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Child Protective Services

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ABSTRACT

Child trafficking in India has deep-rooted causes such as poverty, lack of education, and the need for families to support themselves financially. This issue is further exacerbated by the demand for cheap labor in various industries, leading to the trafficking of young individuals who are forced into bonded labor for low wages. Economic disparities within and between regions contribute to the trafficking of children from low-income to high-income areas. Traditional and religious practices, such as Jogin and Devadasi, which involve dedicating girls to gods and goddesses, also play a role in encouraging child trafficking, including selling children to brothels. Child trafficking is a highly profitable criminal industry, ranking third globally after drugs and weapons due to its attractive financial returns with low investment. Illiteracy, particularly among girls, prevents children from understanding their legal rights and hampers their ability to protect themselves from exploitation. The expansion of the commercial sex industry in India and abroad adds to the demand for child trafficking. Moreover, a lack of political will on the part of the government to establish a strong law enforcement system further compounds the problem. Efforts have been made at both the national and international levels to combat child trafficking in India. The Ministry of Women and Child Development (MWCD) has initiated various measures, including the National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children in 1998. The ministry has also established the Central Advisory Committee (CAB) to provide guidance on tackling the issue. Additionally, the MWCD, in collaboration with NIPCCD and UNICEF, has developed manuals and guidelines for various stakeholders, such as a Judicial Handbook on Combating Trafficking of Women and Children for Commercial Sexual Exploitation, a Manual for Medical Officers for Dealing with Child Victims of Trafficking and Commercial Sexual Exploitation, and Counseling Services for Child survivors of trafficking. The Ministry of Home Affairs has established a dedicated nodal cell responsible for providing research, studies, and information to state governments. Workshops are organized for NGOs to address child trafficking issues. There are proposed amendments to the Immoral Traffic (Prevention) Act, 1956, aimed at widening its scope, focusing on traffickers, protecting the human rights of victims, and ensuring proper implementation. Efforts include training all stakeholders, such as police and government officials, to better understand the situation and respond effectively

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to suspicious activities or individuals. The MWCD operates shelter-based homes, short-stay homes, and Swadhar Homes for women in difficult circumstances. Three pilot projects to combat trafficking in various contexts are in the process of being converted into full schemes. Additionally, collaborative efforts with the Ministry of External Affairs aim to establish special task forces to combat cross-border trafficking. Addressing child trafficking in India requires tackling underlying issues such as poverty, illiteracy, lack of educational opportunities, and traditional practices that perpetuate the vulnerability of children, especially girls.

Keywords: *child trafficking, child marriages, Exploitation of Women and Children, Counselling Services.*

I. INTRODUCTION

In 1692, North America initiated efforts for child protection, where states and municipalities recognized the responsibility of local government and private institutions in caring for abused and neglected children. By 1825, states had enacted laws that granted social welfare agencies the authority to remove neglected children from their parents and the streets, placing these children in orphanages or with other families. During the late 19th century, private child protective agencies emerged to investigate reports of child maltreatment, bring cases to court, and advocate for legislation promoting child welfare.

In 1973, Congress initiated the process of creating federal legislation to tackle poverty and minority-related concerns. The Child Abuse Prevention and Treatment Act (CAPTA) was enacted in 1974, mandating that states take specific actions in this regard. “ to prevent , identified and treat child abuse and neglect “ .

In 1978, the Indian Child Welfare Act (ICWA) was enacted as a response to the damaging practices aimed at Native American communities. These harmful practices involved the removal of a significant number of Native American children from their tribes, placing them in foster care, or sending them to distant schools, where many suffered mistreatment, became lost, or even lost their lives. This legislation not only paved the way for the inclusion of cultural considerations but also emphasized the principle that children should ideally remain with their families. It marked the beginning of family preservation programs.

Out of the 4.5 million children reported to Child Protective Services (CPS) in 2002, approximately 896,000 were confirmed to be victims of abuse. Medical professionals reported 34% of neglect and 10% of physical abuse cases to CPS in 2002. It's crucial to avoid misdiagnosing abused children and prevent them from returning to unsafe environments

because abuse is often not an isolated incident. Many abused children have a history of previous hospitalization, and some, when returned to their parents' custody, experience subsequent abuse. Studies have shown that infants seen by physicians who didn't recognize abuse were re-injured, leading to preventable deaths. Abused children also experience higher in-hospital mortality and morbidity rates compared to those with accidental injuries. Those who do recover are more likely to face long-term issues like neurological deficits, behavioral problems, mental health issues, substance abuse disorders, and a higher likelihood of becoming victims or perpetrators of abuse as adults.

The federal Child Abuse Prevention and Treatment Act (CAPTA) of 1976 established CPS agencies responsible for investigating suspected child abuse and safeguarding children. In the United States, all physicians are legally obligated to report suspected abuse cases to their local CPS agency. Recognizing abused children and knowing the appropriate steps to take when caring for an abused child are both ethical and legal responsibilities for physicians.

In 2002, 61% of child victims suffered physical abuse, and 19% suffered neglect. Federal legislation provides a broad definition of child abuse and neglect as any recent action or inaction by a parent or caregiver that results in death, severe physical or emotional harm, sexual abuse, or exploitation, or that poses an immediate risk of serious harm. Specific definitions of abuse and neglect can vary between states.

II. THE ROLE OF CPS

Child Protective Services (CPS) primarily focuses on safeguarding children and aims to preserve the family unit whenever possible. Their goal is to provide treatment and services to the family to ensure the child's well-being, rather than punitive measures. These cases are typically handled in family court, which has different standards of evidence compared to criminal court. In family court, the guiding principle is the "preponderance of evidence," meaning the greater weight of all the evidence supports a decision. This standard of evidence is less stringent than in criminal cases. Normally, a judge makes the legal determinations in such cases, relying on information gathered by both CPS and, when necessary, law enforcement.

(A) Pediatric Gynecologic Disorders:

Most children with gynecologic and breast issues can receive outpatient treatment and are referred back to their primary care physician for follow-up. Newborns with mastitis and fever might need to be admitted to the hospital for sepsis evaluation and intravenous antibiotic treatment.

Older children may require hospitalization for procedures like draining tense vulvar hematomas, repairing lacerations, addressing imperforate hymens, or removing foreign objects. The availability of surgical services can vary, but care can be provided by pediatric general surgery, gynecology, or in rare cases, urology services. If prepubertal girls need an internal pelvic examination, they should be referred to a specialized pediatric center for examination under anesthesia.

When child sexual abuse is suspected, it is crucial to refer the case to child protective services and an experienced evaluation center. In situations where a child's safety is a concern due to suspected abuse in an unsafe home environment, the child might need to be hospitalized or placed in temporary foster care until child protective services can conduct their investigation.

III. CHILD TRAFFICKING

- Child trafficking involves removing children from their safe surroundings and exploiting their vulnerability for various forms of exploitation.
- Contemporary slavery manifests as the trafficking of children.
- Children are trafficked for purposes such as household labor, recruitment into the military, involvement in criminal activities, and, in some cases, adoption.
- Even if they succeed in escaping, the enduring physical and psychological trauma has a profound impact. The fear, mistreatment, and shame that children endure can significantly hinder their efforts to rebuild their lives and reintegrate into society.
- The global, national, and international issue of child trafficking is intricately linked to the demand for cheap and compliant labor in various industries and among employers who blatantly disregard the human rights of children through exploitative working conditions and treatment.
- These situations are marked by circumstances that are not only intolerable but also harmful to the child's well-being and development
- These situations are marked by circumstances that are not only intolerable but also harmful to the child's well-being and development.

The UNODC's worldwide report on human trafficking presents a bleak perspective on the problem, despite the fact that convictions have risen.

As per the report, the most prevalent type of human trafficking (79%) involves sexual exploitation, with women and girls being the primary victims.

Interestingly, in 30% of the countries that provided data on the gender of traffickers, women constitute the largest group of traffickers. In certain regions of the world, it is common for women to traffic other women.

The second most prevalent form of human trafficking is forced labor (18%), though this may not be an accurate representation due to the underreporting and infrequent detection of forced labor compared to trafficking for sexual exploitation.

Globally, nearly 20% of all trafficking victims are children. However, in some parts of Africa and the Mekong region, children make up the majority of victims (up to 100% in certain areas of West Africa).

Although the term "trafficking" often implies movement across continents, a significant portion of exploitation occurs within close geographic proximity.

Data reveals that trafficking within regions and within a country's borders is the predominant form of human trafficking.

(A) Trafficking in India:

According to the NCRB Report of 2021, 2877 children were trafficked in India.

About eight children are subjected to trafficking on a daily basis, and it's important to note that these numbers are based solely on cases recorded by Anti-Human Trafficking Units. The unreported incidents of trafficking far exceed this figure.

The report further reveals a 28% rise in trafficking in India in 2021 compared to 2020, with children constituting 44% of the total victims.

(B) Initiatives against Child Trafficking:

Child trafficking has evolved into a monumental issue, and numerous measures have been implemented on both the international and national fronts to address it.

(C) International initiatives:

The U.N. Convention definition of trafficking, aiding efforts to combat this issue on the Rights of the Child (CRC), established in 1989.

The Palermo Protocol of 2000: India signed this protocol in 2002 and formally approved it in 2011. This protocol introduced a precise

(D) Laws Governing Anti-Trafficking Crimes:

The Immoral Traffic (Prevention) Act of 1956 aims to prevent immoral trafficking and sex work.

The Bonded Labour System (Abolition) Act of 1976 was enacted to eliminate bonded labor and protect vulnerable sections of society from economic and physical exploitation. • The Transplantation of Human Organs and Tissues Act of 1994 criminalizes the commercial trade in human organs.

The Protection of Children from Sexual Offences (POCSO) Act of 2012 is designed to combat the commercial sexual exploitation of children.

IV. CASES INVOLVED IN CHILD TRAFFICKING

1. Lakshmi kant pandey vs union of india:

Facts:

Lakshmi Kant Pandey's letter, which exposed irregularities in the practices of various voluntary and social organizations involved in inter-country adoption, was treated as a writ petition by the Court. The Court called upon the Government of India, the Indian Council of Social Welfare, and the Indian Council of Child Welfare to help establish guidelines for determining whether a child should be adopted by foreign parents and, if so, the procedures to ensure the child's welfare. On September 30, 1982, the Indian Council of Social Welfare submitted a report with recommendations for the Court's consideration.

Guidelines :

Children should ideally be raised in a nurturing environment provided by their biological parents. However, if a child is abandoned, every effort should be made to locate and reunite them with their biological parents. If these efforts are unsuccessful, the next best option is to find suitable adoptive parents within the child's home country. If no adoptive parents within the child's native country can be identified within a maximum period of two months, the search for adoptive parents from another country becomes the best alternative. In such cases, the application from a foreigner seeking to adopt a child must be sponsored by a government-recognized social or child welfare agency from the foreigner's home country. The foreigner's application should include a comprehensive home study report, a recent family photograph, and other details demonstrating the foreigner's social and financial standing, along with a commitment and appropriate measures to ensure the child's well-being.

2. Bachpan Bachao Andholan case:

Facts:

Bachpan Bachao Andolan, an Indian-based movement, filed a public interest petition under article 32 of the Constitution concerning the situation of children trafficked from poor parts of

Nepal and India and forced to work in circuses where they are frequently sexually, physically and emotionally abused and subjected to inhuman conditions.

Guidelines:

In recognition that this practice was in violation of child labor laws and regulations on a child's right to an education, among other national and international statutes, the Supreme Court gave an order to prohibit the employment of children in circuses, raid circuses to free children, and establish rehabilitation schemes for the child victims.

3. Prajwala v. union of india case**Facts:**

The Telangana State Legal Services Authority and the Andhra Pradesh State Legal Services Authority, are hereby suo motu impleaded in this Taken-up Public Interest Litigation. Sri Jukanti Anil Kumar, learned Standing Counsel for Legal Services Authority for both States, takes notice and appears for them. The various challenges that the children face relate to areas of labour, trafficking and other aspects where they become victims.

Guidelines:

Prevention, rescue, rehabilitation, re-intergration, advocacy ,policy and legal advocacy, media advocacy.

V. CONCLUSION

In conclusion, we've explored the critical issue of child trafficking within the realm of child protective services. It's a topic that concerns the safety and well-being of some of the most vulnerable members of our society – our children.

Child trafficking is a grave problem, and it's important to understand the challenges it poses to child protective services. These challenges are real and daunting, but there is hope in our collective efforts to combat them.

To protect children from trafficking, we need a comprehensive approach. It starts with strengthening our laws and regulations to ensure that those responsible for child protection have the right tools to address trafficking cases. These laws must be clear and effective in prosecuting traffickers and ensuring the safety of the victims.

One of the key factors in this fight is the need for better communication and coordination among various agencies and organizations. Child protective services, law enforcement, NGOs, and other stakeholders must work together, share information, and support one another in this

critical mission. This collaboration can help identify trafficking cases, rescue victims, and bring traffickers to justice.

The people on the front lines of child protective services play a crucial role. They need training and resources to recognize signs of trafficking and respond effectively. By investing in the training and professional development of these dedicated individuals, we can enhance our ability to protect children.

Community awareness is also vital. By educating families, neighbors, and communities about the dangers of child trafficking, we can all become watchdogs for the safety of our children. Knowing what to look for and how to report suspicious activity can make a significant difference.

In essence, protecting children from trafficking is a shared responsibility. It's not just the duty of child protective services or law enforcement; it's a commitment we all must make. The safety and well-being of our children are at stake.

In closing, child trafficking is a formidable challenge, but with the right strategies and collective determination, we can work towards a world where no child falls victim to this horrendous crime. By strengthening our legal frameworks, enhancing collaboration, empowering child protective service professionals, and raising awareness in our communities, we can take significant steps to ensure that every child enjoys a safe and bright future, free from the shadows of child trafficking.

(A) Suggestions / Recommendations:

1. Strengthening Legal Framework:

One of the most crucial steps is to review and update existing laws and regulations related to child protection and trafficking. Make sure these laws are clear, comprehensive, and effective in prosecuting traffickers and protecting children.

2. Improved Training and Resources:

Child protective service personnel need specialized training to recognize the signs of trafficking and respond appropriately. Providing them with the necessary resources, including technology and support networks, is essential to enhance their effectiveness in combating trafficking.

3. Enhanced Collaboration:

Foster closer cooperation between various agencies and organizations involved in child protection, including law enforcement, child protective services, NGOs, and legal bodies. Streamlined communication and information sharing can help identify and respond to

trafficking cases more effectively.

4. Community Awareness:

Raising awareness among the general public is crucial. Communities should be educated about the signs of child trafficking and the importance of reporting suspicious activities. This collective vigilance can make a significant difference in identifying and preventing trafficking incidents.

5. Focus on Prevention:

Invest in programs and initiatives aimed at preventing child trafficking. This includes addressing root causes such as poverty, lack of education, and unstable family environments. Creating more opportunities for families to earn a living can reduce the vulnerability of children to trafficking.

6. Empower Children:

Teach children about their rights and how to protect themselves. This can be done through school programs and community activities that help children recognize and respond to potential dangers.

In summary, child trafficking is a complex and alarming problem, but with concerted efforts and a multifaceted approach, it can be combatted effectively. It requires the combined commitment of governments, organizations, child protective services, and communities to protect the rights and well-being of our children. By strengthening laws, training professionals, raising awareness, and focusing on prevention, we can make a significant difference in the fight against child trafficking and create a safer future for our children.
