

**RESEARCH REPORT**

**CHILD TRAFFICKING IN THE INDO-MYANMAR REGION:  
A CASE STUDY IN MANIPUR**

*Submitted by*

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## EXECUTIVE SUMMARY

Human trafficking has become a serious global issue of unforeseen proportions of the twenty-first century. By its nature of exploitation, human trafficking has also been increasingly referred to as “modern-day slavery”, and this has prompted rapid proliferation of international, regional, and national anti- trafficking laws, and inspired states to devote enormous financial and bureaucratic resources to its eradication. 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. The reasons for increasing it, as a global phenomenon, are multiple and complex which also affects rich and poor countries alike. The popular perception of trafficking is the sexual exploitation of women and children; however, children are trafficked for a variety of reasons. There are various social, economic and political conditions, which create a situation of vulnerability specially, for women and children, who were trapped into trafficking.

The United Nations “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” (otherwise known as the Palermo Protocol) adopted in 2000 has been widely and internationally accepted Convention. According to Article 3 of the UN Protocol, trafficking in persons is define as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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”. Exploitation here shall include, at a minimum, the exploitation of the prostitution of others or other form of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Thus trafficking can be conceptualise in, first, the transportation of a person; second, force, fraud, or coercion; and, finally, exploitation.

UNODC (2014) reveals that most of the offenders are mostly of men, while most of the detected victims are female (mainly women, but also a significant number of juvenile girls) and trans-regional trafficking accounts for nearly a quarter of all trafficking flows albeit it is less common than the domestic or intraregional types.

In Indian context, the Criminal Law (Amendment) Act, 2013 amended section 370 of the Indian Penal Code defined trafficking as whoever, for the purpose of exploitation (a) recruits, (b) transports, (c) harbours, (d) transfer or (e) receives, a person or persons, by – first- using threat, or secondly- using force, or any other form of coercion, or Thirdly, - by abduction, or fourthly- by practicing fraud, or deception or fifthly - by abuse of power, or sixthly- by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, received, commits the offence of trafficking. The person who commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable fine.

The International Agreement for the Suppression of White Slave Traffic formed during 1904-1910 was the first of its kind to combat human trafficking in trafficking history. Thereafter, a series of legal instruments (with or without amendments of the above mentioned instrument) came into being for the criminalisation of human traffickers. Some of them are, Trafficking in Women and Children (1921), International Convention for the Suppression of the Traffic in Women of Full Age (1933), Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), etc. These above mentioned series of instruments were either inadequate as a law to be applied or

enforced and the concept is often confused with human smuggling and migration, given that these practices also involve the movement of persons albeit there are important differences between them. As a result, these above mentioned early anti-trafficking conventions were eventually consolidated into the 1949 Convention known as the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which basically referred to trafficking as a problem associated with prostitution. Thus, having started in early decades, a series of international instruments against trafficking were adopted throughout the twentieth century. Further, it adopted the Convention on the Elimination of all Form of Discrimination against Women, in 1979 with an objective to improve the situation of women in the World. Article 6 of the Convention obligates the states parties to take all appropriate measures including enactment of legislation to suppress all forms of traffic in women and exploitation of prostitution of women.

The World Conference on Human Rights, held in Vienna in 1993, also stresses the importance of working towards the elimination of all forms of sexual harassment, exploitation and trafficking in women. India has also signed said convention on the 30th July, 1980 and ratified on the 9th July, 1993. India is one of the parties to Child Right Convention, 1989 as well to the first Optional Protocol on Involvement of Children in Armed Conflict 2000 and the Second Optional Protocol on the Sale of Children Child Prostitution and Child Pornography, 2000. She has to fulfil the international obligation by implementing the provisions of the CRC, 1989 and its optional protocols under international law and practice. India has finally ratified the UN protocol on human trafficking on the 5th May 2011, along with conventions against internationally organised crime and corruption. In fact, ratification of this convention means that it is now binding on India to develop a law that conforms to the international convention and its provisions. Nevertheless, traffickers of forced labour now come within the purview of the law in the country. Thus, the criminal gangs involved in large-scale kidnappings, abductions and forced labour of children go scot-free as the laws in the country are more biased towards prosecuting the employers or pimps in the case of prostitution.

At the regional level, the SAARC Convention on Preventing and Combating Trafficking in Women and Children was unanimously adopted by the SAARC countries on the 5th January 2002 in Kathmandu. The purpose of this Convention is to promote cooperation amongst Member States so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination.

The Constitution of India, general criminal laws and special laws prohibits and criminalises human trafficking. Article 23 of the constitution of India prohibits trafficking in human being and other similar forms of force labour and pronounce that such acts are offences punishable in accordance with law. Article 24 of the constitution also provides that no child, below the age of 14 years, shall be employed to work in any factory or mine or engaged in any other hazardous employment. It is further provided by the article 37 of the constitution that the state shall direct its policy towards securing that children are given adequate opportunities and facilities to develop in a healthy manner, so that children and the youths are protected against such exploitation. Besides IPC, the Immoral Traffic Prevention Act, 1956, Protection of Children from Sexual Offences Act, 2012, Juvenile Justice (Care and Protection of Children) Act, 2015, the draft Trafficking of Persons (Prevention, Protection, and Rehabilitation) Draft Bill, 2016 are some of the important mechanism for combating human trafficking. On top of it, many policies are also formulated for rehabilitation and reintegration of the victim of human trafficking. So, India has now steel frame of law which can prosecute those who are involved in committing the crime of human trafficking and policies for rehabilitation and reintegration of the victim. However, India has been a source, destination and transit country for human trafficking. The Union Home Minister Shri Rajnath Singh, while

inaugurating the National Conference on Anti Human Trafficking 2015, has stated that human trafficking is a very sensitive and serious issue and termed it as a borderless organised crime. He cited that more than 1.5 lakh people (as per UN Office on Drugs and Crime) were reported as victims in a single year in South Asia. It is reported that India is the main recipient of an estimated 150,000 women and girls trafficked into India from South Asia to feed the commercial sex industry. In addition, India is also reported to be the source and transit country for the sex trafficking of women and children from and for the Middle East. On the other hand, more than two million women and children are trapped in commercial sex work in the red-light districts of India.

### **Human trafficking in North East India**

The National Commission for Protection of Child Rights (NCPCR) reported that the states of Manipur, Assam, Meghalaya and Nagaland and Arunachal Pradesh were the 'source' states in the North East from where children as young as five year olds were trafficked in the name of free education. The 'destination' states of these children were Tamil Nadu, Karnataka, Andhra Pradesh and Kerala. Poor parents were being lured by traffickers with high expectation of quality education for their children. In addition lack of basic infrastructure such as road connectivity, power, hospitals, etc. and insurgency in their local areas led parents to send their children out. More important was the role of middlemen who found it a lucrative business scouting for children from North East to the orphanages in Southern States. Most such orphanages/homes raised donations against the photographs of children sent to donors. There is no regulation on the activities of the middlemen who arrange and transport children from the North Eastern States on the pretext of free education. There is also little or no check on the illegal/unregistered Children's Homes being run in the Southern Indian States. A lack of regular inspection and surveillance by the Social Welfare/Social Defence authorities, Anti-Human Trafficking Units and local police in the districts/States where these children end up also contribute to the flourishing of these illegal activities. In addition, Trafficking in person report 2010, published by the United State, department of state carried the evidence of NGO report on duping of girls from North East India with promise to provide job and then forcing them into prostitution as well as forced marriage. It is also reported that brides are also in high demand in the state of Haryana and other Northern states of India due to the low sex ratio caused by sex selective abortion.

The Department of Social Welfare, Government of Manipur has rescued and repatriated 530 number of children during the period of 2008-2016 (26 June). The department has been rehabilitated and reintegrated in the society through school education and by providing vocational training. The year 2008 (October) was a landmark in Manipur while reporting the issues of human trafficking particularly children with the return of 04 girls from Tamenglong District, Manipur and one from Assam, after being trafficked to Singapore. These girls were recruited by a fake agency through its local based agents by promising jobs in Singapore. The state of affairs has over the last few years is increasingly known as a source as well as a destination point for trafficking of women and children. It is a deeply entrenched and a growing phenomenon in the conflict prone areas primarily in rural neighbourhood especially the hill districts of Manipur. Many of these rescued victims are as young as seven years who left home when they were 3-4 years.

### **Methodology of the study**

The study aims to identify the root causes and modus operandi of child trafficking. It also aims to find out the status of child trafficking in Manipur and the initiatives taken by the state agencies. The need of the study arises is because of the fact that Manipur in particular and North East India in general is also one of the source, transit and destination for women and child trafficking, especially for sexual exploitation, prostitution and child labour. The region has been a fertile ground for human trafficking for various reasons such as armed conflict, ethnic tension, lack of development and job

opportunity and illiteracy. The issue of trafficking seems to be increasing despite the intervention by the government by way of constituting (i) State Level Committee to Combat Human Trafficking chaired by the Chief

Secretary, Government of Manipur; (ii) Anti Human Trafficking Units in all the districts by the state Home Department (under the guidelines of the Ministry Home Affairs, Government of India (GoI); (iii) Anti-Trafficking Squads at the State and District level by the Department of Social Welfare, Government of Manipur and (iv) Grant-in-Aid given to NGOs for prevention, rescue and rehabilitation of trafficking victims. For instance, MHA Anti Human Trafficking, UNODC Country Assessment report on Anti Human Trafficking, 2013 and other available source on Child Trafficking examined by NCPCR (2015) revealed that North East India has emerged as a high source of area for trafficking of women and children. However, there are very limited studies in trying to understand the issue through a multidisciplinary approach in Manipur except few seminars/conferences/workshops by concerned government agencies and NGOs involved in this issue. It is in this regards, the study was undertaken to analyse and examine the data compiled by the department of Social Welfare, Government of Manipur. The study will help to anticipate ways and means to effectively combat child trafficking in Manipur. In order to respond to the objectives, the study followed the combined methodological approach of quantitative supplemented by qualitative methodology. It was an exploratory research design.

The data for the study was mainly based on the official compilation of the Department of Social Welfare, Government of Manipur. There are two sets of data or rather two ways of documenting the data of child trafficking in Manipur. The first data set is a compilation of the period from 2008 to 2013 (August) with 486 reported child trafficking from 39 cases. The second data set is the compilation of the period from 2013 (23 November) – 2016 (26 June) with 80 reported child trafficking from 5 cases. Since the pattern of documentation was different, the two data sets could not be developed as one single data set for the study. So, for the purpose of the study, the first data set was used as it has the scope to examine the cases than the second data set. Besides, the number of cases in the second data set was very less as compared to the first data set. This does not mean that the first data set is perfect for the study. It has a number of limitations particularly in developing individual profiles of the traffic victims and other socio economic parameters. Thus, the findings were presented in simple frequency tables as there is limited scope for statistical analysis. However, the study incorporates the data from the second data set, whenever it gets the opportunity. The table and figures which are developed by combining the two data sets were specifically marked 2008-2016 along with the name of the tables and figures. Besides, a note is also given to understand the table and figure easily.

The major limitation of the study which we feel is the inability to visit the victims and their families to fill the gap in the documentation developed by the department. We did try to visit the victims and their family members but we came to know that the follow up by the department particularly the concerned CWC need to be strengthened. So, we mostly concentrated on the government compiled data supplemented by the qualitative interviews. To collect data, interviews with open-ended questions was conducted with various stakeholders such as victim families, Child rights based NGOs; civil society activist, government official dealing with the issues of child, police officials, member of CWCs, JJBs and MCPCR etc. The stakeholders were indentified through purposive and snowballing sampling method. The method of saturation point will be used to discontinue the data collection process for the qualitative process.

However, it may be because of the sensitivity of the issues or may be because of its possible linkage with the conflict situation, many of the stakeholders/respondents who were consented to interview or to respond the questionnaires later declined or not responded inspite of repeated reminder by our team. Since it was a time bound study, it was later decided to drop the respondents.

## Findings:

The main cause of child trafficking in Manipur is mostly due to the need for quality school education and not merely because of poverty. The mode of recruitment for child trafficking is mostly through the local agents who, almost in all cases, are members of the community or from the same villages where the victim resides. But, due to lack of factual information, it is not able to ascertain the direct involvement of these local agents. The victim were recruited by convincing their families and relatives by promising free school education and free boarding (56.4%) plus Employment (28.2%) and Skill Training (7.7%). This indicates that the trafficker seems to have studied and understand the traffic scenario of Manipur and more particularly at the local level from where they are planning to recruit children.

During the period of 2008-2016 (till June 26), 66 reported incident of child trafficking was reported throughout Manipur and in that 44 incident are reported from the five hill districts whereas only 22 incident are reported from the four districts of Imphal valley. The reported number of child trafficking during the period is 530 children. It was also reported that 135 children were rescued in the year 2010, which is the highest reported case of child trafficking in Manipur. But, the cases reported from the year 2011 till 2013 is a concern and also alarming as the number of cases are all above 100 except 2011. This is alarming because the situation has to be read with the background that the state mechanism to combat trafficking has already put in place particularly by the Department of Social Welfare and Department of Home, Government of Manipur. In addition, the Child Welfare Committees (CWC) which are constituted under the JJ Act were already in operation since 2007 in all the district of Manipur.

There are only eight incident of trafficking in the year 2010 but it has the highest in terms of child trafficking (135). The incident as well as number of trafficked children for the year 2008 and 2009 was reported to be same. But, it is observed by child activist that the year 2008 and 2009 should not be considered a good years. It may be because of the lack of documentation either with the government or with the NGOs working on issues of trafficking. Unfortunately, there was no NGO exclusively focus on child trafficking as it was club under the issue of child rights. In the year 2011, as compared to the subsequent years, the number of trafficked children is less (53), but, the number of incident is the highest (11).

Majority i.e. 31 (79.5 %) of the rescued victims are reported to be from Manipur, while only 08 (20.5%) are from other states of India particularly from North East India. This may be because of the fact that the government interventions that are specific to child trafficking seem to be taking backseat.

The route for trafficking seems to be multiplied with the increasing number of trafficking incident. For instance, we have different routes to go to Guwahati from Imphal. But our concern is the change of direction. For instance, the main route for trafficking was towards Guwahati-Kolkata and finally to South Indian states particularly Tamil Nadu. But, we have noticed that the number of cases relating to trafficking of children in the name of providing quality education have been increased and distributes all over India. It is also found that the victims of inter country trafficking was carried out by air through Imphal -Guwahati – Kolkota and then to Singapore. In addition to Guwahati direction, now we noticed that the victim are being trafficked through the Imphal–Moreh in India and towards Myanmar and finally destined to Singapore. It does not mean that, this new route is the main route of inter country trafficking. But, there is also a possibility of using multiple routes.

In terms of rescued of children, 48.7% of the cases of rescued of children was reported from different part of Manipur but the majority of the cases (51.3%) was reported from outside the State of Manipur. And out of the 51.3 % cases reported, 28.2% of the cases are reported only in South India

particularly Tamil Nadu (15.4%), Karnataka (7.7%) and Kerala (5.1%). The remaining cover the different regions of India such as Eastern (West Bengal), Western (Maharashtra), Northern (Haryana), Central (Uttar Pradesh) and North Western (Rajasthan) etc. Further, Tamil Nadu with 33.3% is shown as one of the favourite destinations for the trafficked children of Manipur. It is closely followed by Karnataka (7.7%) and Kerala (5.1%). It was also reported that rescued from unauthorised children home was very prominent. Tamil Nadu topped the number with 42.9 % of the unauthorised home followed by Karnataka (21.4%) and Rajasthan (14.3%). In terms of number of children rescued, 151 children (54.51%) were reported only from the State of Tamil Nadu.

The rescued victims 82.1% from Manipur are now repatriated and restored to their families. While 15.4% of the victims particularly from outside the state of Manipur were handed to their respective Child Welfare Committee to be restored and repatriated to their respective parents and to provide the necessary facilities through their respective States. The victims were rehabilitated by providing school education (33.3%). But it is unfortunate to observe that the government is sending back the victims to the government school system of their district which they considered a failure.

The action taken against the perpetrators of the child trafficking are in the form of filling of First Information Report (FIR) with 33.3 % and by awarding jail term with 7.7%. And in terms of the traffickers who belong to other state, it was reported that 35.9% of the perpetrators were reported to have taken against them. But it is not sure what type of actions was taken against them. What we fail to identify in this study is how many of them are released on bail and how many of the cases are not able to proceed further. The table also indicates that some of the perpetrators (7.7%) of the trafficking cases could not be identified. This is mainly because there are high chances that the traffickers must have successfully convince them to come on their own way without even making them to realise that they are in the process of trafficking.

The Committees constituted by the State Government such as State Level Committee to Combat Child Trafficking headed by Chief Secretary; State Advisory Committee for Prevention and Combating Trafficking of Women and Children for Commercial Sexual Exploitation headed by the Chief Secretary; and District Level Anti-Trafficking Squad headed by Director, Department of Social Welfare, Government of India seems to have limited activities. Their activities did not even find a space of their respective departmental annual reports.

## **Recommendations**

As the main causes of child trafficking is search for quality school education, there is the urgent need to rejuvenate the school education system in Manipur. A time bound 'Manipur School Education Commission' headed by an academician should be constituted with members drawn from various walks of life. The committee should be jointly monitored by the Manipur Commission for Protection of Child Rights and Directorate of Education (School), Government of Manipur.

As the CWCs of Manipur is in a pathetic condition, there is a need to seriously strengthen the CWCs by the government at the earliest. As a first step, they should clear the long pending dues and establish a permanent office with required support staff. Further, a study to examine the status of CWCs of Manipur, similar to that of the study undertaken by the National Commission for Protection of Child Rights should be conducted at the earliest.

As the government Committees including the high level committee remains invisible even in their respective departmental annual administrative reports, there is a need to restructure the committees, so as to create more space for members who can fully dedicate to the mandate of the committees.



The involvement of government officials particularly the head of department, who are already overloaded with their department activities should be minimised.

As the process to influence the victim families and relatives was mostly done at the village level, there is an urgent need to sensitise the village level government institutions and responsible villager officials including the women about the causes and consequences of child trafficking. The Manipur Commission for Protection of Child Rights should take the responsibility of the organising programme in consultation with NCPCR, Department of Social Welfare, Government of Manipur and its link department or stakeholders.

The stakeholders such as Department of Social Welfare, Police Department, Directorate of Education (school), Health Department, Municipal or Panchayat Authorities, District Administration, in consultation with the Manipur Commission for Protection of Child Rights and NGOs working for the promotion and protection of child rights should converse their responsibilities in combating child trafficking in the state of Manipur. The Department of Social Welfare could be identified as the nodal department for making effective linkage among the stakeholders.

Considering the importance of the central security forces deployed in Manipur under the Ministry of Home and Ministry of Defence, their role is pivotal in combating child trafficking as they are deployed in sensitive and border areas, where the state machinery presence is limited. Besides rescuing the victims, they can provide crucial information to the stakeholders as discussed above. For instance, there were reported cases of rescuing of child trafficking in the Indo-Myanmar region particularly Moreh by the central security forces. Thus, there is an urgent need to sensitise them particularly who are deployed in the border areas. However, for effective coordination, there is a need to set up a coordination committee for the state and central security forces in order to share information and exchange of idea for combating child trafficking.

As we experienced that the lack of systematic documentation has weakened the data for child trafficking in Manipur, there is a need to develop an official format for documentation. This will help to document the cases in a continuous process irrespective of the capacity, commitment and creativity of the responsible person, which we feel is the practice in the state.

As the government of Manipur is only implementing laws enacted by the Parliament and policies formulated by the central government to combat child trafficking, it is recommended to formulate and adopt a State Child Policy at the earliest. Further, in order to contextualise the policy, Manipur Commission for Protection of Child Rights should invite different stakeholders (State and non-State) of the state should be involved in the formulating the policy. A review of the existing State Plan of Action for Children adopted by the Department of Social Welfare could be the beginning to formulate the policy.

# CHAPTER I

## UNDERSTANDING TRAFFICKING IN PERSONS

### **Introduction:**

Human trafficking has become a serious global issue of unforeseen proportions of the twenty-first century. By its nature of exploitation, human trafficking has also been increasingly referred to as “modern-day slavery,”<sup>1</sup> and this has prompted rapid proliferation of international, regional, and national anti- trafficking laws, and inspired states to devote enormous financial and bureaucratic resources to its eradication (Chuang 2014). In fact, it affects every country in the world, irrespective of socioeconomic status, history, or political structure and most countries has become a source, a transit, and a destination for victims of this heinous crime either in larger extent or to a lesser degree. It is in true sense becoming an abhorrent crime of today (Clark 2014). The profits from human trafficking are apparently huge and the United Nations Office of Drugs and Crime (UNODC) places human trafficking as the fastest growing and second most profitable form of transnational crime (Amahazion 2015). The trafficking in human beings is one of the greatest criminal phenomena facing the international community today. So far, available literatures on human trafficking are largely focused sex trafficking or sex work. Human trafficking has become synonymous with trafficking for sex work, which primarily involves women and girls, while trafficking for forced labour, which also involves men and boys, continues to be an overlooked component of global human trafficking (Nicola Piper cited in Presenti 2012).

Trafficking in person is an abhorrent crime of which many of the victims are identified to be originated from developing and transitional nations and this crime has now become a global crime that is considered to be ‘modern day slavery’ (Gabhan, 2006). It is a growing phenomenon in the world. 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.<sup>2</sup> The reasons for increasing it, as a global phenomenon, are multiple and complex which also affects rich and poor countries alike. The popular perception of trafficking is the sexual exploitation of women and children; however, children are trafficked for a variety of reasons. There are various social, economic and political conditions, which create a situation of vulnerability specially, for women and children, who were trapped into trafficking. A recent study shows that cultural practice<sup>3</sup>, climate changes, environmental issues and poor governance have also become one of the conditions for this vulnerability that lead to this crime.<sup>4</sup> Poverty, increasing trend of migration even within the country, lack of economic opportunity are some of the major push factors for trafficking in women and children. The problem of commercial sex workers, urbanisation and globalisation, demand for cheap labour, current trend of consumerism are some of the important pull factors for trafficking in human beings. International

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<sup>1</sup> Síle Nic Gabhan, “Human Trafficking: A Twenty-First Century Slavery ,” *The Furrow* 57, no. 10 (2006): 528-537.

<sup>2</sup> Khan, I. (n.d.). *Child Trafficking in India: A Concern* . Retrieved November 17, 2016

<sup>3</sup> ‘Devadasi’ system (temple dancer, particularly girls from lower caste group) is an old system, rather an old cultural and traditional practice that largely contribute to sexual related crimes including child trafficking in India. For details, see Kumar, A. (2015). *Status of Child Trafficking and Laws related to it*. National Law University and Judicial Academy, Assam. Guwahati: NCPCR. Also see, Najjar, J. L. *Human Trafficking in India* .

<sup>4</sup> Kamier, T. L. (2015). *Indigenous Women and Human Trafficking in the Mekong Region: Policy Overview and Community Response*. Chiang Mai: Asia Indigenous Peoples Pact (AIPP).

Communities, under the aegis of the United Nations (UN), made constant effort for prevention and combating in human trafficking by adopting conventions and protocols. Despite various enactments, general penal laws and specific laws for preventing and combating trafficking in human being in India, the North East India emerged to be a hot spot zone of trafficking in women and children and this will be discussed in the subsequent chapters.

### **Concept of Human Trafficking**

The United Nations “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime” (otherwise known as the Palermo Protocol) constituted in 2000 has been widely and internationally accepted Convention. According to Article 3 of the UN Protocol, trafficking in persons is define as

...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 (UNODC 2006).

Exploitation here shall include, at a minimum, the exploitation of the prostitution of others or other form of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations Office on Drugs and Crime 2014). Thus trafficking can be conceptualise in, first, the transportation of a person; second, force, fraud, or coercion; and, finally, exploitation (Rhacel Salazar Parreñas 2012). By this concept, the “consent” of a person, either to be trafficked or smuggled, is irrelevant. Rhacel (2012) opines that the legal violation under human smuggling pertains to the illicit crossing of nation-state borders, and it is assumed that individuals do this consensually. She further argued that a smuggled person would fall under the broader category of “migrant,” as migration generally refers to the voluntary movement of individuals. Yet, like human trafficking, migration does not necessarily involve the crossing of national borders, as smuggling does (Rhacel Salazar Parreñas 2012).

The definition of Palermo Protocol gives more emphasis on coercion as well as exploitation and it thus provides activists as well as states a leeway to prosecute human traffickers and to work against human trafficking in a very wide scope. However, at the same time, Palermo Protocol has been subject to certain critics as “it subsumes almost every kind of illegal migration under trafficking and thus is subject to anti- trafficking laws” (Ann Jordan 2002; Bridget Anderson and Julia O’Connell Davidson 2004 cited Presenti 2012). Further, critics like Doezema (2002) stress that “almost every illegal migrant who engages in sex work could be considered trafficked under this definition” (Presenti 2012) though some of them are engaged in sex work out of “consensual”. Thus the considerable feminist literature on trafficking is centered upon these tricky issues of consent versus coercion in sex work and the fine line between trafficking and migration (Presenti 2012:234).

For Rao and Presenti (2012), if human smuggling is only “largely voluntary” or of “consensual”, then the difference between trafficking and illegal migration facilitated by human smugglers is only one of the degree of abuse. Available literatures show that “even legal migration sometimes involves

deception and legal violations on the part of both migrants and those who serve as migration agents” (Presenti 2012). The literature on trafficking in persons suggests that in the case of migration, any abuse and exploitation is expected once the migrant has arrived at the destination, while in the case of human trafficking it began from the origin till the destination. Here, the distinction is that it is tenuous, and, more importantly, it may not always be useful to preserve from a migrant rights perspective.

It has always been a subject to debate both in theory as well as practice. This debate has grown centering on how the problem of trafficking connects to some other relevant issues like prostitution, migration, organized crime, human rights, among others issues (Uddin 2014). Many of the radical feminists consider that prostitution is the main reason behind the crime of human trafficking and it should be abolished (Uddin 2014). On the other hand, liberal feminist/sex worker group, who are in favor of legalizing of prostitution, acknowledges that prostitution as sex work and hence argues that migrant sex workers should not fall into the category of trafficked persons, or in other words they claim that all sex work is not necessarily the result of trafficking (Samarasinghe cited in Uddin 2014). Whatever the case, human trafficking has been a serious global issue of unforeseen proportion. Therefore, apart from the debate over whether trafficking is a problem of prostitution or migration or whether consensual or coerced, we must give more emphasis on the questions like, why does trafficking in person happen in the first place? What are the root causes of trafficking in person? How does trafficking is related to human (in) security? These are some of the questions that need to be taken into account if our purpose is to fight trafficking in person.

### **Global overview on Trafficking in Persons**

A report from UNODC (2014) reveals that most of the offenders<sup>5</sup> are mostly of men, while most of the detected victims are female (mainly women, but also a significant number of juvenile girls). As in a routine way, trafficking, which is a transnational crime, is often carried out domestically or within a given subregion, and most offenders are convicted in their countries of citizenship. Most of the victims, on the other hand, are often found out to be foreigners in the country where their exploitation was detected. The report also shows that trafficking flows are usually confined to a geographically limited area, either within a country or between neighbouring or relatively close countries. A significant number of foreigners are found to be the offender of trafficking in persons in many of the countries where this crime is common, and many of the victims are also found to be exploited in their own country of citizenship. As reported by UNODC (2014) trans-regional trafficking accounts for nearly a quarter of all trafficking flows albeit it is less common than the domestic or intraregional types.

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<sup>5</sup> In the United Nations Global Plan of Action to Combat Trafficking in Persons, Member States requested for the present report to focus on the patterns and flows of trafficking in persons. ‘Patterns’ refer to the profiles of traffickers and victims; that is, their citizenship, age and gender as well as the forms of exploitation. ‘Flows’ refer to the geographic dimension of trafficking, with a ‘flow’ defined as one origin country and one destination country with at least five detected victims during the 2010-2012 reporting period. For details see United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, Annual Report (New York: United Nations, 2014).

### *Profile of the offenders*

It is important to find out who the offenders are if we have to understand the crime of trafficking in persons. Identifying and analysing the citizenship as well as gender of traffickers can help generate a broader understanding of the profiles of traffickers and their networks, as well as on how they operate. The task of identifying traffickers' citizenship is highly significant, particularly when it comes to cross-border trafficking as there is often a citizenship link between traffickers and victims, as trafficking in persons is a crime that is often operated transnational. Report from UNODC (2014) reveals that the citizenship of persons convicted for trafficking in persons provided by 64 countries total up to 5,747 offenders.<sup>6</sup> Information on the gender of suspected, prosecuted and/or convicted offenders was provided by 43, 59 and 64 countries respectively, covering 29,568 persons suspected, 4,915 persons convicted and 10,024 persons prosecuted for trafficking in persons. The data covers the 2010-2012 period (or more recent). The report also reveals that most if not all the citizenship profiles of the people convicted of trafficking in persons show that most offenders are citizens of the country where they were convicted (UNODC 2014). It is found out that more than 6 in 10 convicted traffickers globally. It is reasonable to expect that the majority of people convicted of nearly any crime would be citizens of the prosecuting country. Even though international mobility is high, most people still live and operate mainly within their own countries.

Although majority of offenders who are convicted are found out to be the citizens of their own country, the UNODC (2014) shows that nearly 35 per cent of convicted traffickers are found out to be foreigners. In fact, this is a larger share of convicted foreigners than what is typically seen for most other crimes, for which foreign citizens generally comprise approximately 10 per cent of those convicted (UNODC 2014). It may be taken by surprise that a greater proportion of women are also convicted of trafficking in persons than of nearly any other crime,<sup>7</sup> and the detection of male victims is increasing (United Nations Office on Drugs and Crime 2014). Siegel & Blank (2010) who did a case study in the Netherlands also found out that women who are generally perceived to be the victim of trafficking are not always the victim in human trafficking, rather become the perpetrator. It is reported that 38 per cent of suspected offenders are reported to be committed by women during 2010-2012 (UNODC). This is another anomaly in comparison to other types of crime. While the majority, some 62 per cent, of suspected traffickers are male, the female share is large. These shares are similar, though somewhat smaller, at other stages of the criminal justice process as well: 32 per cent of prosecuted and 28 per cent of convicted traffickers are women. For most other crimes, the share of females among the total number of convicted persons is in the range of 10-15 per cent. Relatively high female involvement appears to be another characteristic of the crime of trafficking in persons.

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<sup>6</sup> United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, Annual Report (New York: United Nations, 2014).

<sup>7</sup> See Dina Siegel & Sylvia de Blank, "Women who traffic women: the role of women in human trafficking networks – Dutch cases," *Global Crime* (Routledge) 11, no. 4 (November 2010): 436-447.

### *Victim profile*

Females, either adult or juvenile are reported to be the majority of the victims detected globally.<sup>8</sup> The overall profile of trafficking victims may be slowly changing, however, as relatively fewer women, but more girls (particularly underage), men and boys are detected globally (UNODC 2014). So far, adult women are detected to be comprised of approximately half the total number of victims of trafficking although it is reported that female victim has declined markedly.<sup>9</sup> During the period of 2010-2012, male victims are also reported to be comprised of 25 to 30 per cent among the total number of victims detected globally. The trend of underage boy victims has increased since 2004 (United Nations Office on Drugs and Crime 2014). While increases can be seen for both men and boys, it is more pronounced for men. The key reason seems to be the greater number of detected cases of trafficking for forced labour in many countries, as this type of trafficking involves more male than female victims.

The previously reported trend of an overall lowering of the average age of detected victims has been confirmed by the data collected for the Report of UNODC 2014. Child trafficking, in which victims are below 18 years of age, accounts for more than 30 per cent of the total number of victims detected during the 2010-2012 period. The proportion of detected child victims has increased significantly in recent years. However, increasing shares of children among the detected victims were not witnessed across all regions or areas. While Africa and the Middle East, North and Central America, as well as some countries in South America did register clear increases during the 2010-2012 period, in other regions of the world, such as Europe and Central Asia as well as South Asia, East Asia and the Pacific, child trafficking remained relatively stable compared to the 2007-2010 period.

The patterns of trafficking in persons continue to show pronounced regional differences. Children comprise the majority of victims detected in Africa and the Middle East, accounting for more than 60 per cent of the victims in this region. In Europe and Central Asia, trafficking in persons mainly concerns adult victims, as they comprise 83 per cent of the victims detected there. South Asia, East Asia and the Pacific and the Americas report similar age profile breakdowns, with adults comprising about two thirds of the detected victims, with children making up the remaining one third.

### *Responses to trafficking in persons*

It may be mentioned that modern day trafficking in person is not a recent phenomenon although there is growing concern about this issue in recent times. Its origin can be dated back to the late nineteenth century where it starts with the movement against the transatlantic slave trade (particularly the white women for prostitution) which is popularly known as movement against the abolition of “white slave trade”. With the movement against the white slave trade, the International Agreement for the Suppression of White Slave Traffic was formed during 1904-1910. This international legal instrument was the first of its kind constituted to abolish human trafficking in trafficking in persons

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<sup>8</sup> An analysis of the profiles of detected trafficking victims over the 2010-2012. See United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, Annual Report (New York: United Nations, 2014).

<sup>9</sup> Around 80 countries provided the information on the age and gender of trafficking victims. A total of 31,766 victims is detected between 2010 and 2012 whose age and gender were reported. For details, see United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, Annual Report (New York: United Nations, 2014).

history. Thereafter, a series of legal instruments (with or without amendments of the above mentioned instrument) came into being for the criminalisation of human traffickers. Some of them are, Trafficking in Women and Children (1921), International Convention for the Suppression of the Traffic in Women of Full Age (1933), Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), etc. These above mentioned series of instruments were either inadequate as a law to be applied or enforced and the concept is often confused with human smuggling and migration, given that these practices also involve the movement of persons albeit there are important differences between them (Rhacel Salazar Parreñas 2012). As a result, these abovementioned early anti-trafficking conventions were eventually consolidated into the 1949 Convention known as the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which basically referred to trafficking as a problem associated with prostitution (Uddin 2014). Thus, having started in early decades, a series of international instruments against trafficking were adopted throughout the twentieth century.

The United Nations adopted the Universal Declaration on Human Rights, 1948 to set an international standard and norms for promotion and protection of human rights in the world. Further, it adopted the Convention on the Elimination of all Form of Discrimination against Women, in 1979 with an objective to improve the situation of women in the World. Article 6 of the Convention obligates the states parties to take all appropriate measures including enactment of legislation to suppress all forms of traffic in women and exploitation of prostitution of women. The World Conference on Human Rights, held in Vienna in 1993, also stresses the importance of working towards the elimination of all forms of sexual harassment, exploitation and trafficking in women. India has also signed said convention the 30th July, 1980 and ratified on the 9th July, 1993.

In relation to Children, the Convention on the Rights of Child, 1989 was adopted and open for ratification to the member states. Article 35 of the Convention stipulates that states parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. The Convention has been supplemented by two other Optional Protocols adopted in 2000. The second Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography obligates the states parties to prohibit such acts by making it as offence punishable under law. Article 9 (2) of the Optional Protocol states that states parties shall take all feasible measures with the aims of ensuring all appropriate assistance to victims of such offence including their full social re - integration and their full physical and psychological recovery. The Protocol also spells out the need for promoting and strengthening international co-operation in order to address the root cause such as, poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism. India is one of the parties to Child Right Convention, 1989 as well to the first Optional Protocol on Involvement of Children in Armed Conflict 2000 and the Second Optional Protocol on the Sale of Children Child Prostitution and Child Pornography, 2000. She has to fulfill the international obligation by implementing the provisions of the CRC, 1989 and its optional protocols under international law and practice.

The United Nation Convention against Trans - Organised Crime, adopted by the General Assembly in 2000, is the main international instrument in the fight against trans - organised crime. It has been supplemented by three Optional Protocols including the Protocol to Prevent, Suppress and Punish Trafficking in person, specially Women and Children, 2000. Two important purposes of the protocol are: (i) To prevent and combat trafficking in persons, paying particular attention to women and children; (ii) To protect and assist the victims of such trafficking with full respect for their human rights. Article 3 of the Protocol defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other form of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability

or of saving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation of prostitution of other or forms of sexual exploitation. It further states that exploitation shall include at a minimum, the exploitation, the prostitution of others or other forms of sexual exploitation, force labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The Convention also urges the states parties to establish a comprehensive polices, programmes and other measures to prevent and combat trafficking in persons and to protect victims of trafficking persons, especially women and children from re- victimization. It is also the duty of the states parties to protect the privacy and identity of victims of trafficking by making legal proceeding relating to such trafficking confidential.

The United Nations has created its own monitoring and investigating mechanism for promotion and protection of human rights. Human Rights Council appoints special rapporturs with the mandate to investigate, monitor and recommend solution to human rights problems. The Special Rapportur on trafficking in person specially women and children has been working since 2004 under the mandate of the Council to investigate, monitor, assess and verify complaints of alleged cases of trafficking in women and children. The UN Special Rapporture on Human Trafficking, Special Rapportur on Sale on Children pornography, Special Rapporture on Contemporary forms of Slavery, and the Special Rappotures on the Human Rights of Migrants Workers received the information that an estimated of 70,000/- bonded child labour form Nepal and Bangladesh worked at the so called rat mines of Gantia Hill of Meghalaya located in the north eastern state of India. The Special Rapporters sought clarification of that fact from the government of India and requested information on investigation, carried out in relation to individuals who were implicated in trafficking or selling the children to the rat mines and keeping them in bonded labour. The Special Rapporture also sought information on policies and preventive measures, undertaken to combat human trafficking, sale of children and sexual exploitation of the children in India. The Special Rapportur regreted that government had not provided a reply to the communication and also urged the government to take up appropriate measure to protect the rights of children concerned immediately.

At the regional level, the SAARC Convention on Preventing and Combating Trafficking in Women and Children was unanimously adopted by the SAARC countries on January 5 2002 in Katmandu. The purpose of this Convention is to promote cooperation amongst Member States so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination. Article 1 (3) of the Convention defines trafficking as the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking; Apart from having incorporating provisions for extending legal assistance among the SAARC Countries in respect of investigations, inquiries, trials or other proceedings in the requesting State in respect of offences under this Convention, article VIII of the Convention make those offences referred in the Convention as extraditable offences under Extradition Treaty.

### ***State of Global Response to Trafficking in Persons***

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention against Trans-national Organized Crime, came into force in December 2003. The impact of the Protocol on the national legislative responses around the world has been reported to be very strong. UNODC (2014) reported that by the end of the year 2006, three years after the Protocol entered into force, only 28 per cent of countries did not have specific offence that criminalized trafficking in persons, or even just some forms of this crime. It was reported that almost two thirds of countries did not have this in 2003



when this Protocol was established. By 2014, UNODC reported that the countries that do not have specific legislation that criminalizes trafficking in persons has reduced to five percent. Eighty-five per cent, i.e. 146 countries out of 173 countries that was considered for analysis, has succeeded in criminalising all aspects of trafficking in persons explicitly listed in the UN Trafficking in Persons Protocol (United Nations Office on Drugs and Crime 2014).

UNODC (2014) report reveals that nearly ten per cent of the covered countries, i.e. around seventeen to eighteen countries out of 173 countries that were taken for analysis, have partial legislation so far. Of course, these countries may criminalize trafficking in persons specifically, but their legislation may only cover some victims (particularly, only children, women and/or foreigners) or certain forms of exploitation (for instance sexual exploitation) among other issues. UNODC (2014) also reported that nearly five per cent, i.e. nearly nine countries out of 173 countries that were taken for analysis, do not have any offence in their legislation that specifically criminalises trafficking in persons, or even just some forms of it. It is likely that instances of trafficking may be prosecuted in these countries by leveraging other articles of the criminal code, such as slavery, forced labour, pimping, child stealing or others (which may also happen in countries that have specific legislation on trafficking in persons) (United Nations Office on Drugs and Crime 2014). However, it is very unlikely that these instruments are tailored to address the issue of victim assistance. Moreover, the sanctions for the traffickers may not be commensurate to the gravity of the crimes committed.

In terms of regional, Africa and Middle East region found out to be the part of the world that requires strenuous effort to fill the legislative gap more than other countries needs when analysing the details in terms of legislative coverage. Around eight countries in this region appear to be lagging behind to criminalise trafficking in persons offences. Further, within this region, ten countries falls into those countries with offences that criminalize only some aspects of trafficking (United Nations Office on Drugs and Crime 2014). On the other hand, it is also very important to consider the population size of countries without adequate legislation in place. When this is taken into consideration, regions other than Africa also emerge as problematic.

Regions like Asia and South America Large, which is among the most densely populated countries still have partial legislation. As a result, in these countries, there are persons living in trafficking situations constituting an offence according to the international standards, but who may not be considered as trafficking victims by the national authorities as these are using legal definitions not in line with the UN Trafficking in Persons Protocol (United Nations Office on Drugs and Crime 2014).

It is reported that around two billion people, i.e., about one third of the world's population, live in a situation where trafficking is not criminalized as required by the UN Trafficking in Persons Protocol. This may be happened due to lack of specific legislative instruments or due to partiality in criminalizing the offence. This situation combined with a very low number of convictions makes trafficking in persons a crime of vast impunity. UNODC (2014) has also point out that large chunk of the world's population are without the protection and support enforced by the UN Trafficking in Persons Protocol, as the legislation of their respective countries do not comply with the UN Protocol. This leaves the victims of human trafficking with no right to obtain from said Protocol. In such a situation there became a risk that the traffickers who are exploiting these victims may face light or no criminal charges even when law enforcement authorities detect them (offenders). In

addition, cooperation with national authorities of other countries is often very difficult, as country level legislation may be incompatible.

The data on investigations, prosecutions and convictions collected for the 2010-2012 period for the preparation of 2014 UNODC report shows that the number of convictions for the crime of trafficking in persons remains very low. Nearly fifteen per cent, i.e. around 19 of the 128 countries covered by the data collection did not record a single conviction. Another large share of the countries covered, about one fourth, recorded a limited number of convictions, between 1 and 10, in at least one of the years between 2010 and 2012. About 40 per cent of the countries covered reported more than 10 convictions, out of which, some 16 per cent had more than 50 convictions in at least one of the years here considered. The number of convictions and their distribution around the world remained stable or hardly changed positively.

The lack of specific legislative instruments or partiality in criminalizing the offence may be largely related to the data of conviction for offense in trafficking in persons. In addition to this, limitations of comprehensive as well as reliable data also act as a major hurdle that prevents a comprehensive comparison between the number of convictions and the number of detected victims.<sup>10</sup> Among the countries that reported on both indicators, most of the countries with few or no convictions also identified or assisted a very limited number of victims. About one third of the countries with few or no recorded convictions, however, detected a significant number of victims. While this suggests that local institutions are responding to the trafficking occurring in their countries by identifying and possibly assisting victims, this does raise the question of why this response does not turn into a final sentence for the traffickers. It is reported that for some of the countries that record few convictions and a significant number of victims, the use of other offences to convict the traffickers could explain why there is no correlation between the detection of victims and a proper criminal justice response. In other cases, it appears that the identification of a victim does not lead to the prosecution of a trafficker. This situation leads to the victimisation of the victims of trafficking in persons. Thus, lacking confidence upon the national authorities, many offenses are not reported by many of the victim.

In an overall global scenario, the criminal justice response shows hardly any change in recent years. In an assessment of how many countries reported increases or decreases in the absolute number of convictions per year during the period 2010-2012, for the compilation of UNODC-2014, confirms this. It shows that vast majority of the countries reported a relatively stable number of convictions over the 2010-2012 period, while just 13 per cent saw a noticeable increase. On the other hand, another 10 per cent of countries recorded decreasing trends over the same period. This shows that from a global, aggregated perspective, the situation remained stable. Moreover, the share of countries reporting stable conviction trends has not changed significantly since 2003. It is reported that between 2003 and 2007, the share of countries with stable or unclear trends was 71 per cent, between 2007 and 2010 it was 60 per cent but between 2010 and 2012, the share was 77 per cent. Similarly, the share of countries with increasing number of convictions decreased from 21 to 13 per cent.

Data that is mention above shows that the number of countries that successfully manage to punish at least some of the traffickers that operate in their territories is very limited. It also shows that the

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<sup>10</sup> Smriti Rao & Christina Presenti, "Understanding Human Trafficking Origin: A Cross- Country Empirical Analysis ," *Feminist Economics* 18, no. 2 (2012): 231-263.

situation has not changed in the short to medium term. As more countries introduced adequate legislation over the last ten years, a gradual increase of convictions worldwide was expected in those countries where trafficking in persons was known to be a problem. Moreover, over the last few years, there has been a perception that proper criminal justice responses would lead to a rising number of convictions some years after the entry into force of the UN Trafficking in Persons Protocol. This has not happened, or perhaps only to a very limited extent. While more countries in the world now have solid legislation in place, the number of convictions is still stable at a very low level more or less everywhere. The wide regional differences obscure different levels of the overall criminal justice response at the national level and at different stages of the criminal justice process.

### **Regional overview on trafficking in persons**

Regions like Europe and Central Asia, America, Africa and Middle East, South Asia, East Asia and Pacific region are covered in most of the studies for trafficking in persons. Profiles of the victims as well as offender and the response to the offenses committed are apparently different from one region to other region. For that matter, it is required to analyse those issues separately. UN dataset and UN reports on trafficking in persons are mainly referred, as other reliable as well as comprehensive data are missing. The region of Europe and Central Asia is divided into two subregions, namely Western and Central Europe, as well as Eastern Europe and Central Asia. The two subregions display some similarities in terms of the patterns and flows of trafficking in persons. Other aspects are quite different, particularly in relation to trafficking flows. Since the data from this region is solid, particularly for Western and Central Europe, the two subregions will be presented in separate sections.

#### **(a) Issue of trafficking in persons in Europe and Central Asia**

Western and Central Europe is a region that is reported to be a significant place of origin as well as important destination for trafficking in persons. Countries in Central Europe and the Balkans are mainly origin areas for cross-border trafficking into the rest of Europe. Significant levels of domestic trafficking are also detected in these countries. The richer countries in Western and Southern Europe are generally considered to be the destinations for victims who are trafficked from other regions (particularly from Asia, Africa and the Americas) and for European victims trafficked from Central Europe and the Balkans (United Nations Office on Drugs and Crime 2014). Most of these countries also report considerable levels of domestic trafficking. On other hand one of the key characteristics of trafficking in persons in Eastern Europe and Central Asia is the strong involvement of women, both as traffickers and victims.

#### ***Profile of the offenders***

Western and Central European countries convict citizens of their own country and foreigners in near equal proportions. More than half of the offenders convicted during the 2010-2012 period were citizens of the country of conviction. About 30 per cent of the traffickers were foreigners from countries within the same subregion. Compared to the global average, countries in Western and Central Europe convict fewer own citizens (even though they do make up a majority of offenders) but more foreigners from within the subregion. Considering origins from outside Western and Central Europe, the largest share is made up of traffickers from Africa and the Middle East. This group accounts for some 10 per cent of the total number of people convicted. Most of these offenders

are citizens of countries in West and North Africa. However, the relevance of West African traffickers (some 6 per cent of the convicted offenders) is limited in comparison to the large share of victims from this region that are detected in Western and Central Europe.

Other significant groups of foreign traffickers from outside the subregion are Asians and citizens of countries in the Americas. These groups each account for some five per cent of the offenders in this region. Offenders from Eastern Europe and Central Asia comprise a small, but significant share, with two per cent of the total. The citizenship profiles of the foreign offenders broadly mirror the profiles of the detected foreign trafficking victims, at least by major regional aggregations. Fewer women are convicted in this sub-region that is somewhat lower than the global average. It is reported that around twenty three per cent of those prosecuted and/or convicted of trafficking in persons in this subregion are women, compared to some 28 per cent at the global level (UNODC 2014).

The report further shows that the countries within this subregion reported significant differences in the shares of women who are prosecuted and convicted. Some countries, in the Balkans, have very low shares of convictions of women. In other countries, including in the Baltic area, women comprise nearly one third of the convicted trafficking offenders. However, in terms of *Eastern Europe and Central Asia* almost half of the traffickers in are found to women. Women are detected to be involved in trafficking in persons than most other crimes, a female offending rate of some 50 per cent is exceptional as the global average for trafficking in persons is around 30 per cent.

The vast majority of the traffickers convicted in this sub-region, i.e. more than 90 per cent, are local citizens convicted in their own countries. About 8 per cent are foreigners from countries within Eastern Europe and Central Asia.

### ***Profile of the victims***

On an average, it is found that more adult victims that comprised mostly of women victims are detected in Western and Central Europe as compared to other (sub)regions. A majority of the detected victims of trafficking in persons in Western and Central Europe, i.e. some 63 per cent, are adult women, whereas the second largest group is found to be adult men, who account for 19 per cent of the total number of victims. Data from the UN reveals that adult victims thus comprise more than 80 per cent of all detected victims in this subregion. The issue of child trafficking in this sub-region is apparently not as common as in other regions. Report reveals that children account for just 20 per cent of the detected victims, whereas globally, this group makes up nearly one third of victims. Comparatively, girls are apparently more than boys when victim of trafficking is concern in this sub-region. The data of UNODC reveals that out of every five children trafficked in this sub-region, four are girls and one is a boy. Although significant detections of women victims in the entire region has already been mentioned, *Eastern Europe and Central Asia* accounts for 77 per cent, which is reported to be particularly high that turns out to be the highest share of women victims of any (sub)region.

In this sub-region, about 15 per cent of the detected victims are men. UNODC 2014 report shows that the adult victims account to be well above 90 per cent in this sub-region, which appears to be of large share in a global perspective. Child trafficking or child victims appear to be comparatively low in Eastern Europe and Central Asia as compared to adult victims. The report shows that only about 8 per cent of the detected victims are children. Child trafficking in this sub-region is mainly concerns about girls that are also the similar case of Western and Central Europe.

### ***Response to trafficking***

All the countries in this sub-region have national legislation that is in line with the UN Trafficking in Persons Protocol when we discussed about legislation. The historical evolution of the legislation in this part of the world was, to a considerable extent, affected by the entry into force of the Protocol in December 2003. More than half of the countries amended their criminal code after this date to introduce a specific offence on trafficking in persons that was in line with the international standards. While several of the countries had specific legislation before December 2003, the offences were often introduced either in the year 2002 or earlier in 2003. So for many of these countries as well, the legislation was amended as a result of the political push generated by the Trafficking in Persons Protocol that was adopted by the Member States in the year 2000.

A further geographical analysis of the report shows that the countries in Central Europe and the Balkans were the quickest in setting up their legislative counter-trafficking framework. Among the 18 countries with proper legislation in place in 2003, 6 were in Western Europe, while 12 were in Central Europe and the Balkans. The gap was quickly closed, however, as after just five years; most of the countries had adopted proper legislation to combat trafficking in persons. In Western and Central Europe, eight countries recorded more than 50 convictions in at least one year during the 2010-2012 period. On an average, 30 per cent of trafficking in persons suspects in Western and Central Europe received a conviction in the first instance. About half of those prosecuted got a first instance conviction.

Similar to Western and Central Europe, all countries in *Eastern Europe and Central Asia* have legislation in line with the UN Trafficking in Persons Protocol today. Like the Western and Central Europe, all the countries in this sub-region introduced legislation in the year that complies with the said Protocol. It is reported that the number of persons convicted per 100,000 population in Europe and Central Asia is high in comparison to the rest of the world, and the average rates in Eastern Europe are somewhat higher than in Western Europe. However, the highest rates of convictions per population in Europe, and in the world, are registered in the Balkans, with a peak of 2 convictions per 100,000 population (United Nations Office on Drugs and Crime 2014).

### **(b) Issue of trafficking in persons in Americas**

Americas here is described as the region that consist of the subregions such as, North and Central America, the Caribbean, and South America. These subregions display many similar traits in terms of the profile of the traffickers as well as the profile of the victims albeit it shows a different picture in terms of flow i.e. destination or origin of the trafficking in persons.

#### ***Profile of the offenders***

As in other parts of the world, most of the offenders in the Americas are people convicted of trafficking in persons in their own country of citizenship that account for about 80 per cent of the total number of convicted offenders. Report reveals that about 17 per cent of the offenders are citizens of other countries, whereas about three per cent are traffickers from countries in other regions. Some of the traffickers in this group are citizens of typical destination countries for South American victims. The report reveals that most foreign traffickers are convicted in destination countries. It is also reveals that the participation of foreign traffickers in countries of origin in this region seems to be higher than in most other parts of the world. As it happens in other parts of the

regions, similar case occurs in America too, in terms of female offenders. Female traffickers in this region appear to be relatively high that accounts about 40 per cent of the total prosecutions as well as convictions. These shares are similar in both subregions, even if somewhat higher in South America. A closer look reveals that Central American countries record higher shares of female involvement in the trafficking process while Canada recorded the lowest.

### *Profile of the victims*

So far adult victims make up of 70 per cent of the trafficking victims while child victims make up the remaining 30 per cent. Some differences are found out in terms of the profiles of detected victims between the subregions of America. It is found out that in North America and in the Southern Cone of South America, adult trafficking accounts for a larger share of victims than the regional average. While in the Central America and in the northern part of South America child trafficking is found to be relatively high. The report of UNODC 2014 shows that most of the detected child victims are girls. It says that out of every three children detected as victims, two are girls and one is a boy. This applies to the whole of the American region. Adult female victims are still higher as compared to the adults male in this region. Adult women account for about half of all detected victims in this region.

### *Response to trafficking in persons*

As far as the legislation in this region is concern, which complies with the UN Protocol, most of the countries have specific legislation today. All North and Central American countries have a specific offence in line with the UN Trafficking in Persons Protocol. Among those considered, one country in the Caribbean lacks a specific offence on trafficking in persons, while four countries in South America and the Caribbean criminalize only some aspects of trafficking in persons. Most of the countries in this part of the world did not include trafficking in persons in their criminal code before the entry into force of the Trafficking in Persons Protocol in 2003. In fact, only three countries had a specific offence in line with international standards at that time, while five had partial legislation. A few years later, the situation improved. In 2008, almost half of the countries in the Western Hemisphere had legislation on trafficking in persons in compliance with the international standards. Nowadays, the situation has further improved as a vast majority of the countries have full-fledged legislation. The criminal justice response in the Western Hemisphere shows that among the countries considered; only the United States of America and Peru reported more than 50 convictions for trafficking in persons per year. Some countries in Central America and in the Caribbean did not report a single conviction, while the rest of the countries registered below or around 10 convictions per year.

### **(c) Issue of trafficking in persons in Asia and Pacific**

Asia and Pacific region is reported to be the main origin for trafficking in persons. For South Asia, human trafficking discourses have been mostly dominated by two approaches: prostitution/sex work approach and migration approach. Illegal migration or prostitution still dominates the discourse of trafficking in these countries, which prioritizes state security over human security and does not adequately address the root causes of trafficking and the insecurity of trafficked individuals.

According to the United Nations Office on Drug and Crime (UNODC)<sup>11</sup>, 150,000 people are trafficked within South Asia annually making the region second only to South East Asia in terms of the prevalence of human trafficking. In fact, UNODC ranks Bangladesh, India, Nepal and Pakistan as countries of high origin. Further, India and Pakistan are also ranked as high destination countries. It is particularly considered that India has become the world's largest labour trafficking country with hundreds of thousands of sex trafficking victims. In addition, this includes millions of bonded labourers including forced child labourers. As such, India happens to be one of the sources, destinations and transits countries for human trafficking specially issues relating to commercial sexual exploitation and force labour.

### ***Profile of the offenders***

As per the report, 97 per cent of the offenders convicted falls under the local citizen of this region (UNODC 2014). It is also reported that about 3 per cent of the offenders convicted in this region are foreigners, and almost all of them come from the same subregion. This can be explained by the fact that most of the trafficking bound for this region originates from the same area. Although Europe and Central Asia, North Africa and the Middle East, or the Americas are the significant destination for the Asian victims, very few people from these regions are detected as offenders. This suggests that trafficking flows are either manoeuvred in the origin countries, or trafficking networks operating in the destination countries recruit local traffickers to 'collect' victims from their origins.

Regarding the gender profiles of offenders, it seems that women and men are prosecuted in relatively equal proportions, depending somewhat on the country concerned. Limited data on the profile of the persons convicted does not permit a comprehensive analysis on the gender distribution of the offenders. Due to lack of comprehensive information on the gender profile of offenders, there is hardly any information from prosecutions or convictions, although information on women involvement in trafficking in person is an open secret. It is reported that more than 40 per cent of the persons investigated for trafficking in persons in India were females.

### ***Profile of the victims***

It is reported that vast majority of the victims detected in Asia are females, either adults or underage girls (UNODC 2014). Male victims are also found in this region although it appears to be comparatively low against the global average. Report shows that it accounts for about 17 per cent of the total number of victims detected. Child victim are apparently high in this region. In terms of child trafficking, South Asia become second only to the share data recorded in Sub-Saharan Africa (UNODC 2014). It is reported that Bangladesh recorded a high level of child trafficking, while in Nepal, women remain the most frequently reported victims of trafficking. However, lack of information and reliable data is the setback in give a comprehensive picture of child trafficking.

### ***Response to trafficking in persons***

It has found out that most of the countries in this region have legislation that criminalizes all aspects listed in the Trafficking in Persons Protocol. Only a few countries still have partial legislation. Large populations in these countries are an element of concern, as discussed in the global overview. Before

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<sup>11</sup> United Nations Office on Drugs and Crime. (2014). *Global Report on Trafficking in Persons 2014*. New York: United Nations.

December 2003, just four countries had a specific offence on trafficking in persons in line with international standards. Half of the countries did not criminalize this crime as such, and 40 per cent had partial legislation that mainly focused on trafficking of women or trafficking for sexual exploitation. Thus, trafficking for forced labour or trafficking in men was not yet considered as crimes in several countries. So far, some countries from South East Asia as well as from Pacific has come up with some comprehensive legislation while many of the South Asian and East Asian countries still lack proper legislation that complies with the international standard. No doubt, the number of convictions in this part of the world is reported to be higher than other regions, but certain factors should be taken into consideration while considering this matter, such as, large populations, partial legislation and the unavailability of reliable data.

### **Conclusion**

Judging by news headlines, human trafficking is a recent phenomenon. In fact, the coerced movement of people across borders is as old as the laws of supply and demand. What is new is the volume of the traffic-and the realization that we have done little to stem the tide. We must look beyond our raw emotions if we are ever to stop those who trade in human lives.



## CHAPTER II

### CHILD TRAFFICKING AND NORTHEAST INDIA

#### **Introduction**

India has been a source, destination and transit country for human trafficking. The Union Home Minister Shri Rajnath Singh, while inaugurating the National Conference on Anti Human Trafficking 2015, has stated that Human Trafficking is a very sensitive and serious issue and termed it as a borderless organised crime. He cited the that more than 1.5 lakh people (as per UN Office on Drugs and Crime) were reported as victims in a single year in South Asia<sup>12</sup>. It is reported that India is the main recipient of an estimated 150,000 women and girls trafficked into India from South Asia to feed the commercial sex industry. In addition, India is also reported to be the source and transit country for the sex trafficking of women and children from and for the Middle East. On the other hand, more than two million women and children are trapped in commercial sex work in the red-light districts of India. The Indian government estimates that the vast majority of the 500,000 children in the sex industry are girls. A little over 50% of the total commercial sex workers in India are from Nepal and Bangladesh (Shamim cited in Sarkar 2014). The prevalence of girl sex workers from Nepal and Bangladesh can be attributed to prevailing abject poverty and ignorance in both these countries compared with India. However, because of the nature of this crime, it is hard to track, therefore making it impossible to have exact figures regarding the crime.<sup>13</sup> However, some reports reveals that 90% of trafficking occurs domestically (intra-state or inter-state), and 10% occurs across national borders. The country serves as a destination for persons trafficked from neighbouring countries such as Nepal and Bangladesh, and as a transit country for individuals being trafficked to the Middle East and other parts of the world. In addition, India is a source country for individuals trafficked to Europe, the Middle East and North America.<sup>14</sup>

According to India's National Crime Records Bureau, a total of 5,466 incidents of crime under various provisions of laws relating to human trafficking were reported in the country during the year 2014 and 3,940 in the year 2013. The crimes relating to human trafficking have increased from 0.3 percent in 2013 to 0.4 percent during the year 2014. The incidents of human trafficking have found a rising trend during the period from 2009 – 2014. The crime under human trafficking during the year 2014 has increased by 59.7% over 2010. There has been an increasing trend of children being trafficked from the states of Jharkhand, Chhattisgarh, Odisha, Assam, Manipur, West Bengal and Madhya Pradesh for the purpose of domestic labour. The trafficking of children is being undertaken by illegal placement agencies. Many of these placement agencies are operating from Delhi and the National Capital Region. These placement agencies are earning huge profits by bringing in children from these states (UNODC, cited in Sarkar 2014).

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<sup>12</sup> Press Information Bureau, Ministry of Home Affairs ( 2015), Shri Rajnath Singh inaugurates National Conference on Anti Human Trafficking, 07-October

<sup>13</sup> See, Paresh. (2015). *A Regional Consultation on Child Trafficking from and into 8 North Eastern States of India 2014-15*. National Commission for Protection of Child Rights (NCPCR), Government of India, North East Cell. New Delhi

<sup>14</sup> Hannah. G. et al. *India's Human Trafficking Laws and Policies and the UN Trafficking Protocol: Achieving Clarity* . Kolkata: Jindal Global Law School.

It is a matter of contentment that after a long delay India has finally ratified the UN protocol on human trafficking on 5 May 2011, along with conventions against internationally organised crime and corruption. In fact, ratification of this convention means that it is now binding on India to develop a law that conforms to the international convention and its provisions. Nevertheless, traffickers of forced labour now come within the purview of the law in the country. Thus, the criminal gangs involved in large-scale kidnappings, abductions and forced labour of children go scot-free as the laws in the country are more biased towards prosecuting the employers or pimps in the case of prostitution. The concern is that India lacked a comprehensive definition of human trafficking to provide a common platform for the different Indian states to use in legislation and enforcement (Sarkar 2014). On the other hand, trafficking has not been regarded as an organised crime in India. Thus provisions relevant to such crime are not utilised in enforcement. Also, legislation and enforcement have often failed to distinguish between the traffickers and the victims, so survivors are often punished rather than perpetrators. As such, a massive decline of the (trafficking) crime shown at official reports can be seriously contentious because it is very difficult to judge or estimate the scale of the phenomenon; and collecting reliable information is one of the toughest exercises due to the clandestine nature of the operation.

Table No International Conventions related to Human Trafficking<sup>15</sup>

Sl No	Name of the Convention	Status for India
1	UN Convention on the Rights of the Child	Ratified on 11 December, 1992
2	Optional Protocol to CRC on Safe of Children, Child Prostitutions, Child Pornography	Signed on 15 November, 2004
3	Optional Protocol to CRC on involvement of Children in Armed Conflict	Signed on 15 November, 2004
4	Protocol to prevent, suppress and Punish Trafficking in Persons especially Women and Children	Ratified on 05 May, 2011
5	Convention on the Elimination of All Forms of Discrimination Against Women ( CEDAW)	Ratified on 09 July, 1993
6	SAARC Convention on Prevention and Combating Trafficking in women and Children for Prostitution 2002 and SAARC Convention on Regional Arrangements for Promotion of Child Welfare in South Asia	Signed on 05 January, 2002
7	Covenant on Economic, Social and Cultural Rights	Ratified on 10 July 1979
8	Covenant on Civil and Political Rights	Ratified on 10 July 1979
9	Convention on Elimination of Racial Discrimination	Ratified on 04 January, 1969
10	Convention Against Torture	Signed on 04 October, 1997
11	ILO Convention No 105 Abolition of Forced Labour, 1957	Ratified on 18 May, 2000

<sup>15</sup> National Commission for Protection of Child Rights (No Date), *Concept Note: A Regional Consultation on Child Trafficking from and into 8 North Eastern States of India 2014-15*,

## Human trafficking in Northeast India

The National Commission for Protection of Child Rights (NCPCR) reported that the states of Manipur, Assam, Meghalaya and Nagaland and Arunachal Pradesh were the 'source' states in the North East from where children as young as five year olds were trafficked in the name of free education. Trafficking in person report 2010, published by the United State, department of state carried the evidence of NGO report on duping of girls from North East India with promise to provide job and then forcing them into prostitution as well as forced marriage. It is also reported that brides are also in high demand in the state of Haryana and other Northern states of India due to the low sex ratio caused by sex selective abortion. Assam stand top among the North Eastern States registering a total of 149 cases of human trafficking while, Manipur is second with 22 cases of human trafficking. Mizoram, Sikkim and Tripura have not reported a single incident of human trafficking according to the National Crime Record Bureau report 2013. But the report is being questioned by many as it fails to reflect the ground reality. For instance, trafficking cases of Assam have jumped from 407 recorded in 2014 to 1,494 cases in 2015. It also link to the increasing demand in the cities for all forms and purposes of trafficking. Major cities like Delhi, Mumbai, Bangalore and Chennai are both consuming areas as well as transit grounds, as children are sent to Arab countries through these cities. Delhi and Mumbai, of course, are the main transit grounds for International trafficking. Tripura has emerged as a safe passage for those who are involved in child trafficking business from Bangladesh to West Asia, especially Dubai.

Many cases of child trafficking are recently begun to report in local dailies of the North Eastern States of India. It is reported in one of the local dailies in Imphal that altogether 76 children hailing from Manipur and Assam were rescued by the Child Welfare Committee in the state of Tamil Nadu. These children were trafficked/kept at an unrecognized children home in Magappair, Tamil Nadu. The National Commission for Protection of Child Rights acknowledged the case and recommended to provide proper residential educational rehabilitation of children from vulnerable families in the source area and to introduce effective monitoring mechanism at the block, sub- district, state and central level. It has also been reported in 'the Hindu' (newspaper) that the Guwahati Child-line discovered that all the 24 trafficked minor boys were from the North Cachar Hills District of Assam. Goa police rescued 11 girls, out of which 6 girls were from Nagaland while the rest from Mizoram from a beauty parlour in Oct. 2010. The girls who were above 18 years of age, alleged that the owner tried to force them into the flesh trade.

The state of Meghalaya, albeit not grave as in the state of Assam or Manipur, began to be affected by this heinous trafficking crime.<sup>16</sup> In the state of Nagaland, it has reported that 29 (twenty nine) children who are from Peren district were rescued from a Home in Andhra Pradesh in the year 2009. These children had been through various physical, social, emotional and mental traumas, and were rescued and repatriated to Nagaland. In another case, in 2011, 6 Naga children from Peren district were also rescued from Hope Home, Kolkata, West Bengal. Of these children, one girl child was only 2 years old. Her mother had given her up, as her mother could not afford to look after her. SCPS Nagaland coordinated with Childline Kolkata to rescue those children. The officials of SCPS and the State Juvenile Police units went and rescued the children and repatriated them back to their families. The DCPO, Peren along with the counselors and legal officers are in constant touch with these families and children. Smt. Imti also informed that the SCPS is in process of providing

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<sup>16</sup> For details, see Bhattacharjee, S. (2016, April 16). *Why is Meghalaya Vulnerable towards Crime of Human Trafficking?*. Retrieved January 8, 2017 from nLive: <http://www.nlive.in/meghalaya/opinion/whymeghalayavulnerabletowardscrimehuman-trafficking0>

sponsorships and foster care to some of these children. SCPS is also trying to initiate legal adoption so that these children can be placed in a safe home. In the most recent case, as reported in the local media, involving trafficking of children from Nagaland, the Rajasthan Police rescued 49 children (which included 27 girls from the northeast, aged between 4 and 14) from an illegal orphanage in Jaipur, Rajasthan. The children were kept/confined in shelter homes, which were not registered under government agencies. A man claiming to be a pastor was arrested by police regarding this matter. Police have detained a man identified as Jacob John, who claims to be a pastor, the officer added. According to John, the children are from poor families across the country, particularly from Punjab, Assam, Manipur, Nagaland and Chhattisgarh.<sup>17</sup>

The 'destination' states of these children were Tamil Nadu, Karnataka, Andhra Pradesh and Kerala. Poor parents were being lured by traffickers with high expectation of quality education for their children. In addition lack of basic infrastructure such as road connectivity, power, hospitals, etc. and insurgency in their local areas led parents to send their children out. More important was the role of middlemen who found it a lucrative business scouting for children from North East to the orphanages in Southern States. Most such orphanages/homes raised donations against the photographs of children sent to donors. There is no regulation on the activities of the middlemen who arrange and transport children from the North Eastern States on the pretext of free education. There is also little or no check on the illegal/unregistered Children's Homes being run in the Southern Indian States. A lack of regular inspection and surveillance by the Social Welfare/Social Defence authorities, Anti-Human Trafficking Units and local police in the districts/States where these children end up also contribute to the flourishing of these illegal activities. Most such children are placed in orphanages or Children's Homes that have no registration/recognition from the Government under the Orphanages and other Charitable Homes (Control and Supervision) Act, 1960, or the Juvenile Justice (Care and Protection of Children) Act, 2000. They are placed in crowded buildings, lacking in sanitation facilities, proper food, health care or education. Children are made to cook their food, clean the premises and even subject to abuse. They do not have any contact with their families for over two years or more and soon lose all connection and touch with their mother tongue, culture, community and belonging.

### **Situation of Trafficking in Manipur**

Human trafficking/child trafficking in Manipur is largely related to protracted armed conflict situation in the state<sup>18</sup>, ethnic conflict, unregulated migration, using of children as inmates in unrecognized children homes, lack of awareness, lack of communication compounded by poor road connectivity, insurgency, recruitment of children as soldiers in some of the non-state organization, unequal economic opportunities, opening of the Trans-Asian Highway, prolonged imposition of Armed Forces Special Powers Act, lack of prosecution and conviction of culprits, failure of state mechanism, among others.

Accordingly, we can observe that poor socio-economic condition, bad governance compounded by protracted political armed conflict situation plays a significant role of child (human) trafficking in Manipur. On the other hand, as provided in the reports of the Government official as well as sources from the local/national media shows that new patterns are also observed in this business (i.e. human trafficking). Either shifting of traditional destination (usually South Indian states) or change of

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<sup>17</sup> Nagaland State Social Welfare Board . (2013). *Consultative Meeting on Combating Human Trafficking in Nagaland* . Kohima: The Nagaland State Social Welfare Board.

<sup>18</sup> Also see, Ghosh, A. K. (n.d.). *Child Rights to Protection in Manipur Context*. Retrieved October 10, 2016 from CRY - Child Rights and You.

method to lure victims are the common recent trends and patterns for this clandestine business. For instances, earlier, children from Manipur are trafficked in the name of free education, free accommodation and job placement in other Indian states, particularly in the South Indian states. Young girls were also recruited under the pretext of providing training and lucrative job placement in aviation sector, service sector including, beauty parlour, spa industry, domestic help, etc. However, most of these girls are forced to work as sex workers in other Indian states. Today, Manipur has also become a transit route for human trafficking. Traffickers began to recruit young girls from Manipur to be trafficked to Southeast Asian countries particularly to Malaysia, Singapore, etc. Young girls are particularly trapped in a false promise of lucrative job in service sector including tourism industry (Niumai, 2016).

Department of Social Welfare, Government of Manipur has rescued and repatriated 379 children and young women from major cities of India, such as Chennai, Bangalore, Delhi and Mumbai during the year 2008 to 2012. They have also been rehabilitated and reintegrated in the society by sending those rescued children to schools and by providing vocational training in the trade of tailoring and embroidery at the Government Vocational Training Centre at Takyel, Imphal. The year 2008 (October) was a landmark in Manipur while reporting the issues of human trafficking particularly children with the return of 04 girls from Tamenglong District, Manipur and one from Assam, after being trafficked to Singapore and Malaysia for the purpose of sexual exploitation. These girls were recruited by a fake agency through its local based agents by promising jobs in Singapore. It was reported that the traffickers control the victims through a variety of coercive means. In addition to sexual abuse, the traffickers keep their passports, leaving them with few options if they do manage to escape.

Manipur, over the last few years is increasingly known as a source as well as a destination point for trafficking of women and children. It is a deeply entrenched and a growing phenomenon in the conflict prone areas primarily in rural neighbourhood especially the hill districts of Tamenglong, Ukhurul, Chandel, Churachandpur and Senapati. Many of these rescued victims are as young as seven years who left home when they were 3-4 years. The figures are not inclusive of all those who were rescued in the transportation process. Exact data of such cases of rescue and repatriation are yet to be disclosed however, several activist and news report have consolidated to approximately 300 children victims during the year 2007 to 2010. The highest number of child-trafficking cases in Manipur was recorded in 2010 with as many as 139 children from the state found trafficked to other states in the name of giving free education and jobs. There were cases of 97 trafficked children in 2009, 22 children in 2008 and only five children in 2007. In the month of January, 2010, 54 boys from Tousem sub-division in Tamenglong district were found trafficked to Tamil Nadu and later rescued by the volunteers of Child Welfare Committee (CWC), Tirunelveli from a children home run by one Roman Catholic Missionary, Immanuel Christopher. The boys were admitted to the children home through one local agent, N. Paul from Tamenglong who had taken rupees 6000 to rupees 7000 from each child with the false promise of giving free education. The boys were kept in miserable conditions with no proper food and education at the children home. It was also reported that the warden of the home also harassed them both mentally and physically. The culprit Immanuel has been jailed but the local agent Paul is still absconding. Another 17 children including eight boys and nine girls from the district of Bishnupur were rescued from Ritz Children Home, Chennai in January. The children were reportedly trafficked to Chennai through local agents, after taking 10,000 rupees from each child. The girls were sexually harassed at the children home. There was also another case in January, last year in which a 17-year old girl was reportedly trafficked to Tamil Nadu by four women in the name of giving vocational education. Later, the girl was rescued and the culprits were detained under National Security Act (NSA).

In the month of February 2010, three children including two boys and one girl were trafficked to Chennai and later a combined team of CWC Chennai and CWC Bishnupur rescued the children from Ritz Children Home, Chennai. The trafficked children were found in a deplorable condition with clear signs of torture and harassment. The local agent in this case was Miss D from Chandel district. In the month of April 2010, 27 children including 18 girls and nine boys from Imphal East, Imphal West and Bishnupur were reportedly trafficked to Tamil Nadu by one Henry Ostrin and later rescued by the officials of Social Welfare Department and Child Line Imphal. In the same month, one girl was reportedly trafficked to Chennai as domestic helper by one Angoubi from Lamsang. In the month of May 2010, three boys from Sekta and Keinou were intercepted by CWC Imphal East and Bishnupur at Imphal Tulihal Airport while they were being trafficked to Guwahati by two women in the name of offering job. In the month of June 2010, 12 children including nine boys and three girls were trafficked to Tamil Nadu. In the month of July 2010, 12 children from Bishnupur were trafficked to Chennai by one Herojit from Ithing. Another one girl from Bishnupur was trafficked to Kolkatta as domestic worker. In the month of August 2010, four boys from Tamenglong, Imphal East and Imphal West districts were trafficked to Haryana through one Kalyan Ashram, Manipur. In the month of September 2010, three children including two girls and one boy from Churachandpur were trafficked to New Lambulane by the stepmother of the children.

Following reports of rescuing 76 children from Assam and Manipur, being rescued from "homes" run by missionaries in Tamil Nadu, the Supreme Court in the first week of April ordered a probe into a possible trafficking racket involving tribal children. On September 1st the Supreme Court passed an order that imposes a ban on sending out children below the age of 12 years or those in primary schools to other states to pursue education. The main factor behind parents sending off their ward to other state is for better education at free of cost as promised by the traffickers who are mostly missionaries. Arun Ram from Time of India reports that, "the rescue of 76 mal-nourished children, from Manipur and Assam, from a home at Kuzhithurai in Kanyakumari district this week is only the tip of a vast network, which receives crores of rupees from churches and agencies abroad by showing a large number of children under their care". The Court also directed Ministry of DoNER looking after the development affairs of the north east region to assess requirement in terms of educational infrastructure such as construction of school buildings, hostels and children's homes in consultations with the states of Assam, Nagaland, Manipur, Arunachal Pradesh and Meghalaya and submit a report to the Ministry of Human Resources Development for support<sup>19</sup>.

Concerning the grave situation of child-trafficking in the state, the coordinator of Coalition on Children Right to Protection (CCRP), A. Chinglemba stated that the state government should take up concrete measures to uplift the education system and generate more employment for the youths if the menace of human-trafficking is to be tackled. Mere vigilance of the police and other officials will not help much to counter the problem of trafficking. It is the overall development in socio-economic conditions of the people that will help to reduce the number of human-trafficking cases in the state, he noted. Chinglemba further said that poverty stricken people are often the victims of human-trafficking and so the government should take up steps to provide them good education and help to generate employment. Failure in education system and the problem of unemployment are the major factors for human-trafficking in Manipur. The magnitude of young non-Manipuri boys and girls frequently seen as child labourers in domestic, hotels, restaurants and construction sites need also to be studied extensively.

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<sup>19</sup> James Khagenbam ( 2012), Child Trafficking: Many rescued yet dozens of minor traceless since 2010 (three Parts)  
The Sngai Express (July 31, 2012, August 08, 2012 October 07, 2012)

## **Movement for Child Rights in Manipur**

The situation of child trafficking in Manipur seem to be better as the intervention of the NGOs working on the issues of Child Rights has been very effective and In order to better understand the context, this section will deal on the movement for child rights in Manipur. In this section, the movement undertaken by (i) Coalition on Children's Rights to Protection (CCRP); (ii) Manipur Alliance for Child Rights (MACR); Child Welfare Committees and (iv) FXB India Suraksa, Manipur will be discussed.

(i) The Coalition on Children's Rights to Protection (CCRP) is a nationwide right based initiative launched by the Child Rights and You (CRY). It was earlier known as the Quality Institutional Care & Alternatives for Children (QIC & AC). It envisages and ensures the rights of child, with special focus on right to protection as enshrined in the CRC of 1989. Some of the important objectives of the CCRP initiatives are:

- a) To understand and mobilize the politics of the people to ensure child rights;
- b) To advocate for realization of human rights as a whole and child rights in particular,
- c) To demand rights from the state actors and
- d) To build movement collectively through alliance.

The broad long term goals of the CCRP initiatives include prevention of child trafficking, advocacy for proper implementation of the JJ Act, 2000 and its Rules, advocacy for transparent and accountable implementation of the Integrated Child Protection Scheme (ICPS) and ensuring right of children to free and compulsory education in the state of Manipur, among others. The Manipur Mahila Kalyan Samittee acts as the state resource organization for the CCRP. The initiative was started in January, 2005 under the nomenclature of the Quality Institutional Care and Alternative for Children, which was later known as the Coalition on Children's Right to Protection (CCRP). A vibrant core group was formed on the 1st March, 2005 comprising of members from different walks of life, such as human rights activists, members of CWCs, lawyers, officials of the government departments and the members of CRY. The CCRP aims to investigate and address the issues relating to violation of child such as rights to life, education and health from larger socio economics-political and cultural perspectives. Its aim is to advocate the policy makers, the allied system and the civil society organizations for bringing a just and secured society for the children. The CCRP has been working towards strengthening of the Juvenile Justice System and advocacy of different concerned stake- holders, specially, media, police and other state machineries so as to protect child rights issues in the state. It has also been giving emphasis on collection of primary and secondary data and informations relating to violations of child rights in the state even by conducting its own fact findings of such violations of child rights. The children home is one of the important institutions which could safeguard and protect rights of those vulnerable groups of children. There are eight children homes in Manipur which have received grant-in-aid from the state government. Delayed of disbursement of such grant by the government has been one of the main stumbling blocks, specially, for maintaining and functioning of such children homes. The CCRP fact finding team visited such children homes to access the situations and conditions of those homes. The team visited the Alengtang children home of Ukhrul district on the 29th January, 2010 and they found that those children living in the home were conditionally sent back to their respective families on the 22nd December, 2009 in the name of vacation for charismas. That was mainly happened because of the required fund for management of the home was not released by the state government for more than nine months. Such similar condition has also been found in almost all the children homes in the state.

The CCPR fact finding team visited the Kanglatongbi children home situated at Senapati district on the 15th December, 2009. The said home is one of the oldest children homes in the state which was established in 1947. The team found 55 children including 10 girls living in a poorly maintain house. Those children, living in the said house, did not get even morning tea or breakfast except two meals a day. They were also employed in agricultural works so as to help themselves in meeting the required food for the home. They were living in a miserable condition which was in the need of immediate attention of the state government. The team along with media persons also went to the Liwa Chaning destitute home of Chandel district to find out the ground realities of the home on the 17th March, 2011. The home was run by the Liwa Chaning Women Society of Chandel district. The secretary of the society informed the team that the society was not in a position to run the home due to shortage of fund and further stated that the department of social welfare, government of Manipur had not released the funds in time. The team also came to realize that the home was not in a position to maintain the minimum standard for running a home since the institution had only two Kuccha houses without fencing, and it could not provide the basic utilities like power supply, toilet facilities and safe drinking water. The Child Welfare Committee of the district even shifted children of such home to other private run children homes. The CCPR team found that enforcement of the Juvenile Justice (Care and Protection of Children) Act, 2000 and its Rules were not effectively implemented by the concerned authorities, and it also found that grand-in-aid funds to be provided by the government to such children homes, were found inadequate. Most of the staffs and managers of homes were also found not aware of the basic things like the child rights, the social audit, the juvenile justice legislations and the ICPS, among others. Child trafficking is an international crime and also a form of gross violation of child rights. Manipur has been an important hotspot of child trafficking issues in the past couple of years. There were many instances of sending child in group to unauthorized children home of different states of India. As reported in print media, altogether 198 children of the state of Manipur were trafficked to other states of India during the period 2007 - 2010. It is reported by local media that out of 198 children, 57 children were from Tamenglong district, 25 Children from Senapati district, 28 children from Chandel district, 1 from Imphal district, 6 from Imphal West, 28 form Bishnupur district, 6 from Churachandpur district and 48 from unspecified areas. 54 It was reported in the local media that all 52 children, who had gone to Nagarcoil, Kanyakumari district of Tamil Nadu, Chennai for obtaining good quality and proper education, have reached their home at Tamenglong district headquarter. The narration of a 15 year old child victim was also reported as “We were made to dig the mud, carrying stones and cleaning toilets with bare hands, if we disobeyed we were beaten up and giving punishment of not giving sufficient foods and place to sleep”.

The CCRP visited Chandel district on the 16th February, 2010 and met the chairperson of the CWC, Chandel. The chairperson told the team that 25 children were trafficked from the district to other states of India during 2008 to 2010. Out of them 22 children were rescued with the intervention of the NGOs and the CWC, Chandel from an unauthorized children home run by the Life Trust located near Chennai, Tamil Nadu. The children were said to be ill treated, harassed and no proper education and adequate food were provided at the home. They were handed over to their families in 2008. Police did not take up any criminal case against the culprits involved in the said commission of the crime.

Human trafficking, particularly, child trafficking has become a common issue in Manipur. It is a heinous crime under national and international laws for which criminal proceeding must be initiated by the concerned departments, government of Manipur against those involved in child trafficking cases. However, the government departments seems to be reluctant to initiate such proceeding against the criminals involved in the cases, that is why, there are no such instances of arrest and punishment of those erring offenders. Lack of awareness, ill effects of child trafficking, displacement,



poverty and unavailability of good institutions are some of the major factors for occurrence of such cases of child trafficking in Manipur.

(ii) Manipur Alliance for Child Rights (MACR): MACR was formed on the 23rd December, 2005 by some likeminded Community Based Organizations (CBOs) and the non government organizations to create a common platform where issues relating to child rights could be highlighted. The vision of the MACR is to bring about a just society by creating a safe and supportive environment, wherein children's right to life, growth and expression are not denied. The MACR is supported by the Child rights and You (CRY) since 2006. The organisation has six specific objectives:

- a) To build up linkage or support base from people, NGOs and women groups to ensure the rights of children;
- b) To linkage with government and pressure groups;
- c) To transform the society to bring about a child friendly environment;
- d) To build up people mobilization process such as pressure groups to ensure rights of children;
- e) To seek solidarity from other peace building movement to integrate holistic child rights by promoting interdependence;
- f) To incubate and mobilize people centered advocacy process against human rights violation in order to ensure child rights.

The MACR has opened its district chapters in Imphal East, West, Thoubal, Bishnupur, Ukhrul and Chandel districts of Manipur. It organized public meetings and rallies in Imphal to protest against increase of crime against child in the state. Right to Education is one of the basic rights of a child which is recognized by both international and national laws. The MACR organized a three day state level discussion on educational status in Manipur at Hotel Imphal on the 27th to 29th July, 2009. The three days discussion recommended to the state government to adopt a comprehensive and holistic state educational policy to meet the emerging challenges of the modern time educational needs and requirements and to cater the specific needs of the children of Manipur, affected and infected by HIV/AIDS and armed conflict and to provide the specific needs of the disabled child and to declare educational areas as free zones, exempted from bandh and blockade, among other. The MACR believes that proper and timely implementation of Right to Education Act, 2009 by the concerned authorities can bring a phenomenal change in human capital, and it can also minimize the number of school dropout children. The most volatile issues of the children of this state, such as child trafficking, child labour and child soldiering, could also be controlled to a large extent. The MACR not only carried out wide range of poster campaign on right to education for children at Imphal east, Imphal west, Thoubal, Ukhrul, Bishnupur and Chandel districts of Manipur but also organized consultative meetings, workshops and press conferences, specially, to sensitise the people about right to education for children in the state.

The MACR organized a Children Cultural Meet at Manipur Dramatic Hall (MDU), Imphal on the 25th July, 2010 to provide a space for children to enable them to express their understanding and feelings and to release their traumatic experiences in a constructive way. The children of this conflict ridden state have been found encountering constant fear psychosis trauma that have often led to mental depression. The MACR also visited to six districts of Manipur to access the ground realities of the prevailing situations of children in the remote areas, and they also held meetings, workshops trainings at district levels with the aim to make aware of the common people about child rights. Many perspective building workshops were held at Ukhrul, Chandel, Bishnupur, Imphal West and Thoubal districts of Manipur in 2009. Such workshops, conducted in different parts of the state, gave emphasis on issues like armed conflict, ethnic conflict, HIV/AIDS, education, child trafficking and child labour, among others. The activities of MACR have been focusing on pertinent issues relating

to protection of right to life and right to education of children in both valley and hill areas of Manipur.

The MACR submitted a memorandum to the NCPCR team headed by Mrs. Dipa Dixit, member of the NCPCR who had visited Manipur on the 24th May, 2011. The memorandum urged upon the NCPCR to recommend the state government in order to expedite the process for setting up a state commission for protection of child rights and to enact an effective legislation to combat human and child trafficking. The memorandum further urged to strengthen criminal justice system and to probe the child trafficking cases effectively by prosecuting the culprits and to adopt a comprehensive state policy for prevention, rescue and rehabilitation planning for child trafficking in the state. The MACR in association with the CRY organized a state level consultation programme on children's right to protection in Imphal on the 7th April, 2012. It recommended to the state government to strengthen the statutory institutions established under the Juvenile Justice (Care and Protection), 2000.

(iii) Child Welfare Committee (CWC): The government of Manipur has established the Child Welfare Committees (CWC) for every district of the state in the year 2007 in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. However, even though the members of various CWC's in the state of Manipur keen to work for children they are not in a position to function properly because of various factors such as untimely release of fund, lack of necessary support staffs and having no permanent office of CWC's lack of Shelter/Children Homes for both boys and girls of all categories including Special Needs Children like HIV/AIDS infected and affected, POCSO victims, mentally retarded, mentally ill, physically challenged, similar and separate special needs institutions for 0-6 years age group. Despite having such limitations, CWC's in Manipur has played a proactive role in rescuing victim of child trafficking from various parts of the country in coordination with the social welfare department, Government of India and CWC's of concerned state from where children of Manipur state has been rescued. The Government of Manipur has, with a view to combat human trafficking, established Anti Human Trafficking Unit in four Districts. The government has also set up Juvenile Police Unit as per the provision of Juvenile Justice (Care and Protection of Children) Act, 2015 which shall be instrumental in combating and preventing child trafficking in the country. However, people are not well aware of having such unit in the police stations.

(iv): FXB India Suraksa, Manipur has recently started a project for combating child trafficking in Manipur. The project has formally been launched in the 2015 in Ukhrul district of Manipur. The organisation has started organising training programmes in Imphal West and Ukhrul districts for stakeholders of various government departments particularly the functionary of social welfare department, members of CWCs, JJBs and media persons relating to laws dealing with child trafficking, causes and consequences of child trafficking.

## **Conclusion**

The existing trend of large number of children being trafficked towards these cities, inspite of the interventions by the NGOs and Government bodies has caught the attention of the Apex Court in India in the form of a PIL. As a result, the state, besides Assam being the respondents, have been directed by the Hon'ble Supreme Court of India vide its order dated 1.09.2010 in the matter of Exploitation of Children in Orphanages in the state of Tamil Nadu vs. UOI and Others concerning large scale transportation of children from one state to another to *ensure that no child below the age of 12 years or those at primary school level are sent outside for pursuing education to other states until further orders.*

The situation is now alarming as the government intervention is also weakening mainly because of lack of seriously by the government. As discuss earlier, they members have not been paid for the more than a year. At the sometime, the activities of the NGOs have also weakened because of the lack of funding. Thus it has become a fertile ground for trafficking. Moreover, James Khagenbam<sup>20</sup> (2012) observed that the grass root level awareness like imparting basic knowledge on trafficking to ignorant citizens in the far flung areas was missing like 'the trafficked kids. The main area of prevention was void in the programmes. The awareness level is not up to the mark in this area. The tributaries of flowing knowledge on trafficking have not reached the high hills and the plain ends. Knowledge on hazards of trafficking to curb it from a vulnerable state like Manipur should be imparted at the nearest time. Else the count by the profiting criminals as to how many child births took place in the State will go on.

## Bibliography

- Bhattacharjee, S. (2016, April 16). *Why is Meghalaya Vulnerable towards Crime of Human Trafficking?* . Retrieved January 8, 2017, from neLive: <http://www.nelive.in/meghalaya/opinion/why-meghalayavulnerabletowardscrimehumantrafficking0>
- Gabhan, S. N. (2006). Human Trafficking: A Twenty-First Century Slavery . *The Furrow* , 57 (10), 528-537.
- Ghosh, A. K. (n.d.). *Child Rights to Protection in Manipur Context*. Retrieved October 10, 2016, from CRY - Child Rights and You.
- Ghosh, Biswajit. "Trafficking in women and children in India: nature, dimensions and strategies for prevention." *The International Journal of Human Rights* (Routledge) 13, no. 5 (December 2009): 716–738.
- Kamier, T. L. (2015). *Indigenous Women and Human Trafficking in the Mekong Region: Policy Overview and Community Response*. Chiang Mai: Asia Indigenous Peoples Pact (AIPP).
- Kapur, Kirti Singh & Diviya. "Law, Violence, and the Girl Child ." *Health and Human Rights* 5, no. 2 (2001): 8-29.
- Khan, I. (n.d.). *Child Trafficking in India: A Concern* . Retrieved November 17, 2016
- Kumar, A. (2015). *Status of Child Trafficking and Laws related to it*. National Law University and Judicial Academy, Assam. Guwahati: NCPCR.
- Manipur Women Gun Survivors Network. (2016). *NE RECORDS HIGHEST EVER 1,539 TRAFFICKING CASES IN 2015*. New Delhi: Manipur Women Gun Survivors Network.
- Paresh. (2015). *A Regional Consultation on Child Trafficking from and into 8 North Eastern States of India 2014-15*. National Commission for Protection of Child Rights, Government of India, North East Cell. New Delhi: NCPCR.
- Niumai, A. (2016). Unspoken Voices of Trafficked Women and Children in Manipur. *Economic & Political Weekly* , LI (44&45), 69-76.
- Sarkar, Siddhartha. "Rethinking Human Trafficking in India: Nature, Extent and Identification of Survivors." *The Round Table* (Routledge) 103, no. 5 (2014): 483–495 .
- Uddin, M. Bashir. "Human Trafficking in South Asia: Issues of Corruption and Human Security." *International Journal of Social Work and Human Services Practice* 2, no. 1 (Feb 2014): 18-27.

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<sup>20</sup> James Khagenbam ( 2012), Child Trafficking: Many rescued yet dozens of minor traceless since 2010 (three Parts)  
The Sngai Express (July 31, 2012, August 08, 2012 October 07, 2012)

## CHAPTER - III

### STATE OF CHILD TRAFFICKING IN MANIPUR

#### Methodology of the Study

The study aims to identify the root causes and modus operandi of Child trafficking. It also aims to find out the status of child trafficking in Manipur and the initiatives taken by the state agencies. The need of the study arises is because of the fact that Manipur in particular and North East India in general is also one of the source, transit and destination for women and child trafficking, especially for sexual exploitation, prostitution and child labour. The region has been a fertile ground for human for various reasons such as armed conflict, ethnic tension, lack of development and job opportunity and illiteracy. The issue of trafficking seems to be increasing despite the intervention by the government by way of constituting (i) State Level Committee to Combat Human Trafficking chaired by the Chief Secretary, Government of Manipur; (ii) Anti Human Trafficking Units in all the districts by the state Home Department (under the guidelines of the Ministry Home Affairs, Government of India (GoI)); (iii) Anti-Trafficking Squads at the State and District level by the Department of Social Welfare, Government of Manipur and (iv) Grant-in-Aid given to NGOs for prevention, rescue and rehabilitation of trafficking victims. For instance, MHA Anti Human Trafficking, UNODC Country Assessment report on Anti Human Trafficking, 2013 and other available source on Child Trafficking examined by NCPCR (2015) revealed that North East India has emerged as a high source of area for trafficking of women and children. However, there are very limited studies in trying to understand the issue through a multidisciplinary approach in Manipur except few seminars/conferences/workshops by concerned government agencies and NGOs involved in this issue. It is in this regards, the study was undertaken to analyse and examine the data compiled by the department of Social Welfare, Government of Manipur. The study will help to anticipate ways and means to effectively combat child trafficking and in Manipur. In order to respond to the objectives, the study followed the combined methodological approach of quantitative supplemented by qualitative methodology. It was an exploratory research design.

The data for the study was mainly based on the official compilation of the Department of Social Welfare, Government of Manipur. There are two sets of data or rather two ways of documenting the data of child trafficking in Manipur. The first data set is a compilation of the period from 2008 to 2013 (August) with 486 reported child of trafficking from 39 cases. The second data set is the compilation of the period from 2013 (23 November) – 2016 (26 June) with 80 reported of child trafficking from 5 cases. Since the pattern of documentation was different, the two data sets could not be developed as one single data set for the study. So, for the purpose of the study, the first data set was used as it has the scope to examine the cases than the second data set. Besides, the number of cases in the second data set was very less as compared to the first data set. This does not mean that the first data set is perfect for the study. It has a number of limitations particularly in developing individual profiles of the traffic victims and other socio economic parameters. The major limitation of the study which we feel is the inability to visit the victims and their families to fill the gap in the documentation developed by the department. We did try to visit the victims and their family members but we came to know that the follow up by the department particularly the concerned CWC was very weak as the CWCs (past and present) were functioning with the limited basic office infrastructure. Thus, we drop the plan as it will be a difficult task to locate the victims and at the same time, we are not sure of the feasibility of interviewing them. So, we mostly concentrated on the government compiled data supplemented by the qualitative interviews. Thus the findings were presented in simple frequency tables as there is limited scope for statistical analysis. However, the study incorporates the data from the second data set, whenever it gets the opportunity. The table and figures which are developed by combining the two data sets were specifically marked 2008-2016

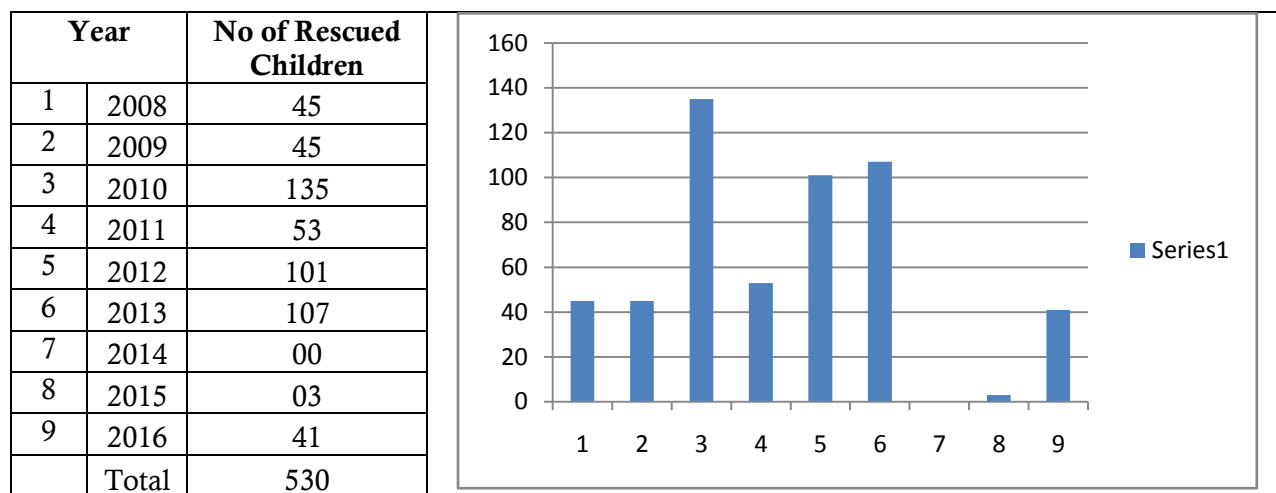
along with the name of the tables and figures. Besides, a note is also given to understand the table and figure easily.

In order to supplement the data, Interviews with open-ended questions was conducted with various stakeholders such as victim families, Child rights based NGOs; child rights activist, civil society activist, government official dealing with the issues of child, police officials, member of CWCs, JJBs and MCPCR etc. The stakeholders were indentified through purposive and snowballing sampling method. The method of saturation point will be used to discontinue the data collection process for the qualitative process.

However, may be because of the sensitivity of the issues or may be because of its possible linkage with the conflict situation, many of the stakeholders/respondents who were consented to interview or to respond the questionnaires later declined or not responded inspite of repeated reminder by our team. Since it was a time bound study, it was later decided to drop the respondents. We later realised that it was not only the sensitivity of the situation but also the lack of documentations as there is no permanent structure for CWCs and thus it was very difficult for them to respond to the questions. Besides, untimely-payment of the honorariums and other component for more than a year for the past and present chairpersons and members of CWCs and JJBs was also one of the major factors for the lack of response to the study.

### State of Child Trafficking

**Table No 4. 1: Rescued Children from Trafficking - 2008-2016 (26 June)**



Note: 00 = Data Not Available. This table and figure is compiled from two data source compiled by Department of Social Welfare, Government of Manipur

The table indicates that 135 children rescued in the year 2010 has been the highest reported case of child trafficking in Manipur. But, the cases reported from the year 2011 till 2013 is a concern and also alarming as the number of cases are all above 100 except 2011. This is alarming because the situation has to be read with the background that the state mechanism to combat trafficking has already put in place particularly by the Department of Social Welfare and Department of Home, Government of Manipur. In addition, the child welfare committees which are constituted under the JJ Act were already in operation since 2007 in all the district of Manipur.

Though, there are indications that the case of trafficking in minimizing in the year 2015, but it again shows concern as it is nearly fifty by June 2016. The sudden fall in the year 2014 and 2015 raise various questions from various quarters as how it can suddenly arrest or control the issue of trafficking. As of now, there is no convincing answer but there is a possibility that it could be a question of under reportage. The question could be because of the fact that the Department does not have a dedicated system for documentation. It seems to be responsibility of the concern officer to document the cases and also to develop the format for documentations. This can be easily verified when we examined the two sets of data which has different format of documentation. The department should discourage the practice of multiple formats and make sure that the documentation system is systematic so that every officer joining the position continues the same process.

**Table No 4.2: No of Victims of Child Trafficking**

	Sl No	Year of Child Trafficking					
		2008	2009	2010	2011	2012	2013
<b>No of Victims</b>	1	05	25	01	06	40	07
	2	18	04	19	01	21	23
	3	22	16	12	02	07	31
	4			02	19	02	10
	5			55	05	03	36
	6			10	01	04	
	7			09	08	23	
	8			27	02	01	
	9				02		
	10				01		
	11				06		
	12				00		
		<b>45</b>	<b>45</b>	<b>135</b>	<b>53</b>	<b>101</b>	<b>107</b>
		<b>Grand Total</b>		<b>486</b>	<b>Four Hundred Eighty Six</b>		

Note: 00 = Data Not Available

The table gives the description of the number of reported incident and the reported number of rescued/ trafficked children from Manipur. As indicated, there are only eight incident of trafficking in the year 2010 but it has the highest in terms of child trafficked (135). The incident as well as number of trafficked children for the year 2008 and 2009 was reported to be same. But, it is observed by child activist that the year 2008 and 2009 should not be considered a good years. It may be because of the lack of documentation either with the government or with the NGOs working on issues of trafficking. Unfortunately, there was no NGO exclusively focus on child trafficking as it was club under the issue of child rights.

In the year 2011, as compared to the subsequent years, the number of trafficked children is less (53), but, the number of incident is the highest (11). As disclosed by child activist during field work, it could be a strategy to break down on the number of incident by the traffickers, as any attempt to continue with the present process (trafficking in large number) can be easily noticeable. So, they might have concentrate on small number for trafficking. But, in the subsequent year, i.e. 2013, even

though the number of incident is less (05) then 2012 (08), the number of trafficked children is more than 2012 (101) than 2013 (107). So, considering the pattern, there is a possibility that the target for Manipur is to traffic a minimum of hundred children per year. The target seems to have achieved so far as the government intervention particularly by the Department of Home and Department of Social Welfare is not very effective. Likewise, the interventions by the NGOs are also weakening because of the lack of financial support.

**Table No 4.3: Place of Residence of the Victim**

Sl No	Place of Residence	Frequency	Percent
1	Manipur	31	79.5
2	Outside Manipur	8	20.5
	<b>Total</b>	<b>39</b>	<b>100.0</b>

The table indicates that the majority i.e. 31 (79.5 %) of the rescued victims are reported to be from Manipur, while only 08 (20.5%) are from other states of India particularly from North East India. What is important in this table is that Manipur is not only a source as assumed by many, where majority of the children are being trafficked to different cities and even to foreign countries, it is also reported to be one of the destination where children from other states are trafficked for different purposes. There are reports of illegal children home in Chandel District of Manipur similar to that the Illegal homes of Tamil Nadu, which is considered as the main destination of Manipur's trafficked children. These homes are in constant need of children to increase their capacity and thereby chances of increasing to their financial support. However, it can be noted that Illegal homes can be managed only with illegal funds, so, there may be a nexus or a cartel for illegal fund or what we call Black money.

Besides, Manipur being a source as well as a destination, it can be learnt from the report that it is also a 'transit' point where the children are trafficked to other places including foreign countries mainly in Singapore through Myanmar viz-a-viz Moreh of Manipur, which is the gateway to South East Asia. It can be noted that the route to Moreh and to Myanmar is also the Asian Highway No 1.

**Table No 4.4: District Wise (Manipur) Reported Incidence of Trafficking 2008-2016 (26 June)**

SL No	District	No of Incident	Percent
1	Imphal West	6	9.09
2	Imphal East	6	9.09
3	Thoubal	2	3.03
4	Bishnupur	8	12.12
	<b>Total</b>	<b>22</b>	<b>33.33</b>
5	Tamenglong	8	12.12
6	Ukhrul	13	19.69
7	Churachandpur	9	13.63
8	Chandel	8	12.12
9	Senapati	6	9.09
	<b>Total</b>	<b>44</b>	<b>66.66</b>

	Grand Total	66	100
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Note: Data Not available for 2014. This table and figure is compiled from two data sources compiled by Department of Social Welfare, Government of Manipur.

There are altogether 66 reported incident of child trafficking in Manipur during the period of 2008-2016 (till June 26) and in that 44 incident are reported to be from the five hill districts of Manipur whereas only 22 incident are reported from the four districts of Imphal valley.

The number of incident reported in the five hill districts is because of the fact that the main strategy to lure the family members or relatives by the agent or the person or institutions responsible to recruit the children are mostly for free education facilities and more particularly religious enrichment (read as Christianity). This is relevant as the people of the five hill districts predominantly practice Christianity. So, the entry point in the villages was through Christianity and possibly through the institution of churches which is one of the power centres of the village. This way, they easily get the required trust, confidence on the one hand and security to execute their operation as the institution of churches is deeply respectable by the followers. This may not be true in all case but it has been confirmed that the religious institutions (Christianity) directly or indirectly plays a major role in trafficking in the hill districts of Manipur. Besides, if we see from a different angle, it could also show the seed of hatred towards the major communities, by instigating that the failure of the school education system is due to the intervention of these communities. In other words, the share for their community is taken away by the major communities inhabiting in the respective district headquarters and more so in the Imphal city.

Considering the gravity of the situation, the Supreme Court of India<sup>21</sup> has ordered a probe to the suspicions growing of the involvement of missionaries in trafficking innocent tribal children, a majority of them minor girls, from the north-east to southern states. This issue has also been confirmed by President of All Manipur Christian Organization (AMCO) Rev Prim Vaiphei during a consultation meet on child trafficking for pastors, when he stated that some self-styled Church functionaries are involved in human trafficking cases<sup>22</sup>.

What is more surprising is that maximum incident (13) of trafficking amongst the hill districts of Manipur was reported from Ukhrul District, which is dominantly inhabited by Tangkhul Nagas, which is one of the most advance tribal groups in Manipur and North East India in general. The district also has the most vibrant civil societies including human rights groups and traditional institutions at all levels. Tangkhul Naga Long, the apex body of the Tangkhul Nagas is considered to be the backbone of Naga movement in Manipur and Nagaland. In addition, it is also the epicentre for the NSCN (IM) movement and also the birth place of its core functionaries including General Secretary, Th. Muivah.

In terms of literacy also, the district literacy level is very high (81.4%), second only to Churachandpur (82.8%) in terms of hill district of Manipur. It is fourth rank only to Imphal West

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<sup>21</sup> Dhananjay Mahapatra (2010), Missionaries trafficking kids from NE states?, The Times Of India Pune

<sup>22</sup> James Khangenbam (2012), Child Trafficking: Many rescued yet dozens of minor traceless since 2010 (three Parts), The Sangai Express (July 31, 2012, August 08, 2012, October 07, 2012),



(86.1%) - the capital of Manipur, Churachandpur (82.8%), and Imphal East (81.9%). The Tangkhul Nagas are the pioneer among the tribes of North East India. For instance, people of Ringui (Tongou) village, a village in Ukhrul district has formally resolved to allow the women to be elected to the village council, which has been the domain of the male so far.

The second place in terms of child trafficking, after Ukhrul district, is Churachandpur district (9), which has the highest literacy among the hill districts and second only to Imphal West in term of state level. Unlike, Ukhrul, where Tangkhul Naga dominates the district, Churachandpur is inhabited by multiple ethnicities particularly from Chin-Kuki-Mizos groups and thus multiple civil societies. It is considered to be core of the armed movement for Chin-Kuki-Mizos and on the other side; the district has produce the highest number of administrators and police officers. For instance, Manipur police department is presently dominated by Chin-Kuki-Mizos particularly from Churachandpur including the Director General of Police. It was also observed during field work that the multiplicity of ethnicity and conflict situation among ethnic groups that disturb the livelihoods could be one of the main reasons for trafficking. Besides, there are reports that the ethnic groups (which has similar ethnic background) from Myanmar particularly from Chin-Kuki-Mizos, are also migrating to Churachandpur, mostly with the sole intention of earning a livelihood and thus could be the prospective victims.

In such a scenario, to traffic either child or women will be a difficult task but, in reality children are being trafficked frequently. So, we can assumed that there is a nexus with some leaders as well as with the related institutions in the trafficking process particularly by giving a safe passage to the traffickers or in getting approval of the respective CWCs or in introducing them to the prospective villages. There is also report from the Manipur Commission for Protection of Child Rights, that some prominent civil society groups are also involved in getting the CWC approval, in the recent case of child trafficking (100 children), which was rescued from Tamil Nadu (2016).

**Table No 4.5: State (Outside Manipur) Wise Reported Incidence of Trafficking 2008-2016 (26 June)**

SL No	State	No of Incident	
1	Assam	4	Hojai, Karimganj, Nalbari & Golaghat
2	Orissa	1	Berhampur
3	Meghalaya	1	Ri-Bhoi
4	Bihar	1	Samastipur
5	Nagaland	1	Dimapur
6	Sikkim	1	No Data
	Total	9	

Note: Data Not available for 2014. This table and figure is compiled from two data source compiled by Department of Social Welfare, Government of Manipur

As discussed earlier in table no 4.3, the number of reported victims was 08, but with the addition of the second data set, it comes to 09 numbers of victims. The additional victim is reported to be from Assam. This table verifies that Manipur is not only a destination but also a transit point. We are not sure how many of the victims who are rescued in Manipur are meant for trafficking to other places. The victims are mostly from Eastern India and more particularly North East India. However, with the limitation of cases, no inferences could be drawn from table except the confirmation of being a destination and a transit and a source for trafficking.

**Table No 4.6: Place of Rescue**

SL No	Place of Rescue	Frequency	Percent
1	No Date	3	7.7
2	West Bengal	1	2.6
3	Manipur	19	48.7
4	Karnataka	3	7.7
5	Tamil Nadu	6	15.4
6	Maharashtra	1	2.6
7	Haryana	1	2.6
8	Kerela	2	5.1
9	Rajasthan	2	5.1
10	Uttar Pradesh	1	2.6
	Total	39	100.0

The table indicates that only 48.7% of the cases of rescued of children was reported from different part of Manipur but the majority of the cases (51.3%) was reported from outside the State of Manipur. And out of the 51.3 % cases reported, 28.2% of the cases are reported only in South India particularly Tamil Nadu (15.4%), Karnataka (7.7%) and Kerela (5.1%). The remaining cover the different regions of India such as Eastern (West Bengal), Western (Maharashtra), Northern (Haryana), Central (Uttar Pradesh) and North Western (Rajasthan) etc. This indicates the increasing demand for trafficked children in India. They might have rescued during their transit phase to other part of India as well. There might be a nexus of illegal children home, where they circulate the children to other illegal children homes after keeping a certain period of time to get their illegal fund or satisfy their needs.

The situation presented in the table also clearly indicates that the traffickers were successful to traffic children in spite of the several layers of stringent state actions and machinery to combat trafficking. The state machineries were supplemented time to time by the NGOs working on the issues of child rights. But the activities of NGOs were mostly of temporary in nature and could not sustain the movement.

The lack of interest and commitment by the State to combat child trafficking is the opportunity rather a springboard for the traffickers. For instance, the present state government has not been able to locate even a permanent office infrastructure since the inception of the Child Welfare Committees (CWC). The office of the CWCs of Manipur has often been shifting, whenever the new members are appointed. What is more unfortunate is that the State Government has not been able to pay the honorarium of the chairperson and its members for the last few years (this includes former members too). Besides, the non release of maintenance support such as room rent for the Office of Child Welfare Committees has compelled some of the district CWC to vacate the rented office.

Besides, the state level anti-trafficking squad formed under Department of Social Welfare to combat the human trafficking is not known to the public as about the composition of members, its activities

and the outcomes so far<sup>23</sup>. The situation of the Juvenile Police Unit is also the same. The main problem with them is that they are assigned with numerous tasks apart from their primary assignments and thus the issue of trafficking probably becomes secondary.

The logic is simple, if the State machinery is sincere and committed; then, most of the cases of rescues of trafficking should have been reported from Manipur and not the other way round.

**Table No 4.7: Destination of the trafficked children**

Sl No	Destination	Frequency	Percent
1	Manipur	7	17.9
2	Tamil Nadu	13	33.3
3	Singapore	1	2.6
4	West Bengal	1	2.6
5	Karnataka	3	7.7
6	Kerela	2	5.1
7	Rajasthan	2	5.1
8	Uttar Pradesh	2	5.1
9	Haryana	1	2.6
10	Maharashtra	1	2.6
11	Myanmar	1	2.6
12	No Data	5	12.8
	Total	39	100.0

The table indicates that South India particularly Tamil Nadu with 33.3% is shown as one of the favourite destinations for the trafficked children of Manipur. It is closely followed by Karnataka (7.7%) and Kerela (5.1%). What we need to note here is that the so called destination as reported may not necessarily be final destination. For instance, Manipur, albeit considered to be one of the destinations is also found to be a transit point, as one of the rescued victim reveals that they are planning to go further to Myanmar and finally to Singapore. This should be taken seriously as the route of trafficking to Singapore that was reported to be through Kolkata via Guwahati and Nagaland. But from the study, we have found that the route has changed recently, i.e. to reach Singapore, Manipur and Mandalay is reported to be the transit point. These reports are further strengthened by the arrest of a lady at Kakching in Thoubal District while trying to traffic three girls to Myanmar on 11 August, 2016 by the Thoubal District Police.

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<sup>23</sup>James Khangenbam (2012), Child Trafficking: Many rescued yet dozens of minor traceless since 2010 (three Parts), The Sangai Express (July 31, 2012, August 08, 2012, October 07, 2012),

**Table 4.8: Rescued from Unauthorised Children Home and No of Children Rescued**

SL No	Rescued from Unauthorised Children Home	Frequency	Percent	No of Children	Percent
1	Rescued from Tamil Nadu	6	42.9	151	54.51
2	Rescued from Rajasthan	2	14.3	30	10.83
3	Rescued from Uttar Pradesh	1	7.1	03	01.08
4	Rescued from Karnataka	3	21.4	51	18.41
5	Rescued from Kerela	1	7.1	23	08.30
6	Rescued from Maharashtra	1	7.1	19	06.85
	Total	14	100.0	277	100

It was reported during the analysis of the study that children were mostly rescued from different quarters but rescued from unauthorised children home was very prominent. Tamil Nadu tops the number with 42.9 % of the unauthorised home reported in the study, followed by Karnataka (21.4%) and Rajasthan (14.3%). In terms of number of children rescued, 151 children (54.51%) were reported only from the State of Tamil Nadu. The situation indicates that there might be a strong nexus among the traffickers based in Tamil Nadu and some trafficking agents based in Manipur. As indicated earlier, most of the traffickers mask themselves as missionaries or cover themselves as a Good Samaritan of free education that makes difficult to identify and punish the traffickers.

**Table No 4.9: Case of Unauthorised Children Home in Tamil Nadu**

SL No	Year	No of Children	Place of Residence
1	2008	22	Chandel
2	2009	16	Bishnupur
3	2010	19	Bishnupur, Imphal East and Imphal West
4	2010	12	Bishnupur
5	2010	55	Tamenglong and Chandel
6	2010	27	Imphal East and Imphal West
	Total	151	

The above table is a breakup of the unauthorised children home in Tamil Nadu where maximum cases of trafficking are reported and at the same, the maximum numbers of children are rescued so far. This table also shows the place of residence of the trafficked children and in that children were reported from six district of Manipur except Churachandpur, Senapati and Ukhrul. The year 2010 was also the year with the maximum number of child trafficking (135 children). Considering the gravity of the situation, the state witnessed a big movement for child rights. So, the case of unauthorised children home was reduced to a great extent but again it seems to be coming back with the rescued for more than 100 children in the year 2016. The children are now rescued by the State Government through the Manipur State commission for Protection of Child Rights and Child Welfare Committees.

Another interesting revelation in the table was that Ukhrul and Churachandpur did not figure in these years (see table 4.4), but in the later years Ukhrul and Churachandpur was reported to be first

and second in term of incident of trafficking in the five hill district of Manipur. This also shows that the traffickers have changed their strategy to recruit children and in the selection of districts.

**Table No 4.10: Conditionality of Trafficking**

SL No	Conditions	Frequency	Percent
1	Free School Education and Boarding	22	56.4
2	Employment	11	28.2
3	Skill Training	3	7.7
4	No data	3	7.7
	Total	39	100.0

The table indicated that the families and relatives of the trafficked children were lured, rather convinced with free school education and free boarding (56.4%) plus Employment (28.2%) and Skill Training (7.7%). This indicates that the trafficker seems to have studied and understand the traffic scenario of Manipur and more particularly at the local level from where they are planning to recruit children. This also helps them (traffickers) to understand the priority of the families and their (parent's) inability to fulfil the priority. Thus school education tops the condition for trafficking as the importance and influence of education has been an issue all over particularly in the community level institutions such as churches. At the same time, the traffickers seem to have exploited the failure of government school education in Manipur. For instance, the government run school as well as the school of autonomous district schools are mostly ineffective in providing school education. This could probably be the reason why the most literate districts, i.e. Churachandpur and Ukhrul top the list of incident in the hill district of Manipur. This has landed many of the children in unauthorised children homes and unrecognised school in different parts of India.

**Table No 4.11: Action Taken by the Government**

Sl No	Government actions	Frequency	Percent
1	Resorted and Repatriated to the respective parents	32	82.1
2	Handed over to the concerned CWC of the respective State	6	15.4
3	No Data	1	2.6
	Total	39	100.0

As reported, 82.1% of the rescued victims from Manipur are now restored and repatriated back to their families. While 15.4% of the victims particularly from outside the state of Manipur were handed to their respective Child Welfare Committee to be restore and repatriated to their respective parents and to provide the necessary facilities through their respective States. The above table shows that there is one missing data of one case, as this particular case is found to be restored and repatriated to the respective Child Welfare Committees.

**Table No 4. 12: Rehabilitation Process**

SL No	Facilities	Frequency	Percent
1	Provided Skills Development Training	4	10.3
2	Provided Shelter and Education Scholarship	2	5.1

3	Provided Education Scholarship	11	28.2
4	Provided Counselling to the children and their parents	7	17.9
5	No data	15	38.5
	Total	39	100.0

The table indicates that 33.3% (Sl No. 2 & 3) of the rehabilitation process of the government focuses on providing school education. But it is unfortunate to observe that the government are sending back the victims to the government school system of their district which they considered a failure. So, they are reinstated to “square one” situation after the whole unfortunate process of trafficking and thus the rehabilitation process became a total failure. Moreover, the government has not been able to follow up the case to examine the status of the victims and the benefits of their rehabilitation process.

**Table No 4.13: Action Taken against the Perpetrator**

SL No	Action Taken against the Perpetrator	Frequency	Percent
1	FIR filed	13	33.3
2	The accused could not identified	3	7.7
3	Destination state has already taken up action against the accused	14	35.9
4	Sent to the jail	3	7.7
5	No data	6	15.4
	Total	39	100.0

The table indicates that different action were taken by the government of Manipur, against the perpetrators of the child trafficking in the form of filling of First Information Report (FIR) with 33.3 % and by awarding jail term with 7.7%. And in terms of the traffickers who belong to other state, it was reported that 35.9% of the perpetrators were reported to have taken against them. But it is not sure what type of actions was taken against them. What we fail to indentify in this study is how many of them are out in bail and how many of the cases are not able to proceed any further. It was also revealed by the child activist during interview that, there are a number of limitations in order to take further course of action due to lack of substantial evidence.

The table also indicates that some of the perpetrators (7.7%) of the trafficking cases could not be identified. This is mainly because there are high chances that the traffickers must have successfully convince them to come on their own way without even making them to realise that they are in the process of trafficking. This motivation could not be done without the personal interaction with the traffickers, who are reported to be mostly missionaries.

## CHAPTER IV

### GOVERNMENT INTERVENTIONS AND CHILD TRAFFICKING

This chapter explains the existing provisions in India including Manipur that are related to prevention, protection and promotion of child rights in the context of Child trafficking in India. The chapter does not provide the analysis of the provisions but rather provides a glimpse of it as it become necessary to understand the relationship between the government interventions and the issues of child trafficking in India. They are closely related as or decrease or increased in human trafficking will depend on the effectiveness of government intervention. It begins with the Constitution of India and concludes with the schemes related to the issue of child trafficking.

#### **(a) Constitution of India**

Constitution is the supreme law of the land. A constitution states or ought to state not rules for passing hours, but principles for and expanding future.<sup>24</sup> Part III of the constitution of India embodies fundamental rights, which are considered as the conscience of it. The word fundamental means these right inherent rights recognized and guaranteed by the fundamental law of the land. Such rights represent the basic value of the civilized society, and the constitution makers declared that they should be given a higher place in the constitution. Article 23 of the constitution prohibits trafficking in human being and other similar forms of force labour and pronounce that such acts are offences punishable in accordance with law. Article 24 of the constitution also provides that no child, below the age of 14 years, shall be employed to work in any factory or mine or engaged in any other hazardous employment.

The Directive Principles of State Policy contained in the part IV of the constitution of India, plays the major role in the formulation of state policy. The directive principles may be also called the basis on which legislature is built on. The directive principles of state policy envisage the socio-economic rights of the citizens of India. Article 39 of the constitution directs the state to formulate suitable polices protection and promotion of the health and strength of labours and workers, women and the tender age of children, and therefore the citizens are not forced by the economic necessity to enter a vocation unsuited to their age or strength. It is further provided by the article 37 of the constitution that the state shall direct its policy towards securing that children are given adequate opportunities and facilities to develop in a healthy manner, so that children and the youths are protected against such exploitation. Some of the related articles are listed in the following table.

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<sup>24</sup> Benjamin N. Cardozo, *The Nature of the Judicial Process*, Universal Law Publishing, Delhi, Eight Indian Reprint 2010, p.83

**Table No: Constitutional and Legislative Provisions related to Trafficking in India<sup>25</sup>**

SL No	Article	Provision
1	Article 14: Equality before Law	The State shall not deny to any person equality before the law or equal protection of the laws within the Territory of India
2	Article 21: Prohibition of discrimination on grounds of religion, race, caste, sex or place or birth	(i) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them
3	Article 21: Protection of life and personal liberty	No person shall be deprived of his life or personal liberty except according to procedure established by law.
4	Article 21-A: Right to education	The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine
5	Article 23: Prohibition of traffic in human beings and forced labour	(i) Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contraventions of this provisions shall be an offence punishable in accordance with law. (ii) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race or class or any of them.
6	Article 24: Prohibition of employment of children on factories, etc	No child below the age of fourteen shall be employed to work in any factory or mine or engaged in any other hazardous employment
7	Article 39-A: Equal justice and free legal aid	The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provides free legal aid, by suitable legislation or securing justice are not denied to any citizen by reason or economic or other disabilities.

### **(b) Supreme Court**

The Supreme Court has been found proactive specially the cases involving the genuine concern of the poor and helpless masses of the country. If legislature and executive were silent on the issues concerned with such persons the apex court has to step in. Judiciary has actively engaged in translating the fundamental right of citizens into reality, more particularly after the declaration of national emergency in 1975.

<sup>25</sup> National Commission for Protection of Child Rights (No Date), *Concept Note: A Regional Consultation on Child Trafficking from and into 8 North Eastern States of India 2014-15*,



In Vishal Jeet vs. Union of India<sup>26</sup>, the Supreme Court directed the government to ensure care, protection, development treatment and rehabilitation of victims of commercial sexual exploitation and to set up a central advisory committee in this regards. The central government was further directed by the court to look into the inadequacies of the law, system, and institution relating to prevention and prohibition of trafficking in India. In pursuance of the judgement the Supreme Court, the state governments have also established State Advisory Committees.

In Gaurab Jain vs. Union of India<sup>27</sup>, the Supreme Court constitutes Mahajan Committee to investigate into the problem of trafficking in human beings and to submit a detailed report along with guidelines for addressing to the issue. The investigation found that a large number of persons who are the victim of prostitution were children.

The Court further observed that segregating children of prostitutes by locating separate schools and providing separate hostels would not be in the interest of the children and the society at large. They would be allowed to mingle with others and so that they would become the part of the society.

In a judgement passed by the Hon'ble Supreme Court in Bachpan Bachao Andolan vs Union of India, the ministry of Home Affairs has issued an advisory to the Additional Chief Secretaries/ Principal Secretaries (Home) of all states and Union Territories to fill FIR in case of missing children. The direction includes the following:-

- (i)** In case of complaint with regard to any missing children; made in a police station, the same should be reduced into a First Information Report and appropriate steps should be taken to see that follow up investigation is taken up immediately thereafter.
- (ii)** In case of every missing child reported; there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved otherwise.
- (iii)** Whenever any complaint is filed before the police authorities regarding a missing child, the same must be entertained under Section 154 Cr.P.C. However, even in respect of complaints made otherwise with regard to a child, which may come within the scope of Section 155 Cr.P.C., upon making an entry in the Book to be maintained for the purposes of Section 155 Cr.P.C., and after referring the information to the Magistrate concerned, continue with the inquiry into the complaint.
- (iv)** The Magistrate, upon receipt of the information recorded under Section 155 Cr.P.C., shall proceed, in the meantime, to take appropriate action under sub-section (2), especially, if the complaint relates to a child and, in particular, a girl child.
- (v)** Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer in terms of Section 63 of the Juvenile Act. Special Juvenile Officer on duty in the police station should be present in shifts.
- (vi)** Para-legal volunteers, who have been recruited by the Legal Services Authorities, should be utilized, so that there is, at least, one paralegal volunteer, in shifts, in the police

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<sup>26</sup> AIR 1990 SC 1412

<sup>27</sup> AIR 1997 SC 3021

station to keep a watch over the manner in which the complaints regarding missing children and other offences against children are dealt with.

- (vii)** The State Legal Services Authorities should also work out a network of NGOs, whose services could also be availed of at all levels for the purpose of tracing and reintegrating missing children with their families which, in fact, should be the prime object, when a missing child is recovered
- (viii)** Every found/recovered child must be immediately photographed by the police for purposes of advertisement and to make his relatives / guardians aware of the child having been recovered / found
- (ix)** Photographs of the recovered child should be published on the website and through the newspapers and even on the T.V. so that the parents of the missing child could locate their missing child and recover him or her from the custody of the police.
- (x)** Standard Operating Procedure must be laid down to handle the cases of missing children and to invoke appropriate provisions of law where trafficking, child labour, abduction, exploitation and similar issues are disclosed during investigation or after the recovery of the child, when the information suggests the commission of such offences.
- (xi)** A protocol should be established by the local police with the High Courts and also with the State Legal Services Authorities for monitoring the case of a missing child.
- (xii)** Definition of Missing Children: Missing child has been defined as a person below eighteen years of age, whose whereabouts are not known to the parents, legal guardians and any other person who may be legally entrusted with the custody of the child, whatever may be the circumstances/causes of disappearance. The child will be considered missing and in need of care and protection within the meaning of the later part of the Juvenile Act, until located and/or his/her safety/well being is established.
- (xiii)** In case a missing child is not recovered within four months from the date of filing of the First Information Report, the matter may be forwarded to the Anti-Human Trafficking Unit in each State in order to enable the said Unit to take up more intensive investigation regarding the missing child.
- (xiv)** The Anti-Human Trafficking Unit shall file periodical status reports after every three months to keep the Legal Services Authorities updated.
- (xv)** In cases where First Information Reports have not been lodged at all and the child is still missing, an F.I.R. should be lodged within a month from the date of communication of this Order and further investigation may proceed on that basis.
- (xvi)** Once a child is recovered, the police authorities shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing and if, on investigation, such links are found, the police shall take appropriate action thereupon
- (xvii)** The State authorities shall arrange for adequate Shelter Homes to be provided for missing children, who are recovered and do not have any place to go to. Such Shelter

Homes or After-care Homes will have to be set up by the State Government concerned and funds to run the same will also have to be provided by the State Government together with proper infrastructure. Such Homes should be put in place within three months, at the latest. Any private Home, being run for the purpose of sheltering children, shall not be entitled to receive a child, unless forwarded by the Child Welfare Committee and unless they comply with all the provisions of the Juvenile Justice Act, including registration.<sup>28</sup>

### **(c) Statutory Laws**

Parliament of India has so far adopted various legislations which can be read and analyzed in the context of human trafficking or the rights of women and children. However, we have examined some legislation which we feel more relevant and offer direct intervention to the issue of human trafficking. The legislations which are indirectly related are listed in the following table.

#### ***(i) Indian Penal Code, 1860***

Legislation is the pronouncement of the legal rule by the competent authority of state. The commitment of the state to address the problems of trafficking in human beings is found in various laws, enacted by the government of India. The Indian Penal Code, 1860 contains dozens of provisions dealing with prevention and prohibition of trafficking in women and children and such provisions also imposes criminal penalties for commission of such offences, like kidnapping, abduction, buying or selling a person for slavery or buying and selling minor for prostitution. The Criminal Law (Amendment) Act, 2013 amended section 370 of the Indian Penal Code by substituting the said section and provide the definition of the offence of trafficking. It provides that whoever, for the purpose of exploitation (a) recruits, (b) transports, (c) harbours, (d) transfer or (e) receives, a person or persons, by – first- using threat, or secondly- using force, or any other form of coercion, or Thirdly, - by abduction, or fourthly- by practicing fraud, or deception or fifthly - by abuse of power, or sixthly- by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, received, commits the offence of trafficking. The person who commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable fine. Section 370(5) further states that the quantum of punishment for the offence of trafficking of more than a minor shall not less than fourteen years, but which may be extended to imprisonment for life, and shall also be liable to fine. Section 366 of IPC provides that whoever induces any women to go from any place with intent that she may be or knowing that it is likely that she will be forced or seduced to illicit intercourse with another person shall be punishable imprisonments of either description for a term which may extend to ten years and shall also be liable to fine.

Further, section 372 of IPC, 1860 prohibits selling minor for the purpose of prostitution, and section 373 criminalises the act of buying minor for the purpose of prostitution. Importation of any girl under the age of twenty-one years of age to India from outside India is also penal offence under the Indian Penal Code. Section 371 provides that whoever habitually import, exports, removes, buys, sells, traffic or deals in slaves, shall be punished with life imprisonment, or with imprisonment of either description for a term not excluding ten years and shall also be liable to be fined.

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<sup>28</sup> No. 24013/62/2012 – SC/ST–W

Government of India, Ministry of Home Affairs , Centre State Division, Dated, 25<sup>th</sup> June, 2013.

***(ii) Immoral Traffic (Prevention) Act, 1956***

The Immoral Traffic (Prevention) Act, 1956 is one of the main legislations enacted by the Parliament for preventing and combating trafficking in human beings in India. The law was enacted in pursuance of the International Convention for the Suppression of Immoral Traffic in Person and the Exploitation of the Prostitution of Other, 1950. Initially the law was enacted as the Suppression of Immoral Traffic in Women and Girls Act, 1956, and the Act was amended twice. The first amendment took place in 1978 and further; it was amended and renamed as the Immoral Traffic (Prevention) Act, 1956. The prime objective of act is to abolish trafficking in women and girls, for the purpose of prostitution as an organised means of living. The Act criminalizes procurers, traffickers and profiteers of the trade but in no way it defines trafficking *per se* in human being. However, the Goa Children Act, 2003 defines child trafficking as the procurement, recruitment, transportation, transfer, harboring, receipt of person, legally or illegally, within or across borders by means of threat or use of the force or other terms of coercion of abduction, of frauds, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payment of benefits to achieve the consent of the person having control over another person, for monetary gain or otherwise. The maximum punishment that may be inflicted to the offenders under the Immoral Traffic Prevention Act, 1956 is rigorous imprisonment for a term not less than seven years and not more than 14 years.

***(iii) The Juvenile Justice (Care and Protection of Children) Act, 2015***

The Juvenile Justice (Care and Protection of Children) Act, 2015 is the most comprehensive and self-contained law ever enacted by the Indian Parliament for the promotion and protection of children in the entire country. The Act not only supplements and elaborates the constitutional provisions relating to children as enshrined in various articles of the part III and IV of the constitution but also reflects India's commitment to fulfill her international obligation arising out of the signing and ratification of international conventions relating to children. The Act has sixteen principles and contains 112 sections. It deals with two categories of child – child in conflict with law and child in the need of care and protection of child. Victims of child trafficking are included in the category of child in the need of care and protection as defined in section 2(14) of the Act. This category of children are taken care of by the Child Welfare Committee to be established in accordance with section 27 of the JJBA Act, 2015 and the power and function of such committee is laid down in the sections 29 and 30 of the Act. The function of Child Welfare Committee includes:-

- (i) Taking cognizance of and receiving the children produced before it;
- (ii) Conducting inquiry on all issues relating to and affecting the safety and wellbeing of the children under this Act;
- (iii) Directing the Child Welfare Officers or probation officers or District Child Protection Unit or non-governmental organizations to conduct social investigation and submit a report before the Committee;
- (iv) Conducting inquiry for declaring fit persons for care of children in need of care and protection;
- (v) Directing placement of a child in foster care;
- (vi) Ensuring care, protection, appropriate rehabilitation or restoration of children in need of care and protection, based on the child's individual care plan and passing necessary directions to parents or guardians or fit persons or children's homes or fit facility in this regard;

- (vii) Selecting registered institution for placement of each child requiring institutional support, based on the child's age, gender, disability and needs and keeping in mind the available capacity of the institution;
- (viii) Conducting at least two inspection visits per month to the residential places/facilities for children in need of care and protection and recommending action for improvement in quality of services to the District Child Protection Unit and the State Government;
- (ix) Certifying the execution of the surrendered deed by the parents and ensuring that they are given time to reconsider their decision as well as making all efforts to keep the family together;
- (x) Ensuring that all efforts are made for restoration of abandoned or lost children to their families following due process, as may be prescribed;
- (xi) Declaration of orphan, abandoned and surrendered child as legally free for adoption after due inquiry;
- (xii) Taking *suo motu* cognizance of cases and reaching out to children in need of care and protection, who are not produced before the Committee, provided that such decision is taken by at least three members;
- (xiii) Taking action for rehabilitation of sexually abused children who are reported as children in need of care and protection to the Committee by Special Juvenile Police Unit or local police, as the case may be, under the Protection of Children from Sexual Offences Act, 2012;
- (xiv) Dealing with cases referred by the Board under sub-section (2) of section 17; 14
- (xv) Coordinating with the police, labour department and other agencies involved in the care and protection of children with support of the District Child Protection Unit or the State Government;
- (xvi) In case of a complaint of abuse of a child in any child care institution, the Committee shall conduct an inquiry and give directions to the police or the District Child Protection Unit or labour department or childline services, as the case may be;
- (xvii) Accessing appropriate legal services for children;
- (xviii) Such other functions and responsibilities, as may be prescribed.<sup>29</sup>

***(iv) Trafficking of Persons (Prevention, Protection, and Rehabilitation) Draft Bill, 2016***

The Ministry of Woman and Child Development, government of India, has also formulated a protocol for Pre-Rescue, Rescue and post Rescue operation of child victims of trafficking for commercial sexual exploitation in 2005. This protocol contains guidelines for state governments and it also provides for the strategy for Rescue team members for pre-rescue, and post rescue operation concerning children who are victims of trafficking and found to be sexually exploited for commercial reasons.

The government of India under the aegis of the ministry of Women and Child Development has formulated Trafficking of Persons (Prevention, Protection, and Rehabilitation) Draft Bill, 2016 to prevent trafficking of persons and to provide protection and rehabilitation to the victims of trafficking and to create a legal, economic, and social environment against trafficking of persons. The bill aims at giving effect to the United Nations Convention on Transnational Organised Crime and its three Optional Protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children because India has ratified the said Convention. The draft bill contains 40 articles and XII chapters. It provides for the establishment of committees and such as District Anti- Trafficking Committee to prevent, rescue, protect and rehabilitate the victims of

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<sup>29</sup> Section 30 of the JJ Act,2015

human trafficking and State Anti- Trafficking Committee in order to oversee the implementation of this Act and advise the state or union territories government and District Anti Trafficking Committee. The District Anti Trafficking Committee consists of a chairperson and 4 (four) members out of which one shall be member secretary of the committee. Section 3 of the Draft Bill provides that committee is to be composed of the following members, namely: -

Sl No	Remark	Designation
1	District Magistrate or District Collector	Chairperson
2	Two social workers out of which one shall be a women nominated by the District Judge	members
3	One representative from the District Legal Services Authority nominated by the District Judge	Member
4	District Officer of the Social Justice or Women and Child Development Department of the concerned States/ Union Territories	Member Secretary

The State Anti Trafficking Committee consists of a chairperson and 8 (eight) members. Section 5 of the Draft Bill provides that the committee shall be headed by the Chief Secretary as Chairperson and the followings shall be the members of the said committee: -

Sl No	Remark	Designation
1	Chief Secretary	Chairperson
2	Secretary to the Department of State dealing with Women and Child	Member
3	Secretary of the State Home Department	Member
4	Secretary of the State Labour Department	Member
5	Secretary of State Health Department	Member
6	Director General of Police of the concern State	Member
7	Two social workers out of which one shall be a women and to be nominated by the Chief Justice of the High Court	Member

The Central Anti- Trafficking Advisory Board headed by the Secretary, Ministry of Women and Child Development, is empowered to oversee the implementation of the Act and advise the appropriate government on matters relating to prevention of trafficking, protection and rehabilitation of victims. So, The Draft Bill incorporates three tire implementation systems. Section 15 of the Draft Bill spells out the punishment for disclosure of the identity of the victim of trafficking. It provides that no report, or any newspaper, or magazine, or audio- visual media, or any other form of communication regarding any investigation or judicial procedure shall disclose the name, address, or any other particulars which may lead to the identification of a victim, or witness of a crime of trafficking in persons under this Act, or any other law for the time being in force, nor shall the picture of any such victim be published.

It further provides that the publisher or owner of the media or studio or photographic facilities or any person in-charge of publication who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one lakh rupees, or both. The Draft Bill obligates the state governments to specify for each district a Court of Session to be a Special Court for the purpose of providing a speedy trial of offences punishable under sections 370 to 373 of the IPC and offences under the Act. However, the Draft Bill does not define the term human trafficking in any provisions of the Bill even though it is,

for the first time, define in the IPC in accordance with the Criminal Law (Amendment) Act, 2013. It should be mandatory to include such important definition of the term in the definition clause of the Draft Bill.

**Table No: Related Legislations in India<sup>30</sup>**

SL No	Legislations	Objectives
	The Protection of Children from sexual Offences Act, 2012 (notified on 14 December 2012)	<p>The Protection of Children from sexual Offences Act, 2012 has been enacted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. Sexual offences are currently covered under different section of IPC. The IPC does not provide for all type of sexual offences against children and, more importantly, does not distinguish between adult and child victims.</p> <p>The protection of children from Sexual Offences Act, 2012 defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defines for the first time in law. The Act provides for stringent punishments, which have been graded as per the gravity of the offences. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the court.</p>
2	Immoral Traffic (Prevention) Act, 1956	To combat commercial sexual exploitations and prohibits prostitution. It has provisions for providing rehabilitation and protection to victims of commercial sexual exploitation.
3	The Juvenile Justice (Care and Protection of Children) Act 2000	Defines a child and provides provisions for care and protection of children. It has provisions which provide for protection measures for the repatriation and rehabilitation of children.
4	Child Labour (Protection and Regulation) Act, 1986	It has the provisions which prohibits child labour The law has provisions for rehabilitation of child labour.
5	Bonded Labour System (Abolition) Act, 1976	It defines and prohibits Bonded Labour. It has provision for punishment for bonded labour and provides for rehabilitation measures for bonded labour

<sup>30</sup> National Commission for Protection of Child Rights (No Date), *Concept Note: A Regional Consultation on Child Trafficking from and into 8 North Eastern States of India 2014-15*,

6	Inter-State Migrant Worker (Regulation of Employment Conditions) Act 1979	It provides institutional machinery to provide safe migration opportunities for labour
7	The Goa Children's Act 2003	The Goa Children Act is a State legislation. The legislation provides for holistic care and protection of children. It also has the definition of human trafficking as per the UN protocol.
8	Maharashtra Control of Organised Crime Act , 1979	Inter alia it provides for punishment of persons indulging in organised crime related to prostitutions.
9	The Emigration Act, 1994	Provides for regulatory mechanism for recruitment agencies and related punishments.
10	CARA Guidelines	The guidelines provide for mechanism to regulate adoptions. It has provisions to prevent human trafficking through adoptions.
11	The Criminal Law amendment Act, 2013	Section 370 of the Indian Penal Code (IPC) has been substituted with new sections, 370 and 370A which deal with trafficking of person for exploitation. If a person (a) recruits, (b) transport, (c) harbor, (d) transfer, or (e) receives, a person by using threats, or force, or coercion, or abduction, or fraud or deception, or by abuse of power, or inducement for exploitation including prostitution, slavery, forced organ removal, etc will be punishable with imprisonment ranging from at least 7 years to imprisonment for the remainder of that person's natural life depending on the number or category of person trafficked. Employment of a trafficked person will attract penal provision as well.

**(d) Anti Trafficking Cell, Ministry of Home Affairs**

Considering the need for combating the crime of human trafficking in India, the Ministry of Home Affairs has established a Nodal Cell for dealing with matters relating to trafficking in human beings. The Cell is, inter-alia, responsible for collecting and analyzing the data related to trafficking from the State Governments/ Union Territories' Administrations, identifying problem areas and analyzing causes for their being source/ transit/destination areas, monitoring the action taken by the State Governments/UTs Administrations for combating the crime and organizing coordination meetings with the Nodal Police Officers of States/UTs. Nodal Officers of Anti Human Trafficking Units have been nominated in all States/UTs and MHA conducts review meetings with these officers periodically.

The Ministry of Home Affairs has sanctioned a Comprehensive Scheme "Strengthening law enforcement response in India against Trafficking in Persons through 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 Ministry of Home Affairs has already released two instalments in 2010-11 and 2011-12 for establishment of 225 AHTUs to the State Governments. All the AHTUs have been made operational. In 2014, MHA released funds for Rs. 3.41 crore for establishment of 45 more



AHTUs to State Governments of Andhra Pradesh, Gujarat, Harayana, Kerala, Nagaland, Odisha, Uttar Pradesh, Uttarakhand, Madhya Pradesh and Mizoram.<sup>31</sup>

**Table No: MHA Advisories<sup>32</sup>**

SI No	Advisory	Date
1	Advisory on Crime Against Women	04/09/2009
2	Advisory on Preventing and Combating Human Trafficking in India	09/09/ 2009
3	Advisory on Crime Against Children	14/07/2010
4	Advisory on Prevention Registration and Prosecution of Crime	16/07/2010
5	Advisory on Preventing Cyber Crime Against Children	16/07/2010
6	Advisory on Preventing and Combating Human Trafficking during Commonwealth Games.	10/09/2010
7	Advisory on Missing Children	31/01/2012
8	Advisory on Human Trafficking-Organised Crime	30/04/2012
9	Advisory on Human Trafficking-Dealing with Foreign Nationals	01/05/2012
10	Advisory on Hon'ble Supreme Court's direction to file FIR in case of Missing Children	25/06/2013
11	SOP to handle trafficking of children for child labour	12/08/2013
12	Advisory on Anti –Human Trafficking	05/05/2014
13	Advisory for associating SSB and BSF in crime meeting	23/07/2015

#### **(e) State and Child Rights in Manipur**

The intervention of the state of Manipur in relation to rights of the child can be examined in the context of various commission and Committees. However, the performances of these Committees and Commissions need to be strengthened and fully supported in terms of manpower and resources by the State Govt. The most active among them is the Child Welfare Committees (CWC) constituted under the JJ 2000 and amended in 2015. The limitation and status of the commissions and committees will be broadly defined in the section.

##### ***(i) Manipur Human Rights Commission, 1998***

The Manipur Human Rights Commission (MHRC) was set up in 1998 under section 21 of the Protection of Human Rights Act, 1993 and it has started its function from 10th Dec, 1998. The Commission not only receives and examines petitions filed by the victims of human rights violations but also takes up *suo motu* cases on alleged violations of human rights including child rights. The MHRC received and admitted 1264 cases of human rights violations in the state since its inception till 4th April, 2010 and disposed of 331 cases so far. It entertained 52 cases relating to violations of child rights during the last ten years i.e, from 6th April 1999, to 7th Feb, 2009, and out of which, 21 cases were found to be related with crime of rape.<sup>33</sup> However, the commission has been

<sup>31</sup> Ministry of Home Affairs, Government of India, 2015-2016, p.p 71-72

<sup>32</sup> Compiled by authors from the websites of Ministry of Home Affairs and Ministry of External Affairs, Government of India

<sup>33</sup> Sapam Dilipkumar, *Child Rights in Manipur*, Waba Publications, Imphal 2016 p.100,

dysfunctional since 2010 because of non appointment of chairperson and members of the commission.

Recognizing and realizing the national and international obligations for promotion and protection of child rights, government of India enacted the Commission for Protection of Child Rights Act, 2005. The Act provides for establishment of National Commission for Protection of Child Rights (NCPCR) and State Commission for Protection of Child Rights, both of which are independent and impartial fact - finding statutory bodies. The Act stipulates adequate provisions for speedy trial of offences committed against children.

***(ii) Manipur Commission for Protection of Child Rights, 2012***

The Government of Manipur has established the Manipur Commission for Protection of Child Rights (MCPCR) on the 2<sup>nd</sup> November, 2012 under section 17 of the Commission for protection of Child Rights Act, 2005 with a commitment of effective implementation of promotional and protective rights of child in the state. The MCPCR which consists of a Chairperson and six members from different districts of Manipur has started its functioning from the 12<sup>th</sup> November, 2012 with its office at Imphal. The Government has also formulated the Manipur Commission for Protection of Child Rights Rules, 2011 which incorporates additional functions of the Commission.<sup>34</sup> Rule 13 MCPCR of the stipulates that the Commission shall, in addition to the functions assigned to the commission under clauses (a) to (j) of sub- section (1) of section 13 the National Commission for Protection of Child Rights Act, 2005 perform seven important functions for promotion and protection of child rights. The said Rules provide that the MCPCR shall perform the following functions:-

- a) To analyse existing law, policy and practice to assess compliance with Convention on the Rights of Child and undertake inquires and produce reports on any aspect of policy or practice affecting children and commitment on proposed new legislation from a child rights perspective;
- b) To undertake formal investigations where concern has been expressed either by children themselves or by concern person on their behalf;
- c) To ensure that the work of the State Commission is directly informed by the views of children in order to reflect their priorities or perspectives;
- d) To promote, respect and serious consideration of the views of children in its work are that of all Government departments and organizations dealing with child;
- e) To produce and disseminate information about child rights;
- f) To compile and analyse data on children;
- g) To promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

The function has be perform keeping in mind the function of Commission for Protection of Child Rights Act, 2005 particularly Section 13(1) of the Commission for Protection of Child Rights Act, 2005 stipulates the following functions:

- a) To examine and review the safeguards provided by or under any law for the time being in force for the Protection of Child Rights and recommend measures for their effective implementation;
- b) to present to the State Government annually and at such other interval, as the Commission may deem fit, the reports upon the working of those safeguards;

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<sup>34</sup> Parliamentary institutions and Good Governance

- c) to inquire into the cases of violation of Child Rights and to recommend the authorities concerned to take action.
- d) to examine all factors that inhibit the enjoyment of Rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures.
- e) to look into the matters related to children in need of special Care and Protection including children in distress, marginalized and disadvantaged children, children in Conflict with Law, children without family and children of prisoners and recommend appropriate remedial measures;
- f) to study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on Child Rights and make recommendations for their effective implementation in the best interest of children;
- g) to undertake and promote research in the field of Child Rights;
- h) to spread Child Rights Literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means;
- i) to inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or State Government or any other authority, detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
- j) To inquire into complaints and take *suo moto* notice of matters relating to:-
  - (i) Deprivation and violation of Child Rights;
  - (ii) Non-implementation of laws providing for protection and development of children;
  - (iii) Non-compliance of policy decision guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities.
- k) Such other functions as it may consider necessary for the promotion of Child Rights and any other matter incidental to the above functions.

Section 13(2) states that the Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

In addition to this Act, there are also some Acts which aim to address the issues of human trafficking in India, such as, Prohibition of Child Marriage Act, 2006, Young person (Harmful Publication) Act, 1956, Bonded Labour System (Abolition) Act, 1976, Indecent Representation of Women (Prohibition) Act, 1986, and the Transplantation Human Organs Act, 1994.

### **(iii) Committee for Combating Child Trafficking**

The Government of Manipur has taken up various measures for combating child trafficking by constituting various high level committees. The Government has constituted a State Level Committee to Combat Child Trafficking headed by chief secretary. The Commissioner Social Welfare, Government of Manipur shall be the member secretary of the committee and Director General of Police, Law Secretary, Director, Social Welfare, Director, Education(S), Director,

Transport, Director, Health Services, Director, DIPR and NGO's working in the field of Children shall be members of the Committee.<sup>35</sup>

**Table No: State Level Committee to Combat Child Trafficking**

SL.NO	Remark	Designation
1.	Chief Secretary, Government of Manipur	Chairman
2.	Commissioner, Social Welfare, Government of Manipur	Member Secretary
3.	Director General of Police, Manipur	Member
4.	Secretary (Law), Government of Manipur	Member
5.	Director, Social Welfare, Government of Manipur	Member
6.	Director of Education(S), Government of Manipur	Member
7.	Director, Transport Department, Government of Manipur	Member
8.	Director Health Services, Government of Manipur	Member
9.	Director ( DIPR), Government of Manipur	Member
10.	NGOs working in the field of Children	Member

The Government of Manipur has also constituted a State Advisory Committee for Prevention and Combating Trafficking of Women and Children for Commercial Sexual Exploitation. The Chief Secretary and Director, Social Welfare, Government of Manipur shall be the chairman and member secretary of the said committee which consists of six other members.<sup>36</sup>

**Table No: State Advisory Committee for Prevention and Combating Trafficking of Women and Children for Commercial Sexual Exploitation**

SL.NO.	Remark	Designation
1.	Chief Secretary, Government of Manipur	Chairman
2.	Director General of Police, Government of Manipur	Member
3.	Principal Secretary (Labour), Government of Manipur	Member
4.	Commissioner (Social Welfare), Government of Manipur	Member
5.	Commissioner( Home), Government of Manipur	Member
6.	Secretary( Law), Government of Manipur	Member
7.	Director(Prosecution), Government of Manipur	Member
8.	Director, Social Welfare, Government of Manipur	Member

<sup>35</sup> Order No. 9/26/ 2009- S (SW) pt. dt. 7/4/2010, department of Social Welfare, Government of Manipur

<sup>36</sup> Order No. 2/11/(1A)/2009-H, dt. the 4<sup>th</sup> March, 2011 Department of Home, Government of Manipur

The Government of Manipur, with a view to check the movement of children from this state to other states of India, has constituted a Dedicated Cell in the Department of Social Welfare Manipur. The Cell headed by the Director, Social Welfare, Government of Manipur aimed at establishing a system for interaction/interface of parent with the children living outside the state of Manipur and vice versa and addressing their grievances.<sup>37</sup>

**Table No Dedicated Cell**

SL.NO.	Remark	Designation
1.	Director, Social Welfare, Government of Manipur	Chairman
2.	Deputy Director (ICDS), Government of Manipur	Member
3.	Deputy Director ( Social Welfare), Government of Manipur	Member
4.	Women Development Officer,(Social Welfare),Government of Manipur	Member
5.	Child Welfare Officer (Social Welfare), Government of Manipur	Member
6.	Probation Officer (Social Welfare), Government of Manipur	Member
7.	State Programme Manager (ICPS)	Member

The department of Social Welfare, Government of Manipur has issued a memorandum on the 5<sup>th</sup> April, 2010 notifying the constitution of District Level Anti-Trafficking Squad of the social welfare to tackle issues pertaining to human trafficking of women and children at the district level. The Anti- Trafficking Squad shall be headed by the DPO, ICDS, District Social Welfare Officer, CDPOs ICDS and Supervisors, ICDS Project shall be members of the concerned districts shall be members of the committee.<sup>38</sup> The department has also issued another office memorandum in consonance with the direction of the Supreme Court passed on the 1<sup>st</sup> Sept. 2010,in the case of the Exploitation of Children in Orphanage in the State of Tamil Nadu Vs Union of India ( WP (C) No 102 of 2007). The department, in compliance with the order of the Supreme Court, disallowed to send children who are below the age of 12 years or those who are in primary level outside the state of Manipur for perusing education.<sup>39</sup> However, despite having such state and district level bodies it is found that the state is not in a position to prevent human trafficking particularly women and child trafficking. The working of such Committees need to strengthened to combat child trafficking in the State of Manipur.

**(f) Schemes related to Human Trafficking viz-a viz Ministry of Women and Child Development**

***(i) Integrated child Protection Scheme***

The Integrated Child Protection Scheme (ICPS) was launched in 2009, in partnership with the State Governments/UT Administrations, in order to strengthen prevention of child rights violation; enhanced infrastructure for protection services; provided financial support for implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000; increased access to a wider range and better quality of protection services; increased investment in child protection and is continuously

<sup>37</sup> Order No. 9/25/2009-S (SW) dt. the 15<sup>th</sup> October, 2011, Department of Social Welfare, Government of Manipur

<sup>38</sup> Order No. 9/14/2010-SW (JJA) dt. 5<sup>th</sup> April, 2010 Department of Social Welfare, Government of India

<sup>39</sup> Order No. 16/10/2010-S(SW) dt. the 2<sup>nd</sup> November, 2010, Department of Social Welfare, Government of Manipur.

drawing focus on the right of all children to be safe. The Integrated Child Protection Scheme (ICPS) has significantly contributed to the realization of Government/State responsibility for creating a system that will efficiently and effectively protect children. Based on the cardinal principles of “protection of child rights” and “best interest of the child”, ICPS is achieving its objectives to contribute to the improvements in the well being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children from their families.

The scheme aims at achieving the following objectives:-

- a) To institutionalize essential services and strengthen structures for emergency outreach, institutional care, family and community based care, counselling and support services at the national, regional, state and district levels;
- b) To enhance capacities at all levels, of all functionaries including, administrators and service providers, members of allied systems including, local bodies, police, judiciary and other concerned departments of State Governments to undertake responsibilities under the ICPS;
- c) To create database and knowledge base for child protection services, including MIS and child tracking system in the country for effective implementation and monitoring of child protection services;
- d) Undertake research and documentation;
- e) To strengthen child protection at family and community level, create and promote preventive measures to protect children from situations of vulnerability, risk and abuse;
- f) To ensure appropriate inter-sectoral response at all levels, coordinate and network with all allied systems;
- g) To raise public awareness, educate public on child rights and protection on situation and vulnerabilities of children and families, on available child protection services, schemes and structures at all levels.

## (ii) CHILDLINE

CHILDLINE is the country's first toll-free tele-helpline for street children in distress in the year 1996. It was launched by CHILDLINE India Foundation (CIF), Mumbai. The Objectives of CHILDLINE includes the following:-

- a) To reach out to every child in need of care and protection by responding to emergencies on 1098.
- b) Awareness about CHILDLINE 1098 amongst every Indian child.
- c) To provide a platform of networking amongst organisations and to provide linkages to support systems that facilitates the rehabilitation of children in need of care and protection.
- d) To work together with the Allied Systems (Police, Health Care, Juvenile Justice, Transport, Legal, Education, Communication, Media, Political and the Community) to create child friendly systems.
- e) To advocate services for children that are inaccessible or non existent.
- f) To create a body of NGOs and Government organisations working within the national framework and policy for children.
- g) To be a nodal child protection agency in the country, providing child protection services to children in need of care and protection.
- h) To contribute and work towards strengthening and participating in a global movement that addresses issues related to child protection and ensures that children's voices are heard..

### ***(iii) The Ujjawala***

Apart from initiating legislative measures, Government of India, Ministry of Women and Child Development formulated a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re- integration of Victims of Trafficking for Commercial Sexual Exploitation. The *Ujjawala* scheme has five specific for prevention, rescue, rehabilitation, reintegration and repatriation of victim of women and child trafficking in India. The objectives of the scheme may be reproduced as under:

- a) To prevent trafficking of women and children for commercial sexual exploitation through social mobilization and involvement of local communities, awareness generation programmes, generate public discourse through workshops/ seminars and such events and any other innovative activity.
- b) To facilitate rescue of victims from the place of their exploitation and place them in safe custody.
- c) To provide rehabilitation services both immediate and long term to the victims by providing basic amenities/needs such as shelter, food, clothing, medical treatment including counseling, legal aid and guidance and vocational training.
- d) To facilitate reintegration of the victims into the family and society at large.
- e) To facilitate repatriation of cross-border victims to their country of origin.

As per the scheme the followings are the targeted group:

- a) Women and children who are vulnerable to trafficking for commercial sexual exploitation.
- b) Women and children who are victims of trafficking for commercial sexual exploitation.

The implementing agencies of the *Ujjawala* schemes can be the SocialWelfare/Women and Child Welfare Department of State Government, Women's Development Corporations, Women's Development Centers, Urban Local Bodies, reputed Public/ Private Trust or Voluntary Organizations. The organization must have adequate experience in the field of trafficking, social defence, dealing with women and children in need of care and protection, children in conflict with law etc.

### ***(iv) Swadhar –A Scheme for Women in Difficult Circumstances***

In order to prevent women from exploitation and to support their survival and rehabilitation, the scheme of Short Stay Home for women and girls was introduced as a social defense mechanism, by the then Department of Social Welfare in 1969. The scheme is meant to provide temporary accommodation, maintenance and rehabilitative services to women and girls rendered homeless due to family discord, crime, violence, mental stress, social ostracism or are being forced into prostitution and are in moral danger. Another scheme with the similar objectives namely Swadhar – A Scheme for Women in Difficult Circumstances was launched by the Department of Women and Child Development in 2001-02. The scheme through the provisions of shelter, food, clothing, counseling, training, clinical and legal aid aims to rehabilitate such women in difficult circumstance. The scheme envisions a supportive institutional framework for women victims of difficult circumstances so that they could lead their life with dignity and conviction. It envisages that shelter, food, clothing, and health as well as economic and social security are assured for such women. It also envisions that the special needs of these women are properly taken care of and under no

circumstances they should be left unattended or abandoned which could lead to their exploitation and desolation.

The Swadhar Greh is to set up short stay home in every district with capacity of 30 women with the following objectives:

- a. To cater to the primary need of shelter, food, clothing, medical treatment and care of the women in distress and who are without any social and economic support.
- b. To enable them to regain their emotional strength that gets hampered due to their encounter with unfortunate circumstances.
- c. To provide them with legal aid and guidance to enable them to take steps for their readjustment in family/society.
- d. To rehabilitate them economically and emotionally.
- e. To act as a support system that understands and meets various requirements of women in distress.
- f. To enable them to start their life afresh with dignity and conviction.

The scheme shall cover women above 18 years of age of the following categories:

- a) Women who are deserted and are without any social and economic support;
- b) Women survivors of natural disasters who have been rendered homeless and are without any social and economic support;
- c) Women prisoners released from jail and are without family, social and economic support;
- d) Women victims of domestic violence, family tension or discord, who are made to leave their homes without any means of subsistence and have no special protection from exploitation and/ or facing litigation on account of marital disputes; and
- e) Trafficked women/girls rescued or runaway from brothels or other places where they face exploitation and Women affected by HIV/AIDS who do not have any social or economic support. However such women/ girls should first seek assistance under UJJAWALA Scheme in areas where it is in operation.

Women affected by domestic violence could stay up to one year. For other categories of women, the maximum period of stay could be up to 3 years. The older women above the 55 years of age may be accommodated for maximum period of 5 years after which they will have to shift to old age homes or similar institutions. Swadhar Greh facilities could also be availed by the children accompanying women in the above categories. Girls up to the age of 18 years and boys up to the age of 8 years would be allowed to stay in the Swadhar Greh with their mothers. (Boys of more than 8 years of age need to be shifted to the Children Homes run under JJ Act/ICPS.)



## CHAPTER- V

### CONCLUSION AND RECOMMENDATIONS

1. The main cause of child trafficking in Manipur is mostly due to the need for quality school education and not merely because of poverty. The government school education system is not able to maintain quality, in spite of huge investment by the government (state and central). It is very unfortunate to observe that the infrastructure of government schools remain more or less the same since its inception and is considered obsolete. However, in the last few years, particularly in 2016, it observed that, the search for employment opportunities is also manifested as one of the main causes of child trafficking in Manipur. This factor was also noticed in the earlier years but their number was insignificant. But, the two main factors have been significantly noticed simultaneously in the last few years.
2. The mode of recruitment for child trafficking is mostly through the local agents who, almost in all cases, are members of the community or from the same villages where the victim resides. But, due to lack of factual information, it is not able to ascertain the direct involvement of these local agents. Lack of information is mostly due to the fact that the family and relatives of the victim are convinced in such a way that mostly of them moves out of the state or their villages by themselves. In this process, the real or fake Christian missionaries play a major role as the traffickers know that their prospective target groups are believer of Christianity. So it makes them easy to convince and also secure their operations.
3. The route for trafficking seems to be multiplied with the increasing number of trafficking incident. For instance, we have different routes to go to Guwahati from Imphal. But our concern is the change of direction. For instance, the main route for trafficking was towards Guwahati-Kolkata and finally to South Indian states particularly Tamil Nadu. But, we have noticed that the number of cases relating to trafficking of children in the name of providing quality education have been increased and distributes all over India. It is also found that the victims of inter country trafficking was carried out by air through Imphal -Guwahati – Kolkota and then to Singapore. In addition to Guwahati direction, now we noticed that the victim are being trafficked through the Imphal–Moreh in India and towards Myanmar and finally destined to Singapore. It does not mean that, this new route is the main route of inter country trafficking. But, there is also a possibility of using multiple routes. The change of route may be because of its proximity to international border (approximately 3 hour from Imphal) and at the same time, the costs of travelling will considerably less. Besides, the conflict situation and corrupt practices prevailing in the state of Manipur might help them to easily evade the government machineries.
4. The government interventions that are specific to child trafficking seem to be taking backseat. For instance, the activities of the District Child Welfare Committees constituted under the JJ Act 2015, which is the main statutory body to combat and rehabilitate the victim of child trafficking, remains ineffective because of various visible and invisible factors. For instance, it has been a practice of the state government that the allowances of the Chairpersons and members of Child Welfare Committees and other fund components have not been released in time. As stated in the memorandum submitted to the Shrimati Maneka Gandhi, Union Minister, Women and Child Development, by the joint representation of the CWCs of the State on 11 November, 2016, that there it is usually taking twelve to eighteen months to release the fund component of CWCs or even more sometimes. When it is released, it is released in a piecemeal manner for only three to six months. Same is the case

for the earlier members whose allowances have not been paid till now. Besides, there is no infrastructure for the CWCs, they operate from rented building and the office moves from place to place depending upon the chairperson of the CWCs. The fund meant for renting office and maintenance has not been paid regularly. This situation of ineffectiveness seems to have been exploited by the traffickers. For instance, there are two major reported incidents of trafficking in 2016, (i) 100 children were trafficked to illegal homes in Tamil Nadu and (ii) 100 girls were reported to have been trafficked to Singapore via Myanmar for employment. This came to light when the traffickers were arrested in the process of trafficking in the second attempt. The case is now taken up by Manipur Commission for Protection of Child Rights through the Ministry of External Affairs, Government of India.

5. The Committees constituted by the State Government such as State Level Committee to Combat Child Trafficking headed by Chief Secretary; State Advisory Committee for Prevention and Combating Trafficking of Women and Children for Commercial Sexual Exploitation headed by the Chief Secretary; and District Level Anti-Trafficking Squad headed by Director, Department of Social Welfare, Government of India seems to have limited activities. Their activities did not even find a space of their respective departmental annual reports.

## **Recommendations**

1. As the main causes of child trafficking is search for quality school education, there is the urgent need to rejuvenate the school education system in Manipur. A time bound 'Manipur School Education Commission' headed by an academician should be constituted with members drawn from various walks of life. The committee should be jointly monitored by the Manipur Commission for Protection of Child Rights and Directorate of Education (School), Government of Manipur.
2. As the CWCs of Manipur is in a pathetic condition, there is a need to seriously strengthen the CWCs by the government at the earliest. As a first step, they should clear the long pending dues and establish a permanent office with required support staff. Further, a study to examine the status of CWCs of Manipur, similar to that of the study undertaken by the National Commission for Protection of Child Rights should be conducted at the earliest.
3. As the government Committees including the high level committee remains invisible even in the respective departmental annual administrative reports, there is a need to restructure the committees, so as to create more space for members who can fully dedicate to the mandate of the committees. The involvement of government officials particularly the head of department, who are already overloaded with their department activities should be minimised.
4. As the process to influence the victim families and relatives was mostly done at the village level, there is an urgent need to sensitise the village level government institutions and responsible villager officials including the women about the causes and consequences of child trafficking. The Manipur Commission for Protection of Child Rights should take the responsibility of the programme in consultation with NCPCR, Department of Social Welfare, Government of Manipur and its link department or stakeholders
5. The stakeholders such as Department of Social Welfare, Police Department, Directorate of Education (school), Health Department, Municipal or Panchayat Authorities, District Administration, in consultation with the Manipur Commission for Protection of Child Rights

and NGOs working for the promotion and protection of child rights should converse their responsibilities in combating child trafficking in the state of Manipur. The Department of Social Welfare could be identified as the nodal department for making effective linkage among the stakeholders.

6. Considering the importance of the central security forces deployed in Manipur under the Ministry of Home and Ministry of Defence, their role is pivotal in combating child trafficking as they are deployed in sensitive and border areas, where the state machinery presence is limited. Besides rescuing the victims, they can provide crucial information to the stakeholders as discussed above. For instance, there were reported cases of rescuing of child trafficking in the Indo-Myanmar region particularly Moreh by the central security forces. Thus, there is an urgent need to sensitise them particularly who are deployed in the border areas. However, for effective coordination, there is a need to set up a coordination committee for the state and central security forces in order to share information and exchange of idea for combating child trafficking.
7. As we experienced that the lack of systematic documentation has weakened the data for child trafficking in Manipur, there is a need to develop an official format for documentation. This will help to document the cases in a continuous process irrespective of the capacity, commitment and creativity of the responsible person, which we feel is the practice in the state.
8. As the government of Manipur is only implementing laws enacted by the Parliament and policies formulated by the central government to combat child trafficking, it is recommended to formulate and adopt a State Child Policy at the earliest. Further, in order to contextualise the policy, Manipur Commission for Protection of Child Rights should invite different stakeholders (State and non-State) of the state should be involved in the formulating the policy. A review of the existing State Plan of Action for Children adopted by the Department of Social Welfare could be the beginning to formulate the policy.