

CHILD TRAFFICKING IN INDIA: A CONCERN

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Introduction

Trafficking in human beings, especially in women, and children has become a matter of serious national and international concern. Women and children – boys and girls – have been exposed to unprecedented vulnerabilities commercial exploitation of these vulnerabilities has become a massive organized crime and a multimillion dollar business. Nations are attempting to combat this trade in human misery through legislative, executive, judicial and social action.

Trafficking of children is a worldwide phenomenon affecting large numbers of boys and girls everyday. Children and their families are often lured by the promise of better employment and a more prosperous life far from their homes. Others are kidnapped and sold. Trafficking violates a child's right to grow up in a family environment and exposes him or her to a range of dangers, including violence and sexual abuse.

In India too, over the last decade, the volume of human trafficking has increased though the exact numbers are not known, it is one of the most lucrative criminal trades, next to arms and drug smuggling undertaken by highly organized criminals.

Unless a public opinion is built laws are effectively designed and implemented, the situation is constantly monitored and the nexus of traffickers is exposed,

children will continue to be trafficked. Coordinated efforts are required to stop and prevent child trafficking.

What is Trafficking?

The Oxford English Dictionary defines, traffic as 'trade, especially illegal (as in drugs)'. It has also been described as 'the transportation of goods, the coming and going of people or goods by road, rail, air, sea, etc. The word trafficked or trafficking is described as 'dealing in something, especially illegally (as in the case of trafficking narcotics)'.

The most comprehensive definition of trafficking is the one adopted by the UN Office of Drugs and Crime in 2000, known as the "UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," 2000 under the UN Convention against Transnational Organized Crime (UNTOC). This Convention has been signed by the government of India.

Article 3

- a) Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or of receiving of payments or benefits to achieve the consent of a person having control over another persons, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour services, slavery or practices similar to slavery, servitude or the removal of organs;

- b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subpara graph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in sub paragraph (a) of the article;
- d) Child shall mean any person under eighteen years of age.

What are Children Trafficked for?

- **Labour**
 - Bonded labour
 - Domestic work
 - Agricultural labour
 - Construction work
 - Carpet industry, garment industry, fish / shrimp export as well as other sites of work in the formal and informal economy.
- **Illegal Activities**
 - Begging
 - Organ trade
 - Drug peddling smuggling
- **Sexual Exploitation**
 - Forced prostitution
 - Socially and religiously sanctified forms of prostitutions
 - Sex tourism
 - Pornography

- Entertainment and Sports

- Circus, dance troupes, beer bars etc.
- Camel jockeys

- For and through marriage
- For and through adoption
- As child soldiers or combatants in armed conflicts

Magnitude of the Problem

In India, a large number of children are trafficked not only for the sex 'trade' but also for other forms of non-sex based exploitation that includes servitude of various kinds, as domestic labour, industrial labour, agricultural labour, begging, organ trade and false marriage.

Trafficking in children is on rise, and nearly 60% of the victims of trafficking are below 18 years of age (NCRB, 2005).

According to NHRC Report on Trafficking in Women and Children, in India the population of women and children in sex work in India is stated to be between 70,000 and 1 million of these, 30% are 20 years of age. Nearly 15% began sex work when they were below 15 and 25% entered between 15 and 18 years (Mukherjee & Das 1996).

A rough estimate prepared by an NGO called End children's prostitution in Asian Tourism reveals that there are around 2 million prostitutes in India. 20% among them are minors.

A study conducted in 1992 estimates that any one time 20,000 girls are being transported from one part of the country to any other (Gupta, 2003).

National Crime Data

It should be noted that there is no available information on the scope of trafficking for purposes other than prostitution / commercial sex workers in the available sources and literature.

A starting point for the analysis of available data is National Crime Record Bureau of the Indian Ministry of Home Affairs that collects data on trafficking through State Crime Report Bureaus and Union Territories, Subsidiaries of the NCRB that obtain data from District Crime Report Bureaus. This presents an indication of the level or reporting of trafficking within India. Data available through NCRB is collected through first information reports (FIRs), lodged in police stations. FIRs can be lodged by victims, NGOs and any member of civil society.

National data from the NCRB provides an analysis of trends in various Indian Penal Code (IPC) crimes, including: importation of girls, kidnapping and abduction of girls, and offences under the Immoral Trafficking Prevention Act (ITPA), which are consolidated from information provided by State and Union Territories.

Given the criminal nature of the act, it is no surprise that there is very little data on the extent of trafficking. According to one estimate, 50% of the trafficked victims worldwide are children.

Legal Framework

India has a fairly wide framework of laws enacted by the Parliament as well as some State legislatures, apart from provisions of the Constitution which is the basic law of the country.

Legal Framework to Address Trafficking in India

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| Article 23 of the Constitution | Guarantees right against exploitation; prohibits traffic in human beings and forced labour and makes their practice punishable under law. |
| Article 24 of the Constitution | Prohibits employment of children below 14 years of age in factories, mines or other hazardous employment. |
| Indian Penal Code, 1860 | <p>There are 25 provisions relevant to trafficking; significant among them are:</p> <ul style="list-style-type: none">▪ Section 366A – procuration of a minor girl (below 18 years of age) from one part of the country to the another is punishable.▪ Section 366B – importation of a girl below 21 years of age is punishable.▪ Section 374 – provides punishment for compelling any person to labour against his will. |

Immoral Traffic (Prevention) Act, (ITPA) 1956 [renamed as the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA)]

Deals exclusively with trafficking; objective is to inhibit / abolish traffic in women and girls for the purpose of prostitution as an organized means of living; offences specified are:

- Procuring, including or taking persons for prostitution;
- Detaining a person in premises where prostitution is carried on;
- Prostitution is or visibility of public places;
- Seducing or soliciting for prostitution;
- Living on the earnings of prostitution;
- Seduction of a person in custody; and
- Keeping a brothel or allowing premises to be used as a brothel.

Child Labour (Prohibition and Regulation) Act, 1986

Prohibits employment of children in certain specified occupations and also lays down conditions of work of children.

Information Technology Act, 2000

Penalizes publication or transmission in electronic form of any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive and corrupt persons to read, see or hear the matter contained or embodied therein. The law has relevance to addressing the problem of pornography.

India has also adopted a code of conduct for Internet Service Providers with the objective to enunciate and maintain high standard of ethical and professional practises in the field of Internet and related services.

Juvenile Justice (Care and Protection of Children) Act, 2000

- Enacted in consonance with the Convention on the Rights of the Child (CRC); and
- Consolidates and amends the law relating to juveniles in conflict with law and to children in need of care and protection.
- The law is especially relevant to children who are vulnerable and are therefore likely to be inducted into trafficking.

Karnataka (Prohibition of Dedication) Act, 1982

Devadasi Act of dedication of girls for the ultimate purpose of engaging them in prostitution is declared unlawful – whether the dedication is done with or without consent of the dedicated persons.

Andhra Pradesh (Prohibiting Dedication) Act, 1989

Devadasi Penalty of imprisonment for three years and fine are stipulated in respect of anyone, who performs, promotes, abets or takes part in *Devadasi* dedication Ceremony.

Goa Children's Act, 2003

- Trafficking is specially defined;
- Every type of sexual exploitation is included in the definition of sexual assault;
- Responsibility of ensuring safety of children

- in hotel premises is assigned to the owner and manager of the establishment;
- Photo studios are required to periodically report to the police that they have not sought obscene photographs of children;
- Stringent control measures established to regulate access of children to pornographic materials.

International Laws

International laws lay down standards that have been agreed upon by all countries. By ratifying an international law or convention or a covenant, a country agrees to implement the same. To ensure compatibility and implementation, the standards set forth in these international conventions are to be reflected in domestic law. Implementing procedures are to be put in place as needed and the treaties must be properly enforced.

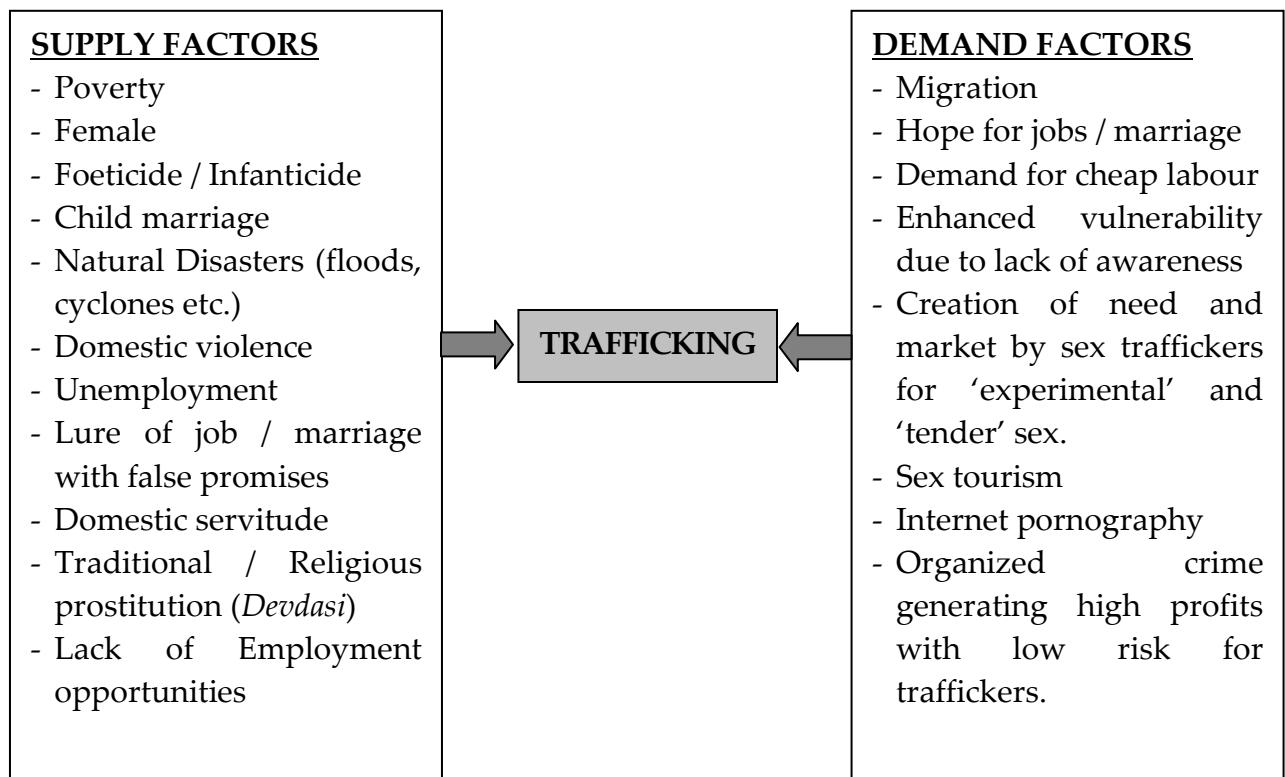
The following are the most important International Conventions regarding trafficking of children:

1. The Convention on the Rights of the Child, 1989.
2. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.
3. The Convention on the Elimination of All forms of Discrimination against Women, (CEDAW) 1979.
4. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

5. Declaration on Social and legal principles relating to the Protection and Welfare of Children, with special reference to Foster placement and adoption Nationally and Internationally, 3 December, 1986.
6. SAARC Convention on Regional Arrangement for the Promotion of Child Welfare, 2002.

Factors Leading to Trafficking

“Poverty is not the only cause”



Combating of Trafficking

Prevention of human trafficking requires several types of interventions. Prevention as a strategy to combat trafficking has to focus on areas of sensitization and awareness among the public, especially those vulnerable

pockets of trafficking at source areas as well as convergence of a development services to forestall conditions responsible for it.

Role of State

- Government at local level and source areas should create compulsory high quality education, employment opportunities and income generation programme.
- Government should produce relevant IEC materials; promote sensitization programmes for teachers in government schools, parents and community workers.
- Government should include gender centered education curricula in schools and introduce subjects of child sexual abuse and trafficking.
- The government of different nations must share the information with each other to evolve a programme that will help both the countries in preventing trafficking.

Role of NGOs

- The community should be sensitized about trafficking the community members should be motivated to keep a watch in the community for irregular movement of child victims to and from area their possible traffickers and hideouts.

- NGOs working in the rural areas should ensure that parents are aware of safe migration practices.

Role of Media

Media attention reaches several hundred thousand viewers and should therefore serve the following important functions:

- The media should transmit appropriate message to ensure that the victims learn that they are not alone.
- Victims can be made aware of places and institutions where they can seek help.
- Create awareness that human trafficking is inappropriate and illegal and has negative consequences.
- Wide publicity should be given regarding the legal, penal provisions against trafficking and the modus operandi of the traffickers through radio, television etc.

Awareness and Advocacy

- Awareness and advocacy is required at the policy level i.e. National Planning Commission, bureaucrats, politicians and the elite of the society. Awareness at the local level, in the community through workshops, songs, drama, poems, meetings, leaflets and posters especially in the rural areas is also required.

- The role of gender in daily life and training programmes and activities for gender sensitization must be conducted by NGOs. The key to prevent trafficking in children and their exploitation in prostitution is awareness among the children, parents and school teachers.
- The government must launch media campaigns that promote children's right and elimination of exploitation and other forms of child labour.
- Police advocacy is an important intervention that has to be fine-tuned.

Conclusion

Trafficking in human beings, especially children, is a form of modern day slavery and requires a holistic, multi-sectoral approach to address the complex dimension of the problem. It is a problem that violates the rights and dignity of the victims and therefore requires essentially a child rights perspective while working on its eradication.

In the fight against trafficking government organizations, non-governmental organizations, civil society, pressure groups, international bodies, all have to play an important role. Law can not be the only instrument to take care of all problems.

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