

**THE ENDANGERED GENERATION :
ENSLAVEMENT OF CHILDREN**

by

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International concern over slavery and efforts to suppress it have become the theme of many Conventions and Declarations of the 19th and the 20th centuries. In 1926 the first Slavery Convention was drawn up by the League of Nations which was subsequently taken up for application by the United Nations as successor to the League. In 1949 the General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This legal instrument targeted the procurer rather than the prostitute by instructing state parties to prevent prostitution and to rehabilitate prostitutes. States ratifying or acceding to the Convention undertake to prevent the traffic in persons of either sex for the purpose of prostitution. This instrument included, within the definition of slavery, practices and institutions of debt bondage, servile forms of marriage and the exploitation of children and adolescents in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, the Institutions and Practices Similar to Slavery, adopted in Geneva in 1956 at a United Nations Conference. The Convention on the Rights of the Child 1989 is the most recent development which seeks to eradicate slavery-like practices and offers protection to children at risk from sexual, economic and other forms of exploitation, including their sale, trafficking and involvement in armed conflict.

Although the protection against abuses of human rights, which border on slavery in its wider sense, is a significant feature of these international instruments, they often fail to restrict the gross violations of human rights at both the international and national levels. The United Nations human rights specialists have for the last decade or so, documented widespread violations of the various instruments

designed to protect the rights of the people in all spheres of human life. It appears, therefore, that it is only official papers that record the demise of slavery. And, the practice lately appears to effect a particular group by their very position in the social milieu--children.

Although exploitation of children follow from a common source of poverty, they are, nevertheless, accompanied by other factors - - the breakdown of family structure and traditional values following urbanisation and compounded by migration and expectation for a better life, often exert an inordinate pressure on the children. Vitit Muntarbhorn, Special Rapporteur of the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities 1990, for example, observes :

The sale of children is a universal phenomenon. Its transnationalism has been aggravated by the advent of unabashed consumerism, modern technology and rapid communications.

The colonial legacy is yet another factor which made the people exposed to it especially vulnerable to modern forms of economic exploitation. In some areas of the world being exploited has become deeply ingrained in people's mentality and has come to be accepted as a way of life. According to Narvesen¹ one of the most obvious remnants of colonial rule in certain countries is the presence of huge military bases or visiting military forces, like the 7th American Fleet in Asia. Countries like the Philippines, Thailand, Kenya and Central America, as a result of military presence, have developed 'rest and recreation centers' which abound in child prostitutes. Moreover, the mass media, the consumer industry and tourism unite to create a highly commercialised attitude among the poor people whose materialistic urge convert children into a commodity and expose them

1. Narveson, Ove 1989 : *The Sexual Exploitation of Children in Developing Countries*, Redd Barna, Norwegian Save the Children, Norway, p. 66.

to various forms of abusive practices. Thailand and the Philippines are prime examples where this form of exploitation thrives.

Certain religious and cultural traditions also contribute significantly to the sexual exploitation of children. In India the so-called *Devadasi* system is one, in which a young girl is made to dedicate her life to the goddess *Yellema*, often when she is 4-5 years old. In other words, she is married to an intangible deity after which she can never marry in a normal way. When there is new ceremony in the temple she is sold to the highest bidder who treats her like a concubine before selling her off again.

Therefore, the term 'slavery' today covers diverse forms of exploitation. The U.N. fact Sheet no. 14 on Contemporary Forms of Slave trade, abuses of human rights include the sale of children, child prostitution, child pornography, the exploitation of child labour, the sexual mutilation of female children, the use of children in armed conflicts, debt bondage, the traffic in persons and the sale of human organs, the exploitation of prostitution and certain practices under apartheid and colonial regimes.

Thus, child slavery takes many forms--the most common manifestations of abusive practices being sale and transportation of children as bonded labourers, domestic servants and prostitutes. Children have also been put up for adoption, a practice that started from the 1950s when the adoption of war children from Asia became common. The demand for children in the industrial scenario encouraged the supply of children by unscrupulous adoption agencies which facilitated clandestine and illegal international adoption for cash. Adoptions without court supervision quite often involve the sale of children. The impoverished parents are paid a meagre sum of money in exchange for their child and at the same time, a large amount is extracted from the adopting parents.

Slavery-like practices are clandestine, and therefore, difficult to uncover, let alone eliminate. Large numbers of children in the

developing countries are perpetually falling prey to various forms of exploitation and abuse and in the process they are denied all rights and privileges as human beings. In this paper an attempt is made to present prevalent abusive practices for a better understanding of the growing problem of child exploitation and the consequent threat to the development of children as healthy and conscious citizens of the state.

1. Debt Bondage and Domestic Service :

Debt bondage is a condition of a person who, having no security or collateral to offer and needing to raise a loan, pledges his/her labour or that of someone under his/her control, as security for the loan. It is children who are, in most cases, pledged as part of this system. Generally the interest of the loan is so high that there is little hope of paying it. Children often replace a parent who was bonded many years earlier, because manipulation of interest rates or the need to extend credit have made the original bond into a form of perpetual slavery.² Some employers choose to regard the labour put in as repayment of the interest on the loan but not the capital. The plot therefore thickens, and the loan is inherited and perpetuated. 'It becomes a contract for life and a form of intergenerational debt and slavery'.³ In the circumstances it becomes difficult to distinguish debt bondage from traditional slavery as it prevents the victim from leaving the job or the land he tills until the money is repaid. Although in theory a debt is repayable over a period of time, a situation of bondage arises when despite all efforts, the borrower cannot wipe it out.⁴

2. Ennew, Judith and Milne, Brian 1989 : *The Next Generation Lives of Third World Children*, Zed Books Ltd., London, p. 118.

3. Fyfe, Alec 1989 : *Child Labour*, Polity Press, Cambridge, p. 76.

4. U. N. Fact Sheet No. 14 : *Contemporary Forms of Slavery*, United Nations, p. 4.

According to one report⁵ religion, tradition and economic necessity are still the cornerstones of slavery. Forced marriages and fraudulent contracts often lend the veneer for enforced servitude where some of the victims are simply abducted. Since abduction is a crime which places slavers at risk, driving workers into debt and detaining them till they pay it off is far easier. In each case the basic idea is simple: give an illiterate, desperate worker a job, then pay less than it takes to survive.

The system of bonded labour is most prevalent in India and Pakistan, who, despite efforts at reform, have hardly been able to fight the problems of debt bondage. For centuries Indian labour is most prevalent in India and Pakistan, who, despite efforts at reform, have hardly been able to fight the problems of debt bondage. For centuries Indian labour agents and unscrupulous middlemen with false loan documents have trapped illiterate, impoverished, landless peasants, usually the 'untouchables' (those belonging to a low caste) or tribal, from various provinces. Although in 1976 India outlawed debt bondage, custom has proved stronger than law and its grip has actually grown stronger, particularly with regard to children. Children were always integral to the system and because of the inter-generational bondage whereby children had no option but to accept the duty of repaying their parent's debt, they kept the wheel turning.⁶ An activist group called the Bonded Labour Liberation Front which seeks to enforce the 1976 Indian Law, discovered workers who are slaving at breaking rocks to pay off debts eight generations old. Evidence of beating and torture is common and some children are even branded with red-hot irons.⁷

5. Newsweek, May 4, 1992.

6. Whitaker, Alan 1988 : *A Pattern of Slavery : India's Carpet Boys*, Anti-Slavery Society, Child Labour Series No. 9, London, p. 10.

7. Newsweek, op. cit.

In Pakistan the situation is much the same. The debt bondage system in Pakistan is known as the *peshgi*, where victims usually come from a mistreated minority — Christians or recent converts to Islam are still treated as social outcasts. The abuse of children in the carpet weaving industry and the brick-kilns is legendary. Sexual harassment is used as a punishment and women and children have come to regard rape as a 'natural repercussion for annoying the employer'.⁸ In other words, bonded labourers are treated almost like pseudo-animals. To quote Justice P.N. Bhagwati⁹ :

Bonded labourers are non-beings, exiles of civilisation, living a life worse than that of animals, for the animals at least are free to roam about as they like and can plunder or grab food whenever they are hungry; but these outcasts of society are held in bondage, robbed of their freedom, and they are consigned to an existence where they have to either live in hovels or under the open sky and be satisfied with whatever little unwholesome food they can manage to get... Not having any choice, they are driven by poverty into a life of bondage, a dark bottomless pit from which... they cannot hope to be rescued.

In Bangladesh, the system of debt bondage does not exist in the strict sense of the term. Nevertheless, there may exist isolated cases which are reflective of bondage in its typical form. A common practice is to work in one's house until the loan taken from the local *mahajan* is repaid or until the dowry demand of an elder sister is met. Although Bangladesh has explicit legal provisions restricting the pledging of the labour of children it cannot be assumed that the evils of bondage are non-existent. The Children (Pledging of Labour) Act 1933 prohibits employment of children whose labour has been pledged

8. Whitaker, Alan 1989 : *Children in Bondage—Slaves of the Sub-Continent*, Anti-Slavery International, London, pp. 18-9.

9. Whitaker, Alan 1988 : op. cit., p. 28.

and discourages such a practice as it contained elements of compulsion and possible exploitation. The Act also imposes penalties under Sections 4-6 for the infringement of the provisions of the Act. As always, the noble text remains largely unenforced.

Child servitude in Bangladesh most frequently takes place in the form of domestic slavery in agricultural farms or in people's homes. Children working in agricultural sectors are not necessarily always accompanied by family members, as is popularly believed. Domestic labour is often considered to be unproductive and is least known in statistical terms. As it is concealed within homes, domestic labour is an area which is vastly neglected and which caters to the most widespread and least researched abuse of child work. 'Usually illegal, tied or bonded labour epitomise the most exploitative features of child labour in agrarian societies'.¹⁰ This is compounded by the fact that the law against employment of children under 14 years does not cover young agricultural workers. Sometimes children are hired out permanently in exchange for the favours done to their families or simply sold in the hope of having one less mouth to feed. Young girls are put out to work as domestic servants and maids in many parts of the country where they are sometimes either fictitiously adopted or sold into virtual bondage. Young girls also work as domestic servants voluntarily in an effort to escape the tentacles of debts incurred by their families.

Domestic servants in private households may not represent any considerable part of the economically active population, but their total number in Bangladesh is by no means insignificant. Domestic servants in private households constitute a class of workers who are devoid of legal and social protection. They are singularly subject to

10. ICFTU Report on Child Labour : *Breaking Down the Wall of Silence. How to Combat Child Labour*. International Conference of Free Trade Unions, Brussels, p. 6.

exploitation and lack of genuine concern for their welfare by members whom they serve.

Most domestic servants are migrants from rural areas or children of migrants. There are some whose parents/guardians remain in the villages while they come out to the cities for jobs; others have their families living in the slums in and around the cities where they work. In each case, the families are dependent on the earnings, however meagre, of the children.

The majority of young domestic servants procure their jobs through private contacts or by simply appearing at the doorsteps. A contract of employment is non-existent in the circumstances where neither the law of the land nor custom requires the conclusion of any such agreement. Consequently, the working hours are not limited, standards on rest are absent, wages are neither adequate nor regularly paid, freedom of movement and interaction with outsiders are severely restricted. Besides, abuse within the house takes many forms—they are underfed and not provided within the house clothing, they are not given a proper place to sleep and are on call at all hours, regardless of the time already worked, they are not given a proper place to sleep and are on call at all hours, regardless of the time already worked, they are beaten and mistreated at the slightest pretext and are often sexually harassed by the inmates of the house or their guests. Cut off from their homes, the spirit of young domestic workers decline to the extent of total submission to their employer's whims.

Domestic servants are predominantly female. Young girls are preferred to adults on account of their apparent innocence and docility and because they can be made to work twice as hard for the barest of wages. In fact, the general inclination is to employ a village girl who will be easily intimidated by the city ways than would a city girl living in the slum. A young domestic help starts work within the 'secret' society of the family and while her knowledge and

understanding of household members increase steadily, she remains largely an unknown personality within this intimate sphere.¹¹ Within this intimacy, class consciousness and the need to reinforce the class lines require that some form of distance be maintained between the employer and the employee.

The role and existence of a domestic servant appear to be of universal symbolic importance to middle class families in developing countries.¹² The majority of domestic servants are not specialised in one occupation—they are expected to operate efficiently in a whole gamut of occupations connected with the household. During this time a child domestic servant faces maltreatment in various forms and having no strength to protest, is compelled to suffer in silence.

Instances of torture, when and if discovered, are reported to the press and various women's organisations and NGOs (non-governmental organizations) mobilise protests against such inhuman and degrading treatment. There were cases in Bangladesh where minor girls were tortured with fires and burns. Only when attempts at concealing the incident fails does the media succeed in covering the news for the public. In 1989 a local newspaper¹³ highlighted a case where a young servant girl was beaten to death and the mistress confessed only after the ladle and the spoon used for the crime were discovered.

Another aspect of the risks run by a young domestic is sexual harassment in private households. The perpetrator may be the male head of the family or his son or perhaps even a visiting male relative or friend. There are times when they are subjected to unwanted attentions of other male servants or employees in the house. Left

11. Anderson, Patricia 1991 : 'Protection and Oppression : A Case Study of Domestic Service in Jamaica' in *Labour, Capital and Society*, Vol. 24, No. 1, April, pp. 10–39, at p.11.

12. Fyfe, Alec 1989 : op. cit, p. 113.

13. The New Nation, March 26, 1989.

without much choice the youngster has to either suffer in silence or run away. These violations often result in pregnancy and consequent dismissal. In such a case it is virtually impossible for the violated child to return home to her family because of the apparent disgrace she has brought on her employer, her family and herself (even though it was brought about through no fault of hers). She ends up in the local slums and unless she is lucky enough to find a job, she resorts to prostitution to make a living.

Child domestic servants are no longer confined within national territories. They have taken the bold step of seeking and accepting employment abroad. Some Arab states are partial to recruiting young women and children to work as house servants. These recruits are often Bangladeshis, Indians, Pakistanis, Filipinos and West Africans.¹⁴ Arabs also employ these domestics in their residences abroad, in England or Europe. For centuries the Gulf sheikdoms bought slaves from foreign, economically deprived nations. The domestic servants who are recruited in recent times fulfil the roles the slaves used to and are often not treated any differently. They are deprived of proper wages and are kept in virtual imprisonment within the homes they serve. They are made to work without limit and for whatever hours their masters decree. Many are often starved, sexually abused and routinely beaten to enforce obedience. Where they are not physically restrained, their passports are confiscated.

Employment contracts and fake marriages effectively camouflage practices that differ from slavery only in name. Many parents, in order to minimise economic hardships, have given their daughters into marriage to aging but well-to-do Arabs who went along with the charade until they reached home. It became evident afterwards that the youngsters were merely employed as slaves to do their masters' bidding and be generally exploited.

14. Newsweek, 1992 : op. cit.

Young children, as a result of domestic slavery, are reduced to being non-entities in every sense. Devoid of rights and privileges they regard themselves as inferior beings. The silence of the children is the oppressor's most efficient weapon.¹⁵ Children are surrounded by adults who mete out punishment and inhibit free expression.

2. Sale and Illegal Trafficking :

Principle 9 of the Declaration of the Rights of the Child 1959 states that

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic in any form... he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Three decades elapsed before the 1959 Declaration was strengthened by the U. N. Convention on the Rights of the Child 1989 which obliges States parties, among other things, to prevent child prostitution and the sexual exploitation of and abduction, sale or trafficking in children for any purpose or in any form (Articles 34 and 35 respectively).

The issue of child sale and trafficking has reached critical proportions globally where uneven development and debt crises have resulted in impoverishment, hunger and near liquidation of societies. The economy of Bangladesh had to be adjusted time and again to meet the demands of the international monetary giants and the nations of the western world. In other words, all-out efforts are usually made to procure foreign exchange to overcome budget deficits and other economic imbalances. Unfortunately, the commodity once sold to earn foreign exchange appears to have undergone a change in its

15. Whitaker, Alan 1989 : op. cit., p. 32.

very nature—whereas previously the international demands were for tea and jute, recent demands delve in the export of human beings—particularly children.

The practice of sale and trafficking in children has reached such a point that it must be observed and analysed in terms of the structural inequality between the developing and the developed states. This form of marginalisation and inequality has compelled Bangladesh, like any other nation of the developing world, to suffer from the problems of slave trade. Sex slavery is a practice that is controlled and dominated by highly trained gangs and individuals who have been able to buy police protection in most countries.¹⁶ Therefore, although there are occasional reportings of police apprehension of sex traders, they must be regarded as only the tip of an iceberg as the number of cases that never come to the knowledge of the authorities is deemed to be rather high.

Children from Bangladesh, hardly 14 years old, are tricked or kidnapped and sold by international crimes syndicates and individuals for the pleasure of paedophiles. International child experts are inclined to regard this development as a growing trade in sex involving the use of minors. Unscrupulous Bangladeshi nationals, working in collusion with traffickers from the neighbouring states of India and Pakistan, are engaged in brisk business of immoral standards. The rules of sale agreement in Bangladesh are far from stringent and children are bought and sold, selected and rejected, used, abused and disposed of for a very nominal sum. They are usually sold into marriages, prostitution, pornographic film making or as bonded labour, drug couriers, smugglers, etc. The problem has acquired international dimensions following the expansion of the paedophile network all over the world which demands a steady

16. Shamim, Ishrat 1992 : 'Slavery and International Trafficking of Children : Its Nature and Impact'. *Country Paper* presented at NGO Forums on Children's Rights in South Asia, p. 2.

supply of very young children. A global, unfettered free market thereby displays a dark side where human beings are treated as cheap commodities. Describing the sale of children in Thailand, Bouhdiba¹⁷ states :

... the children were sold at prices which varied depending upon age, strength, beauty and type of sale agreement. The children could be sold in contract basis, in which case the buyer would pay the full salary in advance plus commission to the middleman (with the family receiving part of the amount contracted, while the child received nothing); or they could be sold outright, after which the buyer would be expected to pay a salary to the child... Once the children were delivered to the buyer there was no way of exercising control over the fulfillment of the agreement by the buyer...

Unemployment and abject poverty have instigated labour migration which in turn has opened up avenues for trafficking in children. Children from Bangladesh are purchased by the Middle Eastern sheiks and used as camel jockeys. The incident perhaps first came to light when an Indian politician rescued three children from Dubai who were victims of such a sport.¹⁸ Of the seven countries in the Arab Emirates, Dubai and Abu Dhabi are famous for their notorious and inhuman camel races.

During the races children are tied to the camel's feet or their backs and when the camels begin to trot, the children scream out in fear which spur on the camels to run faster, therefore making the races more exciting and worthwhile for those who are betting on them. Careful supervision is required to keep the weight of the children down to an absolute minimum to enable the camels to run swiftly. As

17. Bouhdiba, Abdelwahab 1982 : *Exploitation of Child Labour*, Final Report of the Special Rapporteur to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, New York, p. 21.

18. The Daily Ittefaq, June 24, 1992.

a result, the children are starved in order to maintain the required weight. Besides, efforts are made to procure younger and younger children who would be able to participate in the races a reasonably long time.

Shamim¹⁹ describes that land as well as air routes via India and Pakistan are used for trafficking purposes. Agents in the capital city, Dhaka, and other parts of the country are financed by rich Arabs to procure children. Throughout the year these agents comb the poverty-stricken rural areas for children. Well-organised manpower and labour agencies and personnel appear to be involved in this racket. They furnish the children with necessary documents and see to immigration formalities.

Their search for alternate and better prospects in the face of abject poverty often place young women and children in critically vulnerable situations. Young girls from the rural areas who have either been abused or ill-treated or are suffering from deprivation of food and clothing, are lured away by pimps and procurers, if not directly sold by their families. Despite the illegality, kidnapping and abduction of children are frequently carried out in various parts of the country. Destitute children hardly stand a chance to fight against exploitative practices and often disappear without a trace. Sometimes they are captured with the assistance of relatives and neighbours, or, if school-going, on their way to school or from the markets when they are sent on some errand and so forth. Children running away from home run a greater risk than others of capture and captivity as they place themselves in a totally alien situation. Some agents go to the extent of beating the captured children to ensure obedience to them. These agents may have once been prostitutes themselves and may have graduated into the class of brokers. Unscrupulous go-betweens make profit largely by arranging transfers of children from poverty stricken homes to people with means—without guarantees

19. Shamim, Ishrat 1992 : op. cit., p. 11.

and supervision to ensure that the child's interest will be protected. In such cases financial gain, for the parents as well as the intermediaries, takes on the character of trading in children.²⁰

A popular procedure of procuring young girls is marriages, fake or otherwise. Shamim²¹ narrates that men engaged in this business marry young girls in their native villages and take them away to where they work, which in many cases is abroad. Young wives travelling with their husbands escape questioning even by police authorities. Moreover, the prevalence and practice of child marriage in Bangladesh effectively eliminate the suspicion of the police. After sometime they return again to marry a second time. There being no legal or religious bar on taking a maximum of four wives concurrently under the Muslim Personal Laws, villagers willingly agree to the subsequent marriages. Only after several incidents do they realise their folly, by the time which the unfortunate young girls are sold and transferred to other countries.

2.1 The Situation of Women and Children Trafficked from Bangladesh :

The trade in women and children is a business in which the victims become 'goods for sale' and suffer from the sexual inequality built into the socio-economic system. The fact that the situation has gone so far as to include imprisonment of and physical brutality to women and young girls in large numbers shows how serious a human rights problem that traffic has become for underdeveloped countries.²²

Starting only a few years ago, trafficking of women and children from Bangladesh into Pakistan has escalated to alarming proportions.

20. U. N Fact Sheet No. 14 : op. cit., p.3.

21. Shamim, Ishrat 1992 : op. cit., p. 7.

22. Srites, Prapoth 1984 : 'Traffic in Children for Sexual Purposes' in Hyndman, Patricia (ed.) : *The Exploitation of the Child. Child Labour and Prostitution*, The Lawasia Human Rights Standing Committee, Singapore, pp. 422-9.

People responsible for this phenomenon are either Bangladeshis, Pakistanis or Indians who operate through organised recruiting circles based in big cities like Calcutta, Bombay, Karachi and Lahore. The bigger pimps send their assistants to scour the impoverished areas of Bangladesh and entice, purchase or kidnap young females to be smuggled across the borders. Their mannerisms are so convincing that the simple-minded rural people are easily duped into permitting their daughters to work in foreign countries.

Despite ratification of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of the United Nations, which prohibits all forms of slavery, servitude and slave trade and imposes on state parties the responsibility of evolving legislative and other measures to eliminate the same, and having their own domestic legislation to that effect, neither Pakistan nor Bangladesh has been able to curb the alarming rate of slave trade across the respective borders.

Nadeem Farooq Paracha, a Pakistani journalist, reports²³ that the people involved in these activities in Pakistan have immense power and influence not only in their own circles but also in the higher strata of the society including the law enforcing agencies. Consequently, whenever the police raided these areas the culprits escaped with ease while the victims were jailed for illegal immigration under the Immigration Act and the Hudood Ordinance of Pakistan.

The report of the Anti-Slavery Society to the Working Group on Contemporary forms of Slavery, 1990, states that young Bangladeshi girls are in Karachi jails as a result of being duped and lured by agents into contemporary slavery. Ill-treatment, constant work and sexual harassment are common and rape is not unusual. The report points out that even when the agents are known to the police no action is

23. Nausheen, January 8, 1992.

taken against them; in fact, the traffickers are even permitted to freely visit the incarcerated women and children.

In December 1989 the Lawyers for Human Rights and Legal Aid prepared a list of 62 Bangladeshi women and children detained in the Pakistani prisons in the most horrifying conditions.²⁴ The respective governments, however, displayed little interest in the matter despite their undertaking to suppress illegal trafficking and slavery under the U.N. instruments of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1956 and 1949 respectively. These instruments call for the state parties to enact laws and take legal and practical measures against slavery and institutions and practices similar to slavery. The governments are under an obligation, *inter alia*, to punish the traffickers and to protect and rehabilitate the victims of such abuses. The 1949 Convention enjoins upon the state to make 'suitable provisions' for the 'temporary care and maintenance' of the victims pending their repatriation, and in the absence of a spouse, relative or guardian who can repay repatriation costs, obligates the receiving state to bear the costs of repatriation upto the border, and the native state is expected to take their responsibility from that point on. Moreover, although the Convention on the Rights of the Child 1989 (Art. 34) entrusts upon state parties to all appropriate national, bilateral and multilateral measures to prevent the sexual exploitation of children, in the event of non-intervention by the concerned authorities or proper investigation at the official level, slavery of women and children continue.

3. Child Prostitution :

Another distressing aspect of sale and traffic of children and child labour is child prostitution. Child prostitution and child sexual abuse having grown alarmingly over the last few years have now become a

24. Shamim, Ishrat 1992 : op. cit., p. 10.

global phenomenon. In 1989 the Norwegian NGO, Save the Children, reported to the United Nations the were obvious linkages between the debt crises of many developing countries and the sexual exploitation of children.²⁵

Children in many developing nations are increasingly drifting to the unhealthy premises of prostitution every day on account of economic hardship. The situation in Bangladesh is no different. Natural disasters and general impoverishment often uproot people to the point where children are left to fend for themselves or earn a living on behalf of the rest of the family. Children who run away from home or have been abandoned by their family or have been orphaned, find the street to be their only haven. Very often the female guardians of the children, victims of patriarchy, find themselves in a helpless situation following the death of or desertion by their male 'protectors'. Being emotionally, economically and socially dependent on male support, whether that of father, brother, husband or son, any form of dislocation in their lives has an almost pathetic effect on their outlook about life. Absence of opportunities of viable income earnings force these women and children into exploitative and immoral circumstances. The substantial assistance to the families of quick cash earnings from child prostitutes often act as a catalyst for parental neglect and abuse. Indeed, observes Fyfe,²⁶ parents may encourage their children to work as prostitutes and this process may start out with the child accompanying them in their occupations, such as begging or vending on the streets. In the process the mother may introduce the child to the pimp and subsequently both the mother and the pimp receive shares from the child's earnings.

Some children are born within the institution of prostitution where the mother herself is a prostitute and therefore, the child has little choice

25. The U. N. Focus, August 1991.

26. Fyfe, Alec 1989 : op. cit., p. 119.

but to follow in her mother's footsteps. Khan and Arefeen²⁷ in a study on child prostitution in Bangladesh discovered that brothel child prostitutes, who were either born to prostitute mothers or were brought there at a very early age, were between 10 to 14 years of age and operated under authority of the 'Sardarni' or Madame. The Sardarni provided all basic necessities to the prostitutes and in exchange controlled their activities, movements and finances. After giving the Sardarni, the local *mastans* (musclemen) and the police their 'dues', very little is left for the upkeep of the children and their families. The study found that the girls held licenses which falsely designate them as adults. These children serviced several customers each day and none were found to be on contraceptives. Some of them had already given birth to children themselves. They appeared rather naive and indifferent to the risks of pregnancy and although they declared that they were free from venereal diseases, the physician accompanying the researchers believed otherwise. They had hopes of escaping the profession someday but believed that since they were sinning, they will surely be doomed. This showed their acute awareness of the existing social and religious norms and their inability to escape from the horrors of their life.

The authors Khan and Arefeen²⁸ also researched the conditions of the 'floating' or street child prostitutes who are the most vulnerable. Operating independently, these children face a greater risk of sexual abuse and other forms of maltreatment. Their locale of operation are mostly public places—parks, railway and bus terminals are their usual haunts where they are exposed to continuous harassment by the police, gatekeepers, street vendors, who indulge in free sex with them. They are often found selling flowers and water on the side. However, the nature of their principal occupation requires that they

27. Khan, Zarina Rahman and Arefeen, H. K. 1990 : *The Situation of Child Prostitutes in Bangladesh*, Centre for Social Studies, University of Dhaka, pp. 14-29.

28. *ibid*, pp. 33-42.

remain in the good books of the police, agents and pimps who are mostly rickshawpullers and local *mastans* in order to operate without obstruction.

According to Barry²⁹ contrary to the prevalent assumption that girls 'end up' or 'fall into' prostitution, these markets and networks are maintained through specific strategies of pimps who traffic girls into prostitution. These strategies play upon the girl's vulnerability. When children become objects of a procuring strategy, they are mostly found to originate from rural, poverty stricken backgrounds, many of whom were sexually abused at home or upon arrival in the city, in their workplaces, such as shops or garment manufacturing factories or in private households while working as domestic servants.

There are others who, being victims of child marriages, are ensnared in this profession in an attempt to escape the cruelty and harassment of their husbands or when sold or abandoned by them. Many who run away from home by boarding a train, bus or steamer, hardly realise that the friendly stranger who takes pity on them at the terminals and offers them jobs and food, may turn out to be an exploitative pimp.³⁰

Destitute children, lacking in other reasonably practical faculties of education or technical training, find in prostitution a lucrative and well-paying occupation. Their needs are usually both economic as well as emotional. Lee-Wright³¹ quotes from the Submission to the U.N. Commission of Human Rights Working Group on Slavery the Anti-Slavery Society (1984) :

29. Barry, Kathleen 1981 : 'Female Sexual Slavery : Understanding the International Dimensions of Women's Oppression' in *Human Rights Quarterly*, Vol. 3, No. 2, Spring, pp. 44-52, at p. 46.

30. Shamim, Ishrat 1992 : op. cit., p. 39.

31. Lee-Wright, Peter 1990 : *Child Slaves*, Earthscan Publications, London, p. 27.

Sexual exploitation goes hand in hand with other forms of exploitation, and cannot be divorced from the economic exploitation of children in general, or the exploitation of female sexuality. It is therefore important to remember that the sexual exploitation of children is a double, or even triple abuse involving the misuse of economic power, age relations and sexual oppression.

The advent of tourism in many developing countries has enhanced the scope of child exploitation. Tourism and prostitution have emerged as a 'packaged deal' on an international scale. What was previously available as a 'non-traded luxury service' only to a certain social group, is now in the process of being transformed by mass production and coming within reach of a wider market.³² Sawyer³³ observes that the close marketing links between child pornography and drug trafficking, and the degree of cruelty to children which goes into providing the additional thrills that cater to the whole exercise, is a new development. The author believes that as is *always* the case of exploitation and slavery, the problem is magnified by the development, nationally and internationally, of organisations seeking to use children for sexual purposes. When international traffic in drugs, people and pornography and rapid superficial urbanisation of underdeveloped countries take place, First World values, both economic and moral, are imported into societies which are ill-prepared to resist them.

Sexual exploitation of children is perhaps one of the most abnormal and unacceptable forms of behaviour by anybody's standard. Fyfe³⁴

32. Thanh-Dam, Truong 1983: 'The Dynamics of Sex Tourism : The Case of South -East Asia' in *Development and Change*, Vol. 14, No. 4, October, pp. 533-53, at p. 548.

33. Sawyer, Roger 1988 : *Children Enslaved*, Routledge, New York, pp. 143-4.

34. Fyfe, Alec 1989 : op. cit., p. 117.

observes that as with other commodities, prostitution is subject to a price mechanism in which youth may raise the price. In other words, the younger the child the better the price. Bouhdiba³⁵ observes :

There has always been a demand for children for sexual purposes because of their freshness and simplicity. Our age which is 'permissive' and at the same time surfeited and sexually vulgarised in the extreme, seeks all kinds of erotic refinements. There is a great demand among our contemporaries for the sexuality of the child, through which they seek to renew their thoroughly jaded sensuality. Hence the flourishing child prostitution.

Narvesen³⁶ observes that the extent of professionalism in the field of child prostitution varies from very well organised 'business' run by the professional syndicates to more or less 'spontaneous' child prostitution in the streets and in the tourist areas. The author states that organised networks have agents who systematically recruit children into prostitution through bribery, advances of loan to parents, threats and kidnapping. This form of recruitment is common among neighboring states : children from Burma, for instance, are recruited into Thailand and children from Nepal and Bangladesh filter into India. Narvesen points out that there is a great deal of brutality involved with child prostitution in general, and in particular with the organised part of it. The children trapped into prostitution by syndicates are harshly treated and kept under strict and constant vigilance.

The amount of physical and emotional damage done to children by sexual exploitation varies in accordance with existing social norms. The health of child prostitutes is at serious risk due to pervasive sex practices. The threat of AIDS (Acquired Immunodeficiency Syndrome) is ever present which, once contracted, would have

35. Bouhdiba, Abdelwahab 1982 : op. cit., p. 21.

36. Narvesen, Ove 1989 : op. cit., p. 67.

critical implications on their health and survival. Without a doubt, child sexual abuse and exploitation warp the mind of the children who are in danger of growing up with a warped sense of their own sexuality. Humiliating experiences leave lasting scars on these children which destroy their sense of self worth and pride.

In male dominant societies like Bangladesh, where the elements of machismo culture are prevalent, conditions are favourable for the sexual degradation of women and children. The attitude towards prostitution is influenced by an almost reverential treatment of the girl who has not been sexually active before marriage. Therefore, children who suffered from sexual abuse and molestation in their homes, on the streets or in their workplaces, regard themselves as being polluted and therefore, resort to a lifetime of sex slavery. Narvesen³⁷ comments :

The division between the whore and the madonna is absolute. For this reason the consequences of incest and other forms of sexual abuse are even more catastrophic for girls in a culture such as this. A girl ... who is no longer a virgin is no longer worthy to take part in normal family life. They are rejected and are often left to lead a life of prostitution, loneliness and degradation.

Child prostitution, therefore, thrives on the carnal and criminal interaction between the advantaged and the disadvantage and consequently reveals an ugly side to human nature. Ennew ³⁸ suggests that prostitution can be viewed as part of a wider system of exploitation which the rich exploit the poor, the males, females, the whites, other ethnic groups and adults, children.

37. Ibid, p. 45.

38. Ennew, Judith 1986 : *The Sexual Exploitation of Children*, Polity Press, Cambridge, p. 70.

4. National Legislation Regarding Trafficking and Sexual Exploitation of Children :

It is evident from the foregoing discussion that the best interests of the child are not always protected by the parents/guardians of the child. The state is, therefore, increasingly having to shoulder the responsibility of giving the child adequate protection from all kinds of exploitation. In Bangladesh, there is no specific legal enactment against the practices discussed but issues regarding mistreatment and abuse, immoral trafficking and prostitution of children have been covered in a number of laws that have been enacted since the British colonial rule in the sub-continent.

i. The Penal Code 1860:

The Penal Code 1860 provides punitive measures against kidnapping or abducting a minor (Secs. 261 and 366). Whoever is involved in trafficking in minor girls, i.e. in the import, export, sale, hire or acquisition of their possession by any other means with an intent to use them as prostitutes or any other purpose is punishable with imprisonment for a term extending upto ten years and/or with fine. Under Sections 372 of the Bangladesh Penal Code 1860, whoever sells or hires or disposes of any person under 18 years, whether married or unmarried, for the purpose of prostitution is punishable with imprisonment for a maximum period of ten years and/or both. A penalty of a maximum term of ten years of imprisonment and/or fine is imposed on whoever buys, hires or obtains any person under 18 years, whether married or unmarried, for the purpose of prostitution is punishable with imprisonment for a maximum period of ten years and/or both. A penalty of a maximum term of ten years of imprisonment and/or fine is imposed on whoever buys, hires or obtains any person 18 years for the purpose of prostitution (Sec. 373).

ii. The Suppression of Immoral Traffic Act 1933 :

The Suppression of Immoral Traffic Act has often been criticised on account of its efforts to prevent the traffic in women rather than curb

prostitution but in reality prostitution and illegal trafficking are two sides of the same coin. The Act provides penalties for the detention of any female under the age of 18 years for the prostitution in brothels. The Act also provides punishment for causing or encouraging or abetting the seduction or prostitution of any girl (Sections 8-12).

iii. The Children's Act 1974 :

The Children's Act 1974 incorporates a strong welfare component and provides measures for the protection and safety of the child. Section 41 of the Act states that whoever allows a child over the age of four to reside in or frequently to go to a brothel, shall be punishable with imprisonment for a term extending upto two years or with fine upto one thousand taka or with both. Where a person in charge or control of a girl under sixteen years causes or encourages any person other than her husband to have sexual intercourse with her, the Act imposes a penalty of a maximum of two years of imprisonment or a fine upto one thousand taka or both.

Section 44 of the said Act imposes a penalty of a maximum of two years imprisonment or a fine upto one thousand taka or both on whoever secures child ostensibly for the purpose of menial employment or for labour in a factory or other establishment, but in fact exploits the child or exposes the child to the risk of seduction, sodomy, prostitution or other immoral conditions.

iv. The Cruelty to women (Deterrent Punishment) Ordinance 1983 :

This Ordinance was in force prior to the Repression of Women and Children (Special Provision) Act 1995 (discussed below). The Ordinance provided severe punishment for oppression against women in general. Section 4 of the Ordinance declared that whoever kidnapped or abducted any woman of any age shall be punished with

transportation with life or with rigorous imprisonment upto 14 years and with fine if he,

-- wilfully employed or used a woman for the purpose of prostitution or any other unlawful or immoral activities;

-- compelled a woman to marry a person against her will or knowingly took part in such a process;

-- intentionally seduced, forced or helped in seducing or forcing a woman to have illicit sexual relations.

The same penalty lay against whoever imported, exported, let to hire or otherwise disposed of, or bought, hired or otherwise obtained possession of, any woman of *any* age with intent that she shall be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful or immoral purpose, or knowing the likelihood of the use or employment of such woman for any such purpose.

v. Repression of Women and Children (Special Provision) Act 1995 :

The Cruelty to Women (Deterrent Punishment) Ordinance 1983 has been superseded by the Repression of Women and Children (Special Provision) Act of 1995. Section 8 of the Act imposes a penalty of life imprisonment and fine on any person who imports, exports, buys or sells or lets to hire or otherwise disposes of any woman for the purpose of prostitution or illicit intercourse with any person. Section 9 provides that any person who abducts any woman and (a) employs her in prostitution or any other immoral activities, (b) compels her to marry a person against her will or, (c) intentionally seduces her or forces her to have illicit sexual relations will be punished with life imprisonment or 10 years rigorous imprisonment and fine. Section 12 further states that if any person imports, exports

or sells any child or abducts and keeps a child in his care for those purposes will be punishable by death or life imprisonment.

Despite the legislative safeguards, the problem of child sexual exploitation continues to rise in Bangladesh for want of proper implementation. The vulnerability and existing adverse circumstances demand that laws should be strictly enforced and the administrative machinery be geared to tackle the ensuing problems effectively. The problem of illegal human trafficking requires special attention. Laws ensuring exemplary punishment against illegal human traffickers and fake manpower exporters should be formulated. Besides stressing on the need for imposing death penalty for trading and trafficking in children, there is need for speedy trial of such cases. Ambush operations should be conducted against the organised traffickers in an attempt to restrict such practice and instruct the law enforcement and intelligence agencies to strengthen vigilance along the borders.

Trafficking in women and children and their exploitation are regional problems and domestic legislation alone cannot eradicate such a vice. It is virtually impossible for any single country to control the situation in which children are exploited due to the multi-national character of the practices. Therefore, co-ordinated efforts on the part of the SAARC (South Asian Association for Regional Cooperation) nations, comprising Bangladesh, Pakistan, India, Nepal, Bhutan, Sri Lanka and Maldives are required to devise an effective scheme to restrict and eliminate the practice of flesh trade in the region. Perhaps then there will be some hope of importing a semblance of dignity into the lives of the otherwise disadvantaged and vulnerable people in the social milieu.

Conclusion :

Exploitation and enslavement of children proceed from a complex set of interrelated problems and not from a singular premise. Child exploitation, particularly in the developing and underdeveloped nations, is basically a poverty problem and therefore, deserves to be

treated accordingly. It is the outcome of gross economic exploitation where the linkages between the debt-crises and exploitation of children are obvious. According to Narvesen,³⁹

[Sexual] exploitation of children is a part of the child labour problem. It exists within a context of poverty and exploitation in a very broad sense. It is not a peculiar or separate phenomenon, it is one very tragic aspect of the deplorable situation of millions of children in the developing world. The extent of child exploitation is one of the most tragic indicators of poverty in developing countries today.

However, economic exploitation is only one side of the story. The problem also involves socio-cultural aspects such as the stereotyped and disparaging attitudes towards females, the belief that children are the property of parents, to be disposed of at will, and the apparently passive acceptance of sexual exploitation of females and children in some communities.

Although legal sanctions are now available to battle the growing problem, both nationally and internationally, poor implementation of the legal mechanism hampers all attempts at curbing the growth of enslavement and exploitation of children. Laws alone are not sufficient to fight this social stigma unless they are modified and improved for the effective protection of potential victims. In many parts of the world, exploited children are the ones being treated and branded as criminals, while their exploiters go free.

Laws, in order to be effective, should be supported by a wide range of social, economic and political measures. Where exploitation has its roots in cultural practices, it needs more than a handful of laws to overcome deep-ingrained beliefs and prejudices. This calls for a socialisation process with a difference which will educate the masses to alter the age-old attitudes and behavioral patterns in a given society. Education and proper dissemination of information should be encouraged to create a general awareness regarding the problem among the people.

39. Narvesen, Ove 1989 : op. cit., p.65.

Special attention should be focused on certain groups of children who run a greater risk of being exploited, like the street children, young housemaids and child prostitutes. Strategies for development assistance should be formulated in order to assess the actual situations of these especially vulnerable groups of children. In this regard, financial and professional assistance to local organisations which are engaged in preventive and rehabilitative work for children who are or may become victims of exploitation of any nature, is highly desirable.

This will hopefully complement the activities of various NOGs in their crusade against child exploitation. Moreover, if governments take the initiative to give top priority to the situation of children on the political agenda, the situation will definitely take a turn for the better, both nationally and internationally.