

DAKSHIN DINAJPUR DISTRICT MEETING

Date: 09.01.2021

Time: 01.00PM-04.00PM

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Edited By: Venkatesh Kodukula



Child Trafficking And Women's Rights

SCHEDULE FOR MEETING

Time	Session	Speaker
01.00 PM -01.15 PM	INTRODUCING THE ISSUE	SIDDHARTHA DE, ADVOCATE OF H.R.L.N.
01.15 PM -01.45 PM	DISCUSSION ON CHILD TRAFFICKING	SURAJ DAS, CHILD WELFARE DEPARTMENT BALURGHAT DAKSHIN DINAJPUR
01.45PM - 02.15 PM	DISCUSSION ON WOMEN'S RIGHT	RUMKI SAMAJDAR, MEMBER JUDGE OF CONSUMER COMMISSION, DAKSHIN DINAJPUR AT BALURGHAT
02.15 PM - 02.45PM	TIFFIN TIME	
02.45PM -03.15PM	DISCUSSION ON THE SOCIAL AND LEGAL ASPECT OF TOPIC OF MEETING	SIDDHARTHA DE, ADVOCATE OF H.R.L.N
03.15 PM - 03.30PM	DISCUSSION ON WOMEN'S EDUCATION & CHILD TRAFFICKING	BHAKTA SARKAR, ADVOCATE BALURGHAT COURT.
03.30 PM - 04.00PM	FREE LEGAL AID	ALL THE ADVOCATES PRESENT

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INTRODUCTION

Trafficking in women and children is one of the most despicable forms of violations of human rights. Being a complex issue, it has been given short shrift from the academia, legal field and the civil society. It has often equated with prostitution but that is the half story. This paper is an attempt to present the trends and dimensions of trafficking from a human rights paradigm and demystify several issues surrounding it. It will also shed some light on the role of NGOs, the civil society and the family. The paper is based amply on the secondary literature and primary experiences. The human rights discourses is profoundly silent on this major issue which snatches away most of the human rights from the most vulnerable group. It has immense implications for future course as India is fast becoming a source, transit point as well as a destination for traffickers.

Trafficking in human beings involves the transportation, harboring or receipt of persons by means of threat, coercion, abduction or fraud for the purpose of exploitation. The problem of human trafficking, particularly in women and children has emerged as grave social issue which is one of the most serious affronts to the dignity and human rights of them. It is a gross commercialization and commoditization of innocent human lives. Though it is a borderless crime, India among many South-Asian countries is rapidly used as a source, transit point as well as destination for the traffickers. It is just not about the violation of human rights but it is the defeat of human rights. It is not only the human rights which are failing but the society and institutions are also to share the blame. In the context of increasing violence and deep-seated patriarchal values the traffickers' jobs becomes easy. Hence trafficking in women and children, which is the most vulnerable group, is the sordid tale of violation of human rights and dignity.

SPEAKERS SESSION

Speaker 1- Siddharth De

The speaker stated a brief description of the work undertaken by HRLN for providing free legal aid to those who do not have access to or are deprived of assistance. In his speech he mentioned that the main topic of this meeting is child trafficking and women's right and this meeting is organized by HRLN. He concluded with how HRLN works, its main work is to help the helpless persons in various ways, even in High Court and Supreme Court also. HRLN have lawyers, who can help the needy persons and also mentioned the reasons and solutions of topics of the meeting shortly.

Speaker 2- Suraj Das

The speaker mentioned how HRLN works in many fields like acid attack, gender and sexual minorities, dowry demand, and torture of Dalit people, since these are the minority groups. His special emphasis was on causes of Child trafficking in India.

Some of the root causes of child trafficking in India are: poverty, a lack of education, and the need to financially support their family. The unemployment rate in India is very high with the United Nations Development Programme estimating it to be at 3.5%. In addition to this, there are not that many financial opportunities. When children are offered work, they are likely to be exploited. Children in poverty are often forced to trade sex for a place to live or food to eat. In order to get out of poverty or to pay off debts, some parents have even been forced to sell their children to traffickers. Children are often trafficked by gangs and forced to beg on the streets.

Education

A lack of access to quality education and low literacy levels and rates increase child trafficking rates in India. The challenge of limited access to education impacts all of the people involved to worsen the consequences. For the child, a lack of access to education limits their future opportunities. It can also be linked to feelings of increased vulnerability, low self-esteem, and a lack of knowledge about their rights. The absence of an effective public education system, and a lack of financial security make finding employment in unskilled labour sectors (such as construction and domestic help) much more appealing to children rather than pursuing an education. A lack of good, affordable educational opportunities and financial security can lead to a devaluing of education from the parents' perspectives. This is especially true for girl children. When weighing the costs of educating a daughter against other costs to the family, a

daughter's education is often foregone. Since the financial benefits of an education are only truly seen in the future, the value of an education in the present is considered to be quite low. This reasoning is supported by the lack of economic opportunities available to underprivileged and marginalized communities in India. The lack of educational opportunities is exploited by traffickers who often sell parents and children alike on the promise of steady, high paying jobs to lure them away from their homes.

Additional causes

In addition to institutional challenges in India, traditional religious and cultural practices also pose a threat to vulnerable children. In some parts of India, for example, young girls are forced into the system of Devadasi where they're "forced into a lifetime of ritual sex slavery" and given to an elder of the village to be their concubine. Child marriage is also one of the leading causes of child trafficking. A lot of children have also been trafficked due to the demand by tourists. People will travel from countries where there are strict enforcements around child trafficking, as well as it being heavily frowned upon and socially unaccepted, to India to find child prostitutes.

Speaker 3- KUSHAL DAS:-

The speaker discussed about the POCSO Act. The POCSO Act, 2012 is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts. The said Act defines a child as any person below eighteen years of age, and defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, police officer, teacher, or doctor. People who traffic children for sexual purposes are also punishable under the provisions relating to abetment in the said Act. The said Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine. In keeping with the best international child protection standards, the said Act also provides for mandatory reporting of sexual offences. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence; if he fails to do so, he may be punished with six months' imprisonment and/ or a fine. The said Act makes provisions for the medical examination of the child in a manner designed to cause as little distress as possible. The examination is to be carried out in the presence of the parent or other person whom the child trusts, and in the case of a female child, by a female doctor.

The speaker also highlighted on acid attack victims, over the last decade India has been witnessing an alarming growth of acid attack especially on women. Acid violence is a heinous crime committed usually against women, with an intention to disfigure or kill her. It can also be called as the gender based violence against women. According to the National Commission of India acid attack is “any act of throwing acid or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person permanent or partial damage or deformity or disfiguration to any part of the body of such person”.

Speaker 4- Rumki Samajder

The speaker discussed about women’s rights and child trafficking. She also emphasized the need for empowering women.

The United Nations adopted the Universal Declaration of Human rights on 10 December 1948 which proclaims that all human beings are born free and have equal right to dignity .Similarly Indian Constitution guarantees several rights such as the right to equality in Article 14, right to life and personal liberty under Article 21 of Constitution to all its citizens irrespective of gender. Gender equality means a society in wherein both women and men enjoy the same opportunities, rights and obligations in different spheres of life. Equality in decision making, economic and social freedom, equal access to education and right to practice an occupation of one’s choice. In order to promote gender equality, we need to the empowerment of women, and concentrate on areas which are most crucial to her well being. Women’s empowerment, economic, social, political, is vital to growth of any nation and to protect and nurture human rights. India has a very high volume of child trafficking. As many as one child disappears every eight minutes, according to the National Crime Records Bureau. In some cases, children are taken from their homes to be bought and sold in the market. In other cases, children are tricked into the hands of traffickers by being presented an opportunity for a job, when in reality, upon arrival they become enslaved. In India, there are many children trafficked for various reasons such as labor, begging, and sexual exploitation. Because of the nature of this crime; it is hard to track; and due to the poor enforcement of laws, it is difficult to prevent. Due to the nature of this crime, it is only possible to have estimates of figures regarding the issue. India is a prime area for child trafficking to occur, as many of those trafficked are from, travel through or destined to go to India. Though most of the trafficking occurs within the country, there is also a significant number of children trafficked from Nepal and Bangladesh. There are many different causes that lead to child trafficking, with the primary reasons being poverty, weak law enforcement, and a lack of good quality public education. The traffickers that take advantage of children can be from another area in India, or could even know the child personally. Children who return home after being trafficked often faces shame in their communities, rather than being welcomed home.

Speaker 5- Bhakta Sarkar

The speaker emphasized on Women's education as it is the basic need for crimes to reduce against women and for their empowerment in the society. He explained that Inequalities in education for girls and women are complex: women and girls face explicit barriers to entry to school, for example, violence against women or prohibitions of girls from going to school, while other problems are more systematic and less explicit, for example, science, technology, engineering and mathematics (STEM) education disparities are deep rooted, even in Europe and North America. In some Western countries, women have surpassed men at many levels of education. For example, in the United States in 2005/2006, women earned 62% of associate degrees, 58% of bachelor's degrees, 60% of master's degrees, and 50% of doctorates.

Improving girls' educational levels has been demonstrated to have clear impacts on the health and economic future of young women, which in turn improves the prospects of their entire community. The infant mortality rate of babies whose mothers have received primary education is half that of children whose mothers are illiterate. In the poorest countries of the world, 50% of girls do not attend secondary school. Yet, research shows that every extra year of school for girls increases their lifetime income by 15%. Improving female education, and thus the earning potential of women, improves the standard of living for their own children, as women invest more of their income in their families than men do. Yet, many barriers to education for girls remain. In some African countries, such as Burkina Faso, girls are unlikely to attend school for such basic reasons as a lack of private latrine facilities for girls.

Education increases a woman's (and her partner and the family's) level of health and health awareness. Furthering women's levels of education and advanced training also tends to lead to delay initiation of sexual activity, first marriage, and first childbirth. Moreover, more education increases likelihood to remain single, have no children, or have no formal marriage while increasing levels of long-term partnerships. Women's education is important for women's health as well, increasing contraceptive use while lowering sexually transmitted infections, and increasing the level of resources available to women who divorce or are in a situation of domestic violence. Education also improves women's communication with partners and employers, and rates of civic participation.

INTERACTIVE SESSION

An interactive session was held with the participants. In this session the participants raised various questions which were answered by the advocates of HRLN.

CONCLUSION

Human rights embodied in the Indian Constitution are justifiable. All these rights now have the support of a large number of international conventions and human rights covenants dealing with human rights. Even the courts have used these international covenants to widen the scope of the human rights in the constitution of India. As a result, it is possible to judicially enforce a large number of human rights violations embodied in international covenants also. But the constitutional-cum-international mandate needs to be accompanied by correct social perceptions, support services and a basic change in family and societal values. A proper enforcement of these rights thus requires, educating people in these human rights so that these rights are respected and observed in practice. A soothing culture of human rights has to be developed in our country. National Human Right Commission has a greater role to play in dealing cases and need to recommend and take compensatory measures. People also need to aware about the commission and it is now for the people to take help of these available institutions in order to inculcate human rights values in the home, in the community, in the society and in the public. Also all the three pillars of the government i.e. legislature, executive and judiciary must now respect and promote this culture of human rights specially for the women, the weaker section of the society so that trafficking in women and children can be tackled in a greater extent. Even the NGOs, welfare agencies, legal experts, civil society and social workers have to play an important role to secure the rights of the women, child through advocacy, providing legal aids and legal education in the grass-root level to top.

Annexure A

HRLN
HUMAN RIGHTS LAW NETWORK

S.No.	Name	Designation/Position in the organization	Name of the Organization	Email	Mobile Number	Signature
23	Ram Krishna					<i>Ram Krishna</i>
24	Ram Krishna				790725334	<i>Ram Krishna</i>
25	Sudipa Sharma				7076810189	<i>Sudipa</i>
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32	Debjit Barman				7107677721	<i>Debjit Barman</i>
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35	Manish Barman				-	<i>Manish Barman</i>

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Title of the Meeting:
Venue:
Date:

List of Participants:

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39	Prizanka Ghosh	Advocate			6298523998	Ghosh
40	Prasanta Bannu				995215827	Prasanta Bannu
41	Suben Mondal	Advocate			973334490	Suben Mondal
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44	Rosita Sarkar	Ujjiban Society			903175419	Rosita Sarkar
45	Runki Samanta	D.R.D.E		Runki Samanta @ gmail.com	779766982	Runki Samanta
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List of Participants:

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Annexure B

