Combating of Child Trafficking To Protect Human Rights

Anil Kumar*

In general human rights are those rights which are required for the development of a fuller and complete human personality; the rights that recognize the dignity and worth of human persons; the rights that are "conducive to the flowering of human spirit, a humanizing and civilizing force."[1]In other ward the rights which a person should have by virtue of being a human being. And the rights that ensure him "freedom from fear" and "freedom from hunger" may be said to be human rights. These are the rights without which men would be reduced to the level of animals.[2]

Human trafficking is generally understood to refer to the process through which individuals are placed or maintained in an exploitative situation for economic gain. Trafficking can occur within a country or may involve movement across borders. Women, men and children are trafficked for a range of purposes, including forced and exploitative labour in factories, farms and private households, sexual exploitation, and forced marriage. Trafficking affects all regions and most countries of the world.

Thus the violation of human rights in India due to human trafficking is very grave. So far whatever measures have been taken has not been effective to the visions envisaged in most the legislations. The government of India's action plan of 1998 to combat trafficking and commercial sexual exploitation of women and children has not delivered the desired results, the plight of victim's calls for strong legal action against trafficking, client, brothel owners and all other exploiters. Programmes should be planned and executed after taking into account reliable and relevant database on the trends and dimensions in supply zones, destinations, high-risk groups etc. Prevention strategies be targeted at both supply and demand areas. Unless the demand is contained, trafficking cannot be stopped.[3]

To Combat Child Trafficking following initiatives taken by Government, NGOs, Media, and through Training Programmes:

Government Initiatives

1. There are many initiatives are taken by Ministry of Women and Children Development, [4] like as,

- Ministry of Women and Child Development has formulated a National plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children in 1998, with the objective to mainstream and to reintegrate the women and child victims of commercial sexual exploitation in society.
- The Ministry has issued guidelines to the States for the implementation of National Plan of Action.
- The Ministry has constituted a Central Advisory Committee.

* **Research Scholar, Faculty of Law, Banaras Hindu University, Varanasi**

1. N.A. Palkiwala. *Our Constitution Defaced and Defiled*. (1974), p.3.
2. H. R. Khanna, "The Future of Human Rights in Contemporary World ",*Indian Journal of International Law*, Vol.18 No.2, p. 133
3. Divya Malhotra,*Trafficking of Women and Children: A Culture of Silence,* available at www.ebc-india .com accessed on February, 25, 2013.
4. The Department of Women and Child Development was set up in the year 1985 as a part of the Ministry of Human resource Development of women and children. W.e.f.30.01.2006, the Department has upgraded to a Ministry.

- The Ministry formulated a protocol for Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation.
- The MWCD in Collaboration with MHA and UNODC is developing Training Manuals for Police and Prosecutors and also setting up Anti Human Trafficking units (AHTU) in selected states like Andhra Pradesh, Maharashtra, West Bengal and Goa.
- The MWCD in collaboration with NIPCCD and UNICEF has developed three manuals for 'Judicial Handbook on combating Trafficking of women and Children for Commercial Sexual Exploitation; 'Manual for Medical Officers for Dealing with Child Victims of trafficking and Commercial Sexual Exploitation'; and 'Counseling services for Child survivors of trafficking'.
- MWCD is implementing the following schemes to tackle the menace of human trafficking:

Ujjawala: The MWCD is implementing "Ujjawala"- a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-Integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation. As on 31stOctober 2012, 201 projects have been supported by the Ministry in 21 States, under which 101 rehabilitative homes have been sanctioned which can accommodate nearly 4650 victims. The Schemes provide for shelter, food, clothing for victims, counselling, medical care, legal and other support, vocational training and income generation activities. The scheme also promotes community based systems to prevent trafficking from source areas. As on date about 530 community vigilance groups and about 700 Adolescent groups have been formed in the source areas to prevent trafficking.

Swadhar and Short Stay Homes: In addition, trafficked victims are also given shelter in Short Stay Homes and Swadhar Homes for women in difficult circumstances. The Schemes provides for shelter, food and clothing for women and children below the age of 18 years, counselling, clinical, medical, and legal and other support, training and economic rehabilitation and helpline facilities.

2. Role of National Human Right Commission

- In view of the existing trafficking scenario and at the request of the UN High Commissioner for Human Rights as well as on the recommendations of the Asia Pacific Forum of National Human Rights Institutions, the National Human Rights Commission nominated one of its Members to serve as a Focal Point on Human Rights of Women, including Trafficking in 2001.
- Before commencing the Action Research, an Information Kit on Preventing and Combating Trafficking in Women and Children was also published by the Focal Point. The main aim of the Information Kit was to inform the society about the various aspects of Trafficking – its forms, the estimates, the causes, the consequences, the modus operandi and the role of the Commission in preventing and combating trafficking. Prior to the establishment of the Focal Point, the Commission with the help of UNICEF and other organizations had carried out a campaign of Public Awareness on the problem of Child Prostitution and Sexual Abuse of Children in 1998.
- Pained with the plight of children who were victims of trafficking, the Commission and the Prasar Bharati, with support from UNICEF, collectively prepared a Guidebook for the Media on Sexual Violence Against Children. The main objective of the guidebook is to encourage media professionals to address the issue of sexual violence against children in a consistent, sensitive and effective manner, consonant with the rights and best interests of children. Further, to prevent cross-border trafficking, the National Human Rights Commission requested the Directors General of Police of Uttar Pradesh, Bihar and West Bengal to be vigilant about the issue. The National Human Rights

Commissions of India and Nepal have prepared a Memorandum of Understanding (MoU) to prevent and check cross-border trafficking. However, the draft MoU is still pending with the Ministry of External Affairs, Government of India.

- To spread awareness on prevention of sex tourism and trafficking, the Commission in collaboration with the UNIFEM and an NGO organized a one-day Sensitization Programme on Prevention of Sex Tourism and Trafficking in the year 2003. The main objective of the programme was to sensitize senior representatives of the hotel and tourism industry on various issues relating to sex tourism and trafficking. A National Workshop to Review the Implementation of Laws and Policies Related to Trafficking was also organized in 2004 in collaboration with PRAYAS, A Field Action Project of the Tata Institute of Social Sciences, Mumbai to work towards an effective rescue and post-rescue strategy.[5]

3. Role of National Commission for Women

- The National Commission for Women is also dealing with the problem of trafficking in women and children. In late 90s, it undertook two studies entitled 'The Lost Childhood' and 'Velvet Blouse – Sexual Exploitation of Children'. In 2001, it undertook another study entitled 'Trafficking – A Socio-Legal Study'. Later in 2004, a study on 'Coastal Sex Tourism' was carried out by it.[6]

4. Ministry of Home Affairs(MHA)

With a view to tackle the menace of human trafficking, Ministry of Home Affairs Government of India has undertaken a number of measures such as:

- Anti-Trafficking Nodal Cell was set up in Ministry of Home Affairs (MHA) to act as a focal point for communicating various decisions and follow up on action taken by the State Governments. It also interfaces with other Ministries and National Crime Record Bureau (NCRB) in the collation and dissemination of information. All the States/ UT administrations have nominated Anti Trafficking Nodal Officers who coordinate amongst themselves in inter-state trafficking cases. Similarly, Anti-Trafficking nodal cells have been created at district Level headed by Superintendents of Police. Coordination meetings are held with the State Anti-Trafficking Nodal Officers in MHA periodically.
- Comprehensive advisories have been issued to all States/UTs for preventing and combating crime of human trafficking
- A Project on "Strengthening law enforcement response in India against trafficking in persons through training and capacity building" has been taken up in the Ministry of Home Affairs as a joint initiative of the Government of India and the United Nations Office on Drugs and Crime,
- Ministry of Home Affairs has sanctioned a Comprehensive Scheme "Strengthening law enforcement response in India against Trafficking in Personsthrough Training and Capacity Building" wherein it is proposed to establish 330 Anti Human Trafficking Units (AHTUs) throughout the country and impart training to 10,000 police officers through Training of Trainers (TOTs) component.
- The Bureau of Police Research and Development (BPR&D) has prepared a training manual on "Human Trafficking-Handbook for Investigators" for sensitizing police personnel and these handbooks are being used in the National, Regional and State Police Training Institutes.

5. Available at http://nhrc.nic.in/women_child_issues.htm accessed on February 13,2013.
6. Ibid.

- Training of Trainers (TOT) Workshops under pilot project with UNODC has been taken up to enhance the capacity building of law enforcement agencies and generate awareness among them. MHA/BPR&D and UNODC have organized International, National and Regional ToTs on "Combating Trafficking in Human Beings".
- MHA, MWCD and UNICEF prepared draft protocol and SOP for dealing with cross border trafficking between India and Bangladesh to address the various issues relating to prevention of Trafficking, victim identification and repatriation and make the process speedy and victim-friendly.[7]

5. The Delhi government has constituted a centralised cell to deal inter-state cases of trafficking. The government is making efforts to chart out steps needed to deal with trafficking, especially of girls who are later exploited sexually. The state women and child department has appointed a consultant to come up with a list of initiatives and steps required to keep a check on trafficking. The consultant stressed the need to provide intensive counseling to rescued children so that they can lead a normal life.[8]

6. The Central Bureau of Investigation established a dedicated federal anti-trafficking unit in January 2012 whose police officers have nationwide investigative authority. The government continued to implement its three-year nationwide anti-trafficking effort by disbursing funds to state governments to establish at least 107 new Anti-Human Trafficking Units in police departments, for a total of at least 194 AHTUs. Some units appeared to focus on child trafficking rather than on the trafficking of both children and adults. The government funded more than 500 police officers to participate in a six-month anti-trafficking course at the Indira Gandhi National Open University.[9]

NGOs

- 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.
- 'Save the Children' has been working to prevent human trafficking in "source areas", where communities are vulnerable and ignorant of the issue. "Either police or the prosecution does not present the facts of the case properly.
- Shakti Vahini working against child trafficking The Government now plans to tie up with various NGOs such as 'Shakti Vahini', who work for such children, to carry out rescue operations on a larger scale.[10]
- NGOs-organized anti-trafficking trainings. The government reported that it covered transportation and lodging expenses for over 5,000 government officials who participated in NGO-organized anti-trafficking trainings.

Media

Media attention reaches several hundred thousand viewers and should therefore serve the following important functions:

- The media should transmit 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.
- Create awareness that human trafficking is inappropriate and illegal and has negative consequences.

7. Ibid.
8. The Hidustan Times ,January 26,2013.
9. U.S. State Department Trafficking in Persons Report, 2012
10. The Hindustan Times,January, 26,2013.

- Wide publicity should be given regarding the legal, penal provisions against trafficking and the modus oprandi of the traffickers through radio, television etc.

Training Programmes

To combat child trafficking training, sensitizing, education and awareness programme is necessary, it should be done at all level of society. In doing so, focus should be on:[11]

- Deepening knowledge and understanding through sensitization and training programmes for judicial officers, law enforcement personnel (police, immigration, border control, customs officials, medical professionals/ personnel and labour inspectors) and other concerned government officials on the issue of 'trafficking' as well as 'gender and human rights'. These training and sensitization programmes could be organized in conjunction with the Ministries of Home Affairs, Women and Child Development, Labour, the National Human Rights Commission and the National Commission for Women.
- Ensuring uniformity and quality in these sensitization and training programmes by developing specialized modules for each category of officials taking into consideration their different roles and responsibilities.
- The module on anti-trafficking should form a core component of the curriculum of National Police Academy, Hyderabad; Lal Bahadur Shastri National Academy of Administration, Mussoorie and all police training institutes. This would enable all probationers to know about the problem of trafficking and its ramifications.
- Building up and strengthening the capacity of non-governmental organizations that are currently involved in rescue, rehabilitation, reintegration and repatriation work.
- Till such time, a new law to deal with the problems of trafficking is framed or amendments are made in the existing law, the police officers, prosecutors and lawyers should be sensitized to invoke provisions of the Immoral Traffic (Prevention) Act, 1956 in conjunction with the Indian Penal Code, the Juvenile Justice (Care and Protection of Children) Act, 2000 and other laws.
- Developing training material consisting of good practice models, applicable treaties and laws, important judgments, rescue procedure, case studies on rehabilitation of victims, etc. to ensure that the knowledge, information imparted in various training/sensitization programmes is of uniform nature.
- Maintaining records regarding the officials/personnel who have been trained and the type of training received, so that later refresher courses could be organized for them to update them on latest information and techniques.
- Organizing mass scale information campaigns on the issue of trafficking for the general public at large. The tourism industry including airlines, hotels, travel agencies, beer bars, holiday resorts, etc. should also be sensitized to the problem of trafficking.
- Educating school and college level students on the issue of trafficking as well as human rights and gender sensitive concerns.
- The media should play an important role in informing and educating the public through newspaper, radio and other modes of communication, and should be targeted as a key partner in preventing and ending trafficking. It would be ideal if media practitioners were first sensitized about the issue of trafficking and its complexities, as this would ensure appropriate reporting on facts rather than sensationalizing the issue.

11. Available at http://nhrc.nic.in/women_child_issues.htm accessed on February 13,2013.

If we really Combat Child Trafficking and prevent our children from violation of human rights joint action of Government organs and other Organizations is necessary with cooperation of society.

Conclusion

As a complex manifestation of the global economy, organized crime and human rights violations, human trafficking causes extreme hardship to the suspected millions of people worldwide who have become victims of this crime and has an impact on the financial markets, the economies and the social structures of countries where trafficking is allowed to exist. As a major component of organized crime with its enormous financial power, trafficking in persons has a complex and interlocking negative impact across human, social, political and economic arenas.

The destabilizing and dangerous consequences range from readily recognized violence, direct economic loss and major migration concerns to the less easily quantified, equally serious, but more complex effects of risks and harms to environmental, social, health and safety, and violations of human rights. Trafficking in persons directly challenges the development of stable, more prosperous societies and legitimate economies, and works strongly against the reconciliation of political interests with humanitarian and human rights obligations. The range of trafficking-related crimes and their broad and interrelated impacts have created a cumulative threat to global peace, security and stability and have shaped political, social and economic responses at both national and global levels.

●