



Report Of The Round Table With Parliamentarians 12 December - Global Day Against Child Trafficking, 2007 To Focus On Trafficking Of Children For Labour

29th October 2007 cannot be very far from our memory. The news was full of 14 children rescued from the Zari sweatshops in Shahpurjat in New Delhi, a source from where embroidered garments can be procured by international brands in apparels like GAP Inc. Subsequently there were more such raids and many more children rescued from other parts of the city.

Each time it is as if the children had committed some crime. And, whatever may be the treatment meted out to them at the time of rescue and thereafter, sooner or later they come back to be found working again. Keeping them in rehabilitation centres and far from their families is certainly not the solution. These children are trafficked because there is a demand for them and the supply comes easy. Children, more than any one else, are the most vulnerable and can therefore be manipulated, coerced and bartered or bought and sold. To add to this, there is no law to deal with the traffickers and hence the trade in children goes unabated.

12 December is observed as the Global Day Against Child Trafficking (GDCT) in six regions across the world by partners in the International Campaign against Child Trafficking (ICaCT). The India Campaign Against Child Trafficking (CACT), which is part of ICaCT, also undertakes a series of public awareness and advocacy initiatives in various parts of the country this day, seeking urgent attention on the issue.

This 12 December, to remind ourselves and reiterate our commitment to the millions of children who contribute to our day-to-day existence, sustenance, pleasure and emotional balance as domestic helps and other forms of labour, circus acrobats, prostitutes, young brides, infants in adoption etc., HAQ: Centre for Child Rights in

On 12 December 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (also known as the Palermo Protocol) was first opened for signatures in Palermo, Italy. The day marked the real beginning of a global commitment to fight organized crimes such as human trafficking.

While India became a signatory to the Palermo Protocol on 12 December 2002, it is yet to ratify it.

Keeping this in mind, the Campaign Against Child Trafficking in India (CACT) has been observing 12 December as the Global Day Against Child Trafficking.

partnership with CACT- Delhi organised a round table with Parliamentarians-Parliamentarians for Children- *PfC*, at the India Habitat Centre, New Delhi.

Participants

The round table was attended by four Members of Parliament. Apart from the MPs, also present were- Justice Madan B.Lokur; Dr. Bharti Sharma-Chairperson CWC, Nirmal Chaya, New Delhi. Also present were member organisations of CACT-Delhi, members of the HAQ General Body; representatives from UNICEF, CRY, Save the Children-India, Child Line India Foundation, terres des homes-Germany etc.

The CNN-IBN Special Investigation Team, headed by senior journalist V.K Shashi Kumar, which has been covering issues of child trafficking, were also present. (The full list of participants is given at the end of this report)

Ms. Usha Rai, veteran development journalist, moderated the events.



Discussions

Welcoming the participants, Enakshi Ganguly from HAQ: Centre for Child Rights said that the purpose of the round table was to initiate a dialogue with elected representatives. She regretted that despite confirming, a number of parliamentarians dropped out at the last minute, many of them because of the Gujarat elections.

Setting out the background for the discussions of the evening, Enakshi explained that the recent rescue operations of child labour from the zari units in the city of Delhi, once again reinforce the fact that Delhi was an important destination for trafficked children. While commonly trafficking continues to be associated with prostitution, it is important to reiterate that both boys and girls are trafficked - many of them for labour. In the absence of a well-set out mechanism for their repatriation and rehabilitation, confusion exists. Not surprisingly parents of those children rescued from Shapur Jat (a unit that was producing goods for Gap), found themselves completely at a loss.

She requested Ms. Usha Rai to take over the proceedings.

Bharti Ali's presentation on Permanency Planning of trafficked children who have been rescued highlighted the need for a well thought out and strategic intervention so that the rehabilitation is sustainable, enabling children to continue living a dignified existence in the community. She highlighted the need for a more holistic law on trafficking which includes all forms of trafficking and is not limited to trafficking for prostitution.

Permanency planning should not be a post-harm strategy. It has to deal with children who have been harmed as well as those who may not have suffered violence, separation from family, abuse and/or exploitation, but need to be protected in order to ensure that they remain within the social security and protective net. It is therefore about preventing harm and separation of children from their family/community & about protecting children and maintaining the continuum of care in all situations.

It should not be 'Permanency Planning for a child; rather, what is needed is 'Permanency Planning for protection of child rights'.

Mr. Raj Mangal Prasad, Convenor CACT-Delhi, highlighted the plight of children rescued through raids and the lack of uniformity in dealing with them.

Noor Mohammad, father of one of the boys rescued from one of the zari units in Shahpur Jat, shared his experience of gaining access to his son. Having come to

know that his son and other boys from his village had been rescued from a zari unit in Delhi, many parents rushed down to take back their sons, only to find that the High Court had placed them in the protective custody of an NGO. Their application to the Court had been rejected. Since then he and the other fathers had been waiting to get their sons, and take them back home. He also shared the pathetic conditions in which the boys worked, some as young as 8 or nine years. Although, many times the children are "sent" by their parents, or they come on their "own" without any exchange of money, neither the parents nor the children are fully aware of the working conditions etc.

Noor Mohammad's story clearly brought out the increasing vulnerability of the poor living in areas that are disaster prone, forcing families to become indigent and their children into dropping out of school and into labour. It also brought out the push and pull of the larger forces of the global market that is increasing the vulnerability of people.

This led to an exchange of questions and answers between Noor Mohammad and the participants. Shri Naresh Gujral, Member of Parliament, Rajya Sabha (MPRS) wanted to know the amount of money the children were getting, and what the persons who bring the boys actually tell the boys and their families to influence them. Shireen Miller and other participants had similar queries.

"In the period of 'training' for the first five months, the boys are paid nothing. They are only given Rs. 100/- per week for food. The employer provides lunch", is what Noor Mohammad went on to share.



"Sitting in Medinipur we never realise how horrible the working conditions are. The children were working 14-15 hours in a day and sometimes they were not seeing the sunlight."

Sheikh Noor Mohammad

VK Shashikumar, head of the Special Investigation Team of CNN-IBN, pointed out that there was a complete failure of the legal and administrative system that 'allowed' the trafficking to carry on in this country. This has come through time and again in the

course of their investigation on trafficking of children. Sanjay Gupta from CHETNA reiterated this, as did Mr. Gujral.

Suggestions from the Parliamentarians:

Dr. E. M. S. Natchiappan, said that he could take up the issue of a new child welfare law. He was very concerned that the Palermo Protocol was not ratified by India, and said that this was an issue that he would want to work on. He suggested that an action taken report could be made on the situation of child labour particularly children trafficked into labour and presented in Parliament.

He stressed on the need for using the mechanism of the Parliamentary Standing Committees effectively to advocate the cause of children. He himself was willing to take up the issue in the Standing Committee on Personnel, Public Grievances, Law and Justice, of which he is the chairperson.



“There is need for an omnibus child protection legislation.”

“Parliamentarians can lobby for the ratification of the Palermo Protocol”

Dr. E. M. S. Natchiappan, MP, RS

Prof P.J Kurien emphasised that not all MPs are aware about these issues under discussion and there was a need to make them aware. He further flagged three issues that led to increased vulnerability of children. These were:

- Laws related with children are inadequate;
- The Implementation of law is very bureaucratic;
- The Corruption is also at a high level.

Prof Kurien said that he was already raising issues concerning dowry and female foeticide (sex selective abortion) in the Parliament. He was now prepared and willing to raise questions and make submissions regarding child trafficking also. He asked the NGOs to share their research findings regarding failure of programmes with him, with suggestions of what could be done. He would take it up with the government.



“Do not jump from one to ten, go step by step”

“Accountability is least with the Parliamentarians today...This needs to be changed”

Prof. PJ Kurien, MP, RS

He even went as far as to suggest that he and other parliamentarians could initiate a campaign against child labour and child trafficking in the Parliament.

Agreeing with Prof Kurien, **Shri. Naresh Gujral** reiterated the problem of corruption at all levels that is adversely impacting the implementation of both law and of programmes meant for the poor making them even more poor and vulnerable. Stressing on the inadequacy of the laws and poor implementation of existing laws, he suggested that special courts were required for dealing with all legal matters concerning children.



“Rajiv Gandhi once said that only 15 paisa reached to the poor”

“If the children are not rehabilitated, they will be back in work. What is the HOPE they are being given at home after rescue?”

Shri. Naresh Gujral, MP, RS

He felt one of the important steps to address the problem of trafficking was to strengthen communities economically by linking the problem with much talked about National Rural Employment Guarantee Programme (NREGP) of the Government of India. The cost of the programme is around 40 Cr. and 50% of the money has not been spent as yet.

Reinforcing the need for sustainable and effective rehabilitation, Shri Gujral said that if a child after being released finds nothing at home then he /she is likely to again run away or be lured away. He raised the basic question that what has been given at home, as a *Hope* is an important point. In this regard vocational training and life skills are very critical.

Shri. Munishram, shared his general concern on the situation of the children. He admitted that only after coming to this meeting he became aware of the difference between child labour and child trafficking. He said the government and the people have to be sensitive and the policy should be child friendly. Expressing shock at the buying and selling of children, he clearly and strongly said that although he was not aware of child trafficking occurring in his constituency i.e. Western UP, he would not hesitate in taking stern action against the culprits if such cases were brought to his notice. He also promised to raise the issue in the Lok Sabha. “There must be some policy to stop the children from going to labour”, he added. He also stressed on the need for working with the parents to ensure that they do not send their children to work.



The law enforcement agency also makes money from the plight of the families”

“I am so concerned about the situation of children...I can even undertake a fast on the issue of children”

Shri Munishram MP, LS

Suggestions from other participants

Mr. Raj Mangal Prasad, Convenor CACT Delhi pointed out that the Parliamentarians can play an important role in law reform as the existing legislation on child protection was inadequate. Ideally amendments of law must be inserted into the IPC as the law enforcement officials almost only refer to the IPC and Cr.PC. Child trafficking should also be part of the law on Offences against Children that the government is proposing.

Quoting from HAQ's budget for children analysis, Augustine Veliath said that only 0.03 per cent of the expenditure on protection of children¹ was a "major scandal". This issue needs a lot more expenditure. A child who comes in contact with the system must be able to acquire first class remedial education, including life skills and we have good examples of this in the country. Every district collector has money allocated for child protection. Where does this money go if large-scale trafficking of children continues?

Clearly, poor implementation of the law, apart from inadequacy of the law regarding trafficking (ITPA restricts itself to trafficking for sexual exploitation), is matter of concern needing to be addressed by our Parliamentarians.

Dr. Bharti Sharma, Chairperson, Child Welfare Committee, felt that there is a need for raising awareness regarding the Juvenile Justice System and increasing the sensitivity levels of Police and Judiciary in handling these kind of cases.

Bharti Ali, from HAQ: Centre for Child Rights put the issue again at the focal point and asked what about monitoring the situation of child trafficking and the implementation of law within the Parliament?

Conclusion

All the MPs said that this kind of an exchange was very important to build their own understanding on issues and must be organised regularly. These meetings/ consultations should be organised during the Parliament sessions, preferably three times a year. They promised not only to raise questions and issues concerning children in Parliament, but also address them in their own constituencies if they received information.

All participants agreed that unless there was community of concerned citizens, that includes the Members of Parliament, the situation of children would not change.

The discussion was followed by a vote of thanks from Bharti Ali of HAQ.

Other events in Delhi

In addition to the Round-Table, various community level public awareness and solidarity programmes were organised in Delhi by various NGO partners of CACT-Delhi. These include- Efraha, Bal Sahyog, Samarth, Chetna, Mahak, Anchal Charitable Trust, Aradhya and Pratidhi (State Secretariat of CACT-Delhi), in some of the most vulnerable areas such as Madanpur Khadar, Paharganj, Karol Bagh, Shahbad Dairy, Tughlakabad,

¹ According to Budget for Children analysis undertaken by HAQ, between 2000-01 to 2006-07, 0.03 per cent of the Union Budget was allocated (BE) for protection programmes, 14.2 per cent for which remained unspent.

Seelampur, Burari, Seemapuri and NOIDA Sector 31 and 37, where the families of children in the Nithari killings await justice.

List of Participants at the Round-table for Parliamentarians

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4.	Prof. P.J. Kurien	INC	Rajya Sabha	Kerala	302, Brahmaputra Complex, B.D. Marg, New Delhi – 110001 23766582, 9868181143	Member, Committee on Health and Family Welfare

Participants other than Parliamentarians:

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