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Child Trafficking as a Barrier to Nation's Development

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Child Trafficking is a grave issue that continues to harm the underprivileged and society as a whole. Any illegal recruiting, or transportation of a person who is under the age of 18 is called child trafficking[1]*. Several factors contribute to this issue, poverty being the most dominant one. One of the most common ways through which children are trafficked is under the garb of getting them job opportunities. This paper also discusses the concept of child placement and whether it can be considered as trafficking. Children who are trafficked are usually forced into sex work. This paper will also analyze how gender plays a role in this. Child and bonded labor, sexual exploitation, forced domestic labor, child soldiers, and other forms of child slavery are among the common crimes against children. Since there is inadequate enforcement of such laws on the issue, which is also known as a silent crime, no one will be aware of the illegal prevalence of such crimes until traces of such activities are discovered. This paper will attempt to provide solutions to this problem.*

Keywords: *transportation, poverty, trafficking, sex work, intention, gender.*

INTRODUCTION

International law defines child trafficking as the act of recruitment, transportation, transfer, harboring, or receipt of a child either within or outside a country, for the purpose of

[1] E. Donger and J. Bhabha, 'Dilemmas in Rescue and Reintegration' (2018) Anti-Trafficking Review, 52

exploitation[2]. Trafficking of children for labor or for sexual agendas is a grave violation of human rights. It makes one lose faith in humanity. Child labor is defined by international law as work that is unacceptable for children, because a child is too young to enter employment, or the work concerned is hazardous[3]. Trafficking is often if not always done by people known to the child in the garb of a better lifestyle and opportunities. Child trafficking doesn't just stem from structural poverty, it adds to it as well creating a vicious cycle that one finds very hard to escape from. The children are forced into labor intensive industries like bangle-making, coal mines, and brick kilns and are usually forced to work under hazardous conditions and are treated with hostile behavior. Working in these industries makes these children prone to various health hazards. Child trafficking is considered a social issue because of the complex push and pull factors that cause it to happen such as structural poverty, climate change, and human rights violations on one hand and the promise of improved opportunities and a better life on the other[4]. In this essay, I would be focusing on the role gender plays in trafficking, the aspect of urban-rural India, child placement, and the actions taken by India for the prevention of the exploitation of children.

THE ROLE OF GENDER

Gender plays a vital role in child trafficking. Usually, female children are forced into prostitution and the pornography industry. According to some statistics, between 70 and 90 percent of contemporary traffic in women and children in Europe and Asia is related to prostitution and other forms of sexual exploitation (mainly the pornography industry)[5]. Prostitution can be defined as the granting of sexual favors for monetary gain. Sex work includes at least all the following: actors in pornographic films, nude modelling, striptease, and lap dancers, live sex show workers, providers for erotic massages, phone sex workers, and home-based 'webcam sex' via the internet if it involves a financial exchange.

[2] *Ibid*
[3] *Ibid* at 53
[4] *Ibid*
[5] Martti Lehti and Aromaa Kauko, 'Trafficking for Sexual Exploitation' (2006) 34 Crime and Justice, 133

Young children who are forced into sex work often face emotional, physical, and sexual abuse. Prostitution is directly connected to the break-up of small-scale communities, the development of large impersonal urban areas, and the commercializing of social relations. Sex work continues to be a topic that opens the ground for a lot of debates. sex work is considered a profession that berates women and places men on a higher pedestal giving them a superiority complex. If the person participating in the sexual activity is above the age of 18 and his/her consent is freely given it is not considered exploitation. According to the Indian Penal Code, section 372 and section 373 make the selling and buying of minor girls for the purpose of prostitution illegal for which 10 years of imprisonment and a fine can be awarded. Unfortunately, the law against prostitution only exists on paper. There is no proper implementation of these laws. People who partake in such heinous crimes often roam freely and face no consequences whatsoever. The children are not given proper nutrition and are kept isolated from protective environments such as schools, family, friends, etc. making them vulnerable and prone to abuse. Sex work in our society is considered degrading and sex workers are often addressed with derogatory words. As a result, survivors of trafficking feel a sense of shame within themselves and find it hard to adjust to society making it difficult to escape the world of trafficking and sex work. Survivors have very little chance of finding a decent job or an honorable marriage.

COVID-19 PANDEMIC'S EFFECT ON TRAFFICKING

Lockdown due to covid-19 had a huge impact on the statistics of trafficking in India. Global labor had been gradually declining over the past two decades, but the covid-19 pandemic threatens to reverse according to the International Labor Organization (ILO). According to an article printed in Hindustan Times, over 9K children were trafficked during the pandemic. The pandemic led to families losing their homes, fellow family members, earnings, and jobs. Families were desperate to earn a livelihood and thus, children were forced to work. With schools being closed because of the lockdown, children were relocated to farms and factories. Most of the children who were forced into labor ended up working at farms under all types of weather conditions. The children who were trafficked did not have any means to follow the covid-19 preventative measures and were thus at a greater risk. The quarantine had a negative effect on the psychological health of the children. Many children lived in abusive families and decided to

run away looking for job. Some found appropriate jobs whilst others were trapped in the vicious cycle of trafficking. Howard, Neil. "Is 'child Placement' Trafficking? Questioning the Validity of an Accepted Discourse."

IS CHILD PLACEMENT A SUBSET OF TRAFFICKING?

Is child placement "trafficking"? child placement refers to the relocation of children that has long formed a normal part of child-rearing and socialization. In the academic literature, it is often termed 'fosterage', and it involves parents sending their children to live and work within other households for their and their community's wellbeing and development. Children from rural parts of the country seeking income come to work in urban cities. They often find jobs working as domestic help or in tea stalls and small shops. If amenities like education, proper nutrition, and a safe environment to reside in are provided, in addition to the monetary gain then one might refute the idea of fosterage being a subset of trafficking. Unfortunately, the placements and jobs that are provided are usually corrupt and end up in the exploitation of children. The children lacked access to a clean and hygienic environment. They usually find themselves living in slums that are extremely unhygienic.

With urbanization on the rise, slums are being destroyed for the beautification of the cities and to give them a world-class look. An example of this is- In preparation for Delhi's hosting of the 2010 Commonwealth Games and as part of the government's officially declared plan to make Delhi into a "world-class city" public finances in the early 2000s were gradually shifted away from education, public housing, health care, and food subsidies toward large, highly visible, and "modern" infrastructure developments such as the Delhi Metro Rail, more than twenty-five new flyovers, two new toll roads to Delhi's posh, satellite cities, and the Commonwealth Games Village – prestige projects built "to dispel most visitors' first impression that India is a country soaked in poverty".

As a result, slums were demolished and the opportunities for underprivileged children were destroyed. Children who reside in slums are displaced and are made homeless without any second thoughts. Thus, under current circumstances, child placement is trafficking. To understand this in a better light, one of the motifs of sociology- debunking can be applied here.

Debunking motif means not accepting anything on the face of it. It means looking beyond the accepted perceptions and ideologies of society. Thus, in the case of placement, one might consider it okay because the child would be receiving financial stability in exchange for his/her labor but would overlook the unfortunate living conditions of the child.

LAWS PASSED FOR CHILD PROTECTION

Various laws were created for the safety and protection of children from all kinds of exploitation. The Right of Children to Free and Compulsory Education Act, 2009 provides free and compulsory education to all children aged between 6 to 14 years. In 2008, the Ministry of Labour and Employment published the first consolidated rescue and reintegration guidelines for children trafficked for labor[6]. The Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour (The Protocol) was intended to provide clearly laid out mechanisms and supporting instructions, which could be relied upon by various stakeholders for taking all the necessary steps[7].

The Juvenile Justice (Care and Protection) of Children Act of 2000 made it a crime for which imprisonment can be awarded to anyone who employs a child in any unsafe employment or bondage. Many non-profit organizations work towards creating a safe and healthy environment for children. They rescue and provide a safe shelter to survivors of trafficking. One such organization is Aangan in Bihar and five other states in India which have launched a program that provides a yearlong training to a cohort of local women to work as child protection volunteers[8]. The Supreme Court decided in the case of MC Mehta V state of Tamil Nadu that children cannot be employed in fireworks organizations. Any company that employs a child must deposit INR 20,000 per each rescued child towards a special welfare fund[9]. Even though many acts were passed, the children in our country are still not completely safe from exploitation. The data shows that crimes against children have risen dramatically since the lockdown and are still on the rise. The laws are incompetent and have numerous loopholes. Our

[6] E Donger and J Bhabha (n 1) at 52 & 57
[7] *Ibid*
[8] *Ibid*
[9] *Ibid*

country is in dire need of a proper plan for their implementation to ensure the safety and protection of children from exploitation in our country.

Children are the most precious and valuable resource in our country. They are the future of our nation. The total child population of India in the age group 5–14 years is 259.6 million. Of these, 10.1 million (3.9% of the total child population) are working, either as a 'main worker' or as a 'marginal worker'. In addition, more than 42.7 million children in India are not in school. Even after desperate actions taken by International Labour Organization (ILO), the Human Rights Convention, and India itself, the lives of underprivileged children are miserable and most of these children end up being exploited. Providing children with financial stability, education, proper nutrition, and a safe and hygienic environment should be our priority.

The exploitation of children stems from many social and cultural factors and steps need to be taken to tackle these sociocultural issues for the betterment of our society. Controlling poverty is one of the major actions that can be taken as trafficking is both a cause and function of child labor. Population explosion has a direct impact on the poverty levels of the country. With the population on the rise, it is just more mouths to feed and take care of. As a result of which families fall below the poverty line and resort to measures that are not healthy for children. Cheap child labor available in bulk makes industries like bangle-making, carpet-making, and mining hire these children at cheap rates.

To achieve a society that is free and has equality, it is necessary that the practice of child trafficking be abolished. A society cannot be called truly free if its members are being constantly abused. Existing laws that have been mentioned above need to be followed stringently while carrying out punishments. There should be a zero-tolerance policy for coercion, violence, sexual abuse, child labor, rape, and racism. Children and their families need to be made aware of their rights and actions. Awareness among society might help combat the issue and all the ill effects that it carries with it. Multinational companies and corporate industries that hire children to work in their factories should be fined and boycotted. For an efficient and effective outcome, citizens of the country also need to take responsibility for protecting the children. It is only when the abusers will not be allowed to roam freely will the trafficking rates go down.

The covid-19 pandemic was responsible for the loss of many jobs and livelihoods of families. The gap between rich and poor increased drastically during this period. Thus, the need for jobs amongst the poor also increased in turn forcing children to work and increasing the trafficking rates. Unfortunately, the pandemic has not been eradicated yet and people are still incurring financial losses and facing economic issues. Several articles have been published stating the effect of the covid-19 pandemic on the rates of trafficking. The COVID-19 lockdown has exposed gaps in India's child protection services and has demonstrated an urgent need for a collaborative, proactive approach. Policies are required specifically to protect children from the economic and other effects that may arise during pandemics such as that associated with COVID-19[10].

After a careful analysis of the essay and detailed research, I would like to conclude by saying that child trafficking is a grave issue and needs to be addressed immediately. Proper plans for the implementation of the existing laws need to be made and executed. The ill effects of this social issue attack women, the underprivileged, and the economy of the country as a whole. For our society to become safe and equable, all these ill-effects need to be eradicated in an efficient and systematic manner.

[10] *Ibid*