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Covid leaves Orphaned Children Vulnerable to Trafficking

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Why in News

As India battles a raging **second wave**, cases of children losing their parents to **Covid-19** are also mounting.

Further, the apprehension of **child trafficking** in the garb of adoption has increased.

Key Points

- **About:**

- Various social media posts are getting circulated with details of children who have lost either both their parents or the only living parent to the disease and pleading for them to be adopted.
- Sharing such posts are **illegal under Section 80 and 81 of the Juvenile Justice (JJ) Act, 2015**, which prohibit offering or receiving children outside the processes laid down under the Act as well as their sale and purchase.

Such acts are punishable with three to five years in jail or Rs. 1 lakh in fine.

- **Child Marriages** have also increased in the Covid-19 induced lockdown.

- **Provisions for Protection of Orphan Children:**

- There is a **process as per the JJ Act** which needs to be followed with children who have been orphaned.
- If someone has information about a child in need of care, then they must contact one of the four agencies: **Childline 1098, or the district Child Welfare Committee (CWC), District Child Protection Officer (DCPO)** or the helpline of the **State Commission for Protection of Child Rights**.
- Following this, the **CWC will assess the child** and place him or her **in the immediate care of a Specialised Adoption Agency**.

The State thus takes care of all such children who are in need of care and protection, till they turn 18 years.

- Once a child is declared legally free for adoption by the CWC, **adoption can be done either by Indian prospective adoptive parents or non-resident Indians or foreigners**, in that order.

India has **ratified Hague Convention on Intercountry Adoptions, 1993**.

- The **Central Adoption Resource Authority (CARA)**, a **statutory body of the Ministry of Women and Child Development**, is the nodal agency for adoption.

It regulates the adoption of orphaned, abandoned and surrendered children through its associated or recognised agencies.

- **Recent Initiative (SAMVEDNA):**

With an objective of providing psychological and emotional support to children affected during Covid-19 Pandemic, **National Commission for Protection of Child Rights (NCPCR)** is providing Tele-Counselling to children through **SAMVEDNA (Sensitizing Action on Mental Health Vulnerability through Emotional Development and Necessary Acceptance)**.

- **Child Trafficking in India:**

- **Data Analysis:**

- **National Crime Records Bureau (NCRB)** 2018 report highlights that 51% of all trafficking victims were children, of which more than 80% were girls.
- The **most affected state presently is West Bengal** followed by Chhattisgarh, Jharkhand and Assam.
- The trafficking of children for forced labour, for all kinds of domestic work and trafficking of women for sexual exploitation is the heaviest in these areas.

- **Constitutional Protection:**

- **Article 21:** The Supreme Court has held that the right to live is not merely a physical right but includes within its ambit the right to live with human dignity.
- **Article 23:** Prohibition of traffic in human beings and forced labour.
- **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:** It provides certain principles of policy to be followed by the State 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 avocations unsuited to their age or strength;
 - (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:** Duty of state to provide early childhood care, 0-6 age group

- **Legal Protection:**

- The Immoral Traffic (Prevention) Act, 1986 (ITPA).
- Bonded Labour System (Abolition) Act 1976, Child Labour (Prohibition and Abolition) Act 1986, and Juvenile Justice Act.
- Sections 366 (A) and 372 of the Indian Penal Code.
- The Factories Act, 1948.

o **Other Initiatives Taken:**

- India has ratified the **United Nations Convention on Transnational Organised Crime (UNTOC)** which among others has a Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (**Palermo protocols**).
- India has ratified the **South Asian Association for Regional Cooperation (SAARC) Convention** on Preventing and Combating Trafficking in Women and Children for Prostitution.
- The **National Commission for Protection of Child Rights (NCPCR)** was set up in 2007 under the Commission for Protection of Child Rights Act, 2005.

India has ratified the **UN Convention on the Rights of the Child (UNCRC)**.

Way Forward

- Children are an important national asset, and the well-being of the nation, and its future, depend on how its children grow and develop. The primary purpose of giving a child in adoption is his welfare and restoring his or her right to family.
- Article 39 of the Constitution prohibits the tender age of the children from being abused. Therefore, orphaned children who have lost both their parents or abandoned or surrendered due to the Covid-19 pandemic must not be neglected and left to face an uncertain future. They must be taken care of by the authorities entrusted with responsibilities under the JJ Act.

Source: TH