CHAPTER-2

CHILD PROSTITUTION : THE ULTIMATE
DENIAL OF HUMAN RIGHTS
"Most of the Indian Children are condemned to live in culture based on denial, neglect, indifference and downright cruelty and exploitation in many cases. Most of our children do not in real terms, have the opportunity to enjoy and experience childhood. The denial of their very human rights leads to a thwarting of their personalities, distorting their dignified march towards adulthood."

INSAF Commission of Children

2.1 Introduction

Before delving into the subject of ‘child prostitution’ it would be necessary to understand the meaning of two words ‘child’ and ‘prostitution’ — their historical and legal perspective and their connotations.

In oriental societies ‘child’ has been described in detail in their varied literature. In the three ancient civilizations namely Egyptian, Chinese and Indian, child has been the focal point of many paintings and has been depicted even on coins. However, it often meant male child thus relegating the girl child to the secondary place.

The expression child may be used in the following manner.¹

- As a term denoting relationship as between the parents and their progeny.
- As a term indicating relative capacity to so something e.g. saying that a child cannot move a big boulder, and

As a term of special protection under welfare legislation like those prohibiting child labour and prostitution. Interestingly there is no uniformity with regard to legal age of child. Different laws interpret it differently. Such varying definitions under various laws not with standing the commonly understood norm describes ‘a person below the age of 16 as a child’ between 16 and 18 as a minor and above 18 years a major.

In common parlance child is a person, who because of his or her age, immature thought process and imperfect judgment is unable to comprehend the consequences of his / her own actions. Such a person is called a ‘minor’ under the Indian law. The Indian Penal Code says that a child may not be capable of forming any criminal intention up to a certain age and to that extent he/she enjoys immunity from any legal punishment. But beyond that age he/she may be liable for his/ her acts and face punishment.

2.2 Meaning of prostitution and Child prostitution

In general sense prostitution is the setting one’s self to sale or devoting to infamous purpose what is in one’s power .in its more restricted and legal sense, it is the

---

2. Article 1 of CRC says that every human being below the age of 18 years is a child unless under the law applicable to the child majority is attained earlier. Article 23 of Indian Constitution does not mention who a child is but prohibit the employment of a child below the age of 14 and further mandate the state to provide free and compulsory education up to 14 years. The first Indian Law defining child prescribed prohibitory regulation for employment of children below seven years of age. Later the amended Factories Act 1992 rose the minimum age of child to 12 years. Children below 12 years of age were only prohibited from being employed. Subsequently the Factories Act 1934 rose the minimum age from 12 years to 13 years. The present Factories Act, 1948 prescribes prohibitory regulations for employment of children who have not reached 14 years of age. The Act defines a child as a person who has not completed 15 years of age, an adolescent as one aged between 15 and 18 years. The Indian Mines Act, 1951 defines a child as a person who has not completed the age of 15.
practice of a female offering her body to an indiscriminate intercourse with man, as distinguished from sexual intercourse confined to one man, or as sometimes stated, common lewdness of a woman for game; the act of permitting a common and indiscriminate sexual intercourse.\(^3\) The expression 'prostitute' means a woman who offers her body to indiscriminate sexual intercourse, especially for hire. Such a person would answer the description of public prostitute also.\(^4\) A public prostitute is a woman who is a prostitute by profession and whose trade is to let out her body on hire to all visitors or to all visitors of a specified class. The provision of sexual favours of financial reward has probably been institutionalized in the form of prostitution in every society that has had a coinage. It has nearly always involved the prostitution of women to men, though male prostitution, especially to male clients is not uncommon.

Child prostitution refers to the sexual exploitation of a child for remuneration in cash or in kind, usually but not always organized by an intermediary (parents, family members, procurers, etc). The United Nations Convention on the Rights of child, 1990, defines child prostitution as sexual exploitation of a child below the age of 18 years for remuneration in cash or kind.\(^5\) The child prostitution is closely connected with child pornography. It refers to the visual or audio depiction of a child for the sexual gratification of the use, and involves the production, distribution and or use of such material.

---

2.3 Child prostitution in International Perspective

Child prostitution has emerged in recent years as a global phenomenon of disquieting proportions. It is found in both developing and developed countries, although the numbers loom larger in the case of the former. Despite attempts to counter the situation, it remains daunting and intractable. In various parts of the world, the situation is deteriorating. The sexual exploitation of children has become more insidious because of its transfrontier nature. Children are increasingly sold and trafficked across frontiers between developing and developed countries, among developing and among developed countries. The spread of child prostitution worldwide is part and parcel of the less positive aspects of globalization, and all continents of the globe deserve attention.


The occurrence of child prostitution varies from individual cases to mass victims of organized crime. Some victims are runaways from home or State institutions, others are sold by their parents or forced or tricked into prostitution and others are street children.

---

6. Article 1 of CRC reads – For the purpose of the present convention, a child means every human being below the age of eighteen years, unless, under the law applicable to the child majority is attained earlier.

7. Child Prostitution means the sexual exploitation of a child for remuneration in cash or in kind usually but not always organized by an intermediary. (parent, family member, teacher etc.)
One tends to think first and foremost of young girls in the trade but there is an increase in
the number of young boys engaged in prostitution. The most disquieting cases are those
children who are forced into the trade and are then incarcerated. These children run the
possible further risk of torture and subsequent death.

It may generally be said that the numbers if child victims of prostitution are
highest in Asia and Central and South America. It is not difficult to see the linkage
between the massive numbers of street children in these regions and child prostitution.
However, there are also report of an increase in child prostitution in Africa, North
America, Europe and Australia. Given the fact that demand and supply are world wide,
the problem of child prostitution affects all countries. The root causes of child
prostitution are multiple and complex.

A serious problem persists in Southeast Asia. The cases of child victims of
prostitution in Thailand and the Philippines are well documented. However, the problem
is expanding. Trafficking of children for sexual exploitation to and from neighbouring
countries in Southeast Asia such as Cambodia, China, Laos, Burma and Vietnam has
become more evident. The range of sex tourists visiting these countries covers many
regions, including Australia, North America, Europe, Japan and the Middle East. In
addition, the impact of local tourism should but be under estimated. Many customers are
local rather than foreign, and customers from countries in the immediate vicinity are also
visible, such as Malaysian tourists in Thailand. Child prostitution is a major occupation
for children between the ages of 10 and 16. The success of the sex industry is based on special relationship in Thailand. 

The high proportion of child victims of prostitution in Thailand is aggravated by the arrival of children lured and trafficked from countries such as Cambodia, China, Laos and Burma. Reports from Pakistan indicate trafficking of children into that country from Bangladesh, Bhutan, India, Nepal and Sri Lanka. Tragically, girls forced into prostitution are sometimes arrested and placed in prison pending their return to the country of origin. Various legislature anomalies discriminate against girl victims of prostitution, and at times procurers even offer bail to the authorities under the guise of wishing to help the girl who have ended up in prison. If released, the girls fall back into the hands of the procurers. 

Countries in the Middle East tend to deny that the problem of child exploitation exists in their region. However, it is reported that some citizens of these countries travel to other regions in search of sexual services, particularly to South East Asia. Meanwhile, the flow of migrant workers from other regions to the Middle East does not rule out the possibility of a trade in sex with consequences for child prostitution in those countries.

In North America, economic considerations, domestic violence and abuse, family disintegration and drug addiction are increasingly recognized as factors leading to

the spread of child prostitution. Organized crime is also a factor. In a report from United States, it has been said that some victims of child prostitution were tattooed by the criminal elements that had control over them.

The Western Pacific region is not known for having a large number of child victims of prostitution, a number of people from these countries take part in sex tourism, particularly to South East Asia. Central and South America and generally known for their large number of street children, and the link between that environment and prostitution is strong. The Australian Federal Government’s proposal is to charge Australians who indulge in such behavior outside Australia.

According to the United Nations Convention, a child means every human being below the age of 18 years, unless, under the national law applicable to the child, majority is attained earlier. The phenomenon of child prostitution, trafficking in children, both sexes and child pornography in the socio-economic condition of several Third World countries and in certain conditions in the Western industrialized countries have been a matter of grave concern.

Each year throughout the world a million or so children, from the Third World, are abducted, bought or otherwise forced to enter the sex market and the annual profits derived by international criminals from the sexual exploitation of children are estimated

---


11. Supra note 6
at five billion dollars. More than 10,000 young girls and boys, many of whom are runaways and often drug addicts from the Third World, are prostituting themselves in Paris, Berlin and Amsterdam. In Thailand, an estimated 650,000 of the Thailand's million prostitutes are age 12 to 16. Child prostitutes from Thailand and Philippines, Peru, Senegal etc. attract entire charter-loads of Western “sex tourists” arriving by the million every year. Some of the girls are taken away illicitly to Europe, the USA and Arab countries. The position of child prostitution in the countries like Asia, Sri Lanka, Thailand, Japan, South Korea, Bangladesh, Nepal, Pakistan, Australia, United Kingdom, United states of America are discussed below.

In Asia, child prostitution is a growing problem. In recent years, South East Asia has become notorious in respect of child sexual exploitation and prostitution such as the Philippines, Thailand, and Sri Lanka. In Metro Manila alone there are an estimated 274,270 squatter families with a population of 1,645,815 individuals. Many of them are runaways from their miserable living conditions; many are lured into it by old friends or by pimps and many offered by their parents to sex syndicates for earning additional family income. Also there are cases in which they are drugged or raped and taken into the sex trade.

In 1960’s the Philippines was a minor foreign exchange earner. By 1970’s as a result of States sponsored prostitution, the Philippines rose to the position as fifth largest

---

foreign exchange earner when about 200,000 Japanese, 90 percent of which were males, went to the Philippines every year to satisfy their sex urge. Thousands of young girls were brought from the countryside for employment into many brothels, bars, night clubs which operated under cover to satisfy the sexual demands of the tourists. The economic boon was thus achieved at the cost of moral degradation and widespread increase in Sexually Transmitted Diseases (STD). Like, tourism, the presence of foreign military troops spending their rest and recreation days in the Philippines had devastating effects on lives of many poor women and children, particularly around certain military bases.14

There are several million children who are being sexually exploited in the Philippines. Most of the girl prostitutes were between the ages of 12 and 16 although there are many who under 12. There are also many teenage boys who earn their livelihood through prostitution. There is also hidden verity of child prostitution in Philippines which taken place in bars, night clubs, saunas and massage parlours.15

Col. W. Clark, from the Salvation Army (International Headquarter London) in his statement at the 25th international Congress, IAF says that the Salvation Army working in the Philippines found in Metro Manila alone there are 50,000 street children and teenagers in 1986, a 66% increase over the reported figure in 1985. In Ermita, Manila where there is a Salvation Army corps, there are 3,000 to 5,000 child prostitution and mostly drug addicts. Many of them are street children who had left their homes for years.

15. Sexual Exploitation of Children in developing countries by Ore Narvesen.
The Salvation Army there in partnership with World Vision Philippines initiated a project called *On the way Home programme*, with the object of leading the children into a better way of life. Since its starting date is December 1985 to June 1887 a total of 2,303 children had served at the drop-in or receiving centre of the corps. Of these number 90 percent had been one time or another, prostitutes. A number of them have not left the job. At the rehabilitation centre, a total number of 115 children had been accommodated and given custodial care. Ninety eight of were victims of prostitution and all had been rehabilitation. Some had reconciled with their families.¹⁶

In Sri Lanka, Professor Nandasena Ratnapala in his research study on child prostitution in Sri Lanka says that child prostitution, by both sexes, was widespread and it had close connection with the tourist industry. The number of prostitutes is about 30,000 and ranged from 5 or 6 to 18 years of age. They belonged to the poorest economic and social strata of society. The situation with regard to child prostitution in Sri Lanka it takes many forms. Some come in for young girls, and some for homosexual. Sometimes, drugs are administered to young children in order to stimulate them to do what the tourist desires. Physical rape takes place under such circumstances. Certain tourists take photographs and films of nude children and children made to engage in sex acts. Young girls are demanded mostly by the middle aged tourists. Young tourist women go for young boys around 16 – 18 years of age. Almost all Sri Lanka’s 20,000 to 30,000 child prostitutes are boys.¹⁷ Child prostitution is highly organized in Sri Lanka.

¹⁶ Ghose, S.K. op. cit, page -511.
¹⁷ The Sunday Times of India Review, New Delhi, January 22, 1995,P-1
In Thailand over the last 20 years, the country’s villages have been the supply base from which thousands of children’s and adults have been drawn for employment into brothels and entertainment house in Bangkok. Although the exact figures are not known but from the various research reports one can conclude there are about 6,00,000. High profits are in part based on intensified exploitation of prostitutes, especially child prostitutes. Researchers from the Thammasat University found that child prostitutes worked between 6 and 13 hours serving up to 12-15 men a day. Some were forced to work even during menstruation. Customers can order virgin who are only 13-14 years old for 130-230 US dollars. The owners of the ten houses procure virgin girls from poor parents for 90 US dollars each, and force them to be available for the sexual desires of the customers.18

Apart from legalised prostitution available to tourist in Bangkok, there is large scale well-developed illegal traffic in children in the North-East of Thailand. There is a massive migration of people from villages to towns for work during the dry season and around the railway station, children are collected bought and sold for different kinds of work.

The Japanese newspaper Asahi Shim bun, acting on the basis of information provided by a Thai Foundation for the protection of children’s rights, reported in June 1987 that about 6,000 infants had been abducted from Thailand to Malaysia over the last seven years. The price paid to the Thai traffickers had ranged from 7000 to 10,000 bhats.

per infant. In 1986 a study was made on the subject at the Thammasat University and conducted by Nongyao Naswarat and Acharm Malee Pruekponsawalee, they found out that most of the children involved in prostitution were due to lack of education and come mostly from northern region. Most of them try to secure a job at an early age in order to lessen the burden of the family. The survey showed that 10-20 lured into prostitution after leaving home. Eight out of ten are lured into it, while the rest come with relatives or friends knowing that they will become independent prostitutes. Out of the 20 prostitutes interviewed, 6 were working 24 hours a day, five 8 – 13 hours a day and the rest 12 -15 hours and they were paid 50 – 150 bahts (US $ 2-6) per customers, divided between the child and the owner. Only one out of 20 respondents had only one day off a week some having their days off only during their period of menstruation, but among those interviewed seven confessed that they had served customers even during that period.¹⁹

Japan became notorious for importing young girls from the Philippines, Thailand, Taiwan and South Korea for sexual slavery. Girls from these countries earn the equivalent of 200,000 bahts each, working for only three months. Some non-government organization working for women and children in Japan and other Asian countries have mobilised themselves to fight against sex tours and to influence public opinion against the abuse of human right and of economic power. In China, there estimates range from 2,00,000 to 5,00,000 children in sex trade. Girls from pastoral villages of the minority

tribes in Yunan province in South Western China are being tricked by phoney offers of job and then being sold into prostitution in Thailand.\textsuperscript{20}

In South Korea, says Yoon-Ok Kim Sohn (South Korea) tourist guide shouts loud Korea as 'a paradise for men, where Kisaeng\textsuperscript{21} girls leave nothing unattended'. However, when you hear foreign travellers confess "It was like picking up a slave girl in the slave market", and one can tell how miserably these young girls were being abused. The Government of South Korea sponsors the prostitution market of Kisaeng tourism to earn foreign exchange.\textsuperscript{22}

In Vietnam 20\% of Vietnam's growing commercial sex industry is comprised of children less than 18 years of age. The development of tourism is one of the main causes of increased child prostitution. Many foreigners who come to Vietnam think that Vietnam will also provide cheap and safe tours and will present little danger of AIDS and other venereal diseases, particularly in sexual intercourse with children. Many businessmen from Hong Kong, Singapore, and Taiwan believe that buying a girls virginity will help them succeed in business and give them strength and youth.\textsuperscript{23}

In Bangladesh, just outside the city of Dhaka, the capital of Bangladesh, there is the "Red Light" district where hundreds of child prostitutes from the age of 7 years

\textsuperscript{20} Study of Coastal Sex Tourism and Gender, National Commission for Women, New Delhi, 2002, pg.20.

\textsuperscript{21} The word kisaeng originally referred to female person who were hired to entertain at parties and social gathering but today the word is synonymous with Prostitute.

\textsuperscript{22} Kisaeng Tourisms in Korea by Yoon-OK Kim Sohn: 28th Vienna Congress, IAF, September 1984.

\textsuperscript{23} Study of Coastal Sex Tourism and Gender, National Commission for Women, New Delhi, 2002, pg. 120.
upwards, can be found. According to police estimates, there are at least 25,000 to 30,000 prostitutes in Dhaka city alone and 5000 to 15,000 in port towns. The children are usually picked up forcibly and lured by male and female procurers from roadsides, railway stations, bus stands and port areas and sold to brothel owners. In 1980's the death of teenage prostitute's girls created a great uproar as a result of which government rescued many child prostitutes from brothels and arrested older ones.

International traffic rings operate between Bangladesh, India, Nepal and Pakistan in a wide scale. Girls running, in hundreds, takes places everyday and women and girls from Bangladesh enter India through border check posts in search of employment because of poverty due to sharp deterioration of economic and political conditions and pressure of growing population in that country. The under world operating on the border are able to maintain regular traffic taking full advantage of the corruption within the ranks of the border police forces in both countries. In 1983, a slave market was held in Karachi, Pakistan, where women and girls kidnapped from Bangladesh and Sri Lanka were auctioned for supply to hotel and rich people.24

In Nepal, prostitution is very widely practiced. There are large number "red-light" areas in Katmandu, the capital of Nepal, and in other principal cities namely, Biratnagar, Pokhara, Birgunj, Nepalganj and Bhairahawa. It is the largest identifiable source of child prostitutes to Indian brothels. An UNICEF review indicates that from 5,000 to 7,000 girls are trafficked into India from Nepal every year. Nepalese girls are desired for their fair

skin. The UNICEF surveys mention that Nepalese girls and young virgins sell for at least Rs 6,000/- in Indian brothels on their first night. Bombay has the highest concentration of Nepalese girls in prostitution. There are sexually exploited by foreign tourists and the local people. There is a regular traffic of women and girls from Nepal to India through the international check posts in Bihar, Uttar Pradesh and West Bengal where, they are bought and sold and find their way mostly to brothels in the cities of Bombay Calcutta, Allahabad, Lucknow, Kanpur etc.

In Pakistan, prostitutes are in a vulnerable position. Child prostitution exists to a fair degree but remains unnoticed. A foreigner had witnessed the auction of young Bangladesh girls between 8 to 18 years of age in a slum area of Karachi. And this type of auction had been going on for the past several years where Bangladesh, Burmese and Afghan girls were been sold. At night, girls were being brought to the slum and auction took place indoors. There were no bidding as such because there were always an understanding between the procurers and the customers before the auction. Usually the younger and beautiful girls were sold quickly at high prices. The unmarried and virgin girls were sold together for 50,000 to 2 lakhs taka to brothel owners and pimps. On the other hand, some girls were kept aside before the auction to be taken separately to hotels for wealthy buyers, who were given the opportunity to inspect the girls’ individually. In Pakistan, prostitution is prohibited but practiced clandestinely.

26. Statement by Md. Ishrat Shamin, Associate professor, Department of Sociology, University of Dhaka at the 29th International Congress, IAF.
In Africa child prostitution is reported to be widespread in African States due to poverty and unemployment pressure of growing population and lack of social security. Child prostitution is organized and encouraged by the states governments in some African towns in Kenya, Nairobi, Uganda, Tanzania, Mombassa etc. as foreign exchange earner though tourisms. R.E.Kendall, Secretary General of Interpol says that an international traffic in girls and women between Africa and Europe had been taking place by air in 1985 via Nigeria, East Berlin and the Federal Republic of Germany. The incidence of AIDS is very high in African States and has been spreading fast as reported by World Health Organization.

In Latin America, there exists child exploitation and child prostitution in large numbers, both in organized and un-organized forms. The number of street children in Latin America is estimated to be 40 million. In Brazil alone there are between four to five million prostitutes out of 32 and 36 millions are abandoned children; abandoned because families break up as a result of people having to wander from one end of a State of other in search of work under slave condition. Girls as young as four, five or six years of age, but boys less frequently but also as young as six fall prey to people who exploit them in prostitution. These children contact venereal disease before they reach the age of ten. In 1990 there were nearly 60,000 children aged between 7 and 18 living on the streets of the

Dominican Republic. They are all targets for exploitation, sexual abuse, prostitution and pornography.29

In 1981 officials in Mexico City quotes that there were 200,000 children roaming the streets of the capital. Argentinean Child Welfare Agency estimated that the number of abandoned children in that country were 300,000. Child prostitution is common in Chile, Columbia and Guatemala. In Guatemala, the children are the victims of the relentless war and intense poverty that has seized 80 per cent of the population. There are thousands of children who live on the street of Guatemala City, sleeping in doorways and under the park benches and earn their living by prostitution. In Sao Paulo, it is estimated that there are 600,000 abandoned children under the age of 15 who are living permanently on urban street and the child Welfare Organization estimated in 1984 that children living in extreme poverty numbered several million.

In Europe, many cases had been reported to the General Secretariat concerning Portuguese procurers who take young Portuguese women to Spain with offers of employment in bars, night clubs, restaurants or hotels. Several cases had been reported concerning sexual abuse of children and exploitation for pornographic purposes in Europe and in United States. The victims of the traffic are children of either sex or their ages vary from 5 to 15.30

---

29 Supra note 23.
The Netherlands is a big international traffic centre where young women and girls from Asia, Africa and Latin America are brought in for prostitution and sent to various parts of Europe for forced prostitution. These girls are often drugged to remain in prostitution. Some are also used for pornographic films, videos, magazines and so on. It is estimated that in Netherlands there are about 1,000 child prostitutes who are being exploited by these traffic gangs. In a child auction in Amsterdam, which was said not to be in isolated event, children were sold through photographs to the pornographic industry.\textsuperscript{31}

Ms. Renee Bridle speaking on child prostitution at the 29\textsuperscript{th} International Congress, IAF says that there are several powerful organizations exploiting children to the Third World and prostituting them in European countries. The gangs take the profits from child prostitution, the victims earn virtually nothing and in Peru, it was reported, they pay them in toys.

In Italy, says Ms. Renee Bridel, child prostitution flourished in the "Mala Vita" Spagnoli quarters of Monte Calvaro and Foria under the shadow of the powerful 'Canorra' (a secret society) who forced under little girls as young as 6 or 7 into prostitution, and small boys as well.

There are no reliable statistics on under age or minors in Germany. A purely technical definition of the term "under age" or "minor" is to be found in the laws on the

\textsuperscript{31} The event was reported at the International Congress on Child Abuse and Neglect in Montreal in 1984 (Defence for children International report).
protection of youth; a minor is anyone under the age of 18. A child is anyone under the age of 14 and a Juvenile is anyone over the age of 14 but under the age of 18 (Bernhard Jans). According to estimates from large towns and cities up to 800 of the young people picked up annually are prostitutes. Estimates for the whole of Germany put the proportion of prostitutes who are minors of 5 to 10 per cent; and it would mean that with the number of prostitutes estimated at between 100,000 and 300,000 there would be between 5,000 and 30,000 under age prostitutes. Using data on under-age homeless persons and drug addicts, reliable estimates put the figure at 100,000. No conclusions can be reached from studies of isolated cases, but it must be mentioned that these studies have revealed cases of prostitutes who are under 14 years.

The reasons why these estimates vary so much is obvious; because of their age and circumstances, under age prostitutes operate in conditions of utmost secrecy their domestic and legal situations leave no alternative. Minors who do not live at home but are on the run constantly have to keep their where about secret from their parents and authorities. These runaways, who initially have no connection with prostitution and leave home completely for different reasons, such as discipline problems, difficulties at school, cruelty, etc. do not have money. They are picked up by pimps who promise them shelter, food and money. To start with, they engage in 'occasional', prostitution and subsequently they became drug addicts and through drugs take to prostitution as a profession.

In Germany special "independent" forms of under age prostitution can be observed as minors who live away from their family home the whole time in some sort of
"scene" (it includes much of the drug addicted prostitution) and also in minors who, to a certain extent, lead two lives; growing up in their families as quite normal young people whilst keeping secret from their parents and acquaintances the fact that they occasionally engage in prostitution. Various authors describe the former situation as full time prostitution and the latter situation as occasional or part-time prostitution.\textsuperscript{32}

The following types of under-age prostitution are observed in Germany. Prostitution in female minors differs considerably from prostitution in male minors. Girls are usually involved in a prostitution racket, work with pimps, service clients of the opposite sex and have "professional", i.e., largely unemotional contact with their clients, etc. Boys, on the other hand, do of course offer their services at specific locations, but they often work either alone or only with other prostitutes mainly service clients of the same sex and often do not keep their emotions separate from their work as prostitutes.

In Australia exploitation of young girls and children for prostitution belonging to the Third World Countries are flourishing. There are several international gangs operating from Australia who procure women and children from the Philippines and Thailand and sell them in the European market. Prostitution has been made legal in Australia and as a result people can apply to have registered brothels since 1982.

In Britain in 1984, a survey revealed that an estimated one to ten adults had been sexually abused before the age of 16. In 1986, the National Society for the Prevention of

\textsuperscript{32} Ghosh, S.K. op. cit. page -511-513
Cruelty to Children (NSPCC) revealed that reported cases of child sexual abuse in Britain has risen by a staggering 126 per cent compared to the previous year. In January 1988 the Government Department of Education and Science announced that teachers are to be specially trained to spot child sex abuse. Each state school is to get one, and eventually two, of these teachers.

In United States one of the expert asserted that there are as many as 10,000 children who are severally battered each year; at least 50,000 to 70,000 are sexually abused, 100,000 are emotionally neglected. The data collected in 1979 indicated that a total of 711,142 cases of abuse and neglect had come to notice and recorded by the American Humane Association in that year. This figure is rising steadily from year to year. In America, except the state of Nevada, prostitution is prohibited in all other states'. But child prostitution in the shape of soliciting in the streets is widespread. Through cinema, television, video cassettes, video chips, telephone home computer (the Americans call it computer pornography), prostitution is infiltrating the family. The pornography market alone has an annual turn over of approximately 8 billion dollars in the USA says James Dobson, member of the Commission of the Federal Advocate General on Pornography.

Information received from the USA gives a horrifying account of the extent of the problem in that affluent land. The most enslaved now seems to be the streetwalker who sees no way out than those prostituting to support their drug addiction; victims of pornography; runaway and homeless children who support themselves by this means.

---

Children whose mothers seem not to care what happens to them and therefore, unprotected, they become a perfect target for sex. It was not until the beginning of the nineteenth century that public recognition of abuse of children emerged, and there was some awareness that children required special protection. Later, in the second decade of the nineteenth century, the courts intervened in some countries in Europe and North America in cases of parental neglect of their children. Most of the reform movements at the time were devoted to children institutions and were aimed at preventing a neglected child from entering a life of crime.

There has been a marked increase in teen prostitutes in cities across the USA during the year 2002.\textsuperscript{34} Compared to three years ago, it have been seen that 70 per cent increase in kids are from middle-to upper-middle class backgrounds, many of whom have not suffered mental, sexual or physical abuse. The vast majority of teen prostitutes are runaways, illegal immigrants and children of poor urban areas and it come from middle-class homes.

2.4 Child Prostitution in India

Child prostitution is on rise in many Asian Countries like Thailand, Hong Kong, Philippines, Srilanka and India. Today, about 15 percent of India’s nearly two million; prostitutes are believed to be children.30 percent of all prostitutes in the six major cities of India namely, Calcutta, Bombay, Delhi, Madras, Bangalore and Hyderabad as revealed

\textsuperscript{34} The Statesman, New Delhi, August – 2003, ‘Marked increased in the Prostitutes in USA’.
in a Report (1994) on Child Prostitution prepared by the ministry of Human Resource Development, Govt. of India were under the age of 20 years. 39 percent of these women entered prostitution before they were eighteen years old.  

The phenomenon of prostitution is as old as the history of Civilizations. However, it has come to be recognized as serious social and human problem only after 1950’s with the setting up of a Committee by the Central Social Welfare Board in 1954. The Committee was set up to examine social, economic, commercial and moral aspects of the problem and to study the private institutions providing custodial care and rehabilitation services. Concern shown for child prostitution, has been a quite recent phenomenon i.e. of 90s. This is accompanied the growing awareness about child’s rights and need to protect child from exploitation and abuses. Child prostitution is viewed as a factor contributing to dehumanization of future generation because it is detrimental to the child – socially, physically, emotionally and also depriving the child of his/her rights to lead a normal life.

Despite this realisation, the situation is deteriorating and there is a rapid increase in number of child prostitutes with the passing of days. This is because, along with factors like physical attractiveness and vulnerability, there has been no redemption from grinding poverty and ignorance or illiteracy. Moreover, temptation, greed, desire to have sex with young girls to maintain strength and to secure protection from diseases, like

---

35 The report bases its findings on a survey of prostitution which the Government of India in 1991 initiated through the Central Social Welfare Board in six metropolitan cities in India.
STD/AIDS and need for new kind of sensation, specially by *Pedophiles*[^36] are on increase and they are creating demand for child prostitutes. Promotion for tourism and consumerism with globalization of economy has further added to this problem. Indeed, the increase in number of child prostitutes has reached such an alarming state that this has started evoking extreme concern of the social scientists, social activists, planners, police and administrators.

This is no specific information available with regard to history of child prostitution, although there is abundant literature on history of prostitution in general. This is probably because concern shown on issue of child prostitution has been recent. There might to be another reason. Since age of the prostitute is of much importance, hence it is reasonable to assume that even in earlier times these were factors encouraging early entry of girl children into prostitution in its varied forms. Consequently, it might have been considered that the history of prostitution is nothing but the history of child prostitution.

Child prostitution, accordingly, is not a new phenomena. It has a long history stretching back to Vedic period. The Vedas, earliest among the known literature, are

[^36]: Pedophiles are people with sexual desires for children. There are two types: the preferential and the situational abuses. A minority of abusers are women, who mainly go for adolescent boys. Preferential pedophiles are those who have a clear yearning for sex with children. Situational abuses prefer an adult partner, but find a child less threatening to their self esteem. Preferential abuses go great lengths to accommodate their preference, networking among themselves and traveling to countries where their behavior will not attract penalties. They justify themselves saying that sex with a child is a good way of showing then love. - The week, August 4, 1996.
abound in references to girl/women prostitution as an organized and established institution. There is also evidence which indicates presence of commercial prostitution based on traffic in girls/women in Vedic times. Reference to prostitution and traffic can also be found in Kautilya’s *Arthashastra*. Last but not the least, reference to the term *devdasi* can be found in ‘Arthaashastra’ and the customs of dedicating the girls to the temples appeared to have started from third century A.D.

The phenomena of prostitution including girl child prostitution has not only continued, but grown during the long periods of its operation. It has also undergone a series of changes in terms of demand for prostitutes, forms of prostitution, factors contributing to prostitution, roles played by the prostitutes and social attitude towards prostitution along with various socio-economic and technological changes.

In the process of these changes, the number of girl child prostitutes has increased immensely. They can now be seen almost in all, big cities/towns, on the road side villages of the national and state high ways and also in tourist and pilgrimage centre of the country. Child prostitution has presently become a commercial vice on an open and

---

organised scale often involving ruthless third party interest of the procurers, pimps brothel keepers and others, sometimes even of the families.

A number of terms are frequently used in any discussion on child prostitution, sometimes even interchangeably, without recognizing their basic differences and implications. These include prostitution, flesh trade\textsuperscript{40}, trafficking\textsuperscript{41}, commercial sex workers\textsuperscript{42}, child prostitution and girl child prostitution.\textsuperscript{43} It is important for proper understanding of these terms because it helps in the formulation of proper strategies of action for rehabilitation and control of child prostitution.

There can be little doubt that only a gross social revision and a diversion of our present histories is the only true possibility if prostitution and its debasing

\textsuperscript{40} Flesh Trade: The concept refers to the network of procurers, pimps, brothel keepers and the victims. The victims involved themselves in sexual relations, habitually or intermittently either for money or for other mercenary consideration, in most cases their income being shared by other in the chain, depending on whether their involvement in the trade is voluntary, or an account of their belonging to caste community traditionally accepting the trade, or by force. Flesh trade, to thrives, and encourages trafficking.

\textsuperscript{41} Trafficking: It mainly refers to transportation of girls and women by road or rail or other means of transport for monetary consideration of the person engaged in trafficking. Purpose of trafficking may be two fold: (a) flesh trade and (b) marriage.

(a) Whatever may be the aim, it necessarily involves: presence of procurers and potential bias of girls/ women who are motivated by economic gain;

(b) Non involvement of the victims (girls/women) in the whole exercise, and

(c) Induction of women, in much case, into flesh trade.

\textsuperscript{42} Commercial Sex Workers: This term has been universalized by the World Health Organization (WHO) in its efforts to destigmatize the group and thereby, to facilitate preventive intervention. Prostitution in India are now referred as 'Commercial sex workers' will not help unless there is required change in their position, especially in term of stigmatization in the attitude of people since prostitution has psycho-socio-cultural dimension along with economic dimension in absence of this, it may be a mere change in nomenclature and not in substance.

\textsuperscript{43} Girl Child Prostitution can be defined as prostitution practice by girl who belongs to the age group
implications for women prostitution are to be eliminated. Various international and national instruments speak of the "best interests of the child shall be paramount consideration". But looking at the reality, these principles do not seem to apply to child prostitution in India.

15 to 20% of the total estimated 1,00,000 prostitutes in Bombay are below the age of 18 years and they can be seen by anybody without much difficulty on the streets of Bombay's red light areas. The youngest girl, IHO noticed was of 9 years of age. The IHO which has been campaigning for abolition of Child Prostitution, the Devadasi system and Forced prostitution for the last 22 years.

2.5 Causes of Child Prostitution

The supply of girls for prostitution from one state to another state is very common and also supply of Indian girls to the countries to the West is not uncommon. It is estimated that nearly one lakh girls are brought from Nepal every year for the purpose of prostitution in India, over fifty percent of them are minors. The factors those are responsible that lead the minors to the institution of prostitution are as follows:

---

44 Indian Health Organisation which has been involved with the health and social activities in the neglected and unattended areas of society. It is IHO, which has been first to have public by exposed the racket of child prostitution in India in 1982. It was when a 13 years old Nepalese girl was found in the government run J.J.Hospital in Bombay with 3 different STD's and three type of tuberculosis. On probing into the history of innocent girl, it was realized that she was abducted from Nepal, brought and sold in Bombay to a brothel owner and forced to entertain 5-10 clients per day.
Abduction: This is the most common cause. Young girls are abducted from their villages or native places on some or the other pretext exploiting their innocence. They are abducted or kidnapped from the places when they are going to movies, cities, temples, pilgrims, and often they are lured by making them film stars, offering job opportunities and marriages.

**Child pornography and Sex Tourism:** Child pornography and sex tourism are closely interconnected, and are mutually reinforcing crimes. Sex tourists have been on the forefront in the production of pornographic material in the form of pictures, films etc. depicting images of nude children and sex with children, mainly children from the developing countries – their safe destinations. They have also been instrumental in transferring pornographic material. Their work has become amazingly easier and safer with the advent of Internet technology. A child sexual exploiter invariably makes it a point to capture images of his prey, and likes to preserve and circulate the images. Pimps and paedophiles are using pornography to lure the young victims from non-traditional groups. In the traditional entertainer groups in many cities, nearly 60 percent of the girl children have been introduced to the sex profession by their family members.\(^\text{45}\)

The growth of the tourism industry has contributed to the increase in the sexual exploitation of the children, which often assumes intolerable forms. Tourism for purpose of sex has found its way into the mainstream tourism market.\(^\text{46}\)

\(^{45}\) The Times of India, Nov. 10, 1998.

\(^{46}\) Department of Women and Child Development (DWCD) 1997-98, Annual Report, DWCD, Ministry Development, Govt. of India.
travel agencies, tours operators, hotels and others in the tourism industry. Pedophiles are said to be the dominant ‘Clientele’ in sex tourism.\(^7\)

**Devadasi System:** The inhuman system of prostitution with religious sanction i.e. devdasi system still continues to flourished the so called progressive and democratic country. Every year thousands of girls are dedicated to Goddess Yellama and Renuka, after a brief period of concubinage, they become accessible to urban prostitution. It is found that three socialised instruments perpetuate the fates of these women namely, economic organization, brute force and religious rituals.

**Superstitious Belief:** High demand for virgin girls and young children motivate the traffickers to traffic in children. The pressure comes from clients as they feel it as safe sex and of the popular myth that sex with virgins can cure them of HIV and other serious diseases.\(^8\) Rejection of condoms while exploiting children as sex objects was not merely a result of ignorance or lack of access to condoms. It was perhaps, a conscious decision to ‘pass on’ the sexually transmitted diseases to the child in order to get rid of the infection.

**Rape:** About 6% of the children coming to prostitution, come after the incidence of rape. Rape of the girls is a great social stigma and in some circumstances the victims of rape


\(^8\) Mostly in the state of Andhra Pradesh, Karnataka and Maharastra girls are dedicated to Yellamma moon day of chaitra (March-April) or magh (Nov-Dec) months at temples.

\(^9\) Dr.Giri, V. Mohini, Kanya Exploitation of Little Angle, Gyan Publishing House, New Delhi, 1999. pg. 34-35
are not even accepted at home. Apart from the delay or even absence of justice, the victims have to face similar incidents every now and then. When they do not find any safe place in society and do not foresee any better future perspectives, they find their way into prostitution.

_Incest:_ About 8% of children came to prostitution because of the incidence of Incest. The most common incest is between father and daughter, followed by uncle-niece and even sometimes brothers friends. When the young victim of incest is exploited at home, she does not foresee safety anywhere else in the society and slowly ends up into prostitution. There are circumstances where it has been found that girls were sold by their father or uncle or the brother-in-law.

_Marriage:_ Girls also enter into prostitution due to marriage or fake marriages. In our patriarchal society, man having on upper hand often desert the woman after staying with her for a short time or may pass her into the hands of traffickers or exploiters.

### 2.6 Child Prostitution: The ultimate denial of human rights

Human Rights are the basic and absolute rights that every person has because he or she is a human being. They recognize the vulnerability of the human being in civil, political, economic, social and cultural processes and provide protection. Every human being has this right although the extent to which they can be enforced in practice varies

---

49. _Incest: Sexual Intercourse between persons so closely related that they are by customary law forbidden to marry._
from country to country. These rights come along with having duties and responsibilities. In preserving the freedom, rights and justice for all, everyone has responsibility to abide by the law and everyone has duties in the community. In exercising freedoms and rights, everyone must also respect the rights and freedoms of others.

Trading in human beings and their exploitation in varied forms by traffickers in human being is one of the most despicable forms of violation of human rights. Trafficking in its widest sense includes not just exploitation of other or services, slavery or practices similar to slavery or trade in human beings. Child prostitution clearly violates the fundamental right to a life with dignity. It also violates right to health care, right to liberty and security of person, right to freedom from torture, violence, cruelty or degrading treatment.

The eminent French Jurist, Renee Bridel, said of prostitution children that “even if they are alive, they are dying within”. All human rights apply to all boys and girls. While societies may very in their ideas on childhood and child development, one thing that all can agree on is the importance of the well-being of children. It is well recognized everywhere that children need special care and protection for healthy development because of their special needs and vulnerability. Special instruments have been drawn up to safeguard and enforce child rights. The recognized standard is the Convention on the
Rights of the Child,\textsuperscript{50} which was drawn up in 1989 and has been ratified by almost all countries in the world.

The children lack the economic opportunities, the knowledge and the rights which could help protect them from traffickers and pimps. Mr. O' Grady remarked that in India, there has been for a long time a denial of the existence of child prostitution. The tendency is to sweep it under the carpet.\textsuperscript{51} It embarrasses the nation to admit it. The vehemence of the denial is evidence of society's recantation of horror.

Dr. K. K. Mukhopadhyay, Prof. from Delhi School of Social Work, Delhi University, in his presentation held on November 19, 1995 on National Consultation on child prostitution, said that young girls in India were taken away from their parents in poor backward and drought affected districts of the country for the purposes of trafficking. According to him, about eighty per cent of the girls who were in this profession entered it as children and due to difficult circumstances, such as poverty, illiteracy, ignorance and deception. The increasingly consumerist society only further complicated the situation. Children are often hired or are sold by their families to agents who may or may not reveal the true nature of the work offered. Sometimes the young

\textsuperscript{50} The General Assembly of United Nation adopted the Convention on the Right of the Child on 20\textsuperscript{th} November, 1989. It bears the opinion regarding protection of children everywhere against exploitation, neglect and abuse. With in five years the convention has been ratified by 186 nations. The convention draws attention to four sets of civil, political, social, economic and cultural rights of every child. These includes: The right to survival, the right to protection, the right to development and the right to participation.

\textsuperscript{51} O'Grady, Ron. 1992. The child and the tourist. Thailand: The campaign to end child prostitution in Asian tourism (ECPAT)
girls are deceived by young urban boy go to the villages. The boys conduct fake marriages with these girls, bring them to the cities and sell them to the brothels.

The Convention on the Rights of the Child clearly lays down the role of the states in the prostitution of the child in Article 34, where it notes that the states will undertake to protect the child from all forms of sexual exploitation and abuse. Article 35 and 36 states that all appropriate national, bilateral and multilateral measures will be taken by the State to prevent abduction, sale and trafficking in children, coercion to engage in unlawful sexual activity and all forms of exploitation such as prostitution or pornographic performances. It also states that all children must receive the opportunity to discover their identity and realise their self worth in a safe and supportive environment.

When a child is sexually exploited, one question comes to the mind that what is his or her childhood? The very basis of the child sex industry designating of a child as a commodity for sale and purchase demeans and dehumanises the child. It also serves the sexual drive of sexually immature men who seek emotional release by exploiting a completely powerless slave child.

---

52. Article 34 of CRC reads— State parties undertakes to protect the child from all form of sexual exploitation and sexual abuse. For these purposes State parties shall in particular take all appropriate national, bilateral and multi lateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity.

(b) The exploitative use of children in prostitution or other unlawful sexual activity.

(c) The exploitative use of children in pornographic performances and materials

53. Article 35 of CRC reads— state 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.

54. Article 36 of CRC reads— State parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.
The sexual exploitation of children does not occur in a vacuum but involves a more widespread exploitation, sexual or otherwise. Poverty and ignorance are the underlying causes of this world-wide phenomenon, as families rely on their youngest members to contribute to the household income. The child in prostitution is a victim of pedophiles who pose as tourists, and of traffickers who forces them into this trade.

Child prostitution is a term in popular usage but is in accurate because it implies consent. And a child does not consent. He or she is rather victimised into sexual slavery. All over the world, the child's vulnerability to commercial sexual exploitation lies in his or her family circumstances. The majority of sexually exploited children are either from marginalised families in the cities and destitute families in the country or children of women already in sex industry.

In India, systems of child prostitution as varied as the Devadasi or the Jogini, and the trafficking system that makes young girls across South Asia and into urban centre, reveal the active exploitation and the socio-economic realities that make such exploitation possible. Within last few years, some instances of sexual abuse of children have also come to light in popular tourist destinations. About 85 percent of the prostitutes in Delhi and Calcutta were compelled into trade when very young. Entertaining about seven to eight clients in one day, often during heavy menstrual
periods, ice is used and they are forced to receive clients. Physical or psychological torture may be specifically employed to ensure compliance in many cases.55

Dr. John Rhode, UNICEF representative of UNICEF in India, in his opening speech observed that with the exception of outright death, child prostitution is the ultimate denial of the child transforming his entire life. Any society that tolerates this cannot afford to call itself civilized. In India, there are some myths that men seek young girls, believing that sex with virgins can cure sexually transmitted diseases, employing that younger sex workers are less likely to carry HIV. On the contrary, a child’s immature body and inadequately developed immune systems make her more susceptible to sexually transmitted and other diseases.

An irony of the tourist sex industry in all its manifestations is that the poverty which drives a child to offer sex for money, offers the sex tourist an easy opportunity to expiate guilt. By paying for a child’s services he can convince himself that he is helping her and her family to escape economic hardship. It has been found that twenty five thousand children in Brazil, thirty thousand children in Sri Lanka, forty thousand children in Philippines, three hundred thousand children in Thailand, four hundred thousands children in India, all engaged in child prostitution and hundred thousands children in the United States of America.56


56. Paper from a symposium co-sponsored by the U.S.Department of Labour, bureau of international Labour Affairs, the Women’s Bureau, and the U.S.Department of State, Bureau of democracy, Human Rights and Labour, held on September 29, 1995 at the U.S.Department of Labour in Washington, D.C.
People think of themselves civilized living in modern times, yet child prostitution is a growing problem in both developing and developed countries. It represents the ultimate betrayal of our commitment to human decency and respect. Child prostitution is an attack on humanity that focuses exclusively on the next generation. It subjects children to emotional and physical dangers that can leave scars for a lifetime. There are many factors, which lead to child into prostitution. They are poverty, the disintegration of families, incest and domestic violence. But one factor is clear that somebody, somewhere made a conscious decision to force a child into prostitution, and this decision was made by a growing demand for child prostitutes, both domestically and from international sex rings and sex tourism. Ultimately the goal of these rings is one thing; money. In the poorest societies, children are often sold by their families in a desperate attempt to get money. Some are kidnapped or lured by traffickers with promises of employment in the city, only to end up in brothels.

In fact, in many countries young girls are often viewed as less valuable, even in their own families. The resulting discrimination sometimes leads to their sale into prostitution by those same families. Little boys are not immune either. They are forced into prostitution to satisfy a growing demand for young males.

Child prostitution hurts children both physically and emotionally. Many child prostitutes contract AIDS and other diseases. Many are beaten. There are some reports that children are tattooed by organized crime elements that control them as property. The emotional toll on these kids is immeasurable. Child prostitution undermines a child's development
and robs a child of his or her dignity and basic human rights. A child in that situation can never look at an advent, at a fellow human being, in the same way. These scars will last forever. Moreover advances in technology like the Internet have increased the opportunities available for those who seek sex from children.\(^{57}\)

**Summary**

The human rights of child are an inalienable, integral and indivisible part of universal human rights. Trafficking in children is one of the worst, the most brazen abuses of human rights. It is a matter of shame that even after half a century since the adoption of the Declaration of Human Rights by the global community, trafficking continues to thrive. One of the most visible and widespread is the trafficking of women and children for commercial sexual exploitation. The issue of the sexual exploitation of children is not new, as it goes back into the history, cultures and traditions of many societies. What is new is the unscrupulous and massive scale of the problem, exacerbated by globalisation and its links to a lucrative tourist and sex industry. Thus, as a result, it is little known fact that a modern development tool like tourism also contributes to the exploitation of children in many ways – child sexual exploitation and commodification of children that leads to commercial sexual exploitation of children, are prominent among these.

\(^{57}\) The sound of silence – An introduction to basic psychotherapeutic skill for forming a relation with Adolescent and Survivors of Commercial Sexual Exploitation and Support by Saarthak and UNIFEM, New Delhi 2002.pg 2-3.
Trafficking is increasing dramatically in the Asia region, but the phenomenon spans the globe. While the fact of its existence is known to most of us, the enormity of the problem, its underpinnings and its ramifications are often blurred. Child prostitution is inadmissible – it is tantamount to exploitation and victimization of the child because it undermines the child's development. It is detrimental to the child both physically and emotionally, and is in breach of the child's right.