

“The Trade of Fresh Flesh”

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*“One day, the fields will stay green
And the earth black, sweet and wet.
Our children will grow tall on that earth
and our children’s children
And they will be free
As the mountain trees and birds”*

- Zamora

A child is a country’s future. Everywhere in the world the child is well taken care of because the future of a country depends on the healthy growth of its children. Universally, children, the would-be citizens of tomorrow are disadvantaged in one significant respect, that they are defenceless both mentally and physically. The nature, perhaps has ordained so. Born and brought up under conflicting conditions, the status of children, particularly the orphan, lone, uncared, weaker are open for exploitation and they fall easy victims to several crimes perpetrated against them. Innocence, lack of experience, exposure, improper care/guidance, etc. are some of the contributing factors for their vulnerability and external influences.

Children are the weakest and most vulnerable section of human population in any country since they are unable to raise their voice against those who injure them. It is for this reason, that a society must have two concerns, that is –

- a) Children being the most delicate yet best human resource for future, they require growth, development and best care, and*
- b) Children being most vulnerable, they are to be protected from all sorts of exploitation, physical, mental and moral.*

INTRODUCTION

Trafficking of children has emerged as one of the most profitable trades in the world today. Each year, an estimated 7 million people, mostly women and girls are trafficked throughout the world and 1 million children are trafficked into local and international sex industries. The 2012 Global Report on Trafficking in Persons released by United Nations Office on Drug and Crime (UNODC) has revealed that 27% of all victims of human trafficking officially detected globally between year 2007 and 2010 are children. Child trafficking either happens for sex trade or for child labour. Over 2010-2014, out of the 3.85 lakh children who went missing across the country, 61% were girls. There have been many cases where children just disappear overnight, as many as one every eight minutes, according to the National Crime Records Bureau¹.

The commercial sexual exploitation of children is a very serious violation of children's right, it implies not only that the child is sexually abused by the adult, but also that there may be remuneration in cash or kind. The child is thus, treated not only as a sexual object, but also as a commercial commodity.

WHO IS A CHILD?

- According to Section 2(a) of the Immoral Traffic Prevention Act, 1956, a 'child' is a person who has not completed 16 years of age. A 'minor' under this Act means a person whose age lies between 16 and 18 years.
- The Children Act, 1960 fixes the age of child as 16 years in case of a boy and 18 years in case of a girl.
- According to the UN Convention on Rights of Children, a child means "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier."

In common parlance, a child is a person, who because of his or her age, immature thought process and imperfect judgment, is unable to comprehend the consequences of his or her own actions.

ISSUE: CHILD TRAFFICKING

According to the reports of United Nations General Assembly, 1994, trafficking means "*the illicit and clandestine movements of persons across national borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploited*

¹ Shah, Shreya (16 October 2012). "India's Missing Children, By the Numbers"

situations for profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking such as forced domestic labour, false marriages, clandestine employment and false adoption.”

Child trafficking and sexual exploitation of children is increasing day by day all over the Asian Region, like the rest of the world. In the Indian sub-continent especially India, Bangladesh, Pakistan and Nepal, trafficking of women and children has increased enormously. It is said that nearly 500-15,000 children and women are trafficked every year from Bangladesh to West Bengal and then to other parts of India and also to Middle East via Pakistani about 2,000-5,000 children and women are brought from Nepal for Indian flesh market.

A large percentage of trafficking is resorted to for the purpose of prostitution. Trafficking is also done for the entertainment industry, for cheap labour in industries like carpet making, illegal adoption of children, drug trafficking, forced marriage, begging, forced labour in construction work, etc.

REASONS WHICH CONTRIBUTE TO CHILD TRAFFICKING

Both supply and demand factors drive the growing trafficking industry. On the supply side, the reasons are as follows:-

- a) Economic marginalisation leading to breakdown of traditional livelihood options
- b) Low status of women and girls in the society
- c) Inadequate educational and employment opportunities due to gender disparities
- d) Lucrative business with low investments but high monetary returns attracting crime syndicates
- e) Economic disparities with the countries and between countries and regions creating demand for trafficking from low income to high income areas
- f) Internal and international migration of women into labour market giving rise to channels of trafficking
- g) Traditional and religious practices in some communities of dedicating girls to gods and goddesses
- h) Social conventions such as child marriage, polygamy, dowry and social stigma against single
- i) Erosion of traditional family systems and values
- j) Lack of a strong political will and weak law enforcement mechanisms

On the demand side, the reasons are as follows:-

- a) Patterns of development like industrialisation, rural to urban migration of particularly males generated demand for commercial sex
- b) Expanding commercial sex industry in the Asian region employing a large number of minors increasing the demand for services of sex workers

- c) Preferences for younger women and virgin girls because of fear of HIV infection
- d) Demand by employers of cheap labour of children and women
- e) Male dominated value systems in society

TRAFFICKING TECHNIQUES

Children are generally recruited from rural areas or small towns. In the trans-shipment process they are handed over and taken over by numerous procurers, brokers and intermediaries.

Child trafficking is usually done in the following ways:-

1. Local contacts – Traffickers enlist the help of local persons and villagers to identify vulnerable families. Traffickers operate in an organised network having their agents make contacts with unsuspecting women and children around bus and train stations.
2. Direct sales – Children are sold to traffickers by parents or other family members. Traffickers sell young girls to brokers across borders in Asian countries or even abroad.
3. Deceit – Unscrupulous agents deceive parents, lure girls with false promises of well-paid work in cities or marriages.
4. Debt bondage – Economic incentives to parents and arrangements which bond children and young women into sex-slavery or other exploitative forms of labour, though details of these debt terms are ill defined.
5. Kidnap – Criminal gangs or middlemen kidnap children, force them to work against their will, and often sell them to brothels.
6. Falsification of documents – False documents and passports make it difficult to identify and trace trafficked persons.
7. Bribes – Commonly paid to various officials to produce false documents, or at border crossings.
8. Transportation – Children and women are transported by foot, buses, pick-up vans and boats.

KEY AGENTS OF CHILD TRAFFICKING

Many persons and agents are involved in the trafficking business, from the initial recruitment and procurement of children, to their widespread movements with countries and cross borders. They are as follows:-

- Agents in the trafficking network
- Parents, relatives, friends
- Villagers
- Tourists and travel agencies
- Employment agencies
- Foremen and trafficking gangs
- Crime syndicates with bases in many countries

- Bar madams, local women recruiters
- Brothel owners
- Pimps and procurers
- Individual paedophiles and their organisations
- Customers, clients of sex workers
- Corrupt officials

FIGURES

- In 1998, between 5,000 and 7,000 Nepalese girls, some barely 9–10 year olds 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.²
- According to UNICEF, 12.6 million children are engaged in hazardous occupations.³
- 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.⁴
- According to a report by the National Human Rights Commission of India, 40,000 children are abducted each year, leaving 11,000 untraced.⁵
- NGO's estimate that 12,000-50,000 women and children are trafficked into the country annually from neighbouring states for the sex trade.⁶
- There is an estimated 300,000 child beggars in India.⁷
- Children make up roughly 40% of prostitutes.⁸
- The Indian Government estimates that girls make up the majority of children in sex trafficking.⁹
- According to the CBI (Central Bureau of Investigation) reports of 2009, there are an estimated 1.2 million children involved in prostitution in India.¹⁰

LEGAL SAFEGUARDS

The relevant provisions of Indian laws to combat child trafficking are as follows:-

- The Child Labour (Prohibition and Regulation) Act, 1986 bans employment of children under 18 years in certain fields such as transport, railways, ports, cracker and fire works, etc. Employment of children is also regulated under several legislations such as the Factories Act, 1948, the Mines Act, 1983, the Apprentices Act, 1951. The cut-off age is 14 years in most cases.

² "India: Facts on Trafficking and Prostitution"

³ "Unicef India - UNICEF", www.unicef.org

⁴ IANS. *India hub of child trafficking in South Asia* (19-08-2009)

⁵ www.childtrafficking.org.

⁶ "Vulnerable Children - Child Trafficking India", www.childlineindia.org.in

⁷ "Child beggars in India" (June 8, 2013), at the Wayback Machine

⁸ "Vulnerable Children - Child Trafficking India", www.childlineindia.org.in

⁹ Sarkar, Siddhartha. "Rethinking Human Trafficking in India: Nature, Extent and Identification of Survivors", Round Table, vol. 103, no. 5, Oct. 2014, p. 483

¹⁰ "Official: More than 1M child prostitutes in India - CNN.com". (2018-05-29)

- The Child Marriage Restraint Act, 1929 stipulates the minimum age of 21 years for boys and 18 years for girls.
- Prostitution and trafficking in India is sought to be controlled under the Immoral Traffic in Persons Prevention Act, 1986.
- The Indian Penal Code, 1860 includes relating to exposure and abandonment of child less than 12 years of age by parents having care of its wrongful restraint or wrongful confinement, kidnapping abduction, slavery and forced labour and sexual offences
- The Juvenile Justice (Care and Protection) Act, 2000 provides protection who is being grossly tortured, abused or exploited for the purpose of sexual abuse or illegal acts or who is found vulnerable or is likely to be induced into trafficking.

GOVERNMENT ACTION

The Government has responded to the issue at the insistence of NGO and National and International Conventions. The judiciary also demanded that the government should immediately take steps to stop child trafficking. A plan of action has been drawn up by the Department of Women and Child Development that addresses several areas of the problem, namely:-

- Prevention
- Rescue
- Law enforcement
- Rehabilitation
- Community participation for reintegration

SUGGESTIONS TO COMBAT CHILD TRAFFICKING AND SOCIAL REINTEGRATION OF VICTIMS

- ✓ The laws of the land should be strengthened and properly implemented
- ✓ Set up awareness among the vulnerable sections of the society
- ✓ Sensitisation of police needs to be done
- ✓ Strengthen the 'Trafficking Task Forces'
- ✓ Pleading for Human Rights of trafficked and sexually exploited children and find out the alternative avenues for rehabilitation
- ✓ Effort should be directed towards improved support to victims with legal aid, safe shelters, counselling, medical care, etc.
- ✓ Economic independence through vocational training and financial help must be ensured to victims for social reintegration
- ✓ Young adolescents need to be educated on sex and sexuality and how to protect themselves in times of necessity

CONCLUSION

Every nation is under a duty to protect and develop its own children. The welfare of a nation depends on the welfare and well-being of the children of that nation. Hence, they require special protection and attention of the society as well as the State has an obligation towards its children to look after them.¹¹

Every child has a right to nutrition, recreation, education, health, etc. The State shall, in particular direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.¹²

There are a number of NGOs, which, in association with the Government have developed shelter homes, keeping in mind the welfare and rehabilitation of victims of child trafficking so that they are socially reintegrated one day. But that day should not be too long.

Let us begin to work with unity to prevent child trafficking and commercial sexual abuse of children.

¹¹ Sheela Barse v. Union of India, AIR 1986 SC 1873

¹² Article 39(f), Constitution of India