



**CONCEPT NOTE**  
**WORKSHOP ON COMBATING CHILD**  
**TRAFFICKING**



*Organized by:*

**NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**

*In collaboration with*

**INTELLECTUAL FORUM OF NORTH EAST**

## Introduction

Human trafficking is a global phenomenon, which has gained momentum in recent years. The reasons for the increase in this phenomenon are multiple and complex. The globalization of the world economy has led to increased movement of people, money, goods, and services to extend its own international reach. It feeds on poverty, despair, war, crises, ignorance and women's unequal status in most societies.

For dealing with cross border trafficking and to address the various issues relating to prevention of Trafficking, victim identification and repatriation and make the process speedy and victim-friendly India has ratified the *United Nations Convention on Transnational Organised Crime* (UNTOC) which has one of its Protocols Prevention, Suppression and Punishment of Trafficking in Persons, particularly Women and Children; *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*.

Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1), "*traffic in human beings and beggary and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.*" There are various other constitutional and legislative provisions related to trafficking in India i.e., The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.

Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.

Protection of Children from Sexual offences (POCSO) Act, 2012 is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.

There are other specific legislations enacted relating to trafficking in women and children Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), provides a framework for protection of children who are missing or at risk of being trafficked, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 dealing with selling and buying of girls for the purpose of prostitution.

Anti-Trafficking Nodal Cell was set up to improve the effectiveness in tackling the crime of human trafficking and to increase the responsiveness of the law enforcement machinery.

The magnitude of the problem as it exists in India's North Eastern Region is alarming and it continues to grow. The problem is further compounded by the inadequate and ineffective legal protections. The North Eastern Region is surrounded by as many as four international borders and is connected to the "mainland," India by a narrow chicken neck corridor along the Assam-Bengal border. This geographical positioning of the North East states makes it highly vulnerable to illegal trans-border movement of militants, arms, drugs and now trafficked persons. The most affected international borders are those that the region shares with Bangladesh and Myanmar. Lately Bhutan has been used as a safe haven by traffickers to hoodwink law enforcement authorities.<sup>1</sup>

Prime Minister of India, has expressed commitment to realize the potential of the North-East and to accelerate its progress. He also said that "*Rich natural resources combined with talent of our youth gives our North-East the potential to play a key role in our development journey. India will not develop till the North-East develops*". The Government has been focussing on the development of North Eastern States through its pro-active 'Look and Act East Policy'.<sup>2</sup>

India's Northeast comprises eight states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland Tripura and Sikkim. It is connected to the rest of the country by a 'chicken neck'-like, narrow corridor between Bhutan and Bangladesh. It is a land of great ethnic diversity: more different tribes live here on a comparatively small area than anywhere else in Asia. Keeping in mind the objectives enumerated herein below and to address the issues relating to children in a more effectively and efficiently NE Cell was created in the Commission on 1.12.2011 for the promotion and protection of child rights in all the 8 States of North East.<sup>3</sup>

The North East Region of India is spread over 2,62,179 Sq Km and has a total population of 454,86,784 (Census 2011). However, National Crime Record Bureau of India (NCRB) data revealed that 3949 cases of crime against children were reported in the year 2015.

Assam has emerged as the trafficking hub of the country, with 1494 cases, the state accounts for 22% of the total reported cases of trafficking across India says a report released by National Crime Records Bureau (NCRB) 2015.

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<sup>1</sup> [https://www.unodc.org/pdf/india/shillong\\_workshop/Fight\\_Against\\_Child\\_Trafficking.pdf](https://www.unodc.org/pdf/india/shillong_workshop/Fight_Against_Child_Trafficking.pdf)

<sup>2</sup> <https://www.pmindia.gov.in/en/tag/north-east/>

<sup>3</sup> <http://ncpr.gov.in/index1.php?lang=1&level=0&linkid=27&lid=595>

This shows rampant growth in child abuse and child rights violation cases in Northeast India. The state also has the highest number of child trafficking (1317) cases, which account for 38% of the national figure. However, this data can be regarded as only the tip of the iceberg. In the recent years, the police have made several arrests in relation to human trafficking cases.

According to a report from Assam's Crime Investigation Department, released during a seminar in October, at least 4,754 children in Assam have gone missing since 2012, of whom 2,753 are girls. Child labour and sexual exploitation are the major factors for Child trafficking. The report said that in the past year alone, at least 129 girls were forced into prostitution by traffickers.<sup>5</sup>

## 2. Rationale

The National Commission for Protection of Child Rights has been constituted under Section 3 of the Commission for Protection of Child Rights Act, 2005, has been entrusted with the protection and promotion of child rights and any other matters related or incidental thereto. Thus, the policies and initiatives so taken by the Commission are keeping the best interest and welfare of the children across the country especially vulnerable children belonging from or residing particularly in regions that are backward or under developed.

All children in the world should enjoy an education, have time to play, and live their lives in freedom. Unfortunately, this is not the case for millions of children who are victims of child labour. Many of these children, particularly those in the worst forms of child labour, are trafficked from one place to another to work for others. Child trafficking is a crime under international law and a violation of children's rights. It reduces victims to mere "commodities" to be bought, sold, transported and resold. Trafficked children may end up working as domestic servants, street beggars, agricultural labourers, miners, or may be sent to work on construction sites, in sweatshops or entertainment places. In some cases, these children are forced into truly reprehensible forms of child labour such as prostitution, pornography, armed conflict, bonded labour, or other illicit activities. Girls are affected disproportionately, and are trafficked in particular for commercial sexual exploitation and child domestic labour; boys are believed to be trafficked in particular for work in agriculture, plantations, mining and armed conflict. Isolation and separation from families and communities, sometimes in places where they have no legal status or do not speak the language, make trafficked children especially vulnerable to exploitation by unscrupulous employers. Trafficked children are more vulnerable than other child workers to severe physical and psychological abuse. Long working hours, heavy loads, exposure to dangerous tools and toxic substances, fear and intimidation, violent

punishment and sexual abuse expose them to severe physical and psychological harm. Any attempt to refuse demands made on them, disobey, protest or escape, may result in being punished or even killed. Trafficked children may be treated as criminals instead of victims, denounced to the authorities, arrested, and detained. <sup>4</sup>

Therefore, it is important to note that the whole issue of welfare of children and mitigating the problem of child trafficking needs to be seen from the right perspective and there is a need to specifically work out ways and means to check the abhorrent crime in such districts where child trafficking is prevalent. The said conference/seminar/workshop has been proposed to get a better understanding of the situation at ground level, the cause and affect factors and to understand how to get the implementation of various provisions of law pertaining to child trafficking at the district level so as to combat the problem of child trafficking. The primary purpose of the workshop is to provide awareness on child trafficking and discuss the existing legal framework and an action plan thereof.

There is need to develop a comprehensive strategy and action plan on prevention, enforcement and rehabilitation of such children who are victims of child trafficking. The media, civil society, the Government and village institutions should work hand in hand in trafficking-prone areas to educate and empower the local community.

### 3. Objectives

1. To assess the current situation of Child Rights with focus on child trafficking at the District/State Level;
2. To review the effectiveness of the provisions of ITPA, JJA, IPC and other laws for the rescue and post-rescue work;
3. To exchange the experience amongst the concerned agencies with regard to rescue and post-rescue work;
4. To suggest ways to overcome the problems faced by the various government functionaries involved in rescue and post-rescue work;
5. To examine the involvement of NGOs;
6. To discuss the roles, responsibilities and functions of the various stakeholders in combating trafficking;
7. To bring all the stakeholders together and come up with recommendations.
8. To assess programs, legislations, judicial innervations at State Level, etc.;
9. To analyse the dimensions of child trafficking in the District; and

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<sup>4</sup> [http://childhub.org/sites/default/files/library/attachments/747\\_754\\_EN\\_original.pdf](http://childhub.org/sites/default/files/library/attachments/747_754_EN_original.pdf)

10. To discuss *modus operandi* (a particular way of doing something) of traffickers;

#### 4. Participants

The participants to the Workshop would be Judicial Officers (of the rank of District Judge/Additional District Judge/Metropolitan Magistrate having experience of handling cases under the ITPA/other laws related to rescue and rehabilitation of trafficked victims), Police Officers (of the rank of Superintendent of Police/Deputy Superintendent of Police/Inspector having experience of handling cases under the ITPA/other laws related to rescue and rehabilitation of trafficked victims), Government Officials (of the rank of Superintendent or Probation Officer or any State Home for Women/Protective Home/Rescue Home/Juvenile Home/Nari Niketan having experience of handling cases under the ITPA/other laws related to rescue and rehabilitation of trafficked victims), District Child Welfare officers of Police Stations, District head of SJPU, Child-line full unit, District Labour officer, Block level officers, DCPU full unit, District Education officers, CDPOs, representatives from Panchayati Raj Institutions (Block and District Level), Railway Police (RPF & GRPF), Representative from Nehru Yuya Kendra/NSS, representative from Higher Secondary Schools and College unions, representative from District Health Departments and representatives of some Non-Governmental Organizations working in the field. Other representatives where the problem of trafficking is rampant, are being invited for the Workshop.

#### 5. Date

**09<sup>TH</sup> Dec, 2019**

#### 6. Venue

**Agricultural Farmers Growth Centre, Diphu, Karbi Anglong, Assam**

#### 8. Expected Outcomes

At the end of this workshop, there are some prime questions arises on rescue and rehabilitation of children. Through the following section, we are making an attempt to share these issues with a larger audience present here in the workshop. In our view, addressing these issues can help bring clarity in the field and create a climate favourable to rescue, release and rehabilitation of trafficked children.

## 9. References

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