

## CHILD TRAFFICKING

BY ARCHI JAIN  
FROM INDORE INSTITUTE OF LAW

### Abstract

Child trafficking is broadly a threat of global proportions. In spite of considerable anti trafficking activities in India, the ground reality is that these activities have not been able to address the problem. Although, the existing interventions time and again have been reviewed, the reviews were usually general, done as part of anti-trafficking strategy development activities. This calls for proper documentation, monitoring and evaluation of the effectiveness, feasibility and sustainability of these intervention approaches.

It has been found that lack of a holistic understanding and awareness of the problem remains the greatest challenge to any intervention on child trafficking; due to this lack of understanding there are no reliable estimates of the magnitude or a comprehensive legal framework to counter child trafficking issues. At all the levels coordination, cooperation, and maintain from government agencies is essential for effectively preventing and rescuing trafficked children.

### INTRODUCTION

Human trafficking is the third largest beneficial business in the world. Child trafficking unlike many other issues is established in both developed and developing nations. Trafficked children are used for prostitution, forced into marriage, illegally adopted, used as cheap or unpaid labour, used for sport and organ harvesting. Some children are recruited into armed groups. Trafficking exposes children to violence, abuse, neglect and exploitation. According to UNICEF a child victim of trafficking is "any person under 18 who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside a country". Trafficking is one of the hardest crimes to track and investigate hence data is hard to obtain. The latest figures estimate that 1.2 million children are trafficked worldwide every year. Child prostitution has the highest supply of trafficked children.

India is a source, destination, and transit country for trafficking for many purposes such as commercial sexual exploitation. Majority of the trafficking is within the country but there are also a large number trafficked from Nepal and Bangladesh. Children are trafficked to Middle

Eastern countries for sport such as camel racing. There are no national or regional estimates for the number of children trafficked every year. But 40% of prostitutes are children, and there is a growing order for young girls in the industry.

NGOs estimate that 12,000 - 50,000 women and children are trafficked into the country annually from neighbouring states for the sex trade. Thousands of girls are trafficked from Bangladesh and Nepal. 200,000 Nepalese girls under 16 years are in prostitution in India. An expected 1,000 to 1,500 Indian children are smuggled out of the country every year to Saudi Arabia for begging during the Hajj. Andhra Pradesh, Karnataka, West Bengal and Tamil Nadu have the major number of people trafficked. Intra state/inter district trafficking is high in Rajasthan, Assam, Meghalaya, Bihar, Uttar Pradesh, Andhra Pradesh, Karnataka, Tamil Nadu and Maharashtra. Delhi and Goa are the major receiver states. Trafficking from north eastern states is high but often over looked. In 2008, 529 girls were trafficked from Assam alone.

There is a getting higher demand for live-in maids in urban areas. This has resulted in trafficking of girls from villages in West Bengal, Jharkhand and Chhattisgarh to live under extremely poor conditions first in "placement agencies" and later in the employers homes. Placement agents keep the girls in small unhygienic rooms packed together. They are often made to do the placement agent's household work and subjected to sexual abuse. Smita a sixteen year old girl was taken from her village in Jharkhand and subjected to different forms of sexual abuse and exploitation at the hand of her employers including rape. When rescued her parents refused to take her back since she had been tainted by rape. Falling sex ratios in Haryana and Punjab has led to a need for trafficking of brides from villages in Orissa, Jharkhand, Bihar, Assam and West Bengal, who have been sold off by the parents. Jyoti, age fourteen, was sold and married to a 40-year old man for Rs 15,000 in order to make a mail heir.

India has legal provisions to counter trafficking as per the Immoral Traffic Prevention Act 1986. The MWCD has taken a number of Initiatives to combat trafficking of Women and Children.<sup>1</sup>

<sup>1</sup> <http://www.childlineindia.org.in/child-trafficking-india.htm>

### **Child Trafficking in India**

India is often considered as a destination, source, and transit country for trafficking of human beings. Still it is very difficult to get the exact statistics and comprehensive of the numbers and the extent to which the issue has grown. According to a study, it has been found that almost 400 districts in India are affected by the issue of child trafficking. It is also estimated that 90% of the trafficking is done internally, and the victims are used for forced labor. The children who are a victim of trafficking are exploited in various ways like forced to work as agricultural and industrial workers, beggars and domestic servants. The girl child is more vulnerable to trafficking. Girls are mainly trafficked for the purpose of prostitution and forced marriage. The porous borders of India are considered to be one of the prime reasons for an increase in the rate of trafficking. In such situation, cross-border trafficking becomes simple, and girls from Nepal and Bangladesh are often trafficked into India. ECPAT International has estimated that, every year around 1, 50, 000 children and women are trafficked into (or through) India from South Africa. It has also been anticipated that around 2, 00, 000 girls have been trafficked into India from Bangladesh and Nepal in the last seven years. Even though the incident of trafficking is very rampant, there still does not exist a law which regulates the come again of the trafficked victims from India to Nepal or Bangladesh. Only a few concerned organization and NGOs have helped the victims of trafficking to come back to their own country by working in collaboration with the partner organization in that country.

Crossing the border between India and Nepal and India and Bangladesh has become an easy and routine affair for many. The bribe organization at the borders is also very well structured, in which the authorities are involved, they help a lot of people to cross the terrain. Further, a multiple passport system makes it easier for the traffickers to push Bangladeshi girls into the brothels of Kolkata. These girls are then further sorted and famous and then sent to Mumbai, Delhi, and Agra.

### **SIGNS A CHILD HAS BEEN TRAFFICKED**

Signs that a child has been trafficked may not be obvious but you might notice unusual actions or events. These include a child who:

- spends a lot of occasion doing household chores
- rarely leaves their house, has no freedom of movement and no time for live

- is orphaned or living apart from their family, often in unregulated private foster care
- lives in inferior accommodation
- isn't sure which country, city or town they're in
- is unable or reluctant to give details of accommodation or personal details
- might not be registered with a school or a GP practice
- has no papers or has falsified documents
- has no access to their parents or guardians
- is seen in inappropriate places such as brothels or factories
- possesses unaccounted for money or goods
- is permanently deprived of a large part of their earnings, required to earn a minimum amount of money every day or pay off an exorbitant debt
- has injuries from workplace accidents
- gives a prepared story which is very similar to stories given by other children

### **Effects of child trafficking**

- ✓ **CHILD TRAFFICKING CAN HAVE LONG-LASTING AND DEVASTATING EFFECTS:**

Being kept captive or living or working in poor conditions can have a serious impact on a child's mental and physical health. They might also be suffering from the effects of multiple forms of abuse and neglect.

Children may feel worried and alienated if they have been separated from their families, friends, communities and cultures.

They will often have had no access to education or opportunity for social and emotional development.

- ✓ **EFFECTS OF DOMESTIC SERVITUDE AND FORCED LABOUR:**

Children exploited for domestic servitude and forced labour can suffer physical injuries,

develop problems with their emotional health and be left without access to an education.

✓ **EFFECTS OF SEXUAL EXPLOITATION:**

Children trafficked for sexual exploitation are at high risk of prolonged periods of sexual violence causing physical injuries, sexually transmitted infections and, for girls, multiple pregnancies. Find out more in relation to the effects of child sexual exploitation

**TYPE OF CHILD TRAFFICKING**

➤ **FORCED LABOUR:**

The objective of child trafficking is often forced child labour. Child labour refers specifically to children under a stipulated minimum age, usually 14, at the lowest, being necessary to work. UNICEF estimates that, in 2011, 150 million children aged 5–14 in developing countries were involved in child labour. Within this number, the International Labour Organization reports that 60% of child workers work in agriculture. The ILO also estimates that 115 million children are engaged in hazardous work, such as the sex or drug trade. Overall, child labor can take many forms, including domestic servitude, work in agriculture, service, and manufacturing industries.

➤ **SEXUAL EXPLOITATION:**

The optional protocol on the sale of child, child prostitution and child pornography is a protocol of the Convention on the Rights of the Child, formally adopted by the United Nations in 2000. Essentially, this protocol formally requires states to prohibit the sale of children, child prostitution, and child pornography. According to the International Labour Organization, sexual exploitation of children includes all of the following practices and activities:

- "The use of girls and boys in sexual activities remunerated in cash or in kind (commonly known as child prostitution) in the streets or inside, in such places as brothels, discotheques, massage parlours, bars, hotels, restaurants, etc."
- "The trafficking of girls and boys and adolescents for the sex trade"
- "Child sex tourism"
- "The production, promotion and distribution of pornography involving children"

- "The use of children in sex shows (public or private)"

Though measuring the extent of this practice is difficult due to its criminal and covert nature, the International Labour Organization estimates that there are as many as 1.8 million children sexually trafficked worldwide, while UNICEF's 2006 State of the World's Children Report reports this number to be 2 million.

➤ **CHILDREN IN ARMED FORCES:**

The Optional Protocol on the Involvement of Children in Armed Conflict is a protocol of the Convention on the Rights of the Child, formally adopted by the United Nations in 2000. Essentially, the protocol states that while volunteers below the age of 18 can voluntarily join the armed forces, they cannot be conscripted. As the Protocol reads, "State parties shall take all feasible measures to ensure that member of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities." Despite this, the International Labour Organization estimates that "tens of thousands" of girls and boys are currently forcibly enlisted in the armed forces in at least 17 countries around the world. Children conscripted into the armed forces can then be used in three distinct ways:

- Direct roles in hostilities (combat roles)
- Supporting roles (such as messengers or spies)
- For political advantage (such as for propaganda purposes)

➤ **CHILDREN IN DRUG TRADES:**

Children are also used in drug trades in all regions of the world. Specifically, children are often trafficked into exploitation as either drug couriers or dealers, and then 'paid' in drugs, such that they become addicted and further entrapped. Due to the illicit nature of drug trafficking, children who are apprehended are often treated as criminals, when in reality they are often the ones in need of legal assistance. While comprehensive worldwide statistics regarding the prevalence of this practice are unknown, several useful regional studies have been conducted. For example, the I.L.O has recently investigated the use of Afghan children in the heroin trade and child involvement in the drug trades of Brazil. Scholar Luke Dowdney specifically studied children in the drug trade in Rio de Janeiro, Brazil; he found that children involved in the drug trades are at significantly higher risk of engage in violence, particularly

murder.

➤ **CHILD BEGGING:**

Forced child begging is a type of begging in which boys and girls under the age of eighteen are forced to beg through psychological and physical coercion. Begging is defined by the Buffalo Human Rights Law Review as "the activity of asking for money as charity on the street". There is evidence to suggest that forced begging is one industry that children are trafficked into, with a recent UNICEF study reporting that 13% of trafficking victims in South Eastern Europe have been trafficked for the purpose of forced begging.

➤ **ADOPTION:**

Children may be trafficked for the purposes of adoption, particularly international adoption. Children are sourced from orphanages or kidnapped, or parents may be tricked, cajoled or coerced into relinquishing custody. Disreputable international adoption agencies then arrange international adoptions, charging high fees to prospective adoptive parents. The Hague Convention on the Protection of Children and Cooperation in regard to Intercountry Adoption is an international agreement designed to protect children from such exploitation and to help in preventing such illegal intercountry adoptions.

**IMPACT**

➤ **CHILDREN AND FAMILIES:**

According to UN.GIFT, child trafficking has the most significant impact on trafficked children and their families. First, trafficking can result in the death or permanent injury of the trafficked child. This can stem from a dangerous "movement" stage of trafficking or from specific aspects of the "exploitation" stage, such as hazardous working conditions. Moreover, trafficked children are often denied access to healthcare, effectively increasing their chances of serious injury and death. Trafficked children are also often subject to domestic violence; they may be beaten or starved in order to ensure obedience. In addition, these children frequently encounter substance abuse; they may be given drugs as "payment" or to ensure that they become addicted and thus dependent on their trafficker(s). As opposed to many other forms of crime, the trauma experienced by children who are trafficked is often prolonged and repeated, leading to severe psychological impacts. UN.GIFT reports that trafficked children often suffer from depression, anxiety, and post-traumatic stress disorder,

among other conditions.

Effects on families are also severe. Some families believe that sending or allowing their children to relocate in order to find work will bring in additional income, while in reality many families will never see their trafficked children again. In addition, UN.GIFT has found that certain forms of trafficking, particularly sexual exploitation in girls, bring "shame" to families. Thus, in certain cases, children who are able to escape trafficking may come again to their families only to find that they are rejected and ostracized.

➤ **COMMUNITIES:**

Child trafficking has also been shown to have a major effect on communities. If multiple children in a community are trafficked, it can result in the entire community being corrupted, and thus devastated, by trafficking. Social development efforts are hindered, as trafficked children's educations are cut short. As a result of this lack of education, children who escape trafficking may be less able to secure employment later in life. In addition, trafficked girls face special obstacles, in that their prospects for marriage might be diminished if the community becomes aware that they have been trafficked, particularly into sexual exploitation.

Nations

On a national level, economic development is severely hindered by the lack of education of trafficked children; this results in a significant loss of potentially productive future workers. Children who are able to successfully return to their families often pose a significant financial burden, due to their lack of education, and the illnesses and injuries they may have incurred during trafficking work. There are major costs associated with the rehabilitation of these trafficked children, so that they are able to successfully participate in their communities. Furthermore, the persistence of child trafficking indicates the presence of sustained criminal activity and criminal networks, which, in most cases, are also associated with drugs and violence. As a result, UN.GIFT has cited child trafficking as a significant indicator of national and global security threats.

**NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights Act, 2005, an Act of Parliament



(December 2005). The Commission's Mandate is to ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The child is defined as a person in the 0 to 18 years age group.

The Act provides not only for the constitution of a National Commission but also for the establishment of State Commissions. It again provides for in the preamble the intent to establish Children's Courts also for providing speedy trial of offences against children of violation of child rights. The establishment of Commissions was persuaded by:

1. The Declaration on Survival, Protection and Development of Children adopted by the UN General Assembly in 1990;
2. The acceding of 1992 by India to the Convention on the Rights of the Child;
3. The National Charter for Children, 2003;
4. The special session of UN General Assembly which adopted an outcome document titled "A World Fit for Children".<sup>2</sup>

### **RECOMMENDATION/SUGGESTIONS**

#### **SPREAD AWARENESS AMONG PARENTS AND COMMUNITIES:**

Lack of awareness can create situations that traffickers can exploit. A lot of India's poor children find themselves trapped in substance abuse which can further lead to them getting trafficked. Educated communities are capable of understanding and successfully responding to the various ways traffickers source children. Aware of their rights as Indian citizens, and opportunities for growth, education, employment, and enterprise, these communities can stand strong.

#### **STRICT LAWS IN PLACE TO PREVENT CHILD TRAFFICKING:**

Effective policymaking is critical to reform. NGOs like Save the Children constantly research, document, and showcase findings of the need for reforms and engage with various government agencies, urging them to have better legislation in place for tackling child trafficking. Many cases have been filed under the recent Protection of Children Against Sexual Offences Act (2012) and Immoral Traffic (Prevention) Act, which have successfully translated in increased convictions, demonstrating how legislating can curb child trafficking.


<sup>2</sup> [http://shodhganga.inflibnet.ac.in/bitstream/10603/26001/19/19\\_chapter%2011.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/26001/19/19_chapter%2011.pdf)

-

**ENCOURAGING BUSINESS TO NOT USE CHILD LABOUR:**

An ecosystem for child trafficking gets silent approval when demand for child labour is commonly used in businesses like retail, hospitality, etc. NGOs have recognized a dialogue to sensitize trade organizations to end this social evil that will save them a few rupees. At the same time, locals have been made vigilant to report instances of child labour at businesses, so that it is actively discouraged.

**Why you must support an NGO like Save the Children in the fight against trafficking****Education initiatives:**

- 
- i. Creates Inclusive Learner Friendly Environments in intervention schools in slums and villages
  - ii. Maps of out-of-school children and works for their movement into schools.
  - iii. Made it possible for families with limited means to send their children to school and provide admissions assistance
  - iv. Promoting use of child-friendly and interactive teaching-learning methods
  - v. Forming Children Groups wherein children are empowered to speak and stand up for their rights

**FIGHTING CHILD TRAFFICKING AND CHILD LABOUR**

Along with a lasting dialogue with vulnerable communities, the NGO has made outreach to state and national level governance to address child trafficking, as well as working with Police departments of states. Save The Children has successfully withdrawn 50,000 child domestic workers from domestic help, and in 2015 rescued 9337 children from child labour.

**CHILD SAFETY:**

The NGO regularly creates safe spaces and provisions education supplies to enable children to continue with their schooling after disasters, and stay safe from traffickers who prey on their vulnerability. **Donate to NGO** today to contribute your bit in making India's vulnerable children safe.

## CONCLUSION

The lack of a holistic understanding and awareness of the problem remains the greatest challenge to any intervention on child trafficking. Because of this lack of understanding there are no reliable estimates of the magnitude or a comprehensive legal framework. Most of the existing literature or national level field-based research has been disproportionately focused on trafficking for prostitution. Even the micro research studies undertaken by nongovernmental organizations and International non-governmental organizations in India once again focused primarily on trafficking for prostitution. There is no dearth of legislation and policies for preventing child trafficking in India and only a small number of these anti-child trafficking interventions have been evaluated and an even less number have been evaluated rigorously.

At all the levels coordination, cooperation, and support from government agencies is essential for effectively preventing and rescuing trafficked children. Conducting research on the issue of child trafficking one can discover more efficient intervention programs and policy development with significant information and understanding regarding trafficking in women and children. A thorough research on a number of aspects connected with trafficking of children such as the detailed information regarding the number of children trafficked, factors contributing towards the trafficking, trafficking networks and impacts on individual victims have to be undertaken for the trafficking intervention strategies to work effectively. Continuous research and well informed intervention programs and implementations are therefore craved for.

An effective monitoring and interception system at the community level created by the community itself can prove to be a successful child trafficking intervention. Panchayats must start taking up child protection and trafficking of girls related issues in their functioning. Integration of trafficking related issues in the functioning of panchayats will lead to greater awareness and efforts to prevent trafficking. In every Gram Sabha meeting there should be a discussion on the issue of protection of each and every child in the community. Panchayat should also discuss the issue of missing children in the meetings and the Panchayat representatives must share these issues with block level officials, collecting data on missing children, number of people migrating out of the village and number of girls getting married at an age of less than 18 years of age.