

Migrant and Trafficked Children in Hazardous Employment: The Case of Nagaland

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V.V. Giri National Labour Institute

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Preface

The North East Research Centre (NERC) at V.V. Giri National Labour Institute, Noida has been mandated to undertake and promote research on the issue of labour and employment in the North Eastern Region of India. It is in this context that a National Workshop was organized during 19-20th November, 2009 at Agartala, Tripura, with an objective of identifying relevant research issues and institutions. In this workshop invited resource persons presented papers and proposals on their proposed research. As a follow-up to this workshop, a number of research projects were commissioned by the NERC on relevant issues/themes. The present working paper titled, "Migrant and Trafficked Children in Hazardous Employment: The Case of Nagaland" by Shri T. Chubayanger, Project Officer, Department of Labour, Government of Nagaland is the outcome of one of these commissioned projects.

The topic of the Project holds extreme importance for all the stakeholders including the state government of Nagaland. Never ever any agency or government department of the state had taken up the issue of migration and trafficking of children for employment in hazardous works in the state. The impacts, therefore, are likely to be far reaching, and as a result, critical examination of the issue becomes an utmost necessity.

Migration and Trafficking of children assumes a serious threat in Nagaland as it often remains undocumented. This study establishes an information base for designing appropriate state, local and community level interventions for the welfare of the migrant and trafficked children. Further, the study enriches our understanding about the socio-economic and cultural background of the migrant and trafficked children, the demand and supply side factors influencing their migration and trafficking, and the reasons for its existence and perpetuation. The current paper also examines the risks and vulnerabilities of migrant and trafficked children and their working and living conditions. The study suggests for

appropriate modifications in the existing protocol, legal framework and law enforcement related to migrant and trafficked children.

I am confident enough that this study would be very helpful to various stakeholders, especially scholars and researchers, who would like to work on the broader perspective of migration and trafficking of children – both from within and outside the state. I thank the researcher for coming out with this output against several limitations arising out of non-availability of proper data. I also thank Dr. Anoop Kumar Satpathy for his able and continuing coordination of the project for NERC, VVGNLI.



(V.P. Yajurvedi)
Director General

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Special thanks to **Community Education Centre Society (CECS)** Dimapur, Nagaland, for the tireless effort in conducting the field exercise with their professional inputs without which this work would have been impossible (CECS is a non-profit organization specialized in Child Labour issues).

Special gratitude to Shri Suponenba Longkumer, Director, CECS, who provided invaluable advice, guidance, and technical assistance throughout the study.

Many stakeholders also made important contributions during the district-study interviews and by providing research materials.

I would also like to acknowledge the Department of Labour, Government of Nagaland, for sparing my services during the study.

T. Chubayanger

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Chapter One

Introduction

1.1 The Context of the Study

The twin process of trafficking children for labour and children migrating alone for employment is a global problem affecting large number of children. From time immemorial, people have been moving voluntarily from one place to another; mostly within countries but also across borders and continents in search of work and better living. While the push factors may have been anything from drought or famine to human rights violations or war or poverty, the pull factors by and large remained agricultural opportunities, labour intensive industries, or the promise of better life at the place of destination. Although trafficking, which necessarily involves exploitation, is part of broader migration dynamics, yet not all migration is trafficking.

Migration is the process of movement of people from one place to another with an objective in mind. M.S.A. Rao (1986: 19) states, '... it is a shift in the place of residence for some length of time', rooted in the economic, socio-cultural, ecological and political realities of society. Whereas the Institute of Social Sciences, New Delhi, (2005: 141) states, '.... the decisive factors in distinguishing between migration and trafficking are the nature of consent, the intention of the agency involved that is responsible for them being in that position and in addition, the difference between the information made available at the start of the journey about its purpose and the circumstances the victims find themselves in at the end of the journey'.

Trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders, involving deception, coercion or force, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation, such as forced prostitution, slavery-like practices, battering or extreme cruelty, sweatshop or exploitative domestic services. Most of the migration of children, accompanied or unaccompanied by family members, is not driven by choice but by the lack of it as they are pushed out of their homes and villages due to lack of job opportunities there or because of large family size. This phenomenon, called *distress migration* of children is one of the least understood and

researched, but an important symptom of deprivation of child rights, due to poverty and marginalization of certain sections of population. Distress migration takes place for survival, rather than any expectation. In child trafficking, pressure and deception are common.

Statistics on the magnitude of the problem are scarce and unreliable. Quantitative information is largely collected from sporadic studies and surveys, and extrapolated on the basis of approximations. There is a large amount of anecdotal information especially regarding trafficking for commercial sex-work. For formal sector labour migration, government departments have figures, but most labour migration is undocumented, as legal channels are limited.

Trafficking always violates the child's right to grow up in a family environment. In addition, children who have been trafficked and those who have migrated alone face many dangers, including violence and sexual abuse. In some cases, traffickers take advantage of the vulnerability of these children caught in a situation in which either they have no choice or they perceive that they have no choice. Children who willingly migrate in the hopes of a better life also end up in situations where their health and safety fall in danger because of their vulnerability in a strange place. Trafficking routes fluctuate according to local conditions or due to supply and demand factors. In many cases, the 'direction' or 'flow' may appear illogical. There is a demand for trafficked children as cheap labour. Children and their families are often unaware of the dangers of trafficking, and they believe that they would receive better educational opportunities or be placed in better employment to earn their livelihood in the place of destination. But the flip side of this conviction is often hidden and thus hard to address.

1.2 Need for the Study

In India, although several studies have been carried out on the issue of child labour, the growing incidence of trafficking children for labour and that of single migrant children for labour; and the reasons for forcing children into work in Nagaland remain an unexplored area of research. In Nagaland, children are trafficked from different villages throughout the year - to work as domestic hands or as helpers in roadside restaurants and in agricultural operations. This is because of the absence of alternative livelihood options in the rural areas of the state for ensuring survival. Children also migrate with their friends who are already employed in the

towns or sometimes with parents, and get involved in hazardous child labour. They have no access to education and health services, resulting in a negative spiral of social and economic deprivation for the next generation. There is large scale violation of labour laws and child's rights at work sites. Also, very little are known about how migrant children are used at destination in the informal sector, and about the migration processes (push/pull factors, individual decision-making etc.).

Further, very little effort has been made to address the demand side of the trafficking equation. Without demand for cheap labour, there would be no supply. Trafficking takes place because of this unmet demand. The questions such as: (i) Who are the employers of trafficked children; (ii) Why they seek cheap labour – that is also docile and powerless? and How can employers be approached to help combat trafficking?; still remain to be addressed. Keeping all this in view, the present study has been undertaken to examine the various dimensions of the problem of migration and trafficking of children in Nagaland.

1.3 Migration, Trafficking and Child Labour: A Review of Literature

As far as the issue of trafficked and migrant children who are engaged in the urbanized towns throughout the state of Nagaland is concerned, no adequate study has been conducted till date, especially with reference to the socio-economic and cultural background of these children. The documentation so far conducted by Prodigals Home, (an NGO based in Dimapur, Nagaland) on missing children is commendable. However, it has mainly remained confined to the estimation of missing children. In such studies, the information is one sided as most of the interaction was with the employers who reported the 'missing'. Thus, no reliable information on the working and living condition of these children could be established since versions of the missing/runaway children could not be ascertained.

In the international context, Robin Porter (1976) in his study has observed that in Hong Kong, parents send their children to work not out of local tradition but because of the low wages and inadequate social security. The study also describes Hongkong's economy as insufficiently developed and efforts are taken to eradicate child labour through stringent legal measures and through compulsory primary education.¹

¹ Robin Porter, *Child Labour in Hongkong*, Social Welfare, Vol.23, No.8, November 1976.

A prominent Washington merchant Woodward criticized child labour saying that employment at an early age obliterates child's economic prospects; it may be stated as a safe proposition that for every dollar earned by a child under fourteen years of age, tenfold will be taken from its earning capacity in later years.²

In the Indian context, The National Commission on Labour, 1969 in its report on child labour records, "our evidence reveals that employment of children is almost non-existent in organized industries. It persists in varying degrees in the unorganized sectors such as small plantations, restaurants and hotels, cotton ginning and weaving, carpet weaving, stone breaking, brick kiln and handicrafts and road building. Employment of child workers below the prescribed age is also reported to be continuing in far-off places and in rural areas where enforcement of statutory provisions is more difficult".³

Study conducted by Helen R. Sekar on child labour (2004) show that child labour is not necessarily linked only to poverty or illiteracy, but also directly linked to absence of alternate sources of income and related infrastructure facilities. The study points out various factors relating to cultural and attitudinal problems.⁴

Bhaskaran's (1980) Report of sample surveys conducted in Bombay and Delhi found that 40 to 45 per cent of the slum children do not attend school and they are employed as rag pickers, tea shop assistants and shoe-shine boys and they do not get any nourishing food. The children come from the families with an average monthly income of less than Rs.400 and they are forced to take up work to supplement their family income.⁵

According to the survey conducted by the Department of Social Welfare, the hotel owners make a huge profit by underpaying the children.

² Kulshreshthra, J., Child Labour in India, Asish Publishing House, New Delhi, 1978, p.9.

³ Govt. of India, Report, National Commission on Labour Section on Child Labour, pp.27-36.

⁴ Sekar, H. R. 2004. Globalisation, Pushed Migration and Children in Low Paid Informal Work. A paper presented at a National Seminar on Globalization and Child Labour organized by VV Giri National Labour Institute, NOIDA during 11-12 March 2004.

⁵ Bhaskaran, U.C., Child Labour, *Hindustan Times*, Bombay, August 21, 1980, p.5.

Most often their employers, who take courage in the fact that the children are unorganized, also treat them in an inhuman manner.⁶

Sharma⁷ (1993) noted that the number of children aged 14 years or below working in Jammu & Kashmir was approximately 2.45 million. Of these, about 1.09 million is employed in major work and 1.4 million in marginal labour. They are poorly paid and their working conditions are far from satisfactory. Low wages, long working hours and inhuman working environment are common complaints of the child workforce. Mir⁸ (1991) has established that poverty, illiteracy and adult unemployment are the other factors contributing to this menace.

Shah⁹ (1991) has conducted a study on child labour in an unorganized sector in Kashmir. The overall analysis of data reveals the fact that inadequate income, illiteracy and the ignorance of parents, in addition to the large family size, are the precipitating factors which drag young ones into the world of labour. Physical deformities and weak eyesight are the effects of child labour.

Tripathy's¹⁰ (1989) study, "Socio-economic Problems of Child Labour in a Tribal District of Orissa" reveals that child labour is the by-product of poverty coupled with a lack of social awareness. The community must be made to realize the shocking implications and the attendant evils of child labour. This, apparently, cannot be achieved through legislative measures alone. A change in our social attitude will have to be created besides activating the enforcement machinery. The study highlights the fact that child labour is prevalent extensively in the lower socio-economic

⁶ Prema Viswanathan, Child Labour in TamilNadu, cited by Helen R.Sekar in the Situation of Working Children in Tamilnadu.

⁷ Sharma O.P. "Nimble Fingers, Delicate Designs", Social Welfare, No.40, 2-3 May-June 1993, p.7-8.

⁸ A. Mir, Child Labour with Special Reference to the Carpet Industry of Kashmir: A Socio-legal Study, Unpublished Ph.D. Thesis, Kashmir University Library, Srinagar, 1991, p.223-261.

⁹ N.A.Shah, A Study of Child Labour in the Unorganized Sector in Kashmir, Unpublished Ph.D. Thesis, Kashmir university library, Srinagar, 1991, pp.11-213.

¹⁰ Surjyanarayan Tripathy, Socio-economic Problems of Child Labour in a Tribal District of Orissa, A Project Report Submitted to the Indian Council of Social Science Research, New Delhi, 1989, pp.137-138.

groups, not only due to economic compulsions but also because of the lack of an appreciation of their own living conditions. All steps should be taken to increase the family income of the child labourers so that children would not have to work and make both ends meet. Basic education and vocational training should be imparted to the children.

A study conducted by George¹¹ (1996) in Madras reveals that children are made to work from 8 to 15 hours. This is primarily the reason why million of children below the age of 15 years suffer from tuberculosis, asthma, eye defects, skin diseases, tetanus, silicosis and deformities (cited in Madhok, 1996).

Jayaraj¹² (1993) in his research paper explores the relevance of distress as the determinant of the participation of women and children labour force. Distress, the major determinant of the participation of women and children as labour force, has three dimensions, namely, level of income, distribution of income and stability of income or earnings. Identification or classification of the three dimensions of distress determines the participation of women and children in the labour force. The analysis indicates that distribution of income and stability in earnings are the major determinants of the participation of women and children. The paper argues for redistribution of resources, particularly land, as the most suited policy measure to eradicate poverty and thereby eliminating the distress induced labour force participation of women and children.

Chattoraj and Saxena, (1993) in their report show that in the broader context of the environment, which renders children vulnerable to social maladjustment, exploitation and victimization, an effective and comprehensive strategy is of utmost need and importance. In this connection, a purposeful linkage between state intervention and the collective initiatives of the people themselves (with the support of the enlightened groups within the community) would assume a key role. This would require an optimum use of the resources and potentials of all

¹¹ Cited by Alaka Madhok, "Child Labour Some Issues, Some Suggestions", *Yojana*, No.40, 5 May 1996.

¹² D. Jayaraj, *Labour Force Participation of Women and Children in Rural Tamilnadu: An analysis of the Inter-district Variability* (Working Paper No.3, Madras Institute of Development Studies, Madras, 1993), p.31.

the sectors of the wider social system. In a country like India which is struggling to overcome the problems of poverty, destitution and neglect, juvenile justice is far more inseparable from social justice.¹³

Sahoo's¹⁴ (2009) report shows that the employment of child labour is the outcome of numerous interrelated factors. The fundamental one is the poor economic structure of the families of the child workers and this is one of the vital causes for the participation of children in the urban labour market. In addition to this, the uncertain growth of capitalism and the consequent rapid inflow of rural people and the relative failure of the democratic institutions in the country have generated child employment on a mass scale. A solution to this problem may be possible if only drastic steps towards such a goal are taken by the action groups or the trade unions. It seems clear that no significant and decisive steps have been taken towards the elimination of the social exploitation of children. Without united challenge from the working people themselves, it is difficult to bring about any improvement in the working conditions of the child labourers, even if supported by other democratic and progressive forces.

In the State's context, Prodigals' Home¹⁵ (2009) report that Dimapur and Kohima is basically the main centre's of economic activity in the State of Nagaland. The two commercial towns attract hordes of individuals, both from within and outside the state. The anonymity the two towns provide to individuals is a veil used to carry out both legal and illegal means of livelihood. Dimapur, more than Kohima, has become a source, transit and destination point for human trafficking; especially of children for child labour owing chiefly to poverty of the child's parents. The high demand for child labour, particularly for domestic help, in these two cities is undeniable. To cater to the high demand for domestic help, many children are being supplied to families often by unscrupulous means greedy suppliers. Incidentally, the maximum number of 'missing' is reported by employers about their 'domestic help'.

¹³ B.N.Chattoraj and Rekha Saxena, "Victimization of Children: An urgent need for Effective Measures", *Social Change*, No.20, September 1993, p.23.

¹⁴ U.C. Sahoo, "Child Labour in Surat Textile Industry", *Social Change*, No.20 September 1993, pp.36-37

¹⁵ Prodigals' Home- "Study of Missing Children in Nagaland with focus on Child Trafficking and means to tackle the same" April 2009 - August 2009, pp. 14-15.

The Morung Express¹⁶ (2009) reports “In other parts of the country, child labour is counted by the number of children engaged illegally in industrial work. But in Nagaland, the child labour force is considered ‘invisible’. Notwithstanding these, child trafficking has become one of the fastest growing businesses in Nagaland. Many children are lured by traffickers into urban areas with promise of good education and better life. Seen as an opportunity to earn easy money, parents give away their children as invisible child labourers”

1.4. Objectives of the Study

The broad objective of this study is to establish an information base for designing appropriate State, Local and Community level interventions. Some of the specific objectives of this study are as follows:

- To understand the socio-economic and the cultural background of the migrant and trafficked children
- To study the demand and supply side factors influencing their migration and trafficking, and the reasons for its existence and perpetuation
- To map the risks and vulnerabilities of migrant and trafficked children
- To study the working and living conditions of these children; and
- To suggest appropriate modifications in the existing protocol and action, in the legal frameworks and in law enforcement.

1.5. Area of Study

The study was conducted in three districts of Nagaland where there were reports of trafficking and migration of children for labour: On the supply side of the equation, focus of study was in **Mon** district, though there are districts of similar socio-economic status like Tuensang, Longleng and Kiphire. This district was selected being the highest contributor in children migration and trafficking as per the preliminary survey. On the demand side, **Kohima** and **Dimapur** districts, the main centers of economic activity in Nagaland, were taken as the plot for study. Since it was the first ever study on trafficked and migrant children in Nagaland, the study was

¹⁶ The Morung Express – A Local Daily published in Dimapur and circulated all over Nagaland, “Child Labour Continues Unabated in Nagaland”, 12th June 2009.

preceded by a preliminary field acquaintance and plot survey. Preliminary visits were made to different areas to locate the pockets of origin and destination of migration.

1.6. Research Questions and Concerns

There is strong evidence that trafficking and migration of children exist in Nagaland. Although cross-border trafficking and migration of children is believed to be growing in Nagaland, domestic trafficking and migration of children is a much bigger problem in the State. Child trafficking in Nagaland includes recruiting, harbouring and moving children from their home, mostly for domestic employment or to work in other forms of exploitative labour not excluding commercial sexual exploitation.

The movement of boys and girls from rural to urban areas is of such a large proportion that it has become part of their life and is almost considered a norm among the rural populace. The parents and guardians of the affected children are made to believe that there are great employment opportunities in the urban areas and better education facilities would be provided to the children by the employers in the place of destination. But, such children mostly end up in exploitative situations like working as domestic help, hawking and vending, and trapped in other undesirable places. However, no adequate attention has been received from the scholars, especially in the context of Nagaland, to effectively understand the dynamics and underlying factors of the problem of child trafficking and migration within the state and to devise interventions to address it. Therefore, the present study seeks to address some questions such as: What is the socio-structural background of these children?; What is their educational status?; What are the types of work these children are involved in and how are their working conditions?; What are the types of trafficking operations? and finally, Who are the recruiters and why they recruit children?.

The main concern of the present study is to understand the complex forward and backward linkages, profiling of the traffickers and types of operation, types and characteristics of trafficked boys and girls, mapping the risks and vulnerabilities and the major types of employment where these children are recruited, the profile and circumstances of the employers; and to establish an information base for designing appropriate state, local and community level interventions aimed at stemming the problem.

1.7. Data Sources, Scope and Methodology

The study was cross-sectional, employing mainly qualitative methods of data collection. The Cross-sectional element was aimed at obtaining data from multiple sources including: where possible, boys and girls who have been trafficked; district administration, law enforcement agencies, parents and local leaders.

Primary data were collected using structured and non-structured questionnaires. The study used individual interviews, focus group discussions, case studies, field observations and community conferencing. The use of various research tools was aimed at collecting hidden, illegal activities that are associated with the practice of child trafficking. Consent of respondents was sought before conducting interviews. During data collection, confidentiality of respondents and informants – both children and adults – was extremely respected.

Primary data were collected through field investigations in the area of study using various research tools. Semi-structured interviewing (SSI) was one of the main research tools. The study intended to use two different SSI approaches: Focus Group Discussions (FGDs) and in-depth interviews (IDIs). The FGDs in the study was also involved carefully planned discussion in a permissive, non-threatening environment, and designed to capture various perceptions on the issue studied. Individual interviews were conducted with working children. Given the practical constraints on the working children, in-depth interviews were also used with key informants. For the purposes of this research, anyone who had special knowledge regarding child labour and was willing to pass on that knowledge to the researcher was a key informant. Person-to-person interviews were held to secure first-hand experiences. All the research techniques are complementary. Selection of cases was purposive. The study was substantiated with case studies highlighting various aspects such as the Process of growing up; Process of leaving home; Life as a child labourer; Life at home; Educational and health status; Distribution of work and leisure time; Future hopes and aspirations.

The study population included a total of 302 child respondents and 49 key informants. Random techniques were used to select key informants and participants for the FGDs. The latter techniques were very fundamental in generating information on respondents' deeper insight regarding the issues of child trafficking and their perceptions on the nature of the problem. To

help focus the study in terms of locations and topics of research, the study team listed all people to be interviewed in categories.

Snowballing is an additional tool that was used to identify and locate victims of child trafficking. The targeted sample of the study was 200 respondents. However, 302 respondents between 6-14 years took part in the study.

1.8. Chapter Scheme

After the Introductory chapter, Chapter Two of the study discusses in brief the legal and institutional framework for addressing trafficking and migration of children. The study was preceded by preliminary field acquaintance survey to locate the pockets of origin and destination of migration. Therefore, the State profile and background of the selected area for the present study has been discussed in Chapter Three. Detailed discussions on the stages of study are presented in Chapter Four, which forms the main chapter of this study. Finally, the study concludes with the Summary of Findings; Concluding remarks and Recommendations for addressing the issue of child trafficking and migration in the state.

Chapter Two

Overview of Legal and Institutional Framework for Addressing Trafficking and Migration of Children

2.1. Regulatory Standards at International Level

Worldwide, millions of children are trafficked and are engaged in work, violating a range of child rights. Children are deprived of their right to education; right to play, leisure and healthy growth; and of free mental, physical, psychological and spiritual growth foreclosing the opportunities of development. There are international and national instruments like declarations, conventions and resolutions prohibiting trafficking. The practice is considered exploitative by many international organizations, such as the United Nations (UN), and the International Labour Organisation (ILO).

The United Nations Convention on the Rights of the Child

The convention clearly stipulates the followings:

Article 6: (1) States Parties recognize that every child has the inherent right to life. (2) States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 32: (1) States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Article 35: States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36: States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

The Universal Declaration of Human Rights adopted and proclaimed by General Assembly resolution 217 A (III) of 10th December 1948

The declaration states:

Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ILO Convention No. 182 – Worst Forms of Child Labour Convention, 1999 The convention defines the worst forms of child labour as: All types of slavery, including the sale and trafficking of children; forced labour to pay off a debt; any other type of forced labour, including using children in war and armed conflict; All activities which sexually exploit children, such as prostitution, pornography or pornographic performances; Any involvement in illegal activities, especially the production or trafficking of drugs; Any work which could damage the health, safety or well-being of children (so called “hazardous work”).

International Convention on Economic, Social and Cultural Rights (ICESCR) 1966

Article 10 of this Convention stipulates that states are responsible for protecting children from exploitation and must lay down the minimum age for their employment.

Minimum Age Convention 1973: The aim of this convention was to prohibit and regulate child labour and restrict the engagement of children in hazardous work.

The above International commitments reveal that the issue of Child Trafficking for labour is a global problem affecting large number of children. However, it is undeniable that it is the States’ legal responsibility to develop measures to combat child trafficking and to ensure their implementation.

2.2. Regional Level Regulatory Framework

SAARC Convention on preventing and combating trafficking in women and children for prostitution 2002

This Convention aims at promoting cooperation among member states in the area of prevention and suppression of trafficking in women

and children and the repatriation and rehabilitation of the victims of trafficking. The Convention is the first regional anti-trafficking treaty from Asia.

Article III: Offences – The Article states that:

1. The State Parties to the Convention shall take effective measures to ensure that **trafficking** in any form is an offence under their respective criminal law and shall make such an offence punishable by appropriate penalties which take into account its grave nature.
2. The State Parties to the Convention, in their respective territories, shall provide for punishment of any person who keeps, maintains or manages or knowingly finances or takes part in the financing of a place used for the purpose of trafficking and knowingly lets or rents a building or other place or any part thereof for the purpose of trafficking.
3. Any attempt or abetment to commit any crime mentioned in Para 1 and 2 above or their financing shall also be punishable.

However, here too, the narrow definition of trafficking limited only to prostitution, the lack of distinction between women and children, has drawn criticism.

SAARC Convention on Regional Arrangements for the Promotion of Child Welfare 2002

Article IV (3): States Parties shall ensure that appropriate legal and administrative mechanism and social safety nets and defenses are always in place to: **(a)** Ensure that their national laws protect the Child from any form of discrimination, abuse, neglect, exploitation, torture or degrading treatment, **trafficking** and violence.

2.3. Legal framework for addressing Child trafficking and their employment in India

The Constitution of India, which became operational in 1950, refers to certain child rights which are as follows:

Article 21 A: The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Article 23(1): Trafficking in human beings, beggary and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 24: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39: The State shall, in particular, direct its policy towards securing –
(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength; and

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45: The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

The National Commission for Protection of Child Rights (NCPCR)

The commission was set up in March 2007 under the Commission for Protection of Child Rights Act, 2005, an Act of Parliament (December 2005). The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child.

The Bonded Labour System (Abolition) Act, 1976

The Act provides for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker section of the people and for matters connected therewith. The Act defines terms like 'advance', 'agreement', 'ascendant' or 'descendant', 'bonded debt', 'bonded labour', 'bonded labourer' and 'bonded labour system' and provides for initiating appropriate action.

Child Labour (Prohibition and Regulation) Act, 1986

Although the Act does not talk directly about the trafficked children, it is an effective tool to combat trafficking in children as eventually all the

trafficked children end up employed in one way or the other. It clearly defines who a child is and the prohibition of employment of children in certain occupations and processes:

Section 1(ii): defines the term “child” as a person who has not completed his fourteenth year of age.

Section 3: Prohibition of employment of children in certain occupations and processes – No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on: Government of India Notification on 10th October, 2006, prohibits employment of children in Domestic and Hospitality sectors. However, employment of children in these sectors, who are mostly trafficked, remains unabated due to apathy and lack of political will coupled with inefficient enforcement machinery of the State Labour Department.

The Juvenile Justice (Care and Protection of Children) Act, 2000

Section 2 (d): “Child in need of care and protection” means a child – **(vii)** who is found vulnerable and is likely to be inducted into drug abuse or trafficking. **Chapter III:** “Child in need of care and protection” envisages the following:

Section 29: Makes provision for constituting Child Welfare Committee (CWC) in every district in relation to child in need of care and protection.

Section 34: Provides for establishing Children Home.

Section 37: Provides for establishing Shelter Homes.

Section 39 provides for restoration to parents, adopted parents, foster parents.

It is made clear from the above laws that trafficking and employment of children is against the legal mandate of the country.

Unfortunately, in spite of such legal provisions, the systems are not in place in the State of Nagaland. The state has not established Children Homes and Shelter Homes except for a Juvenile Home for the whole state. The CWCs are constituted in all the districts, however, except Dimapur district CWC; none of the other CWCs is active.

Chapter Three

State Profile and Background of the Area Selected Under the Study

3.1. The State Profile

Nagaland is the sixteenth State of the Indian Union. The state has an area of 16,579 sq. km. with a total population of 19,80,602 forming a density of 119 per sq. km. Urban population constitutes less than one-third of the total population of the state (28.97%). Sex ratio of Nagaland is not very positive with 931 females per 1000 males as per 2011 census. The population of Nagaland forms 0.16 percent of India's population. The literacy rate is 80.11 percent; of that, male literacy constitutes 83.29 percent while female literacy is 76.69 percent. Situated in the extreme North East of the country, Nagaland is bounded by Arunachal Pradesh in the North, Assam in the West, Manipur in the South and Myanmar in the East. The Naga Hills run through the state and the terrain is mountainous, thickly wooded and cut by deep river valleys. There are eleven local government administrative districts - Kohima, Mokokchung, Wokha, Zunheboto, Dimapur, Phek, Tuensang, Mon, Peren, Longleng and Kiphire.

Nagaland is a rural state and all Nagas are tribal people. More than two-thirds of the population lives in small, isolated villages. Built on the most prominent points along the ridges of the hills, these villages had stockades, with massive wooden gates approached by narrow, sunken paths. The villages are usually divided into khels or quarters, each with its own headman and administration.

The terrain is hilly, rugged and mountainous. The state of Nagaland, though socially progressive, is characterized by the economic backwardness. The state has virtually no industrial base despite being rich in minerals and scenic beauty. The people therefore are left with little option but to seek employment in agriculture by way of cultivating the land. Here too, crop cultivation faces the problems of low yield rates owing to the use of traditional methods of cultivation coupled with the lack of technological innovations. It is evident from the above facts that the rural poverty is inextricably linked with the economic backwardness of the state, as a

substantial proportion of the population is concentrated in the rural areas and mainly relies on the rural economy. Weaving and bamboo crafts are arts handed down through generations in Nagaland.

3.2. State Policy for School Education Schemes

The Government of Nagaland has decided to bring under a single body the various centrally-sponsored schemes for universalisation of elementary and secondary education in the state for their better implementation. Nagaland Education Mission Society, a new umbrella set-up, implements and administers schemes such as Sarva Siksha Abhiyan, Rashtriya Madhyamik Siksha Abhiyan, Model Schools Scheme, Girls' Hostel Scheme and Mahila Samakhya Scheme as a single mission. The arrangement was made in line with the framework of Rashtriya Madhyamik Siksha Abhiyan (RMSA) and other instructions and guidelines of the centrally-sponsored schemes (CSS) concerning elementary education. The new set-up ensures unity of command, better cooperation and closer linkage of various wings of the school education department and various CSS's.

3.3. Background of the specific area of study

The study was conducted in three districts of Nagaland. As a result of the preliminary visit made to different areas to locate the pockets of origin and destination of migration. **Mon** district was identified as the source of trafficking since it was observed that a high number of trafficked and migrant children were from this district as compared to the other districts with similar socio-economic, geographical and literacy status like Tuensang, Longleng and Kiphire. It was also given to understand that a proper study in Mon district would give a fair idea of the situation in the other three districts having similarities in almost all spheres. Among the districts in the State of Nagaland, Mon records the lowest urban population with just 6.36 percent in 2001 census and 13.85 per cent in 2011 census, which is 50 per cent below the state average recorded in 2011 census at 28.97 percent. This clearly indicates that more than 85 percent of the population is dependent on the rural economy based on low yielding agricultural employment. This lopsided development indicator may be one of the factors contributing to the extreme backwardness of the district. The absence of proper remunerative work to earn livelihood, social apathy, illiteracy, ignorance, confining to primitive method of

production are some of the barriers in the way of development of this area. Dearth of capital, absence of marketing facilities for own produce, high cost of accessing of products used in day-to-day life which are not locally produced and similar other factors also contribute to the existing economic conditions. Economic inequalities among the masses have given rise to the impression that the rich keep becoming richer and the poor have not been adequately integrated in the process of development. From the findings of the participating families of this study district, it is evident that large family size is a major contributing factor for the economic backwardness of poorer families as there are too many mouths to feed which do not tally with the regular income of the family. Emergence of insurgency in the recent past has also added to the extent of the problem.

The district is also lagging behind in educational infrastructure. Participation of private educational institution is minimal except in the district headquarters, therefore, institutional competition which in turn promotes quality education is missing in the district. The promotion of education in almost the entire district is taken up by the public sector. As per the Annual Report of Sarva Shiksha Abhiyan 2009-2010, the number of Government primary schools in Mon district is 168 and that of upper primary schools is 50. Total number of teachers in primary level is 736 (Approximately 4 teachers per school) and 402 (Approximately 8 teachers per school) in the upper primary level. Total number of children enrolled in government primary schools is 16,417 (Approximately 97 children enrolled per school) and in upper primary schools the number is 4,850 (Approximately 96 children enrolled per school) recording a total of 21,267 children enrolled in such level of schooling. The Alternative Schooling and Bridge courses report shows that 3,437 children were enrolled during the year 2009-2010, out of which 2,412 children were mainstreamed to formal schools. In spite of the appreciable enrolment percentage in early school, this district records the lowest literacy rate at 56.6 percent in 2011 as compared to the state literacy rate at 80.11 percent indicating a possibility of high dropout rates in the district. It is imperative that out-of-school children are the potential target for traffickers.

On the other side, **Kohima** and **Dimapur** cities were taken as the plot for study. These areas were selected as the preliminary survey exercise revealed that these two cities are the destination and transit point

of the trafficked and migrant children. As per 2011 census, these two districts record the highest urban population at 51.95 percent in Dimapur followed by 45.60 percent in Kohima. These two districts also top the ranking of districts by population size, with Dimapur recording 19.17 percent followed by Kohima with 13.62 percent of the total population in the state as per 2011 census. Until the early 1970s only cottage industries (e.g. weaving, woodwork, basketry, and pottery) existed in the state. Industrial growth hindered due to lack of raw materials, financial resources, power, poor transport and communications as well as emergence of state insurgency.

Dimapur is the only industrial centre of the state though no heavy industry exists. It has brick factories, timber industry, some flour mills and plywood, cabinet and furniture factories and other small scale manufacturing and services sector units. Dimapur is also the commercial capital of the state of Nagaland and gathers a substantial business transaction for the State of Manipur and parts of Assam – the two states bordering the city. Being the only city connected with railways to cater to the requirements of Nagaland and Manipur, Dimapur becomes the main entry point for all essential commodities and other essential items for these two states. According to census 2011, Dimapur records a whopping 23.13 percent growth in population, percentage decadal growth which is clearly indicative that high migration to this district takes place as employment opportunities are better in this district.

Kohima is the administrative capital of the state. Although the district have not experienced industrial growth, in the recent years a number of services sector units have been established in the district, with Kohima city having containing the major share of such establishments, and thereby creating more employment opportunities. Till the recent past, due to lack of other employment opportunities, employment in Government establishments was the only means of employment in the state. This has created a situation where almost 90 per cent of the total gainfully employed persons in the state are in the government sector. Kohima city being the administrative capital, head offices of almost all government departments are situated in the city. Thus, a major portion of the government employees are stationed in the city along with all the senior level bureaucrats and technocrats of different government departments, elected members of the state assembly and

political leaders. This situation has extensively boosted the economy of the district.

Population, Percentage decadal growth in Kohima district is the second highest in the state which is next and very close to Dimapur district indicating a figure of 22.80 percent. This determines the economic viability of the district which attracts migration from other districts within the state.

The lopsided development of these two districts as compared to other districts of the state have created a huge social divide in the socio-economic, political and general outlook of the people from other districts with special reference to districts such as Mon, Tuensang, Kiphire and Longleng. There is usually an unspoken attraction towards these two affluent cities for the people from the lesser privileged districts of the state as it is largely assumed that life would be better in Kohima and Dimapur. Therefore, given the slightest opportunity to migrate to these cities, people are ready to take the risk. This pull factor is one reason why people, especially children, fall prey to the lures of traffickers.

Although the number of highly rich and very rich families is negligible in these two cities, yet major portion of these families is gainfully employed. The distribution of this employed population is mostly in the public sector, followed by self-employed. Employment in the private sector is insignificant. By self-employed we mean the business community who are engaged in performing different contract works offered by the public sector followed by the group involved in buying-selling activity. In many cases, both spouses in a family are gainfully employed. This has brought a positive change in their lifestyle, and their desire to spend more time in leisure and enjoyment which modern day technology provides, has increased. In order to compensate the gap in managing household chores and in taking care of younger children in the family, the need for an extra hand in the family has emerged. Ironically, study of the participating families indicates that these families are not ready to hire a fully salaried employee to compensate the gap as it is presumed that this will eat into the economy of the family. There is undisputed consensus of the respondents that employment of children is preferred as they are easier to teach and stay longer with the family which reduces the hassle of finding new domestic help every time the old one leaves. However, in reality, it is the lack of bargaining capacity of the children that the employers take advantage of.

3.4 An overview of types of employment where trafficked and migrant children are employed in Nagaland

Nagaland is yet to achieve full industrial growth. Except for some brick factories, timber industry, some flour mills and other small scale manufacturing and services sectors, which are again largely situated in Dimapur only, employment opportunity in the private sector within the state is abysmal. In the present scenario, a large number of the trafficked and migrant children enter into the domestic sector. Some of these children also work as apprentices in motor workshops and in commercial sector such as shops, restaurants, dhabas etc. More than 80 percent of these children are recruited in the domestic sector as domestic help. These children are either not paid or underpaid where payment exists, with the employer's contention that they are being provided with food, clothing and shelter.

Chapter Four

Presentation of the study

This chapter discusses and analyses the study findings. It contains four sections: Background information about child respondents, Migration and trafficking mechanisms, Work conditions and life styles of migrant and trafficked children, and Motives of employers of the children participating in the study.

4.1 Background information about children respondents

This section provides background information about the respondent children including sex and age, parental status, socio-economic status of the family and the forward-backward linkage of educational attainment of the respondent children in percentage terms.

4.1.1. Details of the Children interviewed

The study interviewed children within 6-14 years of age who were trafficked or migrated from their place of origin. A total of 302 children were interviewed. Table 1 presents the distribution of children by age group and Table 2 depicts their distribution by gender.

Table 1: Distribution of children by age group

Age Group	N=302	%
6-10	67	22.2
11-14	231	76.5
Unknown	4	1.3

Table 2: Distribution of children by gender

Gender	N=302	%
Male	221	73.2
Female	81	26.8

4.1.2. Occupation of the children's parents

Fathers' occupation: Detailed interviews were conducted to determine whether the fathers of the interviewed children were engaged

in some occupation; if employed, the type of employment, to determine the economic condition of the family in the place of origin. Distribution of children by father's occupations has been presented in Table 3. Fathers of 14.5 percent children said that they are not engaged in any gainful employment and among them some are reported to be substance abusers. Social trend of the district indicated that the natives of Mon district are occasional consumers of locally produced opium. Nearly 12.3 percent of the respondent children had reported that their father expired or has no knowledge about their father. Most of the children also reported the difficulties faced by their parents in making ends meet as the produce of their labour was hardly sufficient for the family.

Table 3: Distribution of children by father's occupations

Father's Occupations	N=302	%
Government employee	5	1.7
Daily wage earner	42	13.9
Cultivators	174	57.6
Other	37	12.3
Unemployed	44	14.5

Mothers' occupation: Distribution of children by mother's occupations has been shown in Table 4. Out of 302 respondent children, 25.5 percent reported either death of the mother, mother taking care of the remaining children at home or no response received from the child. Mother's participation in the cultivation activity of the Nagas is very crucial for subsistence of the economy of the family. This usually pushes the older siblings to take care of the younger ones in the absence of mother's in the house during the day and eventually to work with the parents as they grow older. This denies them the opportunity to attend school even though enrolment has taken place. Eventually, these children become the potential target for child trafficking.

Table 4: Distribution of children by mother's occupations

Mother's Occupation	N=302	%
Government employee	2	0.7
Daily wage earner	39	12.9
Cultivators	139	46
Other	77	25.5
Unemployed	45	14.9

4.1.3. Findings of First FGD

The research team had initiated Focused Group Discussion (FGD) with the District Administration, Police and some NGOs in Mon district. The discussion was aimed at recording the overview of these stakeholders in the matter of trafficking and migration of children in the district. It was concluded from the exercise that trafficking and migration of children from the district is taking an alarming proportion. However, it was revealed that no defined protocol is in place to contain the menace. It was also revealed that cross-border migration and trafficking is on the rise from the bordering Myanmar (erstwhile Burma). Geographically, almost one-third of the district is placed at the international boundary with Myanmar. The entire international boundary shared with Myanmar is porous; therefore, the people have easy in-out access. To top it all, the people from across the international border mostly speak the same dialect as used by the natives belonging to Mon district, often displaying the same physical appearance and practicing similar culture and traditions. Surprisingly, in **Longwa village**, of **Phomching Block**, the international boundary runs through the middle of the village which gives an unusual situation of one village situated in two countries at the same time.

Ngupying is 14 year old belonging to Konyak community (from across the International Border) staying with a Naga family in Dimapur. She is the eldest in the family. She was brought to Dimapur by her mother with a hope to get education. She speaks good Nagamese (A common dialect in Nagaland) and her local dialect. It is almost three years since she left her village. Her parents are cultivators. She is presently studying in Class V in a Government run school which starts at 8:00 in the morning. She is not paid by her master in any form since she is sent to school. She says that she has to wake up before the masters, usually before 5:00 am. She sadly expresses that the works she does, cannot be counted. Although she is provided with clothes and some privileges such as watching TV occasionally, the workload is gradually taking its toll making her think of running away as a solution to her troubles and also from the owner who mistreats her from time to time on many grounds. She has no known person reliable enough to express her plight.

The above situation provides enough evidence that the district administration has failed to identify and check cross-border migration and trafficking of children in the district. Due to the unpleasant social divide created by geographical, political and related causes, the masses has not been adequately integrated in the process of development leading to economic inequalities that gave rise to illiteracy and ignorance. The trafficking network takes advantage of the ignorance of such villagers by making false promises of better jobs in the towns and cities, and by instilling in the minds of the innocent villagers a fantasy about life in the cities and towns.

The Police department was of the view that parents are to be blamed for their failure of parenting. Child trafficking cases are rare in townships but high in remote villages. Parents do not disclose information of trafficking to the police and police cannot go from house to house for collecting such information. On receiving information on child trafficking, police does checking in the check-gates. However, in most cases, Police could not detain the trafficked children at the check-gate because they produce school identity card. The police feel that there might be some link between the parents and the traffickers. This clearly defines that the trafficking network has already attained a professional perspective.

Representatives of the NGOs were of the view that poverty coupled with too many mouths to feed due to large family size is a major impediment which forces parents to succumb to the lures of the traffickers.

Yongpe is 12 years of age and belong to Totok Chingnyu village, which is about 16 kms from Mon district headquarters. He is the third child among his 10 siblings. His poor parents were forced to send their children away for work just to relieve themselves from the hardship. Yongpe was brought to Kohima by his maternal uncle. The agreement was to stay and serve in his master's home for few years with the promise to provide a government job in the latter years. He has never attended school in his life. He has never visited his parents since he left his village. He is totally illiterate; therefore, his master's promise appears to be false.

The representatives of the NGOs also expressed serious concern that the Government schools in the villages were not motivating enough which results in high dropout rates of enrolled children. These children become the potential target for trafficking agencies. The absence of private schools in most cases and the high amount of fees in the existing ones add to the problem. It was reported that in some cases the government school buildings are almost totally damaged beyond repair due to lack of timely attention by the concerned department. A renowned NGO worker in Mon reported, “.....in Longwa village alone there are more than 200 dropout students. From time to time, people from Dimapur and Kohima come to Longwa village and take children with the promise to provide them free education and vocational training in Dimapur according to their choice of expertise. He further stated that the village Government school lacks enough classrooms, chairs, tables and benches for more than 200 students enrolled in the school. Irregularity among teachers also contributes to school dropouts in the village. Since the school dropout rate is high, the incidence of child trafficking is also high in this village”.

When discussed the findings of this FGD with the Administration of Mon district, it reported that:

Children are denied their rights because most of the parents are not educated and are ignorant about these rights. Mon and Tuensang districts are the highest contributors of child labour and trafficking of children in Nagaland. The main causes of this incidence are illiteracy, poverty and ignorance of the village community. Most of the villagers in Mon are fascinated about the life style in Dimapur and Kohima and dream of having a taste of it by sending their children in these cities for work and education.

4.1.4. Type of school attended by the children in the past and being attended at present

Study was conducted to obtain the educational status of the children both in the past and at present. Tables 5 and 6 show the details of findings in these two aspects. On further interviews, it was revealed that many of those children who have reported to have attended government schools were actually enrolled but have not completed even primary education.

Table 5: Type of school attended in the past

Type of school attended	N=302	%
Government	160	53
Private	31	10.3
Never attended school	111	36.7

Table 6: Type of school attending at present

Type of school attending	N=302	%
Government	111	36.8
Private	15	5
Not in school	176	58.2

Study of the present schooling status of the children reveals that only 126 out of 302 sample children were enrolled in schools by the employers (Government plus private schools). It is clear from the findings in Table 6 that more than half of the children are denied the promise made to the parents or relatives of the children during their migration from the place of origin.

Hewang is from Changlang village and works as helper in Dimapur with an electrical department lineman’s family. He is paid Rs. 400/- per month by his owner. He was brought over by his father to the present destination. He gets to talk with his parents almost once a month and appears to be treated well by the masters’ family. His parents are cultivators; he is the third among 2 brothers and 3 sisters in his family. He studied up to Class II in a Government run school very close to his home but gradually had to drop schooling due to financial instability of his parents. He says he still misses the days of going to school with his friends and having fun. After continuous effort of getting acquainted with Hewang, he revealed his actual condition. He says he wakes up before 5 o’clock almost every morning and does all household chores and regularly gets scolded over mistakes. He gets to eat only after the owners have meal, sitting in a corner and at night he is made to sleep on the floor. He does not have sufficient clothes too. He says he doesn’t want to stay any longer in this environment but is forced by his parents to stay and support his family with his little earnings.

A separate on-field study was conducted to find out the type and condition of the government schools in which 111 children were reported to be enrolled by the employer. It was found that most of the schools were primary schools which resulted in a huge mismatch of the students' age and the class they were enrolled in. Much older children were enrolled in lower classes. This clearly indicates the lack of interest of the employers in providing reasonable education to these children. Although it was established that some of these older children were totally illiterates and thus putting them in a higher class was impossible, more efforts could be made by the employer by assisting such children in their home studies. No such arrangements were found in any of the cases. It was also observed that majority of such schools were only fulfilling the routine mandate and not actually dedicated in imparting regular quality education.

Manching came to Kohima for education. He is 10 years old and from Konyak tribe. He has been introduced by his relative to his owner. His relatives have forced him to come to Kohima but he wishes to go back to his parents. Manching was studying in class II when in the village Government primary school, but as he came to Kohima his owner admitted him in class I. He says he usually wakes up before 5 o'clock and sleeps between 9 and 10 pm. He fetches water regularly and does household chores. He regularly gets scolding from the owner even for small reasons. Hoping to become a good craftsman, he says, he helps his master in carpentry.

Special mapping of the schools were conducted in the place of origin where these children reported to have studied before they came to the work destination. It is established that almost all such schools were of the similar standards as those in Dimapur and Kohima, considering the qualification of teachers and teacher-student ratio as per enrolment record; which means majority of the children who were enrolled by their employers were not receiving any better education than they had received in their place of origin. Randomised interviews were conducted with parents in all places where such schools were located and the interviews revealed that most of the parents, themselves being illiterate, are ignorant about the importance of education and its impact on the development

of the child's future. Therefore, children were not encouraged by their parents to attend school regularly. Rather, the older children are most of the time entrusted to look after their younger siblings during the day when parents are engaged in cultivation – the only gainful activity for subsistence of the family.

Menlie is a 12 year old girl living with her mother in a village in Mon District and studying in class V. Earlier, she came to Dimapur to study and side by side work as a domestic help to earn for her schooling, food, clothing and shelter. However, her owner ill treated her even to the extent of physical abuse many a time. She sadly narrates the story about her owner breaking one of her hands and that her elder sister had to rush from Mon to take care of her. In another incident, she remembers being mercilessly beaten by her owner for being late from school since it was a rainy day. Finally she decided to leave the house even at the cost of losing her schooling and went back to her mother. Her father died when she was small. Her mother works in others fields as a daily wage earner and supports her. She is now very satisfied with the school she is studying in since she has come to realize that the school she was studying in Dimapur was no better than her present school. She says she will stop children from her village to go to Dimapur for education.

Random interview of the children presently studying in all such schools were conducted. The result of the interview revealed that the children were not motivated by the quality of education imparted by such schools; therefore, the tendency of absenteeism was very high among the interviewed children. One disturbing trend observed among many of these children was the dream of studying in places like Kohima and Dimapur. However, on further interaction with the children about having such dreams, it was revealed that almost all the children had no proper information about Kohima and Dimapur. Their dreams were based on wrong information received from unreliable sources, which gave them a rosy picture about such places. This is one of the main reasons why the children in such villages are very vulnerable to the traffickers.

4.1.5. Accessibility to study hours by the Children

Interviews were conducted to know the accessibility to study time among those children reported to have enrolled in school by their employers. Table 7 provides the data on the findings of the interview.

Table 7: Study hours accessible to children

Study hours	N=126	%
1 hr	37	29.4
2 hrs	58	46
3 hrs	2	1.6
More than 3 hrs	18	14.3
No time to study	11	8.7

However, on subsequent interviews of the children, it was found that most of the children actually do not have any defined study hour. It was also revealed that many of these children remain absent from school on regular intervals. The most common reason for such absenteeism was inability to finish the household chores in the morning and thus getting late for school.

It was observed during the study that the students who got more than three hours of study time in a day were those who were enrolled in private schools. Special interviews were initiated with the employers of these children and these revealed that the employers of such children had actual intention of educating the child. Detailed interview of the other children revealed that they were not actually spending quality time during study as they had to shuffle between work and study most of the time. Most of the children also reported of problems in understanding the lessons taught in the schools owing to communication gap between them and their teachers. Some of them even reported that their teacher hardly repeat the lessons so they never learned those lessons. None of the children reported of receiving guidance from employers or others during their study. This clearly points to the lack of seriousness of the employers in educating these children.

Manon is 9 years of age from Yuting village. She was brought to Kohima by her sister. She goes to a Government primary school in Kohima and works as a domestic help before and after school. She says she is not doing well in her studies since she does not get time to study at home. She wishes to go back to her parents but her owner does not give permission and she does not have any contact with them. She told, she occasionally feels like running away from the owner's house as she also faces verbal abuse regularly and sometimes physical abuse also.

An in-depth discussion was initiated with the Social Welfare department in the district. What they had to say in this regard is as follows:

First we need to change our mindset. Children have been denied their rights because of parents' ignorance. There is an immediate need to create awareness, especially on parenting. Government teachers do not admit their children in the government schools they work in; they rather send their children to Dimapur and Kohima which also leads to neglect in their teaching duties.

It was established from the discussion that the different schemes for the benefit of children and poor families which are implemented by the education department needs a serious re-look in order to match the requirements of the people.

4.2. Migration and Trafficking Mechanisms

Factors responsible for child migration and trafficking in Nagaland: There are several factors that cause child trafficking in Nagaland. Because of their vulnerability and high-risk status, children are more likely to fall prey to the interests of traffickers. Migration of children, accompanied or unaccompanied by family members, also has a number of push factors. This assessment unravels the reasons behind the evil of child trafficking which goes on unabated and also reasons for migration.

4.2.1. Reasons for coming to the present destinations

Understanding the motive behind the children's coming to their present destinations is a pointer as to why they migrated or were trafficked. This also provides a clue of their destinations and the economic activities they are involved in. The finding is presented in Table 8, which shows that in the case of more than 50 percent of the children, education and training were the major reason for moving to the present destination; followed by 40 percent who indicated work as the reason for migration. Only 8 percent of the children indicated lack of choice in the place of their origin.

Table 8 : Reason for coming to present destinations of the children

Reasons	N=302	%
Work	121	40
Education & Training	157	52
Others	24	8

Mapping of most of the children to their parents in the place of origin was initiated. This exercise was the most difficult task in the study as the place of origin of the sample children were scattered in a large area covering 38 villages in Mon district. Economic conditions of the families were assessed with special reference to their earnings against monthly consumption of the family. The study revealed that almost all the families were in difficult economic condition as their earnings through cultivation and other forms of employment was not matching with the consumption of the family. Most of the families recorded large family size with an average of 7 persons per family. It was also revealed that many parents were forced out of economic necessity to part with their children as there were too many mouths to feed in the family.

Mr. Wangsheng is the father of 8 children, among them two children – a daughter of 14 yrs and a son of 12 yrs – live in Dimapur. They are working as domestic help and in return they are sent to a Government school. Both the children were taken with the knowledge of their father and they have been away from home for more than 4 years. The father reported that his children are away because of poverty and his inability to feed them. The family solely depends on Jhum-cultivation and only he and his wife are involved in the occupation. The annual production does not provide enough to make their ends meet but there is no other option. He also said that, he is not satisfied with the education system in the village which is why, on the slightest opportunity; his children were sent out of the village with the hope to get better education and also reduce the burden of the family.

The interview on the motive of the parents and relatives on sending these children to the place of destination revealed that most of the parents and relatives, whether on compulsion or not, had sent them with a hope for better education and training. But this was contradictory to the reply of the children during their interview conducted earlier in Dimapur and Kohima – where 40 percent of them had showed work as the reason for coming to the destination. This indicates that these children are in a state of confusion.

Having relied on the motive of the parents, another round of interview was conducted with the children who replied work as the motive for arrival at the destination. On careful analysis of the interview, it was revealed that the children actually had no specific reason but was lured with false promises of better life in the towns, either by the parents and relatives or the different trafficking agencies that brought them in the place of destination. Study also revealed that most of this group of children was either dropouts or absenting from school during the time of leaving for the destination.

4.2.2. Relationship of the children with trafficker

Majority of the children reported that it was their relatives (30.8%) and parents (30.5%) who have brought them to present destinations. About 12.9 percent of the children traveled to the destination with unknown people.

Table 9: Relation of the trafficked children with trafficker

Relation with the traffickers	N=302	%
Relatives	93	30.8
Owner	27	8.9
Siblings	6	2
Parents	92	30.5
Friend	45	14.9
Unknown	39	12.9

4.2.3. Channels of Migration and Trafficking of children

It was established that 61.3 percent of the children were either enticed by their relatives or parents who made promises of education or a better

life at the place of destination. It was found that many trafficking network take advantage of the vulnerability of parents in the villages that are economically unstable and ignorant.

Study has revealed that trafficking network takes different forms mostly involving relative or known person of the trafficked children and the employer. In most cases, parents' participation in trafficking emerges on a later stage when most of the necessary formalities are completed by the relative or known person involved. Although cases of professional trafficking agency were not established during the study, the employer-relative-parent networking was observed to be a point of serious concern. It was also established that the word "Relative" was mistakenly coded by many children. Traditionally, the village has a very closely knitted social structure. Almost everyone in the village is well known to each other. Therefore, the children are often confused and regard a well known person of the family as a relative. This is the reason why out of 30.8 percent of cases that recorded involvement of relatives in trafficking the children, 20 percent were found to be actually a known person to the family and not a relative.

Personal history of some of the traffickers was traced as they were very cooperative. It was revealed that initially they started the business of placement of children due to the demand of employers. Some of them were not even aware that they were involved in an illegal activity as they were surprised when named as *Child Traffickers*. The employers develop rapport with such persons, especially from Mon, who are frequent visitors to these cities for different purposes. The requirement for an extra hand at such homes is discussed with such persons. The employers then promise these persons some payment which ranges from Rs. 2,500/- to Rs. 5,000/- for placement of each child. The payment depends on the bargaining capacity of the person involved in placement of the child. This ultimately gives the idea to the persons involved that it can be converted into a lucrative business by placing more children in the cities. Eventually, they start bringing more children in each trip, thus unconsciously making themselves organised child traffickers.

False promises such as education, good living conditions etc. are made by the employers during the deal in order to attract the traffickers as well as the children. Interestingly, it is learned from the study that good living condition for the children is the primary concern of the trafficker rather than education. This is indicative of the intention of the traffickers to

place the children with well-off families in order to have a better deal with the employer. As stated earlier, in most cases, parent's involvement in trafficking happens in the later stages when the relative or known person involved have already completed all necessary deals with the employer and finally invite the parent to come along with the child. In such cases the travel expenses of the parent along with some extra remuneration are paid by the employer with whom the child is placed. It is established that, due to this, the trafficked child often gets a wrong impression that he or she is travelling along with parents.

It was revealed during an interview with a key informant that when formerly trafficked children go back to villages looking smart, they entice their peers and siblings with modern clothing style, which makes the children living in villages feel that life in urban areas is good and eventually get persuaded to come to places like Dimapur and Kohima, to have a taste of the assumed "good" life. This phenomenon is the major factor contributing to migration of children to these cities along with their siblings and friends from their villages.

The study also revealed that some rich families from the studied cities themselves manage to go to the villages and try to convince the parents to send their children with them by offering them money. Many a times the parents were tempted to accept the offer due to prevailing poverty. The children were lured by offering expensive chocolates and fast food items. The children were also lured by the offer of these families to travel in their luxurious cars. For almost all the children falling under this category, it was the first time in their life to travel in a car.

The traffickers, taking advantage of their experience start targeting the children at other villages through different means. In most cases, this arrangement is done through a known person of the other village. The trafficker then establishes rapport with the innocent parents by paying them some advance remuneration and traffic their children to the cities. In such cases the trafficker is not known to the child. It is established from the study that all such activities are thriving due to the prevailing economic condition of these villagers.

Another alarming trend observed during the study is that these traffickers also have a larger interest in withdrawing the children from their work place from time to time in the pretext of taking them home for vacation, especially during Christmas celebrations. Nagaland is a Christian state

and almost 90 percent of the population is Christian. Therefore, Christmas is the most revered and an important occasion for the people of Nagaland. Apart from festivity and special worship services organized by the church, Christmas time is celebrated by visit to parents, relatives and friends. It is during Christmas, the state gets the longest holidays. The traffickers take advantage of such occasions and try to convince the employers to release the children employed by them. The actual motive of such traffickers is to place them elsewhere and earn some remuneration again. This has evolved an invisible deal between the trafficker and the owner. The owners do not want to part with the working child so they readily make a deal with the trafficker. Ultimately, the trafficker receives some remuneration from the employer even though the plan for withdrawing the child fails.

4.2.4. Working conditions of migrant and trafficked children

The children reported that they remain engaged in multiple chores and worked between 4 hours to more than 11 hours in a day. Around 26.8 percent of the sample children works in hotels as hotel boys or as apprentice in motor workshops around the town and it is reported that many of them help in household chores of the employer before and after work. The type of chores in which the children are reported to be engaged are indicative that these children are not involved in any meaningful skill development activities which can sustain their future. The table below indicates some of the most common types of chores allotted to the children.

Table 10 : Type of chores allotted to the children

Type of chores	N=302	%
Mob & sweep	122	40.4
Cook	124	41.1
Wash clothes	92	30.5
Fetch water	122	40.4
Wash dishes	90	29.8
Workshop & Hotels	81	26.8

On further interview of the children regarding working hours, it was revealed that almost all the children had no defined working time, due to which they could not give proper information during their initial interview. Most of the children in the domestic sector are actually working

from 5-6 O'clock in the morning till late night depending on the time their employer's family goes to bed. Most of them reported that they sleep only after the employer's family goes to bed. On careful analysis of the reply derived from these children, it was established that the entire household activity of the employer's family is facilitated by the services of these children.

Table 11 : Hours devoted to household chores of the employers

Working hours	N=302	%
4 to 5 hours	55	18.2
6 to 7 hours	90	29.8
8 to 10 hours	86	28.5
11 and above	71	23.5

Peihwang is 12 years old from Chui village which is about 7 km from Mon district headquarters. He was brought to Kohima by his cousin. His parents are solely dependent on Jhum-cultivation. They have 6 children and they cannot even provide their basic needs. Peihwang being the eldest in the family was sent away from home so that he could earn some money and go to school. His owner is an active politician, and therefore, party workers are regular visitors at his place and conduct party related meetings occasionally. He narrated that he hardly gets time to take rest while serving all such guests. He is staying in the house for the last 2 and half years. Even though Peihwang came to Kohima for schooling, he does not get time to go to school. He did not attend any school in his life, so he is completely illiterate.

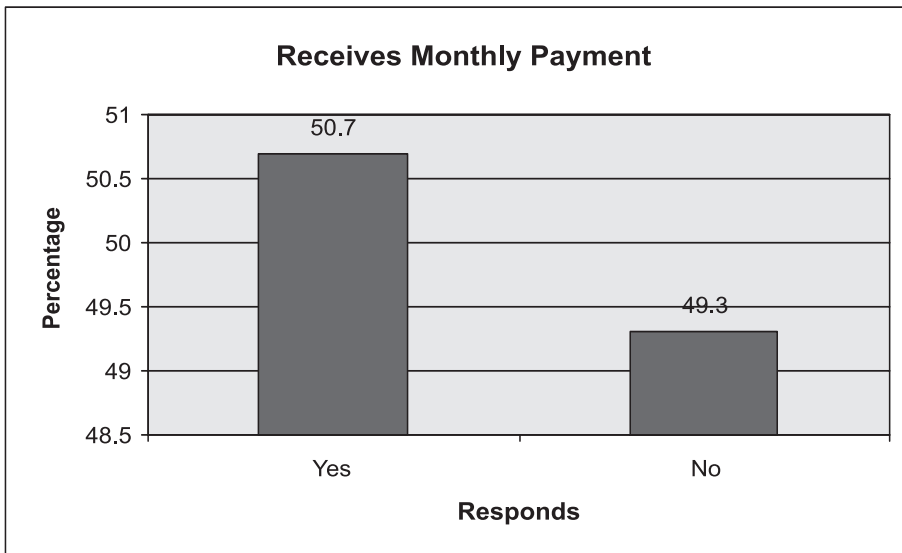
Although the study revealed that they were not regularly employed in heavy manual work, they were reported to be engaged in almost all household chores throughout the day without much rest and leisure time to play. Many children employed in Kohima reported that they start the day by fetching water for the family from very early morning hours. Kohima, inspite of being the administrative capital of the state, suffers

from acute water shortage, especially during the dry season due to its geographical location and poor water distribution system. A school principal in Mon district reported that, cumulative records of the students revealed that the students from Dimapur and Kohima had returned to Mon. It was also disclosed by the principal that the children have returned due to hardship faced by them during employment.

4.2.5 Monthly Payment, Types of Clothes and Foods received by the Migrant and Trafficked Children and Time of getting Food

Monthly payment: It is established that the migrant and trafficked children who receive monthly payment are those that work in hotels and as domestic help, who do not go to school. However, since payments are either made to parents or in most cases to the trafficker, most of the children do not know how much they are being paid and what is the terms of payment - whether monthly or annually. Those children who are sent to school and those working in motor garages as apprentices are not getting monthly payment.

Chart 1 : Migrant and Trafficked Children Who Receive Monthly Payment



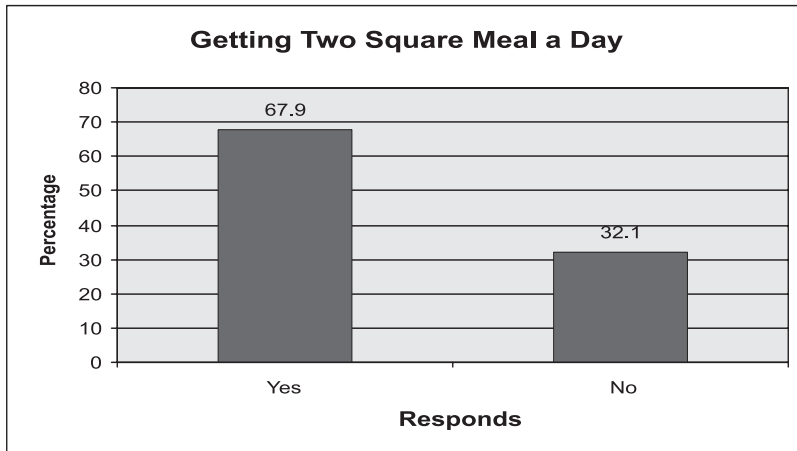
Types of clothes: Interview was conducted on the children to know the type of clothing provided by the employer to them. More than 60% of the children reported receiving used clothes of the employer’s family or clothes bought in the second hand marker. Many individuals/families consider hiring of child workers as an **“act of charity”** as they are provided with basic needs like food, clothing and shelter that are out of reach for these poor children. Children in the domestic sector work are considered **“possessions”** of the household.

Chart 2 : Types of Clothes provided by Owners to Migrant and Trafficked Children



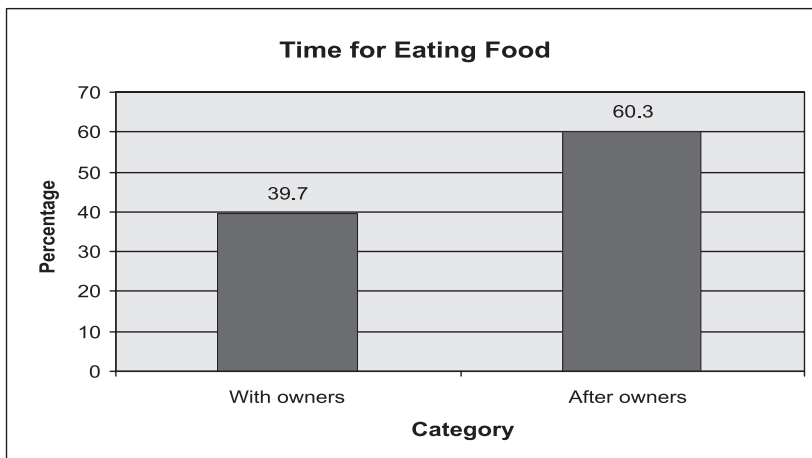
Foods received: Around 67.9 percent of the children reported that the owners provided enough food. However, due to the **“servant”** status associated with working in this sector, these children are often treated as lesser beings and are provided with leftover food and substandard accommodation.

Chart 3 : Migrant and Trafficked Children getting Two Square Meal a Day



Nearly 60.3 percent of the children reported that they do not eat food together with the owners because they have to serve them. Many children reported that the food is usually served to them by someone in the family and they are not allowed to go for second helping. They are also restricted to eat food from the plates and cups used by the family. They have been given separate cups and plates for their own use. Some children also reported that they are not fed the same food their masters have.

Chart 4 : Time when Migrant and Trafficked Children are given Food



4.2.6. Motives of employers and reasons for employing migrant and trafficked children

Motives of employers: This part of the study presents information on the motives of employers in employing these children, which indicates the risks and vulnerabilities of these migrant and trafficked children. It also reveals the different factors for demand of such children in the cities. Out of the employers of 302 children, 192 cooperated and participated in the study.

It was established that out of 192 employers who willingly participated in the study, 66.1 percent were not paying any wage to the children; only 33.9 percent reported to be paying wage. However, the highest wage recorded was Rs. 500/- per month. The employers stated that the question of payment does not arise since all their daily needs are provided by them.

Only 12 percent of the employers were reported to be imparting vocational training to the employed children, 88 percent did not have any plan to train the children. The children who were attending vocational training were only girls and it was revealed that all of them were receiving training on tailoring only. It is very clear from the above finding that the actual motive of the employer in training these children was not seriously planned to build the future carrier of the children. The remaining 88 percent of employers did not even consider such plans.

It was observed that 5.6 percent of the employers had intention to keep the employed child permanently as a family member. However, they had no plans for completing the legal process for such exercise. This clearly indicated how vulnerable these children are because unless legal formalities for adoption or fostering the child are obtained, these children could be easily disowned at any given time. Around 54.7 percent employers did not show any emotional attachments with the employed child. They found no reason to be emotionally attached with the children since they have employed them for work. About 29.7 percent of the employers were indecisive in this regard.

Only 13 percent of the employers showed some interest in the future of the employed child and 87 percent of them did not have any plan regarding the future of the employed child. This indicates the absence of social protection for the children which adversely affects workers in this

sector. A combination of low wages along with the lack of savings and social protection has a devastating impact which pushes them forever into lives of poverty and misery. These poor and often unskilled children would become poor and unskilled adults joining the workforce.

Registration status of the children with tribal union was reviewed during the study and it was found that 29.2 percent of the employers have informed the working child's local tribal union; 70.8 percent did not report to the child's local tribal union. From time to time, the local tribal organizations of Kohima and Dimapur notify to all concerned, to get the local employees registered with their respective local tribal unions. This exercise is to secure the safety and security of such employees, however, more than 70 percent of the employers did not even consider complying with such notifications. On contacting the local tribal union to find out what strategies are in place to strengthen such exercise, it was reported that, it is almost impossible for the tribal unions to do compulsory registration unless the people cooperate, since most of the employment deals are made secretly.

About 47.4 percent have reported sending the working children home from time to time, and 52.6 percent never sent the children home. The children who were not sent home were almost in a state of bondage. They were not sent home because the trafficker or the parents have already taken advance from the employer.

Reasons for employing children: Nearly 61.5 percent of the employers were both spouses employed, 38.5 percent had either the husband or the wife employed and most of the employers' family falls under the middle class category. In most cases, since the mother is working, an extra hand is required in the family to help in the household chores; therefore, there was no option but to keep domestic helps in the house. The employers prefer to keep only children as they are easy to teach and do not complain. Another additional benefit is that these children become playmates of their younger children at home. They also prefer to keep children from remote villages because they are not required to be paid, except for providing food, clothing and shelter; since the parents of these children cannot afford to provide them these basic minimum needs. On the demand side of the equation, the increase in demand for child workers correlates with the emergence of more upper middle class families in urban areas. Another very important underlying factor is the increase in women employment. More and more women are joining

the workforce and to comply with their household responsibilities, the demand for cheap labour to help them with domestic chores and to assist in rearing their children has largely contributed to the increase in domestic child labour in the state.

Interviews were conducted with the employers to know their actual motive for employing these children. Among the 192 employers who participated in the study, 87 percent replied that they were employing children with intention for work only. Only 13 percent responded that the purpose of employing the children was for work and also for education. The above situation reveals the actual intention of the employers. Even though many promises were made to the trafficked children and their parents during the time of placement, it is established that the only purpose or reason for employing these children in their homes is to derive their manual services.

From the perspective of demand in the state of Nagaland, it is established that the major contributor in encouraging child trafficking in the state is the domestic sector employers. It is disheartening that almost all the trafficked and migrant children end up in different homes as servants. Only a negligible percentage of migrant and trafficked children enter the services sector. From the perspective of supply, the underlying cause is poverty and the lack of access to education, low quality of education where it is accessible, or educational opportunities that are at variance with the needs and aspirations of the people from poor rural communities. Under such circumstances, poor families view domestic service not only as a viable option but more importantly as a means of survival which at least ensures that their children will be provided food, clothing, a “safe” place to stay and some income.

4.3. Social Apathy towards the plight of the trafficked and migrant Children

The children who enter domestic employment are one of the most vulnerable groups of workers in the state as domestic work continues to be a socially neglected aspect in Nagaland for a variety of reasons. The employment relationship exists behind closed doors and remained beyond the reach of scrutiny and awareness of the outside world. This is compounded by the limited legal protection reaching children working in this sector, largely due to the interest in protecting the privacy of the home.

Statistics indicate that domestic work in the state is often not perceived as “**real work**”, which is yet another reason why this sector has been long ignored.

Child workers in this sector are at the mercy of terms dictated by their employers. For instance, the terms of recruitment such as wages, day off, working hours, workload, leisure time and contact with family, are not clearly defined and controlled by the needs of the employer. Many of the children are provided substandard accommodations such as in kitchen, underneath a staircase, or in a makeshift cabin outside the employers’ house. Lack of minimum wage regulation adds to wage disparities in this sector since domestic work is not listed in the State’s Minimum Wage Schedule of employment. Lastly, the absence of social protection due to low wages and lack of savings adversely affects the children in this sector which can have a devastating impact in times of sickness or employment related injury.

Although these children are forced to work for an indefinite period and often work in hazardous conditions, they have a very small income. Over 49 percent of them are not earning any monthly wage and the remaining 50.7 percent who are paid, earn below Rs.500/- per month. Exploitation of these children by their employers has been widely reported. More than 70 percent of the children have complained of exploitation by their employers. The nature of exploitation is as follows:

No pay	:	49.3%
Inadequate pay	:	50.7%
Overworked	:	52.0%
Night work	:	40.5%
Physical abuse	:	39.6%

These children though victims of exploitation are afraid of complaining against their employers for fear of physical abuse. Many do not have any reliable person outside the employers’ family to lodge such complaints as they are mostly confined within the home of the employer and do not have the opportunity to communicate with others. Social growth or development is possible only through healthy interactions with different people in the society. The greater these interactions are the better is one’s social growth. But in the case of these children, this need is very poorly

met. These children also enjoy very little acceptance in the society they live in. They live a totally ostracized life despite being a part of the society. Study revealed that the people around do not accept them as members of the society. As discussed earlier, since these children hardly get the opportunity of interacting with other children of the society, consequently their social maturity remains at a very low level. With no opportunity to develop as socially matured individuals, they are compelled to live outside the mainstream of the children population.

Note: *(Names of all individual are changed to protect their identity; the case stories are not exhaustive but samples from the consolidated case stories.)*

Chapter Five

Summary of Findings; Conclusion and Recommendations

5.1. SUMMARY OF FINDINGS

- The study reveals that maximum employment of the migrant and trafficked children in Nagaland is in the domestic sector.
- More boys participated in the study than girls. It is revealed that girls have restrictions in movement outside the employers' home, thus the study had lesser access to girls.
- Majority of parents of the migrant and trafficked children are engaged in the traditional method of cultivation (Slash and burn known as Jhum-cultivation). Study revealed that the produce of their cultivation cannot meet the basic needs of their families.
- Only one-third of the migrant and trafficked children reported that they have never attended school while in their place of origin. This study reveals that more than 50 percent of the total respondent children are out of school. It is found that children who were in school before being trafficked and migrated are not in school in their place of destination.
- More than half of the children reported reasons for coming to the place of destination as education and training, however, considering the demand side of the equation, only one-fourth of employers are actually found to be dedicated to fulfill the child's aspirations.
- Of the children who had reported to be attending school in the place of destination, three-fourths are attending Government primary schools and only one-third are getting more than one hour of study at home. A mismatch is recorded in the age of the child and the class he/she is attending. Much older children are admitted in very low class which shows a negative intention of the owners towards educating the employed children.
- Most of the migrant children, accompanied or unaccompanied by family members, are not driven by choice but by lack of it as they are pushed out of their homes and villages due to lack of opportunities or because of hardship due to large family size.
- Child Trafficking is taking an undesirable form in Nagaland as traffickers are mainly found to be relatives, peers and own parents.

The one time remuneration received for placing a child with an employer is between Rs. 2,500-5,000.

- These traffickers have a larger interest in withdrawing the children from the work place in the pretext of taking them home for vacation (especially during Christmas season). The actual motive is to place them elsewhere and earn the one time remuneration again. This has emerged as an invisible deal between the trafficker and the owner. The owners do not want to part with the working child so they readily make a deal with the trafficker.
- Except for a negligible number of children apprentices in workshops, the children are not involved in any skillful activities, so their longer term future is blighted.
- The children are exploited economically. About 50% of the children reported to be receiving monthly payments from the employers, but the payment ranges from Rs.100-500 only per month.
- More than three-fourths of the employers interviewed responded that the actual motive of keeping the children is for work. Children are exploited with long working hours and little time to have a meaningful rest, leisure, educational activity; and they are victims of inadequate social protection.
- The employers in Nagaland consider hiring of child workers as an **“act of charity”** as children are provided with basic needs that poverty denies them. Due to the **“servant”** status, these children are often treated as lesser beings and kept in substandard conditions.
- The demand for child workers in Nagaland correlates with the emergence of more middle and upper middle class families within the urban population. Lifestyles in cities have changed. This pushes for requirement of an extra hand in the family. However, economically these families are not ready to hire a worker with full monthly salary which makes them resort to cheap labour in the form of children.
- Two-thirds of the employers had both husband and wife employed. This indicates that more women are joining the workforce and to compensate with the workload at home, the demand for cheap labour to help with domestic chores and to assist in rearing their own small children has largely contributed to increase in the child domestic labour.
- Intense poverty persists among the rural families while there is remarkable economic affluence in the urban families. This disparity of wealth has resulted in the proliferation of trafficking networks.
- No defined protocol is in place to address trafficking in the state.

- The State Government has no programme/scheme for rehabilitating the migrant and trafficked children.
- Rehabilitation programme for withdrawn working children from hazardous occupations and processes is not in place. Therefore, enforcement of Child Labour (Prohibition and Regulation) Act, 1986 is not taking place.

5.2. Conclusion

The factors that cause child migration and child trafficking are many, complex and interrelated. Poverty, irresponsible parenthood, lack of opportunities, urbanization, unemployment, family disintegration, an education system which cannot motivate children to attend school and lack of public awareness of the harmful consequences of child migration and trafficking are major factors associated with the prevalence of child trafficking and children entering the workforce in Nagaland. Domestic child labour, which is invisible but prevalent in the urban household settings, is an outcome of these multiple and interrelated factors.

Although an increasing number of children from poor families are joining informal and domestic sectors as workers and continue to be exposed to various forms of exploitations, the greatest challenge facing all the actors in the fight against child migration and trafficking is on finding ways to penetrate the domestic sector and expose the plight of these working children. The private nature of the domestic sector where employment relationship exists behind closed doors, limited legal protection reaching these children, lack of awareness, inadequate data, traditional attitude - all contribute to the misery of these children.

Child trafficking in Nagaland is taking many forms and leading children into slavery of modern days. It targets mainly children who have lost their parents and relatives, those out of school, facing poverty and abusive family environment. It has been found that there is little information and data about the problem of child trafficking in Nagaland due to the secretive nature of the problem. Traffickers are mainly relatives, parents, peers and other well established individuals who have taken advantage of the vulnerability of these children.

In the fight against trafficking it is imperative that Governmental organizations, NGOs, Churches, pressure groups and state bodies play an important role. Law can only be enforced if people cooperate with the

judicial system. Child trafficking and migration can only be prevented if people are made aware of this social evil and are educated to tackle the problem with the help of legislative measures and awareness campaign to obtain cooperation of all sections of the society for elimination of these practices.

There is a need to initiate periodical collection of information to update the database on child trafficking and migration which is almost non-existent and difficult to access. Community involvement including parents, guardians, children and support groups to monitor child traffickers is urgently needed. Further, in order to eliminate child migration and trafficking, the foremost need is to bring about attitudinal change of government and all sections of the society towards child labour. Social organizations, institution, youth organizations, churches, etc., should join hands with the Government departments and attempt should be made to make the benefits of social schemes launched by the Central and State Government to reach the families below poverty line and those who are forcing their children to work.

5.3. Recommendations

5.3.1. In the Area of Prevention

Poverty reduction, sustainable livelihoods and income generation: Systemic prevention efforts must be the central aspect of counter-trafficking activities in Nagaland. Individuals, families and communities at risk of trafficking must be included in poverty reduction schemes as well as employment and income generation initiatives. A mapping of at-risk groups as well as of appropriate poverty reduction strategies is essential.

Awareness-raising campaigns about trafficking are needed: Awareness-raising campaign should take place in a variety of forums targeting different target groups, including both children and their parents. Messages, medium and means of dissemination will need to be different in accordance with the target group and those campaigns must be evaluated to assess their impact.

Safe migration messages as a strategic approach: As migration is socially normative and an economic strategy, it is likely to continue in spite of the risks involved. What is vital is to ensure safe migration,

which requires warning children about the risks of migration as well as equipping them with the information and tools for seeking assistance. Message should include information about where to go in the town for help, what their rights are, what adults are not allowed to do, etc. Respective Tribal organizations in the towns and cities belonging to at-risk tribes should have dedicated cell to monitor the inflow of children from their tribes from the villages. This can be done by sharing the contact information of such cells to the churches and all village authorities and educate these mass based organizations to inform such cells in the event of children from their respective villages being compelled to be sent to the towns and cities located under their jurisdiction. This can be supported by mobilizing the village authority to bring out stringent orders in their respective villages, mandating the parents and relatives to inform the village authority before transferring their children to the destination. Strictly adhering to this protocol will create safer migration for children.

Mobilize local leaders in prevention and awareness-raising: Local leaders, including church heads, village chiefs, women groups and student leaders can be mobilized in awareness-raising on trafficking as well as in efforts to stem recruitment and unsafe migration from their communities. Local leaders will require training to ensure that they understand the issue and convey it sensitively, correctly and according to child protection principles.

Media sensitization workshops are required in order to facilitate information sharing between journalists and NGOs and to provide media persons with a better and deeper understanding of the issues involved in child trafficking and migration in Nagaland.

5.3.2 In the Area of Protection

Address limitations in existing child protection programmes: There are a number of gaps and limitations in existing child protection programs that must be identified and addressed. These include limited capacity, limited resources, geographic distribution of services, quality of care, etc. The gaps persist because of subjective implementation of such programmes. Only objective implementation of such schemes will help minimizing the gaps and limitations. Building the capacity of child protection agencies and interventions – both government and non-governmental – will be central in assisting victims of trafficking.

Standards and protocols for victim assistance: Formally agreed protocols and standards that outline a minimum level of care and a necessary package of services for minor trafficking victims are needed. Protocols are also needed for the implementation of all services – i.e. medical care, legal assistance, shelters, etc. – across agencies and within the government to ensure the best quality of care for all trafficking victims. Such protocol is absent in the state. Convergence among the responsible departments can only establish such protocol. Immediate concerted effort is recommended to establish convergence of child related programmes under different departments.

Safe homes for rehabilitation of victims: The state does not have rehabilitation centres for rehabilitation of withdrawn children. Rehabilitation centres in both rural and urban areas are required to be established for counseling, and providing health services etc. This will also help different stakeholders in withdrawal of children trapped in trafficking including worst form of child labour.

5.3.3 In the Area of Prosecution, Law Enforcement and the Judiciary

Implementation and enforcement of anti-human trafficking legislation: Implementation of anti-trafficking law will be the key in preventing and re-dressing trafficking. Future efforts in the State should include a commitment towards this outcome. Police, administration and the judiciary must be well sensitized on the anti-trafficking law and its requisite components as well as be equipped with skills to enforce the law.

Enforcement of Child Labour (Prohibition and Regulation) Act, 1986: Strict enforcement of Child Labour (P & R) Act, 1986 is the need of the hour. This law prohibits employment of children below 14 years of age. On further amendment of the Act, Government of India has notified prohibition of employment of children in Domestic and Hospitality sector, effective from October 2006. Proper enforcement of this law will drastically reduce the demand for child labour in the state basing on the principle that if there is no demand, there can be no supply.

Development and enforcement of child protection policies and legislation: Law reform is urgently needed in the area of victim protection and children's rights. There is an urgent need to articulate and forcefully implement laws and policies, which enshrine these principles. Most

pressing need is to draft Children's Act, which includes vital measures for combating child trafficking and violation of child's rights.

Strengthening state borders: Resources are needed to tackle border points and to enforce regulations; however, there is an important need to address the porous nature of Nagaland's borders with special reference to the international border with Myanmar, in order to tackle trafficking as well as other forms of criminal activities in the state. Policies must be designed in ways that do not restrict migration but at the same time protect potential migrants falling into the hands of traffickers. As part of this process, special attention should be given to children. Children should not be allowed to pass borders without parental consent or if it is established that the movement may put the child in a vulnerable condition.

5.3.4. General Recommendations

Training and capacity building: There is limited capacity of government and civil society actors on the issue of trafficking in persons. Extensive training and capacity building efforts are required, targeting the full range of actors engaged in counter-trafficking. Training on trafficking should not be *ad hoc* but rather be embedded in professional skills training.

Increased role of State Government: The Government has a responsibility to lead counter-trafficking efforts in the State. All departments have a role to play in combating trafficking – from the provision of assistance and care (shelter and health) to prevention programmes (Education); from identification of victims to prosecution of cases (Law enforcement). Training designed to tackle trafficking and their specific mandate is required by different departments.

Greater coordination and cooperation: There is a need for coordination, cooperation and communication between different government departments to offer effective services to victims, and, undertake meaningful prevention and prosecution efforts. Coordination is also needed between the government, civil society actors, Churches and NGO's.

Geographic distribution of assistance & programmes: The geographic distribution of services by different departments in Nagaland should be considered in terms of increasing employment, meeting basic needs, reducing inequalities of income and wealth, and of status and opportunity,

and raising productivity of the poor. Attention to geographic distribution is essential also in respect to prevention. Awareness-raising campaigns and income generation programmes must target rural areas from where many trafficked children originate.

Develop and implement a State plan of action: State plans of action are valuable in the provision of services for victims and development of prevention strategies, as these plans outline the various programmes and services required, as well as entrust the organizations and departments with the responsibilities to implement these services. A budget must also be formulated and allocated for execution of state plans. Similarly, timelines must be developed with target dates for reaching benchmark objectives. The taskforce, established under the Anti-Human Trafficking Law, will be the central engine for the implementation of a State action plan.

Adequate budgetary provision for counter-trafficking activities: Effective counter-trafficking efforts require adequate support and funds, from the government as well as from the donor community. There is a need for government investment in counter-trafficking efforts as an important step towards sustainability.

Research and evaluation of programmes and policies: There is a need for more thorough research into trafficking in Nagaland, for both children and adults. This study is insufficient to provide either a full picture of trafficking or its scope. For example, a deep understanding of the recruitment process or source areas is essential in determining how to mount effective prevention campaigns. Understanding why some children are trafficked and others are not, in spite of similar socio-economic backgrounds, is also a valuable aspect in prevention efforts. Ideally, an in-depth study should follow to consider these gaps and to attempt to quantify the rate of trafficking. Having baseline data also serves as a means by which programmes and policies can be monitored, measured and assessed over time. Such research should consider both children and adults.

Data collection and documentation: It is imperative that data collection is a part of counter-trafficking efforts. Two databases should be established and supported – one, focusing on law enforcement and two, focusing on victim assistance. Training is required in the development and implementation of an appropriate database system.

Collaboration between government departments and local NGOs and Churches in the design and implementation of these databases should be encouraged.

On-going monitoring and evaluation of programmes: Monitoring and evaluation is vital in terms of measuring the impact of programmes, whether for prevention or for protection. Much can be learned from successes and failures of programmes and meaningful evaluation should be built into every counter-trafficking programme. Ideally, an evaluation of the national framework should be undertaken on a regular basis to gauge successes and identify gaps and problems toward an ameliorated strategy. Evaluations should mobilize the experiences and opinions of assisted children to accurately reflect the good practices and problem areas in the context of trafficking.

Counter-trafficking efforts must consider adult and child victims: Both adults and children are trafficked and, as such, counter-trafficking efforts must consider both target groups. Different types of interventions are needed for adults and minors. It is important that counter-trafficking interventions include specialized assistance to minors alongside similar programmes for adults.

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