

Child Trafficking and Sexual Abuse: Challenge to Human Rights in Modern India

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Abstract

Trafficking of children has become a worldwide phenomenon affecting a large number of girls and boys. The researcher feels that protecting children from this inglorious practice is very important as they are the upcoming future of every nation in the world. The research paper deals with a variety of problems and questions which the researcher has sought to solve by reading a number of articles and journals. The researcher has explained what is Child trafficking, what are the reasons behind such practice, why is it an ominous threat to mankind, how does it pose a challenge to human rights in modern India, who all are involved in it, how can it be prevented and various other problems. We are aware of the fact that each individual is entitled to Human Rights from their birth to the time of their death, irrespective of who they are, where they come from, etc. Thus child trafficking violates one of the most important Human Right provided by the UDHR(Universal Declaration of Human Rights) i.e. Freedom from slavery and right against sexual exploitation. With a growing number of children being trafficked for various purposes including sexual abuse, there is a great threat and challenge posed to Human rights. The researcher has gone through a number of articles and recent reports on the number of children being trafficked into and trafficked out of India. The researcher has also studied various legislations and legal framework to address the problem in India. After going through every aspect of child trafficking and it's status in India, the researcher has finally suggested a few methods to prevent it, on part of various institutions such as by the government, by various NGO's, through media and most importantly by creating and spreading more awareness on the topic.

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Introduction

Trafficking is nothing but modern-day slavery wherein people especially children are forced, coerced or deceived into labor or sexual exploitation. Trafficking in human beings, especially in women, and children have become a matter of serious national and international concern. Women and children – boys and girls – have been exposed to unprecedented vulnerabilities and 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. It is a growing concern all over the world as it is a multi-faceted threat. It robs people of their right of freedom and the victims end up devastated, demoralized and defeated. The main purpose of conducting this research is to deal with a few questions whose answers are sought to be clear with the concept of human trafficking especially in children and thus prevent it and secure the future of these innocent lives. The researcher has attempted to find the answers to these questions:

- 1) What basically is child trafficking?
- 2) What are children trafficked for?
- 3) How does it pose a threat to human rights?
- 4) The magnitude of the problem nationally and internationally?
- 5) How to combat the problem of child trafficking?

The researcher has gone through a number of articles, essays, journals, and reports to help the readers find out all the answers to their questions and help the readers to be thoroughly clear with the grave threat of child trafficking.

We are all aware of the basic definition of human trafficking i.e. the trade of humans, especially women and children for the purposes of labor or sexual exploitation. Trafficking of children is a worldwide phenomenon affecting large numbers of boys and girls every day. 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 of children 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. Thus trafficking of a person is a serious threat to his/her basic human rights which are promised to each individual as soon as they are born till they die. Human trafficking is the third largest profitable industry in the world. Child trafficking, unlike many other issues, is found in both developed and developing nations. Trafficked children are used for prostitution, forced into marriage, illegally adopted,

used as cheap or unpaid labor, used for sport and organ harvesting. Some children are recruited into armed groups. Trafficking exposes children to violence, abuse, neglect, and exploitation. Child prostitution has the highest supply of trafficked children.

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, is undertaken by highly organized criminals.

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 is also a large number trafficked from Nepal and Bangladesh. Children are trafficked to Middle Eastern countries for a sport such as camel racing. There are no national or regional estimates for the number of children trafficked every year but 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 estimated 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 largest 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 rising demand for live-in maids in urban areas. This has resulted in the 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.

Almost 20,000 women and children were victims of human trafficking in India in 2016, a rise of nearly 25 percent from the previous year. The Ministry of Women and Child Development told parliament that 19,223 women and children were trafficked last year

² Nita Bhalla, "Almost 20,000 women and children trafficked in India in 2016", THOMSON REUTERS FOUNDATION (Mar.9,2017,9:18 PM) <https://www.reuters.com/article/us-india-trafficking/almost-20000-women-and-children-trafficked-in-india-in-2016-idUSKBN16G29G>.

against 15,448 in 2015, with the highest number of victims recorded in the eastern state of West Bengal.

Police officials attributed the rise to increased public awareness of trafficking-related crimes and more police training. The 2016 data from the National Crime Records Bureau showed that almost equal numbers of women and children were trafficked.

Figures showed that there were 9,104 trafficked children last year -- a 27 percent increase from the previous year. The number of women trafficked rose by 22 percent to 10,119 in 2016. India's West Bengal state - which shares a porous border with poorer neighbours Bangladesh and Nepal and is a known human trafficking hub for that reason - registered more than one-third of the total number of victims in 2016.

The desert state of Rajasthan recorded the second highest number of trafficked children in 2016, while the western state of Maharashtra, where India's business capital Mumbai is located, showed the second highest number of trafficked women.

The next focus should be on how to identify the victims of such trafficking. In case of children employed in households or establishments in our neighbourhoods, we can stay alert for signs of oppression which make themselves evident in the form of withdrawn and anxious behaviour of the child, physical marks of assault, etc. In such instances, we can lodge a complaint with the local police on behalf of these children.³

We can also approach the Child line, the emergency helpline for the children in distress, at 1098. The Central Bureau of Investigation (CBI) of India has also set up a 24*7 helpline number - 011 2436 8638 - which has been exclusively created for complaints regarding "illegal human trafficking especially trafficking of women and children".

It is easier to detect cases of oppression and exploitation in familiar neighbourhoods. However, we can also contact these helpline numbers in the event of observing suspicious activities involving children and women outside our neighbourhood - for instance, on noticing a grievously injured child begging on the streets, or in trains, if we chance upon a group of girls, women or children with tell-tale signs of anxiety, fear or assault.

³ Manju Mohandas, *Human trafficking in India & the invisible victims*, TATA TEA JAAGO RE (Oct 23,2015,4:45 PM) <https://www.jaagore.com/current-issues/human-trafficking-in-india-and-the-invisible-victims>.

These instances are usually not easy to detect and also not easily verifiable. Hence, despite the high frequency of occurrence, the number of cases reported remains extremely low.

Child trafficking is a serious problem that is prevalent especially in India. According to a report published by the U.S. Department of State, "India is a source, destination and transit country for men, women, and children subjected to forced labour and sex trafficking...The majority of India's trafficking problem is internal, and those from the most disadvantaged social strata- lowest caste Dalits, members of tribal communities, religious minorities and women and girls from excluded groups – are most vulnerable."

The 2012 Global Report on Trafficking in Persons⁴ released by United Nations Office on Drug and Crime (UNODC) has revealed that 27 per cent of all victims of human trafficking officially detected globally between the year 2007 and 2010 are children. Child trafficking either happens for the sex trade or for child labour. Another big area of concern is the gender skewing among missing children, as the MHA data reveals. Over 2010-2014, out of the 3.85 lakh children who went missing across the country, 61% were girls. For example, the number of missing girls in the state of Andhra Pradesh stands at a shocking 11,625 as against 6,915 missing boys (The Times of India). These girls are often forced into prostitution and begging rackets and are destined for a life of child abuse and exploitation.

It is the children of the poor and marginalized communities who are often trafficked to be forced into labour. Parents of these children are either betrayed or lured due to their poor socio-economic conditions thus forcing them to 'send' or 'sell' their children for better livelihood options. The lack of awareness is a situation that traffickers exploit especially when it comes to uneducated poor living in slums and other backward regions in the country.

Traffickers promise daily wages to parents of young children and transport them to big cities where they are often treated as commodities. Families in dire financial conditions are often approached by traffickers with an offer to buy their children and with no other escape from their pitiful conditions, parents comply.

In India, there is a great need for convergence and implementation of comprehensive child protection mechanisms. Indian children are exposed to multiple vulnerabilities. With thousands of children still working in brick kilns, construction sites, and agricultural land,

⁴ Cry Volunteers, *Child Trafficking*, CHILD RIGHTS AND YOU (Sept.21,2017,5:33PM) <https://www.cry.org/issues-views/child-trafficking>.

trafficking for the sake of forced child labour is widely prevalent. Apart from this, horrific stories emerge daily of girls as young as 9 years old being forced into the sex trade. Apart from this children are also sold by their parents to work in factory and industries that are highly dangerous with toxic environments.

It is also found that there lies a huge discrepancy in reporting and the estimated crime⁵. The data found, shows that there is a wide discrepancy between the actual figures of crimes reported to the police and the crimes that are actually taking place estimated by the police officers themselves. This presents a very disturbing picture, in that only a limited percentage of the crimes estimated to have occurred, were reported both in sex based exploitation and non-sex based exploitation. About 60% of the crimes were not reported and thus no action was taken. The police officials suspected that there may be various reasons for such under reporting of crimes such as due to the political intervention, fear of the police, lot of expenditure of time and resources or maybe due to the inaccessibility of the police.

Child trafficking is an organized crime⁶. The trafficking gangs are operating like well-organized multi-national companies. Poverty is the root cause which makes children victims of trafficking Studies showed that around 55 million children were victims of trafficking in the country, the media was not giving the menace due attention. Through trafficking, children are used for bonded labour and sex trade.

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. 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% of them are minors. A study conducted in 1992 estimates that at one time 20,000 girls are being transported from one part of the country to another. A starting point for the analysis of available data is⁷ 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.

⁵ P.M Nair, Trafficking in Women and Children in India, 212-213 (Orient Longman Pvt Ltd.2005).

⁶ Anit Nair, Chain Of Custody , 55, (Harper Black.2016).

⁷ Crime in India(2004), NCRB, Ministry of Home Affairs, GOVERNMENT OF INDIA.

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 the⁸ 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.

Since it is a serious threat to the human rights of children, it needs to be stopped immediately and this can only happen if everyone contributes to its prevention. 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 the convergence of development services to forestall conditions responsible for it. Each organ of society must play an important role in the prevention of such a crime. The Government at the local level and source areas should create compulsory high quality education, employment opportunities and income generation program. The government should include gender centred 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 program that will help both the countries in preventing trafficking. 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 rural areas should ensure that parents are aware of safe migration practices. Similarly, the media plays a very important role in the prevention of child trafficking as its attention reaches several hundred thousand viewers. The media should transmit an 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. Creation of awareness amongst the general public that human trafficking is inappropriate and illegal and has negative consequences. Wide publicity should be given

⁸ The Immoral Traffic (Prevention) Act, 1956, No. 104, Acts of Parliament, 1956 (India).

regarding the legal penal provisions against trafficking and the modus operandi of the traffickers through radio, television, etc.

But awareness among people is the most important factor to prevent child trafficking. Awareness and advocacy are 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 program 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 labor. 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 cannot be the only instrument to take care of all problems.

The Government of India does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts by increasing the number of victims identified, investigations completed, and traffickers convicted, as well as its budget for shelter programs for female and child trafficking victims. The government adopted an action plan for children, which included plans to prevent child trafficking and protect child victims.

However, the government did not meet the minimum standards in several key areas. The government should increase prosecutions and convictions for all forms of trafficking, including forced and bonded labor, and of officials allegedly complicit in trafficking, respecting due process; establish and fully resource anti-human trafficking units (AHTUs) in all districts, including by providing additional dedicated, trained staff and by clarifying the

mandate of AHTUs; develop and implement standard operating procedures (SOPs) to harmonize victim identification and referral, and train officials on their use; address jurisdictional issues in the investigation of suspected traffickers and use of testimony when trafficking crimes cross state lines; cease the penalization of trafficking victims; protect victim confidentiality and privacy, including on government-issued identification documents; develop and adopt a national action plan to combat trafficking; improve central and state government implementation of protection programs and compensation schemes to ensure trafficking victims receive benefits, release certificates, and compensation funds, continue to increase the transparency of government efforts to combat trafficking and provide disaggregated data on efforts to criminally investigate, prosecute, and punish sex and labor trafficking; provide funding for states to establish fast-track courts that deal with all forms of human trafficking; and provide anti-trafficking training or guidance for diplomatic personnel to prevent their engagement in or facilitation of trafficking crimes, and to provide personnel the tools to identify and assist trafficking victims in their work. If the government along with our assistance can improve the situation of our nation even to the half of the extent, it could bring about a tremendous improvement in the data and statistics of the number of children being trafficked and would secure the future of our nation.