

Factors leading to trafficking of children and women in India

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■ **ABSTRACT :** Trafficking in human beings, especially in women, and children has become a matter of serious national and international concern. Women and children – boys and girls – have been exposed to unprecedented vulnerabilities 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. 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 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. 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 undertaken by highly organized criminals. Unless a public opinion is built laws are effectively designed and implemented, the situation is constantly monitored and the nexus of traffickers is exposed, children will continue to be trafficked. Co-ordinated efforts are required to stop and prevent child trafficking.

■ **KEY WORDS:** Trafficking, Women, Children, Violence, Sexual abuse

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Trafficking is a question that belongs to the broader question of migration, nationality and the question of applicability of fundamental human rights to children and any individual irrespective of their religion, race, class, gender, colour or nationality. The recruitment and transportation of a person(s), within and across national borders by means of violence or threat of violence, abuse of actual or perceived authority arising from a relationship or deception, in order to subject them to the actual unlawful power of (an) other person(s). An

individual may be trafficked for various purposes, invariably ending up captive, in coercive and exploitative or commercial sex sectors, commercial servile, marriage etc. Office of Drugs Control and Crime Prevention (ODCCP) of UN defines child trafficking as “The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to

achieve the consent of a person having control over another person, for the purpose of exploitation.”

Significance causes and factors leading to trafficking:

People with personal characteristics of low self-esteem and lack of self-control are reported to be vulnerable. Low levels of literacy, awareness and information are also risk factors. Economic deprivation due to various reasons and its associative conditions are among the most important factors that lead to vulnerability. A high percentage of trafficked people belong to lower income groups. Greater the degree of impoverishment, higher is the risk of falling prey to trafficking (UNDP, 2002). A dysfunctional home environment-break-up of the family, marital discord, physical abuse, sexual abuse, drug use, family pressures, large families, families facing uncertain times, children in substitute care, gender discrimination within the family, desertion by husbands, husband's acquiring a second or a third wife- makes people vulnerable to trafficking (CSWB, 2002). Most trafficked women were unmarried, divorced, separated or widowed (Karmakar, 2001).

The process of 'migrant trafficking' occurs in at least two phases – recruitment and transportation, and confinement to the site of work under exploitative conditions; when a migrant and unsuspecting victim is recruited and/or transported and delivered to a site of work which is different from the one promised by the agent involved in it or, when such migrant is subjected to such conditions of work about which she/he had no prior knowledge and, therefore, did not consent to. A greater number of cases under this category are those that fall on the borderline of illegal migration, smuggling of persons and trafficking. It is difficult to distinguish between the three as they have certain common elements. One common factor is that the 'victim' is invariably a 'willing' traveller, though it is well documented that the 'willingness' is based on a variety of reasons e.g. promise of a well paying job (which later turns out to be false), deception and fraud (Sanghera, 2000). The fact is that trafficking occurs in a wider context of increasing instances of human rights violation against women. These include the violation of their reproductive rights and the rights of female infants and fetuses to live; domestic violence against women, custodial violence against women, violence against women in markets and other public

places; the violation of women's rights to decision making and to land assets and other resources (Karmakar, 2001; ADB, 2002 and Raymond *et al.*, 2002).

Modus operandi employed by traffickers for trafficking of children and women :

Methods adopted by people involved in trafficking for pornography can be found in the case of the Swiss couple caught red handed in Mumbai in December, 2000. "Luring street children, creating a bond of friendship, giving them good food and clothes, giving them toys and free rides in swanky cars, trendy clothes, money and other perks. After gaining their confidence, they lead them to a posh hotel in the western suburbs of the city, where they were bathed, stripped and told to perform various sexual acts, some involving the couple themselves. These acts were then filmed for the purpose of commercial pornography" (FACSE, 2000).

According to a study by centre of concern for child labour – "Child prostitution in India", Four pockets in India are said to be recruiting grounds: Andhra Pradesh – Adilabad, Kurmul, Enadi; Bihar- Dhanbad, Dumka, Sahebganj, Ranchi, Purnea; West Bengal – Murshidabad, Nadia, Jalpaiguri; Karnataka – Belgaum, Raichur; Tamil Nadu – Madurai, Coimbatore. The situation is acute in: The 'pink triangle' – Delhi-Jaipur-Agra; Goods transport routes like Calcutta-Siliguri-Guwahati-Shillong and Khandla-Rajkot-Udaipur-Jaipur-Delhi. Traffickers are usually young men and middle-aged women who are significantly older than the young women/ children they recruit. They are natives and agents who travel back and forth from home countries/ regions to receiving regions and generally have links with the villages to which the victims belong. Procurers are reportedly substance abusers or gamblers. Many of the traffickers are older women, who are either former prostitutes or are themselves in forced prostitution, trying to escape abuse and bondage by providing a substitute. Often these agents speak several languages (Tumlin, 2000).

Gender dimension in the child trafficking specific reference to girl child :

The US State Department's annual report on Trafficking in Persons (TIP) estimated in 2009 that a flow of between 600,000 and 800,000 people are trafficked across borders every year. This does not include people who are trafficked within their own

countries. The report indicated that approximately 80 per cent of trafficking victims were women or girls and that half of the total were minors.

Sex-tourism :

The golden triangle of tourism on the Agra-Delhi-Jaipur belt has spawned a flourishing trade in child prostitution among Rajasthan nomadic tribes of entertainers, with middlemen coercing the tribal communities to send girls as young as 10 years to serve in sex shops along the highway. The *dalals*, with an eye on the booming market among tourists, traveling businessmen and truck drivers who believe that sex with a young child may keep them safe from diseases, are forcing the community to send out their girl children, most of whom are between the age 10-14. "10 year old tribal's forced into sex trade in Rajasthan".

Religious prostitution :

Pre-pubertal girls, aged between five and nine years, from poor, low caste homes go through an initiation rite at the local temple during full moon where they are dedicated to the deity. After a girl is married to the deity by the *tali* rite, she is branded with a hot iron on both shoulders and her breast. The temple priest then employs her. Sometimes, even before menarche, she is auctioned for her virginity; the deflowering ceremony known as *udilumbuvad* becomes the privilege of the highest bidder. The market value of a girl falls after she attains puberty, when she is said to have no recourse other than prostitution. *Yellama* is represented as the principal goddess who is worshipped but, as recent research has shown, the practice of *devadasi* is prevalent in many other temple towns and other deities such as *Meenakshi*, *Jagannath* and Hanuman are also propitiated. Religious prostitution is known by different names such as *Venkatasani*, *Jogini*, *Nailis*, *Muralis* and *Theradiyan*.

Drug peddling and smuggling :

Use of children for drug peddling is common because it is assumed that they would be suspected the least. Children are initiated into drugs and then used as conduits for peddling. It appears that the major factor pushing girls from Nagaland in the North East towards sex trade is drugs. A study carried out by butterflies, a Delhi based NGO, reveals that "girl children as young as nine or ten are initiated into drugs and sexually abused. They are

also used as couriers, as they are rarely frisked by the cops".

Trafficking for entertainment :

Trafficking of children, especially young girls, for entertainment as part of dancing troupes –*Nautanki* in north India and *Jatra* in the east (Bengal and Orissa) has been going on traditionally. Much of this is now taking more modern forms in the cities as these young girls dance in clubs and hotels or are taken into the circus as acrobats. It has been found that Nepali girls are lured to join Indian circus under the pretext of getting to learn work, earn and also study. Parents themselves leave their children with the Indian circus owners or circus agents because they see no harm. But, they never find their children again as the circus is always traveling and never get to know what their children suffer (Maiti, 2001).

Effectiveness of present scheme such as ICPS, ujjawala and law and order enforcement machinery to combat trafficking :

Some of the political factors listed are conflicts, disruption and instability; immigration policies, human rights violations, and the gaps between government rhetoric and practice. Poor governance, limited law enforcement or implementation of labour standards also create vulnerabilities (ADB, 2002). Insufficient or inadequate laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the relatively low risks involved, corruption and complacency, invisibility of the issue, the failure of the governments to implement policies and provide adequate services for victims- all play a role in perpetuating trafficking (Refugee Reports, 2000; UNDP, 2002). India describes various poverty alleviation and pro-women schemes launched by different ministries that may prevent vulnerable sections from being trafficked. The report acknowledges that effective source area programming calls for a holistic outlook, as adopted by the working women's forum (ADB, 2002). India has historically experienced significant levels of migration and movement across both domestic and international borders. However, trafficking patterns indicate that 90 per cent of TIP in India is domestic, with only 10 per cent taking place across international borders (Ali, 2005). India is a destination for trafficking victims from Bangladesh and Nepal. There is also some degree of transit of non-citizens occurring, largely consisting of men being trafficked from

south Asia to the middle east. Finally, India is also a source of TIP victims for Europe, the middle east and north America (US Department of State, 2009).

Marginalization of women is a major contributing factor to trafficking. The fact that many families and communities perpetuate and institutionalize (often through traditional practices) the act of trafficking has hindered anti-TIP efforts. Gender-biased social practice have led parents to be persuaded by traffickers under false pretexts of marriage without a dowry (UNIFEM, 2002^a). Marriages, amounting to trafficking when forced, under contract, or involving a girl child, arise partly because of skewed sex ratios. India is known for its high levels of female feticide; according to one estimate, one in twenty-five female fetuses is aborted (Frontline world, 2009). Men nonetheless want wives, women from states where the gender balance is more equal (In particular, states where many families are too poor to afford abortion) provide a supply of wives to states where the gender balance is biased towards men e.g., Chhattisgarh has a gender ratio of 990, whereas, Delhi has a ratio of 821. It is no surprise that many of the girls trafficked from Chhattisgarh end up in Delhi (UNIFEM, 2004^b). In 1999, after a severe cyclone in Orissa, there was a marked increase in trafficking, especially of children, since basic needs like shelter and food were non-existent in the affected areas (Duggal-Chadha, 2006). Also reported that floods in Bihar and West Bengal and naxalite movements in Jharkhand and Chhattisgarh have all contributed to increase trafficking. In such settings women and girls suffer disproportionately (USAID, 2006). According to NHRC study on trafficking interviewed 852 police officers (117 senior and 735 investigating officers) and found that over 80 per cent attach either 'nil' or 'low' priority to issue of trafficking. 40 per cent of officers surveyed had not yet even heard of the concept of trafficking while only 7 per cent had received any kind of training on the subject (UNODC, 2005^a). According to data from the National Crime Records Bureau, arrests under the Immortal Trafficking Prevention Act (ITPA) of 1956 averaged fewer than 12,000 per year from 2003 to 2006, with a 7 per cent drop from 2005 to 2006. While prosecutions have been increasing in absolute terms, they have been growing at a diminishing rate of 1 per cent less each year from 2003 to 2006 UNODC (2009^b).

The state government of Andhra Pradesh has supported shelters for vulnerable individual and co-managed the juvenile and observation home as well.

Andhra Pradesh also" established a fund especially for victim rehabilitation, giving victims rescued from sexual exploitation \$ 200 in temporary relief. Chhattisgarh has a rehabilitation support programme run by the state and Goa's state officials received extensive training from the UNODC on rescue operation and rehabilitation activities. The state government of Tamil Nadu provides free legal aid, counseling services, and 20,000 rupees for freed "slaves" (*i.e.* bonded labours) (US Department of State, 2009^a). Ujjawala Programme led by the Ministry of Women and Child Development. Offers grant to state government projects in anti-trafficking. "The Ministry approved funding for at least 53 state projects under this programme, benefiting more than 1,700 victims. Since August 2008, the ministry provides the states of Karnataka, Maharashtra, Manipur, and Nagaland almost \$243,000 for 18 projects at 12 rehabilitation centers (US Department of State, 2009^b).

Corrective measure for reducing incidences of trafficking of children in tribal area :

Migrant girl domestic workers from tribal areas of Jharkhand, Chhattisgarh and Orissa about 78,000 females have migrated from rural tribal areas in search of jobs for livelihood. Proportion of these migrants from Gumla and Ranchi districts of Jharkhand and Raigarh of Chhattisgarh appears to be more. Among these female migrants, the number of those going for domestic work to Delhi, Mumbai, Goa, Bangalore, Chandigarh and Chennai works out to be about 20,000. The percentage of females migrating for other wage labour was highest (92%) in Raigarh district of Chhattisgarh. Female migrants from Ranchi district of Jharkhand were maximum (73%). Out of 604 migrants for domestic work surveyed, 418 *i.e.* 69 per cent were working in Delhi, 10 per cent in Mumbai, and rest in the distant places like Chennai and Bangalore. Swadhar scheme, which was initiated in December 2001, is meant for women in difficult circumstances, including rescued victims of trafficking. DWCD also plans to formulate a national state partners. The Jabali scheme in Madhya Pradesh addresses the Bhedia, Bhancadara and Sansi tribes and brings a holistic approach to programmes for the children of victims (Department of Women and Child Development, 2001).

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.

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