



STOP

**SEX TRAFFICKING
OF CHILDREN & YOUNG PEOPLE**



SEX TRAFFICKING OF CHILDREN IN INDIA

What is child trafficking?

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.

UN Convention against Transnational Organised Crime

A child is anyone under the age of 18 years.

UN Convention on the Rights of the Child

What's the problem?

GLOBAL SEX TRAFFICKING

Human trafficking is a complex phenomenon fueled by the tremendous growth in the global sex market. Exploitation is driven by poverty, uneven development, official corruption, gender discrimination, harmful traditional and cultural practices, civil unrest, natural disasters and lack of political will to end it.

The number of child victims trafficked worldwide for sexual exploitation or cheap labour on an annual basis is 1.2 million.¹ Human trafficking, the third largest international crime, following illegal drugs and arms trafficking, is believed to be worth billions of dollars each year. Driving the trade is the demand for commercial sexual exploitation. Seventy-nine per cent of all global trafficking is for sexual exploitation.²



CHILD SEX TRAFFICKING IN INDIA

Approximately 150,000 women and children are trafficked from South Asia every year and most of them from, via and to India.³ Trafficking in children for commercial sexual exploitation is one of the primary manifestations of commercial sexual exploitation of children in India, which exists on a large scale and in many forms.⁴

Trafficking of girls for marriage is prevalent, especially in the States of Punjab and Haryana, as highlighted in a study conducted by local organisation Sakti Vahini; another study revealed a well-established market in Uttar Pradesh for 'purchased' Bangladeshi

wives. Although the Indian *Child Marriage Restraint Act* set the minimum age of marriage for women at 18, the Department of Health Survey (DHS) stated that 33.8 percent of the girls aged between 15 and 19 are currently married.

Lack of legal documents/identification makes trafficking victims highly vulnerable to threats of apprehension by authorities, extortion, detention, prosecution and deportation.

The specific legislation in India dealing with trafficking is the *Immoral Trafficking Prevention Act* (1986). However, this Act only refers to trafficking for prostitution and therefore does not provide comprehensive protection for children. The substantive law in India is the Indian *Penal Code* (IPC) of 1860. The IPC addresses issues of the buying and sale of minors, importation of girls etc. Existing rape, assault and abduction laws can also be used to address the abuse of women and girls in brothels. The *Goa Children's Act* (2003) is the only Indian statute that provides a legal definition of trafficking and is child-specific.

Initiatives undertaken by the Indian Ministry to improve the protection of children include:

- Establishing Child Line: This 24-hour phone service can be accessed by a child in distress or an adult on his/her behalf by dialling the number 1098. Child Line provides emergency assistance to a child and is based upon the child's need. Through this service, a child is referred to an appropriate organisation for long-term follow-up and care.
- UJWALA Scheme: Launched by the Ministry in 2007-08 for the benefit of women and girls in difficult circumstances, with specific focus on the special needs of trafficking victims.
- Kishori Shakti Yojana: A holistic initiative supporting the development of adolescent girls (11-18 years) to promote awareness of health, hygiene and nutrition, as well as link girls to opportunities for learning life skills, returning to school and developing a better understanding of their social environment.
- Scheme for rescuing trafficking victims: This scheme is to address trafficking in women and children for commercial sexual exploitation through small pilot projects.

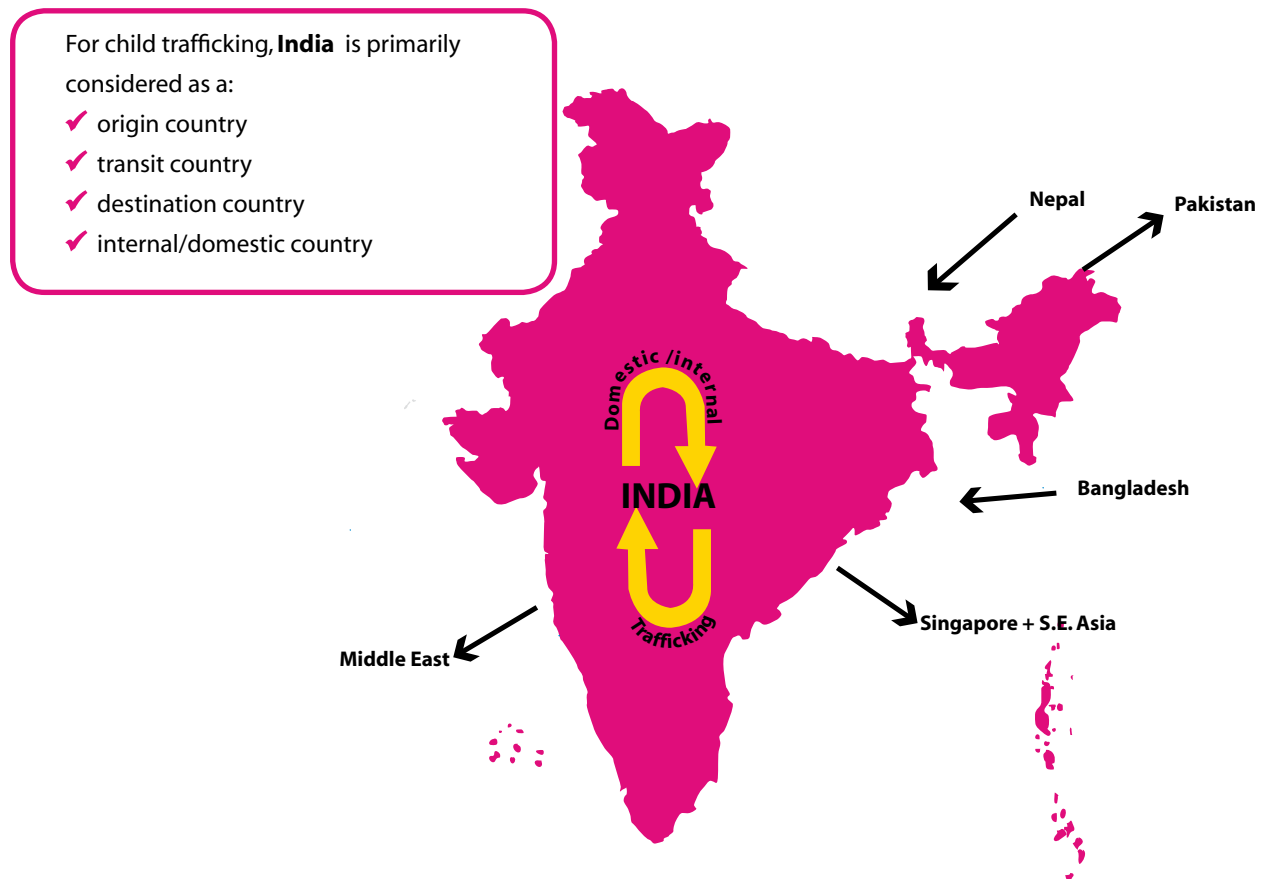
Who gets trafficked?

Children, especially those from poor families, are most vulnerable to trafficking. The National Human Rights Commission (NHRC) Action Research Study conducted in 2005 found that a majority of trafficking victims belong to socially deprived sections of society, including Scheduled Castes, Scheduled Tribes, etc. Children from drought-prone areas and places affected by natural or human-made disasters are also more likely to fall prey to traffickers.⁵ The NHRC estimates that almost half of the children trafficked within India are between the ages of 11 and 14; they are subjected to physical and sexual abuse and kept in conditions similar to slavery and bondage.⁶ Debt bondage is one of many strategies used by exploiters to keep children in constant servitude.

Children from Bangladesh and Nepal are trafficked into India and through India to Pakistan and the Middle East. Though the exact numbers are not known, it is estimated that between 5,000 and 7,000 Nepalese girls are trafficked into India for sexual exploitation every year.⁷ In recent years, there have also been cases of trafficking of girls from India to Bangladesh for child marriage. Many of these girls eventually end up being sexually exploited in other ways.

However, the majority of trafficking in underage girls for sexual exploitation, however, happens within the country. Children are trafficked to and from states such as Andhra Pradesh, Bihar, Karnataka, Uttar Pradesh, Maharashtra, Madhya Pradesh,

Rajasthan and West Bengal. For instance, among the 23 districts of the State of Andhra Pradesh, 16 are identified as sending districts.⁸ Similarly, in the State of Bihar, 24 out of 37 districts are highly affected by trafficking in women and children.⁹ Rajasthan is also a major source State, where 27 out of 32 districts are found to be affected.



RE-TRAFFICKING OF RESCUED CHILDREN

Research suggests that a significant number of girls rescued from commercial sexual exploitation are re-trafficked, exposing serious flaws in existing programmes supporting the rescue, return, rehabilitation and reintegration of victims.¹⁰ Non-acceptance by families and communities of girls who return home, lack of alternative sources of income or livelihood options and increasing demand for young girls from brothel owners contribute to the re-trafficking of victims.

CASE STUDY

Deepa's story

In eastern India, Kolkata has emerged as a hub for the trafficking of girls, who also arrive from Nepal, Bangladesh and Burma. From Kolkata they are often sold again to brothels in Mumbai (Bombay). Deepa is a 15-year-old girl from a village outside Kolkata. In a soft voice, she recalls how a year ago a woman drugged her, kidnapped her and sold her to a madam in Mumbai.

“I was then told that I would have to become a prostitute and I said that there was no way I would do that,” she says. “But I was beaten so much, my whole body was covered in bruises, then they used hot iron rods to hit me - eventually I had to agree to it.”

Deepa could not escape, as she was guarded by the sister of the woman who sold her. “My day began at six in the morning and I had about 12 to 14 customers on a daily basis and my day ended at 3am.”

Her luck changed when a customer of the brothel let her call her parents from his phone. Finally she was rescued, but her ordeal had not ended - there was the threat of AIDS infection. According to one estimate, 70% of prostitutes in Mumbai are infected with the virus.

“I didn’t know what AIDS was before I went to Mumbai,” Deepa says. “Once I got there and I got to the brothel I became aware of it and I was so afraid it would be something I would catch. After I was rescued and I came back home and I told my mother everything. She had me tested and fortunately I was negative.”¹¹

In places where law is weak or not properly enforced, children are less protected and at greater risk of trafficking. Children may also be less aware of the risks of trafficking and more easily deceived.

Countries are considered:

- ‘Sending’ or ‘origin’ – from where children are sent;
- ‘Transit’ – where the children might be moved through and temporarily kept on the way to their final destination; and
- ‘Receiving’ or ‘destination’ – where the children finally end up.

Depending on the reason for trafficking, some countries may only be sending, while others might be both sending and transit. Some countries, like India, a significant source, destination and transit country, are all three.

Who creates demand?

Traffickers prey on children and young people to meet the sexual demands of paedophiles and people who pay for sex. Any person who patronises the commercial sex market may end up sexually exploiting a child. There is actually no common profile of perpetrators who sexually exploit children – they may be young, old, married or single; they come from all kinds of socio-economic backgrounds and work in all kinds of professions.

Who are the traffickers?

Traffickers can be a stranger or someone the child knows, such as a relative or a friend. Traffickers are often part of an organised criminal network that ‘recruits’ children and supplies them with fake identification. They may also pose as boyfriends or girlfriends in order to convince children to leave for a new life.

For the pimps, brothel madams and brothel owners of Mumbai, the sex industry is a multi-million dollar business in which money is the bottom line. The highest prices go for the youngest girls, many of whom have been kidnapped from other countries and trafficked to India, or sold by their own families into the industry.¹²

CASE STUDY

Girls living at the Sanlaap Shelter in Kolkata who have been rescued from prostitution tell stories of fathers and uncles who sold them, and madams who held them hostage. Few were told about the dangers of HIV and found out only upon arriving at the shelter. Although haunted by their memories, the Sanlaap girls are now far from the red-light districts from which they were rescued. Many families will not take them back after they have worked as prostitutes, but Sanlaap attempts to give them hope for the future. These girls are the fortunate ones, thousands of other young girls are left behind.¹³

How can we stop the trafficking of children?

LAW AND LAW ENFORCEMENT

- India has not ratified the *Trafficking Protocol* and should make it a priority to do so. With respect to existing legislation, the Penal Code's prohibition on selling or buying a minor for purposes of prostitution fails to include many other activities related to trafficking prohibited by the *Trafficking Protocol*, such as recruiting, harbouring, transporting, transferring or receiving trafficked children. Additionally, while the Indian *Penal Code* prohibits importing a foreign girl for purposes of illicit sex, this provision offers no protection for girls from India or boys from any country. It should also be noted that trafficking in children for purposes other than those stated above is not criminalised, while the *Trafficking Protocol* defines trafficking in children and its related acts for the purpose of exploitation, such as but not limited to prostitution, forced labour or slavery.
- Indian legislators have proposed amendments to the *Immoral Traffic Prevention Act* that would more specifically define and prohibit trafficking, but they have not yet been enacted as law. There are also a number of cases currently pending before the Indian Supreme Court that could strengthen the law in this area. Appropriate and effective implementation of existing laws is essential in order to effectively protect children and remains a problem.
- State Advisory Committees must be made functional in all States to allow for the effective implementation of India's *Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children*. Action planning at the state level should also be expedited. The budget allocated for National Plan of Action implementation at both levels must be increased. Child trafficking unfortunately remains a low priority issue for government and state actors, who have shown little political will to seriously address this problem.
- The Government must increase efforts to identify trafficking victims among at-risk groups such as children arrested for prostitution and illegal migrants, and at the same time improve the prosecution and conviction of trafficking offenders. It is also important to establish a child-friendly legal process where victims of trafficking are not criminalised or punished in any way, but are provided with proper legal counsel and guardianship.
- The Indian Government must recognise trafficking of boys for prostitution as an issue. In India, adolescents and young males with feminine gender construction are victims of social stigma and gross human rights violations. Sexual exploitation of children and young people is often viewed as being limited to girls. Consequently, the prostitution of boys is little understood, despite its existence in India. Legislation is required to ensure that boy children are also protected. This should be followed up with police training to ensure appropriate implementation of the law.

- To draft and submit the India country-report on the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*. The Optional Protocol was ratified by India in August 2005 and the country report was due to be submitted on August 2007.
- Law Enforcement Agencies need to be aware of the Special Act ITPA and understand trafficking as not just a single crime or criminal activity but as multiple crimes committed (referred to under the ITPA as the “Basket of Crimes”) on the child and accordingly prosecute such cases.

International Conventions/Laws	Date of Ratification by India	Date of Reports Submitted	UN Committee on the Rights of the Child Recommendations for India
Convention on the Rights of the Child (CRC)	Dec 1992	June 1997 July 2003	<p>The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.115) after its consideration of the State party’s initial report (CRC/C/28/Add.10) have not been sufficiently addressed, inter alia those contained in paragraphs 13 (implementation of legislation); 15 (coordination); 17 and 19 (monitoring); 29, 31, and 33 (non-discrimination); 37 (birth registration); 39-41 (torture); 45 (violence); 47 (children with disabilities); 49 and 51 (basic health); 53 and 55 (standard of living); 57-60 (education); 64(armed conflict); 66-71 (child labour); and 80-82 (administration of juvenile justice).</p> <p>The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented or not implemented at all, and the list of recommendations contained in the present concluding observations.</p>
Optional Protocol on the sale of children, child prostitution and child pornography	Aug 2005	Due August 2007, not yet submitted	N/A
The Protocol to Prevent, Suppress & Punish Trafficking in Persons, Especially Women & Children (Trafficking Protocol)	Signed in Dec 2002 but not yet ratified	N/A	N/A
ILO Convention No. 182 on the Worst Forms of Child Labour	Not yet	N/A	N/A

PREVENTION OF TRAFFICKING AND VICTIM PROTECTION AND ASSISTANCE

- Religious and culturally sanctioned prostitution of children, particularly among scheduled tribes and castes, must be systematically combated: the Government's Tribal Development Programme must foster partnerships with civil society organisations to continuously implement programmes that sensitise such communities, and rescue and support prostituted children - particularly in areas such as Bihar, MP, UP and Rajasthan.
- Proposed amendments to the Immoral Traffic Prevention Act should be enacted into law as soon as possible. Efforts to increase birth and marriage registration nationwide must also be prioritised, as these are valuable protective mechanisms against CSEC.
- The Government must also take steps to implement coordination and prevention initiatives in countries of origin by cooperating with governments in the region for safe migration, awareness-raising on trafficking and repatriation of survivors.
- The Government must make further efforts to protect trafficking victims, such as institutionalising child-friendly procedures in law enforcement, child protection policies in relevant agencies and state operated shelters. At a minimum, child victims must be provided with health and psychosocial care, vocational training, legal counselling and repatriation/reintegration services.
- To prevent re-trafficking and further exploitation of CSEC victims, reintegration programmes, initiated by the Ministry of Women and Child Development, should be widely replicated in the most affected state districts. NGOs and Community Based Organisations should be included in the process of reintegration to ensure the protection of children and effective results.
- The following measures proposed by the Ministry of Women & Child Development for the 'Development of the Child at the Centre of the Eleventh Plan' (2007-2012) should be implemented:
 - Integrated Child Protection Scheme (ICPS): A centrally sponsored scheme to address the issue of child protection and build a protective environment for children through Government-Civil Society Partnerships.
 - Establishment of a dedicated Nodal Cell for Prevention of Trafficking to coordinate, network and provide feedback to State Governments and other concerned agencies, as well as share data, best practices, innovations etc. on a sustained and continuous basis to enable better outcomes.
 - Formation of community vigilance groups in source areas and disaster prone areas.
 - Involvement of local level institutions for tracking outbound movements of children.
 - Child Help Lines to be established and widely publicised at the village level.
 - Strengthening regional and overseas initiatives to prevent cross-border trafficking and to enable rescue and repatriation of children to their countries of origin. A Protocol for inter-country rescue (especially among SAARC countries) and repatriation with facilities within the Embassies and High Commissions for immediate response and support needs to be formulated.

TO REPORT A SUSPECTED INCIDENT OF CHILD TRAFFICKING, CONTACT:

1098 CHIDLIN – a 24-hour, free, emergency phone service for children in need of aid and assistance. Whether you are a concerned adult or a child, you can dial 1098 toll.



MORE INFORMATION

- ECPAT groups in India: SANLAAP India www.sanlaapindia.org; EQUATIONS www.equitabletourism.org; ICYO www.icyo.in
- ECPAT International: www.ecpat.net
- The Body Shop and ECPAT Stop Trafficking of Children and Young People Campaign : www.thebodyshop.com/stop



Endnotes

- ¹ UNICEF. *UNICEF calls for increased efforts to prevent trafficking of children*. 16 June 2007. http://www.unicef.org/media/media_40002.html
- ² UNODC. *Global Report on Trafficking in Persons*. 2009. <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>
- ³ Asian Development Bank. *Combating Trafficking of Women and Children in South Asia: Regional Synthesis Paper for Bangladesh, India and Nepal*. Manila, 2002.
- ⁴ ECPAT International. *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children – India*. Bangkok, Thailand, 2006.
- ⁵ NHRC. *Action Research Study*, 2005.
- ⁶ Institute of Social Sciences, National Human Rights Commission, UNIFEM. *A Report on the Trafficking of Women & Children in India 2002-2003*. Accessed 27 September 2006 from www.nhrc.nic.in/Documents/ReportonTrafficking.pdf
- ⁷ Terre des Hommes. *Summary of Findings – Slavery, Debt Bondage and Sex Work: A Study of Trafficked Nepalese Girls and Women in Mumbai & Kolkata, India*. October 2006.
- ⁸ Vahini, Sakti. *Trafficking Report 2004*.
- ⁹ Ibid.
- ¹⁰ HAQ Centre for Child Rights. *Child Trafficking in India* (unedited version). 2005.
- ¹¹ Grant, M. “Girl trafficking hampers AIDS fight”. *BBC News*. 30 November 2004. Accessed from: http://news.bbc.co.uk/1/hi/world/south_asia/4055143.stm
- ¹² PBS. *India – The Sex Workers*. June 2004. Accessed from <http://www.pbs.org/frontlineworld/stories/india304/thestory.html> on March 9, 2009.
- ¹³ Ibid.

NOTES



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