

Human Trafficking in India

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Anti-Human Trafficking is everybody's business. The question is whether one is part of the problem or whether one is part of solution

MS. MONA (name changed) is a girl of 15 years. At the age of 13, her mother died and father remarried. The second mother was uncomfortable with Mona and wanted to send her away for some job, where she would be able to look after herself. There came a 'contractor', who arranges for employment to young person as domestic help, etc. This man paid an amount to the lady and took Mona away, moved her to a far away town, and 'employed' her in a massage parlour as 'receptionist'. Even before Mona got to know the work profile, she realized that she was trapped into commercial sex exploitation, and made to be sexual slave to the 'customers' who come to the place for 'full body massage'.

After four months, there was a 'police raid', when Mona was arrested on charges of 'prostituting'. She was charge-sheeted and eventually convicted by 'fine'. The parlor owner paid the fine and got

her back to the same place and told her that her 'debt' to him has gone up, as he had to pay the fine, the fees for the lawyer, the transportation cost, etc. He also 'directed' her that she will have to 'service' more 'customers' from now on so that he can recoup the money he spent on her release from the case. Mona had no way of escape. However, shortly there was another 'rescue operation' by police along with NGOs. Today, Mona has been rehabilitated and is a fire-brand activist assisting police in anti human trafficking work.

Mona is no exception. She is one of the millions of women and children who have been trafficked and are being exploited. Mona's case presents a typical example of the trafficking scenario and the response. Human trafficking (HT) is one of the gravest violations of human dignity and human rights. Trafficking can be classified into three groups, (a) for commercial sexual exploitation, i.e. CSE, (b) for exploitative labour, i.e. EL and (c) for other forms of exploitations, like

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organ sale, camel jockeying, etc. CSE could be in brothel or anywhere, even under the façade of massage parlors, beer bars, etc. Of late, some of the 'marriage bureaus', especially in places where the female population is highly skewed, have been trafficking women under the façade of marriage. Trafficking of EL could be for labour in industries, agriculture, domestic ambience, entertainment industry etc. It could include men and women too.

The cause of trafficking is two-dimensional. One is the demand factor and the other is the vulnerability of the person trafficked or likely to be trafficked. Irrefutable is the fact that human trafficking, in any form, is demand driven. More demand, more crime. Vulnerability of the trafficked person is another dimension. Vulnerability, as often quoted, is not exactly poverty. It is a culmination of several factors, including lack of awareness of rights, lack of access to rights, illiteracy, disparities in income, scope of exploitation of the person, poor law enforcement, lack of public awareness, existing 'culture of silence' to violations of rights of others etc..

Constitution of India, under article 23, prohibits trafficking in any form. We have special legislations like Immoral Traffic Prevention Act (ITPA), Bonded Labour Abolition Act, Juvenile Justice Act, etc., and local legislations like Goa Children's Act, etc., in addition to the provisions in the IPC (Indian Penal Code). Government of India is taking steps to amend ITPA, to make stringent provisions for penalizing the offenders.

The law enforcement scenario, seen from the traditional view point, presents a dismal picture. The Action Research conducted by the National Human Rights Commission, during 2002 - 2004

shows that the major issues in the existing scenario of law enforcement are as follows:-

- Lack of priority: The law enforcement agencies and justice delivery agencies, for various reasons, give lowest or nil priority to HT issues.
- Insensitivity: Lack of sensitivity is a major challenge in response to human trafficking. It is more of an attitudinal issue.
- Victimization of the victim: More often trafficked women have been arrested and penalized as 'soliciting persons'. The NHRC study shows that around 85 to 90 per cent of the arrested persons are women and most of them are victims of trafficking.
- Improper investigation: Whereas a trafficking crime extends across a large canvas as the scene of crime, starting from the source point and extending to the transit places as well as the destination areas, the investigation is more or less confined to the place of rescue. Victims remain more often unheard and unrepresented.
- Organized crime perspective is lacking in investigation; Whereas a crime of HT involves several offenders like recruiters, transporters, traffickers, harbourers, exploiters, conspirators, abettors etc., more often investigation is limited to those persons available in the place of rescue. Human trafficking being an organized crime requires sharing of intelligence and in-depth investigation into all linkages, but this is rarely done.
- Database: One of the major drawbacks in law enforcement is the fact that there is no database of traffickers and other exploiters. There is no sharing of intelligence among the stake

holders and therefore, the offenders indeed act with impunity.

- Lack of synergy among the various departments of Government: The response to human trafficking requires coordination among various departments like police, welfare, health, women and child, etc. The gap is a major challenge in the response systems.
- Lack of coordination with, NGOs: The ITPA and Labour Laws do provide specific roles for NGOs. However, there is no institutionalized system of coordination between law enforcement agencies and NGOs. Both act independently and the synergy is only exceptional. There may be several conferences on this issue and more said. All said and done, more done than said is good. And that is what is needed too.
- Lack of Appreciation: There are several examples of good work done by police officers, researchers, NGOs, etc. in anti human trafficking. However, such actions do not get acknowledged and therefore are not disseminated. Often, good news is no news and bad news is good news.
- Lack of Emphasis on Rehabilitation: This is a major challenge which leads to not only victimization of victims but also re-trafficking of the rescued persons. Despite the fact that several corporates have large funds for their corporate social responsibility (CSR), yet lack of synergy with the law enforcement agencies and NGOs has been an impediment in effective dovetailing of such resources for rehabilitation of trafficked persons.

However, the emerging scenario is certainly positive and prospective. There are several initiatives across the country in addressing human trafficking from a comprehensive and effective manner. Some of these initiatives may be initiated by individuals who are committed to the cause, yet due to their initiatives, such steps are getting institutionalized. In fact, during the last six years of this century, there is a growing momentum against human trafficking. The reasons may be many. First of all credit should go to NGOs who have brought HT issues into the national agenda. Secondly, several law enforcement officials and human rights activists have provided leadership and proper orientation in achieving best results in anti human trafficking (AHT). The UNODC (United Nations Office on Drugs and Crime) has brought out a Compendium of Best Practices by Law Enforcement Agencies and another one by the NGOs. These documents showcase outstanding examples of the response by several stake holders in the country to issues of HT. In brief, some of the important responses are as follows:

- **Increased awareness:** There is a national momentum on AHT, involving the various stake holders, especially media, corporates, Government agencies including law enforcement wing, human rights agencies, business houses, celebrities, political personalities, etc. One of the excellent examples is seen in the global initiative in fighting human trafficking (GIFT), initiated by the UNODC. The GIFT Asia conference held in New Delhi during October, 2007, has been instrumental in creating tremendous public awareness and efforts by all concerned to bring AHT as 'everybody's business'.
- **Synergy:** The GIFT Asia

conference brought several stake holders together, all of whom committed themselves to the cause and dedicated themselves to work in synergy. It is a commitment that each one has to contribute their role in preventing and/or combating HT. Each one has a complementary role to play and all the stake holders together can have the best delivery, leading to reduction/prevention of HT.

- **Holistic approach:** Several agencies working together and attending to the issues of 'PPP' (Prevention, Protection and Prosecution), in a concerted manner has been one of the landmark features of the new response system. While Police undertakes rescue operations along with NGOs, other Government departments immediately move in to provide interim relief to the victims, the NGOs take over post-rescue care and attention in association with concerned Government agencies as well as corporates and business houses. Such harmony has been noticed in several places and therefore, the holistic approach is getting institutionalized.
- **Synergy in action:** The UNODC, New Delhi, in partnership with Government of India and State Government agencies as well as civil society partners has set up anti human trafficking units (AHTU) in several states. AHTU is special task force set up under the State Police, by involving selected police officials, NGOs and others who are specially trained for the purpose. UNODC has provided training and empowerment to these officials with focus on knowledge, skills, attitudinal orientation and required resources. Several

tools like handbooks, manuals, and protocols have been prepared in a user-friendly manner and provided to them. UNODC has also provided vehicles, cell phones, computer systems, and contingency funds to all these AHTUs. These units are making tremendous impact in the law enforcement scenario for example in a span of six months, the AHTUs in Andhra Pradesh have rescued more than 700 victims of which more than 100 are children under 18 years. They have also arrested more than 1000 offenders including 300 'customers'. Four traffickers have been convicted and 8 hotels where CSE was noticed have been closed down by the SDM (Sub-Divisional Magistrate) under Sec.18 of ITPA. The victims who are rescued are being promptly taken care of by the Government departments as well as NGOs, most of them having been rehabilitated with the help of corporates and business houses. Excellent examples of rehabilitation have been contributed through this synergy in action.

Anti Human Trafficking is an area which beckons all those who are concerned with human rights. There is much to do and something to be done by everybody. It is everybody's business. The question is whether one is part of the problem or whether one is part of solution. There is no third option. Therefore, all who are committed to human rights much join hands in this global initiative in fighting human trafficking. We can together ensure that Mona is safe in our home and community and that Mona lives with dignity, like all of us, and that so is the case with all Monas. □

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