced, leaving vulnerable individuals even further vulnerable. Unsurprisingly, then, reports are emerging of increased crime associated with voluntourism, due to abuse of power, including examples where children are sexually abused and exploited (Punaks & Feit, 2014).

Tourism has long been criticised for damaging the environment and host communities (Sharpley, 2010, p. 1). According to the UN Environmental program's web page, tourism has a hand in degrading the environment, commodifying culture, stimulating crime, promoting

cross-cultural conflict and increasing child labour, prostitution and sex tourism. Furthermore, it is well known that the South will be more affected by global warming caused by carbon emissions which are expended on transportation to get to host countries. Many believe that actions can be taken to counter any negative impacts, like voluntourism, but studies have shown otherwise. Brondo's (2015) investigation of environmental conservation efforts found the opposite of intended effect, as voluntourism was identified as a site for fictitious conservation which actually furthers ecological devastation while obscuring uneven development in the process (Brondo, 2015, p. 1405). Similarly, Sin (2010) found issues concerning uneven distribution of assistance which created tension and jealousy amongst the community.

The wealth of benefits for the volunteer is increasingly countered by growing scepticism of any benefit to the volunteered (Pastran, 2014). The sector is heavily criticized for over prioritising profits, promising unrealistic benefits, creating customer dissatisfaction and causing harm to host communities (Simpson, 2004; Benson & Henderson, 2011; Crossley, 2012; Tomazos & Cooper, 2012). The Cautionary platform makes it quite evident there are some major challenges to overcome in the voluntourism sector. The question cautionary research then raises is when you know better, how can you do better?

The adaptancy platform is where issues found in the previous two platforms (advocacy and cautionary) are attempted to be overcome (Jafari, 1990). With so many cautionary concerns identified in existing literature, the adaptancy platform represents a much-needed shift for the voluntourism sector. Voluntourism has enjoyed a wide variety of adaptancy positions in research, such as alternative tourism (Wearing, 2001; Singh, 2002; Uriely, Reichel, & Ron, 2003;), new moral tourism (Butcher, 2003, 2005), and as a form of ecotourism (Gray & Campbell, 2007). Other defining descriptors have included charity, justice, pro-poor, or goodwill tourism (Wearing & McGehee 2013; Butcher, 2003; Stoddart & Rogerson, 2004; Theerapappisit, 2009).

Somewhat confusingly, voluntourism itself, is a manifestation of Jafari's original adaptancy platform, because it is a form of sustainable tourism which emerged in response to harmful mass tourism. All adaptancy voluntourism literature should be understood as seeking adaptation to an already adapted model. This is undoubtedly, and ironically, evidence that voluntourism has been unable to realize the goal to be a sustainable solution to mass tourism.

Sharply (2009) furthers this argument by calling upon, *Making Tourism More Sustainable: A Guide for Policy Makers* (UNEP/WTO, 2005), explaining 'sustainable tourism is a 'condition' relevant to all forms of tourism and refers simply to tourism that is developed in accordance with the principles of sustainable development' (p. 4). However, despite the rhetoric, there is little evidence of any adherence to principles of sustainable development, on the whole, making sustainable tourism an unrealized goal in itself (Sharply, 2009). It is not possible to extensively review the whole sustainable tourism sector here, but there are some noteworthy issues, as they can be applied directly to voluntourism. Its definition remains contested and debates are based on weak or false assumptions and are therefore theoretically flawed (Liu, 2003). Further fundamental issues include non-existent practical policies and measures for real world planning and management (Wheeller, 1991); principles representing micro solutions for macro problems (Berno & Brickner, 2001); and a vast gap between rhetoric and reality on the ground (Sharpley, 2010). As such, the lack of academic coherence and empirical evidence led Sharpley to argue, quite convincingly, that sustainable tourism is a myth, and that an alternative model should be exercised. Rather than continuing to impose a sustainable development blueprint on travel, which ultimately is just too contradictory, Sharpley believes that communities should instead exploit whatever capital they have available to them. This ultimately flies in the face of sustainable tourism.

Returning back to voluntourism specifically, the adaptancy platform in literature signals a new level of voluntourism research maturity where, 'prescribing specific ways to develop and maintain forms of volunteer tourism that maximize the positive impacts and minimize the negative impacts' is underway (Wearing & McGehee, 2013, p. 122). Ideas and discussions about how to address the documented problems and shortcomings of voluntourism practices are diversifying, and include calls for certification (Mdee & Emmott, 2008; Rattan, 2015). Adaptancy literature is very much in its infancy stages, but it is unlikely any research which remains exclusively in this platform will hold the solutions to voluntourism's shortcomings.

According to Jafari (1990), the scientific platform (knowledge), emerged through acknowledging that in a globalised world, the adaptancy platform was not practical nor appropriate for four primary reasons. First, in destinations where tourists are already present, there exists a 'here to stay' mentality (Jafari, 1990). This idea is also found in

voluntourism literature (Punaks & Feit, 2014). Second, *all* tourism has both positive and negative impacts (Jafari, 1990). Third, advocacy and cautionary works focus on *impacts*, while adaptancy focuses on *forms of development*, offering only partial treatment of tourism (Jafari, 1990). Fourth, and therefore, only by taking the phenomenon as a *whole* can underlying functions and structures be understood. Jafari argues, only through a holistic and systematic approach, can theoretical constructs and practical applications be brought to light (1990, p. 35). Ultimately, Jafari insists that the advocacy, cautionary and adaptancy platforms can only offer a biased and narrow worldview. That nearly all existing voluntourism literature aligns with these three platforms, is telling of the inherent bias and limitations of existing knowledge.

According to Wearing and McGehee, (2013), scientific voluntourism research, 'calls for the utilization of structured, interdisciplinary, transdisciplinary, transnational, and mixed method approaches to examine volunteer tourism in a more systematic and logical way' (p. 122). There are only a few works identified by Wearing and McGehee (2013) as belonging to the scientific platform, most of which were authored by themselves. Because Jafari's model is explicit in that research belonging to the first three platforms can *only* be biased and ineffective to overcome the inherent shortcomings of tourism, it is peculiar that other voluntourism authors have self-identified their work as belonging to one of these platforms (ie: Taplin, Dredge & Scherrer, 2014). That this has yet to be acknowledged in voluntourism literature suggests Jafari's tourism frame has been used with uncritical and uninformed acceptance.

An overriding issue central to the shortcoming of voluntourism literature is evident - it continues to use a tourism frame, sometimes unthoughtfully so, which inherently prioritises the voluntourist. Jafari's platforms have demonstrated that voluntourism, having long been primarily examined within a tourism frame, has overpromised and under delivered. Research has prioritised the voluntourist customer over, and at the cost of, the volountoured. What's made clear thus far, is that to overcome the inherent problems of voluntourism, in order to gain a new perspective, research must expand into other discourse.

VOLUNTOURISM BEYOND THE TOURISM FRAME

Over ten years ago Wearing, McDonald and Ponting (2005) argued for the need to examine voluntourism within a decommodified frame, in order to overcome the tourism paradigm's relentless pursuit of increased efficiency and profits. The central argument of his article aligns with Jafari's assertion that tourism discourse must expand out of its narrow focus, and is worth quoting at length (p. 428).

As long as the tourism industry remains within the mainstream research paradigm, where the goal is to maximise niche markets, growth and profitability, the goals of sustainability and empowerment will never be obtained – the status quo will not be challenged. To subvert this paradigm we need to take ourselves out of it, and look upon it; we need to 'see' from as many angles as we can by using a range of alternative philosophies and paradigms.

The article didn't gain widespread support, but rather sparked an online debate. Butcher (2006) outright disagreed, arguing that in a decommodified paradigm, voluntourism would be reduced to 'charity' or 'welfare tourism'. What Butcher seems to miss altogether in his argument, is that the current model of voluntourism which 'externalizes development' (Ingram, 2011, p. 219), where voluntourist 'expertise' is benevolently bestowed upon the voluntoured (Escobar, 1995), it could be readily argued that Southern host communities *already are* positioned as passive recipients perpetually in need of voluntourism charity. The fundamental question that arises in such debates is who voluntourism is actually meant to serve - the voluntourist, or the voluntoured?

Citing Chomsky (1999), Wearing, McDonald and Ponting (2005) further capture the problem, 'Corporate philosophies and ideologies are fundamentally underpinned by a 'capital accumulation logic', that is simply speaking, profits come before people.' (p.426) The incompatibility of maintaining a financially viable enterprise and achieving positive social and development impact underscores these concerns. As such, many have argued for the need to better manage tourism businesses and organisations (Barbieri, Santos, & Katsube, 2012; Benson & Henderson, 2011; Cousins, 2007; Moutinho, 2000). Wearing and McGehee argues that voluntourism regulation is important, not for the voluntoured, but for the benefit of voluntourists, because projects funded by institutions, such as the World Bank, have no understanding of the tourism industry (2013, p. 124). This argument further evidences the view of prioritising

the voluntourist over the volunteered. There is another important fact that arises in McGehee and Wearing's position—voluntourism *is* clearly operating in development capacities. Voluntourism is popping up outside the tourism sector in community, environmental and scientific projects (Devereux, 2008). The sector is increasingly aligning with development projects (Wearing & McGehee, 2013). Because the majority of knowledge generated about voluntourism has been positioned in a tourism frame, if the sector is, in fact, shifting into the development sector, the door will be swung open to vast unknowns for the industry.

SHIFTING VOLUNTEERISM TO VOLUNTOURISM FOR HUMAN RIGHTS

In February of this year, the UN (2016) adopted General Assembly resolution 70/129 acknowledging the importance of volunteering. It states, 'volunteerism is an important component of any strategy aimed at such areas as poverty reduction, sustainable development, health, education, youth empowerment, climate change, disaster risk reduction, social integration, social welfare, humanitarian action, peacebuilding and, in particular, overcoming social exclusion and discrimination.' Volunteering is recognised as an important factor for achieving the 2030 Agenda for Sustainable Development, and governments are encouraged to integrate it into development policies, strategies and plans by partnering with all stakeholders, including volunteer-involving organisations, the private sector, civil society, including academia, and UN entities. While there is no explicit mention of international volunteers, voluntourism certainly falls under 'volunteer-involving organisations' through both, the private sector and civil society. Further, voluntourism currently engages in nearly all said activities. Volunteering is being called upon globally, and voluntourism is regularly described as having much potential, but whether the sector as a whole, can shift in a way which meets global needs, remains to be seen. Does the new model for ethical voluntourism provide the means to such ends?

Currently, no voluntourism research framework exists which takes into consideration the universality of human rights. More broadly speaking, the tourism industry as a whole has only begun discussing how to ensure travel doesn't infringe on human rights (see: IHRB, 2012). These discussions have focused primarily on the challenging

intersection between business and rights, but remained largely concerned with mitigating risk to the business. In this sense, tourism is lagging well behind community-based development, and voluntourism discourse should take heed.

Literature discussing development's earlier North-South models are not entirely dissimilar from voluntourism. This is particularly notable in Nepal, where this research is focused. For over 50 years, foreign assistance in Nepal unsuccessfully employed a 'charity' or 'needs' based model with much of the same 'make a difference' intent (see: Mihaly, 2009; Panday, 2009; Panday, 2011). Such efforts, despite good intention, are believed to have made things worse for Nepal. But unlike voluntourism, development efforts have had time and experience to learn from, and recent years have seen a global shift towards a human rights-based approach (HRBA) to sustainable development and global poverty reduction (UNDG, 2003). HRBA has strengthened over the past decade, putting human rights at the core of most humanitarian and environment work (UNDG, 2003). Undeniably, longstanding debates around North-South development practices still persist, as an HRBA is not a panacea. However, with universal goals which all stakeholders can work collaboratively towards, one can hardly deny its strength for working towards the respect, protection and fulfilment of human rights (UNDG, 2003).

HRBA isn't only a development practice, it can also be used as a tool to evaluate the extent to which human rights are being considered in existing programs and approaches (Götzmann et al. 2016). Conversely, tourism framework, as discussed, does not provide an adequate space for these considerations. Because of the great theoretical divide between tourism and sustainable development (Sharply, 2000), the adoption of a research position should be a conscious choice only arrived at through careful appraisal of the options (Wearing, McDonald & Ponting, 2005). Generally speaking, voluntourism discourse has ignored the vast philosophical frameworks necessary to provide a rich understanding of the phenomenon. This is, however, the least of reasons why voluntourism needs to be conceptualised in a different frame.

Voluntourism *is* participating in development either directly, indirectly or both, and it is doing so in ways which have been demonstrated to be, not only inefficient or inappropriate but as having the adverse effects of its intention. Irrespective of who it should benefit, it is clear that people are actually being harmed. Until research is able to look at voluntourism

for what it actually doing in order to truly address the problems, only the status quo can be maintained, where profits trump people. Therefore, this research makes an intentional and informed choice, to depart from existing tourism frameworks and to develop a new HRBA framework for voluntourism research which prioritises the human rights of the volunteered.

This chapter challenges the status quo of voluntourism research. In other words, it demonstrates that, despite maintaining its position in academia as belonging to the dominant tourism paradigm, this frame does not adequately allow for the prioritisation of the volunteered nor human rights. Not only is there little, if any evidence of true benefit to the volunteered in practice—excepting a few examples demonstrating micro solutions to macro problems—the significant attention paid to the voluntourist in existing literature, has resulted in neither a definitional nor theoretical consensus. Furthermore, a viable set of practices on the ground, which could allow voluntourism to realise its goal to be mutually beneficial, or even more simply, to protect the volunteered, have yet to be translated into practice. Despite being a relatively young phenomenon, voluntourism as a subject of academia has reached something of an impasse, where the time has come to consider it beyond the tourism frame. That human rights violations connected to voluntourism are being reported at alarming rates, can be understood as a further factor inciting this stance.

This chapter has further demonstrated that within the voluntourism sector there exists a need to reconcile the still very disparate ways in which it is understood or conceptualised as a catalyst of change. Drawing on a number of existing studies, it has become clearly a more pragmatic approach to voluntourism is necessary. The heart of this view recognises that even in its own terms, voluntourism is failing to deliver positive outcomes. There is a growing recognition that good intention is insufficient in meeting some of the most basic needs of the volunteered. The economic nexus between tourism and development challenges the goals and intention of ‘helping’. This is, at least in part, due to bias and limitations imposed by models and theories which underpin it. The critical question then is how to go about resolving this in light of experiences thus far. Because voluntourism is a highly diverse and fragmented sector there are few opportunities for an all-encompassing approach, and opportunity to reinforce uneven power dynamics in research is great.

The following chapter addresses these problems by proposing an alternative approach to study voluntourism. By developing an exploratory human rights impact assessment (HRIA), the stakeholder that has been almost entirely neglected, the voluntoured, can be brought firmly into focus. In this way, NGN's ethical voluntourism model can be evaluated in terms of ensuring the protection of human rights of the voluntoured. In offering a new approach to evaluate voluntourism, a more vigorous debate and a greater diversity of research will be able to emerge.

3.

DEVELOPING A HRIA FOR VOLUNTOURISM

Increasingly, more attention is being given to concerns around the negative impacts of voluntourism including human rights violations of the voluntoured, yet the existing literature has focused almost exclusively on the perspective of the voluntourist. This is an apparent gap, which this research methodology seeks to address by assessing perspective from the voluntoured point of view in a way which operationalizes concerns in terms of rights. To do so, this research undertakes a Human Rights Impact Assessment (HRIA) as the methodology, in an exploratory capacity to analyse ethical voluntourism for real or potential human rights impacts.

HRIA has gained traction in recent years as a useful tool for governments, businesses in the private sector, civil society and the non-governmental sectors (CSOs and NGOs) and other stakeholders, to evaluate the impacts on on human rights enjoyment of rights holders (Götzmann et al. 2016, 2016). This makes HRIA an ideal methodology for voluntourism—human rights research, because it can be applied sector-wide to assess voluntourism’s impacts in terms of human rights, irrespective of where voluntourism is understood to be positioned along the tourism-development spectrum.

HRIA is a relatively new and emerging practice that has yet to be incorporated into voluntourism discourse, so for guidance, this chapter draws heavily upon The Danish Institute for Human Rights’ *Human Rights Impact Assessment and Guidance Toolbox*’ (2016). First, a discussion on HRIA identifies the different components of two existing types of HRIA relevant to voluntourism, business and development. The essential components of each are identified as well as the key difference between the two. What follows is a discussion on how this research will operationalize essential HRIA components to analyse

ethical voluntourism. The limitations of this research design are then discussed.

EXISTING HRIA

HRIA can be used to identify and address real and potential adverse human rights impacts in a particular context, engage in due diligence of human rights, serve as a platform for stakeholder dialogue and empower rights holders to hold duty bearers accountable for human rights impacts (Götzmann et al. 2016, p. 6). HRIA is contextual and has yet to be attempted for voluntourism, so existing approaches are examined here to identify key points required for developing an HRIA which can evaluate the new ethical voluntourism model. At first glance, developing HRIA for voluntourism points back to the original tourism-development debate discussed in the previous chapter. The two primary HRIAs conducted today, are for businesses and the development sector, with a fundamental difference between the two.

In the context of businesses, HRIA serves as a process for, ‘identifying, understanding, assessing and addressing the adverse effects of a business project or activities on the human rights enjoyment of impacted rights-holders’ (Götzmann et al. 2016, p. 9). The UN has developed three inter-related pillars in their ‘*Guiding Principles on Businesses and Human Rights*’ (2011) which include state duty to protect against third party abuses through regulation, policy, legislation and adjudication; corporate responsibility to respect human rights by not infringing upon other’s rights; and the obligation for both state and business to assure rights-holders have access to remedy any human rights harm caused by the business activities. While businesses do not have legal obligations under international human rights law, they should always ensure rights are *respected* by adhering to the principle of ‘do no harm’ (Götzmann et al. 2016, p. 33). This requires both negative actions of non-interference in rights and due diligence. ‘Human rights due diligence’ is the process for identifying, preventing, mitigating and accounting for, how to addresses any adverse human rights impacts - assessing human rights impact is critical to the process (Götzmann et al. 2016, p. 15). For the voluntourism context, a business HRIA is useful for voluntourism operators, to ensure their programs do not infringe on the rights of the voluntoured. As such, it can only offer partial treatment for

voluntourism; as chapter two showed not all voluntourism is conducted through for-profit operators.

The fundamental difference between HRIA for business and development is that in addition to *protecting* rights, the latter also *promotes* rights, by raising levels of accountability (UNICEF, 2009). From a development standpoint, HRIA is commonly based in a human rights approach (HRBA), which is defined by UNICEF as ‘a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.’ (2009, p. 4) Development HRBA integrates international human rights standards, norms, and principles into development policies, plans and processes (UNICEF, 2009, p. 4).

The exact formula for HRBA is open to interpretation, but the elements are well established to include express linkage to rights, working towards raising levels of accountability, empowerment and participation, and giving special attention to vulnerable groups, equity, equality, and discrimination. Doing so entails translating universal human rights standards into context specific benchmarks, which specific programs or activities can then be then measured against. A key part of this process is identifying rights holders, and their entitlements, and duty bearers, and their obligations to protect, promote, and provide rights (UNICEF, 2009). Also important, HRBA prioritises ‘processes’ rather than ‘quick-fix’ solutions, and incorporates safeguards for protection against rights abuses, and power imbalance (UNICEF, 2009, p. 6). HRBA is not known as common practice in voluntourism activities. Even so, like business HRIA, development also only offers partial treatment, as some voluntourists are very clearly paying customers of voluntourism operators.

OPERATIONALIZING ESSENTIAL HRIA FOR VOLUNTOURISM

While neither business nor development HRIA fully captures the voluntourism sector, this isn’t a problem per se, as HRIA can be developed by a variety of stakeholders and take on various forms. HRIA is always contextual, so should be modified to suit each particular situation (Götzmann et al. 2016). However, the challenge for this research is that HRIA has not previously been attempted for

voluntourism, so it remains fully open to personal interpretation as to what exactly should be entailed, and how it should be operationalized. As such, here it is made explicitly clear that this first attempt at a voluntourism HRIA is *exploratory*, and therefore, should be understood as an introductory look at voluntourism and human rights, which can, and should, be altered and built upon in future voluntourism research. This HRIA is scoped down significantly to include only essential components broadly, in order to identify real and potential human rights impacts. Most importantly, this HRIA aims to serve the ultimate goal of all HRIA, which should always be to protect human rights and increase accountability of all stakeholders (Götzmann et al. 2016).

Rather than evaluating against an HRBA, this HRIA evaluates ethical voluntourism in terms of human rights ‘respect’, which is based on the principle of ‘do no harm’. This is an intentional choice, primarily because no HRBA has yet been developed for voluntourism and this research is not participatory. In this light, developing an HRBA would be counterintuitive to human rights principles which recognise the voluntoured are rights holders, and therefore, not individuals for which an HRBA can be designed *for*, but rather should be done *with*. For this reason, ethical voluntourism is evaluated for its own personal first goal, which is ‘do no harm’. This is an essential first step for the voluntourism sector as a whole, because if harm is done, the second goal of ethical voluntourism, ‘ideally improve the lives of the people in the host community alongside the personal development of the volunteer’ cannot be realised.

The essential HRIA components used in this study are identified here, along with a discussion, which provides transparency as to how the HRIA was developed and operationalized. This HRIA, like all others, is based on international human rights standards and principles where human rights are understood as *universal* and *inalienable*—they apply to all persons everywhere; are *interdependent* and *indivisible*—there is no hierarchy of rights and are based in principles of *equality* and *non-discrimination*—this aspect required identifying, which rights-holders are most effected by discrimination and poverty in Nepal, and ensuring their needs were taken into consideration (Götzmann et al. 2016).

In order to assess the human rights impacts of ethical voluntourism, this HRIA uses a three-phase process including, planning and scoping, data collection and baseline setting, and impact analysis. Because planning and scoping is incredibly important for HRIA, the

phase is discussed extensively here. The planning and scoping phase determined that because ethical voluntourism entails ending orphanage voluntourism *and* the promotion of other voluntourism, the HRIA would require analysing the orphanage voluntourism itself first, then look at potential impacts of its cessation, followed by consideration for potential impacts of the promotion of other forms of voluntourism.

The bulk of the planning and scoping took place prior to arrival in Nepal, which included an in-depth look at voluntourism through an extensive literature review (chapter two). Once on the ground in Nepal, it was determined it would not be suitable to collect primary data due to safety concerns. This required the HRIA plan to shift considerably, to instead of interviews, incorporate public voluntourism recruitment materials into the orphanage voluntourism analysis. Because tourists in Nepal would likely see voluntourism recruitment posters like those shown in the annexe, they and their coinciding web pages, were incorporated into this HRIA in order to more clearly understand the actual role of voluntourism in Nepal's children's home sector. However, this approach only generated a two webpage sample, because most poster recruiting orphanages did not have webpages. To expand the sample, two further orphanage webpages were identified through a basic internet search seeking out voluntourism opportunities in Nepal. In the end, four different orphanage web pages were used as a sample, to identify the most basic information regarding the role of voluntourism in Nepal's children's home sector by seeking out information regarding what a voluntourist does and what sort of child protection measures are in place. While the recruitment posters can be identified in the annexe, all identifiers are intentionally hidden for safety reasons.

The second phase, *baseline development*, is presented in chapter four, by identifying and analysing Nepal's human rights commitments both internationally and domestically, the actual level of human rights enjoyment for institutionalised children, and what opportunity exists for negative impact redress. Included is a historical and policy analysis of Nepal's institution sector which identifies major human rights events. For data, international treaties, conventions, declarations, national laws, policies, regulation and jurisprudence are examined to identify what rights children in Nepal are entitled to. To understand children's actual level rights enjoyment, reports by local and international NGOs, national human rights institutions, recommendations and reports by UN special procedures and regional human rights bodies are included.

Also considered is data on the human conditions covering inequality, poverty, education, corruption and institutionalisation and adoption figures.

Chapter five represents phase three of the HRIA, beginning with a rights-holders and duty bearer analysis. The relationship between tourists and the child institution sector is examined. Then concerns for human rights related to orphanage voluntourism are raised, followed by an analysis for the cessation of orphanage voluntourism. Lastly, human rights concerns for the promotion of other forms of voluntourism are highlighted.

LIMITATIONS

This methodology has two limitations. First, due to time and resource constraints, this HRIA is scoped down significantly to three compact phases. HRIA can be a long and highly technical process, requiring large teams of human rights experts, which is well beyond the scope of this research. As such, this highly simplified HRIA is not exhaustive in its analysis. There exists a broad literature on human rights, particularly HRBA, which extends well beyond the scope of this project. The second limitation is the lack of primary data collection, which is telling in its own right. Rights-holders should always serve as active agents in the HRIA process (Götzmann et al. 2016, p. 18). However, HRIAs should never put research subjects at risk, so there are important ethical reasons for the lack of interviews in this study. Safety and discrimination are serious concerns that are likely to affect one's ability to participate in an honest or open discussion around the topic of child institutionalisation in Nepal. Individuals have experienced threats, including from police, for attempting to make public some of the issues this research raises (BVBC, 2014). Further, reports around the topic have gone unpublished due to the sensitive and controversial nature of some of the issues discussed (TDH & UNICEF, 2008, p. 9). Incidentally, this shortcoming helps make clear the severity of the human rights concerns as they pertain to Nepal's child institution sector. It further highlights the importance of the scoping phase for an HRIA, during which potential dangers can be identified.

These limitations are not defeatist for three reason. First, HRIA is a developing practice which permits modification. Secondly, because

literature is lacking all together from both the voluntoured and human rights perspective, this secondary research still fills major gaps for voluntourism. And finally, as a first voluntourism HRIA attempt, so despite its shortcomings, this work is exploratory, and should be altered and built upon to build through other research to create more a robust understanding of HRIA for voluntourism.

4.

DEVELOPING AN ORPHANAGE VOLUNTOURISM BASELINE

The primary purpose of this chapter is to develop a data *baseline* which makes the current state of human rights enjoyment for institutionalised children in Nepal clear. This is the second phase of the HRIA, where collecting factual data specific to the context of Nepal's children's home sector is critical to enable the actual analysis of real and potential human rights impacts of NGN's ethical voluntourism in the following chapter. The baseline developed here provides an evidence-based description of the actual enjoyment of human rights in practice as compared with Nepal's international human rights commitments and domestic law.

In HRIA terms, because voluntourism is already underway in Nepal's children's home sector, and ethical voluntourism is actively being promoted, this baseline is *ex-post*. This means data collected is used to first assess impacts which have already occurred, then predict the possibility of future impacts (Götzmann et al. 2016, p. 52). In very simple terms, this chapter identifies what *has happened* and what *is happening* currently in Nepal's children's home sector, so that the following chapter can analyse these issues and predict what *may happen* as a result of NGN's ethical voluntourism model.

This chapter fills existing gaps in voluntourism literature in two ways. First, it provides the perspective of the volunteered, rather than the voluntourist, and second, by applying a human rights frame, this chapter identifies some of the key *pull* factors which have given rise to voluntourism in the context of the South

Addressing these gaps requires seeking answers to previously neglected questions. What are the pull factors in Nepal that have permitted the space for voluntourism to flourish? What is the status of child rights both historically and presently in child institutions? What human rights events have taken place over Nepal's child institution

history and to what extent have they been resolved? These questions require an unravelling of the rise of institutionalisation which explores the deeply embedded histories of Nepal, and transnational forces which have guided the trajectory of many children's lives. Such efforts require moving beyond the confines of Jafari's first three tourism platforms and looking to other discourses to allow a more robust understanding of voluntourism's other side, that which belongs to the volunteered.

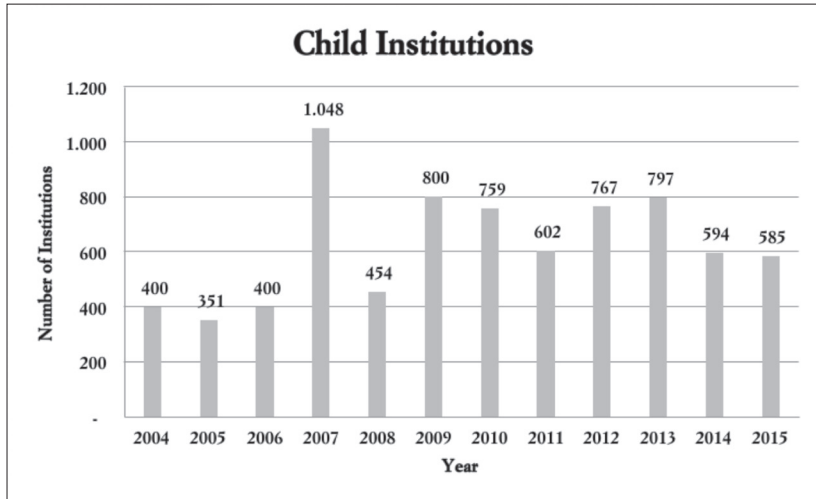
First, the rise of Nepal's institutionalisation is discussed, where key historical human rights events are identified to uncover the many contributing factors of why so many children are living unnecessarily in institutions today. Education, poverty and intracountry adoption are highlighted as major contributing factors. Then, contemporary concerns for child institutionalisation are explored, first by looking at structural issues within the homes themselves, then by identifying extensive problems for the children who reside in them. The chapter closes with a discussion on governance issues.

THE UNNECESSARY INSTITUTIONALIZATION PROBLEM

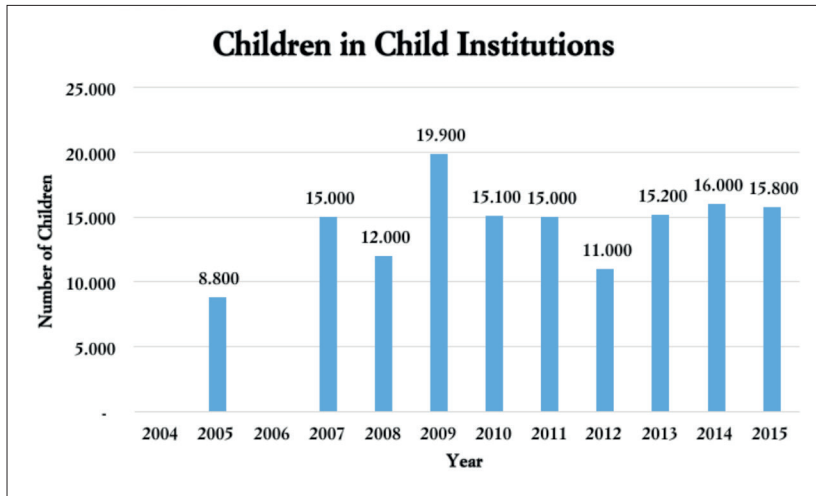
Nepal's history of orphanages is relatively short with the first official home for orphans and abandoned children, Bal Madir, established by the royal family in 1964 (TDH & UNICEF, 2008, p. 9). In 2004, the children's rights organisation CWIN reported that traditional practices of kinship care for orphaned or abandoned children were diminishing and that tens of thousands of children were living under the protection of children's homes and various organisations (p. 12). By 2007 the number of child institutions had mushroomed to 1048 and were believed to be housing 15,000 children (TDH & UNICEF, 2008, p. 4). By 2015 the number of institutions had fallen to 585, but the overall number of institutionalised children was actually higher at 15,811 (CCWB, 2015, p. iii). Despite the dramatic increase between 1964 and 2015, the documented numbers are likely to be low. All children's homes are NGOs and must be registered through the government's Social Welfare Council (SWC) and District Administrative Office (DAO) in order to operate legally, but it is well known that many never register (TDH & UNICEF, 2008, p. 13). There is a notable lack of data around institutionalisation prior to the 2000s (there was no governmental monitoring at this time), but in years for which data was found, 2004—2015, when the figures were collated it

showed the overall trend of institutions and institutionalised children has remained high. (See Graphs 1 and 2 below)

Graph 1. Child Institutions



(Sources: ARC, CPCS & CCWB, 2009; BVBC, 2013; CCURC, 2015; CCWB, 2009; CCWB, 2013; CCWB, 2014; CCWB, 2015; IRIN, 2008; TDH & UNICEF, 2008)

Graph 2. Children in Child Institution

(Sources: ARC, CPCS & CCWB, 2009; BVBC, 2013; CCURC, 2015; CCWB, 2009; CCWB, 2013; CCWB, 2014; CCWB, 2015; IRIN, 2008; TDH & UNICEF, 2008)

The government's position on child institutionalisation has shifted significantly since the early 2000s when the 2005-2015 *National Plan of Action for Children*, recommended *increasing* the number of orphanages in the country (NPA, 2004. p. 79). Today, Nepal's laws and policies concerning institutionalisation are explicit in their opposition to family separation. The Government of Nepal's '*Child Policy 2012*' is strong in terms of child protection and family cohesion, while the '*Standards for the Operation and Management of Residential Child Care Homes 2012*', sets the legal standard high for all residential child care homes. For the child home sector, the laws and policies in Nepal are consistent with the UN Convention on the Rights of the Child (CRC) (1989) and the UN Guidelines for the Alternative Care of Children (2009), in that they make clear that the institutionalization of children should only ever occur as a last resort and only as a temporary measure.

The CRC, which Nepal has ratified, identifies children as rights holders, highlighting the principle of 'in the best interests of the child' to be at the core of all decisions concerning children (Art. 3). The preamble states, 'for the full and harmonious development of his or her

personality' the child should 'grow up in a family environment, in an atmosphere of happiness, love and understanding'. It further outlines a range of child rights which taken together, make clear that most children should live with and be cared for by their birth parents (Art. 6; Art. 7). However, when the sector is examined, it is very clear that laws and policies depart dramatically from practice.

The vast majority of Nepal's institutionalised children are not actually orphans (NGN, 2014; TDE & UNICEF; 2008). A joint study by UNICEF and Terres des hommes found that 85 per cent of Nepal's institutionalised children has family which could likely care for them given appropriate support (2008, p. 20). According to recent institutionalisation figures, this means over 13,000 institutionalised children could likely be living with their families but are not. Nepal's unnecessary institutionalisation practices are not particularly exceptional, however, neither currently nor historically, which is exactly why attention is demanded. The institutionalisation of children itself is not a new phenomenon, with documentation as far back as the 12th century in the North (UNICEF, 2003, p. vii). Global estimates of institutionalised children today range between two and eight million (Pinheiro, 2006; UNICEF, 2009). Just as in Nepal, these numbers are believed to be low due to the vast numbers of unregistered institutions. Also similarly, over 80% of institutionalised children today are not orphans (Csáky, 2009).

According to the Central Child Welfare Board (CCWB), institutions in Nepal exist to provide 'care, support, education, health services and security to the needy children especially ones who are not in parental care and vulnerable children.' (CCWB, 2015, p. 3). An investigation by The Hague in 2009, found that free education is the primary reason children are unnecessarily institutionalised (Degeling, 2010). This position is further supported by numerous other reports from Nepal (TDH & UNICEF, 2008; Punaks & Feit, 2014).

A recent study by Childs et al (2014), found severe 'outmigration of children to monasteries and boarding schools' (p. 85) from Nepal's mountainous regions. The study's use of the term 'boarding school' points to a question for which no definitive answer is available: What is the difference between 'boarding school', 'children's home', 'institution', 'orphanage', 'rescue homes', 'anti-trafficking homes', 'street children shelters' etc.? It is not uncommon for families in Nepal, particularly the elites, to send their children away to 'boarding school', which is understood to be a symbol of status, but the relatively new phenomenon

of family separation within the lower classes, who are now sending their children to orphanage-like institutions for *free* education, is something altogether different (NGN, 2014, p. 4).

In the study referenced above on outmigration to ‘boarding schools’, the areas affected are not home to the country’s elites, but rather are known to be home to some of the country’s most economically and politically marginalized groups, so much so that there exists no education nor healthcare systems (Childs et al. 2014, p. 85). When unnecessary institutionalisation is examined from the angle of *migration* for education purposes, it belongs to the overarching and ongoing migration issues in Nepal. In the last 50 years, people have migrated en masse seeking better opportunities in the urban centers or abroad because of poverty, unemployment and general lack of opportunity in rural areas (Go dziak, 2011, p. 6).

Severe poverty is widely held to be a major driver of institutionalisation (UNICEF, 2003). Biological parents have cited poverty as the main reason for sending their children away to school after it was suggested to them by a friend or family member (TDH & UNICEF, 2008, p. 40). In Nepal, poverty is widespread—the country ranks 145th out of 188 countries on the Human Development Index (UNDP, 2014). One-quarter of the population lives under the national poverty line of \$1.25 per day (World Bank, 2015). In situations where education is poor, doesn’t exist, or families simply cannot afford to pay basic costs, the promise of free education holds a particularly strong draw, as to most Nepalese, it holds the promise of a better future (NGN, 2014).

The unnecessary institutionalisation of children for the purpose of education points to issues with the right to education in Nepal. While school is technically free, in actuality there are costs for supplies, uniforms and sitting examinations (Pradhan, Tuladhar and Thakuri, 2015, p. 22). There are also major concerns around quality and equity—children from marginalised communities are largely deprived of the right to education (Pradhan, Tuladhar and Thakuri, 2015, p. 23). UNICEF Nepal reports on their web page that while enrollment in primary school is high at 90%, more than half of these children drop out before reaching lower secondary school. Because the vast majority of children who live in child institutions receive a free education (TDH & UNICEF, 2008, p. 13) a very clear tension exists between the right to a family (CRC, Art. 9) the right to an education (CRC, Art. 28).

A case study example based in the Humla region points to major

human rights issues in the family separation—education nexus. Some parents reportedly pay vast sums of money to middle-men recruiters from orphanages, who come to villages seeking out children, to be taken elsewhere for education, as was found during a UNICEF fact-finding mission (Dhungana et al. 2005). The 2005 mission investigated the mass displacement of children from the Humla district and found that beginning around 12 years beforehand, children were being sent to institutions both in Kathmandu (mostly boys) and India (mostly girls). False death certificates (of alive parents) were prepared by government officials, children were given pseudonyms, and once taken, nearly all parents had no contact with their children nor information regarding their whereabouts. Any requests from parents to see their children were met with demands for money. One parent specifically reported that their child had been admitted into the government run orphanage (Bal Mandir), by a former parliamentary member, but rather than remaining there for education, the child was sent overseas. The report found ‘the taking of children from Humla is in direct violation of the constitutional and international convention of children’s rights’ (Dhungana et al. 2005, p. 3).

In 2008, the Humla case was updated in a UNICEF and *Terres des Hommes* report, which wrote that around 1000 children had been transported from the district, but many children were never actually admitted to a school. Instead, some were trafficked to work in Indian circuses. Only 400 of the 1000 children were able to be traced (TDH & UNICEF, 2008, p. 13). The story continued to unfold when the *Nepali times* reported in 2011 on the rescue of 23 Humla girls from an orphanage in India (Mahato, 2011).

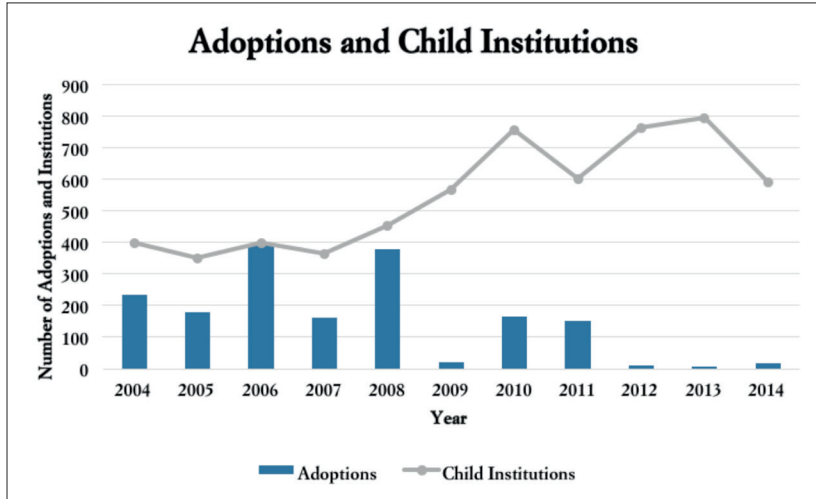
The Christian-based orphanage, Michael Job Center, was found to be falsely advertising the girls for foreign sponsorship on their fundraising web page as ‘orphans’ of ‘Christian martyrs’ (Mahato, 2011). When the rescued girls were returned to their families, the organisation which rescued them received harsh public criticism in Nepal, for jeopardising the girls’ futures by taking them out of an English medium school and bringing them back to Nepal. This was despite a human trafficker being convicted for taking them there (2011, Mahato).

The Humal case and the education pull more generally, is believed to be historically rooted in the country’s ten-year civil war (1996-2006) (NGN, 2014). During the conflict, rural schools were destroyed and closed, and children were forcefully conscripted to be soldiers (BVBC,

2014; OHCHR, 2012). Countless people were affected by the war—13,000 people died and 40,000 children were displaced (BVBC, 2014; OHCHR, 2012). Fearing for their children’s safety many parents sent their children to the city for education (BVBC, 2014). While the war was undoubtedly a major institutionalisation *push* factor, it alone does not provide a full explanation for the historical institution boom of the early 2000’s. During this time, a major outside institutionalisation *pull* was occurring - intracountry adoption.

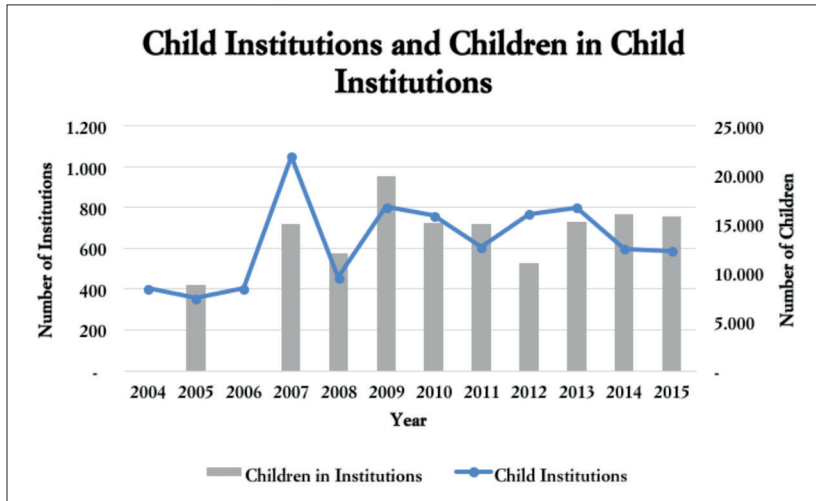
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Throughout the 2000s intracountry adoption played a major role in the rapid institutionalisation expansion (NGN, 2014). In 2003, CWIN’s *‘State of the Rights of the Child’* report showed 175 children were available for adoption from seven different institutions that year. The report noted, ‘more and more NGOs have started working on adoption for children [...] There are a lot of questions being raised regarding the best interest of Nepali children in international adoptions and the government’s inefficient monitoring process’ (p. 7). The following year (2004), 510 children were available for adoption, a dramatic percentage increase of 191 (CWIN, 2004, p. 34). By 2007, the total number of institutions had reached an unprecedented 1048, housing over 15,000 children (TDH & UNICEF, 2008, p. 4). In a one-year period between 2006 and 2007, ten new orphanages were approved to offer children for adoption by the Ministry of Women, Children and Social Welfare, bringing the total number to 25 (USDOSa, 2007). According to AICAN (Australian Intercountry Adoption Network), the number of adoptions spiked from a total of eight in the year 2000, to 394 in the year 2006. For the five years between 2000 and 2008, adoptions trended similarly with Institutions. (See Graph 3)

Graph 3. Adoptions and Child Institutions

(Sources: AICAN, ND; ARC, CPCS & CCWB, 2009; BVBC, 2013; CCURC, 2015; CCWB, 2009; CCWB, 2013; CCWB, 2014; CCWB, 2015; IRIN, 2008; TDH & UNICEF, 2008)

In May 2007, following widespread speculation that children were being adopted out as false orphans, throughout the 90s and early 2000s, the government of Nepal self-imposed a suspension on intracountry adoption (TDH & UNICEF, 2008, p. 4). There were concerns the number of institutionalised children would increase, but what happened directly following the ban, was exactly the opposite. The number of institutionalised children dropped as did the number of institutions. (refer '2007' on graph 3 above)

Graph 4. Child Institutions and Children in Child Institutions

(Sources: ARC, CPCS & CCWB, 2009; BVBC, 2013; CCURC, 2015; CCWB, 2009; CCWB, 2013; CCWB, 2014; CCWB, 2015; IRIN, 2008; TDH & UNICEF, 2008)

Following the re-opening of adoption in 2008, both the numbers of institutions and institutionalised children rose dramatically in 2009. (See graph 4)

These findings further support other studies which have shown intracountry adoption does not decrease the number of children institutionalised, but rather supports its continuation (Chou and Browne, 2008). Theoretically then, the closure of many institutions meant children were returned to their parents, but no evidence could be found to support this view. What actually happened to many children remains unknown. This is particularly concerning, as many institutionalised children at this time were ‘paper orphans’ (NGN, 2014).

Paper orphans are children with living parents who are intentionally made to look like orphans on paper with falsified documents (NGN, 2014, p. IX). Just as in the Humla case study, where names were changed and death certificates were made for alive parents, paper orphaning means children’s identity, and therefore traceability, is wiped clean. This is a clear violation of article eight of the CRC, which maintains that all children have the right to preservation of identity—an official record of

who they are. As demonstrated in the Humla case, individuals without identity are at great risk for human trafficking. It is widely held that many children adopted out of Nepal were trafficked (TDH & UNICEF, 2008, p. 9).

An investigation by The Hague in 2009 found gross irregularities in adoptions particularly around financial gains, profiteering and related abuses pointing to no transparency or accountability regarding fees and contributions. In the published report, Degling (2010, p. 10) pointed out that:

The \$10,000 annual listing fee for adoption agencies to operate in Nepal cannot be justified and encourages an excessive number of agencies in Nepal. In no other country except Ethiopia does money from listing fees go directly from adoption agencies to child centres; it encourages institutionalisation of children instead of helping to build child protection systems including alternatives to parental care. [...] While progress was made in regulating fees, USD 5,000 per child remains a strong incentive in the Nepali context and is not based on actual, reasonable expenses incurred in care and maintenance of a child.

In the early 2000s, any international family wishing to adopt from Nepal was required to pay a \$300 USD fee to Bal Mandir directly, for the purpose of funding international travel of government officials to ‘monitor’ adopted children in their new country—a practice unheard of elsewhere in the world (CWIN, 2004, p. 35). The \$300 was in addition to (ir)regular adoption fees required, some reportedly upwards of \$20,000 USD, and some including ‘surprise fees’ (USDOSb, 2007). At the same time, Bal Mandir relied entirely on donor funding to care for its orphans (CWIN, 2004, p. 35).

In 2008, IRIN reported that according to UNICEF, adoption created an industry where profits trumped the interests of the child. Individuals running child institutions and corrupt government officials were profiting—in 2006 alone there was a turnover of nearly \$2 million USD recorded (IRIN, 2008). Profiting from adoption wasn’t the problem per se. The real issue was that children with parents were being made paper orphans for the purpose of adoption because it was highly profitable. There were children in actual need of adoption (unhealthy and older), but they were being left in rural villages (Degeling, 2010). Rather than agencies finding families for orphans, orphans were being made for foreign families (Graff, 2008).

Terres des Hommes and Unicef (2008) reported children were

'found' by corrupt officials and individuals (p. 20). To determine if a child was 'abandoned', and therefore available for adoption, adverts were put into newspapers with photos and names of the child (some known to have used false names). Children unclaimed within 35 days were deemed available for adoption (TDH & UNICEF, 2008, p. 21). When adoptions were banned in 2007, the number of 'found' children plummeted to zero (TDH & UNICEF, 2008, p. 21). When intracountry adoption was re-instated, once again children began to be 'found' (TDH & UNICEF, 2008, p. 21). The same trends were observed in child abandonment newspaper adverts (TDH & UNICEF, 2008, p. 21). Many (if not all) 'abandoned' children still had biological parents. Nearly 80 percent of children who were already adopted out had been 'found' by police (TDH & UNICEF, 2008, p. 19). Further telling, in 2011, the US Department of State wrote on their web page that Nepal's Ministry of Women, Children and Social Welfare (MoWCSW) had announced that children 'found' by the police would no longer be available for intracountry adoption.

As previously noted in the Humla case study, orphanages at this time were known to have field staff who went to villages to recruit children (Dhungana et al. 2005). It has been further reported that on the pretext of free education, illiterate parents were persuaded to send their children for education (IRIN, 2008). The Hague report found evidence of paper orphaning as common practice noting, 'False statements about the child's abandonment, origins, age and status' (Degeling, 2010, p. 8). A documentary has been co-produced by Unicef and Terres des Hommes (2010) which documents the story of one particular paper orphan who was adopted by Spanish parents. The child's parents had sent him to Kathmandu for education with the hopes and aspirations for a better life. The child has never been returned to his actual parents.

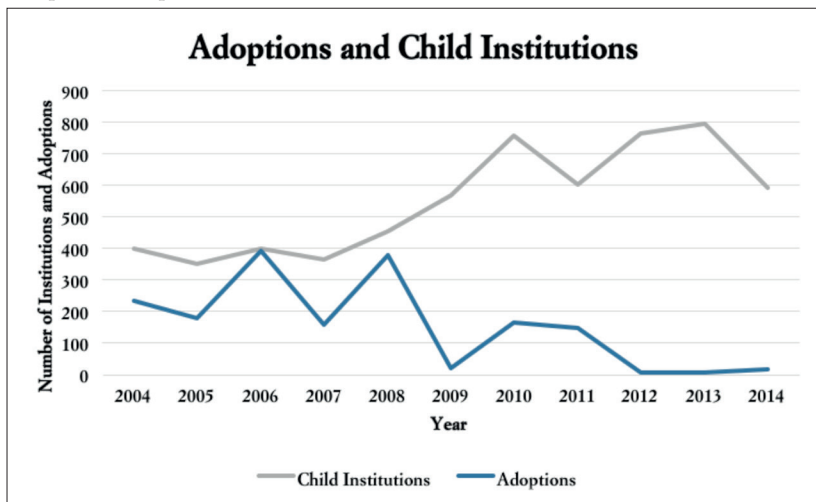
In an obvious and problematic conflict of interest, the Hague report revealed representatives of orphanages were serving on the investigation committee that checked for accuracy and authenticity of documents, thereby investigating themselves (Degeling, 2010, p. 7). Vast swathes of records appear to be missing from the years prior to 2008, including hospital records regarding 'found' or 'abandoned' children, which have reportedly been destroyed (TDH & UNICEF, 2008, p. 36). While media have reported extensively on problems, no fraudulent or corrupt orphanages nor government officials in relation to this issue have been officially identified. It can be speculated, but not

confirmed, that individuals involved in adoption fraud are still active today in government and child institution roles.

The Hague report on intracountry adoption found that the principles of the CRC are not included nor applied in intracountry adoption (Degeling, 2010, p. 7). It further stated that ‘the principle of best interests of the child is completely absent’ (p. 7). Nepal has signed, but not ratified The Hague Adoption Convention, which is the main international agreement for processing the return of abducted children to their home country. Despite adoption being available today, many countries ban or strongly deter their citizens from adopting children from Nepal (NGN, 2014).

Contrary to what is known about the relationship between institutionalization and intracountry adoption, in recent years the number of adoptions have all but halted entirely, yet notably, the number of institutionalised children remains high. Beginning in 2008 the trends for adoption and institutionalisation depart dramatically in opposite directions. (See Graph 5)

Graph 5. Adoptions and Children Institutions



(Sources: AICAN, ND; ARC, CPCS & CCWB, 2009; BVBC, 2013; CCURC, 2015; CCWB, 2009; CCWB, 2013; CCWB, 2014; CCWB, 2015; IRIN, 2008; TDH & UNICEF, 2008)

CONTEMPORARY ISSUES IN NEPAL'S INSTITUTIONS

Today, the human rights issues associated with Nepal's children's home sector are vast, extending from the obvious, as evident in documented cases of sexual abuse, to the hidden, which may only become apparent after children age-out of institutions (NGN, 2014). These issues are identified here, by first looking at structural issues associated with the homes. Actual harm to children is identified next, highlighting major cases of abuse. Also discussed are the issues associated with ageing out out of an institution in Nepal.

STRUCTURAL PROBLEMS

The UN Guidelines for Alternative Care of Children (2010), are important in the Nepal context which maintain that, if institutions still exist, 'alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination' (2009, para. 23). The government of Nepal has provisions and budgeting for the implementation of family-based alternative care, namely the 2010 revised 10-year National Plan of Action for Children (2004/2005), but the most recent CCWB report (2015) showed efforts directed towards improving some institutions and adoption, when what is actually required is deinstitutionalization and strong gatekeeping to prevent unnecessary and illegal family separation. According to the CCWB (2015), there is a draft alternative care manual in progress, which incorporates the UN Guidelines on Alternative Care 2009 and other international standards, the National Children's Policy 2012 and Children's Act- 1992, but it has yet to materialise.

The UN guidelines strongly reiterate that child care efforts should focus primarily on enabling children to remain in, or return to, the care of parents or close family members.

Furthermore, the establishment of any new institution should fully account for the primary objective and strategy of deinstitutionalization. When considering the removal of a child from their family, the guidelines highlight such action, 'should be seen as a measure of last resort and should, whenever possible, be temporary and for the shortest possible duration.' (2009, para. 14). With the primary purpose

of institutionalisation being for education, it is quite evident that the focus of institutions is not family connectivity. One study found that whilst most homes have the intention of reintegration, it is at a very late stage in the child's life, occurring after the child finishes school or turns eighteen, effectively aging-out (TDH & UNICEF, 2008, p. 27).

The Central Child Welfare board reports (2015) that infrastructure has been developed to ensure the well-being of institutionalised children through their work as well as the MoWCSW, the District Child Welfare Boards (DCWB), the Women and Children Service Centres (WCSC), within the police, the National Task Force on Trafficking and the Office of the National Rapporteur on Trafficking, as well as a myriad of child rights NGOs, but coordination among these institutions remains poor, and resources do not meet the vast needs and/or are not distributed in accordance with human rights standards. Institutions themselves have also self-identified as in need of increased support, monitoring and coordination (ARC, CPCS & CCWB, 2009). Rules, regulations and procedures have been set out by the government for institutions in recent years and minimum standards for care exist, but it has been reported that advance warning is given before officials turn up for inspections, allowing the opportunity to hide any improper activity (TDH & UNICEF, 2008, p. 16). Moreover, inspections focus on infrastructure, health and education rather than admission status of children and financial transparency (TDH & UNICEF, 2008, p. 16).

In 2008, an official survey found only 13.65% of registered child institutions to be operating at or above the minimum standard set out by the CCWB (ARC, CPCS & CCWB, 2009, p. 82). In 2014, the number of homes meeting minimum standards declined, falling below 10% (CCWB, 2014). In reality, most of Nepal's institutions are sorely lacking even basic necessities like adequate supervision and care, food, clothing and healthcare (BVBC, 2014). High-level psychosocial support is required for children living away from family, but child institutions in Nepal do not have the provision or capacity to properly provide such services (TDH & UNICEF, 2008). Research has shown homes to be established without financial support or proper management (ARC, CPCS & CCWB, 2009, p. 82).

Without adequate funding, children are not able to be properly cared for and have to be used inappropriately to raise funds (ARC, CPCS & CCWB, 2009, p. 82). In 2009, the government was investigating 50 alleged cases of buying and selling of children, child abuse and forced

begging (USDOS, 2007). Institutions have been exposed for links to child labour and the use of children as domestic servants (BVBC, 2014, p. 7). Institutionalisation, itself is increasingly recognised as a violation of human rights, with over 80 years of research documenting the harm associated (LUMOS, N.D). Children who grow up in institutions are at greater risk for verbal, physical and sexual abuse (UNICEF, 2008).

Trans-national sex offenders are known to access children through teaching or pseudo-care arrangements such as working in child-focused NGOs (Hawke & Raphael, 2016, p. 41). A 2008 CWIN study showed foreigners make up a significant portion of the sex abuse of children in Nepal at twenty per cent. Cases have been reported against offenders from the UK, USA, Denmark, Norway, France and the Netherlands (ECPAT, 2011, p. 12). 'Orphanages' and 'street shelters' have been set up by foreigners to access young children. In 1999, both a French and British man were arrested for involvement in international child pornography rackets (Punaks & Feit, 2014, p. 189). The men were abusing children who were residing children's homes in Nepal, which they each owned and operated separately. Problematically, sexually abused children are likely to remain silent. It is known that child sex abuse in Nepal is widespread, but typically not reported due to social stigma and inadequate action on behalf of law enforcement (CWIN, 2003, p. 13; CWIN & UNICEF, 2005). Further, it has been reported that individuals who have attempted to make cases of abuse public have been threatened by police (BVBC, 2014, p. 6).

The above cases highlight another issue which is that risks for institutionalised children are not only from direct contact but also at high risk for cyber crimes. In Nepal, one-third of child respondents admitted to exposing themselves via a webcam in a CWIN study (2010). Further supporting these concerns, is the fact that many child pornography films are reportedly produced in Nepal, and in 2003 Interpol requested police in Nepal to investigate child pornography originating in Nepal, but no attempt was made to do so (ECPAT, 2011). Nepal has no laws which specifically protect children from online exploitation and possession of child pornography is not illegal. However, having ratified the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography as well as the ILO Convention 182, which includes using or offering a child for the production of pornography, Nepal is obligated to take appropriate measures to protect children online. A committee has been established to address 'child sex tourism', but it is

unclear what the committee has done or if it is even functioning (Hawke & Rahphael, 2016, p. 41).

While The Central Child Welfare Board has investigated claims of abuse, shut homes, and arrested owners in some cases (BVBC, 2014, p. 6), access to justice or redress can be understood as inadequate with mixed outcomes. In one example, the *Nepali Times* (2014) reported the head of adoptions and another employee at Bal Mandir (NCO), were sentenced to 16.5 years in prison and were ordered to pay 100,000 rupees (approximately \$930 USD) for sexually abusing three girls. The perpetrators were reportedly grooming girls for the sex industry (Pandy, 2014), suggesting a wider undocumented problem may be afoot. NCO remains open today and has reportedly changed their policy recently to now admit children into their care who have parents (Sedhai, 2015). This is in direct violation of Nepal law.

In another case, the director of Mukti Nepal, was convicted of torturing 16 children and was sentenced to serve a month in prison and pay a fine of 5,000 rupees (\$50 USD) to each victim, but has not served her sentence nor paid her fine (NGN, 2014, p. 16). NGOs in Nepal report the director was actually responsible for the death of a child in her care but has never been convicted of such a crime (NGN, 2014, p. 16). More problematic, when children are rescued from abusive orphanages, reintegration is not always possible due to paper orphaning, which commits children to an entire childhood institutionalised and a lifetime without their family. This was documented in a 2006 rescue (CWIN, 2006, p. 33), and again in 2011 (NGN, 2014, p. 16).

Clear harms concerning issues of physical or sexual abuse and paper orphaning are more black and white as problems than issues concerning what happens to children once they age-out of an institution. While it is not a clear case of human rights violation, for children in Nepal institutionalisation puts their future at great risk, because status and security are highly dependent on social and cultural norms like marriage, funerals, and major rites of passage, which require family and community connectivity (BVBC, 2014). To deprive a child of necessary connections is likely to be detrimental for future employment and community integration once the child ages out of the institution. Irreversible psychological issues typically emerge later in life, as does criminal activity, substance abuse, and high rates of suicide for adults who grew up institutionalised (DRI, 2010). Even if institutionalised children are cared for to the fullest extent, they are still likely to have

issues later in life (DRI, 2010). While there is little research which is based in Nepal to know exactly what life is like for children when then age out, a 2009 government report raises major concerns stating that the ‘majority of grown up youths of these child care homes are *wandering* (my emphasis) in search of higher education, appropriate jobs, and safe shelters’ (ARC, CPCS & CCWB, 2009, p. 81). With so much evidence against institutionalisation, that it still exists points to much bigger problems—impunity and corruption.

A joint study by Maiti Nepal and CWIN has identified concerns regarding law enforcement and political party influence in child institutions (ECPAT, 2011, p. 16). Similar concerns are echoed in a BVBC (2014) report stating, ‘there are reports of some influential residential care centre owners being closely connected to the government’ (p. 6). Ironically, corruption in the public education sector is believed to have fueled the need for alternative education options. According to the Asia Foundation (TAF), despite huge investments in education, the sector is extremely politicised, where ‘rampant diversion of resources’ has severely impacted attempts at improvements, and fueled the need for parents to send their children to private schools (TAF, 2012, p. 3).

Nepal ranks low in international governance indicators, poisoned at 130 out of 168 countries on the 2015 corruption index. Corruption and impunity in Nepal is described by TAF as, ‘an ongoing practice involving a multitude of stakeholders each playing their part [...] it is not a complete absence of the rule of law in local governance, but rather an ethical degeneracy in local politics that seeks short-term individual benefits at the cost of longer-term public welfare, and deeply undermines formal procedures of governance’ (TAF, 2012, p. 3). The problem extends indiscriminately across government bodies, the private sector and civil society, which includes around 50,000 NGOs—non-genuine actors engage in ‘phantom activities’ across all sectors (Gyawali, 2000). It is clear, the issues in Nepal’s children’s home sector are extensive.

This chapter has developed a human rights baseline as the second phase of the HRIA. A look at major human rights issues for the children’s home sector has revealed Nepal’s civil war, poverty and corruption as major institutionalization, *push* factors and intracountry adoption and education as major *pull* factors. On paper, Nepal’s commitments are strong, but in actual practice, many children are unnecessarily institutionalised, and harmfully so. This is the context into which NGN’s ethical voluntourism will be positioned and analysed.

5.

(UN)ETHICAL VOLUNTOURISM

This Chapter serves as phase three of the HRIA, where the data collected in the previous chapter (four) is analysed to identify any ethical voluntourism related impacts, real and potential. This requires first looking first at voluntourism in Nepal through a rights-holder—duty-bearer analysis where it is highlighted that voluntourism should *respect* the rights of the voluntoured by adhering to the principle of do no harm. Then an assessment of the rise of voluntourism in Nepal is considered alongside human rights impacts to determine if orphanage voluntourism should be eliminated, as is called for in NGN’s ethical voluntourism model. Having identified that orphanage voluntourism does not respect the rights of the voluntoured, the actual call for the elimination of orphanage voluntourism is analysed. The final analysis provides insight into concerns of the second aspect of ethical voluntourism which promotes a ‘learning mindset’. Taken together, these four sections provide a look at some of the real and potential human rights impacts of ethical voluntourism, where it is concluded that ethical voluntourism is an inadequate approach for respecting the rights of the voluntoured, and continues to serve the voluntourist, over voluntoured.

This rights holder – duty-bearer analysis examines voluntourism in a new light. On their web page, UNICEF defines the former as ‘individuals or social groups that have particular entitlements in relation to specific duty-bearers’, and the latter as ‘those actors who have a particular obligation or responsibility to respect, promote and realize human rights and to abstain from human rights violations.’ The rights-holding voluntoured and the rights at stake for ethical voluntourism are examined first, followed by a look at who the main duty bearers are in the children’s home sector. This first analysis closes by considering the role of voluntourists as duty-bearers specifically.

The HRIA baseline revealed many rights for children in the child home sector are not being realized, including the right to a family, education and identity. This is a highly limited explanation, however, as in Nepal countless are deprived of their fundamental rights (Sangroula, 2014). The institutionalisation problem reflects ongoing bigger issues in the country like high poverty (World Bank, 2015) and its close connection to mass migration for better opportunities (Childs et al. 2014). The UNDP reports that for the majority, insecurity is a way of life which brings high risks that are ‘exasperated by the social and economic exclusion confronting the most vulnerable groups in Nepalese society’ (ARC, CPCS & CCWB, 2009). Sangroula (2014) asserts that for the many people living in poverty, ‘a person’s rights of varying nature viciously affect the violation of each other’ (2014, p. 25). It is clear that Nepal’s unnecessary institutionalisation problem doesn’t happen in a vacuum—there exists a multiplicity of factors which play a role in the violation of children’s rights in the child home sector. One question ethical voluntourism raises is: what is the role of voluntourism in relation to these problems?

WHOSE DUTY?

For an HRIA, the primary duty bearers in voluntourism are always State actors, who under international law, willingly commit to respect, protect and fulfil human rights. The obligation to *respect* requires States to refrain from interfering with human rights enjoyment. *Protect* requires state action which ensures the volunteered are protected against human rights abuses that could be caused by outside actors such as voluntourists. The obligation to *fulfill* requires States to take positive action which facilitates the enjoyment of rights. In the case of institutionalisation, this requires a strong deinstitutionalisation plan and process, which is apparently being developed presently (CCWB, 2015). It also requires further addressing the underpinning factors of poverty and poor education.

Several critical issues and challenges are hindering the state’s obligations to fully honour their obligations. Some believe this is because Nepal’s politics and civil society-state interactions are becoming increasingly informal. TAF (2014, p. 3) captures the problem effectively:

In general, the Nepali state has yet to evolve into a rules-based system with fully functioning checks and balances and adequate disincentives

for transgressions of formal procedures, and adherence to formal rules and procedures diminishes as one moves down the hierarchy from central to local government bodies.

While this research isn't intended to analyse state obligations per se, it must be noted that despite many legally binding agreements and commitments, rhetoric and reality depart so dramatically it seems human rights commitments hold no weight. This is particularly important for understanding whether the state ensures institutionalised children are protected from potential harm caused by outside actors. In short, the baseline showed the answer is no.

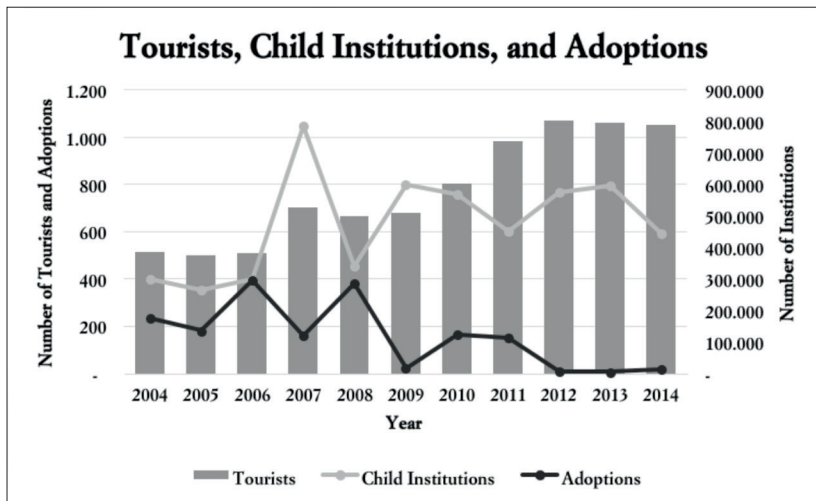
Other duty bearers concerning orphanage voluntourism are parents and NGOs. Children's parents hold the primary responsibility to raise their children. While severe poverty makes this difficult for many in Nepal, the state is obligated to support parents in their responsibility (CRC, Art. 18). It is apparent at the baseline that support is adequate in practice and many children are being institutionalised because of poverty (UNICEF, 2003). Domestic and international NGOs have stepped in as non-legally binding duty bearers to help care for children, although the baseline suggests that this 'help' is a major part of the problem. It is clear that corruption and political interference has raised serious questions around whose interests are being served by many NGOs, particularly in light of the mushrooming of institutions and known cases of child trafficking, as in the Humla example (Dhungana et al. 2005).

The final duty bearer, which this research is most concerned with, is the voluntourist. As made clear in chapter three, this HRIA focuses specifically on voluntourists adhering to the principle of 'do no harm' (*respecting* human rights), which is also the primary goal of ethical voluntourism. As outside actors, and secondary duty bearers, voluntourists have two primary responsibilities to ensure the human rights of the voluntoured are respected. First, voluntourists should not be providing or aiming to 'give rights' as charity to the voluntoured, which the state as the primary duty bearer is obligated to provide. Any such actions risk undermining the ability of the voluntoured rights holders to claim their rights. Secondly, voluntourists have a responsibility to ensure they are *respecting* the rights of the voluntoured, which means the actions of voluntourists should not violate the human rights of institutionalised children, either directly or indirectly. Both of these responsibilities require due diligence to ensure actions are not directly violating rights or causing rights violations through complicity.

THE ORPHANAGE VOLUNTOURISM PROBLEM

This analysis serves to understand whether orphanage voluntourism should be eliminated, as is called for in NGN's ethical voluntourism model. The desire to end orphanage voluntourism is based on the assumption and growing evidence that unnecessary institutionalisation of children today is directly caused by the rise of voluntourism. In Nepal, it is widely held that voluntourism has stepped in to fill the financial gap that was left behind when the demand for intracountry adoption declined (NGN,2014). While there are no specific voluntourism figures in Nepal, when the government's *tourism* data is tested against institution and adoption data, it does appear that *tourism* is a major contributing factor of institutionalisation, more so than intracountry adoption. Particularly notable in graph 6 below, when adoption fell in 2009, the number of institutions grew, and while adoption has remained low institutionalisation has remained high.

Graph 6. *Tourists, Child Institutions and Adoptions*



(Sources: AICAN, ND; ARC, CPCS & CCWB, 2009; BVBC, 2013; CCURC, 2015; CCWB, 2009; CCWB, 2013; CCWB, 2014; CCWB, 2015; IRIN, 2008; MoCTCA 2014; TDH & UNICEF, 2008)

There is further evidence which supports the relationship between the connection to institutions and tourist engagement. Despite no data collection mechanism, the Social Welfare Council (SWC) believes 30,000 foreigners volunteer in child homes in Nepal every year (NGN, 2014). The sector is entirely unregulated, notably in that most voluntourists in Nepal are believed to undertake their volunteer work illegally whilst on tourist visas (Teo, 2014). The government acknowledges the illegal presence of foreigners, but in a clear example of prioritising the foreigner over the child, instead of taking action against it, their most recent report on the state of children's homes identifies the need to implement a mechanism for volunteer complaints (CCWB, 2015). Just as was noted by The Hague report in 2010, the vast majority of institutions continue to exist in main tourist areas, despite those most in need of help residing much further away from the economic centres (CCWB, 2015, p. 8). Observable recruitment fliers are evident in the main tourist areas of Nepal, which show direct recruiting of tourists to volunteer and donate money or goods. Anyone seeking to 'give back' or 'help' whilst in Nepal need only look at café bulletin boards to identify where they are most needed (see Annexe for examples). The main problem with choosing to support one of these organisations is that there is no way to determine which is operating legitimately and which is corrupt.

Voluntourism is widely held to be the fastest growing sector in the tourism industry (Guttentag, 2009). It is estimated to attract 1.6 million participants a year who spend around \$2 billion USD (TRAM, 2008). It is increasingly reported that institutionalisation in the South is on the rise, because of funding from international sponsors, NGOs and faith-based organisations (Otulana, 2016).

TDH reports that in the past 20 years, Westerners have opened institutions or funded existing ones and individual sponsorship has flourished (TDH & HfHKN, 2011). Out of the 585 registered institutions in 2015, 578 were privately run, meaning all but seven institutions rely entirely on donor funding (CCWB, 2015). As foreign actors in Nepal, voluntourists are associated with status and money (BVBC, 2014, p. 20), which puts them in a position of tremendous economic power and influence. As previously noted by the 2004 Jones study in chapter two, the financial basis for power imbalance in voluntourism is great. This is further compounded by the vast poverty where choices for income are limiting (World Bank, 2015). The financial incentive to keep children institutionalised for voluntourism purposes is

high, considering the previous findings of The Hague report (Degeling, 2010).

What follows, clearly demonstrates that this power which voluntourists hold undermines the opportunity for the principle of do no harm to be upheld in orphanage voluntourism as it exists today—voluntourists are attempting to ‘give rights’ and causing rights violations both directly and indirectly. There are three separate but concurrent lines of voluntourism harm which require addressing including, direct harm, complicity and cumulative impacts. The first has been clearly identified as previously noted in clear cases of abuse. Individuals are using voluntourism as a means to access vulnerable institutionalised children for purposeful abuse either directly in person or indirectly through cyber abuse, against which there is inadequate prevention. This is evident in the examples from chapter four where homes were set up with this exact intent (Punaks & Feit, 2014, p. 189). The men were abusing children which they as foreigners should have not had access to in the first place, but despite this coming to light no action has been taken in the sector to guarantee protection for the children.

In one example from the web page sample, one home explicitly states, *‘As a volunteer you can organise excursions’* and another is similar, *‘you are responsible for taking children to and from school’*. When outside actors, such as voluntourists are invited into institutions and given inappropriate roles, there is a whole array of risks that arise. Nepal is a known destination for travelling sex offenders, which furthers the argument that the utmost care should be taken in assuring children are protected from any possibility of abuse, but such protection is not a reality. A joint UNICEF and CWIN study found child sex abuse in Nepal is known to increase when children are not with carers (2005, p. 46). The study further noted that a child’s confidence is gained through the gifting of money and goods in the grooming process. This certainly raises great concerns given the vast amounts of money and goods which are brought into child institutions from voluntourists, which could be easily used in an abuse of power imbalance. It has also been previously reported that children in Nepal have been filmed whilst being sexually abused by foreigners who took children on an ‘excursion’ from their institution (TDH & UNICEF, 2008, p. 12). While these examples are clear cases of children being harmed through voluntourism, the intention to harm does not need to be present for institutionalised children to actually be harmed.

Well-meaning foreigners are putting children at great harm through complicit actions in supporting a system that is known to be harmful. Many are supporting Nepal's institution sector through volunteer aid, donor sponsorship or funding new intuitions, but such efforts are known to sustain the cycle of poverty (TDH & HfHKN, 2011). There is a multitude of negative, sometimes irreversible, effects on children's development resulting from institutional living which is being perpetuated by foreign help and funds. Eighty years of evidence has demonstrated such harm as physical development and motor skills, psychological consequences, ability to form an emotional attachment, intelligence and language skills and brain development (Bulic et. al, 2012). These issues are ignored by those who continue to support institutionalised living.

Evidence also points to an alarming concern that by supporting continued institutionalisation in Nepal, voluntourists may be putting children at great risk for human trafficking. Children living away from their parents, including in custodial and educational institutions, are known to be at *increased* risk of trafficking (DWCD & UNICEF, 1996). Migration is widely understood to be a key factor which provides the base for trafficking, and the children living in institutions primarily come from rural villages (CCWB, 2015) thereby becoming an at-risk target. As was evident in the adoption scandal in the 2000s, children were trafficked *into* institutions in the cities, becoming separated from their families first, in order to be further trafficked *out* as false orphans. There is evidence to suggest institutions have other connections to child trafficking—with limited to no ties to family or society when children graduate, they are highly susceptible to trafficking, living on the street or entering the sex industry (DRI, 2015).

These are the risks associated with simply living in an institution and are well documented, which means that those who interact directly with institutionalised children should be trained professionals who have been thoroughly vetted to ensure they pose no further risk to the children. Furthermore, all voluntourists should be working towards ensuring rights are guaranteed by the state. This could not be further from reality, however, as the web page sample showed no requirement for social work nor childcare experience in any capacity, despite voluntourist roles aimed at working directly with Nepal's highly vulnerable institutionalised children. There is 'no experience required' whatsoever for *any* of the volunteer roles in the sample, and no child protection

policy exists. Further, voluntourists are welcomed in all capacities with no indication of police or background check requirements.

An ignored voluntourism issue present in Nepal, which is altogether neglected in existing literature, is that voluntourists often shift into clear development roles by starting their own NGOs, as evident in the organisation central to this study—NGN. In Nepal's orphanage sector this is highly evident, where individuals start their own homes, as in the case of former American voluntourist Maggie Doyne, who was awarded CNN's Hero of the Year Award for doing so (CNN, 2015). It is quite common, according to Polman (2010), for foreigners to come into a Southern country on a tourist visa convinced they can make a meaningful impact during disasters or crisis (aka disaster voluntourism). In the development world, these voluntourists are known as MONGOs (MONGOs) and are considered by Polman to be amongst the worst arms of development work. Once on the ground, these volunteers, then see the vast swaths of ineffective aid and poverty and decide to start an orphanage (Polman, 2010). Despite good intentions, Polman (2010) argues the outcomes of MONGO work are often harmful. This is undeniably a major contributing factor for the facilitation of long-term unnecessary family separation, which furthers the violation of the right to a family.

This HRIA finds that the real and potential impacts on the human rights of institutionalised children are vast and that a new approach is imminent. Orphanage voluntourism practised in its present state has yet to demonstrate the ability to address structural causes of poverty and inequality, and has aided in the mushrooming of an industry which is incredibly harmful. This HRIA supports the position of NGN that a new approach is imminent.

ENDING ORPHANAGE VOLUNTOURISM

While the previous analysis aligns with NGN's belief that orphanage voluntourism is harmfully contributing to the unnecessary institutionalisation of children, the call to end orphanage voluntourism is not supported by this HRIA. To be explicitly clear, this argument against ethical voluntourism is not an argument in favour of orphanage voluntourism. Rather, this position is based on major concerns for the manner in which voluntourism is to make its departure from orphanage

voluntourism, by NGN's standard as immediate cessation. It is necessary to reiterate here that the UN Guidelines for Alternative Care of Children (2010), state that 'alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination'. The key is that elimination is progressive, not immediate. A new idea or model is not put forward here because that task belongs to the government of Nepal and is currently underway (CCWB, 2015). Instead, major concerns are identified which indicate that cessation of orphanage voluntourism at this time, and in this way, may do more harm than good.

The primary reason the end of orphanage voluntourism is not supported here, is that the deinstitutionalisation plan by the government has not yet been operationalised (CCWN 2015). There is potential for great risk to the children in institutions today if funding immediately ended. On a very basic level, history has shown that without adequate funding children have been used inappropriately to raise funds (ARC, CPCS & CCWB, 2009, p. 82).

While some may point to 2007, when adoption was temporarily banned and there was an apparent decline in the number of institutions (see graph 6), as previously pointed out, there is no evidence for what happened to those children. There is however clear evidence of paper orphaning in Nepal's institution history (Degling (2010), which means children cannot simply be returned to their families. Paper orphans require an entire childhood of alternative family care, which is an unrealized goal of Nepal's government.

Further concerns are raised, because kinship care may be advocated in government policy, but such practices are not understood today by much of the general public, and institutionalisation is still understood as positive by village officials (BVBC, 2014, p. 4). In the example of trafficked girls from Humla rescued in an orphanage in India, their return to Nepal was widely criticised because rescuers had interfered with their opportunity for an education in the English language (Mahato, 2011). Many parents are known to have made the choice to send their children away to school—the pull of education is strong. It is unlikely that these parents believe it is in the best interests of their child to return to their villages. There exists a distinct possibility that until the government is able to guarantee the right to education and overall better opportunity for those in poverty, parents will continue to send their children away, if not to Nepal, then India.

Deinstitutionalization is likely to be a slow process requiring enormous financial resources. But rather than redirecting voluntourism in a way which can aid or support that process, ethical voluntourism takes the easy way out by simply encouraging voluntourism to 'wash its hands' of the matter. This position fails to acknowledge or address the fact that foreigners had a major role in making the institution mess, to begin with. Ethical voluntourism does not adhere to the principle of respecting rights, despite its good intention. It is a micro solution to a macro problem which is short-sighted and does not adequately provide for the protection of the volunteered. It is an easy 'quick-fix' solution that essentially says 'not my problem' that is in direct conflict with ensuring the human rights of the volunteered are respected.

(UN)LEARNING VOLUNTOURISM

It has been argued thus far that the first component of ethical voluntourism, which calls for the elimination of orphanage voluntourism, may be well intentioned but does not adequately provide for the protection of the volunteered. The second aspect of ethical voluntourism, by which voluntourists are directed elsewhere, is examined here. This part of ethical voluntourism includes, 'adopting a 'learning mindset,' researching potential volunteering placements, considering the suitability of the voluntourist's skills for the volunteering placement, considering the sustainability of the volunteering project, and creating a demand for an ethical market place for voluntourism.' (p. xii) To rebut this, a revisit to Jafari's platforms aptly helps to unpack some of the concerns entailed.

Ethical voluntourism sits firmly within Jafari's (1990) advocacy platform, in that it holds steadfast to the belief that voluntourism can be an altruistic experience without negative impacts, and should benefit destination communities and the voluntourist (Broad, 2003; Higgins-Desboilles, 2003; Callanan & Thomas, 2005). The caveat is that it must be done properly to ensure no harm is done. This includes developing a 'learning mindset' which begs the question: at what point does voluntourism simply become 'education travel'? If voluntourism is actually more about 'receiving' education than 'giving' help, then is it not something altogether different? If it is accepted that voluntourism can, in fact, be an educational experience for the individual voluntourist, a major problem arises.

Paolo Freire, the Brazilian educator and philosopher, was strongly opposed to forms of education which prioritised advancement of the individual. He believed not only does individualised education undermine collective transformation, worse, it actually compounds structural inequality (Aronowitz, 1993). This position is not new to voluntourism literature. Similar concerns have been noted which argue that that voluntourism is an individualised consumer activity, so is therefore unsuitable as a development solution (Mdeea & Emmott, 2008; Brown & Hall, 2008). Such critiques offer insight into inherent shortcomings that ethical voluntourism embodies, particularly in that it is not only insufficient for overcoming the structural inequalities of Nepal, but that individualised voluntourism is likely to compound the already vast structural inequality that exists there (TAF, 2012). Inequality cannot simply be ameliorated with a learning mindset. It is strongly argued in existing literature that even the best intentions run the risk of eventually prioritising tourist desires for profit (Wearing & McGehee, 2013; Wearing, McDonald, & Ponting, 2005; Wearing & Ponting, 2006).

A more practical problem that arises in this position, is that it ignores the vast body of cautionary literature which shows the benefits of voluntourism come at great cost to the voluntoured. The cautionary literature in chapter two covers a wide variety of different forms of voluntourism, where no evidence can be found to support 'skill matching' as an effective protection mechanism. On the contrary, however, McLennan's (2014) look at medical voluntourism in Nepal shows that even having the precise skill matching the task, as in the case of qualified medical doctors practicing medicine, the harm associated with voluntourism is still not mitigated, and the voluntoured are left harmed or at great risk of harm. Further, contrary to the position of ethical voluntourism, Sharply (2010) has argued that sustainable tourism is a myth. One of the most widespread understood needs for achieving sustainability and reaching the goal to end global poverty is the involvement of the local people whom voluntourism purports to serve—the voluntoured.

While the ideals of ethical voluntourism may impact attitudes and pave the way for change, it presently offers no prospects for the protection of the voluntoured. Ethical voluntourism relies entirely on the voluntary initiative on behalf of the voluntourist which can be ignored with no consequence. For example, volunteering on a tourist

visa is already banned in Nepal, but its practice is widespread and with no consequence (NGN, 2014). In Nepal, neither voluntourism nor state obligations ensure the protection of the voluntoured - something is clearly missing. That void cannot be filled by passing the responsibility on to the individual voluntourist and calling it ethical voluntourism.

Since ethical voluntourism continues to hold the clear capacity to actually violate human rights, until and unless a new approach is developed that provides for the full protection of all voluntoured from the standpoint of 'do no harm', it cannot, and should not, be advocated as an adequate 'fix'. Even prior to *ethical* voluntourism, voluntourism itself already implicitly held the *intention* of 'do no harm' as a manifestation of Jafari's (1990) adaptancy platform, seeking to overcome the ills of tourism. Yet, no express norms exist which compliment good intention by guaranteeing expressive effects which provide for action against voluntourism abuses. The sector as a whole exists entirely unmonitored and unregulated, which has given rise to the vast cautionary literature which makes clear that voluntourism's operation in a free market does more harm than good.

CONCLUSION

This research has argued that ethical voluntourism continues to perpetuate the belief that a voluntourist *can* do good and voluntourism *can* be mutually beneficially, yet there is no evidence to support such beliefs beyond a few examples of micro solutions to macro problems which offer no sustainable nor equitable solution for the voluntoured. Ethical voluntourism, while attempting to provide a solution to the ills of orphanage voluntourism, may sound nice in principle, but in reality, it offers no real protection for the voluntoured. A new approach, which actually has the capacity to protect the voluntoured, is imminent. All signs indicate humanitarian forms of travel with opportunities to 'make a difference' will only continue to grow. This is particularly important for Nepal, as globally, tourists are now more interested in the three T's (trekking, trucking, and traveling) than the three S's (sea, sun and sand) (Mowforth & Munt, 1998, pp. 125-155). Perhaps even more important, Nepal already has documented several cases of human rights violations directly and indirectly connected to voluntourism. Ethical voluntourism offers a band-aid solution to a gaping wound of issues in Nepal.

The question remains, however, as to whether there can be an alternative model to voluntourism that operates around the problematic harm and whether alternative adaptancy efforts of the future, which aim to help voluntourism be mutually beneficial, are even possible? From a human rights perspective, this would require extensive consultation with the voluntoured. That this has yet to be accomplished is telling in its own right. After all, as Illich warned voluntourists way back in 1968, the inherent paternalism in any voluntary service activity which crosses the privileged—oppressed divide is nothing short of dangerous. Illich points to the hypocrisy of such efforts which manifests unconsciously in those ‘vacationing do-gooders’ who pretentiously impose themselves on individuals, in a model which has no common ground to meet upon, and no opportunity to even share a dialogue with those whom efforts pretend to serve. It is a problem of how to move beyond the existing limitations of knowledge whilst simultaneously working within limiting frameworks.

But for now, there is no protection for the voluntoured, and Illich’s perception is apt, ‘The damage which volunteers do willy-nilly is too high a price for the belated insight that they shouldn’t have been volunteers in the first place’ (1968). In this light, I find it important and necessary to reveal that I myself, the researcher, am a former American voluntourist, both privileged and white. On a personal level, Illich’s words cut deep in a way that can only be understood as a learning too late, that is equal parts humbling and shameful. It is this exact point wherein the apparent fundamental problem of NGN’s ethical voluntourism model, emerges. NGN is founded by a former American voluntourist who found himself aware that his voluntourism ‘helping’ was part of the problem, so his solution was to come up with a *new* way of ‘helping’ by ‘rescuing children’ from institutions and redirecting voluntourism elsewhere, thereby calling it ethical voluntourism. When this shift is positioned in the overarching developing issues in Nepal, Easterly (2014) provides a strong critique of this mentality, where he sharply criticises efforts as ‘a new White Man’s Burden to clean up the mess left behind by the Old White Man’s burden’ (p. 272).

I leave my final thoughts to make pointedly clear that good intention alone is not adequate to protect the voluntoured. So in good conscience, and in adherence to the principle of ‘do no harm’ I conclude with an edited version of Illich’s (1968) thoughts, which despite being spoken nearly fifty years ago in Mexico, remain timely in the Nepal context today:

I am here to suggest that you voluntarily renounce exercising the power which being an American gives you. I am here to entreat you to freely, consciously and humbly give up the legal right you have to impose your benevolence (...) I am here to challenge you to recognize your inability, your powerlessness and your incapacity to do the 'good' which you intended to do. I am here to entreat you to use your money, your status and your education to travel (...) Come to look, come to climb our mountains, to enjoy our flowers. Come to study. But do not come to help.

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Image 1. Photo taken 18 March 2016, Thamel, Kathmandu, Nepal.

POSSIBLE NEPAL

GovReg No.
Swr Accr No.

Possible Nepal Children's Home is looking for volunteers who want to help create a better future for 10 amazing children living in Nepal.

Working Hours: 4+ hrs. weekdays

Location: Phutung, Kathmandu (3.5 KM from Thamel)

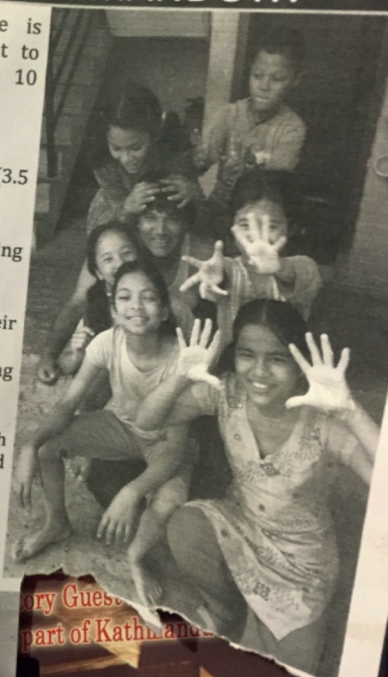
Activities:

- Reading with children & helping them with their homework
- Playing with them
- Making sure they brush their teeth, wash hands, etc
- Taking them to school and picking them up
- Making fun activities with them

Accommodation: Rooftop room with 24 hrs. Electricity, Wi-Fi, hot & cold water and security

If the volunteer is interested, he or she can also give English classes in the local school where the kids go!

VOLUNTEER IN AN ORPHANAGE HOME IN KATHMANDU!!!



Why Patan?

There is finest collection of tempalaces in the whole of Nepal. Take ac of the shops and restaurants. There charming traditional accommodati stay overnight and you'll be able to e

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VOLUNTEER AT CHILDREN'S HOME - POSSIBLE NEPAL

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VOLUNTEER AT CHILDREN'S HOME - POSSIBLE NEPAL

Image 2. Photo taken 13 February, 2016, Thamel, Kathmandu, Nepal.

Volunteers and donations are needed in the Nepalese orphanage!



Have you ever thought about living in a local Nepalese community or about giving help to the children in need?

A small family-run orphanage is in search for volunteers who can help with child caring, housekeeping and fundraising!

Volunteers can stay at our place in Lalitpur – green and beautiful neighborhood of Kathmandu.

More information:

www.nepal.orphanage.com

Contacts:

977-01-4236 and 977-01-4237

NEPAL ORPHANAGE

Image 3. Photo taken 7 April, 2016, Thamel, Kathmandu, Nepal.



Children Home Nepal
Volunteer Needed

We are a family run children home caring 11 wonderful children just 30 min bus drive from Thamel. We are in need of volunteer support.

- Teaching English/ other languages.
- Teaching Basic Computer
- Playing games, singing, drawing, dancing
- Helping on daily work with kids
- Meditation and Yoga
- Administration work or social media

It's not a problem if you are not professional in any requirement. Most important is sharing love and happiness with kids ☺

Contact us:
Email: omphacharnnepal@gmail.com
Website: www.omphacharnnepal.com
Facebook: [facebook/omphacharnnepal](https://www.facebook.com/omphacharnnepal)
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