CHAPTER - IV

CHILDREN IN SOUTH ASIA:
SECURING THEIR RIGHTS

"The way a society treats its children reflects not only its qualities of compassion and protective caring, but also its sense of justice, its commitment to the future and its urge to enhance the human condition for coming generations:

Javier perez de cuellar

This chapter attempts to analyse the enormous human rights abuses faced by the children in South Asia, who are frequently the most invisible and voiceless victims of these abuses. An attempt has also been made in the chapter to evaluate the role of governments of South Asia and monitoring organizations set up for the protection, promotion and greater realisation of the human rights. It examines how far these organizations are committed to protect the children against a selection of abuses especially in the sphere of community and family life. Needless to mention that the perception and perspectives in the South Asian context have already been discussed in Chapter II. Some socio-economic, cultural and religious tendencies that heavily influence the degree to which children in SAARC countries enjoy their human rights have also been alluded. These issues will be dealt more rigorously and systematically in this chapter. The main focus will be on some of the most pervasive forms of child abuse, which lead to gross violation of children’s human rights in the SAARC countries. Considering the wide range of abuses that are faced by children in the region, a comprehensive survey of human rights abuses related to them children is beyond the scope of this study. Hence keeping in view, the socio-
economic and cultural factors that influence children's human rights this chapter seeks to explore some of the worst violations of human rights faced by the children in the SAARC region.

Childhood is the formative period where children form their own images, perceptions – what if the large numbers of children are subjected to poverty, ignorance, ill health and discrimination of all kinds. It is not only reflected in their behaviour but it very much shapes their life. If on the other hand society ensures the freedom and dignity of children by creating the conditions in which they develop their potential, they have the chance to grow to a full and satisfying adulthood, thereby assuming a constructive role in society.1 Hence the growth of the child into a mature, responsible person with a fully developed personality largely depends upon the support and attention they receive from the society. It becomes therefore the duty of every country, every society to devote its full attention to ensure that children are properly cared for and brought up in proper atmosphere and their human rights be protected by all possible means to ensure their rightful place in society.2

Understanding Children's Rights: The International Framework

Violence and child abuse has been documented throughout written history. The tale of suffering is interspersed with periods of reforms and efforts to improve the plight of children. In most societies, children by reason of their physical and mental immaturity are almost totally dependent on adult structures of political and economic power to safeguard and protect their rights and well being. Instead of giving rise to special protection, this situation of dependence and vulnerability is often exploited by those with responsibility over
children in the name of economic expediency, culture or tradition. Children are effectively viewed, as property whose individual rights must be subsumed in the interest of family, community and authority.

However, change came slowly and steadily, as there is the progression from children as property to children as individuals with personal rights. But of late, due to industrialization and urbanization, family breakdowns and value deteriorations, wars and conflicts, tension and frustrations, oppressions and rejections, the status of children has worsened to unexpected levels.

Recognising the fact that around the world human rights of millions of children were denied to them, that they are vulnerable to various forms of abuses and exploitation, complementary body of human rights standards has been developed. Therefore, while affirming that children are endowed with the same human rights as adults, recognised that these rights can only be realised if the special needs of children are addressed.3

As observed in the earlier chapter, children are endowed with all human rights as set down in the 1948 Universal Declaration of Human Rights (UDHR) and all human rights standards developed since. In the 53 years since the UDHR’s proclamation, the international community has put considerable effort into further defining and codifying their rights, as well as developing international benchmarks for the implementation of national law and practice. These international human rights treaties and standards, such as the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the convention against Torture, Cruelty, Degrading Treatment or punishment, uphold the rights of children along with all the other members of society.
Together, these instruments represent a comprehensive agenda for the protection of the full spectrum of children's human rights.

These standards reflect increasing efforts by the international community to see the rights enshrined in the UDHR from a childhood perspective. This means recognising the circumstances in which children are particularly at risk, such as in police custody or in situations of armed conflict. It means challenging the various motives and justifications commonly given for denying children rights, submission to authority, tradition, economic necessity, intimidation of relatives. It means erecting safeguards against particular forms of abuse to which children are vulnerable because of their age, such as being sexually abused, being subjugated to solitary confinement or press-ganged in the armed forces. It means addressing the physical, psychological, social and economic consequences of the abuse, which may be far worse for a child. It means overcoming children's usual lack of access to the kinds of remedies and resources that may be available to adult victims of human rights violation.

The first declaration on the rights of the child was drafted by the League of Nations in 1924. This was superseded by the 1959 UN Declaration on the Rights of the Child, which asserted that human kind owes the child "the best it has to give". The 1959 Declaration provided a powerful moral framework for children's rights, but it was only after the international year of the child in 1979 the government began serious work on a full-pledged treaty. After a decade of negotiation, the UN General Assembly adopted the Convention on the Rights of the Child in 1989.4

The adoption of Convention On The Rights Of The Child (CRC) was the culmination of long-standing United Nations concern for this aspect of human
rights. Indeed, the well-being, protection and rights of children have been at the core of the organization’s concern since its founding in 1945. Its interest on matters of child welfare led the United Nations to establish, on 11 December 1946, The United Nations Children’s Fund (UNICEF), which remains today the primary organization of the United Nations system responsible for international assistance to children.\(^5\)

The CRC is not only the first legally binding instrument to elaborate human rights specifically and uniquely for children, but it is also one of the most comprehensive instruments in human rights law. Whereas many other inter-national standards deal with particular sets of rights, the CRC’s 54 articles cover the full spectrum of civil, political, economic, social and cultural rights, stressing their indivisible and interdependent relationship. It is also the most universally adopted and ratified convention. At a time when a number of governments throughout the world, including South Asia, are questioning the legitimacy of the international human rights framework, and challenging the concepts of universality and indivisibility, the CRC stands as a landmark for the international consensus on these basic human rights principles.

The rights contained in the CRC range from the child’s most basic subsistence needs (such as food, shelter and access to health care), to other fundamental things that children need to develop their fullest potential (such as the rights to education, freedom of thought and religion etc). The convention also includes the right to be protected from abuse, exploitation and neglect, and the right to participate in one’s community and in political life. The rights in the CRS are meant to be applied in the light of the four general principles, namely non-discrimination (Articles 2); the best interest of the Child (Article 3); the
rights to life, survival and development (Article 6); and respect for the views of the child (Article 12).

The adoption of the CRC also saw the establishment of an expert committee on the Rights of the Child to monitor and advise governments on implementation of the convention although not formally to hear individual complaints. Unlike most international instruments, the CRC embraces issues of social policy as well as law. This Committee therefore engaged governments not only on their legal obligations but also in a constructive policy dialogue.6

The convention on the Rights of the Child is the most recent in a series aimed at enshrining the protection of human rights in international law. Its provisions therefore take into account existing standards relating to the rights of the child and the way their interpretation has evolved. It derives from the convention that the child is a subject of law and that all human rights - civil, political, economic, social and cultural that are necessary to his or her survival, development, protection and participation are interdependent and indivisible.

The convention is particularly aimed at protecting the children against all human rights violations, like sexual and economic exploitation, emergency situation, abandonment, forced labour and ill treatment. It also meant to protect children involved in armed conflict and to provide assistance to those seeking refugee status. The convention prohibits the practice of torture and it also provides that neither capital punishment nor life imprisonment be imposed for offences committed by persons below eighteen years of age.7

The above observation reveals that the philosophy and spirit of the convention, as interpreted by the committee on the rights of the child, not only consists of recognizing the value and validity of each of the rights set forth in
the convention, but also in stressing the importance of the principles of non-discrimination and the best interest of the child. The convention and the committee have to do much to encourage cooperation and action at the international and national level to the realisation of the rights of the child.

Special mention should be made of the extremely useful role played by the UNICEF. Not only has this body worked actively for the universal ratification of the convention, but also made a strong effort to promote the implementations.

Despite all these commitments, advances, progress and promises made in the international level for the promotion and protection of children's rights, majority of the children around the world in both developing and developed countries are deprived of their human rights, cope up daily with street violence, pressure to use drugs, suffer sexual exploitation and abuses, torture, cruelty, inhuman and degrading treatment or punishment. The armed conflicts that raged in all quarters of the world produced appalling abuses of children's rights. Hence despite the international concern about the plight of children the denial of their human rights pose a challenge for governments and civil society to take a stronger action to implement the provisions of CRC, strengthen protections, and fulfil the promises made to the children of the world.

The framework for the protection of children's rights is constantly evolving. These new standards should not be seen as conferring "special" rights on children, but rather as a means of realising the rights children enjoy by virtue of their being human, the same rights all people share under Universal Declaration of Human Rights.
Deprivation and Discrimination: Children's Rights in South Asia

There is no way to enumerate thoroughly the various ways in which children in the SAARC countries are economically exploited and physically ill treated. But the numbers are great and the suffering is wide spread. According to Amnesty International report up to a quarter of the world’s children live in India, Pakistan, Nepal, Bangladesh and Sri Lanka. Majority of these children in the region experience deprivation of their basic, minimum fundamental human rights, right from their birth, such as proper environment to bring them up and make them useful citizens of their country. Most of them are neglected both by the government as well as by the society. Behind the hideous imagery of children beaten or sexually abused, ravaged beyond their years by hard living and drug abuse on the streets, maimed by the land-mines or turned into killers by war, stricken with Aids, lies a common struggle. This struggle is against exploitation, disease, hardship and family or social and cultural traditions. These factors exert a profound influence on all aspects of South Asian life that compromise children’s humanity or subject them to physical and emotional sufferings.8

These human rights violations deny children of their basic economic and social rights. Economic disadvantage, social exclusion and political marginalisation left millions of children in the SAARC countries vulnerable to violence and exploitation. Children especially girls and the marginalised segment of society suffer greater discrimination and disadvantage. In India, for example it is no surprise to find that children from the lowest castes or dalits form the vast majority of bonded child labourers. In the conflicts, which have racked Sri Lanka, children are often targeted for their ethnic identity. Across
the region, street children find themselves in custody often for little more than being children, as they eke out a living outside family and other social structures.

The persistence of discriminatory attitude towards girls is even worse. The birth of a girl is often considered a liability to a family in the SAARC countries and less is invested in her health and education. In many countries selective abortion and infanticide are common and girls figure proportionately in infant mortality and illiteracy statistics. These factors, together with the persistence of harmful practices such as dowry, child marriage, customary practices also feed the cycle of abuses including domestic violence and sexual exploitation. Discriminatory treatment of the girl child deepens marginalisation of women and perpetuates problems from one generation to the next.⁹

Increasing complexity of modern life and the stresses of under-development and poverty upon SAARC societies, which are in transitional phases, has increased the vulnerability of children. The socio-economic condition of these societies reflects in the living conditions of its children and their survival depends on the thinking of conscience keepers of that particular class or group. Thus foetus destruction, abortions, dowry deaths etc. are mostly the banes of higher strata. Poverty, malnutrition, hunger and illiteracy are prevailing in the lower rungs and they comprise of people below the poverty line, the under-privileged sections and it is here that the basic rights to the child are mostly denied. These are the sections, which form a large majority not only in South Asia but also in the whole world.¹⁰

The condition most common to the children in the SAARC society who suffer or are deprived of opportunity is poverty due to which basic rights to the
child are mainly denied. "The most pervasive form of denial of child rights is poverty because it makes it impossible to satisfy those needs that are basic rights". The right of the family in a poverty ridden country with low literacy level takes precedence over any notion of child rights in the region. This can be one reason why we find so many people justify institutions like child labour, child marriage, gender discrimination and other practices that discriminate against children. In fact many of the children's rights are denied to them simply because some short sighted way they seem to conflict with the larger interests of the family.

Governments of SAARC countries recognised the important responsibility of promotion and protection of the rights of children, which are vital not only to future development in the region, but also to that of humanity as a whole. Hence they have ratified the convention on the Rights of the Child by making children rights a priority area through their regional body SAARC and to address the entire range of abuses that children. In its first summit meet in November 1986, SAARC emphasised the need to fulfil the requirement of the children so as to help them grow up into useful citizens of tomorrow. This commitment has been reinforced at the Male summit in 1997, where the governments agreed to pursue a holistic approach to address these problems of disadvantaged children in the region.

The constitution of SAARC countries provides several specific provisions dealing with children. Many South Asian governments have taken important legislative initiatives in an effort to safeguard children's rights or eradicate particular abuses. They have set-up special commissions and tribunals and launched ambitious programs for social and economic development. In
Bangladesh, the government in 1995 established the National Children's council and a national policy for children adopted. In 1997 Pakistan signed a Memorandum of Understanding with the International Labour Organization under its International Programme for the Elimination of Child Labour. Similarly, Nepal has introduced Children Act in 1993. In Sri Lanka the new National Child Protection Authority, Juvenile Justice and the amendments to the penal code and other statutes were passed by parliament for the protection of children. The Government of India by ratifying the CRC on November 12, 1992, reaffirmed its commitment to the cause of children. The CRC reiterates and elaborates what has already contained in the Constitutions of India and Directive Principles of State Policy for the protection and promotion of children's rights and to provide the children opportunities and facilities to develop in a healthy manner. Also in conditions of freedom and dignity that childhood and youth are protected against exploitation and against moral and material abandonment. In several cases authorities have taken strong action against those who have perpetrated abuses on children in the region.

Other institutions, such as the Judiciary, National Human Rights Commissions have also taken important initiatives to promote and protect children's rights. Throughout South Asia, many individuals and Non-Governmental Organisations are working to protect the full range of children's rights. They play a crucial role in highlighting abuses, seeking redress and carrying out practical programmes for children's civil, political, economic, social and cultural advancement. They are active in the field of education, law, health or housing, campaigning against Child marriage and dowry deaths or for clear water and immunization. They are the defenders of children and their human
rights. Just as human rights are indivisible and interdependent, so is the work of all parts of the human rights movement.

Despite the efforts made by governmental institutions and NGOs in the countries of the SAARC region, protecting children from various forms of exploitation is a challenging task. Apart from institutional shortcomings, there is a problem of financial resources and also political will to implement laws in an effective manner. The CRC being aware of these difficulties lay stress on international cooperation and technical assistance to help and ensure respect for the rights of the child and to end abuses and promote development. Special care being taken to the needs of these developing South Asian countries, many articles and writings underline this need and the committee on the Rights of the Child is empowered to help mobilise international resources to this end. The CRC provides a basis on which the South Asian governments can seek international cooperation and assistance.

In the light of the above critical observation about the state of human rights of children in the International and South Asian framework the study proceeds to examine some of the critical human rights issues of children that lead to gross violation of their human rights in the SAARC countries.

**Child Labour**

"Child labour includes children prematurely leading adult lives, working long hours for low wages, under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunity that could open up for them a better future". 
Child labour is today recognised as a major social and economic evil that threatens the present and future of millions of children worldwide. This global, widespread phenomenon is basically a blatant human rights violation and no region in the world is entirely free from this critical human rights abuse. But South Asia has the dubious distinction of harbouring the largest number of the world’s working children. The SAARC countries like India, Pakistan and Bangladesh have the world’s largest number of child labourers. Of the entire global labour force will be below the age of fifteen years. According to International Labour Organization in developing Asian countries seventy to eighty percent of the children are either working or simply wasting their life away.  

While the issue of child labour is gaining more and more attention, the phenomenon has a fairly long history. In India, Kautilya’s Arthasastra mentions the employment of children as domestic slaves, as far back as in the third century B.C. Hence child labour is not a new phenomenon to our age. What is new, however, is its perception as a social problem the world over. There has been a distinct change in recent past in the values and attitudes of the legitimising group of society Vis-a-vis child labour because of some new developments. In the pre-industrial agricultural SAARC societies children worked as helpers and learners in hereditary family occupations under the supervision of adult family members. The workplace was an extension of the home and work was characterized by personal informal relationship. The tasks and technology that work involved were simple and non-hazardous which the child could learn smoothly, almost unconsciously over the years through association and limitation. The children in the neighbouring homes also
joined and worked in such places and their parents found it as a good avenue to supplement the family income. The fact that in the initial stages children were doing work willingly, but were doing it in later stages under compulsion from parents and elders.

If we strictly look into the problem of child labour, then it can be argued that it is not the family that should carry the blame entirely. The fact that child has to work, since the course of action open to the family are few in number. It is the society as a whole that is at fault. It is not only children who are harmed due to their involvement in various kinds of work at the tender age which deprive them of educational opportunities. It also minimises their chances for vocational training, stunts their physical growth, hampers their intellectual development and finally society also has to suffer a great loss.22

The social scenario however changed radically with the advent of industrialization and urbanization. There was an unbroken stream of the rural poor migrating to urban centres in search of livelihood. The child was forced to work in an environment, which endangered his/her physical health and mental growth and led to his/her exploitation. The protection and welfare of these children therefore become an issue of paramount social significance.

Child labour of late evoked deep concern. Child labour as one of the most serious violation of children’s rights in the world today has been clearly stipulated in the ILO, Conventions concerning the child labour, the CRC and UDHR. Ever since its creation in 1919, the ILO has devoted a major part of its efforts to the elimination of child labour. The preamble to its constitution commits the organization to the protection of child as one of the essential
elements in the pursuit of social justice and universal peace. In recent years the ILO's fight against child labour has gained considerable momentum.²³

Although SAARC Member States have ratified the convention on the Rights of the Child, the reality is that South Asia represents the largest concentration of children working all over SAARC region. Children can be seen working in almost in a state of bonded labour in brick kiln farms, glass factories, carpet manufacturing workshops and brothels. More than six million children born die within a year of the birth because of lack of medical care and due to malnutrition. They often work in a dangerous and unhealthy environment and are deprived of rights promised to them in the CRC such as health, education, recreation and even childhood itself. They find themselves trapped in a cycle of poverty, illiteracy and prone to crime.²⁴

The problem of child labour in India is of immense magnitude. The number of children involved in labour is so wide. It is simply unbelievable. Democracy and its three pillars, liberty, equality and fraternity - enshrined in the constitution of India are relatively meaningless in view of the fact that 120 to 140 million children in India are engaged in labour. Of these 55 million children between the age of six and fourteen are languishing in servitude. The magnitude of child labour force may be considered as an indicator of economic development, political maturity and social order of a region or country. A larger child work force thus indicates symptom of an under-developed economy and unjust social order. The extent of child labour is not accurately documented as yet. Several estimates have been made about the magnitude of child labour in India.
Table No. 4.1

<table>
<thead>
<tr>
<th>Estimate</th>
<th>Source/Reference</th>
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<tbody>
<tr>
<td>16.25 Million</td>
<td>The National Samples Survey, 1977-78</td>
</tr>
<tr>
<td>13.6 Million</td>
<td>The 1981 Census</td>
</tr>
<tr>
<td>17.36 Million</td>
<td>The Planning Commission, 1983</td>
</tr>
<tr>
<td>44 Million</td>
<td>The Operations Research Group, Baroda, 1983.</td>
</tr>
<tr>
<td>111 Million</td>
<td>The Balai Auto Bank, Manila, If nearly half of India's over 800 million population lives in poverty, the number of working children in India is likely to be over 100 million.</td>
</tr>
<tr>
<td>20 Million</td>
<td>Labour Minister, August, 1994, When he announced a plan to &quot;liberate&quot; 2 million working children</td>
</tr>
</tbody>
</table>


Official estimates (1981 census) put the total number of child labourers at 13.6 million; while non-governmental figure (Balai, Data Bank of India) put it at 44 million to 111 million. The government statistics on child labour is never exhaustive, since full information never flows to governmental channels particularly in the case of informal sector. The Asian Labour Monitor reveals that every third household in India has a working child. Projections of child workers till the year 2000 A.D. are given in Table 4.2 Whatever may be to exact numbers, there is no doubt that problem is grave and number of children affected is staggering.25

Table No.4.2

<table>
<thead>
<tr>
<th>Year</th>
<th>Projection of Child labourers 5-14 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>13.64</td>
</tr>
<tr>
<td>1983</td>
<td>17.36</td>
</tr>
<tr>
<td>1985</td>
<td>17.58</td>
</tr>
<tr>
<td>1990</td>
<td>18.18</td>
</tr>
<tr>
<td>2000</td>
<td>20.25</td>
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</table>
The following table shows estimates of the number of children working in various industries, based on several studies.

As shown in Table below Child labour is utilized in a very big way not in

<table>
<thead>
<tr>
<th>Sector</th>
<th>Area</th>
<th>Child labour- Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Match and fire Work</td>
<td>Sivakasi (TN)</td>
<td>50,000 to 80,000</td>
</tr>
<tr>
<td>Stone quarries</td>
<td>Kerala</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Markapur (AP)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mandsaur (MP)</td>
<td>20,000</td>
</tr>
<tr>
<td>Mines</td>
<td>Meghalaya</td>
<td>28,000</td>
</tr>
<tr>
<td>Fishing</td>
<td>Kerala</td>
<td>20,000</td>
</tr>
<tr>
<td>Handloom</td>
<td>Trivandrum</td>
<td>10,000</td>
</tr>
<tr>
<td>Hosiery</td>
<td>Tirupur (TN)</td>
<td>4,000</td>
</tr>
<tr>
<td>Lock industry</td>
<td>Aligarh</td>
<td>7,000 to 10,000</td>
</tr>
<tr>
<td>Carpet weaving</td>
<td>Jammu &amp; Kashmir (UP)</td>
<td>1,00,000 to 1,50,000</td>
</tr>
<tr>
<td>Glass</td>
<td>Firozpur (UP)</td>
<td>50,000</td>
</tr>
<tr>
<td>Pottery</td>
<td>Khurja</td>
<td>5,000</td>
</tr>
<tr>
<td>Gem polishing</td>
<td>Jaipur</td>
<td>13,000</td>
</tr>
</tbody>
</table>

Source: Dingwanyo et al, Children Of Darkness- A manual on Child Labour in India, New Delhi, Rural Labour Cell, GOI,1998
the government but in various private enterprises. There are parts of Indian economy where children do not work at all, like steel mills, textile mills, and big industrial plants. The Factory Acts ban employment of children in large factories. Paradoxically, in these industries both working conditions and wages are better and higher. Children however are legally permitted to work in cottage industries, household and service sectors where wages are low, hours are long and working conditions not regulated at all.26 Specific sectors and areas where employment of children is very high include the match industry in Sivakasi, glass industry in Moradabad, carpet industry in Mirzapur, Jammu and Kashmir, lock-making industry in Aligarh and slate-making industry in Mandasaur. Thus the Dickensian world of child labour is spread all over India and not limited to one region.

Most of these children work for long hours for a small pittance in extremely miserable, exploitative and unsanitary conditions.27 The unfortunate part of our life is that we cannot boast of any product in India that has no child labour behind it. When we light a lamp, smoke a bidi, sitting on carpet, bursting of firecrackers, purchase bangles all these products have child labour behind it. The house we stay is constructed with bricks, which have the sweating tears of children. Some of them are bonded labourers. Some children are employed in tea stalls, restaurants or as household workers in middle class houses. Some become prostitutes or live in the streets, begging or picking rags and bottles from trash for resale. Large numbers work in cottage industries. Such work undoubtedly improves their family income, but it deprives them of their basic human rights. The social evils involved in the employment of children are wide spread illiteracy resulting in lack of development of child’s
personality which may continue even in his adult life. Hence child labour has many repercussions on child's well being and personality development. The child is certainly a victim of abuse by the society and exploited by the people for their selfish ends.28

According to the report prepared by the Indian social institute on child labour 80 percent of all child labourers belong to the scheduled castes and tribes that have been exploited and marginalised in India for centuries. A major consequence of this "is the deprival of the possibility of education and the consequent upward modality". Thus child labour has become a mode of perpetuating an unjust social system and of ensuring the continued availability of subservient, unskilled, illiterate labour, which do not have the bargaining power to question the system that marginalizes them and deprives them of their right to be human.

India has tremendous armoury of legislations, regulations and statutes, which call for the protection of the rights of children. The Indian Constitution provides an impressive set of rights for children. Article 24 of the constitution prohibits employment of children below the age of fourteen years in any factory, mines or hazardous activity. The Directive principles of state policy embedded in the constitution of India seek compulsory primary education for children. This is one of their basic rights and a goal still far from realisation. India is also a party to International Conventions regarding children's rights. India has also ratified CRC which states in Article 32 "State parties recognised rights of the child to be protected from economic exploitation and performing any work, i.e., 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 racial development".
In ratifying this convention, India has assumed yet another obligation to bring national laws and practices into conformity with international standards.

The Government of India has enacted number of major legislative enactments to provide legal protection. The children (pledging of Labour) Act, 1933, The Employment of Children Act, 1938 were introduced. The first step after independence in this regard was the amendments of the factories Act in 1948, raised the minimum age for entering into employment in factories, to 14 years. The Indian Factory Act, The Plantation Labour Act, 1951, The Mines Act, 1952, The Merchant Shipping Act, 1958, The Apprentices Act, 1961, The Atomic energy Act, 1962, The Beedi and Cigar Worker (conditions of employment) Act, 1966 are all enacted with a view to providing legal protection to children in various occupation have hardly provide any protection to children by limiting their working hours, wages, safety in hazardous occupation. On the contrary as a cheap source of labour, their exploitation continues unabated. Even the latest Child Labour (Regulation and Prohibition) Act of 1986 adds nothing substantial to the previous acts.30 However the role of judiciary in India has been quite significant in promoting child labour welfare. The judiciary has always given lead to save the child working from exploitation and improve their working condition. Judicial mandate clearly demonstrates that right to education is necessary for the proper flowering of children, their mind and personality.29

Despite of all these laws, constitutional provisions, judicial protection, child exploitation in India still goes unchecked and the law makers have to bow down to the harsh reality of a national situation that the number of minor workers have been increasing enormously by the turn of the last century. In the
long list of dubious distinctions India is famous for child labour and comes on the top. Though the wholesale and unchecked exploitation of children of less than fourteen years is a punishable crime under the law it continued to deprive children of their human rights. The child is certainly a victim of the societal abuse engendered by a selfish and immoral political leadership, corrupt bureaucracy, rampant poverty, growing unemployment, inequality ignorance and a society bereft of values have all conspired to turn India into the largest concentration of child labour in the world. As mentioned earlier, in India every fourth child in the age group of 5-15 is employed. Child labour cannot be eradicated in a day or two. The problem of child labour in India is an alarming one and constitutes an egregious violation of children's human rights. Strong political and societal will is needed for combating and eliminating this scourge in a phased manner. For achieving this goal governmental efforts have to be supplemented by a wide range of initiatives from the NGOs and a strong people's movement has to be built up against this outrageous system.

Hazardous child labour is also prevalent in Bangladesh, Nepal, Pakistan and Sri Lanka. Child labour is a common phenomenon in Bangladesh. Even though child labour has been legally prohibited in the country the number of children working for a living has been increased dramatically due to economic hardship, in part caused by a rapid population growth. In 1986 the number of child labourers in the age group five to fourteen years was 2.7 million and 10 percent of the country’s total labour force. This number has increased appreciably and is estimated to be more than 4 million. According to the 1990 Labour force survey by the Bureau of Statistics, the country has 5-7 million working children of ten to fourteen years of age. UN estimates are that about
one-third of Bangladesh's population under the age of 18 is engaged in some type of formal or informal employment. A 1995 study in Bangladesh, revealed that children were active in more than three hundred different kinds of jobs outside which ranged from household work to brick making, from stone-breaking to selling in shops and on streets, from bike-repairing to garbage, collecting and rag picking. Children are commonly seen driving rickshaws, breaking bricks at construction sites, carrying goods for shoppers at markets and working at tea-stalls. They are found as peelers, packers, and beachcombers in shrimp industries and work side-by-side with other family members in small scale and subsistence agriculture. They also routinely perform domestic work. What is more, this assessment took into account only jobs done in cities. Most children work on farms and plantation or houses, far from the reach of labour inspectors and from media scrutiny. Cases of children being physically abused and occasionally killed by the head of the household where they work are reported in the press. Under the law every child must attend school through the fifth grade. However, the government continues to maintain their inability due to lack of resources to implement the laws effectively.

The constitution of Bangladesh prohibits forced or compulsory labour. The Factories Act and the Shops Establishment Act, both passed in 1968, set up inspection mechanisms to enforce laws against forced labour. These are not rigorously enforced partly because resources for enforcement are few. While Bangladesh does not experience large-scale bonded labour, there is forced labour to the extent that workers are often required to work longer than stipulated by the law, for no special compensation. The Factories Act of 1965
bars children under age fourteen from working in factories. It also stipulated that young workers are allowed to work only maximum five-hour day and only between the hours 7 am to 7 pm. In reality, enforcement of these rules is inadequate. The Government of Bangladesh has ratified CRC and both government and NGO’s are concerned about children’s rights. Due to the efforts of a number of NGO’s an apex body called Shishu Adhikar Forum has been established to promote and protect the rights of the child. However, child labour and many other worst form of child abuse that violates children’s human rights continue to be widespread in Bangladesh.

The situation is not different in Nepal. Like other SAARC countries the plight of children in Nepal is a serious problem. Children in Nepal have been identified as the future pillars of the society. Yet the pace of activity that makes them so is hardly evident to the degree that is necessary. Ever since Nepal ratified CRC, it has announced several policies and legal measures for the protection and promotion of the rights of the child and their development. The Children Act and Law concerning Prohibitions of Child labour and ratification of several ILO Convention concerning child labour are some of the important decisions taken by the government for the protection of children’s human rights.

Despite formulation of policies, programmes and legal frameworks concerning the rights of the children, many Nepalese Children are still deprived of their basic rights and opportunities required for their physical as well as mental development. A large number of children are still not able to go to school for various reasons. Most of the children can be seen engaged in different types of hazardous labour like carpet weaving which is notorious for its
exploitation. In rural areas children help with domestic chores, children of both sexes help with farm work, looking after animals, and perform all tasks which are often physically taxing in the extreme. They also work in the informal sector of the rural economy including traditional crafts and small trades essential to village life.\textsuperscript{35}

So, many institutions have sprung up to look into the problem of child labour, however the numbers of children helped are very few. The Child Labour Prohibition and Control Bill was passed recently. The objective of the bill is to prohibit use of child labour in hazardous working conditions like that in factories and mines. Use of Child labour in carpet factories and other industries had drawn international and national criticism forcing these industries to change their work force. A law governing and defining child labour had much awaited since many child rights activists demanded protection for children being used as cheap labour force depriving them of their right to education.\textsuperscript{36} Much still need to be done in Nepal to tackle this worst evil for the full realisation of human rights of children.

Nobody exactly knows the extent and magnitude of child labour in Pakistan. There is little official documentation on child labour as children are excluded from labour force statistics. If the condition of labourers in Pakistan is deeply analysed it is observed that they are facing a lot of trouble in almost every field but labour taken by force from children is of immense magnitude. It is not possible to give a full picture of child labour nationally and only be done by estimation. It should not therefore be surprising that estimates regarding the number and incidence of child labour in Pakistan differ widely, and is a controversial and a touchy subject in some quarters. The situation is further
aggravated by the fact that most children work in tasks associated with agriculture in rural areas and in the informal service sector in urban areas where the instruments of statistical measure are almost non-existent.\textsuperscript{37}

Pakistan's total population was estimated around 140 million in 1996. Out of this 68.5 million are under 18; while 23 million are under 5. On the basis of this estimate 46.8 million children are in the age of 5 to 18 years. A child between the age of 5 and 18 years could either in school, working in a work place or at home; or physically disabled and thus unable to go to school or work. If one estimates the number of children going to school and those who are disabled then one comes to the conclusion that majority of the children in Pakistan are working. Primary school enrolment ratio (gross) was calculated to be 44 percent for the period 1990-95.

Widespread societal acceptance of child labour has obscured the fact that most of its exploitative and that many of its forms place the child's health and development in jeopardy. Child labour survives in Pakistan's innumerable occupations and patterns.\textsuperscript{38} According to varied reports the figure was nearly 10 million, which included besides brick-kiln workers and carpet weavers, all those working in small workshops, restaurants and domestic servants. Nearly 40 percent of them were in the age group of 10 to 14 years. But in the brick kilns, the under-14 constitutes a clear majority. About 50 percent of all soccer balls sold in United States are made by the Child labourers, who make about 25% of the work forces. Most of the children need to work hard in carpet industries and brick-furnaces. Pakistani manufactured carpets are exported to European countries, the makers of which are 5000 minors, half of who pass away before attaining the age of 12. These children are also severely tortured, tied in chain
by their employers. There are no proper medical facilities provided to mine workers. Children continued to work in a highly exploitative environment.

Pakistan being a feudal country still has a large number of bonded labours although this was outlawed under the Bonded Labour (Abolition) Act 1992. Debt is the common mechanism for enforcing such pattern of behaviour. Evidence abounded that the Bonded Labour (Abolition) Act of 1992 and the Employment Children Act of 1991, which regularised the hours and conditions of work of children, remained largely unenforced. Vigilance committees were set up in some of the districts to ensure that bonded labour no longer existed. But it transpired that many of the persons named to these committees were influential people and some of them are brick-owners. It was a case of setting a thief to catch a thief. In the end none was caught. Hence the saga of oppression continues.39

Want of proper legislation relating to elimination and regulation of child labour and making education compulsory, coupled with ineffective enforcement of laws, hardly help in controlling the issue of child labour in Pakistan. Ironically, Pakistan's constitution prohibits child labour in three sectors of employment. Under constitutions Article II all forms of forced labour and traffic in human beings are prohibited, and children below the age of 14 years are prohibited from working in any factory or mines or be engaged in any other hazardous employment. In addition, the constitution makes it a principle policy of the state of Pakistan to protect the child, to remove illiteracy and provide free and compulsory education within the minimum possible period, and make provisions for security, just and humane condition of work and ensuring that children and women are not employed in vocations unsuited to their age or sex.
However, the state of affairs with respect to child labour is gloomy in Pakistan. Laws that exist to combat these problems lack direction and uniformity and also outdated. No government agency or even an NGO appears to take an interest in these laws. In any case whatever laws exist on the statute book are not even properly implemented. Child Labour is a great problem in Pakistan that is yet to be solved properly as the government measures have failed to stop it completely.

Forced or compulsory labour is prohibited by law in Sri Lanka, but reports show that rural children are sometimes employed in debt bondages as domestic servants in urban households. Though the government is committed to protect the welfare and rights of children, but finds itself constrained by lack of resources, and the significant problems of ethnic conflicts.

Children in Sri Lanka are the worst victims of armed conflict. The LTTE conscripts, high-school age children to work as cooks, messengers, clerks, and in some cases pressed children into building fortifications. They even recruit children below the age of thirteen for its fighting forces. According to Sri Lanka's Directorate of Military Intelligence, an estimated 60 percent of LTTE fighters are below the age of eighteen. Another assessment of LTTE fighters who had been killed in combat revealed that 40 percent both male and female were aged between nine to nineteen years.

There have been reports that rural children working as domestic servants in urban households have been abused by their employers and suffer both physically and mentally. Some of these children were made to work for twenty hours a day and have reportedly been starved, beaten, subjected to inhuman punishments like burning their skin, locking them in a room chained and
subjected to several other forms of inhuman degradations. This is scarcely surprising considering that 34 percent of the people live below the poverty line and that any supplementary income from working children becomes unavoidable for their families to help make ends meet. The monetary requirement of these families is in turn, exploited by employers who hire children often paying a fraction of what they do to their adult counterpart.42

In 1992 the government raised the minimum age for employment to 15 years from 14, though the law permits employment of children below the age of 15 by their parents or guardians in agricultural work. The government also prohibited children under the 14 years working in plantation industries, in 1991 after it ratified ILO. Children in Sri Lanka are not employed in Export Processing Zones (EPZ’s) and garment or any other export industry. About 85 per cent of the children below the age of 16 attend the schools. The law provides that the employment of such persons is permitted for not more than one hour on any day before school.

Despite all these efforts and legislations child labour still exists in Sri Lanka. Children still work as domestic servants, in informal sectors, including the manufacture of coconut fibre products, fishing wrapping tobacco, street trading etc.43 The government and NGOs are committed to work against this human rights abuse and to protect and promote the human rights of children in Sri Lanka. Amidst the significant problem of ethnic conflict and other national issues, creating both consciousness of the place of children in society and a clear desire for change and improvement is a difficult task for the Sri Lankan government.
Conditions of Work and Impact on Children

The inhuman, Dickensian conditions under which children toil in the SAARC region is unbelievable. Several studies confirm that children not only work in occupations acknowledged as hazardous, where their employment is legally prohibited but despite legislation restricting the number of hours a child is allowed to work in occupations where child labour is not expressly banned - children put in as many work hours as adults. The condition of the child labourer is not better than that of a slave. They work so hard under unfavourable conditions to weave carpets in dimly ventilated rooms with their back hunched. Their bones get affected because of lack of sunlight, sitting with a bad posture for long hours in a cramped place. As the rooms are not ventilated and congested they breathe particles of wool, dust, which is harmful for the lungs that lead to respiratory disorders. Such young workers are more exposed to accidents because the tools they handle are not fashioned according to children's needs.44

All the while, children are exposed to a serious health hazard - methane, carbon dioxide and carbon monoxide emanating from a mixture of burning coal and limestones. They are forced to work in stone quarries and mining under absolutely hazardous and inhuman conditions. Equally miserable is the condition of children working with potassium cyanide, a deadly chemical, into a solution of which they dip their hands for the better part of ten hours a day in the lock industry for example. Neither employers nor the government agencies seem to be ready or willing to improve the situation. Despite welfare measures by the government, the plight of children has become extremely pathetic in
these countries. The laws remain futile and impotent in an infrastructure that is exploitative, corrupt and filled with poverty and overpopulation.45

Apart from the general dangers inherent in child labour, each activity in which child workers are engaged poses its own, peculiar health hazards as enumerated in the following table, which threaten the physical growth and well-being of the children concerned. In addition, their mental development and emotional well-being gets impaired due to the deprivation of education and recreation that child labourer invariably entails. Furthermore many child workers have little opportunity for normal interaction with families because of the long hours of work and the fact that quite a few are migrants living away from home. This is certainly detrimental to their overall welfare.

Above all, there is the problem of abuse and exploitation, to which children are particularly vulnerable on account of their size and age. Virtually all the reports mention the physical, psychological and/or sexual abuse to which many child workers are subjected to by their employers and/or adult co-workers.46
As far as work conditions go, child labourers suffer multiple forms of child abuse and neglect hampering their physical, mental and emotional growth and development. Protecting children from this grave human rights abuse is really a matter of concern and requires attention from the countries in the SAARC region.

**Causative Factors Giving Rise to Child Labour**

**Socio-Economic Perspective**

No single cause can be isolated for the prevalence of child labour in the SAARC countries. It is inherited in the socio-economic structure of the society, in the cycle of poverty, unemployment, under-employment, low wages etc.

**Poverty:** Much exploitation appears to be a consequence of the pervasive poverty in the SAARC countries. Likewise economic needs push children to undertake exploitative working even in developed countries. Although economic deprivation possibly is the most visible aspect of poverty, several social, cultural, political and even geographical factors contribute to poverty.

**Gender Discrimination:** In many SAARC societies preference for boys coupled with a chauvinistic attitude towards the development of women, often places girls at disadvantaged position. The discrimination, exploitation or oppression to which the female gender is routinely subjected ensures that large number of girls and women remain continuously denied access to resources, opportunities and rights. This obviously hampers their development and hinders their ability to participate fully and equally in society. It is an important factor into perpetuation of child labour.47
**Education:** Illiteracy and lack of education are often cited as factors that contribute to the prevalence of child labour. The reality is that child labour and educational deprivation are mutually reinforcing. Child labour prevents children from pursuing their studies. Weaknesses in the educational system lead to children dropping out of it and prematurely joining the labour force. As a result of which they are denied further opportunities for education and skill development of skills.

**Criminality:** Although child labour has been with us from time immemorial, criminal syndicate and individuals are manipulating children to sell drugs, to steal and to commit other offences is probably an apt example of this situation. Even though SAARC countries have laws to protect children, there is a huge gap between norms and existing practices. Many SAARC countries suffer from poor law enforcement. The exploitation of child labour is often the product of such deficiencies and is also related to vested interests.

Child labour is also an offshoot of emotional deprivation, ignorance, poor standard of living and levels of family and community life and cultural attitudes. The history of child labour shows that millions of families in the region are struggling for survival. The participation of all family members in supplement of the income of the family. Moreover rigid social structures, illiteracy and deprivation breed a culture, which beget more poverty and exploitation. Condition of Bondage, lack of family support may also be some of the contributing factors for child labour.48

Child labour therefore is the result of socio-economic and cultural factors, including the abominable caste system, ethnic and gender discrimination and many other factors, which are responsible for the
perpetuation of the scourge of child labour and exercise a significant negative influence.

From the above analysis it can be argued that the problem of child labour is of immense magnitude in developing SAARC countries. The issue before them today is to find the ways and means to eradicate the multiple forms of child abuse suffered by the child workers. In the face of domestic and international pressure, governments throughout South Asia have condemned such practices and taken legislative steps against them. As the problem of bonded and exploitative child labour in South Asia has received widespread attention over many years from governments, donor agencies, NGO's, the media and industries groups, many efforts and initiatives were taken in the SAARC countries. As mentioned earlier, the constitution embodied many provisions thereby the normative superiority of welfare condition over the economic one and has endeavoured to weed out the antagonism between child labour and child development. Many laws, industries as well as social legislation has been introduced in the SAARC countries against child labour. In many instances judicial action and other social and economic programmes have complemented these laws. NGOs and industry groups have also developed initiatives to improve the conditions and facilities for child workers. Supported by International financial assistance, children's working hours will be reduced and complemented with training to help them come out of the poverty trap. At the same time credit schemes and training for their parents are provided to help them to find work so they can send the children to school. Various NGOs are now active to control the quantum of child labour and reduce its harmful reactions and repercussion. Some governments have also set up National
Human Rights Commission to look into not only the human rights in general but also children's right in particular. SAARC has adopted the year 2000 as a deadline to end child labour in hazardous and bonded conditions and year 2010 for the eradication of all child labour.49

With all these commitments, concern and publicity, which the issue has received, the steps taken specifically to outlaw such practices bonded, exploitative child labour continued not just under the noses of state officials, but often with their collusion and acquiescence. Child labour in the different period has a chequered history and presents a vivid account of child's sad plight.

In tackling the issue of child labour, consideration of the immediate and direct consequences for children and their families could not be underestimated. The removal of children from the work force may have devastating results for some children when not accompanied with nuanced adjustment programmes for their rehabilitation and education, and direct assistance. Children discharged from work found themselves on the streets, in prostitution, crime or working in even worse conditions.

Child labour includes a range of situations from the clearly hazardous and exploitation, as in the case of fourteen year children tied to rug looms to prevent them from running away, to the benign or positive, seventeen year olds helping out on the family farm or working after school to earn some money. In many cases as in the latter example children's work was helpful to them and their family and contributed positively to their development into responsible adults. Those depended largely on the age of the child, the condition in which the child worked and whether work prevented the child from going to school.50
It is been argued that prohibiting child labour completely would increase the economic deprivation of extremely poor families who often depend on the children's income for their basic needs. It is also argued that removing children from industries will only force them on to the streets or into more dangerous and exploitative form of work.

There is no easy answer to this. The important thing is to look at the rights of the child in a holistic way and in terms of the best interest of the child as envisaged in the CRC. Child labour can often involve a violation of more than Article 32 of the CRC, which deals with the economic exploitation. It usually involves denial of other rights such as education, health and physical integrity. By denying children these aspects of their development child labour is often a critical link in the cycle of deprivation and disadvantage that fuels other abuses.51

The problem of child labour as a grave human rights abuse has been prevalent in all periods of time though in varied nature. Undoubtedly the problem has to be tackled at various levels. Any attempt to eliminate this disorder and injustice only by the magic wand of a legal ban is unworkable. Any amount of creation of law cannot eradicate the problem of child labour without human will to implement it. However protection of children from child labour and exploitation depends to a large extent on adequate and effective laws and policies together with their implementation at the national and local levels. All the SAARC countries already have laws to protect children, which can be implemented in a more committed manner.52

Poverty and child labour forms a vicious circle. The families of child workers are among the most economically, socially, culturally and politically
deprived in the country. The typically have little or no access to economic resources and essential social services. Child labour is in fact, an important indicator of deprivation and should be taken into account while planning health and educational services as well as poverty alleviations programmes for the most disadvantaged and marginalised sections of the population. Because these families have been targeted for exploitation and oppression for generations, they must now be targeted for redress. No country has successfully ended child labour without first making primary education compulsory. Primary education would undoubtedly help in reducing child labour in the SAARC region.53

In relation to child labour SAARC governments have began to show good commitment by ratifying CRC and undertaking a lot of above discussed positive measures to protect children from this abuse. But lot remains to be done. Cognizant of the dangers of banning child labour without providing children with alternatives to labour, the CRC obligates state parties to ensure that children removed from the worst forms of child labour be given direct assistance to ensure their rehabilitation and social reintegration. Most importantly, the convention mandated that children removed from labour should be ensured access to free basic education and wherever possible appropriate training. The strong political and societal will with economic upliftment, restoration of social justice, re-orientation of societal perspective and switching value system over to the needs of the poor, will be needed for combating and eliminating this scourge in a phased manner. For achieving this goal government efforts in the SAARC countries have to be supplemented by a wide range of initiatives from the NGO's and a strong people's movement has to be built up against this outrageous system.
Sexual Exploitation: Child Trafficking, Child Prostitution. It is hard to imagine a more difficult and shocking obstacle to the realisation of human rights than the commercial sexual exploitation of children. The phenomenon of trafficking and sale of children is universal. The tragic circumstances leading to the abuse and exploitation of children cut across the barriers between the developing and developed world. The issue confronts most societies, although the typology and degree vary from country to country. Children are not only sold or exploited at the national level, but they are also trafficked across frontiers, far and wide.54

Every day, a miserable cargo of young girls and women is being trafficked across well-beaten paths within South Asia and further afield. Just two routes, from Nepal to India and from Bangladesh to Pakistan, involve an estimated 9,000 girls a year. Organized groups kidnap children, often very young, and sell them into prostitution, domestic servitude, bonded labour or marriage. Smugglers take advantage of the economic vulnerability of girls and young women from disadvantaged and marginalised groups, luring them with the promise of jobs or acquiring them from their impoverished families. It has become increasingly obvious that many children used for labour and sexual exploitation are lured from particular racial or social group, rather than the well endowed groups in power.55 They are exploited in prostitution up to a stage and when they are fully exploited. Then they are thrown-out into the streets. For such girls there is no alternative life than begging, in the streets for their survival.56 Although we take for granted that families are the first nurtures, educators and protectors of children and their rights in many cases it is found that the family creates such a situation, taking the child to the world of sexual
abuse. Thus family as the first line of defence against such ailments breaks down in our modern society.

According to studies and research reports there is a strong correlation between family abuses of children especially girls and the drive to enter sex trade. Evidence show that there is a direct commercial sexual exploitation of children due to the family situations, poverty, despair and newly dislocating values promote such incidents of sexual exploitation among the children. In fact, most often parents sell their children into the sex trade unwittingly as many of them remain ignorant of the nature of job and fate of their working children. Even though poverty is often said to be the cause of sale of child into sexual trade, sometimes child is forced into the trade by parents who have themselves been sexually or otherwise abused and the child is also pushed into the occupation.57

The commercial sexual exploitation of children assumes many forms and has many faces. Chains of organised criminal networks and gangs that thrive on this trade enslave children. And to lesser or greater degrees so many others are involved in luring, coercing, abducting, kidnapping, and selling. State authorities, like border officials and police are often a key link in the process. A significant number of trafficked children end up being detained by the authorities on grounds such as prostitution. Many remain in detention for indeterminate periods, as they have no money for seeking bail or for the return journey.

Numerous studies58 have also revealed high levels of abuse of children involved in prostitution and are on the rise in many South Asian countries. Today about 15 percent of India’s nearly two million prostitutes are believed to
be children. 30 percent of all prostitutes were in the six major cities of India, namely Calcutta, Bombay, Delhi, Madras, Bangalore and Hyderabad and they are under the age of twenty. 30 percent of them entered prostitution before the age of eighteen. It was estimated that 86 percent of all prostitutes in these cities come from Andhra Pradesh, Karnataka, Tamil Nadu, West Bengal and Uttar Pradesh. The over-whelming role of trafficking for which India is said to be the major destination in the entire South Asia into the brothel areas of these cities proved by the demographic breakdown of the prostitute population combined with the testimony of social workers. The study has shown that only 4.9 percent of the prostitutes in Calcutta were born within the city and no less than seventy districts in the country supply prostitutes to Delhi.

The survey also revealed that two thirds of the original families of the prostitutes population lived below poverty line and 60 percent belonged to the scheduled castes and scheduled tribes and backward classes. Further, majority of them are illiterates and without husbands. The survey thus clearly indicated that a single status accompanied primarily by destitution, ignorance and illiteracy is a dominating characteristic of prostitution.

For dealing with the problem of immoral trafficking, the Government of India enacted the Suppression of Immoral Trafficking in Women and Girls Act, 1956 (SITA) The Act was amended in 1986 and retitled as the Immoral Traffic (Prevention) Act 1986 (ITPA). The amended Act continued to prohibit prostitution in its commercialised form without making prostitution per se an offence. The Act prescribes stringent action against those inducting children below the age of sixteen years and minors (16 to 18 years) in the offence of procuring a person for the sake of prostitution. If the offence has been
committed against a child, the punishment is rigorous imprisonment for a term of not less than seven years, which may extend to lifetime.

Apart from this, Trafficking in human beings and abuses associated with it are explicitly prohibited under many of India's domestic laws, including the Indian constitution, specific anti-trafficking acts, the Indian Penal Code, and state and local ordinances. The problem, therefore, lies not in absence of legal sanctions but lack of consistent enforcement, which is far from being satisfactory. Cases of Clandestine interstate and trans-border trafficking in women are seldom thoroughly investigated. Aside from Nepal, a number of hapless young girls from Bangladesh are lured into the brothels of India and Pakistan. Hence, due to lack of enforcement the basic structure of this cruel and exploitative system remain intact and continues to flourish.60

Human rights monitors in Bangladesh continue to report that many children have been kidnapped, lured and sold into prostitution. According to one human rights group there are about 29,000 child prostitutes. Bangladeshi girls and women constitute about 11 percent of the total prostitutes in Calcutta. Difficult economic conditions force children into this worst form of child abuse. The law does not allow any one under the age of eighteen to engage in prostitution and stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution. However, procures of minors are rarely prosecuted. The government has expressed concern about the problem and has been working with United Nations agencies and NGO's to seek ways to combat it.

Hidden in the slums of Karachi, Pakistan has a flourishing trade in young women and girls from Bangladesh.61 The forced trafficking of
Bangladeshi women and girls in Pakistan for the purposes of domestic or sexual slavery has been going on for at least ten to fifteen years. A 1991 study by the National Council for Social Welfare in Pakistan estimated that one hundred to one fifty Bangladeshi women and girls are brought into Pakistan each year and many are sold against their will into prostitution. The average age of a trafficking victim is fifteen. The majority have been lured from Bangladesh to Pakistan with promises of jobs, decent pay and better life. Others were abducted from outside their homes and then sometimes drugged and often end up in brothels.

In recent years, the number of Bangladeshi girls and women trafficked into Pakistan has increased. The problem has drawn additional public attention and the practice of selling females has become more clandestine.

Female prostitution is an old tradition in Pakistan, which as prevailed for centuries. Child prostitution involving boys and girls is widely known to exist but is rarely discussed. The government does little to deter it. In Lahore, there are reported to be 2,900 full time prostitutes in over 1200 brothels. It is estimated that 20 percent of the prostitutes are minors. A lot of young girls are kidnapped and forced into the profession as well. Male prostitution thrives in many areas of Pakistan as well. Despite the fact that homosexuality is condemned in Pakistani society and by Islam, poverty and a history of sexual abuse has forced many youngsters into the profession. Studies suggest that the prime age of male prostitutes are fifteen to twenty five years, but they can also be as young as thirteen years or as old as thirty-five years. These boys live in a secret world of their own and cannot come out due to social stigma.
A UNICEF survey revealed that there were 40,000 Bengali children in the Karachi city alone put into sex trade and they were often auctioned like a commodity where the girls are helpless and speechless. Once trapped the innocent children at such a tender age could not break away from the trade. Many children between the age group of five to nine years were recorded as having been assaulted and left unconscious and bleeding. Many were found quietly buried after they had died of excessive abuses.68

There are no laws in Pakistan that specifically prohibit child sexual abuses and exploitation. The discriminatory enforcement of Pakistan’s prostitution laws has disastrous consequences for the Bangladeshi women and girls. However, both Pakistani and Bangladeshi governments have ratified the 1926 slavery convention and the 1956 supplementary slavery convention and thus have undertaken obligations to suppress slavery in all its forms. Both governments are aware of the rising flesh trade between their countries, yet neither has taken sufficient measures to stem it in any significant way. However, in Pakistan most of the child sexual abuse cases are registered by the police under the offences of Zina Ordinance 1979. It makes seduction, forced sex with a woman or child, punishable with imprisonment and or whipping not excluding 30 stripes. The punishment is raised to death or rigorous imprisonment upto 5 years and/or fine, and/or whipping if proved that the woman or girl was kidnapped for purposes of sexual abuse. A review of available materials suggests that the Bangladesh government has taken some steps, including periodic raids to arrest traffickers operating within its border. But the government has made little consistent effort to assist the Bangladeshi women and girls who are already in Pakistan.
The reasons for the Pakistan and Bangladesh governments' passive response to the problem of trafficking in women are no doubt complex. However, trafficking victims have little reason to expect fair treatment from the criminal justice system. The police are pre-disposed unfairly and often corruptly, to judge the trafficking victims and to presume their consent to abuses committed against them while excusing the offences committed by their abusers. The reality remains that in absence of any family or financial support, these children and women are unlikely to receive the protection needed from the system. They are due as a matter of right under both domestic and international law. It is incumbent upon the Pakistan government to investigate and prosecute perpetrators of forced prostitution and coerced marriage and related abuses. Moreover, the Pakistani and Bangladeshi governments must collaborate to fulfill their international legal obligations to protect women and girls from forced trafficking, which makes children the most vulnerable section of the population.69

Trafficking appears to be on the increase throughout Nepal. Reports reveal that Nepal is the largest identifiable source of child labour prostitutes to Indian brothels. At least hundred of thousands and probably more than a million women and children are employed in Indian brothels. Many are victims of the increasingly widespread practice of trafficking across borders. While Nepalese are trafficked into many Indian cities, Bombay appears to have the highest concentration of Nepali girls and women in prostitution. In Bombay, according to the calculations of an organization of Nepali brothel staff,70 there are about 20,000 Nepalese in the city’s flesh trade. Other agencies estimate that the actual number is closer to 50,000. Most of them work for Nepali gharwals.
(madams) and almost all of them are illiterate. Seventy percent are though to belong to ethnic minority. Women and girls from Nepal's Hindu majority communities constitute about 10 to 15 percent. Twenty percent of Bombay's brothel population is thought to be girls under the age of eighteen, and at least half of them may be infected with ILO.

Both the Indian and Nepali governments are complicit in the abuses against trafficking victims. An UNICEF review indicates that from 5000 to 7000 girls are trafficked to India every year. Families and daughters from communities across Nepal in dire economic straits are easy victims for these traffickers. Many of them are from the remote hill villages and poor border communities of Nepal who are forcibly trafficked with the promises of job and marriages.

A vested interest has grown up for the continuance of this trade and the entrenched interests often act brutally and do not hesitate to use force to ensure that the reluctant prostitutes do not get out of their clutches and leave the profession voluntarily. In India, police, local officials, and politicians protect brothel owners from police raids and traffickers. Moreover, both policemen and civilian officials patronize the brothels. In Nepal traffickers similarly bribe border police to allow traffickers to transport women and girls into India. Existing laws in both countries have had virtually no effect on curbing trafficking. While there has been some official acknowledgment in both India and Nepal of the magnitude of the problem, and the constitution adopted several specific laws forbid trafficking, neither government has taken serious measures to stop trafficking. The burden of responsibility however, rests primarily with India to combat forced trafficking and to protect the women and
girls whose rights are violated in its territory. In recent years Nepal has taken some drastic steps to combat girl trafficking. In view of the pervasiveness of the problem, Institutional arrangements have been designed in a comprehensive manner. In 1997 the National and district level task force is constituted. The nation plan of Action on trafficking of girls and women have been developed and implemented since 1998. Various NGO's are also running childcare shelter for girls at distress. Despite all these various measures of violence against children seem to be increasing.

There is a significant problem of child prostitution in certain coastal resort areas of Sri Lanka. A government survey published in January concluded that there are approximately 2000 active child prostitutes. However, private groups claim the number is much higher. Most of these prostitutes are boys who sell themselves to foreign tourists.

The Sri Lankan government took many initiatives to prevent child sexual abuse through campaigns and other activities. The Department of Education and several NGOs developed programmes to educate the public about the danger of child prostitution. Government appointed committees, recommended legislation on child labour and child prostitution NGOs attribute the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. However the year 1998 saw many initiatives in the field of child rights. In September 1998 the parliament passed a legislation to establish a the National Child Protection Authority (NCPA) for the purpose of formulating a national policy on the prevention of child abuse, and the co-ordination and monitoring of action against all forms of child abuse. The NCPA was initially intended to be an independent and autonomous body that had the primary
power under the law to protect victimised children. As currently constituted however, it will not fully achieve this purpose. Even though Sri Lankan government made genuine efforts to understand and uphold the rights of the child and combat child abuse, major obstacles like finance and, allocation of resources still remain. Current national priorities such as ethnic conflict make it difficult for the government to fully realise children's rights. However, such obstacles cannot provide excuses for inaction.

**Impact and Implications**

The impact of commercial sexual exploitation of children has assumed staggering positions. Due to this children lose their childhood, dignity, often their future also. Apart from this unquestionable cause, mal-effects of exploitation, which are more miserable. Trafficking victims in the SAARC region are subjected to conditions tantamount to slavery. And to serious physical abuse. Besides being held in debt bondage for years at a time, children in the brothels suffer rape and other forms of torture, severe beatings and arbitrary confinement. The most obvious of these related to the health of the child. The desperate vulnerability of such sexually exploited children are heightened by endemic factors like violence, drugs, and sexually transmitted diseases. HIV/AIDS both cause and consequence of commercial sexual exploitation of children. The vast majority of these children are denied their rights to education and even to the briefest moment of leisure and play. Besides, they are fearful of further abuse, including abuse by authorities. Such children typically have little recourse to the law. Those children who managed to return back to their country face few choices. They may find themselves stigmatised and shunned
by the families and communities. Children trapped in the cycle of commercial sex are often physically abused, beaten, burnt, tortured and deprived of food and held under terrible conditions.

Trafficking is only one element of the even more pervasive and deeply rooted problem of sexual abuse. Child sexual abuse where an adult violates a child’s trust and exploits his or her authority. Sexually abused children find their world turned upside down. Sexual abuse makes enemies out of the very people love or trust. And because it can happen anywhere children live, learn and place, familiar places like home or school, can become forbidding and dangerous. Sexual abuse has immediate as well as lasting effects. Some of the immediate effects are physical injury, sexually transmitted diseases, anger, guilt, shame, hostility, fear, low self-esteem, nightmares, aggression, self-destructive and suicidal tendencies etc. Sexual abuse of boys is even more common in the SAARC countries, even though it is not given much importance and seriousness it deserves. Many sexually exploited children, particularly from the lower strata of society, end up becoming prostitutes.

The factors and forces that perpetuate sexual abuse and exploitation of children are many and powerful. Organised crime, illiteracy, poverty, gender discrimination, family breakdown, conflict, political instability social disintegration, greed, tradition and belief, growing drug trade, ignorance are all contributed to this all pervasive evil. Confronting these forces calls for unwavering and committed leadership, a change in social attitudes and stricter and more effective laws and conscious enforcement of these laws as well as criminal sanction against abusers. It requires alternatives that enable children and their families to live in dignity. Education is one of the vital factors to tackle
this problem. It empowers children from abuse and also gives them skills to change and improve their lives. In its broader sense education is key to uprooting sexual abuse and the exploitation of children.

The responsibility to stop the sexual exploitation of children belongs to everyone, in every community, not only in the SAARC countries, but also around the world. There is need for a strong growing movement composing of outraged and committed people determined to end this abuse.77

**Children in Armed Conflicts**

Several armed conflicts in South Asia and many local upheavals have devastated the lives of millions of children. In the SAARC region, in Sri Lanka, conflict between government forces and the members of the Liberation Tigers of Tamil Elam (LTTE) and other armed opposition groups has racked the country for approximately fifteen to seventeen years. Conflicts between government forces and opposition groups have continued for decades in several parts of India including Jammu and Kashmir and to northeastern states. In parts of Pakistan too there have been ethnic communal and sectarian conflicts.

The CRC, along with other international human rights instruments, reaffirms the special obligation on the part of states to respect the rights of children in conflict. Yet these principles are widely ignored. Wars violate every right of the child, the right to life, right to be with family and community, the right to health, the right to development of personality and the right to be nurtured properly.

There is an alarming trend in which children in South Asia are increasingly being targeted for abuses. They are killed and tortured because of
where they live or because of the political, religion or ethnic origin of the family. Thousands of children have been disabled, orphaned, or separated from their parents in the conflicts. Thousands have been left homeless or forced to flee with or without their families in search of safety. Countless other children are at risk of dying, an indirect result of armed conflict. Disruption of food supplies, health services, water systems and sanitation are just some of the causes of premature and unnecessary death, particularly for those under five years of age. Many who have been forced to flee end up, internally displaced or live in refuge camps. Instead of finding the safety and support they need and deserve, these children often face danger, starvation and death in camps.

Children's education is often disrupted as schools are closed or destroyed. Children are also deeply affected by the trauma of witnessing brutal deaths and being surrounded by violence, fear and hardship. Some have even become perpetrators of violence. Facing such conditions during a formative stage leaves permanent scars on the child, which last a lifetime. In India, Bangladesh, Sri Lanka, Pakistan thousands of disturbed children bear witness to the conflicts they have lived through and show signs of psychological damage caused by armed conflicts. These children who have witnessed human rights abuses, who have had their education disrupted and lives distorted by a climate of violence, are all ill equipped to lead a normal life.78

In countries like Sri Lanka, people are also the victims of indiscriminate attack by the LTTE. The indiscriminate bombing and massacres by the LTTE have heightened the trauma suffered by the children in Sri Lanka. The unpredictable consequences of some forms of military action are most damaging to the psyche of the child. The actual number of children living in
conflict areas of Sri Lanka is not known. The main problems they face are scarcity of basic facilities, constant lack of security and the absence of safe space.79

In situation of armed conflict, scores of children are among the thousands of people who are reported to have disappeared, particularly in Sri Lanka. The phenomenon of 'disappearances' including children has been a long-standing concern. During the last fifteen years of civil conflict many children disappeared after detention by security forces and members of armed groups engaged in hostilities. In recent years as a result of considerable pressure, investigations have been opened into disappearances and human rights violations, particularly against children. It is hoped that government will act on its promise to safeguard the rights of children and that past, present and future violations of these rights will not go unpunished.

Increasingly, children in South Asia are singled out for recruitment by both armed forces and armed opposition groups and exploited as combatants. Denied a childhood and often subjected to horrific violence, children serve as soldiers in the armed conflicts. Physically vulnerable and easily intimidated, children are typically moulded into obedient soldiers. Many are abducted or recruited by force and often compelled to follow orders under the threat of death. Others have joined armed groups out of desperation. As society breaks down during conflict, leaving children with no access to school, driving them from their homes, or separating them from family members, many children perceived armed groups as their best chance for survival. Others sought escape from poverty or joined military forces to avenge family members who had been killed.
The involvement of children in armed forces had devastating effects on their physical and mental integrity. There were frequently higher rates of casualties among children because of their inexperience and lack of training. They may be sent on particularly hazardous assignments. Invariably the use of children as soldiers violates rights enshrined in the CRC. For instance by depriving them of education. Thousands of these children are made to endure horrific scenes in order to harden them to the violence they are expected to face or inflict on others and in order to subordinate them to authority. Though efforts were made to stop the use of child labours, it did not reach fruition.

Armed conflicts provide fertile ground for commanders of armed groups to exploit children as the spoils of war and as sources of income. Children are frequently exposed to physical violence and rape. Girls were also used as soldiers and subjected to sexual abuse. Many young girls have suffered sexual harassment or rape by security forces in Jammu and Kashmir, in Sri Lanka though such actions are strictly prohibited under humanitarian laws. But no steps have been taken seriously to protect these vulnerable children against this worst kind of violence and human rights abuse that children subjected to in the SAARC countries.80

The numerous damaging effects of armed conflicts on children including the use of children as combatants is a matter of grave concern not only in South Asia, but also throughout the world. There is a need for the world community to focus increased attention on this serious problem with a view to bring it to an end. All states need to accede to relevant international human rights and humanitarian law instruments. And also to implement these instruments to which they are parties. The States and governments and all
other parties to armed conflicts should take necessary measures to protect children from armed conflicts. States and United Nations bodies and organizations should protect children during conflict and in post-conflict situations as a priority concern in human rights and to ensure effective protection for children affected by armed conflict. The South Asian countries should adopt all necessary measure to end the use of children as soldiers and to ensure their demobilisation and reintegration into society, including through adequate education and training in a manner that fosters their self-respect and dignity. The international community should assist in this endeavour.81

**Gender Discrimination**

Girls and women face inequality everywhere, but in many countries including South Asia they do not even get a fighting chance to lead healthy, productive lives. Instead they are devalued as human beings from the day they are born, or even before. In the South Asian countries where a preference for son is strong, girls are often aborted and killed as infants. Millions of girls in the SAARC countries are raised in an environment of neglect, over-work and often abuse simply because they are female. For the girls who grow up to be women, life is invariably difficult. She gets less access to education, receives less health care, is more prone to sickness, does more chores at home, and owns little or no property. In other words, she has little or no control over the direction of her life, especially in the rural parts of SAARC countries.

Due to social and economic deprivation the girls and women have a very low status in the SAARC society. They have remained far behind in different aspects of social and economic life, particularly in education. Thousands of girls
in the SAARC countries are married off in their childhood due to which these young children face greater risk of dying in adolescence and early adulthood, because of early and too closely spaced pregnancies. Their impaired health and lost opportunities pose a terrible toll on society and on future generations. Many girls in South Asia face abuses arising out of traditional practices that are based on discrimination and the low status. The harmful traditional practices such as female genital mutilation, early forced marriage and early childbirth, son preferences, female foeticide, infanticide, neglect, primarily affect the girl child.82

Many reforms have been undertaken to prevent the harmful customary practices like Devadasi, Deuke, etc exist in India and Nepal. The Devadasi system for example practiced in India, not only perpetuates systems, which include trafficking and slavery of women and girls, but also involves the ritualistic marriage of girls to gods. Similar practices exist in Nepal called as Deuki. The girls are offered to the temple and are not allowed to marry and often end up as "kept wives" or prostitutes by the temple priests and rich people. Due to lack of legislation to outlaw the practice and to protect children against this human rights abuse, is a matter of concern in the SAARC countries.

Common to all these abuses is that they are rooted in systematic discrimination against women and girls and reflect the value society places on them. Economic and political subordination perpetuate their inferior status. As long as girls have unequal access to education, health and wealth and employment, these abuses will persist. National governments and intergovernmental bodies have been particularly wary of addressing as human rights
abuses, harmful traditional practices carried in the community, despite their grave implications for the basic rights of the child. Blind adherence to these practices and state inaction with regard to these customs and traditions have made possible large-scale violence against girls.  

Can any one return the childhood that these innocent girls have lost? It is futile to talk about child’s rights and the child right convention to which all the SAARC countries are signatories who profess their commitment to protect children’s rights. Not only is the girl child not welcomed in the family, she is also deprived of the necessary nutritional input, care and affection. Also she suffers not merely neglect from the family but social indifference even before she reached her adolescence and also sexually exploited at any age. Who is to protect her? How can she protect herself? Who is there to fight for her cause, for her right to survive, live in a healthy surrounding and to get her due nutrition and care?  

In this utter stage of helplessness and hopelessness the girl child struggles to survive not by demanding her rights but seeking genuine concern and care. When all her entitlement as a human being is snatched away by the cruel value system of the family and society at large, she is declared orphan of the nation. If she is born to poor households, she has to work from early childhood, minding the siblings, the cattle the household chores when her parents are away at work. Looking at the middle class girls the lot is better of in some sense. But she has no right to demand education, health care or equal treatment with her brothers. She is treated as a bird of passage for she will be married and go to her husband house. The moment a girl is born, the parents and the whole family get depressed thinking of threatened dowry demand at the
time of her marriage. In India, in some of the communities in Bihar and Tamil Nadu, girl children are killed by parents at the time of their births. With all these difficulties if the girls manage to survive the hawks in society, the unruly elements both at home and neighbourhood pounce on her like vultures. They sexually exploit her and many child mothers can be counted in a society totally devoid of natural properties and ethics. How many cases of incests take place in their four walls of the house? These are suppressed because, family name and honour cannot be diluted. What happens to the girls psyche or her physical and mental health is not anybody's concern.

After the ratification of the CRC many SAARC countries have taken many reforms and several legislative, administrative and other measures to implement the rights of the child laid down by the convention and to improve the status of the girl child in the SAARC countries. The special problems and prejudices against girls child was highlighted in the Kathmandu SAARC summit of 1987, which urged intensified action towards improvement in her status. In order to address the urgent needs and rights of the girl child, the Islamabad summit of 1988 added to the momentum and declared 1990 as the SAARC year of the girl child. The SAARC summit of 1990 held in Male carried forward to drive for improvements in the condition of girls and declared 1991-2000 as the SAARC Decade of the Girl Child. The Third SAARC Ministerial conference on children 1996 and the World Congress on Trafficking and Commercial Sexual exploitation in Sweden 1996 were other initiatives in which SAARC countries like Nepal participated and proved further impetus to the commitment. In 1993 and 1995 world conference on women, mark two important milestones in securing an international commitment to ending these practices, which
affirmed the right of girls child as inalienable, integral and indivisible part of universal human rights. A seminar in Colombo, Sri Lanka organised in 1994 by the UN working group on Traditional practices Affecting the Health of Women and Children led to the adoption of a Plan of Action for the elimination of these practices. The plan sets out a broad range of protective and preventive measures to be taken at a national and international level.

The committee on the Rights of the Child, in a number of recommendations under Article 2 of the CRC ("non discrimination") has called upon States to recognise the principle of equality before the law and forbid gender discrimination, including through adopting of legislation prohibiting practices such as forced and early marriage of girls child.85

Poverty, traditional social barriers lack of awareness about the girls rights are all the major constraints in implementing the provision to secure the rights of the girl child. Discrimination against the girl child prevails in most of the SAARC countries in almost all spheres. Discrimination against the girl at home is due to economic imperatives, ignorance on the part of parents or guardians and because there is no legal provisions to punish parents who discriminate against their daughters.

High illiteracy rate and lack of knowledge are the major obstacles in addressing the issue of the girl child. Inferior education lowers a girl self esteem, her employment opportunities and her ability to take part in the world around her. Taking cognisance of the prevailing unsatisfactory situation of the girl child in the SAARC region, the countries should intensity the efforts to eliminate various kinds of human rights violation against the girl child.86
From the overall presentation of this chapter it was analysed that children in South Asia are the most vulnerable members of society. The elaborated discussion and critical examination of human rights abuses of children in the SAARC countries justified the hypothesis of the study that prevalence of many pervasive forms of child abuse leads to gross violation of human rights of children in the region. Children suffer the most hardships faced by people throughout the region, be it poverty, discrimination, war or disease. Across South Asia, governments are allowing children to suffer violations of their civil, political, economic, social and cultural rights. Study revealed that children are being tortured and ill treated by law enforcement officials. Others are being killed or are disappearing in situations of armed conflicts. Children living on the streets are being arbitrarily detained, and millions of children are being exploited through child labour, child trafficking, forced prostitution... and the saga of oppression and victimisation thus discrimination continues in the SAARC region.

As observed in the preceding discussions there are national and international laws and constitutional provisions for the safeguard of children's rights. There are police and law enforcement agencies to combat commercial exploitation of children. The INTERPOL for example, as a standing working party on offences against minors. Others include representatives of NGOs and sex workers working against commercial sexual exploitation of children. It has also been active in promoting Extra-Territorial Legislation, detection and conviction of criminals. At the national level some of the SAARC countries, have enacted legislations for safeguarding their rights and regulating under age sex, prostitution, pornography, kidnapping, enslavement, abuse and other criminal
The UN commission on Human Rights has appointed a special Rapporteur to encourage governments to investigate the most egregious violations of human rights like the sale of children, child prostitution and child pornography. The Special Rapporteur works to gather and analyse facts for the commission. In order to address the growing problem of girl children at risk numerous NGOs are also taken lot of initiatives to protect the girls at risk by running child care shelters and conducting awareness programmes.

The governments of SAARC countries along with national and international organizations should take remedial action to help children who are exploited. This may include juridical remedies, such as prosecution of abusers and the provision of hospices. Facilities should be provided to help those with health problems, including HIV/AIDS. These may include medical and community facilities to help children and their families as well as measures to protect them against discrimination and other handful abuses that violate their human rights. Emphasis should be upon family based and community based rehabilitation rather than state institutionalisation. Particular attention should be paid to child trafficking. This entails proper safeguards, including independent monitoring and follow-up for children to be returned to their country of origin. These children should be treated on their return with respect in accordance with international human rights principles.88

Above all, basic education, role of the family, community and society bears the primary responsibility for proper development of these most valuable assets of the nation. The quality of life they ensure today would ultimately determine the quality of future population of the nation.
The study also examined though many reforms, promises, commitment and legislative measures that have been undertaken to improve the status of the girl child in SAARC countries, the girls children bear the greatest burden of human rights deprivation in particular. It is a matter of deep concern that girls continue to be silent and invisible victims of violence, abuse, exploitation and neglect which can initiate a life long downward spiral of deprivation and exclusion from the social mainstream.

There is the need for full and urgent implementation of the rights of the girl child as guaranteed to her under all human rights instruments including the CRC and CEDAW. The governments of SAARC countries should take all necessary measures to institute strong legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedom. It should also ensure to take effective action against violation of these rights and freedoms. The governmental, international and NGOs and other human rights mechanisms should work together for the promotion and protection of human rights of children in general and girl children in particular.

In recent years there have been growing awareness of the exploitation of children in the SAARC region. As already observed, several SAARC countries have taken positive measures to protect the children from these human rights abuses. Several international treaties have drawn global support for the needs and rights of the children with special reference to women and girls. The CRC, the Declaration of the World Food Summit for Children 1990 and the CEDAW endorsed the right of girls and women to equal opportunities in health, education and employment. In addition, these treaties specifically protect children and women against all forms of exploitation and abuse. The global
commitments of equality and opportunity for girls and women made in the world conferences of 1993 and 1995 have been reaffirmed and strengthened by several regional declarations.

It is said that making laws is not the same as enforcing them. It is certainly difficult to make laws work well against such odds. It is more difficult when local laws make them scot-free and safeguard the culprits exploiting the children. However it is up to the judiciary, the governments NGOs, individuals, and communities to ensure that these declarations and promises translate into effective, enforceable laws and policies that promote a better future for the children not only in the SAARC countries but also all over the world. Hence it is seriously felt that immediate actions need to be taken by all agencies of human rights not only to ensure the implementation of CRC but also to provide special facilities for the deprived sections of the society. In this venture the mass media should play an important role for the promotion of the child's well being, social, spiritual, morals, physical and mental development. Inspite of all these genuine efforts and attempts by all those concerned and committed for the protection and promotion of children's rights in the SAARC countries, there is a widening gap between promise and performance.

Children are innocent, vulnerable and dependent. Social justice must begin with children. Unless the tender plant is properly tended and nourished, it has little chance to growing into a strong and useful tree. Children whose basic needs and fundamental rights are denied, cannot be expected to mature into caring, productive adults, who will respect the rights of others. Human rights violations are not only the cause of personal sufferings; they also sow the seeds for potential and social unrest and violent conflict. For the sake of both
individual and global development, children not only in the SAARC countries, but also around the world need to understand the concept of human rights. They should also know what rights they are entitled to empathise with those whose rights have been denied and to be empowered to take action on behalf of their own rights and those of others. So priority shall be given to the welfare and human rights of the children.

We have not inherited the future; we have merely borrowed it from our children to whom the future belongs. Hence it is our prime duty as trustees to act truthfully and honestly, so that the future of our progeny is not imprilled. Gabriel Mistral of Chile, Noble Prize Winner, has rightly highlighted the following:

"We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait. The children cannot. Right now is the time their bones are being formed, blood is being made and their sense being developed. To them, we cannot answer tomorrow. His name is today".90

Let us work towards this goal. Today is late. Tomorrow may be too late. The time for action is now.

FOOTNOTES AND REFERENCES

1. See Amnesty International Report, Children in South Asia: Securing their rights, the regions future, Eastern Street, London, April 1998 [Al Index: Asa 04/01/98]


4. Ibid.


14. Ibid.


33. Ibid., p.741.


38. Ibid.


40. For a detailed discussion on the topic of Child labour and laws relating to them see Aneez Jillani, Child Labour: The Legal aspects, SAARC, Islamabad, 1997.


42. Dawn, the daily, 13 June, 2000.


48. Ibid.


50. The following material was adapted from Human Rights Watch Global Report on Child Rights, Oxford University Press, 1999.


55. Op.cit., 1

56. Professor Soorya Lal Amatya made this statement on behalf of Nepal recently in Geneva, at the 52 session of the United Nations Sub-Commission on the promotion and protection of Human Rights. Prof. Amatya’s topic had been agenda number entitled “Contemporary Forms of Slavery”.


59. Ibid.


61. Ibid.

62. Daily Star, editorial, Dhaka, September 1, 1991,


65. According to Social Worker Abdul Sattar Edhi, who runs the largest refuge for Bangladeshi women in Pakistan, as of 1989 fifteen to twenty women crossed the borders each month. By 1992 the monthly number had risen to 150 to 200. According to The Flesh Trade 1991, over 200,000 Bangladeshi Women and girls altogether were in Pakistan as a result of trafficking.


67. The Other side of Midnight.


70. Shodhak Sanyukta Nepali, Satyapidit Mahila Sangh (United Nepali Organization for the Relief of Suffering Women), an Organization of Nepali brothel staff.


74. NCPA was proposed by the President Task Force on child Abuse in Sri Lanka, see Sri Lanka, State of Human Rights, law and Society trust, Colombo, 1998, p.97.


85. Op.cit.1


