**Research paper on**

**CHILD EXPLOITATION: INDIA AND THE WORLD**

By:

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**ABSTRACT**

Child exploitation includes child domestic work, recruitment and involvement of children in armed conflict,child marriage, sexual exploitation and pornography, use of children in criminal activities, child labour or whenever somebody else makes benefit from the children’s vulnerability and powerlessness. Any of such acts can have serious short and long-term physical, psychological and social consequences not only for the children, but also for their families and communities. These acts create lifelong problems for the individual as well as the society. International conventions as UNCRC help all countries create a healthy environment for the children and to protect their rights. In India the number of children that are exploited are high and nearly every person has faced one or more type of such exploitation. Juvenile justice Act, Protection of Children from Sexual Offences Act and Commission for Protection of Child Rights Act are a few of the legal measures that help curb child exploitation in India.

**INTRODUCTION**

Child exploitation refers to the use of children for someone else’s advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child. These activities are to the detriment of the child’s physical or mental health, education, moral or social-emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment.[[1]](#footnote-2) It should be a collective aim of all to abolish all acts of sexual exploitation.

**INTERNATIONAL INITIATIVES**

In 1989, an international legal framework- ‘United Nations Convention on the Rights of the Child’ was adopted to protect every child and fulfil their right. With 54 articles that guides every government to make children’s right available to all children. Childhood lasts till the age of 18 and it is a protected time in which children must be allowed to learn, play, develop and flourish with dignity. This convention is the most widely ratified human rights treaty in history.[[2]](#footnote-3) All countries in this convention has made necessary changes in their laws and policies to ensure that children are protected from any kinds of exploitations and that their rights are safeguarded. Under the terms of the convention, governments are required to meet children’s basic needs and help them reach their full potential. This is also the only international human rights convention that give non-governmental organizations a direct role in overseeing its implementation[[3]](#footnote-4). The main objective of the convention is the acknowledgment that every child has basic fundamental rights. These include the right to:

* Life, survival and development
* Protection from violence, abuse or neglect
* An education that enables children to fulfil their potential
* Be raised by, or have a relationship with, their parents
* Express their opinions and be listened to.[[4]](#footnote-5)

Two additional protocols asking governments to prevent children from being forcibly recruited into armed forces and prohibiting child prostitution, child pornography and child slavery was added in 2002 to the UNCRC. In 2011 a third protocol enabling children to complain directly to the UN Committee on the Rights of the Child whenever the child’sright has been violated.

This convention gains its importance as it makes clear that the basic quality of life is the right of all children rather than a privileged few. Children all around the world are to be considered as equal status to other humans and whenever the family or the caregivers fails to provide to all their needs it becomes the responsibility of the State to find alternatives in the best interest of the child. When these responsibilities of the government are not properly fulfilled the negative impact on the child’s life is worse than any other strata of the society. Views of the children are to be taken into consideration with more importance for the proper functioning of a society. When decisions are taken without proper foresight many negative impacts are imposed on the children. As children are the pillars of the future, when they are handled without proper care and caution the future will crumble.

Convention on the Elimination of All Forms of Discrimination Against Women, European, Social, Charter, International Covenant on Civil and Political Rights, International Covenant onEconomic, Social and Cultural Rights, United National Standard Minimum Rules for theAdministration of Juvenile Justice and the Universal Declaration on Human Rights are some other international convention that helps protect children from exploitation.

Despite all the process made to curb child exploitation, billions of children are still face the same. Global changes in technology, environment, migration and prolonged conflicts creates new threats to their rights but also provide new opportunities to realize their rights.

**CHILD PROTECTION LAW AND POLICY IN INDIA**

“Children must be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment”[[5]](#footnote-6)

India has made many efforts to clamp down many forms of child exploitation. In addition to many domestic laws, India is also a signatory to UNCRC from November 12, 1992. The National Policy for Children(2013), Protection of children from sexual offences act (POCSO, 2012), Commission for Protection of Child Rights Act (CPCR, 2005) and Juvenile Justice Act (Care and Protection of Children, 2015) are the legislations for protecting the children’s right and preventing child exploitation.

Child Welfare committees (CWCs) in every district function as a bench and has the powers conferred on a metropolitan magistrate or a Judicial magistrate of class one handling cases regarding the protection, care and the basic necessities of the children, State Child Protection Society and District Child Protection Units to ensure the implementation of the Juvenile Justice Act, A Child Welfare Officer in every police station, not below the rank of assistant sub-inspector, Special Juvenile Police Unit(SJPU) to providing legal protection against all kinds of cruelty, abuse and exploitation of children or juveniles and Integrated Child Protection Scheme (ICPS) with Government-civil Society partnership aims to provide a protective environments to children who doesn’t have it are initiations taken by the Juvenile Justice Act.

CPCR Act 2005 ensure that all laws, Policies, Programme, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child.[[6]](#footnote-7) POCSO establish specific offenses to protect children from sexual assault, sexual harassment, and pornography, and provide for the establishment of special courts for the trial of such offenses.  TheAct seeks to safeguard the interest of the child “at every stage of the judicial process, by incorporating child friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences” through the special courts[[7]](#footnote-8). Despite all the efforts made by the government, India remains to be among the peak countries with child exploitation numbers. The laws are strong but the implementation is very poor.

The major forms of child exploitations are discussed below:

CHILD LABOUR

Children when made to do work that could harm their mental, spiritual, moral or social development, it is considered as child labour. Children involved in child labour are robbed of their childhood, health and education condemning them to a life of poverty depriving them of a prosperous future.The **worst forms of child labour** involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age. The recruitment and involvement of children in armed conflicts and making child soldiers causes unhealthy physical drain in the children and is a great risk of their life. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.[[8]](#footnote-9)Children are treated in inhuman standards in these employments which affect their physical and mental health severely creating long-term trauma.

The cause of child labour is mainly poverty.Due to the dire situation of many families, children are sold by their parents to child traffickers or parents abandon their children in the countryside while they look for work in a big city. These children are especially vulnerable and are often exploited by traffickers who force the boys and girls to work for very low wages or even nothing at all[[9]](#footnote-10). When education is limited, optional and expensive in many places, people from rural areas with little education often see no alternative but to take their children out of school and put them to work to help feed their family. These children when they grow remain at a risk of not having secured jobs and thus remain trapped in the intergenerational cycle of poverty and deprivation. Such children when grown gets into mafia and gang works due to the lack of employment opportunity as they are illiterate. Gender, race and religious discrimination also plays its part as to why some children have to work.MNC competitions encourages corporations and governments to pursue low labour costs in turn supporting child labour. Inadequate rules and regulations, and their poor enforcements also contribute as reasons for the persistence of these issues.

ILO 2016 data indicates that there are 152 million working children in the world between 5-17 years, of which 23.8 million children are in India. So, 16% of the working children (or every 6th working child) in this age group is in India[[10]](#footnote-11).There are almost [18 million children](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_359371.pdf) between the ages of 7 to 17 years old who are considered “inactive” in India, neither in employment nor in school. These missing girls and boys in India are potentially subject to some of the worst forms of child labour.[[11]](#footnote-12)

According to a study by the ILO, the majority of the world's child labour (around 71 percent) is done in the agriculture sector, including cotton plantations and rice fields. Around 17 percent are employed as service staff, mainly as domestic workers or in restaurants, and another 12 percent of child labour is spread across jobs in the industry sector, including dangerous activities in mines. Many child laborer’s in India are working for starvation wages in textile factories, helping with the processing of carpets, or doing back breaking work in brick making factories and quarries. Other child laborer’s work selling cigarettes, called "Bidis", on the street for the tobacco industry. Children are also used for cheap labour in industries such as steel extraction, gem polishing and carpet manufacturing.  A staggering number of girls are victims of child trafficking in India, whether through traditional bondage or through organized crime. The commercial sexual exploitation of children is among the worst forms of child labour and in India there are around [1.2 million](https://edition.cnn.com/2009/WORLD/asiapcf/05/11/india.prostitution.children/index.html?iref=24hours) children involved in prostitution.[[12]](#footnote-13)

United Nations Convention on Child Rights (UNCRC) 1989 and several ILO instruments as Minimum age convention, 1973 and Worst form of child labour convention 1999 aim to eliminate child labour completely from the world. Article 77 and other provisions in the Geneva convention of 1949 provides protection and care for children in situations of armed conflict.

Despite the prohibition of child labour in India, finding loopholes in the law and misusing them is a common practice. Children when employed in family business was allowed, making it okay for children to work at stay inns and street business if run by the family.15-17-year-olds are exempted from the legal category of child labour, but prohibiting them from dangerous work only. Field works are excluded from the law which are physically exhaustive and exposes the children to chemicals. In addition, numerous business leaders, such as mine owners,political office holders have considerable influence. Eliminating poverty and inequality can decrease child labour to a great extent. Educated children find decent jobs which prevent the successive generation from child labour which breaks the vicious cycle of child exploitation and poverty.

SEXUAL EXPLOITATION OF CHILDREN

Sexual exploitation is the actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse is actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.[[13]](#footnote-14)Such acts are a public health problem that affects everyone.Children are always under such risks when not in a protected and stable environment i.e., child employed for domestic work or child labor are very often sexually exploited. When a child or young person is exploited, they're given things, like gifts, drugs, money, status and affection, in exchange for performing sexual activities.[[14]](#footnote-15) Children and young people are often tricked into believing they're in a loving and consensual relationship. This is called [grooming](https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/grooming/). They may trust their abuser and not understand that they're being abused. Web child tourism is another growing branch of child sexual abuse. Children and young people can be [trafficked](https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/child-trafficking/) to be sexually exploited. Children caught in sex trafficking are moved around the country and abused by being forced to take part in sexual activities, often with more than one person. Young people in gangs can also be sexually exploited.[[15]](#footnote-16)

Child marriage is also another form of sexual exploitation that is conducted religiously in India. Child marriage happens for many reasons: poverty, tradition, fears about girls' safety, a perceived lack of other options. But, ultimately, it happens to girls because they are girls.Child marriage has devastating consequences in the future of children and their communities. Soon after marriage, child brides are expected to prove their fertility – to become mothers even though they are still children. Their bodies are not ready to cope with pregnancy and childbirth. Mothers under the age of fifteen are five times more likely to die in labour than women in their early 20s.In many cases, marriage becomes the only life that child brides know. With few employment prospects, they are almost entirely dependent on their husbands. Not only does this make girls more vulnerable to abusive relationships, it gives them no options to provide for themselves and their children. As long as it exists, child marriage will stand in the way of gender equality.[[16]](#footnote-17)

Children become the most approachable target for such abuse due to their vulnerabilities and often used in paraphilic themes. When these fragile humans are misused it causes chronic problem, both physical and mental which often causes defects in development process of the child. STD’s unwanted pregnancies, permanent damage to sexual organs, psychological distress which may even result in panic attacks, fear, post-traumatic stress disorder, anger and aggression, withdrawal and isolation, stigma, discrimination, depression, trust issues making them a failure in creating healthy relationships in the future and even create unhealthy mentality and characteristics.

Following the examination of random selection of videos and images in the ICSE database, INTERPOL and [ECPAT International](https://www.ecpat.org/) published a joint report in February 2018 entitled Towards a Global Indicator on Unidentified Victims in Child Sexual Exploitation Material.

The study identified a number of alarming trends:

* The younger the victim, the more severe the abuse.
* 84% of images contained explicit sexual activity.
* More than 60% of unidentified victims were prepubescent, including infants and toddlers.
* 65% of unidentified victims were girls.
* Severe abuse images were likely to feature boys.
* 92% of visible offenders were male.[[17]](#footnote-18)

One in nine girls and one in 53 boys are sexually abused before 18 and in every nine minutes a child is sexually abused. 92% of the offenders are male.

The UNCRC includes international provisions to protect children from all forms of sexual exploitation and sexual abuse, as well as from the sale of or traffic in children for any purpose or in any form.[[18]](#footnote-19) Since Yokohama Convention, there have been important developments in international human rights standards, including the adoption of new international instruments. One of two Optional Protocols to the Convention on the Rights of the Child, adopted by the General Assembly in 2000, provides detailed definitions of sale of children, child prostitution and child pornography; it entered into force in January 2002. It requires ratifying States to criminalize these actions as offences and provide support for child victims. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime, contains the first agreed, internationally binding definition of trafficking in persons and of child trafficking. It was adopted in 2000 and came into force in December 2003. In addition, States made further commitments to the protection of children from sexual exploitation at the UN General Assembly Special Session on Children (2002) and at the World Summit (2005). There are also detailed and developing commitments in successive annual resolutions on the rights of the child at the UN General Assembly and at the Commission on Human Rights and its successor body, the Human Rights Council. The report of the UN Secretary-General’s Study on Violence against Children, submitted to the General Assembly in October 2006, provides detailed recommendations and a further impetus for State action to prevent and respond, with a human rights-based approach, to all forms of violence against children, including sexual exploitation.[[19]](#footnote-20)

Protection of children from sexual offences (POCSO) 2012 is specially to abolish child sexual exploitation in India, criminalizing acts like child rape, harassment and exploitation for pornography and also setting up special courts to facilitate speedy trials in such exploitation cases. POCSO also has related provisions in conjunction with The prohibition of child marriage act (2006) helping to stamp out child marriage. POCSO but faces problems relating to sexual acts with the consent of minors, age determination of the victims whose birth is not registered and mandatory reporting obligations. Regardless the act has made substantial contribution in educating the public, sensitizing the criminal justice system, and making the reporting of child sexual abuse not just acceptable but also mandatory.

VIOLENCE AGAINST CHILDREN

May it be to correct wrong doings or for simple sadistic purposes, children are always prone to violence in home, at school, within institution or on the streets.Many children are exposed to various forms of violence, exploitation and abuse, including sexual abuse and exploitation, armed violence, trafficking, child labour, bullying, gang violence, female genital mutilation/cutting, child marriage, physically and emotionally violent child discipline, and other harmful practices. As internet access expands, violence against children is taking on new dimensions such as cyber-bullying and online sexual exploitation, with damaging and life-changing consequences[[20]](#footnote-21). Many believe that beating children teach them valuable lessons which they never forget, but in reality, it creates fear and resentment in the child. May it be their parents, caregivers, peers, romantic partners or strangers, many peruse violence on kids behind closed door as punishments or just to relive their anger or stress. In family, violence on children often transmits from generation to generation, creating a vicious cycle with harmful impacts on their physical, psychological, emotional and social developments. Violence against children happens irrespective of the nationality, traditions, cultures, age, gender and even between different financial levels. Violence in schools damages the child’s interest, motivation and ability to study, increasing the likelihood of children dropping out of the education system. Exposure to violence at an early age can impair brain development and damage other parts of the nervous system, as well as the endocrine, circulatory, musculoskeletal, reproductive, respiratory and immune systems, with lifelong consequences. As such, violence against children can negatively affect cognitive development and results in educational and vocational under-achievement.[[21]](#footnote-22)

It is every child’s right to live in a safe and carefree environment, free from abuse, neglect, exploitation and violence yet globally up to 1 billion children are exposed to violence[[22]](#footnote-23).In India 92000 SOS calls were received to the Childline India helpline in 11 days during the lockdown period[[23]](#footnote-24).

Under the leadership of WHO, a group of 10 international agencies have developed and endorsed an evidence-based technical package called INSPIRE: Seven strategies for ending violence against children*.* Each letter of the word INSPIRE stands for one of the strategies, and most have been shown to have preventive effects across several different types of violence, as well as benefits in areas such as mental health, education and crime reduction.[[24]](#footnote-25)

The seven strategies are:

* **I**mplementation and enforcement of laws (for example, banning violent discipline and restricting access to alcohol and firearms);
* **N**orms and values change (for example, altering norms that condone the sexual abuse of girls or aggressive behavior among boys);
* **S**afe environments (such as identifying neighborhood “hot spots” for violence and then addressing the local causes through problem-oriented policing and other interventions);
* **P**arental and caregiver support (for example, providing parent training to young, first time parents);
* **I**ncome and economic strengthening (such as microfinance and gender equity training);
* **R**esponse services provision (for example, ensuring that children who are exposed to violence can access effective emergency care and receive appropriate psychosocial support); and
* **E**ducation and life skills (such as ensuring that children attend school, and providing life and social skills training).[[25]](#footnote-26)

In India the primary child protection provisions are found in the Juvenile Justice (Care and Protection of Children) Act, 2015. Chapter VI of the Act lays out the procedure in relation to a child in need of care and protection and Chapter IX describes certain offenses against children, including cruelty as: “Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both”[[26]](#footnote-27). Child Welfare Committees in each district, Child Protection Society and District Child Protection Units established in every State, A Child Welfare Police Officer in every police station and Special Juvenile Police Unit in each district and city are created under The Juvenile Justice Act.In 2009 the government of India launched the Integrated Child Protection Scheme (ICPS), “a centrally sponsored scheme aimed at building a protective environment for children in difficult circumstances, as well as other vulnerable children, through Government-Civil Society Partnership.”[[27]](#footnote-28)

**Conclusion**

Only a lucky few child escape from child exploitation. For some it may be a onetime experience and to some which expands from weeks to years. It is devastating to realize that not all such abuses are caught and brought to justices. Such abusive acts when faced in childhood persist to remain a person’s worst nightmare. In all ways, victims that kept on fighting and those who overcame these hardships are superheroes. It becomes the responsibility of each and every adult among us to protect children from facing these monsters. Yes, there are laws, regulations and their implementation but it comes down on the society’s mentality to such acts, seeing these as small troubles that everyone once went thru that allows such acts to persist in the society.

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