

Periodic Research

Commercial Sexual Exploitation of children



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Abstract

Commercial sexual exploitation is a complex phenomenon fueled by the tremendous growth in the global sex market. Exploitation is driven by poverty, uneven development, official corruption, gender discrimination, harmful traditional and cultural practices, civil unrest, natural disasters and lack of political will to end it. The number of child victims trafficked worldwide for sexual exploitation or cheap labour on an annual basis is 1.2 million.

This article deals with the various activities which exploit children for their commercial value such as prostitution, trafficking and pornography. The term implies that the child is not only sexually abused but that there is a profit arising from the transaction where the child is considered a sexual and commercial object.

Keyword: Exploitation, Victims trafficked, Trafficking, Pornography

Introduction

Many The United Nations' definition of commercial sexual exploitation of children (under 18 years) is 'the use of a child for sexual purposes in exchange for cash or in kind favours between the customer, intermediary or agent and others who profit from the trade in children for these purposes (parent, family member, procurer, teacher, etc)'.

A Child is a person who has not attained the age of 18 years. Any child who is vulnerable to trafficking is considered a "person in need of care and protection" under the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act).

The number of known cases of commercial sexual exploitation of children is growing. Children are being kidnapped and sold into forced labor in the illegal sex industry. Some impoverished families are selling their children to traffickers in the hope of giving the children a better life. There are documented reports of children being held captive in basements and other slavelike conditions where they are beaten, malnourished, threatened, and sexually exploited.

Often, the cycle of exploitation begins when an adult family member or friend sexually abuses a minor child in his or her care. This can escalate to systematic sexual behavior involving multiple children, and to photographing or videotaping sexual abuse and distributing it through the Internet.

Worldwide, untold numbers of children are being systematically deprived of their human rights, dignity, and childhood through child prostitution, child pornography, and other exploitation. Many of these children are routinely subjected to rape, beatings, displacement, drug addiction, psychological abuse, and other trauma, including exposure to the AIDS virus and a life with no future

CHILD SEX TRAFFICKING

child trafficking" means "the procurement, recruitment, transportation, transfer, harbouring or receipt of persons, legally or illegally, within or across borders, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise".

Child trafficking is the third largest international crime, following illegal drugs and arms trafficking, is believed to be worth billions of dollars each year. Driving the trade is the demand for commercial sexual exploitation. Seventy-nine per cent of all global trafficking is for sexual exploitation.

Periodic Research

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Trafficking of girls for marriage is prevalent, especially in the States of Punjab and Haryana, as highlighted in a study conducted by local organisation Sakti Vahini; another study revealed a well-established market in Uttar Pradesh for 'purchased' Bangladeshi wives. Although the Indian *Child Marriage Restraint Act* set the minimum age of marriage for women at 18, the Department of Health Survey (DHS) stated that 33.8 percent of the girls aged between 15 and 19 are currently married. Lack of legal documents/identification makes trafficking victims highly vulnerable to threats of apprehension by authorities, extortion, detention, prosecution and deportation.

Trafficking is a organized crime which violates all tenets of human dignity and rights. Trafficking can occur for various purposes--labour, commercial sexual exploitation, organ trade etc. Poverty, illiteracy, lack of livelihood options, natural/manmade disasters makes a person vulnerable to trafficking. India faces both In-country and Cross Border trafficking.

Child pornography.

Child pornography is 'the use of visual or audio material which uses children in a sexual context. It consists of the visual depiction of a child engaged in explicit sexual conduct, real or stimulated, or the lewd exhibition of the genitals intended for the sexual gratification of the user, and involves production, distribution and/or use of such material'. Child pornography is a multi-billion dollar international sex trade industry.

The development of child pornography is fuelled by mainly two factors, the inception and availability of home movies, videos, digital cameras, computers and software, which made the making of child pornography relatively cheap and secondly, the development of Internet technology, which has increased ease of production and distribution of this material to amazing heights. There is constant debate as to how the child pornography industry can be stopped. One of the major aspects of the debate is answering seemingly simple question: how does one define the age of a minor? This is because; different countries set different age for "hardcore" pornography and "soft-core" pornography.

Child prostitution

Child prostitution is 'the sexual exploitation of a child for remuneration in cash or in kind usually, but not always, organized by an intermediary'. (UN definition)

Many surveys have been conducted to find out the extent of child prostitution. Dr. Gilada's paper on perspectives and positional problems of social intervention" shows that, "70% of women are forced into prostitution and 20% of these are child prostitutes." Statistics of the survey done show:-
City Population Prostitute Population
Bombay 10 million 100,000, Calcutta 9 million 100,000, Delhi 7 million 40,000, Agra 3 million 40,000. A survey conducted by Indian Health Organization of a red light area of Bombay shows:-

1. 20% of the one lakh prostitutes are children.
 2. 25% of the child prostitutes had been abducted and sold.
 3. 6% had been raped and sold.
 4. 8% had been sold by their fathers after forcing them into incestuous relationships
 5. 2 lakh minor girls between ages 9yrs-20yrs were brought every year from Nepal to India and 20,000 of them are in Bombay brothels.
 6. 15% to 18% are adolescents between 13 yrs and 18 yrs.
 7. 15% of the women in prostitution have been sold by their husbands
 8. Of 200m suffering from sexually transmitted diseases in the world 50m alone were in India.
 9. 15% of them are devdasis.
- It was estimated that in Delhi 50% of the prostitutes are devdasis and in Bombay, Pune, Solapur and Sangli. 15% of them are devdasis,
1. It is also noticed that young and old men prefer young and new girls.
 2. Growing poverty, increasing urbanization, and industrialization, migration, and widespread unemployment, breaking up of joint family system etc. are also responsible for the prevalence and perpetuation of the child prostitution.
 3. Quick marriages without proper knowledge of the bridegroom's family background leading to a divorce initiates the gravitation of girls to the red light area.
 4. The children are not lured into it but are thrust into it. There was a case of a sixteen years old girl who was sold to a brothel owner by her father following incest. 8% of these girls are victims of incest because of the myth-that one of the causes for an STD is intercourse with a virgin.
 5. Many a times when a child who has lost both his parents is looked after by the relatives and these relatives too force the child into prostitution.

International Legal Instruments

1. Convention on the Rights of the Child (CRC) and its Optional Protocols (Sale of Children, Child Prostitution and Child Pornography) [Ratified]
2. Convention on Elimination of all forms of Discrimination against Women (CEDAW) [Ratified]

Periodic Research

3. UN Convention Against Transnational Organized Crime [Signed]
4. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Esply. Women and Children supplementing above Convention [Signed]
5. Millennium Development Goals (MDGs).

SAARC

1. SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution [Ratified].
2. SAARC Convention on Regional Arrangements for Promotion of Child Welfare in South Asia [Ratified].
3. SAARC Charter where trafficking issues to be addressed at regional level

National Legal Framework

1. Immoral Traffic Prevention Act, 1956 (being amended)
2. Indian Penal Code (select provisions)
3. Juvenile Justice (Care and Protection of Children) Act 2000
4. Child Marriage Prohibition Act 2006

National Policies and Plans

1. National Child Labour Policy, 1987
2. National Policy for the Empowerment of Women, 2001
3. National Plan of Action to combat trafficking and commercial sexual exploitation of women and children (1998)
4. National Plan of Action for Children, 2004
5. Integrated National Plan of Action to Prevent and Combat Trafficking of Human Beings, with Special focus on Women and Children (being formulated)—will look at trafficking for all purposes

An Integrated Child Protection Scheme: -

1. Provides for improved institutional care, quality non-institutional and alternative care, counselling and family support, training and capacity building, child tracking system and website for missing children.
2. Will focus on street children, trafficked children, children in need of care and protection, children in conflict with law, HIV/AIDS affected children, adoption and foster care issues and any other.
3. Toll free Children's helpline-1098; women's Helpline-1091
4. Missing Children website being developed
5. Swadhar Shelter Homes and Short Stay Homes

CONCLUSION & SUGGESTIONS

While countless women and children trafficked for commercial sexual exploitation (CSE) face the gravest violations of human rights, the response systems are unable to address or redress their grievances and, often, exacerbate the harm and sufferings these women and children endure. This is obvious from the fact that when, on the one side, the traffickers and exploiters are seldom brought to book, on the other side, the victims are frequently criminalized and persecuted. Such violations are mostly due to (a) inadequate knowledge of law, procedure and protocols, (b) inappropriate understanding of the issues and concepts, (c) want of genuine sensitivity to the issues and (d) the mindsets and prejudices which dictate and dominate the decision-making process. Law enforcement agencies are duty bound to rescue such children, produce them before the Child Welfare Committee and extend all care and attention

The criminal justice system has a significant role to play in addressing commercial child sexual exploitation, especially in its more organized forms: serial victimization of multiple children; networks of adult exploiters; and the kidnapping, smuggling, and sale of children as commodities. As technology and communication become more advanced and global travel becomes easier, the effort to prevent CSEC must become more sophisticated.

suggestion

Alarmed at the rising number of cases related to sexual abuse and human trafficking in the country, the ministry of women and child development has issued an advisory on measures to be taken by states and union territories to combat the menace. The advisory gains importance in the backdrop of Kerala being haunted by a series of sexual abuse scams involving young girls, some of which are directly being linked to powers-that-be. Keep pace with new technologies, such as those that create "virtual" images of children in pornographic situations.

1. Educate potential victims about the tactics used by recruiters.
2. Educate the public about the great harm caused by CSEC.
3. Improve parental supervision of vulnerable children.
4. Enhance the role of women and children in societies where they are treated as sex objects.
5. Formation of community vigilance groups in source areas and disaster prone areas.
6. Involvement of local level institutions for tracking outbound movements of children.
7. Child Help Lines to be established and widely publicised at the village level.
8. Strengthening regional and overseas initiatives to prevent cross-border trafficking

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