

Child Exploitation for Labor and Sex

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Abstract

This chapter discusses the current state of child exploitation; explicitly, it focuses on children who are exploited and forced to work illegally for little to no payment of wages. The chapter begins with a discussion of the general forms of child exploitation globally, then it divulges into the state of child exploitation in India. It explicates the dynamics of child exploitation for labor and sex and discusses some of the cultural, economic, and structural factors that allow such practices to persist despite local and international prevention and control efforts. Finally, the chapter discusses the consequences of child exploitation in terms of the loss of social capital for India in specific and the global community in general.

Introduction

There has been growing international concern regarding the state of children in the world. Perhaps the most inhumane form of child exploitation occurs when children are sold and bought as commodities. Many times, children are kidnapped and forced to provide services well beyond their physical and mental abilities without any concern for their wellbeing. Other times, parents' abject state of poverty forces them to sell one or more of their children to be able to take care of the remaining members of the family. Children kidnapped or sold are often forced into various types of work, including prostitution, pornography, domestic servitude, and other forms of labor. Definitions of

CHILD EXPLOITATION

forced labor and child exploitation for labor and other services are described in the following subsections.

Forced Labor

Forced labor refers to the situations where workers—women, men, girls and boys—are exploited and made to work against their free will by their recruiters or employers through violence or threats of violence, or by debt bondage. Debt bondage may involve repayment of an accumulated debt to traffickers/exploiters, along with retention of identity papers or threats of denunciation to immigration authorities. Many times such situations turn into human trafficking or slavery-like practices. Forced labor practices have been deemed illegal by international law since its inception. During the first Forced Labor Convention held in 1930 (No. C29) forced labor was defined as: “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily,” requiring that the illegal exaction of forced or compulsory labor be punishable as a penal offense. This legislation also mandated that the ratifying states ensure that the penalties imposed by law are adequate and strictly enforced.

According to the most recent International Labor Organization (ILO) Report issued in 2015, approximately “21 million people—three out of every 1,000 people worldwide—are victims of forced labor across the world, trapped in jobs which they were coerced or deceived into and which they cannot leave.” The largest number of forced laborers in the world—11.7 million (56 per cent) reside in the Asia-Pacific region. According to the same report, 90% (18.7 million) are exploited in the private economy, by individuals or enterprises. Of these 4.7 million (22 per cent) are victims of forced sexual exploitation and 14.2 million (68 per cent) are victims of forced labor exploitation in various industries, such as agriculture, construction, domestic work or manufacturing, 2.2 million (10%) are in state-imposed forms of forced labor, such as in prisons, or in work imposed by the state military or by rebel armed forces (ILO, 2015). More than a quarter (26%) of these victims—approximately 5.5 million—are below 18 years of age.

Child Exploitation for Labor and Other Services—What Is It?

In 1999, The Worst Forms of Child Labor Convention (No. C182) was held. The main purpose of this Convention was Prohibition and Immediate Action

CHILD EXPLOITATION

for the Elimination of the Worst Forms of Child Labor (Entry into force: 19 Nov 2000). According to this Convention, the “worst forms of child labor” comprise:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The International Labor Organization (2015) reiterates the definition of child labor as defined by The Worst Forms of Child Labor Convention (No. C182). It summarizes child labor as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.”

In almost all parts of the world, it is perceived that children are being exploited for labor and sex. According to the third ILO Global Report on Child Labor to the ILO Declaration on Fundamental Principles and Rights at Work (2010), one child in every seven can be classified as a child laborer, on average. The same report estimated that in 2008, there were approximately 215 million child laborers, aged 5–17, in the world. Among them, 115 million children were performing hazardous work. Most of the child laborers (60.0%) work in the agriculture industry. Approximately 25.6% work in service, 7.0% in industries, and 7.5% work in undefined areas. A majority of the child laborers (95%), according to this report, are unpaid employees working for their family or contractors to whom they have been sold or bonded as slaves to pay for the debt incurred by familial ancestors.

Generally, any work that jeopardizes children’s mental, physical, social and/or moral well-being by denying them normal childhood activities, interfering with school attendance, requiring them to combine school attendance with excessively long and heavy work, and/or leaving them to fend for themselves at a very early age is considered child labor. Child labor may also involve separation of children from their families, exposure to hazardous working conditions, as well as leaving children to fend for themselves on the streets of large cities, often at a very early age.

The Nature and Extent of Child Exploitation in India

According to the United States Labor Report issued in 2014, India is one of the countries that has a great number of children being exploited for labor and sex. Some of these children are victims of exploitation in India and others are trafficked to other countries, including the United States. According to one of the recent reports distributed by the International Confederation of Free Trade Unions, there are over 60 million children under the age of 14 working in India's agricultural, industrial and commercial sectors. Some of these child laborers are as young as 4 to 5 years old. These children are all working long hours under horrific working conditions. Their adherence to these atrocious working conditions assures that they do not die of starvation.

According to the most recent National Census data (2011) 4,353,247 children between the ages of 5 and 14 worked for 6 or more months during the years of 2001–2011 (Ministry of Labor and Employment, Government of India, 2014). The same Census data reported 3,875,234 children between the ages of 5 and 14 were working for 3 to 6 months during the year, while 1,900,182 children ages 5 to 14 were working for less than 3 months during the year.

According to the 2015 report prepared by the Bureau of International Labor Affairs for the United States Department of Labor, there are 3,253,202 (approximately 1.4%) children between the ages of 5 to 14 who are working in various industries, and in many cases these children are forced to work long and arduous hours in horrid conditions (Bureau of International Labor, 2015). Table 1 presents data on the percent of the children between the ages of 5–14 working in three main labor categories in India.

Children as young as seven are used as servants in homes of rich people where they are physically beaten and made to live under appalling conditions with only a little food as payment for more than 18–20 hours of work. Children under the age of 14 make up the 4 percent of the total labor force in India. A majority of these children are engaged in traditional agricultural activities and others work in manufacturing, service and repair industries. In rural areas and villages, children are forced to work in the agricultural sector such as farming, livestock rearing, forestry and fisheries. The agricultural sector also includes farming inclusive of producing rice and hybrid cottonseed, picking cotton, ginning cotton, etc. In the manufacturing section, a great number of these children who are exploited and forced to work are pawns used by the contractors as bonded laborers in various labor sectors to pay off family debts owed to mon-

CHILD EXPLOITATION

Table 1: Percentage of Children between the ages of 5–14 in the Labor Force in India

Percentage and Total # of Children (ages 5–14) in the Labor Force	1.4% (3,253,202)
Agriculture	56.4% (1,834,805.9)
Industry	33.1% (1,076,809.8)
Services	10.4 % (338333)
Other	0.1% (32533)

Source: Adapted from the 2015 report prepared by the Bureau of International Labor Affairs for the United States Department of Labor <http://www.dol.gov/ilab/reports/child-labor/india.htm> Accessed on September 25, 2015.

eylenders and employers (Wainwright, 2014). Children from India's rural areas migrate for employment in industries, where they are forced to work in hazardous environments for little or no pay (Kara, 2014; Global March, 2012; Theuus and Overeen, 2014). Millions of children are exploited and forced to work as laborers in various businesses and industries such as restaurants, spinning mills, cottonseed production, the silk industry, carpet weaving, firecracker units, stone quarries, cement factories, the brick making industry, and the carpet industry. Children are also trafficked within India for commercial sexual exploitation as well as forced labor and domestic servitude (U.S. Department of State, 2013; Chubayanger, 2013; Dehejia, 2011). Some of the younger female children are sold into brothels and sometimes trafficked to neighboring states and countries for sex work and prostitution. Children from marginalized groups, such as low-caste Hindus, members of tribal communities, and religious minorities, are more likely to be victims of forced labor, human trafficking, and commercial sexual exploitation (U.S. Department of State, 2013).

According to a report issued by the United National General Assembly Security Council (2015), children are also recruited to serve as soldiers in Maoist armed groups in the states of Bihar, Chhattisgarh, Jharkhand, and Odisha (U.S. Department of State, 2014). The same report also states that children are recruited, and in some cases kidnapped, to fight in armed liberation groups in the northeastern states of Assam and Manipur. Insurgent separatists and terrorist groups from war-torn regions such as Jammu and Kashmir are known to forcibly recruit children to launch attacks against the Indian

CHILD EXPLOITATION

Government (U.S. Department of State, 2014; United National General Assembly Security Council, 2015).

In general, the sale and exploitation of children involves situations where children are transferred by one person to another for remuneration or other consideration and are then involved in bonded labor; or are used for prostitution as remuneration or other consideration; or are forcibly or compulsorily recruited for use in armed conflict. As discussed earlier, Table 1 provides the number and percentage of children working in three major categories—agriculture, industry and service. A complete list of sectors and their subsectors where children Ages 5 to 14 are forced to work and the list of activities they perform in each sector is provided in Table 2.

Causes of Child Labor

As discussed earlier, exploitation of children for labor and/or other services is deemed illegal and an abomination by all countries and states of the free world. Despite condemnation from international and national entities as well as constitutional provisions and laws against child exploitation in India, it still remains prevalent in India, where a great number of children are exploited for labor and sex. There are several reasons why these practices persist despite an international outcry and strict national and international laws. Below is a brief overview of these causes. In general, interrelated structural factors—poverty, caste, and lack of educational and employment opportunities are considered main causes of child exploitation. In Indian context, the explanation becomes more complex. Social and cultural dynamics are at the center of these structural factors, and drive certain classes of children to be more vulnerable to exploitation.

Social, Cultural, and Structural Dynamics

Child exploitation in India is a by-product of age old practices of social and cultural exclusion and the failure of governments to act against the practice (Upadhyaya, 2008). This pushes many marginalized families into a slavery-like lifestyle. Social stratification based on birth and occupation of the parents leads to social exclusion of the low classes from mainstream society, particularly from educational opportunities and jobs, and pushes them into the state of abject poverty and dependence on the higher classes for survival. Discrimination, perceptions of purity and superiority, debt bondage, slavery, and exploitation are the main precursors of child exploitation.

CHILD EXPLOITATION

Table 2: List of Industries Where Children Ages 5 to 14 are Forced to Work and List of Activities They Perform in Each Industry

Industry Activities	
Agriculture	Farming, including producing rice and hybrid cottonseed, picking cotton, ginning cotton, and harvesting sugarcane
Industry	Manufacturing garments, weaving silk fabric with a handloom, production of raw silk thread (sericulture), spinning cotton thread and yarn, embellishing textiles with silver and gold (zari), embroidering textiles, and sewing beads and buttons to fabric
	Manufacturing glass bangles, locks and brassware, and polishing gems
	Weaving carpets
	Rolling cigarettes (bidis), and manufacturing incense sticks (agarbatti), fireworks, and matches
	Manufacturing footwear, producing leather goods/accessories, and stitching soccer balls
	Producing bricks, quarrying and breaking stones, and mining mica and coal
Services	Working in hotels, food service, and certain tourism-related occupations
	Working on the street selling food and other goods, repairing vehicles and tires, and scavenging and sorting garbage
	Construction
	Domestic Work

CHILD EXPLOITATION

Table 2: List of Industries Where Children Ages 5 to 14 are Forced to Work and List of Activities They Perform in Each Industry, continued

Industry Activities, continued	
Worst Forms of Child Labor	Forced labor in agriculture, including working in rice mills and producing cottonseed (hybrid)
	Forced labor in quarrying stones, producing bricks, and mining coal
	Forced labor in producing garments, embroidering silver and gold into textiles (zari), and spinning cotton thread and yarn
	Forced labor in domestic work, begging, and weaving carpets sometimes as a result of human trafficking
	Commercial sexual exploitation sometimes as a result of human trafficking
	Used in armed conflict as a result of forced recruitment

The centuries old and the most callous social stratification system based on the birth and occupation of the parents still dominates the social landscape of India. This caste based stratification binds families in inescapable cycles of poverty and a life of bondage for generations. Many lower caste families are bonded as servants or slaves for years, sometimes generations, as an assurance of debt repayment—the debt incurred by their ancestors. The initial debt is often acquired through an amount of money borrowed as a small loan from subcontractors, which keeps getting higher and higher. The deceptive lending practices and enormously high interest rates keep increasing the principal on the small amount of money borrowed, as the initial debt keeps growing at an exponential rate. The debt is then assigned to the entire family and is not nullified even in death. This means children are forced to repay the surging debts of their deceased parents. The initial small loans get transformed into large debts over time—leaving children, families, and future generations in the state of debt bondage (ILO, 2013).

CHILD EXPLOITATION

Desperately poor families get tangled up in the life of slavery/bondage if and when they need to borrow money to meet the sustenance needs of their families. In order to borrow, they mortgage their only assets, themselves or their children, to meet the extreme needs of survival. A majority of these marginalized and enslaved families are predominantly from the lowest and the condemned social strata—known as the scheduled castes and minority groups. Approximately 90% of the exploited and enslaved children come from the scheduled castes and minority groups.

The social stratification system based on occupation of the parents at the time of birth was the traditional and social method that stratified the ancient Indian society. This stratification system classified members of the society in various rigid classes. Individuals are born in the pre-assigned class, and exit or entry from one class to another is impossible. This stratification system is ingrained in societal belief systems. The individuals assigned to the lowest of the low hierarchical status traditionally known as “Untouchables” or “Dalits,” are called “scheduled classes” today. These classes have been oppressed, culturally subjugated, forcefully excluded from the normal living situations, and politically marginalized leading to the social exclusion of the members of the assigned scheduled classes from the mainstream education system and labor market. The only jobs they were permitted to hold are the dirtiest of the dirty and the lowest paying such as digging village graves, disposing of dead animals, and cleaning human waste. These jobs rarely generate enough income for them to provide for their families. This social exclusion and discrimination in jobs and salaries leaves these culturally and socially excluded classes impoverished, uneducated, and illiterate.

These socially excluded classes were forced to perform jobs traditionally considered dirty, impure, unholy—thus the term “untouchables” has been traditionally used to explain them. Although the laws have outlawed such stratification and outlawed the usage of the term “untouchables,” traditionally and culturally assigned stratification of pure and impure, holy and unholy pervade the society even today (Navsarjan, 2015). The members of this lowly social class remain the most vulnerable, marginalized and brutalized individuals in the country. They are often subjected to social restrictions, and discrimination in access to public places or jobs (Upadhyaya, 2008). Despite passing of new laws and amendments to the existing laws intended to prevent subjugation, exploitation, discrimination and violence against scheduled classes, the prevalence rates of discrimination, exploitation and violence against members of these classes remain very high. Social and cultural norms override the power of existing laws.

These perceptions of purity and impurity, social stratification and exclusion, are ingrained in the minds of many Indians. Consequently, the members of

CHILD EXPLOITATION

the scheduled classes are forced to live in squalid conditions and work at the pleasure of the members of the privileged and high class—leaving the wretched to be dependent on the members of high class. When there is a need such as childbirth, another mouth to feed, a family member needing medical care, or getting married, the scheduled class members have to borrow money. The money lenders are members of the culturally stratified high class. They lend money on terms that they deem fit; generally very high interest rates are charged and no proper record of the actual sum or the terms is documented or maintained. The little money borrowed for the mere survival of the family turns into a large debt that keeps growing at an exponential rate. Having no real assets, the borrowers mortgage themselves and/or other family members as an assurance for the repayment of the loan. Since they are unable to pay the debt, they are bound to work for the money lenders until the debt is paid off, which is not going to be possible for many years and sometimes generations. In the meantime, more money may be borrowed to survive, leaving the debt spiraling. The debt is not written off even in death. The initial loan becomes a gateway to bondage.

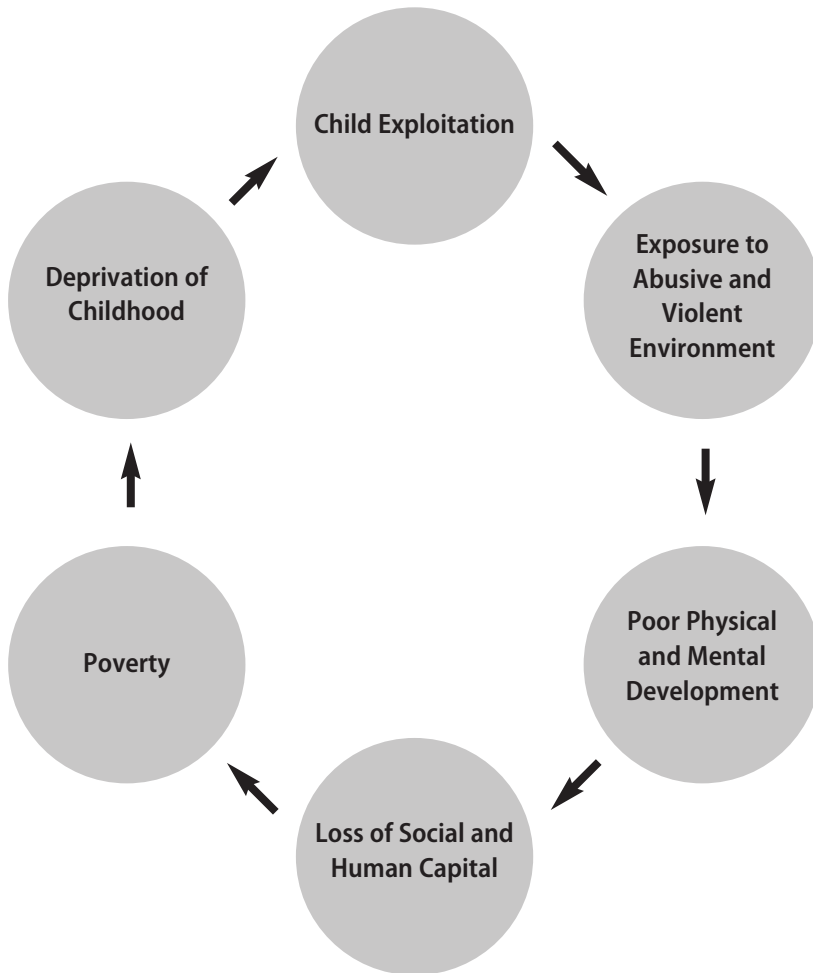
According to the International Labor Organization (ILO, 2015), bonded labor is the principle form of slavery in India. It is a contemporary form of slavery which continues to thrive in India despite its illegality. Historically associated with agriculture, bonded labor is, in the twenty-first century, both a rural and urban phenomenon practiced in almost all sectors of India. As indicated above, the debt bondage of laborers exists in many forms. Importantly, it can be intergenerational, when the burden of labor and debt are transferred to the next generation.

Urbanization

An increase in the population combined with the scarcity of land to cultivate induces many poor rural families to send their young children from India's rural areas to cities to look for employment in industries, such as brick kilns, carpet making, spinning mills, and cottonseed production. In the cities, these newly arrived young children find themselves in the streets without any food to eat or any place to sleep. They become easy targets for exploitation in the labor and sex industries. To survive, many times they are obligated to work in hazardous environments for little or no pay. Children as young as four are found working in squalid conditions according to reports on “blood bricks” (Global March, 2012; Kara, 2014; Theuvs & Overeen, 2014). Thus, the changing landscape of the agricultural sector and movement from rural to urban centers due to overpopulation is interrelated with vulnerability to trafficking and exploitation.

CHILD EXPLOITATION

Figure 1: Consequences of Child Exploitation



Consequences of Child Exploitation

According to an International Labor Organization Report (2012), there are over 168 million children in labor markets worldwide. The consequences of child exploitation are felt in all aspects of children’s lives. First and foremost, children are deprived of their childhood. They are forced to assume responsibilities like adults—to work and support other members of the family instead of being children—growing physically and mentally, attending school, and becoming adults. Adulthood is forced on them and their physical and psy-

CHILD EXPLOITATION

chological development is impeded. Their opportunities for growth and/or education are limited and probabilities for abuse and exploitation are tremendously increased. More than half of them are doing work that jeopardizes their health and safety (ILO, 2012). Long working hours and hazardous work in horrendous environmental conditions expose them to malnutrition, a high risk of illness and injury and even death. Their life span is shortened to the late 20s, leading to irrevocable loss of social capital. Figure 1 depicts the consequences of child exploitation.

Child labor exposes them to physical and psychological abuse and violence and has long term consequences. Their lack of education limits their opportunities for any meaningful employment and leads them and their families to further stress and life of poverty—forcing them to mortgage their children in slavery—perpetuating the cycle of child exploitation again with the new generation. This leads to a tremendous loss of social and human capital not only for the community where the children are exploited but also for India in specific and the global community at-large.

Lack of Legislation and/or Poor Enforcement of Existing Legislation

Lack of legislation and/or poor enforcement of existing legislation deprives many children of their childhood and requires them to adapt to the life of slavery. Poor families generally have no money to send their children to school. On the contrary they rely upon their children to work to improve their chances of attaining basic necessities—perpetuating child exploitation. Sometimes poor families are forced to sell one or more of their children to the highest bidder so as to assure survival of the other members of the family.

As evident from the discussions and data presented in this chapter, children are subjected to various forms of exploitation in diverse contexts. They are exploited for labor and sex by their families as well as strangers in their home country and foreign countries. The social, cultural and structural dynamics of India silently acquiesce to such a state of children, as they are subjected to exploitation. Their rights are trampled upon and they are treated as commodities sold and bought. In many cases they are bonded in slavery and exploitation even before they are born.

Such subjugation and exploitation of children results in loss of human and social capital. Children suffer from many physical and mental maladies and many expire before they even become adults. Given such a state of affairs, it is incumbent upon Indian as well as international entities to make efforts to ameliorate the state of child exploitation and its causes. India has made some

CHILD EXPLOITATION

endeavors to rectify the state of child exploitation. For example, the Indian National Commission for the Protection of Child Rights is charged with the responsibility of investigating the cases that may involve a violation of a child's rights or a lack of proper implementation of laws relating to the protection and development of children, including those related to child labor. India also has appointed state-level labor inspectors who are mandated to enforce state and national labor laws. The National Human Rights Commission monitors implementation of the Bonded Labor System (Abolition) Act. This commission also monitors state level action against bonded labor through its review of quarterly reports by state governments on bonded labor and through exploratory and investigative missions. The Central Bureau of Investigation's anti-human trafficking unit conducts operations to arrest traffickers of women and children.

India has ratified most key international conventions concerning child labor, including its worst forms such as ILO C. 138, Minimum Age requirement; ILO C. 182, Worst Forms of Child Labor; UN CRC Optional Protocol on Armed Conflict, to assure that underage children are not recruited to serve in the army; and the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, to prevent child exploitation for sex and other related activities.

As a result of these efforts, India has made significant progress in protecting children. According to the U.S. Embassy—New Delhi, (2013), in 2013, labor inspectors conducted 110,821 inspections, which identified 6,877 identified child labor violations and an unspecified number of children were rescued from hazardous work in Delhi, Rajasthan, Andhra Pradesh, Jharkhand, and Karnataka. According to the same report, in 2013, there were 920 prosecutions and 596 child labor law convictions took place. In 2013, the state governments of Andhra Pradesh, Kolkata, Maharashtra, and Tamil Nadu provided anti-trafficking training to police officers (U.S. Embassy—New Delhi, February 4, 2013). In 2013, the Ministry of Home Affairs launched the Criminal Tracking and Networking System on a pilot basis. This system connects all of India's 15,000 police stations and enables the police to monitor trends in serious crimes better, including trafficking (Ministry of Home Affairs, 2013). In 2013, the Government established 100 new anti-human trafficking units across India to bring the total number of Anti-human Trafficking Units to 300 (U.S. Department of State, 2013).

According to the United States Department of Labor report issued for the Bureau of International Labor Affairs in 2014, India made some moderate efforts to eliminate the worst forms of child labor (U.S. Department of Labor, 2014). The Government of India implemented National Child Labor Project to develop strategies in order to assist child laborers. As a result, programs

CHILD EXPLOITATION

such as loans, provision of alternative means of livelihood as well as social policies and programs were developed to address the underlying causes of child exploitation. To coordinate efforts of state and national government agencies, the Ministry of Home Affairs for India launched an online human trafficking portal.

Conclusion

Despite these efforts, exploitation of children in India persists. A great number of children are still forced to engage in hazardous industries under horrific conditions. Instead of attending schools, they are found working in agriculture, manufacturing, and various other industries (Phillips, Bhaskaran, Nathan, & Upendranadh, 2011; Dhanya, 2013; GlobalMarch, 2012; Debasish, 2012; Kara, 2014; Theuws & Overeen, 2014). According to the US Government's 2014 TIP Report, India is amongst the Tier-2 countries. India needs to do more to protect children and end the atrocities inflicted on children by enforcing existing legislation and shifting cultural norms related to caste.

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CHILD EXPLOITATION

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