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‘Sukshetram’

Child Trafficking

Economic deprivation is an important reason behind child trafficking. Over 40% of the India's population is economically deprived, without access to basic opportunities. According to National Crime Records Bureau (NCRB), one child disappears every eight minutes. Children are sold in the market, in our country there are a large number of children trafficked for various reasons and they are used for labour, begging and sexual exploitation. According to UNICEF, child trafficking is defined as "any person under 18 who is recruited, transported, transferred, harbored or received for the purpose of exploitation, within or outside a country."



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Children belonging to the underprivileged strata of the society become an easy target for child trafficking. UNICEF estimates that around 12 million children are the victims of human trafficking in India and a home for many underprivileged children serves as a mainstream market for child traffickers. Children, specifically girls, are extremely vulnerable to these crimes. Numerous factors contribute to this social menace, including lack of employment opportunities, poor social status, political unrest and economic deprivation. Many of such children are forced into illegal activities, such as organ trade, begging and amputation of limbs. It is poverty that drives parents and families to such a pitiful point that they are forced to hurt their own child for currency.

The intensity of crime is so severe, due to its nature, that it is hard to track and therefore makes it impossible to have exact figures regarding this issue. Our country is a prime area for child trafficking to occur, as many of those trafficked are from, travel through or are destined to go to India. Though most of the trafficking occurs within the country, there is a significant number of children trafficked from Nepal and Bangladesh. Looking at the statistics, it is important to understand as to what are the driving factors for child trafficking. There are many contributing factors for child trafficking. Economic deprivation stands first, followed by lack of employment opportunities, social status, political uprisings and many others.

In a country like India, many of the poor families are unable to afford basic necessities of life and they are forced to sell their children off to gangs for further exploitation. We have approximately half of the families who are living under poverty line, resulting in desperate measures by the families to make any money that they can. Because of lack of decent employment opportunities, children are more vulnerable and children become easier target and commodity for gangs. Children are looked upon as more expendable than the rest of the population, which makes them available as objects to be sold. Political uprisings are another factor which lead to a demand for soldiers and as children, they are more vulnerable. They are forced to conscript and use their bodies as sacrifices.

Exploitation of children in labour sector is very high. As legally children in India are allowed to do light work, but they are often trafficked for bonded labour and domestic work and are worked far beyond than what is allowed in the country. They are often forced to work in conditions that force them and do not provide space to escape and then are forced to submit. Others may be bound by abuse whether physical, emotional or sexual. Once forced into labour, they lose all freedom, being thrown into the workforce, essentially becoming slaves and losing their childhood. Child trafficking also involves illegal activities, where children over adults are often chosen to be trafficked for illegal activities, such as begging and organ trade, as they are seen as more vulnerable.

Not only are these children being forced into begging for money, but a significant number of those on streets have had limbs forcibly amputated or even acid poured into their eyes to blind them by gang

masters. Those who are injured tend to make more money, which is why they are often abused in this way. Organ trade is also common, when traffickers trick or force children to give up an organ. Sexual exploitation is another important issue that is faced by children who are trafficked, and it is defined as “the sexual abuse of children and youth through the exchange of sex or sexual acts for drugs, food shelter, protection and other basics of life and or for money.”

It is estimated that 200,000 persons are trafficked in India every year and only 10% of human trafficking in India is International, while almost 90% is interstate. Nearly 40,000 children are abducted every year; of which, 11,000 remain untraced, according to a report by the National Human Rights Commission of India. Even though legislation is in place against sex trafficking, it is very difficult to pinpoint, because most legislation groups together combine sex-trafficking related abuses such as rape, child pornography, prostitution and battering with other types of irregular migration, such as human smuggling or illegal immigration.

Trafficking of children takes place across the country and there have been reports from many areas, about the rise in trafficking taking place in India. According to the US State Department, there is approximately 600,000 to 820,000 people trafficked a year across International borders, and up to 50% of those children. It is seen as a growing issue in Asia, with many children have been and continue to be trafficked every year across International borders, and up to 50% of those children. Our country is committed to child rights; India had ratified UNCRC on 11 December 1992, agreeing in principles all articles except with certain reservations on issues relating to child labour. In India, there is a law that children under the age of 18 should not work, but there is no outright ban on child labor, and the practice is generally permitted in most industries except those deemed "hazardous".

Although a law in October 2006 banned child labor in hotels, restaurants, and as domestic servants, there continues to be high demand for children as hired help in the homes. The number of child laborers in the country range from the government's conservative estimate of 4 million children under 14 years of age to the much higher estimates of children's rights activists, which over around 60 million. Little is being done to address the problem since the economy is booming and the nuclear family is spreading where both the spouses are working; thereby increasing demand for child laborers. In India, many people are still suffering from non-nutritious food, many parents are still leaving their children on riversides, in trains etc.

Under the auspices of the UNICEF - financed Odisha initiative, the Government of India is specifying the outline of a means of change and improvement in child care, and many trusts such as ChildLine, Plan India and Save The Children too are taking efforts to outdate child labour from India. [A few of the organisations who work with children's rights in India are Plan India, CRY (Child Rights and You), Save the Children, Bal Vikas Dhara-New Delhi, Bachpan Bachao Andolan, CHORD-Hyderabad.

Children are continued to be trafficked for different reasons and as well are being exploited. A study was conducted by the NHRC, in 2005 after they received an alarming number of reports from the press, police and NGOs about the rise of human trafficking within India. The study also found that India was fast becoming a source, transit point and destination for traffickers of women and children for sexual and non-sexual purposes and the areas of the greatest concern continue to be poverty stricken areas; such as Andhra Pradesh, Bihar, Uttar Pradesh, Maharashtra, Madhya Pradesh, Rajasthan, Odisha and West Bengal.

In the era of globalization, action against trafficking has always been tough. Our country does not have any precise and comprehensive legal structure to handle human trafficking. Trafficking in Independent India

- Over history, there have been a number of International Treaties and Documents that Outline the rights of a child.
- Prior to World War II, the League of Nations had adopted the Geneva Declaration of the Rights of the Child in 1924.
- The United Nations (UN) took its first step towards declaring the importance of child rights by establishing the United Nations International Children's Emergency Fund in 1946 (The name was shortened to United Nations Children's Fund in 1953, but kept the popular acronym UNICEF).
- Two years later, the UN General Assembly adopted the Universal Declaration of Human Rights, making it the first UN document to recognize children's need for protection.
- The first UN document specially focused on child rights was the Declaration on the Rights of the Child, but instead of being a legally binding document it was more like a moral guide of conduct for governments.
- It was not until 1989 that the global community adopted the United Nations Convention on the Rights of the Child, making it the first international legally binding document concerning child rights.
- The convention consists of 54 articles covering all four major categories of child rights: Right to life, Right to development, Right to protection, and Right to participation. It came into force on the 2nd September 1990.
- The initiative to create a body of rights for children came from the draft document submitted by the Government of Poland to the Commission on human rights in 1978.
- A decade was spent drafting the Convention by an alliance of a number of small NGOs including Radda Barnen of Sweden, the International Child Catholic Bureau, and Defence for Children International, and United Nations human rights experts.
- Today the convention has been ratified by 192 countries becoming the most ratified of all international Human Rights treaties. India signed and ratified the convention in 1992.
- The only two countries who have not ratified the treaty are the United States and Somalia. Somalia has been unable to ratify due to the lack of a stable government and the US has signed the treaty showing their intention to ratify.
- Preamble: Recognizes many of the principles outlines in the Declaration on the Rights of the Child such as family as the best environment for a child to grow, the importance of child protection, best interest of the child, recognizing child participation, etc.
- The United Nations Convention on the Rights of the Child (commonly abbreviated as the CRC or UNCRC) is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children.
- The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation.
- Nations that ratify this convention are bound to it by international law. Compliance is monitored by the UN Committee on the Rights of the Child, which is composed of members from countries around the world.
- Once a year, the Committee submits a report to the Third Committee of the United Nations General Assembly, which also hears a statement from the CRC Chair, and the Assembly adopts a Resolution on the Rights of the Child.
- Governments of countries that have ratified the Convention are required to report to, and appear before, the United Nations Committee on the Rights of the Child periodically to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country.
- Their reports and the committee's written views and concerns are available on the committee's website.
- The UN General Assembly adopted the Convention and opened it for signature on 20 November 1989 (the 30th anniversary of its Declaration of the Rights of the Child).
- It came into force on 2 September 1990, after it was ratified by the required number of nations. Currently, 196 countries are party to it, including every member of the United Nations except the United States.
- Two optional protocols were adopted on 25 May 2000. The First Optional Protocol restricts the involvement of children in military conflicts, and the Second Optional Protocol prohibits the sale of children, child prostitution and child pornography. Both protocols have been ratified by more than 160 states.
- A Third Optional Protocol relating to communication of complaints was adopted in December 2011 and opened for signature on 28 February 2012. It came into effect on 14 April 2014.
- Global human rights standards were challenged at the World Conference on Human Rights in Vienna (1993) when a number of governments (prominently China, Indonesia, Malaysia and Iran) raised serious objections to the idea of universal human rights.
- There are unresolved tensions between "universalistic" and "relativistic" approaches in the establishment of standards and strategies designed to prevent or overcome the abuse of children's capacity to work.
- Some scholars link slavery and slavery-like practices for many child marriages. Child marriage as slavery is not directly addressed by the Convention on the Rights of the Child.
- Currently 196 countries are parties to the treaty (some with stated reservations or interpretations). This includes every member of the United Nations (except the United States), plus the Cook Islands, Niue, the State of Palestine, and the Holy See. The United States has not ratified it.
- South Sudan did not sign the convention, however ratification was complete in January 2015.[Somalia's domestic ratification finished in January 2015 and the instrument was deposited with the United Nations in October 2015.]
- All successor states of Czechoslovakia and Yugoslavia (Bosnia and Herzegovina, Croatia, Czech Republic, Macedonia, Montenegro, Serbia, Slovenia, and Slovakia) made declarations of succession to the treaty and currently apply it.

[Source: UNCRC]

has mainly been linked to prostitution, but it ignores its complexity and changing character. There has been National and International pressure to address child trafficking in India, which has failed to produce results. We have “The Immoral Traffic (Prevention) Act, 1956. This Act provides “in pursuance of the International Convention signed at New York on the 9th day of May, 1950 for the prevention of immoral traffic.

The Act intends to combat trafficking and sexual exploitation for commercial purposes while prostitution is not an offence, practicing it in a brothel or within 200 m of any public place is illegal. The following Act leads to the codification of an Act that lays down rules and regulations regarding the sensitive issue of prostitution. It protects women and children from forceful flesh trade. This leads to reduction of objectification of women and children. Through this Act, children can be further protected, and offenders who force children can be punished for the same. The Act regularized prostitution and provides assistance to all women and children who have been forced into the same. The provisions of the Act clearly state that it is an offence to force any child into flesh trade, or for trafficking of a child for various other purposes. The State Government “may in its discretion establish as many protective homes and corrective institutions under this Act as it thinks fit and such homes and institutions, when established, shall be maintained in such manner as may be prescribed.”

Across India, each state has protective homes and corrective institutions run by the respective state governments. Rescued children are put under the care of state government until they attain the age of 18 years. During their period of stay at homes, they are counseled and their families are contacted to repatriate the child back to their families. In case, if the child does not have any family member, or any other care takers, the child after attainment of 18 years is shifted to State run homes, and are trained in various vocations, and employment is provided to them in order to main streamline them back into society.

Inspite of Acts and various mechanisms in place, our country continues to face the epidemic of child trafficking. According to a recent Indian Government Report, it is estimated that around half a million children have been abducted and forced to work in Indian cities. The rise in trafficking is also due to increasing trans-border mobility. Moreover, the legal framework for tackling this borderless organized crime is very weak. Despite legal prohibition, India continues to have 12.66 million child labourers. Child trafficking is not merely a socio-legal issue; it is a symptom of a much deeper issue and all the issues are multi-dimensional and their solutions lie in a multi-dimensional approach.

- *In 1998, between 5,000 and 7,000 Nepalese girls, some barely 9–10 years old were trafficked into the red light districts in Indian cities, and 200,000 to over 250,000 Nepalese women and girls were already in Indian brothels.*
- *According to UNICEF, 12.6 million children are engaged in hazardous occupations.*
- *In 2009, it was estimated 1.2 million children are trafficked worldwide for sexual exploitation, including for prostitution or the production of sexually abusive images.*
- *Only 10% of human trafficking in India is international, while almost 90% is interstate. Nearly 40,000 children are abducted every year of which 11000 remain untraced according to a report by the National Human Rights Commission of India.*
- *NGO's estimate that 12,000-50,000 women and children are trafficked into the country annually from neighbouring states for the sex trade.*
- *There are an estimated 300,000 child beggars in India. Every year, 44,000 children fall into the clutches of the gangs.*

[Source: Reuters.com]

We need a comprehensive strategy to fight the crime as human transportation takes place often with the victims and their family’s tacit knowledge and detecting a victim and the agent is very challenging. Therefore, we need measures in areas of employment, capacity development, education, empowerment, administrative and community actions and cooperation among stakeholders to make human rights accessible to the victims. We all have an important role to play in minimizing the vulnerabilities of children and women. ❖