



General Assembly

Distr.: General
22 February 2019

English only

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.



INDIA: Country must bring its missing children back

Recently, Aawaj, a partner organisation of the Asian Legal Resource Centre, in India along with Madhya Pradesh Police busted a multi-state child-sale racket and helped rescuing many children sold to different families. The bust, sadly, exposes only the tip of India's human trafficking problem with children being its worst victim. They are trafficked for various reasons including forcing them into child labour, commercial sex work and for forced marriage, domestic work, and forced begging.

Though there are various reasons why so many children go missing in India, destitution is one of the most important problems. Children sometimes flee their homes in desperation to escape poverty and hunger and land in difficult situations. Reports of destitute parents selling their children to save others are also commonplace. Once these children go missing, no one even bothers to make efforts to trace them back. Children are also at times allured into abduction because of personal enmities and then sold to the traffickers. Children of unwed mothers in a highly patriarchal society too are the most vulnerable ones. Then there are organized gangs of child traffickers who steal children to force them into begging.

The Government of India had recently admitted in *Lok Sabha*, the lower house of the country's national parliament, that over 190,000 children went missing in the country in the last three years alone - from 2 June 2015 to 21 December 2018. It also admitted that out of the total of 191,679 children gone missing, the highest number of children missing was from Gujarat at 37,063, followed by Madhya Pradesh at 32,925, and then West Bengal at 25,275.

The data from National Crime Records Bureau (NCRB), India's official crime monitoring agency too, corroborates the enormity of the crisis. As per its last published annual report, 14,183 children became victims of human trafficking in 2016, with a 27 per cent increase over previous year. It also found out that children below 18 years constituted a whopping 59 per cent of the total number of humans trafficked in the country in 2016. Further, of the 63,407 children who went missing in the year 2016, 41,067 or 65 percent were female.

According to the 2016 NCRB data, 45 per cent of the children ended up as forced labourers — as domestic workers or in small industries such as textile and firecracker workshops. Another, 35 per cent of them were trafficked for sexual exploitation; 4,980 of which were sold to brothels and another 162 for child pornography. India's 2011 census found 8.2 million child labourers in the 5-14-year-old age group, most of which work in hazardous jobs and undergo lot of exploitation including working for over 14 hours in unliveable conditions and suffering sexual abuse.

Further, out of total 242,938 children reported missing across the country, only 170,173 could be traced and 72,765 continue to remain missing. In metro cities like Delhi, the national capital, the recovery rate is far worse at a paltry 27 percent cent.

And all this happens despite India being party to both national and international mechanisms to stop trafficking. It has ratified the United Nations Convention on Transnational Organised Crime (UNTOC) whose protocols include Prevention, Suppression and Punishment of Trafficking in Persons, particularly Women and Children. The country has also enacted The Immoral Traffic (Prevention) Act, 1956 (ITPA) for prevention of trafficking for commercial sexual exploitation. India amended Criminal Law (Amendment) Act 2013, which provides comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs. Further, India also has a plethora of acts to curb the menaces like forced marriage and child labour which lead to trafficking of children like the Child Marriage Act, 2006; Bonded Labour System (Abolition) Act, 1976; Child Labour (Prohibition and Regulation) Act, 1986; and Transplantation of Human Organs Act, 1994. The country's penal law - the Indian Penal Code too has specific sections like Sections 372 and 373 for punishing the crime of selling and buying of girls for the purpose of prostitution.

It is in this context that the ALRC urges the United Nations Human Rights Council to ask the government of India to:

1. Honour its international and national commitments and put up an effective preventive mechanism including increased police patrolling, announcements of missing children in public spaces, hoardings and banners of missing children, installation of CCTV cameras to stop child trafficking and trace all the children back to their homes and families;
 2. Ensure that those children who have no families to return to are rehabilitated by the government;
 3. Ensure that all forms of child labour are stopped and the children working are rescued and rehabilitated;
 4. Prosecute and punish those who traffic children for any reason- forced marriages, forced begging, child labour and other similar crimes under the laws of the land.
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