

RESEARCH STUDY ON  
**TRAFFICKING IN WOMEN AND GIRL CHILDREN FOR COMMERCIAL  
SEXUAL EXPLOITATION: AN INTER STATE EXPLORATIVE STUDY IN  
JHARKHAND, ODISHA AND WEST BENGAL**

***FINAL REPORT***

*Submitted to*

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*Submitted by*

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## PREFACE

Trafficking for Commercial Sexual Exploitation (CSE) is one of the worst forms of crimes against women and girl children. It is a heinous crime which violates basic human rights, including their right to live with dignity and self-respect. It exposes them to a life of humiliation and sexual abuse violating their very Right to life, liberty and security; the Right to freedom from torture, inhuman or degrading treatment; the Right to a home and family; the Right to education and proper employment; and the Right to health care.

The problem of trafficking of women and girl children for CSE is especially challenging due to its myriad complexities especially with new trends of incidence and dimensions of the problem. In addition to traditional red light districts, women and children are increasingly being pushed into sex trafficking in small hotels, vehicles, huts, massage parlors and private residences. Traffickers are increasingly using websites, mobile applications, and online money transfers to facilitate commercial sex.

The problem of trafficking in women and girl children for CSE has assumed serious proportion in recent years. The recently released Trafficking in Persons Report 2016 by the US Department of States has placed India in the list of Tier II countries that do not fully comply with its Trafficking Victims Protection Act's (TVPA) minimum standards to address the problem. The Government of India even though fails to fully meet the minimum standards for the elimination of trafficking has, however, made significant efforts in this direction.

The Government of India adopted a multi pronged, multi dimensional and multi stakeholder approach to combat trafficking for sexual exploitation with a multi faceted strategy of laws, policies, schemes and most importantly enabling rescue, rehabilitation and re-integration of the trafficked victims. The Ministry of Women and Child Development (MWCD) in particular is committed to combating and preventing trafficking of women and children for CSE. While much has been accomplished, more needs to be done to eradicate this menace.

The Ministry of Women & Child Development has brought the draft "Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016" on 30-May-2016 for further stakeholders consultations. The Bill is comprehensive and covers all aspects of trafficking as prevention, protection and rehabilitation.

The Report provides a glimpse into various dimensions and aspects of sex trafficking from the viewpoints of the exploited/exploiters; the Laws to combat sex trafficking and the response to the problem. The findings of the study would be useful for developing practical strategies to combat trafficking for commercial sexual exploitation.

**(Ashok Kumar Hota)**  
Secretary, SAI

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**(N C Dash)**

**Project Director**

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## **LIST OF ABBREVIATIONS**

AHTUs = Anti Human Trafficking Units  
AIDS = Acquired Immune Deficiency Syndrome  
ATSEC: Action against Trafficking and Sexual Exploitation of Children  
AusAID : Australian Agency for International Development  
BPR&D: Bureau of Police Research and Development  
BSF: Border Security Force  
CAC: Central Advisory Committee  
CACL: Campaign against Child Labour  
CACT: Campaign against Child Trafficking  
CBI: Central Bureau of Investigation  
CBO: Community-Based Organization  
CEDAW: Convention on the Elimination of all forms of Discrimination against Women  
CID: Criminal Investigation Department  
CIF: Child line India Foundation  
CWC: Child Welfare Committee  
CRC: Convention on the Rights of the Child  
CrPC: Criminal Procedure Code  
CPCR: Commissions for Protection of Child Rights  
CSA: Child Sexual Abuse  
CS: commercial Sex  
CSE: Commercial Sexual Exploitation  
CSEC: Commercial Sexual Exploitation of Children  
CST: Child Sex Tourism  
CSR = Corporate Social Responsibility  
CWC = Child Welfare Committee  
CSWB: Central Social Welfare Board  
DGP: Director General of Police  
DIG: Deputy Inspector General of Police  
DMSC: Durbar Mahila Samanwaya Committee  
DRDA: District Rural Development Agency  
DSP: Deputy Superintendent of Police  
DSWO: District Social Welfare Officer  
DWCD: Department of Women and Child Development  
ELISA: Enzyme Linked Immuno Sorbent Assay  
FIR: First Information Report  
GNO: Government Nodal Officer

HIV: Human Immunodeficiency Virus  
IAHTU: Integrated Anti-Human Trafficking Units  
ICDS: Integrated Child Development Scheme  
ICRW: International Center for Research on Women  
ICPS = Integrated Child Protection Scheme  
ILO: International Labour Organization  
IRWPA: Indecent Representation of Women (Prohibition) Act  
ISP: Internet Service Provider  
ITPA: Immoral Trafficking Prevention Act  
IPC: Indian Penal Code  
JCBC: Joint Cross Border Committee  
JJA: Juvenile Justice (Care and Protection of Children) Act  
KAP: Knowledge, Attitude, Practices  
KSY: Kishori Shakti Yojana  
MEA: Ministry of External Affairs  
MLE: Ministry of Labour and Employment  
MHA: Ministry of Home Affairs  
MOWCD: Ministry of Women and Child Development  
MoU: Memorandum of Understanding  
M&E: Monitoring and Evaluation  
NACO: National AIDS Control Organization  
NCRB: National Crime Records Bureau  
NCPCR: National Commission for Protection of Child Rights  
NCW: National Commission for Women  
NGO: Non Government Organization  
NCLP: National Child Labour Projects  
NICP: National Initiative for Child Protection  
NIPCCD: National Institute of Public Cooperation and Child Development  
NHRC: National Human Rights Commission  
NREGA: National Rural Employment Guarantee  
NPA: National Plan of Action  
OHCHR: Office of the High Commissioner for Human Rights  
PCMA: Prohibition of Child Marriage Act  
PNDT: Pre-Natal Diagnostic Techniques  
PNO: Police Nodal Officer  
POSCO: Protection of Children from Sexual Offences  
PS: Police Station  
PP: Public Prosecutor

PTSD: Post-Traumatic Stress Disorder  
RMK: Rashtriya Mahila Kosh  
SAARC: South Asian Association for Regional Cooperation  
SAFAHT: South Asia Forum against Human Trafficking  
SAF-VAC: South Asia Forum on Violence against Children  
SAPAT: South Asia Professionals Against Trafficking  
SGSY: Swarnajayanti Gram Swarozgar Yojana  
SGRY: Sampurna Gramin Rozgar Yojana  
SITA: Suppression of Immoral Traffic Act  
SOP: Standard operating procedure  
STIs: Sexually Transmitted Infections  
SP: Superintendent of Police  
SHG: Self Help Group  
TIP: Trafficking in Person  
TI: Targeted Intervention  
TVPA: Trafficking Victims Protection Act  
UDHR: Universal Declaration of Human Rights  
UNICEF: United Nations Children's Fund  
UNIFEM: United Nations Development Fund for Women  
UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific  
UNODC: United Nations Office of Drugs and Crime  
WHO: World Health Organization  
UNODC: United Nations Office on Drugs and Crime  
USAID: United States Agency for International Development  
USDOS: U.S. Department of State  
UNTOC: UN Convention against Transnational Organised Crime

# **CHAPTER-I**

## **INTRODUCTION**

### **1. TRAFFICKING IN WOMEN AND GIRL CHILDREN FOR COMMERCIAL SEXUAL EXPLOITATION IN INDIA: A BRIEF OUTLINE**

#### **1.1 DEFINITION OF TRAFFICKING**

India became a signatory in 2002 to the United Nations Protocol to prevent, suppress and punish trafficking in persons, especially of women and children and has adopted its definition of trafficking (MOWCD and UNODC, 2008). The UN protocol, also known as the Palermo Trafficking Protocol, defines trafficking as follows:

- a.** The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation should include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- b.** The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.
- c.** The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.
- d.** “Child” shall mean any person less than eighteen years of age (United Nations, 2000). While this is the most well-known and widely adopted definition of trafficking, representing a broad international consensus (Megumi, 2009), it has been found to be too broad-based and lacking in definitional clarity. There has been debate, for example, on whether the focus of trafficking must be on the movement of the trafficked victims, both within and outside the country, and the process of recruitment or whether the focus should be on only the exploitation that occurs at the end (International Labour Organization [ILO], 2009).



## **1.2 MAGNITUDE OF TRAFFICKING**

The global report on human trafficking by the United Nations Office on Drugs and Crime (UNODC) shows that 76 percent of 12 million detected victims of trafficking for forced labour, bonded labour or commercial sexual exploitation (CSE) in 2009 were women and minor girls (UNODC, 2012). It shows that trafficking for sexual exploitation was the most prevalent form of exploitation and accounted for 57–62 percent of the detected victims of trafficking from 2007 to 2010 (UNODC, 2012). Estimate based on studies across a number of countries indicates that 20–40 percent of females engaged in commercial sex (CS) entered this field as adolescents at a median age of 16 years (Silverman, 2011). The prevalence of trafficking victims in the world is 1.8 per thousand populations and the prevalence of trafficking victims in Asia and the Pacific is 3 per thousand populations (Trafficking in Person Report, 2010). Around 43% of trafficked persons are used for commercial sexual exploitation of which 98 percent are women and girls (ILO, 2007).

India has been identified as a source, destination and transit location for trafficking of women and minor girls for CSE and forced labour (USDOS, 2012). In 2011, it was ranked seventh out of 196 countries in the Trafficking Index in terms of risk for trafficking, where it was grouped with countries that were identified as being at extreme risk for trafficking (Warhurst et al., 2011).

India is an origin for women and girls trafficked to other countries in Asia, the Middle East and the West. India is also a destination country for Nepali and Bangladeshi women and girls trafficked for the purpose of sexual exploitation. About 50,000 women and children are trafficked into the country annually from neighboring states like Bangladesh and Nepal for the sex trade. The open/porous borders between the countries, such as that between India and Bangladesh, allow traffickers to cross over with relative ease. The country also serves as a transit point for Bangladeshi girls and women trafficked for sexual exploitation to Pakistan. However, Ninety percent of trafficking in India is internal- most of the trafficking in India occurs across states (interstate) or locations within a State (intrastate). Accurate data on trafficking for sexual exploitation in general and of minor girls in particular are not available because of the clandestine nature of the trade, and estimates on its magnitude vary. A survey conducted by the National Commission for Women in 2009 revealed that the trafficking of women and children for commercial sexual exploitation took place in 378 districts – accounting for roughly 62% of the total number of districts in India. The Government of India reports that approximately 3 million women

and minor girls are in commercial sex in the country and minor girls constitute 40 percent of this number (Ministry of Women and Child Development [MOWCD] and UNODC, 2008). Of the 3 million sex workers, 90% or more are estimated as in-country and 5 to 10% cross-border trafficking mainly from Bangladesh and Nepal.

Trafficking from neighboring countries accounts for only 10 per cent of the coerced migration in India, with approximately 2.17 per cent from Bangladesh and 2.6 per cent being from Nepal. The share of interstate trafficking is estimated at 89 per cent (ADB 2002). Various studies provide details about the internal trafficking routes in India. Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Rajasthan, West Bengal, Uttar Pradesh, Jharkhand, and Maharashtra appear to be the main States from where trafficked persons are sourced, with the metro cities being the most frequent destination points. Prime destinations for both Indian and foreign female trafficking victims include Kolkata, Mumbai, Delhi, Gujarat, Hyderabad, and along the India-Nepal border.

According to NHRC Report on Trafficking in Women and Children, the population of women and children in sex work in India is stated to be between 70,000 and 1 million of these 30% are 20 years of age. Nearly 15% began sex work when they were below 15 and 25% entered between 15 and 18 years (Mukherjee & Das 1996). There are reports of continuous rise in the numbers of missing children, most of them being girls, many of whom are feared to have become victims of trafficking. On an average 44,000 children are reported missing; of them as many as 11,000 remain untraced according to a report by the National Human Rights Commission of India. The actual numbers are much higher as hardly 10% of all cases are registered with the police.

Sex trafficking in girl children represents the ultimate violation of human rights and child rights. They are deprived of their basic natural right to grow and develop physically and mentally. These trafficked girls are subjected to torture emotional, physical and sexual. Perversions and exploitations meted out to the trafficked girl children by multiple abusers often make them highly susceptible to serious health hazards, including high risk of contracting HIV/AIDS at a very early age.

The National Crime Records Bureau (NCRB) of the Indian Ministry of Home Affairs is a source of data that shows the number of cases registered under the ITPA and various sections of the IPC relating to human trafficking. The NCRB collects data under the following heads of crime which are related to human trafficking: i) Importation of girls from foreign country (Sec. 366B IPC); ii)

Procuration of minor girls (section 366A IPC); iii) Buying of minors for prostitution (section 373 IPC) iv) Selling of minors for prostitution (Section 372 IPC); v) Immoral Traffic (Prevention) Act 1956; and vi) Human Trafficking (section 370 & 370A IPC), A total of 6877 cases of crime relating to human trafficking were registered in the country during the year 2015 as compared to 5466 cases during the year 2014, showing an increase of 25.8% during 2015 over 2014. A total of 3,517 cases were registered in 2011, which rose to 3,554 cases in 2012, to 3,940 cases in 2013, to 5,466 cases in 2014 and to 6877 cases in 2015. The crime under human trafficking during the year 2015 has increased by 95.5% over 2011.

Under importation of Girls from Foreign Country, a total of 6 cases were registered during 2015 compared to 13 cases in 2014. West Bengal reported the highest no. of 4 cases. Under the Immoral Traffic (Prevention) Act, 1956, 2641 cases were registered during the year 2015 compared 2617 in the previous year. The highest 511 cases were registered in Tamil Nadu. As many as 3087 cases under Procuration of Minor Girls were reported during the year 2015 as compared to 2020 cases in the previous year. The highest 1,303 cases were reported in Assam followed by West Bengal (1,003 cases). Only 7 cases of buying of minor for prostitution were reported during the year 2015 in comparison to 14 the previous year. The highest 7 cases was reported in Maharashtra. A total of 111 cases of selling of minors for prostitution were registered in the country during 2015 as against 82 such cases in 2014, thus indicating an increase of 35.4% during 2015 over 2014. West Bengal has reported 91 such cases accounting for 82.0% of total such cases registered during 2015. A total of 1,021 cases of human trafficking under section 370 & 370A of IPC were registered in the country during 2015 showing an increase of 41.8% over previous year (720 cases). Telangana reported 226 such cases followed by Assam with 137 cases and Jharkhand (126 cases), However, maximum numbers of victims (620 persons) under human trafficking (sec. 370 & 370A IPC) were recovered/reported in Kerala during 2015.

### **1.3 PURPOSE, PROCESS AND CONSEQUENCES OF TRAFFICKING:**

Trafficking in women and children takes place for the purpose of exploitation which in general could be categorized as sexual and non-sexual. The former category includes trafficking for prostitution, Commercial sexual abuse, Paedophilia, Pornography, Cyber sex, and different types of disguised sexual exploitation that takes place in some of the massage parlours, beauty parlours, bars, residential flats and other manifestations like call girl racket, friends clubs, etc. Non-sex based

trafficking could be for different types of servitude, like domestic labour, industrial labour, adoption, organ transplant, camel racing, marriage etc. But the growing traffic in women and children is principally for the purpose of sexual exploitation. While the methods used for trafficking such as coercion, duping, luring, fake marriage, abducting, kidnapping etc. are commonly cited, it is the social and economic constraints of the victims that make them most vulnerable.

Globally, the UNODC report finds that traffickers tended to be adult males and nationals of the country in which they operate. Information from more than 50 countries between 2007 and 2010 shows that of the persons prosecuted for and/or convicted for trafficking in persons, two-thirds were men (UNODC, 2012). In India, the situation is different, as about half of all traffickers were female, and many of these were formerly trafficked victims themselves (Sen and Nair, 2004). In India, studies of traffickers have suffered setbacks by difficulties encountered in identifying these individuals and obtaining their consent for interviews (Sen and Nair, 2004). Although a few studies have collected information directly from traffickers themselves (Sen and Nair, 2004), information in most of the studies is from interviews with women engaged in commercial sex or those who have been rescued (ICRW, 2010; Terre des Hommes, 2005). These different sources confirm that trafficking is an organized crime that usually involves more than one person. The NHRC study describes the trafficker as a key link in a chain comprising many players and describes the trafficker hierarchy as consisting of several tiers: (a) master trafficker-cum-kingpin; (b) primary trafficker-cum-procurers; (c) secondary traffickers; and (d) spotters or a grassroots chain of intelligence gatherers. Survivors of CSE have corroborated the involvement of several people in the trafficking process. They reported the presence of at least three to four people, such as an initial procurer, a secondary procurer, a transporter and, lastly, the brothel owner (Sen and Nair, 2004). The traffickers can be strangers or those who are related to or acquainted with the trafficked women and minor girls. Findings also reveal that female traffickers were usually victims of CSE themselves, and many of them were older women who had lost their business in brothels. Recruitment strategies included promises of well-paying jobs, marriage and shelter, declaration of love and kidnapping or abduction with or without the use of drugs or force.

Sex trafficking establishments are found moving from more traditional locations such as brothels in densely populated urban areas to locations such as residential areas in cities. Traffickers are increasingly better organized and adapting to government crackdowns on well-known establishments or routes of human trafficking.

Most of the trafficking in India is from the most disadvantaged social strata- lowest caste Dalits, members of tribal communities and religious minorities. Trafficking between Indian States is rising due to increased mobility, rapid urbanization, and industrial growth. There are increasing reports of women and girls from eastern and northeastern states being sold or coerced into forced marriages in states with low female-to-male gender ratios, including Haryana and Punjab, some of whom are subsequently forced into prostitution.

Trafficking in persons, particularly women and children is an organized crime that gravely violates basic human rights of the victims. It violates the rights and dignity of individuals in several ways- violation of individual's right to life, dignity, security, privacy, health, education and redress of grievances. They are subjected to physical violence and sexual abuse, and are held under duress against their will receiving low or no wages. This combined with indebtedness to the trafficker keeps them in a situation of debt bondage and slavery. They are forced to work for long hours in inhuman working conditions leaving little time for rest. They live in conditions of physical confinement similar to imprisonment and have little or no control over their own movement. They are subjected to poor living conditions with abysmal hygiene and sanitation facilities with restricted access to health or medical facilities. They face social stigma and social ostracism in their daily lives and as a result undergo constant humiliation. They are exposed to drugs, liquor and other addictions, and sometimes forcibly made addicts in order to ensure their continued dependence on the trafficker. Apart from continuous assault on their physical, psychological and emotional health; they face health risks such as physical injury, STD, HIV/AIDS, unwanted pregnancies, repeated abortions, gynecological diseases, tuberculosis, and other disease. They also face harassment and humiliation from the police and prosecution. When they are no longer in a position to earn, they are abandoned and even the families who lived off their earnings do not support them.

#### **1.4 DETERMINANTS OF TRAFFICKING:**

Trafficking is a multidimensional problem encompassing a whole range of economical, social and cultural issues, which are varied and highly complex. Most of the victims have been trafficked with promises of jobs, better career prospects and marriage. Some are abducted forcibly. Some girls are often sold by friends or relatives, sometimes even by their own parents out of desperation.

Trafficking and sexual exploitation of women /children is directly related to the overall status of women/children in the society. Though poverty is the major factor, the underlying gender based

discrimination, male dominance in societal structure are also contributing at large for the dehumanization, commoditization and exploitation of women. Growth of sex tourism, entertainment industry, pornography in print, electronic and cyber media, weakening of the family structure, changing social and family scenario, changing public attitudes towards sex and morality are the other important determinants. In fact, lack of education, caste, ethnicity and social marginalization are major causes for human trafficking. Environmental hazards such as floods and draughts and the impact of globalization resulting in the disappearance of traditional modes of subsistence are a few causes of human trafficking. Women and girls are trafficked within the country for the purposes of forced marriage especially in those areas where the sex ratio is highly skewed in favor of men. An increasing number of girls trafficked from poorer states such as Assam, Odisha, Jharkand and West Bengal are duped with promises of well-paid employment in large cities and then forced into prostitution or forced into marriage in Haryana and Punjab.

Trafficking and CSE are a part of a ‘demand’ and ‘supply’ chain. Sex trafficking is a high-rewarding, low-risk criminal activity (Hodge and Lietz, 2007). While poverty may provide an overarching context for sex trafficking, it is the existence of criminal networks that manipulate push and pull factors of recruitment and trafficking of women and minor girls. The ‘supply’ factors that encourage trafficking are poverty and the compulsions to earn a living or help support the family; lack of education and training which prevent access to economic resources; manmade conflict and natural disasters that devastate local economies; inimical cultural attitudes towards children and girls; and inadequate local laws and their poor enforcement. The factors contributing to the growing demand for women and children in the sex work could be linked with ‘sex tourism’ and the demand for sex with young and minor girls. The high profitability of this low-risk criminal activity also plays a role. Insufficient or inadequate laws, poor enforcement, minimal chances of prosecution and conviction, corruption and complacency, low priority given to the issue, failure of governments to enact strong laws, implement policies and provide adequate rehabilitation services for victims- all play a role in perpetuating trafficking (Phinney, 2001; UNDP, 2002).

### **1.5 DEMAND SIDE OF TRAFFICKING**

The male demand for commercial sex has been considered to be the most immediate cause of trafficking in women and minor girls (Gupta and Sinha, 2007). Three levels of demand in sex trafficking are articulated in the literature on trafficking for CSE: (a) demand from those who

employ women and minor girls in CS (brothel owners and managers, for example); (b) demand from clients; and (c) demand from third parties involved in the process like recruiters, agents, transporters and others (ILO, 2006). Poverty might be a supply-side factor that induces multitudes of women and minor girls to migrate and seek employment in unregulated sectors, where they become further vulnerable to exploitation. A supply of such women and minor girls who are easily available at low cost fuels a level of demand that would not have existed if they had not been so easily available (ILO, 2006). Some experts in this area believe, however, that the commercial sex industry in India is mostly demand driven, where even if the supply of women and minor girls who are at risk of being trafficked is depleted in particular source sites, traffickers and other parties who profit from commercial sex procure minor girls and women from other regions of the country, as there is a constant demand for commercial sex (Gupta and Sinha, 2007). While it is the demand for women and minor girls that fuels the practice of trafficking them for CSE, a variety of supply-side factors also play a role, and the interplay between demand- and supply-side factors makes it difficult to isolate factors that cause trafficking (ILO, 2006).

## **1.6 IMPLICATIONS OF TRAFFICKING**

While trafficking has severe implications on the psycho-social and economic well-being of the victim, highly adverse ramifications are also seen on the society and the nation. All trafficked children suffer isolation from family and community, fear and psychological trauma, physical and emotional harm, loss of childhood and education. The situation of trafficked minor girls is specifically marked by the risk of pregnancy, early motherhood and reproductive illnesses. In addition it leads to stigmatization and rejection by their families and communities. In the worst cases, it can be responsible for death or can permanently damage his/her physical and mental health. Trafficked victims are also often deprived of food and access to health services in addition to suffering the consequences of inadequate accommodation, sleep and free movement. The psychological impact of isolation and domination on victim is grave and is aggravated by the fact that the victim is relocated to a place where she is condemned to silence and subordination. Abused and exploited victims, particularly being forced into commercial sex, may also be subdued with drugs and become both ill and dependent. A growing concern is that trafficking has an adverse impact on the victims from problem of HIV/AIDS angle too. Some studies have revealed that the longer the confinement in brothels, the greater is the probability of the victims contracting

HIV/AIDS due to multiple sex partners, sex violence and poor negotiation for safe sex with use of condom. The country has to incur huge costs for health and rehabilitation.

### **1.7 NATIONAL / INTERNATIONAL LAWS AGAINST TRAFFICKING**

India has a fairly wide framework of laws enacted by the Parliament as well as some State legislatures, apart from provisions of the Constitution which is the basic law of the country. Article 23 of the Constitution Guarantees right against exploitation; prohibits trafficking in human beings and forced labour and makes their practice punishable under the law. Indian Penal Code, 1860 has provisions relevant to trafficking: Section 366A – procurator of a minor girl (below 18 years of age) from one part of the country to the other is punishable; Section 366B – importation of a girl below 21 years of age is punishable. Immoral Traffic (Prevention) Act, (ITPA) 1956 renamed as such by drastic amendments to the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA) deals exclusively with trafficking. The objective is to inhibit trafficking in women and girls for the purpose of prostitution as an organized means of living. The offences specified include procuring persons for prostitution, detaining a person in premises where prostitution is carried on, seducing or soliciting for prostitution, living on the earnings of prostitution, seduction of a person in custody, keeping a brothel or allowing premises to be used as a brothel etc. Juvenile Justice (Care and Protection of Children) Act, 2000 enacted in consonance with the Convention on the Rights of the Child (CRC), consolidates and amends the law relating to juveniles in conflict with law and to children in need of care and protection. The law is especially relevant to children who are vulnerable and are therefore likely to be inducted into trafficking. Information Technology Act, 2000 Penalizes publication or transmission in electronic form of any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive and corrupt persons to read, see or hear the matter contained or embodied therein. The law has relevance to addressing the problem of pornography. Goa Children’s Act, 2003 defines trafficking: every type of sexual exploitation is included in the definition of sexual assault; responsibility of ensuring safety of children in hotel premises is assigned to the owner and manager of the establishment; photo studios are required to periodically report to the police that they have not sought obscene photographs of children; and stringent control measures established to regulate access of children to pornographic materials. Karnataka Devadasi (Prohibition of Dedication) Act, 1982 declared unlawful the act of dedication of girls to temples for the ultimate purpose of engaging them in prostitution is. Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989 stipulates penalty of imprisonment for three



years and fine in respect of anyone, who performs, promotes, abets or takes part in Devadasi dedication Ceremony.

## **1.8 LEGAL FRAMEWORK**

A variety of international instruments that address trafficking already exist. The most important International Conventions regarding trafficking of children are: the Convention on the Elimination of All forms of Discrimination against Women, (CEDAW) 1979; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Declaration on social and legal principles relating to the Protection and Welfare of Children with special reference to Foster Placement and Adoption Nationally and Internationally; the Convention on Suppression of Trafficking in Persons and the Prostitution of others; the Convention on the Rights of the Child, 1989; the Platform for Action of the Fourth World Conference on Women and the Beijing Platform of Action, 1995; the Declaration and Agenda for Action Adopted by World Congress Against Commercial Sexual Exploitation of Children held at Stockholm in 1996; the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000; Second World Congress against Commercial Sexual Exploitation of Children held at Yokohama, Japan 2001 to review developments as a follow-up process to strengthen the commitment to protect children from sexual exploitation; and abuse and the SAARC Convention on Regional Arrangement for the Promotion of Child Welfare, 2002.

International human rights instruments impose duty upon the States to respect and ensure respect for Human Rights Law, including the duty to prevent and investigate violations, to take appropriate actions against the violators and to afford remedies and recovery to those who have been injured as a consequence of such violations. A few States have fulfilled their obligation to implement these commitments or to provide adequate human rights protection to trafficked persons. The Government of India has incorporated most of the standards of international law into its domestic law but it still needs improvement in order to comply with international conventions. However, the deficiency lies not in the absence of good laws but in their lack of implementation.

The United States Department of State, 2013 Trafficking in Persons Report - India, 19 June 2013 observed as follows. The Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In April 2013, the government amended the penal code in a manner that greatly improves the country's laws,

broadening the types of crimes considered to be trafficking and establishing more stringent sentences for traffickers. The Ministry of Home Affairs (MHA) continued to establish Anti-Human Trafficking Units (AHTUs), which were responsible for combining law enforcement and rehabilitation efforts. .... In many areas, protection services provided by the government were inadequate. The complicity of some government officials in human trafficking remained a serious and unaddressed problem which impeded efforts to adequately fight the crime. A variety of sources noted the Indian central government approached human trafficking in an uncoordinated, piecemeal fashion, its prioritization of anti-trafficking efforts decreased over the year, and some officials' inertia and indifference impeded efforts.

### **1.9 GOVT. RESPONSE TO TRAFFICKING**

Substantial efforts have been made in the last decade or so in the area of Anti-Human Trafficking by government institutions/state machinery, the civil society organizations, the judiciary and the law enforcement authorities. Drawing strength from the Constitution of India where trafficking in persons is prohibited under Article 23 (1), the mandate for prevention and combating trafficking in persons has received significant attention from the Government. In view of the multi-faceted issues associated with trafficking, the task and responsibility to fight this crime cut across different Ministries /Departments and also State Governments as the subject of trafficking falls within the purview of both the Centre and State mandates. The Ministry of Women and Child Development (MWCD), Government of India, is the nodal Ministry, which deals with the subject of prevention of trafficking in women and children for commercial sexual exploitation. In its efforts, MWCD works very closely with the Ministry of Home Affairs (MHA), Ministry of External Affairs (MEA) and the Ministry of Labour and Employment.

Law enforcement is primarily a state subject. However, the Ministry of Home Affairs deals with all the matters related to Law Enforcement, especially the provisions of The Immoral Traffic (Prevention) Act (ITPA) and specific provisions of the Indian Penal Code (IPC). In addition, the MHA has under its aegis, special enforcement agencies such as Central Bureau of Investigation (CBI), Border Security Force (BSF), and the National Bureau for Crime Records, which compiles crime statistics. The Ministry of External Affairs handles issues related to International Treaties and Protocols dealing with trafficking, and also the care and support to victims of trafficking across borders. The Ministry of Labour and Employment focuses on all matters related to the enforcement

of labour laws, and rehabilitation and repatriation of child labour. The Government of India has built strong linkages and partnerships with various stakeholders including Civil Society, NGOs, Corporate Sector, International Organizations etc, in all its endeavors to build an integrated response to prevent and combat trafficking in persons, especially of women and girl children. As the problems related to trafficking are varied, a multi-pronged holistic approach has been adopted to prevent and combat this evil. These include: legislations, law enforcement, special measures for prevention of trafficking, rescue, rehabilitation and re-integration of victims and repatriation of cross-border trafficking victim

### **1.10 PROSTITUTION NOT SAME AS TRAFFICKING**

It is held that decriminalizing sex work in India would place women in a better position. In 2009, the Supreme Court had suggested that prostitution be made legal. The National Commission for Women supported regulation of prostitution to stop trafficking, especially of children and to help improving the squalid conditions in which the clients and workers operated and to reduce the spread of HIV-AIDS. The sex workers wished to be accorded legal status. The benefits of legalizing prostitution and regulation of sex industry were that legalization would stop sex trafficking; control the sex industry; decrease clandestine, hidden, illegal and street prostitution; protect the women in prostitution; promote women's health and recognize prostitution as an economic activity enabling women to obtain working permits as sex workers. Some were against giving legal status to prostitution on the ground that with greater demand for sex, the amount of trafficking would only increase.

The Immoral Traffic (Prevention) Act is the main statute dealing with sex trafficking in India which does not criminalize prostitution or prostitutes per se, but mostly punishes acts by third parties facilitating prostitution like brothel keeping, living off earnings and procuring women and girls. The Acts punishable under ITPA include: brothel keeping (Section 3); living on earnings of sex work (Section 4); Procuring, inducing or detaining for prostitution (Section 5 & 6). Penalties are higher where offences involve children (<16 yrs) & minors (< 18 yrs); prostitution in areas notified by police & near public places (Section 7) and Soliciting (Section 8). Section 8 punishes a sex worker drawing attention of potential customers from a visible, conspicuous site, whether in a street or private dwelling. All offences are cognizable i.e police do not require a warrant to arrest or search.

The definition of prostitution is limited to exchange of money for sex which is acceptable but organized prostitution that include pimping, brothel-keeping and soliciting sex in public is criminal and illegal. The Immoral Trafficking Act makes it legal for a woman to voluntarily use her body to earn money for self. She is allowed to operate in private in her premises but she cannot publicize and organize her profession and carry out her business in the open. Even though exchange of sex for money is permissible on an individual capacity, a woman cannot do it in within a span of 200 yards of a public place. Locations such as places of worship, hostels, educational institutions, and hospitals are regarded as public places. In the same vein, call girls are not allowed to make their phone numbers public. They can be imprisoned for a maximum of 6 months along with financial penalties if they are caught doing so. Clients who consort with prostitutes or indulge in such activities within 200 yards of a designated area can be imprisoned for a maximum of 3 months and they need to pay fines for the same as well. In case, someone indulges in such activities with someone under 18 years old, he or she can be jailed for 7-10 years. Pimps and similar people who live from the income made by a prostitute are guilty as well. Sex workers are not within the ambit of normal labour laws. However, they have all the rights that would be enjoyed by a citizen and are entitled to be rescued and rehabilitated if they want to do so.

The ITPA does not criminalize prostitution but prohibits all the activities surrounding it. Indian Law doesn't allow anyone to run a brothel. So if anyone runs a brothel or allows brothel running in a premises owned by him/her, he or she is surely inviting penal action. The law also criminalizes pimping. So if anyone is acting as a pimp to get customers for a prostitute, he/she will be punished. People who run trafficking businesses such as brothel-keepers and landlords are liable to be prosecuted. In case of the first offence they will be imprisoned for a maximum of 3 years. In case they forcibly keep someone in their brothel to be used as a prostitute or exploited for sexual purposes, they can be jailed for a minimum of 7 years. This law also forbids prostitution in hotels. People involved in human trafficking or trying to recruit someone – either forcibly or willingly – are liable to be jailed for 3-7 years.

## **II) TRAFFICKING IN WOMEN AND GIRL CHILDREN FOR COMMERCIAL SEXUAL EXPLOITATION: LITERATURE REVIEW**

The current literature review explores research findings on various aspects of trafficking in women and girl children for commercial sexual exploitation. The methodologies employed in the studies varied considerably as did the coverage of these studies. While the sample in most of these studies comprised women and minor girls in CS at the time of the studies, a few relied on survivors of CSE. The sampling designs varied as well as the sample size in the studies. The current literature review is organized around the major themes as follows:

India has been identified as a source, destination and transit location for trafficking of women and minor girls for CSE and forced labour (USDOS, 2012). In 2011, it was ranked seventh out of 196 countries in the Trafficking Index in terms of risk for trafficking, where it was grouped with countries that were identified as being at extreme risk for trafficking (Warhurst et al., 2011). Most of the trafficking in India occurs across states (interstate) or locations within a state (intrastate). Trafficking across international borders occurs to only a small extent in India (Asian Development Bank, 2003a). Accurate data on trafficking for sexual exploitation in general and of minor girls in particular are not available, and estimates on its magnitude vary. The Government of India reports that approximately three million women and minor girls are in CS in the country and minor girls constitute 40 percent of this number (Ministry of Women and Child Development [MOWCD] and UNODC, 2008).

Human Trafficking for forced labour, bonded labour or commercial sexual exploitation (CSE) is estimated to be about 12 million globally (U.S. Department of State [USDOS], 2010). The report on human trafficking by the United Nations Office on Drugs and Crime (UNODC) shows that 76 percent of all detected victims of trafficking in 2009 were women and minor girls (UNODC, 2012). It further shows that trafficking for sexual exploitation is the most prevalent form of exploitation and accounted for 57–62 percent of the detected victims of trafficking from 2007 to 2010 (UNODC, 2012). Moreover 20–40 percent of females engaged in commercial sex (CS) entered this field as adolescents at a median age of 16 years (Silverman, 2011).

### **1.2.1 LAWS, POLICIES AND PROGRAMMES**

A series of international human rights treaties and conventions reinforce global concerns on the trafficking of women and minor girls for CSE. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979; the Convention on the Rights of the Child (CRC), 1989 and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography are global instruments that focus on the rights of women and minor girls in general. There are two international instruments that deal exclusively with trafficking:

- The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Trafficking Protocol) (United Nations, 2000);
- The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (South Asian Association for Regional Cooperation [SAARC], 2002).

India has signed or ratified all of these international conventions and instruments.

#### **Constitutional Safeguards**

The right against exploitation that prohibits trafficking of human beings and exploitation of children is enshrined in the Fundamental Rights of the Constitution of India. The Constitution guarantees the right to equality and freedom to all citizens and thus perceives trafficking as a violation of these rights. Article 23 of the Constitution prohibits trafficking in human beings, and Article 24 prohibits the employment of children under the age of 14 years in factories, mines or other hazardous jobs. These constitutional safeguards have been implemented through legislation at the national and state levels. There are many laws and policies that have a direct bearing on trafficking of minor girls for CSE.

#### **Laws relating to Trafficking of Minor Girls for CSE**

India has an array of laws that prohibits trafficking of minor girls for CSE. The **IPC** has long recognized the prevalence of such trafficking and lists more than 20 offences that constitute crimes related to the trafficking of minors for CSE. It has called for the protection of girls and for the imposition of criminal penalties for trafficking-related offences such as kidnapping, abducting or inducing women and girls for purposes of slavery, labour or marriage (Section 366), procurement of

minor girls (Section 366-A), importation of girls from a foreign country (Section 366-B), selling minors for purposes of prostitution (Section 372), buying minors for purposes of prostitution (Section 373), wrongful restraint of women and girls (Section 339) and wrongful confinement of women and girls (Section 340). Under the IPC, for example, buying and selling of minors for CSE and kidnapping women and girls and forcing them to have intercourse are crimes inviting imprisonment up to 10 years. The Criminal Law (Amendment) Bill, 2013, has amended several provisions of the IPC relating to sexual offences. It criminalizes human trafficking and expressly uses the term “exploitation” rather than “prostitution”. The amendment excludes the consent of the victim obtained by inducement as a factor in absolving the trafficker of liability. Furthermore, traffickers of minors will invite stringent punishment, such as rigorous imprisonment for a term of at least ten years, which may even extend to life (Ministry of Law and Justice, 2013).

The **ITPA, 1956**, initially enacted as the Suppression of Immoral Traffic in Women and Girls Act, 1956, is the most important legislative instrument for the prevention and combating of trafficking. Its focus is on three Ps: Prevention of trafficking, Prosecution of traffickers and Protection of victims. The Act contains provisions to punish persons who facilitate CSE, such as those who own or manage brothels and/or live off the earnings of a woman or girl in CS. It also provides welfare measures toward rehabilitation of those in CS. The Act states that a child is a person under 16 years of age and a minor is one who is in the ages of 16–18 years. Procuring, inducing or taking a child or minor for purposes of prostitution will invite rigorous punishment, such as imprisonment for seven or more years, which may extend to life (Bajpai, 2010; Gupta and Sinha, 2007). Thus, the emphasis is on the punishment of clients, pimps, brothel owners and other abettors engaged in trafficking. The ITPA permits states to appoint Special Police Officers (SPOs) to deal with offences, set up protective homes and establish special courts for providing speedy trials (Ministry of Home Affairs, 2009).

The **Protection of Children from Sexual Offences Act, 2012**, is of particular relevance for the prevention of trafficking of minor girls for CSE (Ministry of Law and Justice, 2012). Under this Act, any person who commits penetrative sexual assault on a child is liable for imprisonment for seven years, which may extend to life, along with a fine. Penetrative sexual assault committed by persons in authority is liable for even more rigorous punishment. Sexual assault that involves physical contact but without penetration, various forms of sexual harassment and use of children for pornographic purposes are offences attracting criminal penalties. The Act also contains a

provision for the punishment of any person who abets these offences, that is, instigates any person to commit such offences, engages in conspiracy with one or more persons for committing such offences or intentionally aids in committing such offences. It further explains that “whoever employs, harbours, receives or transports a child by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under the Act is said to aid the doing of the act”. It calls for establishment of special courts for speedy trial of offences specified in the Act.

Apart from the ITPA, provisions in the **Juvenile Justice (Care and Protection of Children) Act, (JJA), 2000**, and the Prohibition of Child Marriage Act, 2006, can be invoked to protect children. The JJA, passed in compliance with the Convention on the Rights of the Child (CRC), consolidated the laws relating to juveniles in conflict with the law and children in need of care and protection. The Act identifies children as all persons who are under 18 years of age. It stipulates that state governments are required to constitute Child Protection Units and appoint police officers as Child Welfare Officers to ensure effective implementation of the Act. It ensures the protection of vulnerable children through a framework that lays out the requirements for care, protection, education, vocational training and rehabilitation of the children. Children “in need of care and protection” as identified by the Act include those who are being or are likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts or who are found to be vulnerable and likely to be inducted into drug abuse or trafficking (Ministry of Law, Justice and Company Affairs, 2000). The Prohibition of Child Marriage Act, 2006, also addresses the issue of child trafficking by making involvement in the promotion of child marriage a punishable offence and by making a child marriage null and void if the child is married through an act of trafficking. The Act stipulates that if a minor girl is forced or deceived into marriage or if after marriage, she is sold or trafficked or used for immoral purposes, her marriage will be null and void (Ministry of Law and Justice, 2007).

At the level of the states, the Karnataka *Devadasi* (Prohibition of Dedication) Act, 1982, (Government of Karnataka, 1982), the Andhra Pradesh *Devadasi* (Prohibition of Dedication) Act, 1988, (Government of Andhra Pradesh, 1988) and the *Goa Children’s Act, 2003*, (Government of Goa, 2003) are among the prominent laws. The Goa Children’s Act was the first Act in India that sought to protect child rights, with a focus on trafficking. It directs attention to the several facets



of child sexual abuse, including abuse related to sex tourism. It states that the responsibility for preventing child trafficking in the form of sale and procurement of children lies also on establishments offering boarding and lodging such as hotels and guesthouses. Any form of soliciting is prohibited, including hosting websites, taking objectionable photographs, providing materials, guiding tourists or any other mechanism that may lead to the abuse of a child. It also calls on the state to ensure that children in CSE are removed from the place of exploitation and are reintegrated into society. Sensitisation of police officers in handling children in CSE and establishment of children friendly courts are other requirements specified in the Act (Bajpai, 2010).

There are several other laws that are not specifically intended to prevent trafficking of minor girls, but the protection they offer from other forms of abuse have an impact on trafficking. These include the Bonded Labour System (Abolition) Act, 1976, and the Child Labour (Prohibition and Regulation) Act, 1986. The Bonded Labour System (Abolition) Act, 1976, provides for the abolition of the system of bonded labour and prescribes rehabilitation of released labourers (Ministry of Labour, 1976). The Child Labour (Prohibition and Regulation) Act, 1986, seeks to prevent engagement of child labourers, that is, those who have not completed 14 years of age (Ministry of Labour, 1986). While these Acts offer protection to children, they do not directly address trafficking of minor girls for CSE, per se.

### **1.2.2 POLICIES AND SCHEMES RELATING TO TRAFFICKING OF WOMEN AND MINOR GIRLS FOR CSE**

There are numerous policies and programmes that have relevance for the prevention of trafficking of women and minor girls for CSE. The Ministry of Women and Child Development (MOWCD) has been responsible for many but not all of the policies and national programmes intended to stop such trafficking. Most of these policies were introduced in the last decade, that is, 2000–10.

The National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, 1998, delineates strategies to combat trafficking and CSE of women and children and to reintegrate women and children who were in CS into mainstream community life (Department of Women and Child Development and Ministry of Human Resource Development, 1998). The Plan of Action seeks to achieve this by economic empowerment of women through

training, income generation, microcredit opportunities and support services; establishment of State Advisory Committees on trafficking and collaboration with NGOs to raise awareness and create sensitivity among government officials, including police personnel and members of the judiciary and civil society.

**The National Policy for Empowerment of Women, 2001**, notes that a special emphasis will be laid on programmes and measures to deal with trafficking in women and minor girls. It states that all forms of discrimination against the minor girl and violation of her rights, including child marriage, child abuse and child prostitution, shall be eliminated by taking strong measures, both preventive and punitive, within and outside the family (MOWCD, 2001).

The protocol for Pre-rescue, Rescue and Post-Rescue Operations of Child Victims of Trafficking for the Purpose of Commercial Sexual Exploitation covers practical considerations for helping women and minor girls who have fallen prey to trafficking. It provides guidelines for enforcement agencies and NGOs involved in the rescue of victims from their places of exploitation. It highlights the medical and legal provisions to be followed in such cases and the rehabilitative measures that are to be provided to the victims (Ministry of Labour and Employment, 2008).

Over and above these policies and protocols, a Supreme Court order of 2009 mandates that each state government should establish a State Advisory Committee for Preventing and Combating Trafficking of Women and Children for Commercial Sexual Exploitation (Ministry of Home Affairs, 2009). Training manuals have been prepared to raise awareness among police personnel and other authorities about trafficking and their responsibilities toward its prevention. The manuals also provide guidelines for support of victims and prosecution of perpetrators (UNODC, 2007; 2008). Standard operating procedures have been developed by the Ministry of Home Affairs together with UNODC to be followed in investigating trafficking-related crimes, including trafficking of minor girls (Ministry of Home Affairs, 2009). These standard operating procedures recognise the extreme vulnerability of children and guide those engaged in rescue and rehabilitation efforts about the rights of minors, the basic do's and don'ts in the process of their rescue and ways of dealing with them sensitively (UNODC, 2007).

The MOWCD has instituted two key programmes to prevent trafficking and to support its victims—The Ujjawala and Swadhar Schemes. The *Ujjawala* scheme, launched in 2007, focuses exclusively on the prevention of trafficking and on rescue, rehabilitation, reintegration and repatriation of victims of trafficking for CSE. The scheme aims to mobilise communities and adolescents and generate awareness among them about trafficking. It also seeks to facilitate the rescue of victims; meet their basic needs for shelter, food and clothing; provide them such services as medical treatment, legal aid and vocational training; reintegrate them into their family and society; and repatriate those from other countries to their country of origin (MOWCD, 2007; MOWCD and UNODC, 2008). *Swadhar*—a Scheme for Women in Difficult Circumstances, 2002—provides basic needs of shelter, food, care and clothing to women and minor girls who are without social and economic support. Its goal is to educate or build skills of residents in the centres where they are housed as well as support them in accessing health, legal and other services. The scheme thus caters to a variety of women and minor girls—widows who have been deserted by their families, released prisoners who have no family support, survivors of natural disasters rendered homeless or without support and trafficked women and minor girls. The scheme provides financial support for rent or construction of homes along with services providing counselling, training, skill building and other services for their rehabilitation (MOWCD and UNODC, 2008).

A project supported by the MOWCD to help children in distress is the Child Line India Foundation, which provides a 24-hour toll-free telephone outreach service (MOWCD and UNODC, 2008). It provides referral services to children in emergency situations and undertakes activities to sensitise various stakeholders on trafficking (MOWCD and UNODC, 2008). Similarly, the Integrated Child Protection Scheme, introduced in 2009–10, seeks to improve the wellbeing of children in difficult circumstances and to reduce their vulnerability to any kind of harm or harmful situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children (Press Information Bureau, 2010). The scheme seeks to raise public awareness about child rights and protection, improve the quality of child-protection services, facilitate better access to child-protection services and enforce accountability for child protection. In 2007, protection of children was further consolidated by the setting up of the National Commission for the Protection of Child Rights to monitor the implementation of child rights in the country (National Commission for the Protection of Child Rights, n.d.).

Databases on human trafficking containing information on trafficked victims and traffickers are unique ways of highlighting the issue of trafficking, although these are not directly related to the prevention, care and support of trafficked CSE victims (MOWCD and UNODC, 2008; George, Vindhya and Ray, 2010). Track Child is a National Tracking system initiated by MOWCD to track missing and vulnerable children (MOWCD, n.d.). It keeps track of children in every childcare institute (observation homes, short-stay homes, shelter homes, etc.) in the country. It collates information about children declared as missing. It also provides information relevant to missing children such as emergency helpline numbers, lists of childcare institutes, government-run homes and observation homes, and information on laws and policies.

There are several other schemes that seek to address the factors that place minor girls at risk of trafficking for CSE, such as the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (Sabla scheme) introduced in 2010 (MOWCD, 2010) and the Kishori Shakti Yojana (KSY) initiated in 2000–01 that is implemented through the Integrated Child Development Services (ICDS) structure. The Sabla scheme focuses on both empowerment of adolescent girls in the ages 11–18 years and improvement of their health status by providing them nutritional supplementation. It offers a package of interventions including literacy and numeracy skills training, life skills education, vocational skills training, public resources guidance, health check-ups, referral services and nutritional supplementation. The scheme calls for the formation of kishorisamooch (girls' groups) where out-of-school adolescents meet often (two hours a day, three days a week) and in-school girls meet once or twice every month.

Several cash transfer schemes have been proposed or implemented that focus on improving the status of minor girls (Sekher, 2010). A programme with national coverage is the *Balika Samridhi Yojana*, which is an investment scheme launched in 1997 to improve the status of girl children by providing monetary incentives on their reaching specified milestones, such as completing schooling and delaying marriage till they are 18 years of age or above. Yet another scheme introduced on a pilot basis in 2008 is the *Dhanalakshmi* Conditional Cash Transfer for Girl Child with Insurance Cover scheme (Sekher, 2010). Under this scheme, cash transfers are made to the family of the girl child (preferably the mother) on fulfilling certain conditionalities related to birth registration, immunisation, school enrolment and retention in school up to Class 8 and delaying the marriage of the girl child till the age of 18 or above. Programmes are also implemented by the Department of Education to address gender disparity in educational attainment, for example, the Kasturba Gandhi

*Balika Vidyalaya* (KGBV), *Mahila Samakhya*, the National Programme for Education of Girls at the Elementary Level (NPEGEL) and the National Scheme of Incentive to Girls for Secondary Education (NSIGSE).

The Twelfth Five Year Plan, 2012–17, acknowledges that trafficking of women and minor girls remains a huge problem in India and is a gross violation of human rights (Planning Commission, 2013a). It states that, “Trafficking for commercial sexual exploitation is one of the worst forms of crimes against women and children as it exposes them to a life of humiliation and sexual abuse”, and it reiterates the need to implement the policies and schemes outlined above to eliminate the practice. It advocates intensification of efforts to prevent trafficking for CSE and to address the rehabilitation needs of those trafficked into CS, notably minor girls, through skills training for alternative livelihood opportunities. It also calls for mainstreaming of children of women in CS. It advocates engaging locally elected representatives (*panchayat* members) to enforce the registration of births, deaths, marriages and migration, because such records act as a monitoring mechanism to help prevent trafficking. It recommends appropriate amendments to the ITPA such that trafficking and sexual exploitation are clearly defined, and it makes provisions for taking forward the Protection of Children from Sexual Offences Act that was passed in 2012 by parliament. It also seeks to support children in danger, including those at risk of trafficking, by strengthening and expanding Child Line services in all districts.

### **State Government Initiatives**

State governments have also established their own programmes and schemes to address trafficking that are based on the National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Girls. These programmes focus on awareness raising, income generation, the provision of medical and other support and the training of law enforcement officials (Everly, 2011). Most States have also constituted anti-trafficking units and have shelter homes for the rehabilitation of trafficked victims.

Several international organisations, including UNODC, the United Nations Development Fund for Women (UNIFEM), the United Nations Children’s Fund (UNICEF) and the International Organisation for Migration (IOM) have undertaken initiatives to prevent and combat trafficking. UNODC together with the Ministry of Home Affairs, for example, has focused on strengthening the law enforcement response to trafficking through training and capacity building. UNICEF has

supported anti-trafficking activities in several states as well as across borders (Bangladesh) (MOWCD and UNODC, 2008).

### **NGO Initiatives**

The initiatives of civil society organisations against human trafficking have been substantial. Many of the organisations working on trafficking issues are not exclusively associated with anti-trafficking, but address it as part of their activities to prevent HIV, promote public health and protect human rights. However, there are several NGOs and networks of NGOs that focus on trafficking only. Most of these NGOs work on prevention, and relatively few work on prosecution of offenders, perhaps because of the indifferent response from the authorities whose cooperation is necessary.

NGO interventions to prevent trafficking have directed their efforts in places that are the origin, transit or destination of trafficked individuals. Activities include awareness raising and social mobilisation, community networking and surveillance, capacity building and training, and empowerment through formal and informal education, income generation and job training. To raise awareness and sensitise communities, NGOs have held rallies, seminars, street theatre performances and prevention camps. They have established community support groups and peer education programmes and hosted television and radio programmes. Some have also tried to reach influential adults in the community, for example, establishment of inter-religious Priests Forums that bring priests together to denounce trafficking, and forums that raised awareness of trafficking among representatives from gram panchayats, schools and government-run hostels (MOWCD and UNODC, 2008). Life skills education for minor girls in trafficking-prone areas and skill building and economic empowerment activities that offer women and minor girls alternative means of income generation have also been undertaken (see, for example, Apne Aap Women Worldwide, 2013)

Capacity-building programmes help to create conditions that reduce the risk of trafficking, to strengthen the capabilities of those rescued and to inform the activities of those in the work of prevention of trafficking. A variety of activities fall under capacity building (Hameed et al., 2010). Efforts have been made to train lawyers, NGO staff and police and government functionaries and also to sensitise them on the various aspects of child trafficking. Training materials related to

human trafficking have been developed for prosecutors and others engaged in law enforcement (Gupta and Sinha 2007; MOWCD and UNODC, 2008)

With regard to rescue, the ITPA requires civil society organisation representatives to be present during police rescue operations. A number of NGOs work on supporting authorities to conduct raids and subsequent rescuing of children in CSE, such as the pan-Indian ATSEC network, *Prajwala* in Hyderabad, *Prerana* in Mumbai, *Saarthak* and *STOP* in Delhi and *Sanlaap* in West Bengal (MOWCD and UNODC, 2008). Most of these establish and use networks to identify children in brothels, further to which they conduct raids with the police and rescue the children. Raids on brothels are a challenge for NGOs because of safety issues and likelihood of leaks of impending raids to brothel owners. NGOs, however, have succeeded in working with police personnel who have been sensitised to the issues in trafficking. NGOs also help rescued minor girls to secure their belongings from the brothel, keep traffickers away and ensure that procedures at the police station are properly followed so that they do not further disadvantage them. Legal aid in trafficking cases is also offered by several NGOs (for example, *Apne Aap Women Worldwide*, *STOP*, *Save the Children India*, *Haq Centre for Child rights*) (Hameed et al., 2010). Collectivisation of sex workers to curb trafficking by constituting vigilance committees from amongst themselves or self-regulatory boards has also been successfully attempted. The *Durbar Mahila Samanwaya Committee (DMSC)*, a sex workers' union in Kolkata, for example, has a self-regulatory body to rescue minors or women trafficked into brothels, as they are insiders and are able to understand the situation better. One study, which uses programme monitoring data, has shown that the institutionalisation of self-regulatory bodies has contributed to a decline of over 90 percent in the proportion of minors in CSE in the Sonagachi area (Jana et al., 2013). Despite these efforts, evidence shows that minor girls continue to work in brothels (George, Vindhya and Ray, 2010).

With regard to protection of rescued girls, several NGOs run shelter homes in partnership with the government where rescued trafficked women and minor girls can stay. Some shelter homes are exclusively for children, while others cater to both women and minor girls. Rehabilitation and reintegration are key activities undertaken in the shelter homes, where they are given opportunities to build peer networks and develop self-confidence. These NGOs provide vocational training to create skills for alternative forms of employment, offer job placements or provide seed money to start a small business. Counselling and health services form a part of the rehabilitative measures

offered to rescued minor girls. They also assess the willingness and capacity of families of trafficked minor girls to take them back and provide counselling to family members, as required. They assist minor girls who cannot be reintegrated with their families to find permanent shelter. The focus is on equipping women and minor girls for livelihoods outside of CS and reintegrating minor girls into their families and communities. Where reintegration is not possible, efforts are made to integrate them into life outside the shelter. Several NGOs (for example, *Apne Aap* Women Worldwide, *Prajwala*, *STOP*, *Sanlaap*) have succeeded in training girls and placing them in careers. They are given training, for example, to become beauticians and mobile phone repairers, or to join as hospital nursing staff. Many NGOs also focus on reintegrating girls into their home villages (for example, *Sanlaap*, *STOP*) (Hameed et al., 2010). Unfortunately, the effectiveness of these interventions in preventing re-trafficking or rehabilitating women and minor girls cannot be ascertained. The quality of care that women and minor girls receive once rescued also remains poorly understood (Kaufman and Crawford, 2011).

Among prosecution activities, NGOs have focused on identifying traffickers at transit points along the Nepal border as well as at interstate borders. Volunteers work with local police and informers to identify traffickers or identify them through interviews with migrants who fit the profile of victims (Hameed et al., 2010). Unfortunately, there has been an absence of standard programme monitoring and evaluation mechanisms (Samarasinghe and Burton, 2007), and very few NGOs have published reports containing details of their activities or successes and challenges that they had experienced (Hameed et al., 2010).

### **1.2.3 MAGNITUDE OF TRAFFICKING**

Assessing the magnitude of trafficking for CSE is a challenging task—the trade is clandestine, victims are vulnerable and reluctant to talk about their entry into CSE, traffickers may not admit their engagement in trafficking and interviewing traffickers can be risky. Studies that have made dedicated efforts towards estimating the number of trafficked minor girls in India are few. Underreporting and other methodological challenges also pose difficulties for arriving at accurate figures (Sen and Nair, 2004; Ghosh, 2009). Available estimates/guesstimates on the number of women and minor girls said to be in CSE show wide variations, ranging from 70,000 to 3,000,000 women and minor girls (Sen and Nair, 2004; Mukherjee and Mukherjee, 2004; End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes [ECPAT], 2003;



MOWCD and UNODC, 2008; Patkar and Patkar, 2001). Available studies have, however, estimated that about 30–40 percent of trafficked females are minor girls (under 18 years of age) or those who had entered CS when they were minors (Mukherjee and Das, 1996; MOWCD and UNODC, 2008).

### **Pattern of Trafficking**

Although India has been identified as a source, transit, and destination country for the trafficking of minor girls for CSE (USDOS, 2012), there is general agreement that the majority of trafficked girls for CSE are from within the country itself rather than from abroad. Trafficking across international borders into India comprises only about 10 percent of all trafficked individuals (that is, those of any age, trafficked for any reason and including minor girls trafficked for CSE), and interstate trafficking within India comprises 89 percent of those trafficked (Asian Development Bank, 2003a)..

### ***International trafficking***

As mentioned above, international trafficking accounts for a small proportion of the total trafficking in India (USDOS, 2010). Nepal and Bangladesh are the two main international suppliers of trafficked victims. A report of 2003 suggests that between 700 and 30,000 women and minor girls were trafficked into India from Bangladesh (Asian Development Bank, 2003b). Similarly, there are reports that 5,000–7,000 women and minor girls were trafficked into India annually from Nepal, although some have put this figure at 12,000 annually (UNDP, 2007). A study of survivors of trafficking for CS in Kolkata reports that 14 percent of survivors trafficked as minors into CSE and 15 percent of adults trafficked into CS were from Bangladesh (Falb et al., 2011). Again, a study of women and minor girls in CS in Mumbai reports that 4 percent were from Bangladesh and 30 percent were from Nepal (Silverman et al., 2006). There have been reports that women and minor girls were trafficked into India also from Russia, Bhutan, Myanmar, Kyrgyzstan, Pakistan, Europe, Russia and Thailand (*Shakti Vahini*, 2004; USDOS, 2005).

While trafficking into India from Bangladesh and Nepal has been documented, evidence regarding trafficking from India to international destinations is very limited (Asian Development Bank, 2003a). There are reports, however, that trafficking for CSE from India involves children from Andhra Pradesh, Karnataka and Madhya Pradesh to Gulf States, England, Korea and the

Philippines (ILO, 2006). Delhi and Mumbai are key transit points for international trafficking, and Tripura has emerged as a “safe passage” state for child trafficking from Bangladesh to West Asia, especially Dubai (Warhurst et al., 2011).

### ***Interstate trafficking***

The NHRC study identifies the states of Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Rajasthan, West Bengal, Uttar Pradesh and Maharashtra as the main states from where trafficked women and minor girls are sourced (Sen and Nair, 2004). The study by Mukherjee and Mukherjee reports that the induction of minor girls into CSE was widespread in five states, namely, Bihar, Jharkhand, Madhya Pradesh, Uttar Pradesh and Rajasthan. The study shows that 50–72 percent of females in CS who participated in their study in these states had entered CS before attaining 18 years of age (Mukherjee and Mukherjee, 2004). More recent data from NCRB indicate that the state of West Bengal registered the maximum number of cases under the IPC sections related to trafficking of minor girls in 2012 (440 cases). Other states having relatively large numbers of cases were: Assam (124 cases), Karnataka (77 cases) and Bihar (64 cases) (NCRB, 2013). With respect to cases registered under ITPA, Tamil Nadu registered the maximum number of cases in 2012 (500 cases), followed by Andhra Pradesh (472 cases), Maharashtra (366 cases) and Karnataka (335 cases). Other reports state that 60 percent of trafficking victims in Andhra Pradesh were minors and that trafficking of minor girls was on the rise in the state of Karnataka (*Shakti Vahini*, 2004). A recent article in *The Week* reports that Bihar, Maharashtra and Madhya Pradesh procure the largest number of minor girls (*The Week*, 2014). On the whole, it appears that Bihar is consistently reported as a key source state for the trafficking of minor girls for CSE.

The predominant buyers of minor girls for CSE are Maharashtra and West Bengal, and the main destinations are Delhi, West Bengal (Kolkata), Maharashtra (Mumbai), Gujarat, Punjab and Haryana (Sen and Nair, 2004; *Shakti Vahini*, 2004; Asian Development Bank, 2003b; *The Week*, 2014). Mumbai, for example, attracts a large number of minor girls from Karnataka, and according to one estimate, women from Karnataka constituted 46 percent of all those engaged in CS in Mumbai (Mukherjee and Das, 1996).

### ***Intrastate trafficking***

The NHRC study shows that intrastate trafficking is also very common in India, especially in the states of Tamil Nadu, Andhra Pradesh, Rajasthan, Bihar, Karnataka, Maharashtra, Uttar Pradesh

and West Bengal (Sen and Nair, 2004). Indeed, in several states, a large number of districts are source areas for trafficking to other states—16 out of 23 districts in Andhra Pradesh, 24 out of 28 districts in Bihar and 16 out of 27 districts in Karnataka (*Shakti Vahini*, 2004). Table 3.3 provides a list of source and demand areas within the same state and highlights the fact that demand for CS is not only limited to cities, but also includes smaller towns.

### **Limitations in Estimating the Magnitude of Trafficking**

Estimates of the magnitude of minor girls trafficked for CSE in India have been made almost entirely on the basis of the numbers of trafficked minor girls in brothels and those in NGO/government rescue homes after they were removed from CSE. Moreover, much of the current evidence refers to the percentage of women who entered CS before the age of 18 years rather than the percentage of girls less than 18 years in CS at a given point in time. Women may not admit they were trafficked unless specifically probed.

Data on human trafficking should be ideally collected at different points in the trafficking process. The lack of adequate data on source and transit areas where trafficking occurs is a serious limitation to estimating the magnitude of trafficking in the country and calls for further research in source areas or areas of origin as well as for research that tracks the movement process. Future research will also need to expand on ethnographic approaches that help identify the origins of trafficking and the mechanisms through which trafficking networks are created (Ali, 2005) to enable a clearer profile of trafficked victims, notably girls and boys who are trafficked for CSE.

Trafficking for CSE was defined as entry into CS as a minor with or without force or deception, or as an adult as a result of force or deception (Wirth et al., 2013) or simply by entry into CS by use of deception, trickery or force, regardless of the age at entry (Sarkar et al., 2008; Silverman et al., 2006; 2007b).

### **1.2.4 FACTORS RESPONSIBLE FOR TRAFFICKING OF WOMEN AND GIRLS FOR CSE**

Almost all studies and reports related to trafficking in India emphasise poverty and the feminisation of poverty as major underlying factors for trafficking of women in general and minor girls in particular for CSE (Asian Development Bank, 2003a; Hameed et al., 2007; Sharma, 2007; ILO and UNICEF, 2009; George, Vindhya and Ray, 2010; Warhurst et al., 2011). However, as

stated in the report by ILO and UNICEF, poverty alone cannot push people into human trafficking. Poverty may be seen as a contextual factor that exacerbates the effects of other vulnerabilities and thereby increases the risk of trafficking. There are many risk factors that make people vulnerable to trafficking, and a combination of such factors and poverty is sometimes referred to as “poverty plus”, that is, a situation in which poverty does not by itself lead to a person being trafficked, but where a “plus” factor, such as illness, family crisis or other stress factors, combines with poverty to increase the vulnerability of individuals to trafficking (ILO and UNICEF, 2009). Evidence that is currently available suggests a range of “plus” factors related to natural disasters and civil strife as well as community- family- and individual-level vulnerabilities that place women and minor girls at risk of trafficking for CSE (Asian Development Bank 2003b; Hameed et al., 2007; Sharma, 2007; ILO and UNICEF, 2009; George, Vindhya and Ray, 2010; Warhurst et al., 2011).

### **Natural Disasters and Civil Strife**

Natural disasters and civil strife pose a huge threat to minor girls from marginalised communities, because they exacerbate their families’ economic deprivation and limited livelihood options and make minor girls and their families easy prey for traffickers. The severe cyclone in Odisha in 1999, repeated floods in Bihar (Kosi river area) and the Naxalite movement in Jharkhand have all contributed to increased trafficking of women and minor girls (Hameed et al., 2010; Duggal, 2006; United States Agency for International Development [USAID], 2006).

Distress-led and insecure migration to urban areas may be also linked to the risk of women and minor girls being trafficked (Asian Development Bank, 2003a). Minor girls and women who migrate as dependants or alone in difficult circumstances are likely to experience considerable gender-based discrimination. They may be employed in low-skilled and poorly paid jobs in the informal economy, or find themselves in dangerous working conditions or face sexual exploitation, including being duped into CSE (Ghosh, 2009; Jha, 2005; Krishnaraj, 2005; Bhatt, 2009).

### **Community, Family and Individual Factors**

A range of factors at the community, family and individual levels increases the vulnerability of women and minor girls to trafficking for CSE in India. At the community level, social and cultural practices that discriminate against women, such as child marriage of girls and dowry, play an important role in putting minor girls at risk of trafficking (Hameed et al., 2007; United Nations Inter- Agency Project on Human Trafficking [UNIAP], 2007). In addition, there are

communities in which minor girls and women are traditionally initiated into CS as an intergenerational practice. In these communities, elder members of the family and the community select the minor girls to be initiated into CS and decide when they will be initiated (McClarty et al., 2014). Such practices of customary initiation of minor girls into CSE exist in the form of the *devadasi* tradition in parts of Karnataka, Maharashtra and Andhra Pradesh (Blanchard et al., 2005; Orchard, 2007; Sen and Nair, 2004; Mukherjee and Mukherjee, 2004) and among the Bedia community in Madhya Pradesh, Rajasthan and Uttar Pradesh (Agarwal, 2008; Mukherjee and Mukherjee, 2004). Intergenerational CS is also prevalent among the Nat community in Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh (O’Neil et al., 2004; Gupta and Sinha, 2007; Mukherjee and Mukherjee, 2004). Two studies in Karnataka found that 26 percent of women and 46 percent of minor girls had entered CS through the *devadasi* tradition (Blanchard et al., 2005; Banandur et al., 2012). Studies exploring the experiences of girls who were initiated into CSE through the *devadasi* tradition suggest that several girls were unwilling to describe themselves as trafficked, but rather as girls who “do not always like what they do or what is demanded of them, but do so out of a sense of filial duty, economic need and because CS is incorporated into their models of female maturity” (Orchard, 2007).

At the family level, studies have shown that a large proportion of women and minor girls—between one-third and two-thirds—attributed their entry into CS to poverty (see McClarty et al., 2014 for a review; Blanchard et al., 2005; Devine et al., 2010; Saggurti et al., 2011a; Banandur et al., 2012). Disruption of family life because of domestic violence, illness or death of income-earning family members and marital separation or abandonment were also significant factors in putting women and girls at risk of trafficking for CSE. A study of rescued death of income-earning family members and marital separation or abandonment were also significant factors in putting women and girls who were trafficked into CSE as minors found, for example, that almost half (49 percent) reported family disruption as a predisposing factor (Silverman et al., 2007a). This study has also shown that 43 percent of women who were trafficked as minors compared with 26 percent of women who were trafficked as adults reported physical and/or sexual violence by parents, natal family kin and husbands before they were trafficked (Silverman et al., 2007a). Trafficked minor girls were also more likely than adult females in CS to report conflict with parents over choice of marriage partner (19 percent versus none) as being instrumental to their entry into CS. However, they were less likely to attribute their being trafficked to illness or death

in the family (5 percent versus 26 percent) and marital separation and abandonment (24 percent versus 44 percent).

Factors such as death or illness of income-earning family members and marital disruptions are cited in several other studies of women and minor girls as predisposing factors (Chattopadhyay, Bandyopadhyay and Duttagupta, 1994; Devine et al., 2010; Bowen et al., 2011; Saggurti et al., 2011a; 2011b). A study comprising in-depth interviews with 367 women in CS in four states (Andhra Pradesh, Karnataka, Maharashtra, Tamil Nadu) reports that 89 of the 220 married respondents cited domestic violence as the reason for entering CS (Saggurti et al., 2011a). A survey of adult women in CS in these four states reports that 19 percent attributed their entry to such factors as lack of basic education, early marriage, restricted control over major decisions in life, concern about children's wellbeing, domestic violence, and husband's alcoholism and/or extramarital behaviours (Saggurti et al., 2011b).

The social status of the family has also been linked to the risk of minor girls getting trafficked into CSE. Studies have observed, for example, that minor girls belonging to socially excluded caste groups, such as scheduled castes and scheduled tribes, are at a greater risk of being trafficked than those belonging to other caste groups (Sen and Nair, 2004; International Center for Research on Women [ICRW], 2010). Similarly, children of women working in brothels are likely to be abused, trafficked and violated (Sen and Nair, 2004).

At the individual level, limited education has been emphasised as a risk factor. The NHRC study observed that 63 percent of survivors of trafficking drawn from a national sample were illiterate or barely literate and just 10 percent had some secondary education (Sen and Nair, 2004). Similarly, 49 percent of rescued women and minor girls in a study in Mumbai reported no schooling (Silverman et al., 2006).

Being a minor girl is itself a risk factor for trafficking for CSE. Some researchers observe that the emergence of the HIV/AIDS pandemic contributed to the rise in trafficking of minor girls for CSE, because of perceptions that sex with virgin girls could cure men of sexually transmitted infections (STIs) (Gathia, 1999; George, Vindhya and Ray, 2010). The current deficit of girls in some districts located in the northern and western states of India caused by, among other factors, decades of gender-based sex selection has resulted in an increase in the number of girls trafficked for marriage. UNODC, for example, has chronicled rampant large-scale trafficking of girls from

Assam, Bihar, Jharkhand, Madhya Pradesh, Odisha, West Bengal and Uttar Pradesh into Haryana and Punjab where they are held as bonded labourers, forced into marriage and sometimes duped, after some years, into CSE (UNODC, 2013; Ghosh, 2009).

### **1. 2.5 HEALTH CONSEQUENCES OF TRAFFICKING**

Empirical research on the impact of trafficking for CSE on the lives of women throws light on multiple threats to their physical and psychological wellbeing, which may have enduring effects on their lives. They are at heightened risk of unwanted pregnancies, unsafe abortions and sexually transmitted infections (STIs) including HIV/AIDS. They are also more likely to be subject to physical and sexual violence and to experience mental health problems, such as depression, anxiety, guilt, shame and feelings of self-blame, attachment disorders, mistrust of adults and antisocial behaviours, reduced cognitive functioning, lack of self-worth, suicidal ideation, dependence on alcohol or drugs and symptoms of Post-Traumatic Stress Disorder (PTSD) (Oram et al., 2012; Rafferty, 2008). They are also more likely to face barriers in accessing appropriate healthcare (Beyrer and Stachowiack, 2003).

Health outcomes for women and minor girls trafficked for CS come disproportionately from studies examining HIV risk, exposure to other STIs or experience of sexual violence among women and minor girls in CS (Silverman et al., 2006; 2007b; Gupta et al., 2009; Saggurti et al., 2012), rather than from those examining other outcomes, such as physical and mental health implications. Many of the associations observed are, moreover, suggestive rather than conclusive, largely because of limited sample size and other data limitations associated with retrospective data.

#### **HIV Infection and Self-Reported STIs/Symptoms of STIs**

The studies that have explored the association between the experiences of trafficking for CS and HIV infection relied on cross-sectional data drawn from women in CS at the time of the survey or from women and minor girls who had been rescued and were availing post-trafficking services from NGOs at the time of the survey. All these studies assessed HIV infection through laboratory tests. Three of the four studies included in this review (all from India) find no statistically significant association between age at entry into CS/age at trafficking and HIV infection (Wirth et al., 2013; Sarkar et al., 2008; Silverman et al., 2006). A study from Nepal, however, finds a significant association—compared with those who were trafficked at ages 18 and above, those who were trafficked before they were 15 years old had almost four times a greater risk of HIV infection,

although those who were trafficked at ages 15–17 were not at greater risk (Silverman et al., 2007b). Similarly, findings were mixed with regard to the association between ever experience of trafficking, as defined by entry into CS by force or deception, and HIV infection. A study from Karnataka reports that women who experienced trafficking were 2.3 times more likely than others to be HIV infected (Wirth et al., 2013), but no such association was observed in a study in West Bengal (Sarkar et al., 2008). Only two studies explored the association between the experiences of trafficking of women and minor girls for CS and STIs other than HIV. Findings from these studies show no association between trafficking experience and STIs or symptoms of STIs (George and Sabarwal, 2013; Silverman et al., 2013).

### **Behaviors that increase the Risk of HIV Infection**

Several studies have explored associations between trafficking and behaviours that increase the risk of HIV, such as client load, length of engagement in CS, experience of violence, condom use and alcohol use (George and Sabarwal, 2013; Gupta et al., 2011; Silverman et al., 2006; 2011). Studies of women and minor girls in CS or rescued from CSE when the studies were conducted report that women and minor girls who were trafficked, as defined by entry as minors with or without force or deception or as adults as a result of force or deception, were likely to serve more clients (odds ratio [OR] of 1.8 to 3.3 in various studies) (George and Sabarwal, 2013; Gupta et al., 2011; Silverman et al., 2011) and engage in CS for more days compared with those who were not trafficked (OR of 1.5 to 2.2 in different studies) (George and Sabarwal, 2013; Gupta et al., 2011). Similarly, women who were trafficked as minors were likely to have experienced longer captivity in brothels than those who were trafficked as adults (19 months versus 10 months), a factor found to be significantly associated with the risk of HIV infection (Silverman et al., 2006).

A number of studies report that women and minor girls who were trafficked were more likely than others to experience sexual violence, defined as being forced to engage in different types of sexual acts, serve numerous clients against their will, to be displayed nude and so on, during the initial days of entry to CS (OR 3.1) (Silverman et al., 2011) or in the recent past preceding the survey (OR 2.1) (George and Sabarwal, 2013). They were also more likely to have experienced any violence in the recent past preceding the survey (OR of 1.7 to 1.9 in various studies) (George and Sabarwal, 2013; Gupta et al., 2011) or during the initial days of entering CS (OR 7.4) (Sarkar et al., 2008). Only one study explored the association between recent experiences of physical



violence and trafficking (separately and not in combination with sexual violence) and found that trafficking was not associated with an increased risk of experiencing recent physical violence (George and Sabarwal, 2013). Another study reports that as much as 32 per cent of adolescents in CSE reported the experience of rape and physical violence (Beattie et al., 2010).

Findings were mixed with respect to the association between trafficking and condom use with clients. A study, for example, among HIV-infected females in CS in Mumbai reports that those who were trafficked were almost four times more likely than others to have engaged in unprotected sex with their clients in the first month of entry into CS (Silverman et al., 2011). A second study drawing on the same sample reports that entry into CSE as minors doubled the odds of unprotected sex in the past three months preceding the study, compared with those who entered CS at age 18 (Silverman et al., 2013). Other studies, however, observe no association between trafficking for CS and such measures of condom use as whether condoms were used consistently or in the last sexual encounter with a client (George and Sabarwal, 2013; Gupta et al., 2011).

Finally, the study among HIV-infected females in CS in Mumbai further reports that those who were trafficked were twice as likely as others to have used alcohol at their first episode of and in the first month of engagement in CS (Silverman et al., 2011). However, the second study from the same sample reports that entry as minors was not associated with alcohol use before transactional sex in the three months preceding the survey (Silverman et al., 2013).

A cross-sectional study was conducted in brothels of West Bengal under the project “Sex-trafficking, Violence, Negotiating Skill, and HIV Infection in Brothel-based Sex Workers of Eastern India, Adjoining Nepal, Bhutan, and Bangladesh (Sarkar et al 2008).” As many as 580 sex workers from brothels of four districts participated in the study. Blood sample was collected from each sex worker to study their HIV status. Testing of HIV was done by Enzyme Linked Immunosorbent Assay (ELISA), followed by another rapid test (tri-dot test) as per the national guidelines of HIV testing. Both univariate and multivariate analyses were done to find out any association between HIV and relevant risk factors. The prevalence of HIV was strikingly higher among Nepalese (43%) than among Bangladeshis (7%) and Indians (9%). Almost one in every four sex workers (24%) had joined the profession by being trafficked. Violence at the beginning of this profession was more among the trafficked victims. The overall condom negotiation rate with most

recent two clients was 38%. By multivariate analysis, HIV was significantly associated with sexual violence.

Medical and case records of 287 repatriated girls and women reporting being trafficked from Nepal for sexual exploitation at a major NGO (Maiti) were systematically reviewed in January 2006 under the Project “HIV Prevalence and Predictors of Infection in Sex-Trafficked Nepalese Girls and Women” (Silverman et al 2007). Testing for HIV (assessed via Enzyme-Linked Immunosorbent Assay, Western Blot, or Rapid Testing for HIV-1 and HIV-2) was undertaken .Bi-variate and multivariate analysis was used. Among 287 repatriated Nepalese sex-trafficked girls and women, 109 (38.0%) tested positive for HIV. Girls trafficked prior to age 15 years were at increased risk for HIV and had increased odds of having been detained in multiple brothels. Additional factors associated with HIV positivity included being trafficked to Mumbai and longer duration of forced prostitution.

Case and medical records for all 227 residents of the NGO who were rescued between December 2002 and July 2005 were reviewed under the project “HIV Prevalence and Predictors Among Rescued Sex-Trafficked Women and Girls in Mumbai, India” (Silverman et al 2006). Descriptive statistics were calculated for all demographic Variables. Chi-square tests used based on the categorical nature of these variables. Differences in HIV status based on continuous variables were assessed via Student t tests. Logistic multivariate regression models were constructed to calculate odds ratios (ORs). Approximately one quarter (22.9%) of trafficked individuals tested positive for HIV. Longer duration in brothels was associated with greater likelihood of HIV infection; a 3% to 4% increased risk for HIV was observed for each additional month of brothel captivity.

A Review of case records for cases of TB among 287 sex trafficked girls and women repatriated to an NGO in Kathmandu, Nepal between 1997 and 2005 was conducted under the research study “Tuberculosis and HIV: a Global Menace Exacerbated Via Sex Trafficking “(Dharmadhikari et al, 2009). TB case detection was based on sputum smear results for acid-fast bacilli, radiographs, or histories, as reported in medical tests and/or case records. 17 TB cases out of 287 screened individuals (5.9%), with the majority (12/17 or 70%) likely being pulmonary TB and developing after release from forced sexual servitude. An astounding 88% (15/17) of TB cases were HIV co-infected.

## **Mental Health**

Only few studies have explored the mental health consequences of the experience of trafficking or engagement in CS. One such study compared women trafficked for CS with those trafficked for domestic work in Nepal, and its findings show that although a large proportion of trafficked women in general reported adverse symptoms, women who had been trafficked for sexual exploitation exhibited a significantly increased risk of depression and PTSD than did those who had been trafficked for labour (Tsutsumi et al., 2008). Another study of women in CS in Goa finds that 42 percent of those under 20 years of age reported their having attempted suicide in the three months preceding the interview, and those in the older age group were three to six times less likely than the women under 20 years to have attempted suicide (Shahmanesh et al., 2009). A study that compared minor girls in the ages 13–18 years trafficked for CSE with a matched sample of minor girls who had not been sexually abused in Kolkata finds that those trafficked for CSE displayed significantly higher levels of aggression than the minor girls in the comparison group (31 percent versus 14 percent) (Deb, Mukherjee and Mathews, 2011). Other behavioural symptoms ranging from social withdrawal to aggression were noted in a small qualitative study of 20 survivors of CS in Nepal (Crawford and Kaufman, 2008)

A cross sectional study “Mental Health of Female Survivors of Human Trafficking in Nepal” (Tsutsumi et al 2008) among 164 female survivors of trafficking supported by Govt-authorized local NGOs in Kathmandu, Nepal was undertaken. T-test for continuous variables and the analysis of covariance (ANCOVA), putting age as a covariate, was performed. Categorical data and the case proportion of anxiety, depression, and PTSD, as assessed by cut-off points of the scales administered, were compared between the groups, using the chi-square test (two-tailed). The sex workers group tended to have more anxiety symptoms (97.7%) than the non-sex workers group (87.5%). Regarding depression, the proportion of those who are above the cut-off for PTSD was higher in the sex workers group (29.6%) than in the non-sex workers group (7.5%).

The Review of available literature under “Prevalence and Risk of Violence and the Physical, Mental, and Sexual Health Problems Associated with Human Trafficking: Systematic Review” (Oram et al, 2012) included peer-reviewed papers reporting on the prevalence or risk of violence while trafficked and/or on the prevalence or risk of any measure of physical, mental, or sexual

health among trafficked people. The search identified 19 eligible studies, all of which reported on trafficked women and girls only and focused primarily on trafficking for sexual exploitation. The review suggests a high prevalence of violence and of mental distress among women and girls trafficked for sexual exploitation. The random effects pooled prevalence of diagnosed HIV was 31.9% in studies of women accessing post trafficking support in India and Nepal, but the estimate was associated with high heterogeneity.

### **1.2.6 LIFE TRAJECTORIES**

This chapter summarizes evidence from available studies that document the life trajectories of minor girls who were trafficked, their experiences of life in the brothel and their rescue and rehabilitation experiences.

#### **The trafficking Process**

While in many instances trafficking begins at the point of deceiving or coercing women and minor girls to move to a destination where they will be exploited, in some instances, women and girls who migrate voluntarily can also be trafficked into CSE after they have reached their destination point (ILO, 2009).

Traffickers exploit certain vulnerable conditions, such as poverty, distressed family situations or limited exposure to education, to trap minor women and girls into CS or their families into permitting their daughters to be trafficked. Studies conducted across India show that recruitment of young women and minor girls for CSE took place through different informal social networks, such as friends and co-workers, through family members, such as husbands, relatives and parents, and through strangers. Different studies depict different degrees of stranger-induced trafficking. The National Human Rights Commission (NHRC) study shows that only 11 percent of trafficked victims in CS at the time of the survey were trafficked by a stranger, while 35 percent were trafficked by a family member or relatives and 53 percent were trafficked by acquaintances (Sen and Nair, 2004). Studies on rescued women and minor girls, including the NHRC study, however, suggest that a larger percentage of minor girls were trafficked by a stranger who was likely to have gained the trust of the girl or her family (Silverman et al., 2006; Falb et al., 2011; Gupta et al., 2009; Sen and Nair, 2004). Among survivors of trafficking who were interviewed in the NHRC study, 68 percent reported that they had no relationship with the trafficker, although it is

not clear whether these people included friends and acquaintances (Sen and Nair, 2004). A study among women and minor girls rescued from CS in Mumbai reports that 43 percent were trafficked by a stranger, 40 percent by friends and acquaintances and 17 percent by an intimate partner or a relative (Silverman et al., 2006). Similarly, in a study among rescued victims in Kolkata, almost half of the victims trafficked, as both minors and adults, were trafficked by a stranger, a little over one-third each by friends and acquaintances and the remaining by family members or intimate partners (Falb et al., 2011). Again, another study in Karnataka conducted among survivors of sex trafficking reports that 39 percent of survivors were trafficked by a stranger and 18 percent by friends and acquaintances (Gupta et al., 2009).

### **Recruitment Locations**

While some traffickers approached women and minor girls through informal social networks and family contacts, others directly approached them at bus stops, train stations and markets. Cafes and restaurants, beauty contest venues, beauty parlours, national highways and construction sites were other areas that traffickers used to approach women and minor girls (Sen and Nair, 2004). A study among trafficked victims who were rescued in Mumbai reports that recruitment locations included the home of a relative or friend (27 percent), the workplace (21 percent) and public transport stations and other public locations (51percent) (Silverman et al., 2007a). Studies also report that traffickers procured girls primarily from rural areas (Sen and Nair, 2004). Of late, however, with increasing use of modern technologies for communication, the nature of the recruitment process has been shifting—for example, traffickers use newspaper advertisements to recruit women and minor girls through apparently legal shop-front organizations, and they have also expanded their reach through use of the internet and mobile phones (Sharma, 2011).

### **Lure/Promises**

Offers of well-paying jobs, opportunities to live in more developed place, promise of marriage and declaration of love are some of the many tactics traffickers use to lure victims to travel with the traffickers. The typical inducement is the promise of a well-paying job—studies from various parts of the country report that between two-fifths and two-thirds of women and minor girls who were trafficked into CS were lured by offers of economic opportunity (Falb et al., 2011; Gupta et al., 2009; Sarkar et al., 2008; Silverman et al., 2006; 2007a; Sen and Nair, 2004). Two small-scale studies that provide data on tactics used to lure women and minor girls show that minors were

somewhat less likely than adults to be lured by offers of economic opportunity—53 percent of minors versus 70 percent of adults in one study (Falb et al., 2011) and 51 percent of minors versus 60 percent of adults in the other study (Silverman et al., 2007a). Sometimes, traffickers enticed minor girls by promises of better living conditions or lifestyles (Sen and Nair, 2004; Sarkar et al., 2008). Some had been trafficked by false promises of marriage (Falbet al., 2011; Saggurti et al., 2011a, ; Gupta et al., 2009; Ghosh, 2009; Sarkar et al., 2008; Silverman et al., 2006; 2007a; Sen and Nair, 2004). Across studies, 2–11 percent of trafficking victims reported that they were offered promises of marriage (Falb et al., 2011; Gupta et al., 2009; Sarkar et al., 2008; Silverman et al., 2006; 2007a; Sen and Nair, 2004). Studies also report that traffickers resorted to deceiving parents without financial means for the marriage of their daughters with fraudulent offers of dowry-free marriage proposals or cash offers from fake grooms in return for marriage (Ghosh, 2009). A number of studies report kidnapping or abduction with or without the use of drugs or force—between 12 percent and 26 percent of victims in various studies reported the use of force and drugs (Falb et al., 2011; Gupta et al., 2009; Silverman et al., 2006; 2007a; Sen and Nair, 2004). One of these studies reports that those who were trafficked as minors were more likely than adults to have been trafficked by use of force or drugs (33 percent of minors versus 13 percent of adults) (Silverman et al., 2007a). Studies also report inducements such as promises of shelter and engagement in social and entertainment activities (Gupta et al., 2009; Sen and Nair, 2004).

### **Transport**

Studies show that traffickers took victims by public transport, mainly buses or trains, to their destinations. Bribes to transporters and local officials ensured that the activities of the traffickers were not questioned (Warhurst et al., 2011). In a study among trafficking survivors in Mumbai, 63 percent of women and minor girls reported that they were shifted to other locations in public transport (Silverman et al., 2007a). The NHRC study also reports that more than three-fourths of the survivors were transported using public transport (Sen and Nair, 2004). In the second phase of the trafficking process, the trafficked person was usually taken to a transit site before being transported to the final destination site. The transit site was usually the home of the brothel owner or trafficker, and it was here that the trafficked minor girls were made further dependent on the traffickers or brothel owners and had no choice but to obey them. Traffickers used a variety of methods to make girls dependent, such as keeping them under a false debt bondage ostensibly created by their travel, living and other expenses, using methods of harassment, such as starvation,

imprisonment, sexual and physical abuse, threats of violence against them and their families, and forced drug use (Sen and Nair, 2004; Megumi, 2009; ICRW, 2010; Silverman et al., 2007b; Saggurti et al., 2011a; *Terre des Hommes*, 2005). Trafficked minor girls may be also passed on to other traffickers with whom they have had no previous contact, which may worsen their feelings of insecurity (Warhurst et al., 2011). We note that the movement of trafficked minor girls from place of origin to transit points and final destination points was not always linear and that they were transported many times from one place to another or resold many times before arriving at a final destination (Sen and Nair, 2004).

Trafficking from the neighboring countries of Bangladesh and Nepal has also been documented in some studies. Available evidence on women and girls trafficked from Bangladesh into India shows that they were typically trafficked to West Bengal, Assam, Odisha and Tripura, where they were initiated into CSE. These states serve as both destination and transit sites for minor girls from Bangladesh, as many of them were later sent to new destinations, including New Delhi, Agra, Mumbai, Kolkata, Goa or Pakistan (Joffers et al., 2008). Mechanisms of entry into India from Bangladesh were largely by illegal entry through a porous border, where there are only 20 official points of entry on a 4,156 km long border. The border is patrolled by the Border Security Force (BSF), but the BSF cannot fully prevent illegal entry of people (Sen and Nair, 2004). Further, illegal entries by traffickers through legitimate border points also occurred largely through the bribing of BSF officers in exchange for their protection from prosecution (Warhurst et al., 2011; Ghosh, 2009). Trafficking from Nepal into India is easier. Nepal and India have 14 legal entry points, and owing to the cross-border treaty between Nepal and India, no immigration control is required for citizens of Nepal travelling or migrating to India, and hence no records are maintained (Warhurst et al., 2011).

### **Exploitation in Brothels**

The trafficked victim is sold to a brothel and starts dealing directly with clients. One study describes how prices for minor girls were set through a “sorting and grading” process, where the highest price was on the youngest girls. The early days in CSE for women and minor girls might entail imprisonment in a small room for several months to break them in. They were kept in brothels under a debt bondage, which they are told must be paid by their work in the brothel. They were also told that their families depended on their income. They might be given drugs and

alcohol, and once initiated into CSE, forced to prostitute themselves to approximately 5–15 men daily, earning for the “madam” about US \$100 per customer if sold as a virgin (Warhurst et al., 2011). Another study of women and girls trafficked for CSE in Delhi, Mumbai and Kolkata reports that physical abuse and confinement were widespread, especially in the initial days of residence in the brothel. The victims reported violence, starvation, forced use of drugs and alcohol, their being paraded naked, solitary confinement in a darkened room and similar detrimental practices as mechanisms through which brothel owners ensured their submissiveness of. On an average, these women and girls reported serving 4–5 customers a day in the brothels, where they were kept in deplorable and unsanitary conditions. Brothel owners appropriated their earnings and even the tips that customers had given them. If they fell ill, healthcare costs were considered a debt that they were expected to repay. Many reported that they were forced to become pregnant, because brothel owners saw responsibility for a child as an added measure of control to force women and minor girls to remain in the brothel (Dutta and Zutshi, 2003).

Saving money is difficult in these circumstances. The NHRC report finds that 61 percent of women and minor girls in CS at the time of the survey had no savings, and almost 50 percent reported that they remitted money home, but on an irregular basis (Sen and Nair, 2004). The study also notes that most of the girls did not have contact with their parents while in CSE. The NHRC study reports that among survivors, almost two-thirds had no contact with their families, and of those who were in contact, just half had visited their families, including some who had done so to procure more minor girls (Sen and Nair, 2004).

Women and minor girls who remain in brothels become less profitable as they get older, and by 35 years of age, they are no longer perceived as being profitable and are dismissed from the brothel. Without family support or a means of generating income, many perceive they have no option but to work as traffickers.

Under a qualitative study, records of 160 sex trafficking victims rescued from brothels of Mumbai, India (Silverman et al 2009) and put in a NGO remand home providing shelter and care of women were systematically reviewed. Descriptive statistics were calculated, and demographic differences in trafficking mechanisms and pre-disposing contexts were explored. The majority of victims (51.9%) were trafficked as minors. Traffickers most commonly lured victims via promises of economic opportunity (55.0%). violence involving husbands or other family members (38.0%) and



marital separation or abandonment (32.9%) were the most common forms of disruption reported. Differences in experiences of trafficking were identified based on age, nationality, education, and marital status.

“History of Sex Trafficking, Recent Experiences of Violence, And HIV Vulnerability among Female Sex Workers in Coastal Andhra Pradesh, India” (Gupta et al 2011) was a cross-sectional study among 812 Female Sex Workers in the Parivartan field in Rajahmundry of Andhra Pradesh, India. Through bivariate and multivariate analysis, it was found that women trafficked into sex work were more likely than other FSWs to report recent violence experiences, more clients per week, and were less likely to report use of FSW-focused services. No significant differences emerged regarding HIV knowledge or consistent condom use.

Under the Study “HIV vulnerabilities of sex-trafficked Indian women and girls” (Gupta et al 2009), case narratives of 61 repatriated women receiving services at an NGO in Mysore, India, were reviewed. A retrospective qualitative analysis of information collected through a routine intake interview at Odanadi was undertaken. Among the 48 women and girls tested for HIV, 45.8% were found HIV positive. Narratives described very low levels of autonomy, use of violent rape as a means of coercing initiation into sex work, inability to refuse sex, inability to use condoms or negotiate use, substance use as a coping strategy, and inadequate access to health care.

## **Rescue**

Rescue of women and girls from brothels entails raiding of brothels and removing them to safe locations, free from exploitation (Pandey et al., 2013). Typically, rescue operations consist of a number of steps. The police or NGOs are informed about a trafficked minor girl in a brothel, and through independent confidential investigation, they verify the authenticity of the information. Once authenticated, police personnel together with NGO representatives conduct the rescue operation. Rescued trafficked minor girls are taken to a police station to register a first information report (FIR). The police, with support from NGOs, arrange for medical tests, if required, to determine the age of those rescued.

Studies have confirmed that raids are conducted more than once at brothels and that many minor girls have been rescued (Dutta and Zutshi, 2003). Most survivors of CSE and those in CS at the time of the interview for the NHRC survey confirmed the occurrences of rescue operations in the brothels to which they had been trafficked (Sen and Nair, 2004).

Rescue operations are, however, flawed in many ways. First, during rescue operations, termed as “raids”, police personnel tend to charge trafficked victims with offences, such as soliciting or engaging in sex in or near a public space, under the provisions of Section 8 of the ITPA (Sen and Nair, 2004). Indeed, the NHRC study of survivors finds that more than half had been arrested at least once, and of these, two-fifths were arrested on charges of soliciting. The remaining appeared unaware of the reasons, perhaps because the charges against them were swiftly dropped, and they were immediately released and returned to the brothel (Sen and Nair, 2004).

Second, the nexus between traffickers and law enforcement officials impedes rescue operations. The NHRC study reports that among women and minor girls in CS at the time of the interviews for the study, about half had succeeded in evading arrest at least once, largely because the brothel owner had received advance information from the police and had moved girls away from the brothel (58 percent), or they were hidden in boxes, cupboards and other places that were unlikely to be searched (24 percent) or because the brothel owner had bribed the raiding police party (18 percent) (Sen and Nair, 2004). A second study corroborates the evidence that brothel owners receive prior information about impending raids and force minor girls to hide in water tanks and other such places. The same study also finds that police often tell rescued minor girls not to implicate their brothel owner (Dutta and Zutshi, 2003). Third, many women and minor girls in CS with earlier experiences of raid and rescue reported that they had obtained their release from police custody by bribing the police or through the intervention of their brothel owner.

### **Rehabilitation**

Rehabilitation is an important stage after rescue, during which the multiple needs of trafficked victims are addressed, such as their immediate and long-term physical and mental health needs, their social concerns and meaningful integration into society (Zimmerman, et al., 2003; Pandey et al., 2013). It typically involves sending women and minor girls to government or NGO homes for an interim period for protective custody until their cases are heard by a court or they are returned to their homes. In the rehabilitation stage, NGOs are the major players providing legal aid and helping victims receive compensation (USDOS, 2013). Minors are sent to special homes for custodial care. They are kept in protective custody in the home till their parents or legal guardians are located and identities of these parents or legal guardians are authenticated and

verified before a Magistrate for subsequent release of the minor girls to their families. When minor girls are returned to their parents or legal guardians by designated NGOs that are involved in the process of restoration and repatriation, the NGOs are mandated to provide a detailed report of follow-up action. In case the girl is from another country, the two governments work together to repatriate the girl to her country and provide her support through a designated NGO in her country (Dutta and Zutshi, 2003). The Swadhar/Ujjawala homes to which women are sent provide counselling and impart income-generating skills for alternative employment.

### **Reintegration**

Reintegration refers to assimilation of rescued victims by their “source” or home community to enable them to lead a normal life and be socially accepted. The evidence currently available suggests that stigma, limited skills and lack of livelihood opportunities make it difficult for women and minor girls to reintegrate with their original families and communities. Those who returned were often subjected to vulnerable conditions, including poverty and lack of safety, which trigger re-trafficking. A vast majority of survivors (80 percent) who were re-trafficked in the NHRC study indicated that they were not able to find any alternative sources of income or livelihood options when they returned to their communities (Sen and Nair 2004). Moreover, communities display strong biases against women and minor girls who were trafficked for CS, preventing returned victims from leading a normal life. Existing interventions appear to focus primarily on rescue and rehabilitation, while social reintegration is neglected. The limited efforts to reintegrate rescued victims typically focus on economic reintegration and not social reintegration (Patkar and Patkar, 2001; Sen, 2012).

### **1.2.7 DEMAND SIDE OF TRAFFICKING FOR CSE**

#### **Profile of Clients of Women and Minor Girls in CSE:**

The male demand for CS has been considered to be the most immediate cause of trafficking in women and minor girls (Gupta and Sinha, 2007). Three levels of demand in sex trafficking are articulated in the literature on trafficking for CSE: (a) demand from those who employ women and minor girls in CS (brothel owners and managers, for example); (b) demand from clients; and (c) demand from third parties involved in the process (recruiters, agents, transporters and others who participate knowingly in the movement of persons for purposes of exploitation) (ILO, 2006). One study classifies components of the demand for sex trafficking under the following categories: men

who solicit or buy sex acts; profiteers in the sex industry (traffickers, pimps, brothel owners and corrupt officers who support trafficking); and, finally, the culture that indirectly creates a demand for victims by normalising prostitution, including media depictions of prostitution and other commercial sex acts (Hughes, 2004). In addition to different definitions of this demand, some authors also use the term “trafficking chain” as a framework to guide their research and prevention efforts. Gupta and Sinha, for example, describe the trafficking chain as comprising the three B’s—the Buyer, the Business and the Bought. The nexus between the Buyer and the Business form the demand for sex trafficking (Gupta and Sinha, 2007).

While it is the demand for women that fuels the practice of trafficking them for CSE, a variety of supply-side factors also play a role, and the interplay between demand- and supply-side factors makes it difficult to isolate factors that cause trafficking (ILO, 2006). Thus, poverty might be a supply-side factor that induces multitudes of women and minor girls to migrate and seek employment in unregulated sectors, where they become further vulnerable to exploitation. A supply of such women and minor girls who are easily available at low cost fuels a level of demand that would not have existed if they had not been so easily available (ILO, 2006). Some experts in this area believe, however, that the commercial sex industry in India is mostly demand driven, where even if the supply of women and minor girls who are at risk of being trafficked is depleted in particular source sites, traffickers and other parties who profit from CS procure minor girls and women from other regions of the country, as there is a constant demand for CS (Gupta and Sinha, 2007).

### **Traffickers**

Globally, the UNODC report finds that traffickers tended to be adult males and nationals of the country in which they operate. Information from more than 50 countries between 2007 and 2010 shows that of the persons prosecuted for and/or convicted for trafficking in persons, two-thirds were men (UNODC, 2012). The same report also shows, however, that, globally, more women and foreign nationals were involved in trafficking in persons than in most other crimes and that woman traffickers tended to be used for low-ranking activities that have greater risk of detection (UNODC, 2012). In India, the situation is different, as about half of all traffickers were female, and many of these were formerly trafficked themselves (Sen and Nair, 2004).

In India, studies of traffickers have been thwarted by difficulties encountered in identifying these individuals and obtaining their consent for interviews (Sen and Nair, 2004). Although a few studies have collected information directly from traffickers themselves (Sen and Nair, 2004), information in most of the studies is from interviews with women engaged in CS or those who have been rescued (ICRW, 2010; *Terre des Hommes*, 2005). These different sources confirm that trafficking is an organised crime that usually involves more than one person. The NHRC study describes the trafficker as a key link in a chain comprising many players and describes the trafficker hierarchy as consisting of several tiers: (a) master trafficker-cum-kingpin; (b) primary trafficker-cum-procurers; (c) secondary traffickers; and (d) spotters or a grassroots chain of intelligence gatherers. Survivors of CSE have corroborated the involvement of several people in the trafficking process. They reported the presence of at least three to four people, such as an initial procurer, a secondary procurer, a transporter and, lastly, the brothel owner (Sen and Nair, 2004). The NHRC study further reveals that there were several other stakeholders who supported the main trafficking structure and these included (a) the financiers who finance the transactions at various levels; (b) the hoteliers who provide accommodation during transit; (c) the goons/*goondas* who provide security at various levels; (d) the transporters who provide or arrange transport; (e) paramedical persons or even quacks who attend to the illnesses of trafficked victims during transit; (f) officials who provide several services including immigration clearance and security; and (g) the final exploiters who may be also any of these persons in the network (Sen and Nair, 2004). Another study has described the role of five distinct groups of stakeholders in the business chain of trafficking in India (Gupta and Sinha, 2007): (a) the traffickers, their agents and masterminds; (b) the transporters, that is, those who are responsible for transportation and who arrange the transport and locations for overnight halts; (c) the conspirators and abettors, that is, those who contribute to the various steps of the trafficking process actively or passively; (d) the financiers or those who finance the trafficking process and contribute to the perpetration of the debt bondage of trafficked victims in their places of exploitation; and finally, (e) the abusers, namely, clients, pimps, managers and madams.

In terms of the profile of traffickers, findings from studies conducted in India indicate that traffickers were equally likely to be males and females. The traffickers can be strangers or those who are related to or acquainted with the trafficked women and minor girls. Findings also reveal that female traffickers were usually victims of CSE themselves, and many of them were older

women who had lost their business in brothels. The NHRC study reports that 58 of the 79 female traffickers who participated in the study had been engaged in CS in their younger days (Sen and Nair, 2004). Literacy levels of traffickers vary—the NHRC study shows that over 60 percent of the traffickers were literate, with almost 23 percent educated up to secondary or higher levels (Sen and Nair, 2004).

The NHRC study specifically probed child trafficking in interviews with traffickers. Traffickers reported that 65 percent of trafficked girls were adolescents and 26 percent were under the age of 16 years. Only 40 percent of traffickers admitted that they had trafficked minor girls primarily for CSE (Sen and Nair, 2004). Recruitment strategies included promises of well-paying jobs, residency status in more developed countries/states, marriage and shelter, declaration of love and kidnapping or abduction with or without the use of drugs or force. As many as 43 of the 81 male traffickers who were interviewed in the NHRC study admitted that they had forced minor girls whom they had trafficked to engage in sexual relations with them before these minor girls were introduced into CSE (Sen and Nair, 2004). When probed about the demand patterns, 69 percent of traffickers who participated in the NHRC study reported that they typically looked for minor girls. Moreover, one-fifth of the traffickers reported that they gave weightage to physical appearance of the trafficked victim (Sen and Nair, 2004). Most traffickers reported that the police were aware of their activities and were paid in cash or with “free sex” for protection from prosecution. As such, more than half had never been arrested, and of those who had ever been arrested, many had not been to jail or had been bailed out. Sex trafficking is a high-reward, low-risk criminal activity (Hodge and Lietz, 2007).

### **Brothel Owners**

According to the ITPA Act, “a brothel includes any house, room, conveyance or place, or any portion of any house, room, conveyance or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes” (Section 2a, ITPA, 1956). The ITPA makes it a crime to keep a brothel or allow premises to be used as a brothel and has provisions for the punishment of those living on the earnings of women in CS, procuring a person for CS and detaining a person in premises where CS is conducted (Ghosh, 2009).

In India, the brothel owner need not be the one who owns the building. The term brothel owner includes all those who are in control of the brothel—acting for or on behalf of the brothel owner—and they can be referred to as brothel managers or brothel keepers (Sen and Nair, 2004). A recent study of 30 “madams” from a well-known brothel area in Nagpur highlights that only 10 percent of them owned the building that housed their brothel. On average, they paid about Rs 5,500 per month towards rent (Semple et al., 2012).

Most information on brothel owners, once again, comes from reports of women or minor girls engaged in CS or from rescued survivors. The NHRC report is the only large-scale study that directly interviewed brothel owners and sought information on their day-to-day operations (Sen and Nair, 2004). In interviews with 412 brothel owners from 12 states, the report finds that over three-quarters of brothel owners were in the ages of 31–50 years and were illiterate or just literate, and most of the brothel owners had been in CS in brothels before becoming owners. A small-scale study based in Nagpur reports that the average age of brothel owners was 40 years, and 80 percent of them had no formal education. Most of them had been engaged previously in CS, and many had been initiated into CSE in adolescence (on average, age 19 years) (Semple et al., 2012).

Brothel owners had close links with traffickers and reported “placing orders” with them. On average, each brothel contained six to seven women or minor girls, and about half of all brothel owners reported that they kept girls less than 18 years of age in their brothels. The majority of those reporting girls under 16 years were located in Bihar, Maharashtra and Uttar Pradesh. Well over half of all brothel owners reported that they took 25–50 percent of the earnings of each minor girl or woman in their brothels and acknowledged that minor girls also had to pay the police and their traffickers. As women and minor girls in brothels had reported, brothel owners also confirmed the occurrence of police raids. Brothel owners reported that they had evaded arrest by bribing law enforcement officials or by receiving advance information about impending raids, whereupon they had hidden the minor girls or women somewhere inside the brothels or even outside. They also reported using their political connections to gain impunity. As such, brothel ownership was a profitable business, which earned the owners Rs 10,000–50,000 per month, as per the NHRC study (Sen and Nair, 2004). Similar findings were reported in a small-scale study conducted in Nagpur. Here, also, the number of women and minor girls living in the brothels ranged from two to ten. The madams of these brothels confirmed that they kept minor girls, and all brothel owners reported earning “more than” Rs 3,500 per month (the

highest category recorded in the study). They rated their financial situation as good or extremely good (Semple et al., 2012).

A study conducted among Nepali women and minor girls in brothels of Mumbai and Kolkata documents the complex nature of money transactions. The exchange of money between brothel owners and the women and minor girls working in the brothel for CS depended on the relative freedom and agency of the women and minor girls. The study describes three basic forms of brothel economies: the *tsukri/chhukri* system, that is, the use of enslaved or bonded labourers, in which the brothel owner retains all of the fees paid for the services of the woman and minor girl in CS; the *adhiya* system, in which a free agent woman or minor girl pays half of the client fees to the brothel owner; and the tenancy system, in which a free agent retains all fees for herself, but pays the brothel owner for rent of room and utilities and for other expenses related to use of brothel facilities (*Terre des Hommes*, 2005). This study further states that while most brothels have a combination of these systems, the greatest profits accrue to brothel owners from the use of enslaved or bonded labourers (the *tsukri/chhukri* system). An ethnographic study conducted in Sonagachi, West Bengal, among women and minor girls in CS as well as among brothel keepers, landlords, touts and employees corroborates this finding. Here, the *chhukri* system denotes the trafficking of minor girls and is perceived as providing the greatest profits to those in the trafficking and commercial sex industry (Kotiswaran, 2008).

### **Client Profile and Demand Patterns**

There are a few studies that address men who buy sex from women and minor girls (Anderson and Davidson, 2003; Sen and Nair, 2004; Raymond, 2004; Decker et al., 2010; Brahme et al., 2006; Suryawanshi et al., 2013; Shaw et al., 2011; Subramanian et al., 2008; Gaffey et al., 2011). Most of these studies on clients were conducted in the wake of the HIV/AIDS epidemic, largely in states such as Andhra Pradesh, Karnataka, Maharashtra and Tamil Nadu.

Available evidence on client socio-demographic characteristics from several studies suggests that clients included both younger and older men, but they were mostly men in their 30s (Suryawanshi et al., 2013; Subramanian et al., 2008; Shaw et al., 2011). While these studies report that most of the clients were married men, others report that the married and the unmarried were equally distributed among the clients (Sen and Nair, 2004). The studies also confirm that clients came from different educational and occupational backgrounds, although blue collar



workers and businessmen were reported to dominate (Suryawanshi et al., 2013; Subramanian et al., 2008; Shaw et al., 2011; Sen and Nair, 2004). These findings highlight the more pervasive nature of the demand for CS, and they show that it is not limited to a particular subgroup based on socioeconomic characteristics. Studies also report that clients obtained sex for relatively little payment. In one study, over 80 percent of clients reported payment of Rs 500 or less (Sen and Nair, 2004).

Insights about the motivations of clients also emerge. Findings in one study show that clients' first experience with women or minor girls in CS was more often arranged by friends or colleagues rather than as an independent decision made by the clients themselves (69 percent versus 25 percent) (Anderson and Davidson, 2003). As such, young men's initial experiences of approaching a woman or minor girl for sex were prompted by a combination of their own perception of the social demands of masculinity and peer pressure to conform to those demands (Anderson and Davidson, 2003). In the wake of the HIV/AIDS epidemic, a preference for younger girls seems to have emerged and, in particular, the demand for virgin girls, as they are considered HIV-free. Demand for minor girls is also based on the myth that intercourse with a virgin is a cure for HIV/AIDS (Sen and Nair, 2004; Anderson and Davidson, 2003; Deane, 2010; Aengst, 2001; Datta, 2011; Tumlin, 2000).

Finally, evidence suggests that most clients perceived women and minor girls as commodities, and the fact that these women and minor girls might have been trafficked did not bother them (Anderson and Davidson, 2003). Demand patterns for CS fluctuate, and there is increased demand during festivals and the holiday season. The demand for CS is area specific and location specific as well—for example, at railways stations, cinema halls and beaches. Demand is high in areas where anonymity can be maintained and where law enforcement is lax and clients are free from the threat of arrest. There is evidence of linkages between hotels, brothels and traffickers (Gupta and Sinha, 2007). The increasing use of mobile phones to convey demand makes it less location specific, and anonymity is easier to maintain than before (Suryawanshi et al., 2013).

### **1.2.8 PROFITS AND COSTS OF TRAFFICKING FOR CSE**

The ILO estimates that the global annual profits generated by human trafficking (including sexual exploitation and other forms of forced labour) are about US\$ 31.6 billion. Asia and the Pacific region generate the highest profits (US\$ 9.7 billion), that is, about one-third of global profits (ILO, 2005).

Our review of literature currently available shows that information on the profits and costs of trafficking is sparse in India. Only the NHRC study made efforts to assess directly the profit model of trafficking of women and minor girls for CS by looking at the earnings and expenditures of different players in the trafficking chain (Sen and Nair, 2004). As acknowledged in the study, estimates obtained from different respondents differed widely and were likely to be unreliable. On the whole, the NHRC study appears to give unrealistically low estimates of the earnings from trafficking of women and minor girls for CSE.

Findings from the NHRC study and others confirm that trafficking and CS are lucrative and profitable in India for traffickers and brothel owners, but not for women and minor girls in CSE and their families, who actually get very little of the profits made by the industry. The NHRC study, for example, reports that minor girls in CS earned more than adults for the brothel owners and that brothel owners kept most of the earnings, which they then shared with various stakeholders in the commercial sex industry, such as pimps, brokers, agents, *goondas*, financiers, managers and, occasionally, law enforcement agencies (Sen and Nair, 2004). Other studies report that the price of the minor girls depended on their age, complexion and virginity and that trafficking of minor girls was the most profitable (*Terre des Hommes*, 2005; Kotiswaran, 2008). A recent article in *The Week* reports that the purchase rate of a minor virgin girl in the ages 11–14 years ranges from Rs 80,000 to Rs 400,000 (Subramanian, 2014).

### **1.2.9 CHALLENGES TO COMBAT TRAFFICKING**

Although India has a number of laws to combat trafficking of women and minor girls for CS, it has not made sufficient progress in enforcing these laws. The *Trafficking in Persons* (TIP) report (USDOS, 2010) ranked India as a Tier 2 Watch List country for the years 2006–10. Under the definition of the Tier 2 Watch List, India is ranked with countries where the absolute number of victims of severe forms of trafficking is significant and whose governments did not fully comply with the minimum standards of the Trafficking Victims Protection Act (TVPA), 2000, for the

elimination of trafficking. India is also ranked in this category for having failed to provide evidence of efforts to combat trafficking. Although there has been some reduction in trafficking, India continues to be placed, since 2011, in the Tier 2 category for failure to comply with the minimum standards laid down in the International TVPA (USDOS, 2013). Other studies have also categorised India among the countries characterised by extreme risk for trafficking (Warhurst et al., 2011). This chapter describes the challenges faced in enforcing various laws and implementing various schemes intended to combat trafficking in India.

### **Gaps in existing Laws and their Enforcement**

Weak implementation of laws related to trafficking poses a key challenge in India (Asian Development Bank, 2003a). There are several lacunae in the implementation of anti-trafficking laws. Indeed, the implementation of the ITPA has been found to criminalize women and minor girls in CSE instead of curbing their exploitation by traffickers and others engaged in abetting the trafficking process (Rajalakshmi, 2003). A limitation of the ITPA is that while it focuses on the elimination of CS, it does not provide guidelines for intervention or law enforcement in preventing CSE through trafficking (Mishra, 2013). Thus, Section 8 of the ITPA, which punishes seducing and soliciting for the purpose of prostitution, is a clear indicator of the criminalisation of the victim. Section 4, which is intended to penalise those who live through the earnings of sexual exploitation, is also misinterpreted and used to arrest women and minor girls themselves as “consenting” parties. The absence of a definition of “trafficker” or “trafficking” in the Act further confuses matters, because of which courts and the police are not fully apprised of the process of trafficking, the different kinds of traffickers or the strategies they use (Rajalakshmi, 2003). Efforts to amend the ITPA, including Section 8 that criminalises solicitation by women, have not been successful (EPW, 2007).

Similarly, although the government passed the Criminal Law (Amendment) Bill in 2013, there is no mention in Section 370 that the prostitution of a minor is an act of human trafficking regardless of whether coercive means were used (USDOS, 2013). Rather, it argues that “whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation... shall be punished...” (Ministry of Law and Justice, 2013). This gives considerable scope for the trafficker or brothel owner to evade prosecution.

The translation of central government policy commitments into programmes in the states and at the local levels has been a challenging task. While the central government funds over 200 shelters, conducts campaigns against trafficking, allocates funding to state programmes and monitors trends in trafficking, it has relatively limited influence on anti-trafficking activities at the state level, where law enforcement may not prioritise issues of trafficking. Indeed, state governments have been far more engaged in prevention and protection activities than in improving rates of prosecution or using the ITPA to establish special courts for the disposal of trafficking cases (Hameed et al., 2010).

Courts and the police have also been slow to prioritise trafficking as an offence (Hameed et al., 2010). Corruption among law enforcement officials is widespread and has impeded efforts to prevent trafficking of women and minor girls for CSE. Brothel owners, for example, bribe police officials for information on impending raids or for protection from prosecution (USDOS, 2013; Ghosh, 2009). As mentioned earlier, the NHRC study reports that 18 percent of traffickers had bribed the police and 58 percent of women and minor girls had evaded arrest, because brothel owners had received advance information from the police (Sen and Nair, 2004). Clearly, the lack of effective deterrents to the practice is a key risk factor for its persistence.

Law enforcement authorities, for example, the police force themselves, have a limited understanding of the prevalence of trafficking of women and minor girls for CSE and tend to be uninformed about their responsibilities under the ITPA towards trafficking (Hameed et al., 2010). This constitutes yet another challenge in the prevention of trafficking of women and minor girls.

The outcome of this limited understanding of trafficking by law enforcement authorities is evident from data of the National Crimes Records Bureau (NCRB) on the registration and prosecution of crimes under ITPA and IPC that relate to trafficking for CS. As given in detail in Chapter 3, NCRB reports suggest that very few crimes have been registered under the provisions in the ITPA and IPC dealing with trafficking. The records show that crimes registered under ITPA have actually declined since 2001 (Ministry of Home Affairs, 2012). This is a clear indication of the limited commitment in the country to enforcing the ITPA and the relevant provisions of the IPC. Also of concern is that, under the ITPA, both traffickers and trafficked victims have been penalised (Ghosh, 2009; USDOS, 2013). NCRB data, for example, show that of the 8,052 arrests made/persons

booked under the ITPA in 2012, 38 percent were females and the remaining were males (NCRB, 2013).

Although studies show that the prosecution of traffickers is an effective deterrent to trafficking and related crimes (Rafferty, 2013; USDOS, 2010), the rate of prosecution and conviction in cases registered for trafficking is very low in India. Data related to the disposal of trafficking-related cases in 2012, for example, show that of the 12,325 cases registered for trial under ITPA, only 15 percent of trials were concluded, indicating the failure of the police and the judiciary in ensuring speedy trials (see Table 8.1). Moreover, of the 1,817 cases where trials were concluded under the ITPA, the accused were convicted in just 41 percent of the cases, and they were acquitted or discharged in the remaining cases. The conviction rate was even lower in cases registered for trial under IPC sections related to procurement, buying, selling and importation of minor girls. Trials were concluded in 16 percent (375 cases) of the 2,417 cases registered for trial under IPC, and the accused were convicted in just 11 percent of the concluded trials. Moreover, many law enforcement officials lacked awareness of the procedures for prosecuting traffickers and for protecting victims. Lastly, anti-human trafficking units are not functional in many states (USDOS, 2013).

### **Gaps in Rescue Operations**

Although the police force is a key institution for eliminating trafficking, police involvement in perpetuating the practice of trafficking is reported in numerous investigations. Studies show that the police may support brothel owners, be complicit with traffickers and give low priority to crimes of trafficking. Police behaviour, their procedures for age-verification of minors and lack of coordination with other agencies, such as protective homes, have seriously compromised the quality of rescue operations conducted by them. Raid and rescue efforts have often resulted in police harassment, detention and abuse of women and minor girls. Although rescue efforts provide an important means of escape for women and minor girls in CS and a pathway to support services, when implemented poorly without sufficient police training and adequate insight about the commercial sex network, it can be traumatising for women and minor girls (Decker 2013).

### **Gaps in Rehabilitation Efforts**

*Ujjawala* and *Swadhar* are schemes devised by the MOWCD to reach out to women and minor girls in CS and women in difficult circumstances, respectively. Their implementation, however, has been far from satisfactory. Rehabilitation centres and shelter homes under these schemes are not universally available across states. This creates barriers to rescue operations by the police, because of the lack of designated places to which the police can send the rescued women and minor girls (Nair, 2013). Moreover, the quality of services provided to victims in shelter homes was found to be poor. Many shelter homes were also found to be unsafe for victims, and the environment in these homes was such that rescued women and minor girls were at risk of being criminalised and re-victimised (USDOS, 2013; George, Vindhya and Ray, 2010). Further, girls residing in shelter facilities were subjected to invasive medical examinations and had to face traumatising queries from investigators checking details of their backgrounds (George, Vindhya and Ray, 2010). Finally, the *Ujjawala* scheme has not been successful in reintegrating survivors with their families and communities and in coordinating interstate activities between government and NGOs for rescue and rehabilitation of victims (Sen, 2012).

### **Gaps in Research**

One of the major gaps is the lack of studies on trafficking in India based on primary data. Whatever studies exist are a few and patchy. The varied dimensions and aspects of trafficking need to be critically examined. There is no community based studies about people's awareness on trafficking and its linkage with trafficking incidence. Information about the traffickers and their networks are almost nonexistent so also the demand side of trafficking. Documentation of NGOs responses to trafficking, the best practices adopted by them and the NGO networks to combat trafficking are scant and sketchy. The impact of anti trafficking initiatives by Govt. and NGOs need to be critically examined.

### III) STUDY OBJECTIVES AND RESEARCH METHODOLOGY

#### 1.3.1 STUDY OBJECTIVES

The **General Objective** of the study was to understand the enormity and dimensions of trafficking in women and girl children for commercial sexual exploitation with focus on critical review, analysis and gap identification at the policy, programme and implementation levels in three selected States of West Bengal, Odisha and Jharkhand in the Eastern India. The **Specific Objectives** of the study were:

- To understand the magnitude, dimensions, determinants, forms, pattern, purpose of trafficking in women and children for commercial sexual exploitation in the selected States;
- To identify source and destination areas and routes of trafficking and to know the dynamics, underground networks, strategies and organizational structure of the traffickers;
- To critically review the Constitutional Provisions, National Legal Framework, National Policies and Plans for prevention and control of trafficking in women and children for commercial sexual exploitation;
- To study the role, functioning and effectiveness of the Law Enforcement and Adjudication Machinery in dealing with the problem of trafficking in the selected States;
- To identify lacunae specific to each component of criminal justice system namely the police, the prosecution and the judiciary and find out the constraints, challenges and problems being faced by them;
- To analyze the existing protection and rehabilitation measures for trafficking survivors, and find out the standard of services, their utilization and gaps in the services delivery;
- To study the post rehabilitation socio economic and health status of the victims of trafficking reintegrated with their families and communities;
- To analyze the socio-economic contexts and processes of women and child labour migration and their linkages with sex trafficking;
- To assess community perception on trafficking, features and determinants of vulnerability of women and children to trafficking;
- To explore the GO/NGO initiatives for prevention of trafficking and effectiveness of the measures especially of community policing in source areas;
- To explore the role and response of the media in reporting incidents of trafficking; and

- To make recommendations for improving the effectiveness of the legal framework and institutional mechanisms to prevent and control trafficking in women and children and to rehabilitate victims of trafficking.

**The various questions addressed were:**

- What were the prime push factor responsible for trafficking in women and girl children?
- Was it true that most of the trafficked women and children belong to the backward castes including scheduled castes and scheduled tribes?
- Did rural urban male migration contribute to demand for commercial sex?
- Did voluntary migration of women and children for employment often end up in commercial sexual exploitation?
- What were the reasons for lack of conviction or prosecution of traffickers?
- Were the existing rehabilitation and re-integration measures for trafficking survivors adequate and effective?
- Police was allegedly unaware of trafficking related laws in filing the case, making relevant investigation necessary and easier for the prosecution of the trafficker. What were the levels of their knowledge on trafficking related laws?
- Was the Judiciary sensitive to various laws and judgments passed by the Supreme Court on the issue of trafficking?
- How frequently the restored victims were re-trafficked? What were the underlying reasons? What were the roles of the parents/relatives in re-trafficking of the victims?
- Were the perpetrators/ traffickers punished in accordance with the established law of the country?

**1.3.2 RESEARCH METHODOLOGY**

Trafficking in its manifestations, could be broadly categorized as: Trafficking for sex-based exploitation, i.e. for brothels based commercial sexual exploitation, pornography, paedophilia, sex tourism, mail-order bride system, disguised sexual abuse in the garb of massage parlours, beauty parlours, bartending, friendship clubs, etc. and Trafficking for non-sex-based exploitation, including a vast area of servitude, slavery and exploitation, which are commonly seen in bonded or



forced labour; domestic servitude, industrial servitude, servitude in the entertainment industry (e.g. camel racing, circuses, etc.) drug peddling, begging, adoption, trading in human organs and other similar exploitative practices. The present study addressed trafficking for brothels based commercial sexual exploitation of women and girl children.

The study defined victims of trafficking as: women who had entered commercial sex at an age of 18 years and above as a result of force or deception; women in commercial sexual exploitation who had entered commercial sex at an age less than 18 years and all minor girls (below 18 years of age) currently in CS regardless of whether they entered voluntarily or were forced or deceived into it.

### **Research Design**

The research design involved a process of triangulation of both quantitative and qualitative data of varied nature using quantitative and qualitative research techniques respectively. The qualitative data were required to supplement the information obtained through quantitative research techniques.

### **Data Type:**

The study was explorative in nature and integrated both primary & secondary data. The primary data were collected from multiple sources, such as trafficked women and minor girls currently in the commercial sexual exploitation (CSE) and trafficked survivors of CSE as primary stakeholders; brothel owners, traffickers and clients as key stakeholders involved in CSE as exploiters and perpetrators, officials of law enforcement such as police, Prosecutors, Judges; and GO/NGOs functionaries as secondary stakeholders.

The Secondary data were collected from the review of various qualitative and quantitative studies; review of the policies, laws and programmes for prevention and combating of trafficking; collation of data from the National Crime Records Bureau (NCRB) and Census Regional reports; and small-scale studies conducted across the States. The NHRC - UNIFEM - ISS Project Report “Action Research on Trafficking in Women and Children” by Sankar Sen and P.M. Nair published in 2004 was also a predominant reference for the study. Previous study reports, excerpts, books, journals, news, articles, documents and other related published/unpublished materials and GO/NGO websites were the secondary sources of information.

**Period of Survey:** The field survey was conducted during April -December 2016

## **Definitions Adopted**

The study adopted the SAARC definition of trafficking: “Trafficking” means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking (SAARC convention 2002, Article 1).

Sex trafficking include anyone who engaged in a commercial sex act prior to the age of 18 and anyone at any age who engaged in a commercial sex act compelled by the use of force, fraud or coercion. Victims of trafficking are forced into various forms of commercial sexual exploitation including prostitution, pornography, stripping, live-sex shows, mail-order brides and sex tourism.

Sex trafficking can also occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful “debt” which may incurred through their transportation, recruitment, or even their crude “sale” – which exploiters insist they must pay off before they can be free. It is critical to understand that a person’s initial consent to participate in prostitution is not legally determinative: if they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims.

Minor sex trafficking is the commercial sexual exploitation of children below 18 years of age and is synonymous with child sex slavery, child sex trafficking, prostitution of children, and commercial sexual exploitation of children (CSEC). Any minor used in a commercial sex act (the exchange of any item of value for a sex act) is a victim of trafficking, regardless of their willingness or desire to engage in the sex act.

Commercial Sex Act is defined as “any sex act on account of which anything of value is given to or received by any person.” Commercial Sex Act includes all the forms of commercial sexual exploitation including prostitution, pornography, stripping, live-sex shows, mail-order brides, military prostitution and sex tourism. Women engaged in “commercial sex activity (CSA)” (e.g., the trading of a sex act for something of value) include both sex trafficking victims and those who are engaged in survival sex.

Brothel : Immoral Traffic Prevention Act, 1956, defines a brothel ‘to include any house, room, conveyance or place, or any portion of any house, room, conveyance or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes’ (Section 2a).

Prostitution: The ITPA defines ‘prostitution’ as ‘the sexual exploitation or abuse of persons for commercial purposes’ or for consideration in money or in any other kind, and the expression prostitute shall be construed accordingly (Section 2f).

Brothel prostitution is prostitution carried out in specific areas, which are recognized as red light districts/zones.

Street Prostitution refers to prostitution, which is not carried out in organized brothels in red light areas but off the streets.

Public place means any place intended for use by or accessible to the public and includes any public conveyance.

Survival Sex is defined as involving individuals over the age of 18 who have traded sex acts (including prostitution, stripping, pornography, etc.) to meet the basic needs of survival (i.e., food, shelter, etc.) without the overt force, fraud or coercion of a trafficker, but who felt that their circumstances left little or no other option. The women trading sex acts without the force, fraud or coercion of a trafficker prior to the age of 18 are designated as victims of trafficking.

Coercion includes any threat of serious harm or physical restraint against a person; any scheme intended to make a person believe that failure to perform an act would result in serious harm or physical restraint against any person. Debt bondage; threats of serious harm to victim’s friends and family; control of victim’s children; photographing or videotaping the victim in compromising or illegal situations, then threatening her with exposure to friends, family or police; identity and travel documents taken away; punishment of other trafficked individual in front of victim to demonstrate what happens to those who do not obey etc are the examples of coercion

Fraud involves false offers that induce people into trafficking situations. Promise of money, salary or earnings that never materialize and misrepresentation of work or conditions of work are the examples where victim is required to do work different from what was originally promised

Force: involves the use of rape, beatings and confinement to control victims. Forceful violence is used especially during the early stages of victimization, known as the “seasoning process”, which is used to break victim’s resistance to make them easier to control. Other examples include kidnapping or recapture of an escaping victim; buying and selling of a victim from a recruiter to trafficker to pimp; battering; torture; threats with weapons; imprisonment or confinement; denial of food or water; denial of medical care or medications; denial of contraceptives or condoms; forced

pregnancy or abortion; forced to give up custody of children; forced use of drugs or denial of drugs once a victim is addicted; etc.

Debt Bondage : when a person pledges his or her personal service or the services of a person under his or her control (e.g. children) as a security for debt, and the value of the service is not applied to satisfy the debt or if the duration and nature of the service is not properly limited or defined. Examples: while victims are “earning” money to pay back their debt, they also keep accruing expenses, ensuring the debt is never paid off; victims are not given information on the amount of money they actually owe, or the terms keep changing so they can never realistically pay off the original sum.

Involuntary Servitude refers to a situation when a person is made to believe that he/she or another person will be seriously harmed, physically restrained or subjected to abuse or threatened abuse of legal process if he/she does not enter into or remain in servitude.

Escort is described as "a person who charges or receives a fee for providing personal companionship for a limited period of time" and an Escort Agency is "a person who charges or receives a fee for arranging an introduction between an Escort and another person."

Victim of trafficking: When a person is coerced, forced, or deceived into prostitution or maintained in prostitution through coercion that person is a victim of trafficking (Trafficking in Person Report, 2010). Any minor used in a commercial sex act (the exchange of any item of value for a sex act) is a victim of trafficking, regardless of her willingness or desire to engage in the sex act.

Pimp is any person who causes an adult (using force, fraud or coercion) or any minor to engage in commercial sex in order to profit from the exploitation of that individual

Prosecution: A process through which the government initiates and pursues a criminal case in a formal court against someone who is believed to have committed a crime. The outcome may be that the accused person is acquitted (found not to have committed the crime or guilt not proved beyond a reasonable doubt) or that the person is found guilty and a criminal penalty, such as incarceration, is imposed.

### Trafficking and survival sex

There is thin wall difference between the lines of survival sex and sex trafficking. Survival sex could lead to trafficking victimization and vice versa. Incidents of independent prostitution may lead to trafficking situations where the young women are forced into continued exploitation for the benefit of a pimp. Conversely women who escape from sex trafficking situations may revert to

independent survival sex. 90% of the victims in brothel surveyed experienced sex trafficking that was compelled through force, fraud or coercion. A few initially on independent survival sex reported experiencing sex trafficking in non-brothels based sex exploitation

### **Study location:**

The study was conducted in the three Eastern States of India namely West Bengal, Odisha and Jharkhand badly affected by trafficking of women and children for commercial sexual exploitation.

Six districts- two in each of the three States were selected for the study as follows:

<b>State</b>	<b>District-1</b>	<b>District-2</b>
West Bengal	Darjeeling	South 24 Parganas
Odisha	Khurda	Balasore
Jharkhand	Palamu	East Singhbhum

The districts were selected on the basis of reported trafficking cases under ITPA by the Anti Human Trafficking Units in CID of the respective States and on discussions with the key officials of the State AHTU. The trafficking victims were brothels based both in red light zones and non red light zones as follows:

<b>State</b>	<b>District</b>	<b>ULB</b>	<b>Site</b>	<b>Forms of CSE</b>
Odisha	Khurda	Bhubaneswar Municipal Corp.	Malisahi	Organized brothels based in red light zone
	Balasore	Balasore Municipality	Balasore city	Unorganized brothels based in non red light zone
Jharkhand	Palamu	Sahanabaj Municipality	Japla	Unorganized brothels based in non red light zone
	East Singhbhum	Baharagora Municipality	Baharagora	Unorganized brothels based in non red light zone
West Bengal	Darjeeling	Silguri Municipal Corporation	Khalpara	Organized brothels based in red light zone
	24 Pgr South	Budge Budge Municipality & Baruipur Municipality	Puratan Bazar, Baruipur	Organized brothels based in red light zone

In red-light zones, the brothels were organized by nature whereas in non-red-light zones, the brothels were unorganized. The unorganized brothels based commercial sex exploitation were mostly run from residential premises as in Japla of Palamu in Jharkhand and Dhaba, shanties, vehicles and brothels of make shift nature as in Baharagora of East Singhbhum of Jharkhand and residential premises, roadside small hotels as in Balasore of Odisha.

**Sampling Scheme:** The various units of the study were:

- Brothels-based Trafficked victims in CSE
- Trafficking Survivors of CSE
- Brothel Owners, Traffickers and Clientele(exploiters and perpetrators)
- Police , Public Prosecutors, Judges (Officials of law enforcement and prosecution)
- Officials of GO/NGO Agencies

The trafficked victims were contacted in brothels for interview and the trafficking survivors in Shelter Home in each selected district. In view of the criminal nature of trafficking, both purposive and convenience sampling was adopted in selection of the victims. Purposive sampling was used to select the police personnel. This included personnel from IG, Crime Branch to Sub Inspector level. Purposive sampling was also used to select the Asst. Public Prosecutors/Public Prosecutors, Judges for interview.

**Sample size:** The sample size of the various study units were as follows:

State	Primary and Secondary Stake Holders					
	Victims of CSE	Brothel Keeper	Clientele	Police	PP/Judges	Administrator /NGOs
West Bengal	100	10	10	10	10	10
Odisha	100	10	10	10	10	10
Jharkhand	100	10	10	10	10	10
<b>Total</b>	<b>300</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>

**Methods of data collection:** The following methods were used for data collection.

Interview Method: Interviewing, an interactive method of data collection, was used mostly in collecting qualitative data. The interview questionnaires included both structured and unstructured questions for gathering comprehensive and detailed information. This method was used to collect data from the law enforcement officials as police officers, PP and Judicial Officers. The questions related to the role, functions, challenges, problem areas as well as suggestions for improving the existing scenario. The interview method was also used to access information from the functionaries and residents of the state homes regarding quality of services delivered and numbers rehabilitated, followed up etc.

Questionnaire Method: The questionnaires method was used to collect information from the trafficked victims and survivors. The questionnaires consisted of both open ended and close -ended questions.

Case Study method was conducted as a part of the research, dealing in-depth with the various facets of trafficking as profiling the extent and types of exploitation, understanding the vulnerabilities that cause/perpetuate trafficking, prevention and other proactive responses to trafficking and law enforcement and other reactive responses to trafficking.

**Tools of Data Collection:** The different tools of data collection were:

- Questionnaires for Trafficked Victims in CSE
- Questionnaires for Trafficking Survivors
- Questionnaires for Brothel Keeper
- Questionnaires for Trafficker
- Questionnaires for Clientele
- Questionnaires for Police
- Questionnaires for Public Prosecutor
- Questionnaires for Judge
- Questionnaires for Service NGO
- Questionnaires for Administrator

### ***Data collection and monitoring***

There was one team for each of the three States comprising one Research Associate and two Research investigators each under the overall supervision of the Project Director and Project Coordinator. A Five-days training on various tools to be used and types of interview techniques to be adopted for information collection was organized. The teams worked in cooperation with the local NGOs working in anti trafficking/sex industry. The Peer Educators of the facilitating NGOs besides interpreting the questions in local language facilitated the data collection from the victims in brothels. The Peer Educators (PEs) most of whom were victims of sex trafficking themselves, used to enjoy the confidence of the women in brothels for their truthful response.

state	District	Facilitating NGO
West Bengal	Darjeeling	DURBAR MAHILA SAMITY
	South 24 Parganas	Child In Need Institute (CINI)
Odisha	Khurda	Odisha Patita Udhar Samiti(OPUS)
	Balasore	Council for Weaker Sections Development(CWSD)
Jharkhand	Palamu	FARZ
	East Singhbhum	SANKALPA JYOTI

### ***Data Analysis***

Once the data had been collected, they were put to scrutiny and coding to ensure database management and quality data analysis. The coded data were processed using the Excel format. The task included feeding in the data, verification, computation, validation and presentation of tables to facilitate data analysis and interpretation. The interpretation of the primary data was carried out keeping in view the overall perspective of the study and by comparing and correlating data, wherever possible. Efforts were made to integrate the quantitative and qualitative data. The analysis was based on the frequency distribution of the data obtained. After tabulating the data, the frequency numbers and their corresponding percentages were calculated.

Analysis of the qualitative information was involved undertaking a systematic thematic analysis of the qualitative data using a framework approach whereby both a priori and emerging themes were synthesized by tabulating them in a common analytic framework.

**Chapterisation:** The study report is divided into sections as follows

Chapter-1: Introduction: This section mainly focuses on the study objectives, the questions addressed by the research and the methodology followed in conducting the study. It also dwells on some of the existing literature on the issues covered by the research and throws light on some important findings of various studies, reports, excerpts, articles, and so on. A Profile of the study States/Districts/Sites depicting trafficking scenario is also given.



Chapter-2: Laws to Prevent and Combat Sex Trafficking in Women and Girl Children: The section contains a review of the laws both International and Indian related to trafficking and commercial sexual exploitation and implementation of the laws and gaps in anti-trafficking laws and enforcement and the problems related thereto gathered from officials of the law enforcement agencies as Police, Public Prosecutors and judges with specific references to State laws on human trafficking, experience in dealing with human trafficking, number of cases investigated and prosecuted etc.

Chapter-3: Response to Trafficking in Women and Girl Children for Commercial Sexual Exploitation: This section provides a brief overview of the procedures and rules concerning trafficking of women and children for CSE, role, functioning and effectiveness of National Laws/Policies against trafficking, Strategies/Approaches/Activities adopted to combat trafficking, Coverage/Reach of Prevention, Prosecution and Protection Measures, status of Rehabilitation/Re-Integration Initiatives, Networks against Trafficking, Role/Response of NGO/CBO to trafficking, cross-border collaboration, gaps in National Plans, Policies and in anti-trafficking program interventions

Chapter-4: Nature and Dimensions of Trafficking in Women and Girl Children for CSE: Primary Data Analysis: The section based on primary data analysis gives a profile of Victims in CSE (the Exploited), Brothel Keepers (the Perpetrators) and the Clientele (the Exploiters) and the process of their exploitation.

Chapter-5: Main Findings and Recommendations: The concluding part highlights the findings of the study and prescribes certain recommendations, which need to be followed up

### **Difficulties encountered**

Most of the trafficked women were not willing to recall their trafficking history as to how they were trafficked, experiencing physical and sexual violence, etc for reasons not known. A few chose to disclose information about their experiences. In the case of rescued victims (former victims of CSE), a few were found in the rescue homes.

The research process was delayed due to in-access to the judiciary system. Access to case files both at the police stations as well as at the courts, was also limited. Considerable time was spent on processing applications in order to obtain permission for interview and information. Furthermore, poor record keeping of files made it difficult to find the relevant cases in the court store room.

Most of the law enforcement officials who were approached were unwilling to spare time to respond to the interview because of their busy schedules.

The victims were told that the project was being conducted by the Ministry of WCD, GoI in the backdrop of upcoming ITPA Bill 2016 that was going to consider the measures for their rehabilitation with creation of a national rehabilitation fund that won their confidence to cooperate.

**Limitations:**

The schedules were in regional languages (Bengali, Hindi and Odia), which posed a barrier in common coding and analysis. The field survey was conducted both in organized brothels in red light areas and unorganized brothels in non red light areas of the selected states. The samples were selected purposively and conveniently. The percentages calculated are only indicative and may not represent the actual picture of trafficked women and children from that state. The evidence on trafficking of minor girls for CSE was almost nonexistent. Much of the evidence of minor girls trafficking was based on trafficking history of adult women in CSE.

## **IV) STUDY AREA: A BRIEF SOCIO ECONOMIC AND DEMOGRAPHIC PROFILE**

### **1.4.1 INDIA**

#### **Brief Demographic Profile**

According to the Census 2011, the population of India was 1,210,854,977 with 623,270,258 males and 587,584,719 females. The population growth rate was 17.64%. Overall literacy was found to be 74.04% with female literacy at 65.46% and male literacy at 82.14%. Kerala was the highest literate state in the country with literacy 93.91%, Bihar being the least literate state with a literacy rate of 63.82%. The density of population was found out to be 382 per square kilometers. The sex ratio was 940 females to 1000 males. Kerala represented the highest sex ratio with 1084 females per 1000 males while Haryana featured the lowest sex ratio in India with just 877 women per 1000 males.

#### **Trafficking Scenario**

India has emerged as a source, destination, and transit country for trafficking of women and girl children for commercial sexual exploitation. While intra-country trafficking forms the majority of the trafficked victims, cross-border trafficking also takes place, especially from Nepal and Bangladesh. Women and girl children are also trafficked to the Middle Eastern countries and other parts of the world for purposes of commercial sexual exploitation. The numbers of trafficked persons are difficult to determine due to the clandestine nature of the crime. However, various studies and surveys estimate that there are about three million sex workers in the country, of which an estimated 40 percent are girl children. A few alarming trends that have emerged in recent years are sexual exploitation through sex tourism, child sex tourism, paedophilia, prostitution in pilgrim towns and other tourist destinations, cross-border trafficking etc.

Many districts in India are affected by women trafficking. At least half the 612 districts in the country are affected by trafficking of women and children for commercial sexual exploitation. The report by the National Commission for Women (NCW) says that in 378 districts, there are 1,794 identified places of origin from where females are trafficked and 1,016 areas/destinations where commercial sexual activities take place. The southern and eastern states are the most vulnerable as far as trafficking is concerned, with states like Kerala, Andhra Pradesh and West Bengal having all

their districts affected by the problem. Among other most affected states are -- Tamil Nadu (93.33 per cent of all districts), Odisha (86.66 per cent) and Bihar (86.48 per cent). The report further adds that 2.4 per cent of the total female population in age group of 15-35 years in the country is engaged in the flesh trade. "The estimated number of commercial sex workers in India is about 28 lakh," it says. In this, over 43 per cent of the girls are minor at the time they enter the flesh trade. "The entry of minors in flesh trade is comparatively high in regions where incidence of poverty and hunger are chronic. "Reasons like violence against women, high unemployment and lack of options contribute to the vulnerability of trafficking of adults," the report says. The report says that gender discrimination and gender specific violence and crimes perpetuate the vulnerability of women and children and act as one of the reasons behind trafficking. The NCW says that the promise of a job is the biggest way of deception and accounts for over 50 per cent of trafficking cases. Presenting a gloomy picture, the report says that more than 22 per cent women in flesh trade are trafficked and forced into it by family members. Around 8 per cent (women) are trafficked by husbands or in-laws and 18 per cent are lured by friends or neighbors. "More than 51 per cent women in commercial sex were trafficked either by family members or in-laws," it says.

## **1.4.2 ODISHA**

### **Socio Economic Profile of the State**

According to Census 2011 the total population of Odisha was 41,947,358 out of which male and female are 21,201,678 and 20,745,680 respectively with decadal population growth at 13.97 percent. The population of Odisha formed 3.47 percent of Indian population in 2011 making it the 11th most populated state in India. Literacy rate in Odisha was 73.45 percent as per 2011 population Census. Of that, male literacy stood at 82.40 percent while female literacy was at 64.36 percent. Out of total population of Odisha, 16.69% people lived in urban regions. Sex Ratio in urban regions of Odisha was 932 females per 1000 males. Average Literacy rate in for Urban regions was 85.75 percent in which males were 90.72% literate while female literacy stood at 74.31%.

The state covered an area of 155,707 sq. km making it the 9th largest state in the country in terms of area with a population density of 270 per sq km which was lower than national average 382 per sq km. In 2001, the density was 236 per sq km, while nation average in 2001 was 324 per sq km. The population density of Odisha was 269 per sq km which is lower than national average 382 per

sq km. Sex Ratio of Odisha was 978 i.e. for each 1000 male, which was above the national average of 940 as per census 2011. The Scheduled Tribe (ST) population of the State of Odisha was 8,145,081. This constituted 22.1 percent of the total population of the State and 9.7 per cent of the total tribal population of the country. Malkangiri district had the highest proportion of STs (57.4 per cent) followed by Mayurbhanj (56.6 per cent), Rayagada (55.8 per cent) and Nabarangapur (55 per cent). Puri district had the lowest by proportion of STs (0.3 per cent). Out of sixty two (62) STs living in odisha, Khond was the most populous tribe followed by Gond. The other major tribals living in odisha were Santal, Kolha, Munda, Saora, Shabar and Bhattada, Bhumij, Bhuiya, Oraon, Paroja and Kisan. The state comprised 30 districts and the languages spoken in the state included Odia. The capital city which was also the largest city in the state of Odisha was Bhubaneswar.

Hinduism was the majority religion in state of Odisha with 93.63 % followers. Christianity was second most popular religion in the state with 2.77 % following it. In Odisha state, Islam was followed by 2.17 %, Jainism by 0.02 %, Sikhism by 0.05 % and Buddhism by 0.05 %. Around 1.14 % stated 'Other Religion'; approximately 0.18 % stated 'No Particular Religion'.

<b>Indicator</b>	<b>2011</b>	<b>2001</b>
Approximate Population	4.2 Crores	3.68 Crore
Actual Population	41,974,218	36,804,660
Male	21,212,136	18,660,570
Female	20,762,082	18,144,090
Population Growth	14.05%	15.94%
Percentage of total Population	3.47%	3.58%
Sex Ratio	979	972
Child Sex Ratio	941	953
Density/km <sup>2</sup>	270	236
Density/mi <sup>2</sup>	698	612
Area(Km <sup>2</sup> )	155,707	155,707
Area mi <sup>2</sup>	60,119	60,119

Total Child Population (0-6 Age)	5,273,194	5,358,810
Male Population (0-6 Age)	2,716,497	2,744,552
Female Population (0-6 Age)	2,556,697	2,614,258
Literacy	72.87 %	63.08 %
Male Literacy	81.59 %	75.35 %
Female Literacy	64.01 %	50.51 %
Total Literate	26,742,595	19,837,055
Male Literate	15,089,681	11,992,333
Female Literate	11,652,914	7,844,722

### **Trafficking Scenario:**

Since poverty, illiteracy and ignorance are the main reasons for trafficking, the backward State like Odisha has witnessed a larger number of such incidences. With unproductive landholdings and very few means of livelihood, the poor people in general and people of KBK & tribal region in particular are forced to migrate to other states in search of work. These helpless people of the state are mainly vulnerable to trafficking. Lack of education, poverty and unemployment are catalytic factors for trafficking while unscrupulous elements take advantage of poor socio-economic condition and indulge in organized trafficking largely for labour exploitation.

The House Committee on Women and Child Welfare (1999-2000) of the Odisha Assembly formally acknowledged that immoral trafficking of girls by brokers or agencies, on the pretext of providing employment as well as arranging marriage, has been rampant (ADB, RETA). 23 out of 30 districts of the state are affected by trafficking. As many as 126 areas of origin and 40 places of operation of commercial sex workers spread over 23 districts in the State have been identified. Of the 40 places of operation 28 are places both of origin and operation while the remaining 12 places are operation specific. 8 Districts namely Balangir, Nuapada, Korapat, Rayagada, Ganjam, Puri, Cuttack, Khordha are identified as both place of origin and operation. Either as source or operational area has been reported from the rest of the districts (Trafficking in Women in Orissa: An Exploratory Study 2003. Balaji Pandey, Damodar Jena, Sugata Mohanty. UNIFEM).

The trafficking from Odisha, is mostly to the States of Uttar Pradesh (Brothels, coerced marriages, brick kilns), Madhya Pradesh (coerced marriages, brick kilns), Punjab (coerced marriages, bonded labour in agriculture and domestic maids), Haryana (coerced marriages, bonded labour in agriculture, stone quarries, brick kilns), Chattisgarh (coerced marriages, brick kilns), Andhra Pradesh (Brick Kilns, Chilly farms), Goa (sex work), Tamil Nadu (Sex work and paedophilic abuse) metropolises of Mumbai, Delhi or Calcutta (Brothels and domestic services) (Trafficking in India 2004- Shakti Vahini).

Women and girls belonging to economically backward sections of the coastal Odisha and the poor of tribal-dominated Western Odisha are regularly supplied out of the state. Taking the advantage of their poverty and simplicity, the brokers trap them in their nets by giving false promises of marriage, job and so on. There is an increase in marital migration of young girls i.e. migration for better marital prospects. Sending daughters to far away marital homes is a household strategy to escape dowry, achieve marriage for the daughter and smooth consumption for the remaining members of the household (Kaur, 2004). Due to dowry more and more poor girls are getting duped by false promises to marry and are being deserted after being sexually used. Families refuse to take them back for fear of social approbation and spoiling the marriage prospects of younger sisters. (Female feticide, coerced marriage and trafficking in Haryana and Punjab- Shakti Vahini)

Disaster struck Odisha is a catchment area for trafficking, especially for children (ADB, RETA). Action Aid on the basis of a micro study of migration from Balangir noted that approximately one lakh workers migrate each year to the brick kilns of Hyderabad, in periods wherein livelihood options were unavailable. In Nuapada district bordering the state of Chattisgarh, many of the adults migrate to Raipur in Chattisgarh, Andhra Pradesh, Maharastra, Gujarat and Uttar Pradesh during the lean agricultural season for earning their livelihood. Girls from the tribal areas of Odisha are being brought through private recruiting agencies and Christian voluntary organizations to be employed as maids in Delhi Ravi Srivastava (2003). The regular visitation of disasters like flood, drought and cyclone to the state result in increased impoverishment leading to migration of women and girls to fend for themselves and some of them end in sex-work.

### **Malisahi, Bhubaneswar: the Red-Light Zone Brothels**

Malisahi known for red light zone brothels is located in Bhubaneswar, the capital city of Odisha. Bhubaneswar is governed by Municipal Corporation which comes under Bhubaneswar Metropolitan Region. As per provisional reports of Census India, population of Bhubaneswar in 2011 was 843,402; of which male and female were 446,204 and 397,198 respectively. Although Bhubaneswar city had population of 843,402; its urban / metropolitan population was 886,397 of which 468,577 were males and 417,820 were females with sex ratio 892. Hinduism was the majority religion in Bhubaneswar city with 95.21 % followers. Islam was second most popular religion in city of Bhubaneswar with approximately 3.29 % following it. In Bhubaneswar city, Christianity was followed by 0.92 %, Jainism by 0.05 %, Sikhism by 0.12 % and Buddhism by 0.12 %. Around 0.04 % stated 'Other Religion'; approximately 0.35 % stated 'No Particular Religion'. Average Literacy rate for BBSR was 91.72 percent- male literacy was 94.58% and female literacy was 88.52%. Over 150 victims comprising women and girls from Odisha, Andhra Pradesh and West Bengal are engaged in commercial sexual exploitation at Malisahi.

### **Balasore: the Non-Red-Light Zone Brothels**

The brothels site was located in Balasore Municipal area. The Balasore Town is located in the southern bank of river Budhabalanga and the river forms the northern boundary of the town. The NH-5 runs in the western boundary of the town and South Eastern Railway cuts across the town in the middle. The town is just 10Kms away from the Bay of Bengal in the east. The average north-south length of the town along its urban outgrowth is 10kms and east-west width is 8kms. Thus the town covers an area of 80Sq. Kms. It is easily accessible both by road and railway from BBSR and connected to all the major cities of the country both by rail and road.

The Balasore Town has three distinct administrative divisions: Urban Settlements, Slums and Industrial Areas. There 42 Urban Settlements in the town comprising of 31 Municipal Wards. The total number of slums in Balasore town is 27 spreading over 13nos. of wards. The total population of Balasore Municipality is 118162 as per the Census conducted in 2011. As far as the population composition of Balasore town is concerned it is a heterogonous community representing people from different caste religion and ethnicity.



<b>Total Population</b>	<b>Male Population</b>	<b>Female</b>	<b>Total Literates</b>	<b>Male Literates</b>	<b>Female Literates</b>
118162	60219	57943	93,642	49,520	44,122
100%	(53.57%)	(46.43%)	88.08	91.43	84.62

Of the total population about 17% are SC and ST that represent poorer Class of people who mostly use to stay in 27 nos. of slums developed in the outskirts of Balasore Town. There are 27 slums in Balasore Town covering the municipal areas and urban agglomeration of Balasore Town. The total slum population of Balasore Town is over 30000. .

Over the years Balasore has grown as one of the major industrial town in northern Odisha. Out of 63 nos. of large and medium-scale industries in Balasore Town, some of the important industries are: Birla Tyre Ltd. , Chanpur, Indian Bottling plant, Ispat Alloys Ltd , Polar Latex Ltd , Odisha Plastic, Emami Paper Mill, Konark Paper Mill, Rupsa Jute Mill, M/s Sadhoba Marine , M/s Orissa Rubber Products

The slum population is a heterogeneous community mainly representing ST, SC, Refugee, Muslims and Refugee Bengalis. They are the people who migrated over a period of time in search of indiscrete job in the urban area of Balasore and settled in the outskirts of Town. Being illiterate they have serious constraint to avail different livelihood opportunities offered by the urban society and government. The main occupation of these households is rickshaw pulling, liquor vending and indiscrete manual labour in industries and trading. They do not have any definite and permanent livelihood / sources of income to sustain. The household income from manual labour being not enough to meet the need of family, the women members of the households are engaged in commercial sex with the connivance of family. The existence of more than 20 hotels around the slums also contributes to the flourish of the sex-trade. The economic return from commercial sex by female is seen as a sure source of income to the family and accepted by the slum community as a part of life. Clients representing different sections of the society i.e. visiting traders, transporters, truckers, industrial labourers, prawn culture workers and migrant workers living in the slums and around the industry visit the slums regularly to fulfill their sex need while staying outside the family.

Truck drivers, are the single largest group of frequently traveling males who invariably indulges in high risk sex with the victims. Most drivers make extra cash by carrying passengers short distances which adds to their disposable income. And this is invariably spent on buying sex and liquor. Cheap and ready availability of CSWs along highways and halt points also make it convenient and alluring for them to resort to sex workers. The possibility of using the truck itself for sex makes it further convenient as they do not have to hire a place nor fear raids or harassment by police. Intake of alcohol and drugs prompt them to indulge in unprotected sex and violence. Dhabas where large number of Truckers halts for food and rest and other important halting place like Petrol Pumps, Line Hotels, Loading Points, etc are the places where the brothels based sex workers solicit clients.

### **1.4.3 JHARKHAND**

#### **Socio Economic Profile of the State**

The state of Jharkhand was carved out of the state of Bihar in 2000. Ranchi is the capital of Jharkhand .The state is located in the eastern part of the country and has Madhya Pradesh and West Bengal as neighbors apart from Bihar and Odisha.

The Population of Jharkhand according to the 2011 census stands at about 33 million, making it the 13th most populated state in India. As per details from Census 2011, Jharkhand has population of 3.3 Crores, an increase from figure of 2.69 Crore in 2001 census. Total population of Jharkhand as per 2011 census is 32,988,134 of which male and female are 16,930,315 and 16,057,819 respectively. In 2001, total population was 26,945,829 in which males were 13,885,037 while females were 13,060,792. The total population growth in this decade was 22.42 percent while in previous decade it was 23.19 percent. The population of Jharkhand forms 2.72 percent of India in 2011 against 2.62 percent in 2001. The state makes up about 3.5% of the country's population a figure which was about 3% during the last census in 2001. Sex Ratio in Jharkhand is 948 i.e. for each 1000 male, which is below national average of 940 as per census 2011. In 2001, the sex ratio of female was 941 per 1000 males in Jharkhand.

Hinduism is the majority religion in the state of Jharkhand with 67.83 % of the followers. Islam is second most popular religion in the state of Jharkhand with approximately 14.53 % following it. In Jharkhand state, Christianity is followed by 4.30 %, Jainism by 0.05 %, Sikhism by 0.22 % and Buddhism by 0.22 %. Around 12.84 % stated 'Other Religion', approximately 0.21 % stated 'No Particular Religion'.

The state is spread over an area of about 79716 sq. km. one of the smaller states in the country in terms of area. The density of population per sq. Km. is about 414, which is above the national average of 382. In 2001, density of Jharkhand was 338 per sq km, while nation average in 2001 was 324 per sq km.

The state has a growth rate of about 22% which slightly exceeds the national growth rate of about 17%. The population of the state is rising considerably more due to the lack of education and lack of understanding about family planning.

Literacy rate in Jharkhand has seen upward trend and is 66.41 percent as per 2011 population census. Of that, male literacy stands at 76.84 percent while female literacy is at 55.42 percent. In 2001, literacy rate in Jharkhand stood at 53.56 percent of which male and female were 67.30 percent and 38.87 percent literate respectively. In actual numbers, total literates in Jharkhand stands at 18,328,069 of which males were 10,882,519 and females were 7,445,550.

Out of total population of Jharkhand, 24.05% people live in urban regions. The total figure of population living in urban areas is 7,933,061 of which 4,153,829 are males and while remaining 3,779,232 are females. The urban population in the last 10 years has increased by 24.05 percent.

Administratively, the State is divided into 24 districts with 35 sub- divisions, 260 blocks and 32615 villages. The State is comprised of 95 towns and 3 municipal corporations. Ranchi is the capital city of Jharkhand and Jamshedpur remains the largest city as per census 2011. The languages spoken in the Jharkhand includes Hindi.

59% of the total workforce is dependent on agriculture. Since the tribal population constitutes a significant portion of State's demography, agriculture and forestry is the major source of livelihood. 29.61% of the geographical area is covered under forest. The net irrigated area is about 28% of the net sown area. The State accounts for about 37% of the countries mineral deposits and is the sole producer of coking coal, uranium and pyrite.

The tribal population of Jharkhand accounts for 26.21 per cent of its total population against the national average of 10.4% at the national level. The tribal population constitutes more than 50% of the total population In some districts like Khunti (73.3%), Simdega (70.8%), Gumla (68.9%), West Singhbhum (67.3%), Lohardaga (56.9%). Districts that have 25% to 50% of tribal population are Latehar (45.5%), Dumka (43.2%), Pakur (43.1%), Ranchi (35.8%), Debagarh (35.3%), Saraikela-

Kharsawan (35.2%), East Singhbhum (28.5%), Sahibganj (26.8%). Some of these districts are also the ones that record high incidences of trafficking. There are 30 different tribal groups, representing Negrito, Proto-Australoid, Mongoloid, Mediterranean and Nordic races. The Hos, Santhals, Oraons and Mundas together constitute almost four-fifths of the total tribal population of the state. These tribes are mainly agriculturist-cum-gatherers . According to the Census of India (2011) the literacy rate in Jharkhand for tribal males is 68.2% and that for tribal females is 46.2% which is significantly lower than the national averages.

Jharkhand is a mineral rich state with a variety of minerals ranging from Iron ore (Singhbhum district), Copper ore (East Singhbhum), Coal (Dhanbad, Bokaro, Hazaribagh, Chatra, Sahibganj), Mica, Bauxite, Fire clay, Graphite (Palamu), Kyanite, Sillimanite, Lime Stone (Palamu, Hazaribagh, Singhbhum, Ranchi), Uranium and other minerals. Jharkhand is one of the leading producer of mineral wealth in the country. But unfortunately the fruits of mining and industrialization in Jharkhand have failed to reach the tribals in the state. As many as eight districts namely Garhwa, Giridih, Gumla, Khunti, Latehar, Palamu, Simdega and West Singhbhum of Jharkhand are badly affected by Left Wing Extremism.

<b>Indicator</b>	<b>2011</b>	<b>2001</b>
Approximate Population	3.3 Crores	2.69 Crore
Actual Population	32,988,134	26,945,829
Male	16,930,315	13,885,037
Female	16,057,819	13,060,792
Population Growth	22.42%	23.19%
Percentage of total Population	2.72%	2.62%
Sex Ratio	948	941
Child Sex Ratio	948	965
Density/km <sup>2</sup>	414	338
Density/mi <sup>2</sup>	1,072	875
Area(Km <sup>2</sup> )	79,716	79,714
Area mi <sup>2</sup>	30,779	30,778

Total Child Population (0-6 Age)	5,389,495	4,956,827
Male Population (0-6 Age)	2,767,147	2,522,036
Female Population (0-6 Age)	2,622,348	2,434,791
Literacy	66.41 %	53.56 %
Male Literacy	76.84 %	67.30 %
Female Literacy	55.42 %	38.87 %
Total Literate	18,328,069	11,777,201
Male Literate	10,882,519	7,646,857
Female Literate	7,445,550	4,130,344

### **Trafficking Scenario**

The state of Jharkhand is increasingly emerging as a major source area for trafficking of women and children. The innocent, illiterate, landless and poor tribal communities which constitute the majority of its population are easy prey to the organized Networks of traffickers. Statistics reveal that there are over five lakh women and children trafficked every year in India and over 20,000 children are from East India alone. In 2013, the UN Office on Drugs and Crime flagged Jharkhand as one of the most vulnerable states in the country

Due to lack of agriculture and employment opportunities migration of the indigenous population is very high. Young boys and girls are trafficked to Delhi, Punjab, Haryana, West Bengal for domestic and agricultural labour, work in stone quarries, brick kiln, beggary, pickpockets, forced marriage and commercial sexual exploitation. According to a survey conducted by People's Awakening for Traditional Revival and Advancement (PATRA), there are at least 2,500 to 3,000 tribal girls from all over Jharkhand who migrate to metropolitan cities every year. Poverty is a conspicuous cause for most who leave their families to go and look for jobs in big cities that offer more opportunities. Brokers who make tall claims lure some into leaving their homes, and the girls do not have an option but to take up petty jobs. Trafficking of tribal girls has also resulted in forced prostitution. Most victim in such cases are from Ranchi, Gumla, Lohardagga Hazaribaghí and other districts as Garwah, Sahibganj, Dumka, Pakur, West Singhbhum, Palamu, Dhanbad, Bokara, Girdih and Kodarma . Most of the women trafficked from Jharkhand belong to

Oraon, Munda, Santhal (including endangered Pahariya ) and Gond tribes, out of which, maximum are from Oraon and Munda.

Tribals that account for the most of those trafficked are the regular migrants due to loss of their traditional source of livelihood. The traditional sources of livelihood for tribals included agriculture. But due to lack of irrigation facilities this is not sustainable. Apart from that they gather firewood, work on bamboo crafts under livelihood programs. Because these are not sustainable, many tribal migrate to cities through agents who exploit them. Factors like lack of employment, poverty, displacement and internal conflict force them to migrate.

The presence of Left-wing Extremists also increases vulnerability of mainly tribals to trafficking. One obvious reason for this is the difficulty in regular patrolling by the police due to the presence of extremists. There have been recent cases of involvement of left-wing extremists in trafficking, by helping known traffickers in trafficking. The main reasons for migration or trafficking are unemployment, poverty and lack of basic facilities of education and health. The tribal families are not able to meet their basic needs out of their meager income from their occupations and are heavily indebted to the money lenders. They are pledging their fixed assets like land, mahua and tamarind trees and mobile articles for meeting their daily expenses and occasional social functions.

The shortage of brides in Haryana and Punjab is addressed by buying and trafficking of women from distant and poverty-ridden states like Assam, West Bengal Jharkhand, Bihar and Odisha. A small percentage of the total migrating women from the Jharkhand are also sold into coerced marriage. Another aspect of girls being brought to Delhi from Jharkhand is for domestic work. A great number of these women are brought and then sold to the brothels and sent to other places. The other are sexually exploited as sex slaves and forced to prostitution in form of unorganized and movable brothels.

Trafficking of children for the carpet industry in Uttar Pradesh is also very high. Majority of the children working in the carpet sector, be it in U.P or in Jharkhand are migrant child labourers from Palamau and Garwa district in Jharkhand. Estimates are that there are 11000 child labourers within the carpet industry in Garhwa alone .These children lead a life of bondage and slavery. Occupational health hazards such as asthma, and lung diseases, tuberculosis, skin allergies, back pain, and severe strain in the fingers are common.

On the pull side, a major factor is the demand for domestic labour in metropolitan cities. The demand is also for younger maids who can be made to work as per the whims and fancies of the employers. The fancy lifestyle that is promised by the source traffickers is also attractive to girls who blindly believe their promises. Poor sex ratio in states of Punjab and Haryana is another pull factor for trafficking of women and girls for marriage. Most of these women and girls are forced into prostitution in organized brothels. Some of the women and girls trafficked for labour employments are also found exploited sexually by the placement agents and the employer as well.

### **Baharagora in East Singhbhum District: The Non-Red-Light Brothels**

Baharagora is a small town in East Singhbhum (Purbi Singhbhum) district of Jharkhand and situated on the south-east corner of the Jharkhand State. It is approximately 100 km from Jamshedpur & 200 km from Kolkata. Baharagora is a very important hub for transport as National Highway 6/Asian Highway 46 passes through here and almost all the Transport Companies have their transit hub here. National Highway 33 connects NH 6 at Baharagora and NH 2 at Barhi, Jharkhand. Baharagora became a block in the year 1956. Baharagora Community Development Block, 1.5 lakh. 57% of the population is from general caste, 7% are from schedule caste and 36% are schedule tribes. Literacy rate (children under 6 are excluded) of Baharagora is 64%- 74% of male and 54% of female. Baharagora is the entry point of Jharkhand from the two states, namely West Bengal and Odisha. Since it is located at the border, West Bengal is approx 12 km and Odisha is approx 7 km from there. The Dhabas, shanties, make shift brothels, residential houses etc have developed as brothels where the truckers and their helpers and other transport workers sexually exploit women and girls trafficked from WB and Jharkhand.

### **Japla in Palamu District: The Non-Red-Light Brothels**

Hussainabad (Japla) is a small town in Jharkhand. It is on the border of Jharkhand & Bihar. The Railway station is known by the name of Jalpa. It is important to note that Railway is the main source for intercity commutation as there is hardly any road transport available. Hussainabad is a Nagar Panchayat city in district of Palamu, Jharkhand. The Hussainabad city is divided into 13 wards. The Hussainabad Nagar Panchayat has population of 29,241 of which 15,276 are males while 13,965 are females as per report released by Census India 2011. Literacy rate of Hussainabad city is 71.99 % higher than state average of 66.41 %. In Hussainabad, Male literacy is around 79.63 % while female literacy rate is 63.58 %. In approximately 4 km away from Japla is

situated Sone Valley Cements Limited (formerly known as Sone Valley Port Land Cement Factory), one of the famous and oldest cement factory of India, which has ceased its operation from the year 1993. It is also believed that the initial economic growth in Japla could be attributed to Sone Valley Cements Limited, whose employees used to visit the town and indulged in commercial sex. The commercial sexual exploitation of women at Japla is of inter generational nature.

#### **1.4.4 WEST BENGAL**

##### **Socio Economic Profile**

West Bengal is an Eastern State, which according to the West Bengal Census 2011, is the fourth most populated state in India. The state is bordered by Bhutan, Bangladesh and Nepal. This is also known for the Himalayan and sub-Himalayan as well as the Gangetic plain. The capital city which is also the largest city in the state of West Bengal is Kolkata. The languages spoken in the West Bengal state includes Bengali. In total West Bengal (WB) state comprises 19 districts.

As per Census 2011, West Bengal has population of 9.13 Crores, an increase from figure of 8.02 Crore in 2001 census. Total population of West Bengal as per 2011 census is 91,276,115 of which male and female are 46,809,027 and 44,467,088 respectively. In 2001, total population was 80,176,197 in which males were 41,465,985 while females were 38,710,212. The total population growth in this decade was 13.84 percent while in previous decade it was 17.84 percent. The population of West Bengal forms 7.54 percent of India in 2011. In 2001, the figure was 7.79 percent. Sex Ratio in West Bengal is 950 i.e. for each 1000 male, which is below national average of 940 as per census 2011. In 2001, the sex ratio of female was 934 per 1000 males in West Bengal.

Hinduism is majority religion in state of West Bengal with 70.54 % followers. Islam is second most popular religion in state of West Bengal with approximately 27.01 % following it. In West Bengal state, Christianity is followed by 0.72 %, Jainism by 0.07 %, Sikhism by 0.07 % and Buddhism by 0.07 %. Around 1.03 % stated 'Other Religion', approximately 0.25 % stated 'No Particular Religion'.

Total area of West Bengal is 88,752 sq. km. Density of West Bengal is 1,028 per sq km which is higher than national average 382 per sq km. In 2001, density of West Bengal was 903 per sq km, while nation average in 2001 was 324 per sq km.



Literacy rate in West Bengal has seen upward trend and is 76.26 percent as per 2011 population census. Of that, male literacy stands at 81.69 percent while female literacy is at 70.54 percent. In 2001, literacy rate in West Bengal stood at 68.64 percent of which male and female were 77.02 percent and 59.61 percent literate respectively .In actual numbers, total literates in West Bengal stands at 61,538,281 of which males were 33,818,810 and females were 27,719,471. Average Literacy rate in West Bengal for Urban regions was 84.78 percent in which males were 88.37% literate while female literacy stood at 76.01%.

Out of total population of West Bengal, 31.87% people live in urban regions. The total figure of population living in urban areas is 29,093,002 of which 14,964,082 are males and while remaining 14,128,920 are females. The urban population in the last 10 years has increased by 31.87 percent.

<b>Indicator</b>	<b>2011</b>	<b>2001</b>
Aproximate Population	9.13 Crores	8.02 Crore
Actual Population	91,276,115	80,176,197
Male	46,809,027	41,465,985
Female	44,467,088	38,710,212
Population Growth	13.84%	17.84%
Percentage of total Population	7.54%	7.79%
Sex Ratio	950	934
Child Sex Ratio	956	960
Density/km2	1,028	903
Density/mi2	2,664	2,340
Area(Km <sup>2</sup> )	88,752	88,752
Area mi2	34,267	34,267
Total Child Population (0-6 Age)	10,581,466	11,414,222
Male Population (0-6 Age)	5,410,396	5,824,180
Female Population (0-6 Age)	5,171,070	5,590,042
Literacy	76.26 %	68.64 %

Male Literacy	81.69 %	77.02 %
Female Literacy	70.54 %	59.61 %
Total Literate	61,538,281	47,196,401
Male Literate	33,818,810	27,452,426
Female Literate	27,719,471	19,743,975

### **Trafficking Scenario**

West Bengal is a major hub of trafficking of women and children for commercial sexual exploitation not only within the state but also interstate and cross border. According to various studies conducted there are about one lakh sex workers in Kolkata. Nearly 5,000 to 10,000 girls and women are smuggled every year from Bangladesh to West Bengal. Bangladesh shares a 4,156 km border with India that has 20 official check posts and out of its 32 districts, 30 districts are on the Indo-Bangladesh border. The collection points for trafficked women are usually far from border points. Illegal migration and trafficking exist along the border. 99% women are trafficked out of Bangladesh through land routes along the border areas of Bangladesh and India, such as Jessore, Satkhira, and Rajshahi. There are 29 red light areas in Kolkata including Sonagachi, Rambagan, Bowbazar, Kidderpore,. Kolkata is one of the important transit points for the traffickers for Mumbai.

West Bengal has nine districts adjoining the border with Bangladesh and crossing the border takes not more than Rs.50/- per person. Having crossed the border, the trafficked victims are mainly kept in West Bengal, and in some cases also in the state of Odisha. Then they sent to different destinations such as Middle East, Delhi, Mumbai, and Agra. Often, they are sold to pimps who then sell them to brothel keepers in red light areas of Kolkata such as Sonagachi, Kalighat, Bowbazar. Some are sent to Bashirghat in the neighboring district of 24 Paraganas. Not only the women and girls from across the border are trafficked in West Bengal, a huge number of West Bengal girls are also trafficked to Red light areas in Kolkata and other places and to various other states. It is common to find identifiable number of West Bengal girls in any red light area in the states of India including Delhi, Mumbai, Agra, Banglore, Surat, Meerut. The well organized local racket of traffickers lure poor teen aged girls with promises of a better life if they marry men introduced to them. These girls are then forced into prostitution in other states. A huge number of West Bengal

women are being traded for coerced marriage in the state of Haryana and Punjab. Apart from the capital city of Kolkata the most affected districts from trafficking are Puruliya, Bardhaman, Birbhum, Murshidabad, Maldah, Dinajpur, Koch Bihar, Nadia and Hoogly, South Chaudis Pargana, North Chaudis Pargana.

### **Khalpara( Siliguri) in Darjeeling District: the Red-Light Brothels**

The brothels site of Khalpara is located in the Siliguri in the district of Darjeeling. Women from different North Bengal districts come to earn their living there. Many Nepali girls operate from the brothel. Apart from these brothel based sex workers, there are quite a few flying sex workers in Siliguri Town, seen on the Hillcart Road , Regulated Market Area and Khaprail More.

Siliguri is the 3rd largest city in West Bengal after Kolkata and Howrah and also the 2nd largest city in North East India after Guwahati . The city is situated at the foothill of the Himalayan mountain range in the plain. This city connects the hill towns (Gangtok, Rangpo, Kalimpong, Kurseong, Mirik and Darjeeling) with the rest part of the India. Siliguri, the gateway of North East India, got municipal status in 1949 and grew into Municipal Corporation in 1994. **Siliguri** spans across the Darjeeling and Jalpaiguri districts in West Bengal. The city is located on the banks of the Mahananda River and at the foothills of the Himalaya. The meter gauge rail track connects Siliguri to Gauhati and Dibrugarh in Assam, besides Delhi. There are three railway stations serving the town, New Jalpaiguri railway station, Siliguri Junction railway station and station. The New Jalpaiguri railway station, also known as NJP, was opened in 1964 as a green field project. The Darjeeling Himalayan Railway Toy Train is the main attraction of this station.

Being located at a great international and national position Siliguri contains a mixture of different people, religions, cultures and languages. Marwaris', Punjabis', Biharis', Gorkhas' and Bengalis are now the most prominent communities here in Siliguri. Hindi, Siliguri also has a large population of Tibetans and a notable number of Bhutanese permanently settled in the city. Marwari, Bengali and Nepali are the commonly spoken regional languages. Siliguri is witnessing massive illegal immigration of people from Bangladesh, Nepal and migrants from Assam. People of other cities are also coming to Siliguri in search of work for livelihood leading to abnormal growth of population. Based on Census data of 2011, the city had a population of 705,579, while the population of Siliguri UA/Metropolitan was 1,057,438. Males constituted 51% of the population and females 49%.

Siliguri, the gateway of North-East Bengal is one of the fastest growing economic centers. It is the meeting point of four international borders (Nepal, China, and Bangladesh) and many other regions of India. Because of the unique location of Siliguri it occupies the position of trade hub of North Bengal. Siliguri is being used by the government of Nepal and Bangladesh to facilitate the transportation of rice and other necessary and urgent commodities. The Silk Route of India i.e. trade route between India and China is accessible only after crossing Siliguri. An important nerve center of all kinds of activities related to the trade and commerce of the region, Siliguri is occupying a leading position in all type of business be it agricultural production or services. Saw milling and jute milling are important industries over here; there are also tea plantations.

Siliguri is a paradise of scenic beauty and hence is known for the beauty of nature. The forest-covered foothills also present a panoramic sight for the visitors. The myriad flora in the Terai to the north and the agricultural stretches, along with tea gardens to the south combine to form beautiful vistas with its amazing views captivating the visitors. The distant view of Kanchenjunga from Siliguri thrills the visitors. Siliguri is renowned for its three “T” – the tea, timber and tourism. Tourism is the blood vein of Siliguri. Because of its great variety of flora and fauna, beautiful landscapes, and the magnificent Himalayan range, Siliguri, is fast becoming a preferred destination for domestic and international tourists. Siliguri is the center for a number of shopping malls and considered as a place for variety of foreign goods. With a perfect blend of ethnicity and modernism Siliguri can perfectly be described as a shoppers’ paradise.

**Khalpara**, the infamous red light area of Siliguri is not simply a prostitution area at Siliguri, it is now considered as a major ‘wholesale trading’ centre of women and children from eastern Nepal districts and other North Eastern parts of India. Children of tender ages are taken from Nepal and other North Eastern states in India to Khalpara and from Khalpara they are sold to different brothels. Like Sonagachi red light area in Kolkata, Grant Road brothel in Mumbai, Pune, New Delhi and other places. A report says that nearly 12,000 women are trafficked from Nepal to India in connection with prostitution business and among them 70 per cent are children. Apart from Nepal, the poor girls in Khalpara red light area are also coming from different corner of West Bengal namely Malda, Murshidabad, New Jalpaiguri and neighboring states of West Bengal like Assam, Manipur, Maghalaya and Mizoram. There are many instances where these girls were married to strangers and after few months they were sold to Khalpara brothel by their husbands. Pimps are taking the advantages of poverty. Many girls left their home with consent of their parents to get a

job but ultimately landed at Khalpara brothel. North East states in India, Nepal and Bangladesh are the main source of sex workers in red light areas of WB. The geographical location of Siliguri is such that communication between Siliguri and the source areas is well connected. A major part of the victims in Khalpara and those poor girls traded from Khalpara are from Nepal and Assam. In Indian brothels there is a tremendous demand for Assamese and Nepali girls among the clients. Khalpara presently a hub of prostitution is a major 'wholesale trading' centre of women and children from Nepal and other North Eastern states in India like Assam, Manipur, Maghalaya and Mizoram. Siliguri is well connected with the source areas by train and bus services.

### **Budge Budge and Baruipur in South 24 Parganas District: the Brothels based Sites**

South 24 Parganas district is divided into two distinct physiographic zones: the marine-riverine delta in the north and the marine delta zone in the south. As the sea receded southwards, in the sub-recent geological period, a large low-lying plain got exposed. Both tidal inflows and the rivers have deposited sediments in this plain. The periodical collapse of both the natural levees and man-made embankments speed up the process of filling up depressions containing brackish water wetlands. The marine delta in the south is formed of interlacing tidal channels. As non-saline water for irrigation is scarce, agriculture is monsoon-dominated. Some parts of the wetlands are still preserved for raising fish.

South 24 Parganas district is an overwhelmingly rural district with 85% of the population living in rural areas. Although South 24 Parganas is a predominantly rural district, there is a strong industrial presence in the east bank of the Hooghly covering Maheshtala, Budge Budge and Falta. An analysis of the district's population shows that 33% of the district's population belongs to Scheduled Castes. While 65.86% of people are Hindus, 33.24% are Muslims. 86% of the population resided in the 29 CD Blocks. As per 2011 census, literacy in South 24 Parganas district was 77.51% compared to 77.08% literacy in West Bengal

In the 2011 census, Hindus numbered 5,155,545 and formed 63.17% of the population in South 24 Parganas district. Muslims numbered 2,903,075 and formed 35.57% of the population.<sup>[12]</sup> In West Bengal Hindus numbered 64,385,546 and formed 70.53% of the population. Muslims numbered 24,654,825 and formed 27.01% of the population.

**Budge Budge** is located in the south-western suburbs of Kolkata, on the eastern bank of the Hooghly River. Budge Budge is a town and municipality in community development block of Alipore Sadar subdivision in South 24 Parganas district of West Bengal. It is a part of the area covered by Kolkata Metropolitan Development Authority. Another name of Budge Budge is Komagata Maru.

Enriched with a long historical account and strategic geographical location, Budge has gradually grown up from a humble rural setup to a township. Located along the bank of river Hooghly, the Britishers found it suitable to locate several jute mills and refineries in Budge Budge. With the spread of industries, the requirements of the workers increased, labour both skilled, semi skilled and unskilled, migrated from different places and settled here. The rapid increase in population with the influx of workers from different states and the growing need to provide them with basic amenities augmented the formation of a municipal body in Budge Budge. Thus in the year 1900, 14th March, under the West Bengal Municipal Act 3 of 1884(section 17), the Budge Budge Municipality was established. Another name of Budge Budge is Komagata Maru.

As per 2011 Census of India Budge Budge had a total population of 76,837, of which 39,510 (51%) were males and 37,327 (49%) were females. The total number of literates in Budge Budge was 59,504 (85.14% of the population over 6 years). In the 2011 census Hindus numbered 59,174 and formed 52.41% of the population in Budge Budge I CD Block. Muslims numbered 53,508 and formed 47.39% of the population. Others numbered 226 and formed 0.20% of the population.<sup>[12]</sup>

Budge Budge is an old industrial town situated on the bank of river Hooghly and on the side of the Kolkata Port, the major industries here are mainly larger ones namely oil industries and four big jute mills and quite a few number of oil storage units. The four major jute mills are Budge Budge Jute Mill, Cheviot Jute Mill, Caledonian Jute Mill and New Central Jute Mill. Places of Interest

Budge Budge owes much of its importance to the **Port**, oil storage and jute mills. Being close to Kolkata and on the shores of Hooghly river makes it a strategic location for oil storage and is the biggest oil storage for the metropolis Calcutta with big PSUs like Petroleum Wharves Budge Budge (PWBB) under Kolkata Port Trust. BPCL, HPCL, IOC having large units there. Jute mills were the biggest employers in the area till they started falling sick. Prominent among them are New Central Jute Mill and Budge Budge Jute Mills. At their height before 1971 these jute mills used to employ thousands of workers (New Central Jute Mills has been said to have employed as many as twenty

thousand people) but after the partition of India and the subsequent creation of Bangladesh, supply of raw materials for these jute mills decreased. This, along with failure of trade unions led to the closing of most of these jute mills. The Budge Budge Thermal Power Station set up by CESC in Achipur (named after a Chinese called Achhu saheb by the locals who had established a sugar cane unit there) is a major source of electricity for Kolkata and its suburbs.

Budge Budge is an important nodal point on the Indian Eastern Railway map. The municipality is in the extreme Southwest of the State and is the gateway to rural Bengal, being the terminal railway station of the local train service to Kolkata. As the municipality area is so located in an advantageous position so that this area can avail water, rail and road transport system, the area has become the distribution point for the goods to rural Bengal and also other adjoining states/districts. There are two public ferry services facilities operating in the Municipal area at Jhautala Ghat and Budge Budge Kalibari Ghat. Other than these two ghats there is one private ghat operated from the Cheviot mill. The Sealdah-Budge Budge line was constructed in 1890. It is part of the Kolkata Suburban Railway system. The Tollygunge railway station on the Sealdah Budge Budge line is at the surface level over the underground Rabindra Sarobar station of Metro Railway. In 1952 the Indian government set up a memorial to the Komagata Maru martyrs near the Budge Budge. In 2013, the Budge Budge railway station was renamed as Komagata Maru Budge Budge Railway Station by the West Bengal Government. Ferry service connects Bauria (Howrah District) to Budge Budge Red Light area is located in Budge Budge Municipality.

**Baruipur** is a municipality in South 24 Parganas, which is divided into 17 wards. There is a block development office & a Panchyat Samity consisting 19 Gram Panchyat. As per 2011 Census of India Baruipur had a total population of 53,128, of which 26,718 (50%) were males and 26,410 (50%) were females. The total number of literates in Baruipur was 45,434 (92.04 % of the population over 6 years). Baruipur is well connected with Roadways and Railways. Buses like CTC, CSTC, Private Buses, and STA Buses are available all the time in Baruipur. Auto-rickshaw also is an important life-line of connectivity. Besides this, Baruipur plays as an important junction in the railway sector. The nearest metro station is Kavi Subhash which is almost 13 km from Baruipur.

## **CHAPTER-II**

### **LAWS TO PREVENT AND COMBAT SEX TRAFFICKING IN WOMEN AND GIRL CHILDREN**

The chapter presents a comprehensive analysis of the international, national and regional conventions, protocols, laws and regulations. There is a large body of existing international and national instruments in the form of declarations, conventions and resolutions prohibiting trafficking. The Constitutions of India (Article 23) contains provision prohibiting trafficking and forced labour. There is a legal responsibility on the States to institute measures to combat trafficking. The national laws have been inspired by developments at the international level. International instruments have tremendous bearing on the constituent States and their national laws. Upon ratification of a convention, a State must suitably amend or frame laws so as to implement the treaty. In the event of a void in the domestic law, the courts can look into the provisions of international law as long as they are consistent with the Constitution or the laws of the land. Article 51 of the Indian Constitution requires the State to foster respect for international law and treaty obligations. An overview International legal framework against trafficking of women and children for commercial sexual exploitation and the legal regime in India are presented as follows.

#### **2.1 INTERNATIONAL FRAMEWORK OF LAWS RELATED TO TRAFFICKING**

Universal Declaration of Human Rights, 1948: Article 4 of the Declaration prohibits all forms of slavery and the slave trade.

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949 : This convention is a compilation of four previous international conventions (Conventions of 1904, 1910, 1921 and 1933). This convention made procurement, enticement, etc. for purposes of prostitution punishable irrespective of the age of the person involved and his/her consent to the same (Article 1). Brothel keeping was also denounced to be illegal and punishable (Article 2). The convention provided for repatriation (Article 19) and rehabilitation (Article 20) measures. However, the 1949 Convention is limited to trafficking for prostitution and related activities.

Convention on the Elimination of all forms of Discrimination against Women, 1979 (CEDAW)

Article 6 of CEDAW requires States to take all appropriate measures, including legislation, to suppress all forms of traffic in women.



United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 : The convention provides against the expulsion or return of a person to another state if there are substantial grounds for deeming her to be in danger of torture. Victim compensation measures are also stipulated in the convention.

Tourism Bill of Rights and the Tourist Code 1985 : Adopted by the WTO, the Code enjoins that the State should preclude any possibility of the use of tourism to exploit others for purposes of prostitution.

Convention on the Rights of the Child, 1989 : Article 11 requires States Parties to take measures to combat the illicit transfer and non- return of children abroad. Under Article 34 and 35, States Parties must take appropriate national, bilateral and multilateral steps to protect the child from all forms of sexual exploitation and sexual abuse as also to prevent the abduction, sale of or traffic in children. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography seeks to raise standards for the protection of children from all forms of sexual exploitation and abuse.

Convention on Protection of Rights of Migrant Workers, 1990 : This Convention seeks to put an end to the illegal or clandestine recruitment and trafficking of migrant workers and lays down binding international standards for their treatment, welfare and human rights.

The ILO Convention 182 on the Worst Forms of Child Labour (1998): Article 3 of this Convention defines the worst forms of child labour comprising all manifestations of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and servitude and forced or compulsory labour, etc.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 : The UN Trafficking Protocol seeks to create a global language to define trafficking in persons, especially women and children, assist victims of trafficking, and prevent trafficking in persons. It supplements the United Nations Convention Against Transnational Organised Crime, 2000. Article 3(a) of the Protocol defines ‘trafficking in persons’ as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. This victim-

friendly protocol provides for preventive measures (Art. 9), victim compensation and privacy protection (Art. 6), repatriation (Art. 8) and strengthened border control measures (Art. 11 & 12).

Recommended Principles and Guidelines on Human Rights and Human Trafficking: These standards were developed by the UN High Commission for Human Rights so as to strengthen the human rights principles and perspective of the Trafficking Protocol. The document sets down 17 Recommended Principles and 11 Recommended Guidelines, which are meant to facilitate effective implementation of the key provisions.

### **Other International Initiatives**

World Conference on Human Rights, 14 - 25 June 1993, Vienna, Austria: This conference took new steps to promote and protect the rights of women and children by supporting the creation of new mechanisms and advocating the universal ratification of the Convention on the Rights of the Child by the year 1995.

World Congress against the Commercial Sexual Exploitation of Children, 1996 : The aims of the World Congress were to award high priority and adequate resources for action against the commercial sexual exploitation of children; promote stronger cooperation among all sectors and strengthen the role of families in protecting children; ensure the revision and enforcement of laws; and advocate the development and implementation of gender sensitive prevention and reintegration programmes.

Amsterdam Conclusion and Oslo Conference, 1997 : The Conference affirmed that in order to eliminate the exploitation of children, poverty eradication and rehabilitation programmes must be developed, along with a sound mechanism to monitor their progress.

Second World Congress against Commercial Sexual Exploitation of Children, Yokohama, 2001:

The Conference called upon the international community to promote action towards the eradication of commercial sexual exploitation of children and address the risk factors of poverty, inequality, discrimination, violence, armed conflict, HIV/AIDS, dysfunctional families and criminality.

The Honolulu Declaration, 2002: This Declaration recognized the need to address the structural causes of trafficking and the forms of exploitation and poverty at its roots. The mobilizing of a broad coalition was envisaged, to bring together concerned agencies, organizations and individuals to combat trafficking at local, national, regional and international levels.

Brussels Declaration on Preventing and Combating Trafficking in Human Beings, 2002: The Brussels Declaration aims at bringing about European and international cooperation, in developing concrete measures, standards, best practices and mechanisms for prevention, victim protection and assistance, and police and judicial cooperation to prevent and combat the trafficking of human beings.

### **Regional Instruments**

At the regional level, there have been several initiatives by the governments of South Asia and Asia-Pacific regions. The Bangkok Accord and Plan of Action to Combat Trafficking in Women, 1998; Asian Regional Initiative Against Trafficking in Persons, especially Women and Children, (ARIAT) 2000; The ASEM (Asia Europe Meeting) Action Plan to Combat Trafficking in Persons, especially Women and Children, 2000; The Bali Conference Co-chair's Statement on People Smuggling, Trafficking in Persons and Related Transnational Crime, 2002; are illustrations of their concerted efforts.

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002 : The aim of this convention is to promote cooperation amongst member states to effectively deal with various aspects of prevention, interdiction and suppression of trafficking in women and children; repatriation and rehabilitation of victims of trafficking and preventing the use of women and children in international prostitution networks, particularly where the SAARC member countries (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) are the countries of origin, transit and destination. The convention is legally binding on its signatory parties and is the first regional anti-trafficking treaty to emerge from the Asian continent. As of March 2004, the convention has been ratified by all member countries except Nepal and Sri Lanka.

The SAARC Convention defines 'child', 'prostitution', 'trafficking', 'traffickers' and 'persons subjected to trafficking' under Article 1. It provides for 'aggravating circumstances', which are factual circumstances that enhance the gravity of the offence (Art. 4). It also provides for the protection of victims (Art. 5), mutual legal assistance (Art. 6), training and sensitisation of enforcement officials (Art. 8), rehabilitation of victims (Art. 9). Offences under the Convention are extraditable (Art. 7). Article 8(3) requires the States Parties to establish a Regional Task Force comprising officials from the Member States, to facilitate implementation of the provisions of this Convention and to undertake periodic reviews. The main criticism levied against the SAARC

Convention is its narrow definition of trafficking, which is limited to prostitution; also that it makes no distinction between women and children. Trafficking has been defined to include the moving, selling or buying of a person, but does not include recruitment, labour, transfer or receipt that does not essentially constitute buying or selling.

Convention on Regional Arrangement for the Promotion of Child Welfare, 2002: This Convention seeks to create regional arrangements among SAARC countries in order to promote understanding and awareness of the rights, duties and responsibilities of children and to develop the full potential of the South Asian child.

## **2.2 NATIONAL FRAMEWORK OF LAWS RELATED TO TRAFFICKING IN INDIA**

International human rights instruments impose duty upon the States to respect and ensure respect for human rights law, including the duty to prevent and investigate violations, to take appropriate actions against the violators and to afford remedies and recovery to those who have been injured as a consequence of such violations. Nonetheless, as yet, few States have fulfilled their obligation to implement these commitments or to provide adequate human rights protection to trafficked persons. States have a responsibility to provide protection to trafficked persons pursuant to the Universal Declaration of Human Rights (UDHR) and through ratification or accession to numerous other international and regional instruments. The Government of India has initiated several steps as a follow-up of these International conventions and declarations.

### **Constitutional and Legislative Provisions related to Trafficking in India**

Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1). The Immoral Traffic (Prevention) Act, 1956 (ITPA) is one of the important legislations addressing the problem of trafficking. Other important legislations which deal with trafficking related crimes are the Prohibition of Child Marriage Act, Child Labour (Prohibition and Regulation) Act, 1986, Bonded Labour System (Abolition) Act, 1976, Maharashtra Control of Organized Crime Act, 1999 and Goa Children's Act, 2003 and Juvenile Justice (Care and Protection of Children) Act, 2000. In addition, certain specific sections of the Indian Penal Code (Sections 359 to 368) which deal with buying and selling of girls for prostitution, importation of girls and procurement of minor girls etc., prescribe severe punishment for offences related to trafficking. Sections 51(2), 53(2), 98, 327(2) and 357 of Cr. PC 1973 are also relevant in this

context. Section 370 IPC has been substituted by new sections 370 and 370A under new Criminal Law (Amendment) Act, 2013 wherein provisions have been made for punishment for traffickers.

The right against exploitation is a fundamental right guaranteed by the Constitution of India under Article 23, traffic in human beings, "beggar" and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law, Article 39 specifically obligates the State to protect children from exploitation. The provisions of both of these articles have been incorporated into the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA) and the Immoral Traffic in Persons (Prevention) Act of 1986 (ITPA), an amendment to SITA. ITPA supplemented by the Indian Penal Code (IPC) prohibits trafficking in human beings including children and lays down severe penalties. The Juvenile Justice Act, 1986 provides for care, protection, treatment and rehabilitation of neglected and delinquent juveniles including girls. The enforcement of ITPA, IPC and the Juvenile Justice Act is the responsibility of the State Government.

The Child Marriage Restraint Act, 1929: It defines the terms 'child marriage', 'child', 'contracting parties', 'minors', etc. It sets down the legal age of marriage as 18 years for girls and 21 years for boys. The Act empowers the court to issue injunctions prohibiting child marriage.

The Criminal Law Amendment Ordinance, 1944:The Act provides for attachment of property in case of commission of a scheduled offence.

The Young Persons (Harmful Publications) Act, 1956: The Act defines the term 'harmful publication' as "any book, magazine, pamphlets, leaflet, newspapers or other like publication which consists of stories told with the aid of pictures or wholly in pictures, being stories portraying wholly or mainly, a) the commission of offence, b) acts of violence or cruelty, and c) incidence of a repulsive or horrible nature".

The Probation of Offenders Act, 1958 : The Act aimed at offenders. The Act empowers the court to release certain offenders after admonition and place certain other offenders on probation for good conduct, and the Act puts a restriction on the court, forbidding the imprisonment of any offender below the age of 21 years, who has not committed an offence punishable with imprisonment for life, unless the circumstances of the case or nature of the offence requires that the offender be punished.

The Bonded Labour System (Abolition) Act, 1976 : The Act defines the terms ‘advance’, ‘agreement’, ‘ascendant or descendant’, ‘bonded debt’, ‘bonded labour’, ‘bonded labour system’ and provides for initiating appropriate action.

The Indecent Representation of Women (Prohibition) Act, 1986: The Act defines “indecent representation of women” as the depiction in any manner of the figure of a woman, her form of body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating of women; or is likely to deprave, corrupt or injure public morality. The Act puts a restriction on the publishing or sending by post, of books, pamphlets, etc., containing indecent representations of women, and prohibits all persons from getting involved directly or indirectly in the publication or exhibition of any advertisement containing indecent representations of women in any form.

Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA) : This was enacted under Article 35 of the Indian Constitution with the object of inhibiting or abolishing the immoral traffic in women and girls. It was also in pursuance of the Trafficking Convention, which India signed on 9 May 1950. The Act aimed to rescue exploited women and girls, to prevent deterioration of public morals and to stamp out the evil of prostitution, which was rampant in various parts of the country. This law does not regard sex in exchange of money as prostitution and allows prostitutes to ply their trade in private. As per laws, clients can be arrested if they indulge in any sexual activity in public. Even though exchange of sex for money is permissible on an individual capacity, a woman cannot do it in within a span of 200 yards of a public place. Sex workers are not within the ambit of normal labour laws. However, they have all the rights that would be enjoyed by a citizen and are entitled to be rescued and rehabilitated if they want to do so. However, SITA was not used as such. At times, different sections of the IPC were employed to bring charges of supposed-criminal acts like public indecency against sex workers. They could be also be accused of being public nuisance. Sex workers were left to the whims of the officials who brought the charges against them.

In 1978, SITA was amended by the Amendment Act 46 of 1978, which took effect from 2 October 1979. This was owing to the realisation that the social evil needed to be curbed and that existing provisions failed to do so. In 1986, SITA was drastically amended and renamed the Immoral Traffic (Prevention) Act, 1956.

The Immoral Traffic (Prevention) Act, 1956 : The Immoral Traffic (Prevention) Act, 1956 [ITPA] is the premier legislation for prevention of trafficking for commercial sexual exploitation. It lays down stringent punishment for the perpetrators of the crime, such as, for keeping a brothel, living on the earnings of prostitution, procuring, inducing or taking persons for the sake of prostitution, detaining a person where prostitution is carried on etc. The Act also provides for setting up of Protective Homes by the State Governments.

The specific purpose of the enactment was to inhibit or to abolish commercialized vice, namely the traffic in women and girls for the purpose of prostitution, as an organised means of living. Offences under the Act are:

- Punishment for keeping a brothel or allowing premises to be used as a brothel (S.3)
- Punishment for living on the earnings of prostitution (S. 4)
- Procuring, inducing or taking persons for the sake of prostitution (S. 5)
- Detaining a person in premises where prostitution is carried on (S. 6)
- Prostitution in or the vicinity of public places (S. 7)
- Seducing or soliciting for the purpose of prostitution (S. 8)
- Seduction of a person in custody (S. 9)

The Act defines the terms ‘brothel’, ‘child’, ‘corrective institutions’, ‘prostitution’, ‘protective home’, ‘public place’, ‘special police officer’ and ‘trafficking officer’. The law confers wide powers on the concerned authorities in matters of rescue and rehabilitation of victims and survivors and provides for stringent action against exploiters including the eviction of brothels, surveillance and aggravated punishment when the offences are committed on children.

The Immoral Trafficking Prevention Act, 1956 ("ITPA"), the main statute dealing with sex work in India, does not criminalise prostitution or prostitutes per se, but mostly punishes acts by third parties facilitating prostitution like brothel keeping, living off earnings and procuring, even where sex work is not coerced. Clients who consort with prostitutes or indulge in such activities within 200 yards of a designated area can be imprisoned for a maximum of 3 months and they need to pay fines for the same as well. In case, someone indulges in such activities with someone under 18 years old, he or she can be jailed between 7-10 years. For the purpose of this law, locations such as places of worship, hostels, educational institutions, and hospitals are regarded as public places. Brothel is a place, which is inhabited by more than a couple of sex workers. Pimps and similar people who live from the income made by a prostitute are guilty as well. For that matter, if an adult

man lives with a prostitute he can be held guilty facing imprisonment between 2-4 years. People who run businesses such as brothel-keepers and landlords are liable to be prosecuted . In case of the first offence they will be imprisoned for a maximum of 3 years. In case they forcibly keep someone in their brothel to be used as a prostitute or exploited for sexual purposes, they can be jailed for a minimum of 7 years. This law also forbids prostitution in hotels. People involved in human trafficking or trying to recruit someone – either forcibly or willingly – are liable to be jailed between 3-7 years. It is the legal responsibility of the government to rescue and rehabilitate such women and place them in protective homes.

The Indian Penal Code, 1860: Relevant provisions related to sex trafficking of women and children for CSE under the Indian Penal Code are Sections 366, 372 and 373,. Of significance are Sections 366A, which makes procurement of a minor girl (below the age of 18 years) punishable and Section 366 B, which makes importation of a girl below the age of twenty-one years punishable.

The Information Technology Act, 2000 : The Act extends throughout India and also has extra-territorial jurisdiction. Section 67 penalizes the publication or transmission of any material, in electronic form, which is lascivious; or appeals to prurient interests; or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied therein.

**Prohibition of Child Marriage Act, 2006** - The Child Marriage Restraint Act, 1929 has been repealed and the major provisions of the new Act include:

Age of marriage for boys is 21 and 18 for girls and any marriage of persons below this age is child marriage - illegal, an offence and punishable under law

- Every child marriage shall be void if so desired by either the bride or the groom who was a child at the time of the marriage
- The Court while granting nullity shall make an order directing the parents and guardians to return the money, ornaments and other gifts received
- The Court may also make an order directing the groom or parents or guardian to pay maintenance to the bride until her remarriage
- The Court shall make an appropriate order for the custody and the maintenance of the offspring of child marriages
- Notwithstanding that a child marriage has been annulled, every offspring of such a marriage shall be deemed to be a legitimate child for all purposes



- Any person arranging, party to, solemnising, participating in a child marriage is also liable to be punished under the Act, including mass marriages
- Child marriages to be considered automatically void in certain circumstances like minor being sold for the purpose of marriage, minor after being married is sold or trafficked or used for immoral purposes, etc.
- Enhancement in punishment for male adults marrying a child, and persons performing, abetting, promoting, attending, etc., a child marriage to be imprisoned up to two years and fined up to one lakh rupees

The States will appoint Child Marriage Prohibition Officers whose duties include prevention of child marriages, collection of evidence for effective prosecution, creating awareness and sensitisation of the community, etc. The penalty for facilitating child marriage is rigorous imprisonment up to two years and/or a fine up to one lakh rupees

The Juvenile Justice (Care and Protection of Children) Act, 2000 : The Act was passed in consonance with the Convention on the Rights of the Child, to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection. The definition specifically includes the child who is found vulnerable and is, therefore, likely to be inducted into trafficking. The focus of the Act is to provide for proper care, protection and treatment by catering to the child's development needs and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interests of children and for their ultimate rehabilitation through various institutions established under the Act. 'Child' means a person, either male or female, who has not completed his or her eighteenth year of age. Section 29 of the act empowers state governments to constitute child welfare committees for such areas as they may deem fit. It also outlines the powers of the committee and the procedures to be followed. Section 31 gives them the ultimate authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights. Under Section 34, a state government may establish and maintain children's homes for the care and protection of children. Under Section 39, the primary objective of the children's home or shelter is the restoration and protection of childhood. This law is essentially in the form of a Code and incorporates in itself not only punitive and rehabilitative provisions, but also spells out the detailed procedures to be followed.

Juvenile Justice (Care and Protection of Children) Act, 2015: The Juvenile Justice (Care and Protection of Children) Act 2015 (JJ Act, 2015) has come into force from 15th January, 2016 repealing the Juvenile Justice (Care and Protection of Children) Act, 2000. The JJ Act, 2015 is a comprehensive law with strengthened provisions for children in conflict with law and those in need of care and protection. For the first time, offences have been clearly defined and classified as petty, serious and heinous based on provisions of IPC. Under Section 15, special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years. The Juvenile Justice Board has been given the option to transfer cases of heinous offences by such children to a Children's Court (Court of Session) after conducting preliminary assessment. The provisions provide for placing children in a 'place of safety' both during and after the trial till they attain the age of 21 years after which an evaluation of the child shall be conducted by the Children's Court. After the evaluation, the child is either released on probation and if the child is not reformed then the child will be sent to a jail for remaining term. The enactment of this law will act as a deterrent for child offenders committing heinous offences such as rape and murder and will protect the rights of victim.

Further, to streamline adoption procedures for orphan, abandoned and surrendered children, the existing Central Adoption Resource Authority (CARA) has been given the status of a statutory body to enable it to perform its function more effectively. Processes have been streamlined with timelines for both in-country and inter-country adoption including declaring a child legally free for adoption. Several rehabilitation and social reintegration measures have been provided for institutionalization and non-institutionalization of children. The variety of non-institutional options include: sponsorship and foster care including group foster care for placing children in a family environment which is other than child's biological family, which is to be selected, qualified, approved and supervised for providing care to children. 4.9 Several new offences committed against children, which are so far not adequately covered under any other law, have also been made part of this law. These include: sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of child by militant groups, offences against disabled children and, kidnapping and abduction of children

The Protection of Children from Sexual Offences (POCSO) Act, 2012: To deal with child abuse cases, the Government has brought in a special law such as “The Protection of Children from Sexual Offences (POCSO) Act, 2012”. The Act has come into force with effect from 14th November, 2012 along with the rules framed there under. The Act defines a child as any person below the age of 18 years and provides protection to all the children from the offences of sexual assault, sexual harassment and pornography. An offence is treated as “aggravated” when committed by a person in a position of trust or authority of child such as a member of security forces, public officer, public servant etc. The Act provides for the establishment of Special Courts for trial of offences under the Act, keeping the best interest of the child as of paramount importance at every stage of the judicial process. The Act incorporates child friendly procedures for reporting recording of evidence, investigation and trial of offences.

State Measures to Prohibit the Devadasi System : State governments have taken some steps towards curbing the system. In 1924, the Indian Penal Code was amended. Sections 372 and 373 declared as illegal, the practice of dedicating girls for the ultimate purpose of engaging them in prostitution. The Karnataka Devadasi (Prohibition of Dedication) Act, 1982 declares unlawful, the very act of dedication, whether the dedication is done with or without the consent of the dedicated woman. Under the Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989, whosoever performs, promotes, abets or takes part in a dedication ceremony is liable to punishment with imprisonment for three years and fine.

Goa’s Children’s Act, 2003 : The Government of Goa brought out the Goa Children’s Act, 2003 notified in the official Gazette of 14 July 2003. This addresses several child rights issues in an integrated manner. Under the new legislation, the owner and manager of a hotel or other establishment will be held solely responsible for the safety of the child on the premises as well as all the adjoining beaches and parks. The owner and manager are also held accountable if any child is allowed to enter a room without registration. It provides for strong action against making children available for commercial exploitation including posing obscenely, selling or abetting sale of children even under the garb of adoption or dedication of a girl child as a Devadasi. Some of the salient features of the Act are:

- trafficking has been given a legal definition, for the first time in Indian jurisprudence
- The definition of sexual assault has been expanded to incorporate every type of sexual exploitation
- Responsibility of ensuring safety of children in hotel premises has been assigned to the owner and manager of the establishment
- Photo studios are required to periodically report to the police that they have not shot any obscene photographs of children
- Stringent control measures have been introduced to regulate access of children to pornographic materials.

### **2.3 THE UN TRAFFICKING PROTOCOL**

In December 2002, India became a signatory to the "UN Convention against Transnational Organised Crime (UNTOC)", which includes the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. By becoming a participant in the convention, a global instrument which advocates international and national action against organised crime, the Government of India has given a clear mandate to confront the evils of trafficking of women and children

Almost a decade after signing the United Nations Convention against Transnational Organized Crime (UNTOC), India officially ratified the Convention and its three Protocols, including the UN Trafficking Protocol, on May 5, 2011. The process of ratification formally indicated the State's consent to be bound by the terms and provisions of the UNTOC and its Protocols.

The UN Trafficking Protocol provides a comprehensive framework for addressing the trafficking of persons internationally and domestically. The Protocol's definition of human trafficking delineates the wide variety of conduct constituting the crime of trafficking persons. Under this definition, a person is guilty of the crime of human trafficking if they satisfy three components: (1) an act (e.g., transportation, or receipt of persons), (2) by a specified means (e.g., threat or use of force or other forms of coercion, abduction, fraud, etc.), (3) resulting in "exploitation," defined as "including, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or similar practices, servitude, or the removal of organs."

The crime of human trafficking of adult victims therefore consists of at least one such act, a means and an exploitative purpose. However, for trafficking of minor-child victims, the second

requirement (i.e., the “means” requirement) is waived. Therefore, a person is guilty of child trafficking if he or she commits one of the proscribed actions for purposes of exploitation, regardless of the means by which that act is committed. The consent of the victim is irrelevant where any of the means included in the definition has been employed or the victim is a child. The UN Trafficking Protocol obligates States to criminalize trafficking in persons, to take steps to prevent human trafficking and to assist, protect and repatriate victims of human trafficking safely. India has a dualist regime with regard to international law and international treaties. This means that, according to the Indian Constitution, ratified treaties do not automatically have the force of law in domestic courts. However, the Indian Constitution states that the Government of India must adhere to its treaty obligations and “endeavor to...foster respect for international law treaty obligations in the dealings of organized peoples with one another. The Indian Supreme Court declared that the Constitution itself must be interpreted in light of any international treaties that India has ratified. In addition, the Supreme Court in *Vishaka v. Rajasthan* established that provisions of international treaties might be read into existing Indian law in order to “expand” their protections. Moreover, in the absence of domestic law, “the contents of international conventions and norms are significant for the purpose of interpretation.” Thus, although India has not expressly incorporated the entirety of the UN Trafficking Protocol into its national law, the Indian government is nonetheless required to adhere to all of its obligations under the Protocol. Moreover, in line with the judicial precedents discussed above, the anti-trafficking provisions of the Indian Constitution, Penal Code, and other domestic legislation should be interpreted in light of the UN Trafficking Protocol and other international treaties to which India is a party.

Article 9 of the UN Trafficking Protocol requires State Parties to establish “comprehensive policies, programmes and other measures to prevent and combat human trafficking. Specifically, the Protocol provides that such measures “shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.” Furthermore, State Parties “shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.” In addition, State Parties must also adopt measures “to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking

Responsibility for providing compensation to trafficking victims is fragmented between the central government and individual states. This is largely the result of Section 357, Code of Criminal Procedure, which states that the Central Government should be responsible for compensating victims of any crime who have suffered loss or injury. However, it fails to note the form or degree of such compensation. The Section addresses the compensation of trafficking victims; however, it allows for the individual State's determination of compensation procedures and amounts. As a result, there is no centralized compensatory system for trafficking victims in India.

India's trafficking recovery laws and policies are piecemeal and haphazardly applied. The government's rehabilitative efforts are often ad-hoc and ineffective. There is lack of coordination among the police and government agencies concerned along the way from rescue to rehabilitation. The United States 2013 Trafficking in Persons Report found that India's government-run shelter homes were overcrowded and unhygienic, offered below average food and provided only limited services.

There are several gaps between the UN Trafficking Protocol and India's laws, policies and realities in regards to safety, recovery and compensation. These include: Inadequate protections to guarantee the victims' safety, including measures to protect his or her privacy and the confidentiality of his or her identity; poor conditions and violations of victim's rights in both government and NGO-run recovery homes; lack of employment, educational and training opportunities and ineffective domestic compensation systems for human trafficking victims.

However, the Protocol does not provide protection from prosecution for the acts victims are forced to perform. Therefore, victims could be prosecuted for a crime they were coerced into committing - such as prostitution, working without a permit, or having false identification documents - and be summarily deported for these violations. Also, most of the positive measures, especially victim assistance, are discretionary. Thus, victims who remain in a country in order to serve as witnesses for the prosecution could be detained for months without critical services or employment. This could create unwillingness in victims to offer testimony, which would be detrimental to the case and undermine the law enforcement objectives of this Protocol. Also, these victims are still at risk of physical harm from the traffickers. There is no mention of 'reintegration' or providing services upon repatriation to ensure that a victim is able to re-enter mainstream society. The Protocol refers only to cooperation between States Parties to ensure safe repatriation of victims to their countries of

origin. The victims are, in effect, likely to be delivered back into the same conditions from which they were trafficked and are at risk of re-victimization.

### **Gaps in Implementation**

The Government of India has incorporated most of the standards of international law into its domestic law but it does not fully comply with the standards for the elimination of trafficking. In April 2013, the government amended the penal code in a manner that greatly improves the country's laws, broadening the types of crimes considered to be trafficking and establishing more stringent sentences for traffickers. The Ministry of Home Affairs (MHA) continued to establish Anti-Human Trafficking Units (AHTUs) that work to create collaborative efforts between law enforcement and rehabilitation sectors to prevent trafficking.

The Indian government has conducted collaborative meetings with the Government of Bangladesh in an effort to promote international cooperation efforts in prevention of human trafficking. After a meeting between the Indian and Bangladeshi home secretaries in December 2012, India and Bangladesh issued a joint statement that the two countries would cooperate to prevent human trafficking. Bangladesh and India have established a Taskforce Regarding Rescue, Recovery, Repatriation and Integration (RRRI), but this cooperative programme applies only to child victims.

The Indian Government's prevention efforts are allegedly not effective in practice. The police are frequently cited as being one of the key points of failure in the chain of prevention. Sometimes a hostile relationship between the sex workers collective, which itself is engaged in anti-trafficking efforts, and law enforcement exists. Efforts to prevent trafficking by regular checkups on brothels to scan for recently trafficked or under aged girls are little supported by police.

The report of DWCD mentions: "The judiciary is accused of playing a role in secondary victimization, by its mode of questioning during court procedures, the long tedious legal processes and legal system is seen to be forbidding for victims who seek justice rather than deterring those who commit injustice." A recent publication of UN says: "The judiciary is one of the most important sectors that need to be sensitized on gender issues and violations of rights of women due to trafficking. An analysis of the attitude of judges reveals a protectionist approach in their judgment of criminal cases against trafficking." The sensitive judges and trial magistrates have to ensure victim-friendly ambience in the court to the extent possible. The proceedings in the court need to be monitored so that even the defense does not indulge in re-victimization and

traumatisation of the victims. It is important to note that even when the matter reaches courts witnesses generally turn hostile making it very difficult for the prosecution and the victims to avail justice. There remains a notable absence of measures to guarantee the safety, rehabilitation and compensation of trafficking victims.

The recent amendment of the Indian Penal Code to include a comprehensive definition of trafficking is a major development in Indian law. This brought India into closer alignment with the international standards established by the UN Trafficking Protocol. However, there continue to be gaps between India's laws, policies and practices, on the one hand, and, on the other, the UN Trafficking Protocol's obligations and recommendations for State Parties. India is alleged to have approached human trafficking in an uncoordinated, piecemeal fashion, it's prioritization of anti-trafficking efforts decreased over the year and some officials' inertia and indifference impeded efforts. A comprehensive effort to address the problem of trafficking through appropriate prevention, rescue and rehabilitation programmes is still required. India needs to reform its laws and policies to reflect the country's obligations under the UN Trafficking Protocol in light of the realities of human trafficking in the country.

## **2.4 TRAFFICKING OF PERSONS (PREVENTION, PROTECTION AND REHABILITATION) BILL, 2016**

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the UN Trafficking Protocol) provides a roadmap for cross national collaboration as well as recommendations for enacting effective domestic human trafficking laws. In May 2011, India ratified the three protocols of the United Nations Convention against Transnational Organized Crime, including the UN Trafficking Protocol. Yet despite its ratification of the Protocol, India continued to lack a unified comprehensive policy for human trafficking. Rather, its anti-trafficking policies have largely operated under a fragmented and piecemeal set of laws addressing various components of human trafficking such as slavery, child labour, and child marriage.

Keeping this in view, the Ministry of Women & Child Development released the draft "Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016" on 30-May-2016 for further stakeholders consultations. The Bill is victim oriented and plugs loopholes in existing laws and brings within its fold additional crimes pertaining to trafficking which don't find a place in the



existing laws. Under the Bill, an institutional mechanism is also sought to be set up to deal with this highly specialized subject which will also include members from Civil Society Organization. Since the problem is trans-border with our neighboring countries, protocols will also be worked out for those trafficked from other countries. The comprehensive draft Bill has taken into account the various aspects of trafficking and its punishments as defined in section 370- 373 of Indian Penal Code, 1860 and aims to include other offences/ provisions which are not dealt with in any other law for the purpose of trafficking, such as (1) penal provisions for the disclosure of identity of the victim of trafficking and witness (2) use of narcotic drug or psychotropic substance or alcohol for the purpose of trafficking (3) use of chemical substance or hormones for the purpose of exploitation. The draft Bill has also taken into its ambit the 'placement agencies' by making mandatory for them to also register for the purposes of this Act.

The proposed anti-trafficking Bill aims to place dedicated institutional mechanisms at District, State and Central level. A Central Anti-Trafficking Advisory Board will advise the government on the Bill's implementation. It envisages creating district and state-level anti-trafficking committees with government officers and NGO representatives to mobilise efforts to prevent, rescue, protect and rehabilitate victims of trafficking, in addition to providing medical care, psychological assistance and skills development. Under its current layout, a rescued victim is to be initially brought to the district committee or a police station, by the investigating officer, public servant, social worker or the victim herself. The draft Bill provides for mandatory reporting within 24 hours by a Police Officer, Public servant, any officer or employee of Protection Home or Special Home having custody of the victim of trafficking to the District Anti-Trafficking Committee or in case of child victim to the Child Welfare Committee. It provides for Protection Homes and Special Homes for short term and long term rehabilitation support: Protection Homes to provide shelter, food, clothing, counselling and medical care to rescued victims and Special Homes to provide long-term institutional support. The bill also penalises the contravention of the registration requirements for protection homes, special homes and placement agencies.

The bill criminalises new offences like using a narcotic substance, alcohol or psychotropic substance for trafficking (Section 16), administering any chemical substance or hormone to a trafficked woman or child to enable early sexual maturity (Section 17) and revealing the identity of a victim or witness to a crime of trafficking. If such information is published in the media, the offending individual and owner of the media venture are both liable to be punished.

Among other provisions, the bill enables the confiscation, forfeiture and attachment of property when offences are committed under Section 16 and 17 or under Sections 370-373 of the IPC. The latter deals with trafficking, engaging a trafficked minor or person for sexual exploitation, habitual dealing in slaves and selling, disposing of or hiring a minor for prostitution. The burden of proof for these offences is also reversed: the commission of the crime is presumed unless otherwise proven. The Bill also provides for the recovery of back wages and other monetary losses of the victim of trafficking. For the effective implementation of the proposed Act and for the welfare and rehabilitation of the victims an Anti-Trafficking Fund will be created.

It also envisages a designated Agency for the investigation of offences. For speedy trial with a view to increase prosecution and to reduce the trauma faced by the victims, the proposed draft Bill provides for establishing Special Courts in each district and experienced Special Prosecutors as public prosecutors.

A review of the International laws and provisions provides an impression of the growing awareness and recognition of the issues relating to trafficking. India has made efforts to amend its existing laws or to introduce new legislation in consonance with international instruments. Some of the shortcomings in The ITPA like lack of mandatory provisions for rehabilitation of the victims, provision for confiscation of assets amassed by the traffickers, provisions for victim and witness protection etc are being taken care in the upcoming “Trafficking Of Persons (Prevention, Protection And Rehabilitation) Bill, 2016” .

## **2.5 STATUS OF LAW ENFORCEMENT**

### **Incidents of Women Trafficking:**

The National Crimes Record Bureau (NCRB) issued the 2014 Crime in India Report, the most recent law enforcement data available. For the first time, the report included data on trafficking investigations, prosecutions, and convictions under several relevant laws. The NCRB has been collecting data under the following heads of crime which are related to human trafficking: i) Importation of girls from foreign country (Sec. 366B IPC); ii) Procuration of minor girls (section 366A IPC); iii) Buying of minors for prostitution (section 373 IPC) iv); Selling of minors for prostitution (Section 372 IPC) v) Immoral Traffic (Prevention) Act 1956 vi) Human trafficking (section 370 & 370A IPC),

A total of 6877 cases of crime relating to human trafficking were registered in the country during the year 2015 as compared to 5466 cases during the year 2014, showing an increase of 25.8% during 2015 over 2014. A total of 3,517 cases were registered in 2011, which rose to 3,554 cases in 2012, to 3,940 cases in 2013, to 5,466 cases in 2014 and to 6877 cases in 2015. The crime under human trafficking during the year 2015 has increased by 95.5% over 2011.

Importation of Girls from Foreign Country: A total of 6 cases of importation of girls from foreign country were registered during 2015 compared to 13 cases in 2014. WB reported the highest no. of 4 cases. No cases were reported from Odisha and Jharkhand.

Immoral Traffic (Prevention) Act, 1956: 2641 cases were registered during the year 2015 compared to 2617 in the previous year. The highest 511 cases were registered in Tamil Nadu. Of the study states, WB reported the highest 107 cases followed by Odisha (47 cases) and Jharkhand (19 cases).

Procuration of Minor Girls (Sec. 366A IPC): As many as 3087 cases were reported during the year 2015 as compared to 2020 cases in the previous year. The highest 1,303 cases were reported in Assam followed by West Bengal (1,003 cases). Jharkhand and Odisha reported 27 and 7 cases respectively.

Buying of Minors for Prostitution (Sec. 373 IPC): Only 7 cases of buying of minor girls for prostitution were reported during the year 2015 in comparison to 14 in the previous year. The highest 7 cases were reported in Maharashtra. No cases were reported from any of the States under the study.

Selling of Minors for Prostitution (Sec. 372 IPC): A total of 111 cases of selling of minors for prostitution were registered in the country during 2015 as against 82 such cases in 2014, thus indicating an increase of 35.4% during 2015 over 2014. West Bengal has reported 91 such cases accounting for 82.0% of total such cases registered during 2015. No single case was registered in either in Odisha or in Jharkhand.

Human Trafficking (Sec. 370 & 370 A IPC): A total of 1,021 cases of human trafficking under section 370 & 370A of IPC were registered in the country during 2015 showing an increase of 41.8% over previous year (720 cases). Telangana reported 226 such cases followed by Assam with 137 cases and Jharkhand (126 cases). However, maximum numbers of victims (620 persons) under

human trafficking (sec. 370 & 370A IPC) were recovered/reported in Kerala during 2015. Odisha and WB reported 60 cases and 50 cases respectively

Disposal of Crimes Relating to Human: Out of 10,424 registered cases under various crimes relating to human trafficking for investigation, 5,432 cases were disposed of by police (investigation completed). Charge sheets were submitted in 4,573 cases (89.0% charge-sheet rate) under crimes related to human trafficking during 2015.

Disposal of Crimes Relating to Human Trafficking by Courts: Out of 19,717 cases relating to human trafficking, trials have been completed in 2,075 cases during 2015. A total of 824 cases under human trafficking ended in conviction, showing a conviction rate of 39.7%. Maximum conviction rates were observed in cases under buying of minors for prostitution (100.0%) whereas lowest conviction rate was reported under procurement of minor girls (11.1%) during 2015. A total of 17,612 such cases remained pending for trial at the end of the year, showing pendency rate of 89.3%. A total of 1,251 cases were either acquitted or discharged by various courts during 2015.

Disposal of Person Arrested under Crimes Relating to Human Trafficking by Police  
Out of 17,938 persons (including 11,720 persons arrested), 10,801 persons were charge-sheeted under various crime heads relating to human trafficking during 2015. A total of 1,497 persons (consisting of 1,331 males and 166 females) and 7,601 persons (consisting of 5,380 males and 2,221 females) were charge-sheeted under sections 370 & 370A of IPC and the Immoral Traffic (Prevention) Act respectively during 2015. A total of 449 persons (consisting of 430 males and 19 females) were released by police or transferred to other police stations. Investigation in respect of 6,688 accused persons remained pending at the end of the year 2015

Disposal of Person Arrested under Crimes Relating to Human Trafficking by Court  
Out of 57,366 persons (including 10,801 persons sent for trial during 2015), trials have been completed for 5,439 persons. A total of 2,139 persons have been convicted under various crime heads relating to human trafficking during 2015, maximum such convictions were under the Immoral Traffic (P) Act (1,990 persons) during 2015. A total of 3,281 persons were acquitted from all charges of offences relating to human trafficking and 19 persons were discharged for either want of evidence or otherwise by courts during 2015. Trials of 51,875 persons remained pending in different courts at the end of the year 2015

## **Incidents of Child Trafficking**

Since 2015, information on child trafficking is also published separately in order to understand and analyse the patterns of child trafficking in the country. Following crime heads have been clubbed under child trafficking: i) Importation of girls from foreign country (Sec. 366B IPC)(Below 18 years); ii) Procuration of minor girls (section 366A IPC); Buying of minors for prostitution (section 373 IPC) iv) Selling of minors for prostitution (Section 372 IPC) v) Immoral Traffic (Prevention) Act 1956 vi) Human trafficking (section 370 & 370A IPC) In above mentioned crime heads victims are below 18 years of age. A total of 3,490 cases of crimes relating to child trafficking were registered in the country during the year 2015.

Importation of Girls from Foreign Country: A total of 2 cases of importation of girls from foreign country were registered during 2015. Uttarakhand and West Bengal has reported 1 case each during 2015.

Immoral Traffic (Prevention) Act, 1956: A total of 58 cases under the Immoral Traffic (P) Act were registered in the country. Majority of these cases were reported in Maharashtra (18 cases) and Karnataka (10 cases) and West Bengal (9 cases) during 2015.

Human Trafficking (Sec. 370 & 370 A IPC): A total of 221 cases of child trafficking under section 370 & 370A of IPC were registered in the country during 2015. Majority of such cases were reported in Delhi (57 cases) followed by Bihar (27 cases), Madhya Pradesh (22 cases), Odisha (20 cases), West Bengal (15 cases), Chhattisgarh (12 cases) and Telangana (11 cases),

Disposal of Crimes Relating to Child Trafficking by Police : Out of 5,026 cases relating to child trafficking for investigation, 2,348 cases were disposed of by police (investigation completed). Charge-sheets were submitted in 1,658 cases resulting in 79.2% charge-sheet rate during 2015

Disposal of Crimes Relating to Child Trafficking by Courts: Out of 5,003 cases relating to child trafficking; trials have been completed in 384 cases during 2015. A total of 55 cases under child trafficking ended in conviction, showing a conviction rate of 14.3%. A total of 4,602 such cases remained pending for trial at the end of the year, showing pendency rate of 92.0%

Disposal of Person Arrested under Crimes Relating to Child Trafficking by Police: Out of 4,376 persons (including 3,078 persons arrested), 2,117 persons were charge-sheeted under various crime heads relating to child trafficking during 2015

Disposal of Person Arrested under Crimes Relating to Human Trafficking by Court: Out of 7,145 persons (including 2,117 persons sent for trial during 2015), trials have been completed for 633 persons. A total of 95 persons have been convicted under various crime heads relating to child trafficking while 538 persons were acquitted by courts during 2015.

#### **Year Wise Distribution of Trafficking**

	<b>Crime head</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
1	Procuration of minor girls (Sec. 366-A IPC)	679	862	809	1,224	2,020	3087
2	Importation of girls from foreign country (Sec.366B IPC)	36	80	59	31	13	6
3	Selling of minors for prostitution (Sec. 372 IPC)	130	113	108	100	82	111
4	Buying of minor for prostitution (Sec. 373 IPC)	78	<b>27</b>	<b>15</b>	<b>6</b>	<b>14</b>	<b>11</b>
5	Immoral Trafficking (Prevention) Act 1956	2,499	2,435	2,563	2,579	2,617	2641
6	Human Trafficking (Sec. 370 & 370 A IPC)	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>720</b>	<b>1021</b>
	<b>T</b>	<b>3,422</b>	<b>3,517</b>	<b>3,554</b>	<b>3,940</b>	<b>5,466</b>	<b>6877</b>

#### **State Wise Distribution of Trafficking**

	<b>Crime head</b>	<b>Jharkhand</b>	<b>Odisha</b>	<b>WB</b>	<b>2015</b>
1	Procuration of minor girls (Sec. 366-A IPC)	<b>27</b>	<b>7</b>	<b>1003</b>	3087
2	Importation of girls from foreign country (Sec.366B IPC)	<b>0</b>	<b>0</b>	<b>4</b>	6
3	Selling of minors for prostitution (Sec. 372 IPC)	<b>0</b>	<b>0</b>	<b>91</b>	<b>111</b>
4	Buying of minor for prostitution (Sec. 373 IPC)	<b>0</b>	<b>0</b>	<b>0</b>	<b>11</b>
5	Immoral Trafficking (Prevention) Act 1956	<b>19</b>	<b>47</b>	<b>107</b>	2641
I	Under Section-5	17	14	38	1287
ii	Under Section-6	0	0	3	85
iii	Under Section-7	0	1	1	182
iv	Under Section-8	2	0	23	308
v	Others	0	32	42	787
6	Human Trafficking (Sec. 370 & 370 A IPC)	<b>126</b>	<b>60</b>	<b>50</b>	<b>1021</b>
	<b>Total</b>	<b>172</b>	<b>114</b>	<b>1255</b>	<b>6877</b>

## **2.6 LAW ENFORCEMENT: POLICE**

Most of the police officials in Jharkhand and Odisha stated that they had not played any role so far related to trafficking of women for CSE, a few mentioned their role in preventive patrolling, rescue operations, crime investigations undertaken by them. The police officials ever involved in investigating crimes related to sex trafficking reported involvement either in the capacity of Investigator or as Special Police Officer. The techniques used when investigating crimes emphasized mainly on witness evidence and medical examination report of victim. None referred to material evidences, forensic examination, mobile surveillance etc. NGOs working on anti trafficking, community vigilance groups, PRI members etc are the sources of information about victims of sex trafficking.

Most of the officers work either with local Law Enforcement or the State Law Enforcement. The officers confirmed that the department had a formal protocol (guidelines) for identifying and investigating cases of suspected sex trafficking and considered the formal protocols somewhat useful to identify sex trafficking cases. The department also had a formal protocol (guidelines) for conducting raid and rescue the victims of sex trafficking. The protocols covered such aspects as registration of FIR, obtaining search warrant(pre rescue protocols); searching premises, taking custody of belongings of victims, evidence collection, production of the victim before magistrate, production of the child victim before CWC (rescue protocols) ; medical care, legal counseling, interviewing victim by a female police officer, custody of victim to NGO home, sealing places of CSE, producing arrested offenders before the local Magistrate(post rescue protocols) . The likely locations in which police might encounter sex trafficking activities were massage parlors, brothels, hotels, private homes or apartments as reported.

Most of the police officials reported that the department had good relationship with local services delivery organizations. The service delivery organizations helped the department gain victim's willingness to assist in the investigation and prosecution of sex trafficking cases. The department's relationship with other law enforcement such as RPF, BSF who worked on sex trafficking issues as well as the department's relationship with the local prosecutors was reported not very well.

Largely women are found as the traffickers in sex trafficking for CSE. The traffickers involved in a sex trafficking case range from 1 to 2 persons. The perpetrators of sex trafficking spanned all age

groups. Most of the traffickers were local residents known to the victims. No minors were involved in sex trafficking

In general, the victims of sex trafficking were between 20 and 30 years. Victim pleading guilty, lack of protection of victim and witness, repeated court adjournments, witness turning hostile etc were difficulties faced in working with victims of sex trafficking.

Presence of force, fraud or coercion was the elements of sex trafficking that distinguished the offense from work in the sex industry as perceived by most of the police officials. Massage parlors, brothels, hotels, escort services, private homes etc were the most likely locations in which one might encounter prostitution. The victims of sex trafficking differ from those providing services in the sex industry in terms of age, younger girls were in brothels based CSE where as older were in the sex industry. The perpetrators of sex trafficking (pimps, madams) hardly differed from those in the sex industry (pimps) in terms exploitation

The purchaser of sex from victims in CSE spanned all age groups especially between 20 and 30 years. Most of the clients who purchased sex from victims in CSE were local resident. When selling of sex is voluntary for survival, it was prostitution or work in the sex industry and if involuntary and to benefit a third party, it was sex trafficking offenses as the officers commented

More than half of the officials in their Unit/Department were reportedly trained. The training was sensitization in nature to recognize potential victims of sex trafficking. A few attended Regional Conferences. The Sources of training were Police Training Institute and Dept. of Justice Curriculum. The Topics of training covered methods for identifying suspected victims, distinguishing trafficking from prostitution, trafficking modus operandi, trafficking patterns and trends, rights of victims, legal provisions of the law to trafficking cases, legal and administrative provisions for inter-state and cross border investigation, legal provisions for closure of places of exploitation, legal provisions for confiscation of proceeds of crime, victim support and assistance etc. The effect of training on investigation and prosecution of cases of trafficking for CSE had been very effective.

No such guidelines existed that after receiving training, officers were required to remain in their post for a certain period of time. The patrol officers, investigators received specific training in trafficking of women and girl children for CSE with specific references to trafficking trends and



legislations. The training was considered useful to investigations of sex trafficking. Knowledge as to the indicators to identify trafficked victims for CSE was average.

The IAHTU collects information specific to sex trafficking under ITPA and IPC. The unit works with other organizations as prosecution departments, non-governmental organizations, and community vigilance groups. The advantages of working with other units are to prevent trafficking, rescue and rehabilitation of the victims and framing proper charges against the traffickers. Video conferencing of the victim contributed most in successful prosecution of the traffickers. Protection of the victim and witness was the greatest problem faced in prosecution.

Trafficking of women and children for labor leading commercial sexual exploitation takes place in almost all the districts in WB; all Mao affected districts of Jharkhand and all tribal districts of Odisha. The districts are mostly characterized as the places of Origin. The problem of trafficking of women and children for CSE in WB was rated alarming. The problem in Jharkhand and Odisha was perceived as no serious a problem.

In regard to the trend and form in trafficking over the past five years, the incidence was reported increasing. The sex trafficking forms in the past years have undergone changes from brothel based CSE to new forms of non brothel based sex CSE as private apartments, escort services, massage parlors, pornography etc.

The trafficking could be prevented by effective patrolling and vigil at locations prone to trafficking, inter departmental cooperation for spotting and rescuing the victims, periodical checks on transporters, addressing new forms of demand, inter-state collaboration, sensitization programs for police officers, railway police force, prosecutors and judges on various legislation, prosecution of perpetrators, public awareness and support to women vulnerable to trafficking.

Most of the police were aware of the present laws related to trafficking and CSE such as the Immoral Traffic (Prevention) Act, 1956, various Sections of the Indian Penal Code 1860 and The Prohibition of Child Marriage Act (PCMA), 2006. A few were aware of and the Protection of Children from Sexual Offences Act, 2012. These laws had not been able to address the issue of trafficking adequately as remarked by them. The Laws ignored victim's rights to rehabilitation, protection of victim and witness, provisions for severe punishment of the perpetrators etc. Section 5 was reported the most commonly used sections of the ITPA. The chance of conviction of the traffickers in an ITPA case was low. The police in general was victim friendly. Repeated

adjournments, lack of interpreter, production of the victim in court along with the offender, no protection to witness etc were the problems the victims confronted while dealing with the prosecution. The victim pleading guilty, victim and the witnesses turning hostile resulted in relapse of the cases against the traffickers. The police had no role in the process of rehabilitation of the rescued person as reported.

Repeated adjournments, easy bail for the trafficker, court harassment and humiliation of the victim, insensitivity of the judiciary etc were cited as the loopholes in the prosecution mechanisms. Reform of existing laws and reform of court practices were the changes suggested. The challenges being faced by the police were many as victims denying identity, victims fearing to go back home, victim and witness turning hostile, lack of specific training and resources. Adequate staff, infrastructure and funds, continuing training etc were needed to better address sex trafficking of women and children for CSE. Extra vigilance during distress migration, pro active community policing, periodic checking on transporters, prevention in demand areas, fast-track procedure for trial, advanced techniques like video conferencing etc were the suggested areas of anti- trafficking interventions.

## **2.7 LAW ENFORCEMENT: PUBLIC PROSECUTOR**

Public Prosecutors (PPs) play a statutory role in the prosecution. An understanding of the law would lead to their better enforcement. The PPs who handle trafficking cases at the sub-division and district level, need to have relevant information and orientation towards an interpretation of the intent and spirit of the Laws. Long adjournments, easy bail for the trafficker, harassment and humiliation of the victim etc were some of the identified problems associated with prosecution. An attempt was made to understand the knowledge, attitude and practices followed by the public Prosecutors to the general and generic issues relating to trafficking.

Legal aid and counseling to the rescued trafficked victims, ensuring victim-witness protection, timely appearance of witnesses, co-coordinating with police for prosecution of perpetrators etc are the roles and responsibilities of the PPs as perceived by most of the respondents. A few reported to have ever prosecuted a case of trafficking of women and children for CSE. Almost all failed to answer the no. of sex trafficked cases prosecuted last year, no. of traffickers/perpetrators convicted and their sentence length etc.

The PPs reported to have guidelines for prosecuting cases of sex trafficking. The protocol covered recording of victim's statement by a woman police officer or before a magistrate. The guidelines advised working with the law enforcement agencies and service provider organizations. The relationship with local law enforcement agencies and local service provider organizations was somewhat good as reported by majority the PPs.

Trend: Trafficking of women and girl children takes place mainly for labour exploitation in Odisha and Jharkhand and for commercial sexual exploitation in West Bengal as held by the PPs in their respective states. The commercial sexual exploitation was mostly brothel based followed by non-brothel-based sexual exploitation carried out under the façade of 'call girl' racket, massage parlours, mail order brides, and other marriage rackets. The non-brothel-based commercial sexual exploitation however increased in the recent years as reported by most of the PPs. The reasons attributed to sex trafficking were many and included illiteracy, poverty, social backwardness, erosion of social values, organized crime rackets, increased tourism, police inaction, parental negligence, marital disintegration, increased access to internet, higher demand for women in brothels, mushrooming of massage parlours and beer bars and other vulnerability factors .

Most of the PPs were familiar with the laws that address trafficking of Women and Children for CSE namely the Immoral Traffic (Prevention) Act, 1956, the Prohibition of Child Marriage Act (PCMA), 2006, specific Sections in the IPC, 1860 and the Protection of Children from Sexual Offences Act, 2012. The present laws related to trafficking and CSE were considered not adequate to address the issue of trafficking effectively. They ignored victim's rights to adequate rehabilitation, protection of victim and witness, stringent punishment to the traffickers, confiscation of traffickers' properties etc. Reforming existing Laws, bringing in new legislation, reform of welfare services etc were recommended. Section 5 that related to procuring, inducing or taking persons for the sake of prostitution was the most commonly used sections of the ITPA. The chances of conviction in an ITPA case under Sections 3,4,5,6 were phenomenally low as held.

The critical evidence leading to conviction/acquittal of a case related to witness statement, material evidences, medical examination report, forensic examination report, etc. The law permitted the use of specialized evidence-gathering techniques such as the use of undercover officers, human and technical surveillance, interception of communications and controlled deliveries for evidence in court.

The attitude of the police to the trafficked victim was harassing. The mandatory formalities followed by the police under the ITPA before producing victims of trafficking in a court of law included registration of FIR, presence of woman social worker during raid and rescue, recording statement by a woman police officer etc. Though had special powers of investigation, the police did not actively profile the traffickers. Access to records and statements available with the police, access to the victims while they are in the custody of a protective home etc were affirmed by the PPs. The PPs had no role in the process of rehabilitation of the rescued victim as reported by most of the respondents. The cases where women in CSE sought the custody of their children were rare and the children were kept with the mother at stay home while under custody.

Besides the JJ Act, relevant provisions related to sex trafficking of women and children for CSE under the Indian Penal Code were Sections 366, 372 and 373. Of significance were Sections 366A, which made procurement of a minor girl (below the age of 18 years) punishable and Section 366 B, which made importation of a girl below the age of twenty-one years punishable. These were the specific provisions under IPC to protect children from being sexually exploited,

The victim needed to testify to go forward with prosecutions. Most of the victims plead guilty to avoid time taking prosecution and court harassment. The court took decision on the basis of witness statements, material and circumstantial evidences, medical and forensic reports etc. Lack of documentation of the abuse in a medical report might be a problem in prosecuting sex trafficking crimes. If the case was not prosecuted by the State, there was hardly any instance where the victims ever initiated private prosecution of a sex trafficking crime. The existing laws and procedures were being implemented within human rights and gender sensitivity paradigm.

The sex trafficking methods in the past years have undergone changes from brothel based CSE to new forms of non brothel based sex trafficking as private apartments, escort services, massage parlors, pornography etc.

The procedures of examination of witnesses, repeated interviews, cross-examination in the court etc deter the victims from approaching the police for help. Investigations are mainly confined to the brothels. The investigations hardly extend to the sources of trafficking, the transit routes etc. There are no inherent weaknesses in the law enforcement such as lack of gender sensitivity, lack of child sensitivity, lack of mandatory requirement of women witnesses for conducting rescue and interview, lack of institutionalized mechanisms for repatriation of rescued persons etc which were

previously the retarding factors. The law is lenient to the perpetrators, police, doctors, prosecutors or judiciary as they are not held accountable. The law also has no legal provision linking rehabilitation with rescue.

There are specific procedural steps to be taken while dealing with cases where the victims are minors. The rescue team should consist of the designated police personnel including women, NGO representative and social worker. The First Information Report (FIR) should be immediately registered by the victims or NGO in the Police Station and it should contain details of location of crime, description of offence, victim and accused, chronology of crime right from the time the child was trafficked. The child victim should be produced before the Child Welfare Committee within 24 hrs of taking her into custody. In case, the Child Welfare Committee is not available, then he/she should be produced before the concerned Magistrate. The rescued victims can be taken to the appropriate home run by Government or other certified Homes for safe custody. Court proceedings related to child victims of trafficking need to be carried out in-camera. A social worker/ counselor should accompany the child whenever she leaves for the court to give testimony.

Less than one fourths of the PPs reported being trained on sex trafficking issues. The training imparted was orientation nature and covered the topics as identifying potential victims, distinguishing trafficking from prostitution, rights of the victims, recognition of legal provisions of the law to trafficking case, understanding of legal provisions for confiscation of proceeds of crime, understanding of the mechanism in place for victim support and assistance, new trafficking trends, trafficking legislation, etc. The training had big effects on prosecutions of human trafficking crime.

lengthy court process, long adjournments, delay in submission of charge sheet by police, lack of in-depth investigation, lack of victim friendly court and police cells, witnesses being called to court many times, inappropriate use of criminal sections, lack of coordination between judiciary and law enforcing agencies etc are some of the legal hurdles in the delivery of justice to the afflicted

The criminal justice system should be victim-friendly, sensitive to the rights of the victims and also proactive in ensuring their dignity and human rights. Effective victim-friendly procedures, like video-conferencing need to be brought about. Victim compensation should be given due consideration in all cases of human rights violations. There is the need to bring in law for confiscation of assets acquired through crime and stringent punishment measures to the traffickers.

## **CHAPTER-III**

### **RESPONSE TO TRAFFICKING IN WOMEN AND GIRL CHILDREN FOR COMMERCIAL SEXUAL EXPLOITATION**

#### **3.1 RESPONSE BY GOVT. OF INDIA**

The Constitution of India prohibits trafficking in human beings under Article 23 (1). Drawing strength from the constitutional provision, the govt. mandate for prevention and combating trafficking in persons has received significant attention. In view of the multi-faceted issues associated with trafficking, the task and responsibility to fight this crime cut across different Ministries/Departments and also State Governments as the subject of trafficking falls within the purview of both the Centre and State mandates. The Ministry of Women and Child Development (MWCD), Government of India, is the nodal ministry, which deals with the subject of prevention of trafficking in women and children for commercial sexual exploitation. In its efforts, MWCD works very closely with the Ministry of Home Affairs (MHA), Ministry of External Affairs (MEA) and the Ministry of Labour and Employment.

Law enforcement is primarily a state subject. However, the MHA deals with all the matters related to Law Enforcement, especially the provisions of The Immoral Traffic (Prevention) Act (ITPA) and specific provisions of the Indian Penal Code (IPC). In addition, the MHA has under its aegis, special enforcement agencies such as Central Bureau of Investigation (CBI), Border Security Force (BSF), and the National Bureau for Crime Records, which compiles crime statistics. The MEA handles issues related to international treaties and protocols dealing with trafficking, The Ministry of Labour and Employment focuses on all matters related to the enforcement of labour laws, and rehabilitation and repatriation of child labour.

The Government of India has built strong linkages and partnerships with various stakeholders including civil society, NGOs, corporate sector, international organizations etc, in all its endeavors to build an integrated response to prevent and combat trafficking in persons, especially of women and girl children for CSE. As the problems related to trafficking are varied, a multi-pronged holistic approach has been adopted by the Ministry to prevent and combat this evil. These include legislative measures; programmes and schemes for prevention and for rescue, rehabilitation, reintegration and repatriation of victims of trafficking; training, capacity building; awareness generation and empowerment of vulnerable groups.

### ***3.1.1 LEGISLATIVE MEASURE:***

#### **The Immoral Traffic (Prevention) Act, 1956:**

It is the premier legislation for prevention of trafficking for commercial sexual exploitation. The various sections under the Act are:

- Section 3 : Stringent action and punishment for keeping a brothel or allowing premises to be used as a brothel
- Section 4 : Living on the earnings of prostitution
- Section 5 : Procuring, inducing or taking a person for the sake of prostitution
- Section 6 : If any person is found with a child in a brothel it shall be presumed, unless the contrary is proved, that he has committed an offence of detaining a person in premises where prostitution is carried on. The punishment consists of imprisonment of either description for a term which shall not be less than 7 years
- Section 21 : Establishment of protective homes by the State Government

The Government of India amended the Immoral Traffic (Prevention) Act, 1956, with a view to making the laws victim-friendly and, at the same time, making punishment for traffickers more stringent and putting greater criminal culpability on them. The Salient features of the amendments to the Act are:

- Re-defining the age of the child from 16 to 18 years.
- Deletion of sections, which re-victimize the victims.
- In-Camera proceedings in Courts to safeguard privacy of victims.
- Enhanced punishment for traffickers, brothel keepers, pimps etc.
- Punishment for persons who visit brothels for commercial sexual exploitation.
- Definition of 'trafficking' adopted from the UN Protocol.
- Setting-up of Centre and State nodal authorities in the States for preventing and combating offence of trafficking through coordination, investigation, rescue, rehabilitation, judicial support, research and training.

## **The Indian Penal Code (IPC)**

The Indian Penal Code lays down a number of provisions, which are related to trafficking. Some of these include:

Section 366: Kidnapping to compel for marriage

Section 366-A : Procuration of minor girls

Section 366-B: Importation of girls

Section 372: Selling of girls for prostitution

Section 373: Buying of girls for prostitution

Section 379: Wrongful restraint

Section 340: Wrongful confinement

India ratified the UN trafficking protocol in May 2011. In March 2013, India passed the Criminal Law (Amendment) Act of 2013, which amended Section 370 of the Indian Penal Code and included India's first definition of human trafficking based on the UN Trafficking Protocol: *“Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by First.—using threats, or Secondly.—using force, or any other form of coercion, or Thirdly.—by abduction, or Fourthly.—by practising fraud, or deception, or Fifthly.—by abuse of power, or Sixthly.—by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking”* there by adding new offences of trafficking: Sections 370 (criminalizing trafficking) and Section 370A (criminalizing the use of the services of a trafficked person). The close association of trafficking with sex work prompted the govt. to prioritize trafficking for sex work other than for labour in extremely exploitative conditions although the government initially proposed criminalizing anyone who engaged in trafficking, irrespective of the victims' employment sector (including domestic work, agriculture, and construction). Section 370A ultimately only criminalized those who engaged trafficked persons or minors for sexual exploitation. Section 370, as amended, now defines exploitation as including “any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.” The new Amendment Act expanded the types of offenses criminalized as a trafficking violation and instituted heightened sentences for perpetrators.



### **Juvenile Justice (Care and Protection of Children) Act, 2000 (JJA)**

It is the primary law relating to juveniles in conflict with law as well as children in need of care and protection. It defines a child in need of care and protection to include a child “who is found vulnerable and is likely to be inducted into trafficking.”The Act establishes procedures for the recovery and social reintegration of such children, including the creation of shelter homes and the provision of foster-care services. However, this scheme only applies to minors defined as persons below the age of eighteen years

**The Prohibition of Child Marriage Act (PCMA), 2006:** The Prohibition of Child Marriage Act (PCMA), 2006 was enacted repealing the Child Marriage Restraint Act of 1929, and the Act came into force on 1st November, 2007. PCMA, 2006 makes child marriage an offence and prescribes punishment for those whose conducting/abetting/ promoting/permitting/ solemnizing child marriage. It provides powers to the State Governments to appoint Child Marriage Prohibition Officers (CMPO) and makes child marriages voidable at the discretion of the child concerned on attaining legally marriageable age. All the States/UTs have framed Rules under the Act and have appointed CMPOs.

### ***3.1.2 INSTITUTIONAL MECHANISMS***

#### **The National Commission for Women (NCW)**

It was constituted on 31st January, 1992 as a statutory body at the national level to safeguard the interests of women. It has a wide mandate covering almost all aspects of women’s development, such as to investigate and examine the legal safeguards provided for women under the Constitution and other laws; review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws; look into complaints and take suo moto notice of matters relating to deprivation of women’s rights and take up the issues with appropriate authorities; take up studies/research on issues of relevance to women; and participate and advise in the planning process for socio-economic development of women. The NCW has, since long, been attending to the issues related to trafficking in women and girl children by holding workshops, conferences, training programmes and intervention programmes. It has facilitated several studies, conferences, workshops, discussions and activities relating to advocacy.

## **The National Human Rights Commission (NHRC)**

The National Human Rights Commission (NHRC) was established on 12th October, 1993. The Commission is an embodiment of India's concern for the promotion and protection of human rights. The Commission has a wide mandate including civil and political rights, economic, social and cultural rights, and group rights. The function of the Commission includes inquiring on petitions, presented to it by the victims, or any person on their behalf, into complaints of; violation of human rights, or negligence in the prevention of such violation, by a public servant; intervening in any proceeding involving any allegation of violation of human rights pending before a Court, with the approval of such Courts; undertaking and promoting research in the field of human rights; spreading human rights literacy amongst various sections of society; and promoting awareness of the safeguards available for the protection of these rights, through publications, the media, seminars and other available means. The NHRC is fully committed to the cause of anti-trafficking. Several landmark initiatives have been made in this direction with emphasis on the following aspects:

The Commission periodically reviews the existing commitments made at the international and regional levels to prevent and to eliminate trafficking and violence against women and suggest steps for their implementation. It promotes better cooperation between countries and international organisations, and other catalysts which have a key role in preventing and eliminating trafficking and violence against women, including UNIFEM, UNICEF, the UN Centre for Human Rights, the UN Commission on Human Rights, ILO, UNESCO, UNDP, WHO, UNAIDS, INTERPOL, UN Crime Prevention and Criminal Justice Division, UNFPA, the World Tourism Organisation, the UN High Commissioner for Human Rights and the UN Special Rapporteur on Violence Against Women. It also review/develop and strengthen comprehensive, cross-sectoral and integrated strategies and measures so that there are national and local-level agenda(s) for action and indicators of progress, with set goals and time frame for implementation, targeted at preventing and eliminating trafficking and violence against women. It networks with civil society organisations in the prevention and elimination of trafficking and violence against women.

During 1998, the NHRC, with the help of UNICEF and other organizations, carried out a campaign of public awareness on the issue of Child Prostitution and Sexual Abuse of Children. The Commission also released guidebook for the media to address the issue of child sexual abuse. In order to inform the society about the various aspects of trafficking - its forms, the estimates, the causes, the consequences, the modus operandi etc an Information Kit on Trafficking in Women and Children was prepared and released to the public by the Commission in 2001. Among the activities initiated by the NHRC is the Action Research on Trafficking in Women and Children in India, which was conducted jointly by the NHRC, UNIFEM and the Institute of Social Sciences, New Delhi. Through the action research, the NHRC endeavored to create an authentic database so as to strengthen the vulnerable groups both economically and socially in the supply zones.

The NHRC negotiated with the Asia-Pacific Forum of National Human Rights Institutions to set up a Network of Focal Points on Trafficking in the Asia-Pacific region in 2002. The Commission negotiated and signed an MOU with the Human Rights Commission of Nepal to check cross-border trafficking and envisages taking all necessary steps for this purpose.

The NHRC under the joint aegis of the NHRC and DWCD developed a manual on Trafficking in Women and Children for the judiciary. The Commission also developed a training module on trafficking issues for incorporation in training programs for administrators, police personnel and other functionaries.

### **The National Commission for Protection of Child Rights (NCPCR)**

The Commission was constituted by the Government of India, Ministry of Women & Child Development as a Statutory Body in March, 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005, to protect, promote and defend child rights in the country. State Commissions for Protection of Child Rights (SCPCRs) have been constituted under section-17 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 for protection of child rights at State level.

The functions of the Commission include to examine and review the safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation; to examine all factors that inhibit the enjoyment of rights of children and recommend appropriate remedial measures; to look into the matters relating to children in

distress, marginalized and disadvantaged children without family and children of prisoners and recommend appropriate remedial measures; to spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights; and to inquire into the violation of child rights and recommend initiation of proceedings in such cases.

### **The Central Social Welfare Board (CSWB)**

The Central Social Welfare Board (CSWB) of the Government of India is concerned about the plight of persons subjected to commercial sexual exploitation. The CSWB held many National/State level workshops and commissioned various studies, including the study on 'Prostitutes and Their Children in Six Metropolitan Cities in India'. Based on the recommendations in the report, the CSWB funded 'Development and Care Centres' for children of victims of CSE that run by NGOs, provide integrated services including education, vocational training, nutrition, health check-ups, play and recreational facilities, etc.

### **Central Advisory Committee (CAC) for Preventing and Combating Trafficking of Women and Children for CSE**

The Ministry of Women and Child Development has constituted a Central Advisory Committee (CAC) which functions under the chairpersonship of Secretary, MWCD, Government of India. The members include representatives from central ministries such as Home Affairs, External Affairs, Tourism, Health and Family Welfare, Social Justice and Empowerment, Law and Justice, State Governments, autonomous bodies such as National Human Rights Commission, National Commission for Women, Central Social Welfare Board, National Institute for Public Cooperation and Child Development, Law Enforcement Agencies such as National Crime Records Bureau, Border Security Force, Intelligence Bureau and Central Bureau of Investigation, international agencies such as UNICEF, UNIFEM and UNODC and reputed NGOs and experts. The CAC meets every quarter to discuss major issues and strategies for preventing and combating trafficking of women and children.

The Ministry of Women and Child Development issued an Advisory to States/Union Territories on 12th October 2011, emphasizing on, inter-alia, gender sensitization of the police personnel, minimizing delays in investigations of crime against women, setting up 'Crime against Women Cells' in district where these do not exist; adopting a victim centric approach in human

trafficking cases, creating Special Juvenile Police Units, and conducting regular meetings of the State Advisory Committees for preventing and combating trafficking of women and children for commercial sexual exploitation.

At the state level, State Advisory Committees have been constituted under the chairpersonship of the Chief Secretary/Additional Chief Secretary for implementation of the Plan of Action. These Committees have initiated steps to notify Special Police Officers, to set up Advisory Boards of Social Workers and NGOs in red-light areas, to conduct regular raids and take measures for the protection and rehabilitation of rescued persons.

### ***3.1.3 POLICIES AND PROTOCOLS***

#### **Integrated Plan of Action to Prevent and Combat Human Trafficking with special focus on Children and Women**

The Ministry of Women and Child Development had formulated a National Plan of Action (NPA) to combat trafficking and commercial sexual exploitation of women and children in 1998, with the objective of mainstreaming and re-integrating women and child victims of commercial sexual exploitation into the community. To formulate a more holistic policy and programme for trafficking in persons which will incorporate all forms of trafficking (such as sexual exploitation, child labour, bonded labour, organ trade etc.) and enable an integrated approach to tackle the problem, the MWCD, in collaboration with the Ministry of Home Affairs (MHA), Ministry of Labour and Employment, National Human Rights Commission and National Commission for Women, has developed an “Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women”. Three regional consultations were organized to solicit inputs and recommendations from various stakeholders. A national consultation was convened in August 2007 and a draft integrated plan of action was formulated

Under the National Plan of Action, legal and law-enforcement systems are activated to strengthen the implementation of the ITPA, 1956. The Department issued guidelines to the states/UTs for effective implementation of the Plan of Action. A three-tier monitoring mechanism has been established to oversee implementation of the Plan of Action from the district level to the central level. The MWCD later updated the Plan of Action 1998 to take into account emerging developments and with the ultimate objective of working towards a

comprehensive plan of action on Trafficking in Persons based on regional and national consultations.

### **The National Plan of Action for Children, 2005**

Prepared by the MWCD, it commits itself to ensure that all rights of all children up to the age of 18 years are protected. Further it plans to undertake all measures and create an enabling environment for survival, growth, development and protection of all children, so that each child can realize his or her inherent potential and grow up to be a healthy and productive citizen. This calls for collective commitment and action by all sectors and levels of governments and partnership with families, communities, voluntary sector, civil society and children themselves.

### **National Policy for Empowerment of Women, 2001 of the MWCD**

The goal of this Policy is to bring about the advancement, development and empowerment of women. Some of the objectives include creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential; the enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres – political, economic, social, cultural and civil; equal access to participation and decision making of women in social, political and economic life of the nation; equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office; strengthening legal systems aimed at elimination of all forms of discrimination against women; elimination of discrimination and all forms of violence against women and the girl child; and building and strengthening partnerships with civil society, particularly women's organizations.

### **Protocol for Pre-rescue, Rescue and Post-rescue Operations of Child Victims of Trafficking for the Purpose of Commercial Sexual Exploitation**

This special protocol developed by MWCD provides guidelines for enforcement agencies and NGOs involved in the rescue of victims from their place of exploitation, medical and legal procedures to be followed and rehabilitative measures to be provided to the victims.

## **Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour**

To ensure smooth rescue, repatriation and rehabilitation of trafficked and migrant child labour the Ministry of Labour and Employment has developed a protocol on prevention, rescue, repatriation and rehabilitation of trafficked and migrant child labour, for all stakeholders. The CAC members under MWCD developed a blue print of action in the following areas:

- Protocol on Inter-State Rescue and Post-rescue Activities Relating to Trafficked Persons: It provides guidelines to the State Governments on the inter-state rescue operations, the modalities involved, precautions to be undertaken and responsibility of various stakeholders in providing services to the rescued victim.
- Prevention of Trafficking of Women and Children :It provides for various steps to be undertaken to prevent trafficking of women and children for commercial sexual exploitation and includes formation of adolescent groups and community vigilance groups, anti-trafficking regional networks, appropriate interventions that should be taken up in brothel areas to prevent second-generation prostitution, special measures targeting those communities traditionally involved in commercial sex work and rehabilitation of women who have become old to carry on the profession and are in need of care and protection
- Rehabilitation of Victims of Trafficking: It provides for action points related to areas of rehabilitation such as care and support programmes, community based rehabilitation, custody of victims, education and skill building of victims and their ultimate rehabilitation in the society.
- Health inputs : It highlights the special medical care, both physical and psychological, that is required by the victims of trafficking, the long-term impacts and the steps to be undertaken to provide holistic health services to the victims of trafficking.
- Legal Measures related to Trafficking: The blue print of action calls for a composite legislation addressing trafficking for all purposes such as begging, organ trade, labour, drug-peddling etc.
- Human Trafficking Management Information System (HTMIS): It provides a format for enforcement agencies to collect data on trafficked victims and traffickers.

### **3.1.4 SCHEMES AND PROGRAMMES**

The Government of India is implementing a large number of programmes to protect vulnerable persons, especially women and children from trafficking, and provide them economic and social empowerment. Some of these schemes are given below:

#### **Ujjawala**

‘Ujjawala’, a new “Comprehensive Scheme for Prevention of Trafficking and Rescue, rehabilitation and Re-Integration of Victims of Trafficking and Commercial Sexual Exploitation” was launched on 4th December, 2007. The scheme comprises 5 components:

- Prevention, which consists of formation of Community Vigilance Groups/Adolescents’ Groups, awareness and sensitization of key functionaries.
- Rescue, safe withdrawal of the victim from the place of exploitation.
- Rehabilitation, which includes providing safe shelter for victims with basic inputs of food, clothing, counselling, medical care, legal aid, vocational training and income generation activities etc.
- Reintegration, which includes restoring the victim into the family/ community (if she so desires).
- Repatriation, to cross-border victims for their safe repatriation to their country of origin.

#### **Swadhar**

The Government of India launched a scheme for recovery and reintegration of trafficked victims called Swadhar- a shelter based home in December 2001. The scheme is meant for women in difficult circumstances, including victims of trafficking: trafficked women/girls rescued or runaway from brothels or other places, for women/girls victims of sexual crimes who are disowned by family or who do not want to go back to respective family for various reasons. The scheme envisages the provision of food, shelter, clothing, counselling, social and economic rehabilitation through education and skill upgradation, medical and legal support, help lines, etc. NGOs are partners in this holistic effort. The DWCD has also formulated a model grant-in-aid scheme for assistance to NGOs to combat trafficking in source, transit and destination areas through prevention, rescue and rehabilitation. Emphasis is placed on counselling, non-formal education and vocational training. Many of these homes are equipped with women help lines for emergency response



## **One Stop Centre**

The Ministry of Women and Child Development has set up One Stop Centre to support women-affected by violence on 4th March, 2015. The scheme aims to facilitate access to an integrated range of services including medical aid, police assistance, legal aid/case management, psychosocial counseling and temporary support services to women affected by violence. The scheme is being implemented since 1st April 2015.

## **Child Line Services**

The Child Line, the toll-free number 1098, is a 24-hour telephone service run under the aegis of MWCD, available to all children in distress or to adults on behalf of children in distress. The basic objectives of Child Line are:

- To respond to the emergency needs of the children in difficulty and provide referral services.
- To provide a forum for networking among Government and nongovernment agencies.
- To sensitize medical personnel, police, municipal corporations etc towards the needs of children
- To ensure protection of rights of the child.
- To provide an opportunity to communities to respond to the needs of children in difficult circumstances.

The Ministry has approved the Scheme for Universalisation of Women Helpline on 19th February, 2015 and is being implemented from 1st April, 2015.

## **Integrated Child Protection Scheme (ICPS)**

The MWCD has formulated an umbrella scheme called Integrated Child Protection Scheme (ICPS) with a view to provide a safe and secure environment for the overall development of children who are in need of care and protection as well as children in conflict with law, including children in difficult circumstances. The Scheme aims to improve access to and enhancement in quality of child protection services. The proposed scheme is submitted for approval from competent authorities. The objectives of the scheme is to improve the well being of children in difficult circumstances, as well as to reduce the vulnerabilities that lead to abuse, neglect, exploitation, abandonment and separation of children from parents by:

- Improved access to and enhancement in quality of child protection services.
- Enhancement of capacities at all levels on child protection.
- Raising public awareness on child rights situation and protection in India.
- Creating a knowledge and information database for child protection services.

- Clearly articulating responsibilities and enforced accountability for child protection.
- Establish functional structures at all government levels for delivery of services to children in difficult circumstances.
- Evidence based monitoring and evaluation

**Integrated Track Child: URL [http://trackthemissing child.gov.in/](http://trackthemissingchild.gov.in/)**

The Ministry of Women and Child Development entrusted NIC to develop a software which not only have a data base of missing children but it also have a provision to track the children living in various Child Care Institutions (CCIs) under JJ Act and ICPS. 'Track Child' portal has been designed and developed adhering to the guidelines provided in the Juvenile Justice (Care and Protection of Children) Act, 2000 and Central Model JJ Rules, 2007 and the provisions laid down in the Integrated Child Protection Scheme (ICPS). Track Child portal has two modules i.e. one for the Police to enter information of missing as well as children being recovered/found. The other module is for the members of the Child Welfare Committees, Juvenile Justice Boards (JJBs) and functionaries of Child Care Institutions (CCIs). It requires data entry and updating at various levels such as Police stations, Child Care Institutions (CCIs)/ Homes, Shelters, Child Welfare Committees, and Juvenile Justice Boards etc

**Khoya-Paya :** The Ministry of Women and Child Development launched Khoya-Paya on 2nd June 2015. Khoya-Paya, is an enabling platform, where citizens can report missing children as well as sightings of their whereabouts without losing much time. Found children can also be reported. Any citizen can register on Khoya-Paya by using an Indian Mobile number. The Khoya-Paya has also been integrated as a citizen corner of Track Child Portal

**Child line Services:** Under ICPS, the Ministry has undertaken expansion of the service to other parts of the country, with the final objective of covering all the districts in the XII five year Plan period

**Railway Child line: the MWCD** in collaboration with the Ministry of Railways has launched a unique programme for the children who come in contact with railways with the objective to respond to the children who are vulnerable and in need of care and protection with an emphasis on preventive measures that children can be reintegrated and unified with the family. The Ministry of Women and Child Development (MWCD) has entered into a Memorandum of Understanding (MoU) with the Ministry of Railways on 19 May 2015, to further the association

and cooperation in the implementation of jointly prepared Standard Operating Procedure (SOP) and to ensure the care and protection, security, well being of run away, unaccompanied and trafficked children who come in contact with the railways and children in other difficult circumstances in a systematic and institutionalized manner.

The Ministry through Child line India Foundation (CIF) & its NGO partners have established Child Help desk/Kiosks/Booth in 20 major railway stations initially. Posters have been put up in bogies of the trains and on the railway stations. The posters advise the public to be cautious and conscious of children who may need protection and also advise to what to do in case they come across such a child

### **National Child Labour Project Scheme (NCLP)**

The Ministry of Labour and Employment is implementing the NCLP, which is a project-based action programme. Working children are withdrawn from work and put into special schools for a period of maximum three years. In these special schools, they are provided with accelerated bridging education, pre-vocational training, stipend, mid-day meal, and health care facilities etc. A Central Monitoring Committee has been set up for the overall supervision, monitoring and evaluation of the National Child Labour Projects. Respective State Governments have also been advised to set up State level monitoring committees similar to the Central Monitoring Committee. The Government is presently implementing the NCLP Scheme in 250 districts of the country and it is proposing to expand it to 600 districts in the Eleventh Plan (2007-12).

It has been observed that the social and economic status of the marginalized groups, especially those living in areas vulnerable to trafficking, needs to be ameliorated so that they are no longer prey to traffickers. The Government is implementing a number of schemes for poverty alleviation and economic empowerment, which will go a long way in reducing the incidence of trafficking in the country. Some of these include special schemes for the protection of the girl child – the most vulnerable of all groups. Further, there are interventions which allow safe migration of working women and their children. Some of the schemes are:

### **Dhanalakshmi**

A conditional cash transfer scheme for girl child with insurance cover was launched by the MWCD in January 2008 as a pilot project in select districts of select States. The scheme provides

for cash transfers to the mother of the girl child on performance of certain conditionality such as birth of the girl child and registration of her birth, immunization, enrolment, retention in school and her remaining unmarried till the legal age of marriage, 18 years. The scheme would ensure that the girl child is not only born but also enrolled and retained in school which would decrease her vulnerability to trafficking, child labour, child marriage etc.

### **Kishori Shakti Yojana (Adolescent Empowerment Scheme)**

The scheme which is being implemented by MWCD, targets adolescent girls in the age group of 11 to 18 years, addresses their needs of self development, nutrition and health status, literacy and numerical skills, vocational skills etc.

### **Nutrition Programme for Adolescent Girls**

The program addresses the problem of under-nutrition among adolescent girls, pregnant women and lactating mothers. Nutrition Programme for Adolescent Girls (NPAG) was launched in the year 2002-03. Under this scheme, which was implemented by the MWCD, food grains were given to under nourished adolescent girls, pregnant women and lactating mothers. A proposal to integrate Kishori Shakti Yojana and the NPAG, and expand its coverage nationally is under preparation. The new scheme called the Rajiv Gandhi Scheme for Adolescent Girls will provide inputs for holistic empowerment of these girls.

### **Working Women's Hostels**

It provides safe and affordable housing for women working away from their homes. The Government runs working women's hostels with facilities of crèches for their children so that these children are in a protective environment.

### ***3.1.5 AWARENESS AND ECONOMIC EMPOWERMENT***

The MWCD approached the task of prevention of trafficking with a dual strategy, viz. awareness generation and economic empowerment of women. The awareness generation aimed at sensitising the major stakeholders as government officials of the concerned departments, police, judiciary, social workers, medical officers, women's commissions and media persons in the process of combating trafficking and the other oriented towards sensitizing society in general.

## **Economic Empowerment**

Since the incidence of commercial sexual exploitation is related to poverty and the low status of women in society, the government is implementing a number of poverty alleviation programmes, which would also reduce vulnerabilities of women and children to trafficking. These programmes include Swarnajayanti Gram Swarozgar Yojana (SGSY), Sampurna Gramin Rozgar Yojana (SGRY), National Rural Employment Guarantee Act (NREGA), mobilization of Self Help Groups (SHGs) and providing skill building training and linkage with micro-credit institutions, vocational training organizations, etc. It has set up the Rashtriya Mahila Kosh to provide micro-credit to poor women in the informal sector with low transaction cost through the mediation of NGOs.

The Rashtriya Mahila Kosh or the National Women's Credit Fund (an autonomous organization under MWCD) is a premier micro-credit agency for economic empowerment of women which extends micro-finance services for livelihood activities, micro-enterprises, family needs and other activities to bring about the socio-economic development of poor women, in vulnerable areas. Special interventions are being made to extend the service to trafficked victims residing in 'Swadhar', short stay homes as well as those living in areas vulnerable to trafficking.

The SHG is a silent but powerful movement that is revolutionizing and revitalizing remote corners of the country, bringing together poor and women without assets, giving them a face and a voice. The strategy of linking these groups to micro credit facilities and providing them with skills for employability has proved effective in restoring their self esteem, value and more importantly their economic independence and decision making powers. In areas where the SHG movement has bloomed, informal surveys reveal that women have become more assertive, domestic violence, alcoholism and drug abuse has seen a decline and incidence of trafficking of women or their children has reduced.

The DWCD has undertaken regional efforts, in alliance with NGOs, to create greater awareness of the dimensions of trafficking and to increase sensitivity to the victims of trafficking among government departments, police and judiciary as well as within civil society at large. It has organised sensitisation meetings for the police in states adjoining Nepal and Bangladesh, from where there is considerable trafficking. With the help of National Law School, Bangalore, DWCD is organising sensitisation meetings for the judiciary.

The ultimate empowerment of women and their children will happen when all programmes and policies are engendered, leading to gender responsive budgeting. Fifty-six central level Ministries/Departments have set up Gender Budgeting Cells and are reporting allocations of funds flowing to women and girl children in the Union Budgets. The MWCD has embarked on regional workshops for State Governments as well as one to one training of individual Ministries/ Departments/State Governments to ensure effective gender budgeting. The Government has also introduced Child budgeting in the Union Budget of 2008-09, with a view to improve the allocations of funds flowing to children under the various Ministries/Departments. Support services such as working women's hostels, short stay homes, creches, family counseling centres; and awareness generation Programmes for women and dissemination of information regarding their rights

### **Awareness Generation**

Awareness generation and sensitization is an in-built component of the Ministry's programme and various models have been formulated for tackling different stakeholders through a multimedia campaign. A communication strategy for prevention of trafficking for commercial sexual exploitation of children was also developed with creatives for specific target groups such as parents, Panchayat members (local Governance body), police, teachers and others. Various poverty alleviation programmes and women's SHGs too have specially designed information packages to prevent sexual exploitation and trafficking.

### ***3.1.6 TRAINING AND CAPACITY BUILDING***

The MWCD has developed a series of handbooks and manuals for various stakeholders such as social workers, medical officers, judicial officers and counsellors. These have been widely disseminated to various agencies for use at the grass root levels. In collaboration with National Institute for Public Cooperation and Child Development (NIPCCD), MWCD organizes a number of trainings and programmes to prevent and combat trafficking. In addition, training programmes for international delegates are also organized. NIPCCD has been declared the nodal training agency for SAARC Nations in 2007 and since then has been organizing a series of training and capacity building workshops for stakeholders from SAARC countries.

The MWCD in collaboration with NIPCCD and UNICEF has developed three manuals for ‘Judicial Handbook on combating Trafficking of women and Children for Commercial Sexual Exploitation’; ‘Manual for Medical Officers for Dealing with Child Victims of Trafficking and Commercial Sexual Exploitation’; and ‘Counseling services for Child survivors of trafficking’.

The Ministry formulated a Protocol for Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation. Issues related to trafficking and sexual exploitation is being added in the training curriculum of Anganwadi workers in order to sensitize them and generate their awareness on these issues.

### ***3.1.7 MINISTRY OF HOME AFFAIRS***

In December 2002, India became a signatory to the UN Convention against Transnational Organized Crime (UNTOC), which includes the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. By becoming a participant in the Convention, a global instrument which advocates international and national action against organised crime, the Government of India has given a clear mandate to confront the evils of trafficking of women and children. The Ministry of Home Affairs (MHA) considers this to be especially significant since India is not only a point of origin, but also a country of destination and transit for human trafficking, which the government views as a gross violation of human rights.

Enforcement: The Ministry of Home Affairs is responsible for ensuring the enforcement of the various legislations and conventions related to the criminal activity of trafficking. The Ministry of Home Affairs (MHA) in consultation with Ministry of Women and Child Development issued various advisories to State/Union Territories on measures needed for preventing and combating crime of human trafficking e.g. Advisory on preventing and combating human trafficking in India (9th September 2009), Advisory on Missing Children (31st January 2012), Advisory to treat human trafficking as organised crime (30th April 2012) and Advisory on preventing and combating human trafficking dealing with foreign national (1st May 2012)

Anti-Trafficking Nodal Cell: The Ministry of Home Affairs has set up an Anti Trafficking Nodal Cell. The respective States have also nominated Anti-Trafficking Nodal Officers to coordinate inter-state trafficking cases. The main function of such a cell is to coordinate, network and

provide feedback to the State Governments and other concerned agencies as well as share data inputs, best practices, innovations etc. on a sustained and continuous basis to enable better outcomes. All its meetings are held every quarter to review the progress in anti-trafficking activities.

Integrated Anti-Human Trafficking Units : To strengthening the law enforcement response against Trafficking in Persons through Training and Capacity Building, the Ministry of Home Affairs has established integrated Anti-Human Trafficking Units (AHTUs) in States equipped with staff and infrastructure to assist the States in their efforts. The scheme provides prevention through formation of community vigilance groups and awareness and sensitization for key functionaries, rescue and safe withdrawal of the victim from the place of exploitation. Provisions have also been made for rehabilitation, which include safe shelter for victims with basic inputs of food, clothing, counseling and vocational training. Under the scheme training of police officers to handle cases of human trafficking has been envisaged.

The MHA has set up of Women's' Help desk in every police station. MHA has been coordinating with the various state governments, state police agencies and NGOs in follow-up actions. Given the seriousness of the trans-border trafficking scenario on the borders, interface has been organised between the law-enforcement officials, NGOs, etc. at various places.

Training and Capacity Building Programme – In July 2004, the Ministry of Home Affairs constituted a working group, comprising the Director Generals of Police of some of the affected States to study issues relating to cross-border trafficking and make suitable recommendations for combating the problem. The Bureau of Police Research and Development (BPR&D) has developed a training manual titled “Human Trafficking-Handbook for Investigators” for police training institutes. BPR&D has organized 35 regional workshops for sensitizing police personnel at various levels. The MWCD in collaboration with MHA and UNODC developed Training Manuals for Police and Prosecutors. A data base under the project for trafficking offences as well as convictions achieved, on a disaggregated basis has been developed.

### ***3.1.8 THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT***

The Ministry has taken initiatives to prepare a user-friendly system for speedy and effective restoration of missing, abducted/kidnapped and runaway children to their families. The system also assists juveniles in conflict with the law, by helping to locate their families for the purposes



of grant of bail and/or long-term rehabilitation of the children. The Ministry is liaising with the National Crime Records Bureau and the police agencies of state governments in developing a national integrated system for dealing with the missing persons. There is a direct linkage between missing persons and trafficking. Therefore, a concerted effort to address the issue of missing women and children will be of immense use and help in preventing and combating trafficking. In this context, the initiatives by this Ministry assume significant importance. The Ministry has also implemented a central scheme called 'An Integrated Programme for Street Children', which provides shelter, nutrition, health care, education and recreational facilities to street children and seeks to protect them against abuse and exploitation, including forced beggary.

### ***3.1.9 MINISTRY OF EXTERNAL AFFAIRS***

Protection of Emigrants: The Ministry administers the Emigration Act, 1983 to protect the interests of emigrant Indian workers, promote legal migration and protect the migrant workers from exploitation by private recruiting agents and foreign employers. The Ministry has further proposed amendments to the Emigration Act, 1983 for strengthening legislative framework to prevent exploitation of emigrants, including women emigrants. The Ministry is also proposing to formulate a National Plan on International Migration, revamp the existing recruitment system, introduce e-governance and is also finalizing a bi-lateral Memorandum of Understanding (MoU) on labour deployment issues with major labour receiving countries. The Ministry has introduced a compulsory Insurance Scheme "Pravasi Bharatiya Bima Yojana" (Overseas Indian Insurance Scheme) to provide insurance cover to emigrant workers. In addition, the Ministry has requested the Indian missions to set up shelter homes for runaway or rescued women so as to provide temporary accommodation to Household Service Workers while redressing their grievances, which would also act as a transit home before the worker, is repatriated back to India.

Cross Border Trafficking: The incidents of cross-border trafficking, especially women and children trafficked between India-Bangladesh and India-Nepal have been growing in recent years. One of the major problems faced in addressing the issue, is the repatriation of cross-border victims to their country of origin. To further streamline the procedures that would enable a humane and quick repatriation of the victims, MWCD in collaboration with UNICEF, undertook a rapid assessment of the existing processes and mechanisms concerning rescue, recovery and re-

integration of victims of cross-border trafficking between India and Bangladesh, in consultation with stakeholders from both the countries. A meeting with the representatives from Government and NGOs of both countries was held in Kathmandu in December 2006. Subsequently, a draft Joint Plan of Action and road map was developed and discussed in the second meeting held in Goa in June 2007. The draft Joint Plan of Action and roadmap was shared with the Ministry of Home Affairs, Ministry of External Affairs, State Government of West Bengal and Maharashtra. In a recent Indo-Bangladesh Home Secretary level talks, it has been decided that the Joint Secretary would be the nodal officer for the Government of India for dealing with matters related to trafficking in women and children vis-à-vis Bangladesh.

SAARC Convention on 'Preventing and Combating Trafficking of Women and Children in Prostitution' (SAARC Convention): The Ministry of External Affairs was requested by the SAARC Secretariat to organize Regional Task Force Meetings for operationalizing the provisions of the SAARC Convention on 'Preventing and Combating Trafficking of Women and Children in Prostitution.' The first regional task force meeting of the SAARC countries was held in July 2007 where India offered to undertake an exercise on dissemination of best practices, development of Standard Operating Procedures (SOPs) for implementing the provisions of the SAARC Convention, and training and capacity building programmes for stakeholders from SAARC countries. NIPCCD was identified as a nodal agency for training and capacity building of SAARC functionaries to combat trafficking. Since then, NIPCCD has held two training workshops so far. The second regional task force meeting was held in May 2008. The deliberations led to the setting up of a common helpline number, adoption of SOPs and enhancing and up-gradation of regional training and capacity building programmes.

## 3.2) RESPONSES BY STATE GOVERNMENTS

### 3.2.1) JHARKHAND

The State of Jharkhand has formulated the State Action Plan and set up the State Advisory Committee to combat human trafficking. The Jharkhand Police have set up 25 Special Juvenile Police Units in all districts of the State. Sixteen 'Protection Homes' under Integrated Child Protection Scheme have been designated. Twenty four CWCs have been set up. There are Anti Human Trafficking Units (AHTUs) set up in eight districts of the State namely Khunti, Dumka, Simdega, Gumla, Ranchi, Chaibasa, Lohardaga and Palamu for prevention of Human Trafficking. The Units have already held several refresher courses on human trafficking for the police and other stakeholders. The State AHTU has also organized a prosecutor regional consultation and the state level prosecutors have also been trained. The AHTU Jharkhand has initiated partnerships with various organizations in Delhi and Kolkata for getting support for conducting raids for recovery of victims of human trafficking. The advisories sent by the Ministry of Home Affairs on human trafficking and Missing Children have been widely distributed to all district police chiefs. The AHTU has also established linkage with the State Women Commission to provide support to trafficked victims. The AHTU has in collaboration with UNICEF brought out a district level directory of all institutional mechanisms existing in the state for child protection. The same has been widely distributed to all police stations and special Juvenile Police Officers in Jharkhand.

No of Anti Human Trafficking Units (Districts)	8
No of Child Protection Homes	16
No of Special Juvenile Police Units	25
No of Child Welfare Committee	24
No of Homes under Ujjawala P & R Schemes	0
No of Shelter Homes under Swadhar Scheme	2

The Notification 11-43/2011(5818) of the Home Department dealt with all aspects of trafficking from prevention to rescue to rehabilitation. This was in pursuance of various Writ petitions filed in the Jharkhand High Court and the orders thus passed. It had segregated the duties of various departments (Police, Social Welfare, Women and Child Development, Health, Education, Labour, Rural Development) that were expected to work in coordination with each other. These

departments had to form a committee in each district headed by a nodal officer to oversee their functioning.

With regards to prevention, it delineated the responsibility to various departments to spread awareness about trafficking through the PRIs, News Papers and Folk Media. The labour Department was to maintain a register of migrating workers and keep an eye on placement agencies. Education officers were to inform about drop outs. Employment opportunities were to be created for unemployed women. With regards to rescue immediate action was expected, FIRs to be filed, perpetrators punished. Rescued were to be carried out even outside the state. All care of lodging and boarding of such a team had to be taken care of by the welfare department. It had to be ensured that the rescued received proper medical aid, counseling, legal advice from doctors, NGOs and JHALSA respectively. Shelter homes were to function for their welfare. In terms of rehabilitation, education, hostels and scholarships were to be provided. Technical education and loans made available to the survivors of trafficking to start their own businesses. Shelter homes had to house orphans and abandoned and take care of their education

The Notification 7-2/ 2009 (917) Home Department provided for setting up of Special Juvenile Police Units in all 24 districts of Jharkhand. The Superintendent of Police of each district was to head this unit.

The Notification 1-81/ 2010 (3735) Home Dept dealt with compensation for various crimes u/s 357A of CrPC. The compensation for women and child victims of human trafficking stood at Rs.10000

The Notification 8-2/ 2011 (696) Home Department related to appointment of officers as Special Police Officers (SPO) u/s 13 of the Immoral Traffic (Prevention) Act, 1956.

While appointments had been made under all these, various units like the women police stations and the AHTUs functioned without proper infrastructure. Instead of appointing police officers especially for this specific task, officers had to work under AHTU while handling their regular police station level duties. Due to this they could not completely dedicate themselves to the issue of human trafficking. There is also a need for training of constabulary level staff of AHTUs and women police stations.

To sensitize the police officers the copies of the Criminal Law (Amendment) Act, 2013 and the order of the Supreme Court order in the matter of Bachpan Bachao Andolon Vs Union of India regarding the mandatory registration of FIR in the case of missing children had been distributed. In the matter of Gopinath Ghosh Vs The State of Jharkhand vide Writ Petition no. 1555 of 2013 in the High Court of Jharkhand, the court had directed the Anti Human Trafficking Unit of Jharkhand to investigate the role of 181 placement agencies allegedly involved in Trafficking of Women and Children.

An important order along with these was the Advisory on Human Trafficking as Organized Crime (15011/27/2011-ATC) by the Ministry of Home Affairs, Government of India, dated 30th April, 2012. It was a comprehensive advisory. It required there to be sufficient infrastructure to combat human trafficking: AHTUs, Special Police Officers, Local Intelligence Units, Help lines, SOPs and sensitizations of all the units. It covered all the important procedures to be followed, evidence to be collected as source, transit and destination. It also shed light on money laundering and confiscation of property under various Indian laws in cases of human trafficking. Police along with NGOs based mainly in Ranchi regularly rescued minors from railways stations even before they were sent out of the state. Since the amendment in section 370 of IPC which now defined trafficking, filing of FIRs had become easier

The Order/ Notification 57/13 was passed in furtherance of a landmark judgment regarding the issue of missing children in India, WP 75/2012 Bachpan Bachao Andolan v. Union of India. It orders police officers to record FIRs in cases of complaints of missing children treating them as abducted or trafficked. It also requires the police to record and upload all information about the missing child on tracking the missing child.gov.in and also circulate it in newspapers and the Missing Persons Bureau. It orders police to not send a child directly to a shelter home before the orders of the CWC.

The Order/ Notification 1648/13 related to requirement of police stations to fulfill a 21 point criteria (appointment of Child Welfare Officer, separate room to interview the child in the premises of the police station, etc) to be designated as a child friendly police station.

The Order/ Notification 264/14 pertained to immediate action in human trafficking cases. It ordered police to maintain a record of all places in the vicinity where traffickers approached potential victims, maintain a list of agents and placement agencies. It also expected the police to

work in coordination with NGOs, local governments, SJPU. It required quick investigation and charge sheeting in human trafficking cases, immediate action in cases of missing children. It especially ordered the police to ensure care and protection to orphans and abandoned children found in their jurisdiction.

The Order/ Notification 697/11 were in furtherance of a meeting by nodal officers. It stressed on better documentation of complaints of missing children. This order also required the police to look after victim and witness protection, video conferencing and protect them from re-trafficking and thoroughly investigate cases of trafficking and re-trafficking.

The Order/ Notification 696/11 dealt with the direction of the Home Department, Govt. of Jharkhand, to CID, Jharkhand to designate one Special Police Officer in every district under Immoral Trafficking Prevention Act, 1956

A state level network of organizations working on anti trafficking has been initiated in Jharkhand called the “Voices against Trafficking”. This network consisting of 70 organizations has conducted a state level anti trafficking campaign across Jharkhand in December 2011. The Secretariat of the Voices against Trafficking is presently with “Jharkhand Mahila Samakhya”. The network has also coordinated with National level NGOs in Delhi for rescue of trafficked victims.

The Government of Jharkhand, aware of the rampant trafficking of women and children has set up a Women and Child Helpline in Delhi by providing assistance to NGO Bharatiya Kisan Sangh. A total of 155 victims have been provided support out of which 143 have been repatriated till August 2012.

<b>Name of Helpline</b>	<b>Number</b>
Police Helpline	100
Child line India 1098	1098
Missing Child Helpline (Jharkhand- CID and DSS)	09471300008
Missing Children Helpline (STCI and UNICEF)	18002002325
Jharkhand State Commission for Protection of Child Rights	09939372800
Women Helpline (Jharkhand)	09431700003
e-Rahat	1967

Women and Children Cell (Jharkhand)	09771432145
Anti-Human Trafficking (Jharkhand)	18003456531
Jharkhand State Child Protection Society	0651-3059999
Directorate of Social Welfare (Jharkhand)	0651-2400749
Jharkhand State Women Commission	0651-2401849
Jharkhand State Human Rights Commission	0651-2401181

Source: Diya Seva Sansthan, Jharkhand

### 3.2.2 ODISHA

The State Commission for Women was constituted through the Orissa State Commission for Women Act, 1993. The **State Advisory Committee** was constituted in 1994, in pursuance to Supreme Court Directives in Vishal Jeet case in 1990. All Circle Inspectors, Law Inspectors, Inspectors of Railway Police, Inspectors of DCRB & DIB, IICs of specified police Stations and all Inspectors of police state crime branch were notified as Special Police Officers under section 13 of ITPA in 1986. Further in 1987 this was extended to all the inspectors in charge of police stations in the state.

There is **Plan of Action** for state and **Task Forces** in all districts as provisioned in **National Plan of Action** have been formed. The State Government of Orissa, under the Chairpersonship of the Chief Secretary has constituted a State level Coordination Committee to combat trafficking and sexual exploitation of women and children in 2001. The administrative machinery and infrastructure as per the requisite of J.J. Act 2000 had been set up. A complaint committee at the State Secretariat and one such committee in each district have been set up to prevent sexual harassment to women at work places.

The **Orissa Mahila Vikas Samabaya Nigam (MVSN)** (the State Women Development Corporation) as an Apex Cooperative society was established in 1991 with an authorized capital of Rs. 20 million. MVSN is the State Nodal agency for the empowerment of women, which functions under the administrative control of Women and Child Development Deptt. MVSN has a network of more than 200 affiliated women societies throughout the state.

The State Governments earmarked two Nodal Officers on Anti Human Trafficking, one representing the Police Department dealing with investigation, detection, prosecution and prevention of trafficking and the other representing the welfare agencies dealing with rescue, rehabilitation and economic/social empowerment of the victims and those at risk. They might be called as the 'Police Nodal Officer' (PNO) and the 'Government Nodal Officer' (GNO).

A **Mahila Police Station** manned exclusively by women police was set up in 1994 in Cuttack. Subsequently, Mahila Police Stations having 10-12 women staff members have been set up in Sambalpur, Rourkela, Berhampur and Jeypore. Task Force on Women and Violence was setup in Bhubaneswar in the year 1994. Human Rights Protection Cell was constituted in all 32 Police Districts of the state in 2000 to function under the direct control of District Superintendent of Police. Investigation of crimes against women had been made one of the major functions of the District HRPC; therefore, it has been made mandatory that two constables and one officer (either Inspector or Sub-Inspector or Assistant Sub Inspector) of the District HRPC should be women.

Alarmed at spurt in trafficking in women and children in Orissa, the state government has framed a Special Policy to combat the problem. The government's special policy, which was notified through a recent official gazette, provided adequate measures for psychological support, economic empowerment and reintegration so that the rescued victims of trafficking do not get drawn into the trade again due to non-availability of other options for livelihood. The traffickers choose targets that are economically deprived and lure them with the promise of marriage and job of a domestic help.

The Odisha Government in December 2009 formulated a policy to address the growing incidence of trafficking in women and children issue. The policy provides adequate steps for psychological support, economic empowerment and reintegration to ensure that the rescued victims of trafficking do not get drawn into the trade again due to non-availability of other options for livelihood.

The State Crime Branch plays a crucial nodal role in ensuring coordinated efforts to prevent and detect the cases. Odisha made significant achievements rescuing trafficked children through



## **Operation Smile and Operation Muskaan**

As per the resolution dated The 21st December 2009 published in the Orissa Gazette by the Women & Child Development Department, Government Of Orissa, the Integrated Anti Human Trafficking Unit' (IAHTU) have been formed' The AHTUs , an integrated task force to prevent and combat trafficking in persons and constituted of a group of trained sensitive officials of the Police and the Women and Child welfare department of the State, and also reputed local NGOs were set up with following functions

- Ensuring focused attention in dealing with offences of human trafficking;
- Providing a multi-disciplinary approach and a joint response by all stakeholders, such as police, prosecutors, NGOs, civil society and media;
- Bringing about inter-departmental collaboration among the police and all other Government agencies and Departments, such as Women & Child, Labour, Health, etc.;
- Bringing about collaboration among Government agencies and the civil society;
- Bringing about effective networking among various civil society partners, especially those working on specialized aspects of anti human trafficking;
- Ensuring a human rights approach in the response systems;
- Ensuring a victim-centric approach which takes into account the 'best interest of the victim/survivor' and prevents 'secondary victimisation/re-victimisation' of the victim;
- Ensuring a gender sensitive and child rights sensitive approach in dealing with the victims;
- Ensuring an 'organized crime' perspective in dealing with trafficking crimes.

There was one senior police officer earmarked as the Nodal Officer on anti-human trafficking. The Nodal Officer would exercise command and control over the IAHTU and ensure effective functioning and best possible performance. The strength of the IAHTU would depend on its jurisdiction and responsibility. Ideally, there would be adequate representation of women police officials and officials of different ranks of police, prosecutors or advocates and NGOs as well as other Departments, viz. Labour, Health, Welfare etc. Police officials in the IAHTU would perform the following tasks, within its given jurisdiction:

- Timely collection, dissemination and utilization of intelligence regarding missing persons; use of effective tracking software with database to be shared across different police stations, with continuous updating.

- Intelligence collection regarding suspected offenders.
- Maintaining database of all categories of offenders including recruiters, traffickers, buyers, sellers, transporters, harbourers, 'customers', financiers, suspected photographers/videographers, etc.
- Maintaining database of all places of exploitation, including the source, transit and destination areas as well as places where exploitation takes place under the facade of legal activities (like massage parlours, beer bars, friendship clubs, tourist circuits, film clubs, video parlours, etc.).
- Diligent rescue operations after undertaking through research and groundwork (the aim should be the rescue of maximum number of trafficked persons).
- Attending to post-rescue care and rehabilitation of rescued victims by involving Government agencies and NGOs.
- Close liaison with Mahila and Sishu Desks functioning in the police stations of respective jurisdiction.
- Carrying out professional investigation on all aspects of the crime
- Ensuring effective prosecution and strive for maximum and expeditious conviction of offenders.
- Undertaking all post-prosecution/conviction actions, as per the law
- Initiating action for restoration and rehabilitation of victims, in consultation with concerned authorities and NGOs.
- Working closely with the prosecutors and legal advisors on all aspects of law enforcement including drafting charge sheet and other such documents and attend to the legal aspects that come up during investigation.
- Working closely with the prosecutor in monitoring the trial of cases including post-trial requirements (like compensation to victim, closure of brothels, etc.).
- Undertaking community policing in vulnerable source areas to prevent trafficking
- Keeping vigil at transit areas, such as railway stations, bus stops, etc. to spot trafficked victims and carry out all steps for timely intervention.
- Maintaining constant liaison with other Government Departments and agencies and associate them for all activities on anti-human trafficking.
- Maintaining constant liaison with NGOs working on anti-human trafficking and associate them for all actions.

- Associating the civil society, corporates and other willing agencies for effective rehabilitation of victims.
- Maintaining linkages with the media, subject to the administrative guidelines in the State, so as to ensure non-victimization of victims as well as rights-oriented reporting.
- Conducting regular workshops/seminars to update knowledge, skills and share best practices in tackling the problem.
- Any other activity, as deemed necessary, in preventing and combating human trafficking

The Government of Odisha created five integrated Anti Human Trafficking Units (IAHTUs) in the Office of the IG Crime Branch, Cuttack / Commissioner of Police, Bhubaneswar-Cuttack, Bhubaneswar / IG of Police, Rourkela / DIG of Police, Sambalpur & DIG of Police, Berhampur. Later, with the sanction of Government of India, Ministry of Home Affairs, the Sixth IAHTU was established at Eastern Police Range, Balasore vide this Department Resolution No.20059 dt.08-11-2011. On sanction & release of grant-in-aid to the Home Department during the year 2011-12, six more Integrated Anti Human Trafficking Units in the State were set up at DIG of Police, CR, Cuttack; DIG of Police, NCR, Talcher; DIG of Police, SWR, Koraput; IG of Police, Railways / SRP, Cuttack; Sundargarh District; and Kandhamal District. The IAHTUs were provided with annual consolidated grant of Rs 1 lakh on contingency items out of the interest accrued to the Corpus Fund created under government order for the purpose .

### **State Level Committee**

A State Level Committee was constituted under the Chairmanship of Chief Secretary to coordinate the measures needed to combat human trafficking. The Committee was supposed to meet once in three months to review the situation relating to trafficking and the implementation of measures for rescue, rehabilitation and mainstreaming of the victims of trafficking.

### **District Level Committee**

The District Level Committees were constituted with the representation of District Collector(Chairman) , Superintendent of Police(Vice Chairman), CI of Schools, Dist. Labour Officer, District Rural Development Agency (DRDA), District Social Welfare Officer( Member Convener), 3NGOs/ Prominent Social Workers, for taking up activities for prevention, rescue and rehabilitation of victims . The District Committees that met at least once every quarter ensured that the following actions were taken:

- Create a reliable and relevant database with the help of NGOs. on the high supply areas, routes, destinations, causes of trafficking exploitation and the magnitude of the problem.
- Create public awareness and motivate public resistance to trafficking both at demand and supply end through programmes in educational institutions, self-help groups (SHGs.), women groups, youth groups using print and visual media extensively.
- Take steps to identify vulnerable girls in poor families, who require economic support, take steps for skill upgradation, training and livelihood support in order to reduce their vulnerability.
- Adopt a campaign approach/mode to combat the evils of trafficking and sexual exploitation with the help of local bodies, educational institutions, NGOs., etc.
- Set-up community vigilant groups in every Gram Panchayat especially in high-risk areas to monitor, report and take action if necessary against persons involved in trafficking.
- Set entry/exit helpline centres at railway stations, bus stops with police support to disseminate vigilance information—Commerce & Transport Department.
- Create a proper convergence of various benefit schemes for women and girl children to empower high-risk groups.
- The minutes of the meetings are to be sent to Women & Child Development Department, Home Department and to D.G. & I.-G. of Police.
- Prepare and oversee implementation of special schemes, which will converge with existing schemes to economically empower a victim.
- Provide guidance and assistance through Self-Help Groups (SHGs.) of victims for micro credit facility and income generating facilities.
- Provide special assistance schemes for training and employment or self-employment on priority basis by the victims.
- Establish livelihood training programmes and training-cum-production centres for victims with collaboration and support of private institutions.
- Establish adequate marketing tie-ups and ensure necessary backward and forward linkages.
- Provide care and support for HIV positive victims of trafficking so as to ensure holistic and non-discriminatory unbiased access to health services.
- Establish homes or support reputed NGOs. to establish homes wherever required for

terminally six victims by utilizing existing infrastructure under various Departments/ Agencies.

- Start Mental Health Intervention Centres/Counselling Services and De-addiction Centres for victims for effective reintegration back to the mainstream society.

The resolution also defined the role of Public Prosecutor: role of Govt. agencies as Department of Women & Child, Welfare, Labour, Health and Medical, and those running Children's Homes and Shelter Homes set up under the Juvenile Justice Act (JJ Act), as well as Protective Homes set up under the ITPA: role of NGO/Nodal NGO ; role of Local Government/Panchayati Raj Institutions and role of media in prevention of trafficking, protection and rehabilitation of the trafficked victims

### **Criminal Law (Amendment) Act, 2013**

Criminal Law (Amendment) Act, 2013 has also brought about comprehensive amendments in Cr.P.C. in respect of investigation of offences against women. The most salient of such amendments are as follows:

1. Proviso to section 154 CrPC under which information pertaining to offences given by women victims shall be recorded by a woman police officer or any woman officer.
2. Proviso in section 154 CrPC for recording of information either in the residence or at a convenient place in presence of an interpreter or a special educator, in case the victim is temporarily or permanently mentally or physically disabled.
3. Videography of such statements of the victim.
4. Amendment of section 161 CrPC for recording of statement of victim by woman police officer or any woman officer.
5. Amendment of section 164 CrPC to record statement of the victim before a Magistrate as soon as the commission of offence is brought to the notice of the Police.
6. Amendment of section 197 CrPC to dispense with sanction of prosecution in case of a public servant accused of an offence against women.
7. Amendment of section 273 CrPC to avoid confrontation of the victim of sexual offence under the age of 18 years by the accused.

8. Amendment of section 309 CrPC to complete enquiry or trial of some offences against women on the basis of day-today proceedings within a period of two months from the date of filing of charge sheet.

9. Insertion of section 375(C) under which all hospitals, whether run by Government or local body or any other person have been made duty-bound to provide first-aid or medical treatment free of cost to the victim

Standard operating procedure (SOP) for investigation of crime against women has been issued

### **Registration of FIR in all Missing Children Reports**

The Hon'ble Apex Court in its order dated 10th May 2013 in WP (Civil) No.75/2012 Bachpan Bachao Andolan Vrs Union of India has passed order in connection with safe guarding the interest of missing children in the country and measures to be adopted for the same. Gist of order of the Hon'ble Apex Court is as follows:

1. Previously, on 17th January 2013, the Court had issued an interim direction that a missing children complaint in the Police Station should be reduced into a FIR & investigated into immediately thereafter. 2. In case of every missing child reported, there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved otherwise. Accordingly, whenever any complaint is filed before the police authorities regarding a missing child, the same must be entertained under Section 154 CrPC.

3. Even in respect of complaints made otherwise with regard to a child, which may come within the scope of Section 155 CrPC, upon making an entry in the Book to be maintained for the purposes of Section 155 CrPC and after referring the information to the Magistrate concerned, continue with the inquiry into the complaint. The Magistrate, upon receipt of the information recorded under section 155 CrPC, shall proceed, in the meantime, to take appropriate action under sub-section (2), especially, if the complaint relates to a child and, in particular, a girl child.

4. Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer in terms of Section 63 of the Juvenile Justice (C&PC) Act.

5. There should be, in shifts, a Special Juvenile Officer on duty in the Police Station to ensure that the directions contained in this Order are duly implemented.

6. Every found/recovered child must be immediately photographed by the police for the purpose of advertisement and to make people aware of the missing child. Photographs of the recovered child should be published on the website and through the newspapers and even on the T.V. so that the parents of the missing child could locate their missing child and recover him or her from the custody of the police.

7. A Standard Operating Procedure (SOP) to handle the cases of missing children and related issues is under preparation and will be issued separately. On receipt, copy of some SOP should be made available to all field and supervising officers.

8. In case a missing child is not recovered within four months from the date of filing of the First Information Report, the matter may be forwarded to the respective Anti Human Trafficking Unit in the Dists./Range in order to enable the said Unit to take up more intensive investigation regarding the missing child. All Anti Human Trafficking Units shall file periodical status reports after every three months to keep the Legal Service Authorities updated.

9. In cases where FIRs have not been lodged at all and the child is still missing, an FIR should be lodged at once and further investigation may proceed on that basis.

10. Once a child is recovered, the police authorities shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing and if, on investigation, such links are found, the police shall take appropriate action thereon

To facilitate an integrated and an improved response of the police to crimes against women and children, it has been decided to setup the following in each police district of the State

**Woman and Child Cell:**

1. Each Police District in the State had a Women and Child Cell which supervised the response of all the Police Stations of that district to all kinds of crime/complaints relating to women and children, This functioned under the overall control of the district SP assisted by the DSPH RPC (Also Chairman of the Special Juvenile Police Unit). The SP might entrust enquiry/investigation of important matters/cases to this cell. This Cell comprised: i) An Inspector of Police (preferably a lady) ii) A SI/ASI of police (preferably a lady) and iii) 4 Constables of whom at least two would be lady Constables.

2. The **District Protection Officer**, appointed by the Government under the Domestic Violence Act, 2005, was a member of the aforesaid District Women and Child Cell. This helped in developing a better interface between the police and the District Protection Officer and also help in implementation of the Domestic Violence Act,2005,

3. The AIHTU, wherever it was in existence, was tagged to the said District Women and Child Cell for more effective co-ordination.

4. The District HRPC had two cells i.e.the Women and Child Cell under the Women Inspector of Police and the SC&ST Cell under another officer. Both the Cells functioned under the DSPHRPC (designated as head of the Special Juvenile Police Unit) under the overall Command and Control of the district SP. They supervised the work of the Mahila and Shishu Desks at the police stations and the Mahila Police Stations wherever they existed.

The Government of Orissa has set up Mahila and Shishu Desks (**Woman and Child Desk**) in all 460 police stations in the State. For improving the effectiveness of the Mahila and Shishu desks, a State level Task Force has been constituted under the Chairpersonship of the Principal Secretary, Home. A compendium of laws relating to women and children has been published and circulated to all police stations. The Department of Women and Child Development, in collaboration with the NGOs has organized State level Workshops (January, 2008) for prevention and rescue of trafficked women.

District Juvenile Police units in 17 districts has been set up. Social Workers have been attached to ‘Mahila and Shishu’ (women and child) Desks for effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000. Protection Officer and Service Providers in all 30 Districts under the Domestic Violence Act were appointed. Training was organized through State Mahila Commission (State Commission for Women) and an NGO titled “We Can” in September ’2007.

The Odisha State Child Protection Society and District Child Protection Societies were formed in 2012 and in 2013, the Child Protection Committees at Village/GP/Block level were also formed to oversee child protection scheme



### **Women Helpline:**

There is a dedicated "Women Helpline" with toll free telephone number 181. All calls made by the public to "181" land at the District Women & Child Cell of the respective district where at least one Constable is present round the Clock. The Inspector of the Women and Child Cell is fully responsible for ensuring that all calls received to this number are properly answered and responded to. A log of all action taken is maintained and weekly reports in a prescribed format put up to the SP on each Monday.

### **Prevention Efforts**

A number of preventive steps have been undertaken by different departments to prevent trafficking. These include: steps for enrolment of children into primary education under the 'SarvaShiksha Abhiyan' (Education for All); effective implementation of "Stop Child Labour" and prevention of child labour; empowerment of women under Mission Shakti with formation of more than 332,000 SHGs in the State; formation of 35,000 Balika Mandals by the Anganwadi workers in the State, skill-based training to women under the Employment Mission; formation of Child Welfare Committees in 25 districts and Juvenile Justice Boards in 30 districts.

### **3.2.3) WEST BENGAL**

January 22, 2007 marked a watershed in the response to human trafficking in India. This was the launch of the first AHTU in India in the state of Andhra Pradesh (AP). The Home Minister of Andhra Pradesh inaugurated three Units for three places in Andhra Pradesh; Hyderabad, Anantapur and Eluru. The launch was done by flagging of three vehicles exclusively dedicated for Anti Human Trafficking work. As the second state in India to join this process, the AHTU of Goa was inaugurated by the Chief Minister of Goa on 24 March, 2007. On 28 June, 2007, West Bengal became the third State in line, when the AHTU was launched by the Chief Minister, West Bengal.

The State of West Bengal constituted the State Advisory Committee in 1994 for implementing the provisions of ITPA. All police officers of the rank of Inspector and above had been declared Special Police Officers in 1996. The Advisory Body under Section 13(3) of the ITPA was restructured in 2003. A circular for compliance with the Supreme Court order was issued in 2003 to various police forces. One Women Grievance Cell at CID Hqrs. Kolkata opened with strength of 2 Inspectors, 4 SIs including 2 women and 6 constables

The Department of Women and Child Development and Social Welfare set up a **State Level Committee** under the Chairpersonship of the Chief Secretary for combating trafficking. District Level Advisory Committees for Social welfare were constituted under the Chairmanship of District Magistrate of the concerned district. The Department of Women and Child Development ensured that NGOs who were pro-actively involved in protecting the women and children from abuse, exploitation and ill treatment, were included as members in the District level Committees as mandated under the Juvenile Justice (care and protection of children) Act, 2000. Out of 38 Juvenile homes (17 of government and 21 of NGOs) in existence in the State, two Juvenile Homes were exclusively for girls. The State Government was also running a number of 'Swadhar' Homes and Short Stay Homes, where trafficked victims in difficult circumstances were being provided with shelter, vocational training and counseling for their rehabilitation and re-integration in the society. In addition, the children of trafficked victims were provided both non-formal education as well as formal education.

The West Bengal Milk Federation Cooperative Society, Kolkata had launched income generating programmes under STEP scheme in the border district of Murshidabad and Nadia to prevent migration of destitute women from these areas to Kolkata. 58 Anganwadi centres had been set up in red light areas of Kolkata since 1998, 35 Anganwadi workers were from among the victims. NGO like Durbar Mahila Samanvaya Samiti Jabala were helping the women victims to form cooperatives for future savings. Some Self-Help Groups were being run in 4 dist. under Swayamsiddha Scheme. The West Bengal State AIDS Prevention & Control Society had been providing health checkups, counseling and treatment of STDs of commercial sex workers all over the State through NGOs. Private Practitioners working in and around red light areas were also trained in the syndromic management of STD. Two homes one at Kolkata and another on east Baganda Hoogly were functioning for girls in commercial sex with HIV.

The government to address rescue and rehabilitation programmes had identified 20 NGOs like Salaap, Bhagirathi, Silpashram nadin, WB Council for Child Welfare, Development Dialogue. Schools had been set up in certain Homes as well victim children were sent to Govt. schools. The Border Security Force (BSF) was also engaged to prevent trafficking at border areas. Mobile parties had been formed for checking the entry and exit points at important railway stations and bus stands for suspicious movements of women and children.

Awareness generation programmes on trafficking of women and children for commercial sexual exploitation were organized in the districts by the NGOs. A 24-hour helpline had been provided for helping women and girls in distress

### **3.3 COMMUNITY RESPONSE**

Discussions with the NGOs working in anti-trafficking and in prostitution industry reveal that community awareness about common forms of trafficking namely forced labour, forced marriage and forced commercial sex is low. NGOs and Mass Media are the common sources of people's awareness about sex trafficking. Forced labour is the most common form of trafficking universally known. Forced commercial marriage is believed to be part of the community culture. This impedes efforts to raise levels of reporting and prosecuting traffickers especially in Jharkhand tribal areas. Raised awareness of trafficking among the general public may lead to communities being able to support victims and hold perpetrators to account. Trafficking is rampant in places where social awareness and social apathy prevails. It is not possible to prevent and combat trafficking without community participation.

### **3.4 MEDIA RESPONSE**

Media has a strong influence on the ways our social perceptions, ideas and values take shape. Media serves as a platform for public discussion which further shape public perception. Media as a social actor has important role in all aspects of counter trafficking, viz. prevention, protection and prosecution. The NGOs working in cooperation with the Media hold that there has been consistent portrayal of trafficking issues in the media scene. Over the last decade, there has been an increase in the coverage of stories on trafficking of women and children for CSE. Hundreds of women and girls as survivors of various forms of violence and exploitation have featured in the news. There are stories on the lived experiences of trafficked women and girls. Electronic and print media have become sensitive towards reporting crimes against women. They now less sensationalize issues, keeping in view women's dignity and safety. They avoid using real names of survivors of sexual exploitation so as to avoid further humiliation and stigmatization. From the angle of reporting and representation, print media has more coverage on trafficking than the electronic media.

There have been positive changes in reporting, writing and representation of trafficking issues in Newspapers contributing towards trafficking prevention and prosecution. Some Newspapers have undertaken trafficking related campaigns challenging the law enforcement and prosecution thereby influencing for speedy justice delivery to the victims and stringent punishment to the traffickers. The media people especially female reporters are increasingly participating in workshops, trainings or seminars related to trafficking of women and girls, child rights, sexual harassment of women at workplace, gender and human right. As the participation of women in media has increased, overall visibility and concern on women especially the trafficking issues has increased.

### **3.5 RESPONSE BY NGOs**

The initiatives of civil society organisations against human trafficking have been substantial. Many of the organisations working on trafficking issues are not exclusively associated with anti-trafficking, but address it as part of their activities to prevent HIV, promote public health and protect human rights. However, there are several NGOs and networks of NGOs that focus on trafficking only. Most of these NGOs work on prevention, and relatively few work on prosecution of offenders, perhaps because of the indifferent response from the authorities whose cooperation is necessary.

NGO interventions to prevent trafficking have directed their efforts in places that are the origin, transit or destination of trafficked individuals. Activities include awareness raising and social mobilisation, community networking and surveillance, capacity building and training, and empowerment through formal and informal education, income generation and job training. To raise awareness and sensitise communities, NGOs have held rallies, seminars, street theatre performances and prevention camps. They have established community support groups and peer education programmes and hosted television and radio programmes. Some have also tried to reach influential adults in the community, for example, establishment of inter-religious Priests Forums that bring priests together to denounce trafficking, and forums that raised awareness of trafficking among representatives from *gram panchayats*, schools and government-run hostels (MOWCD and UNODC, 2008). Life skills education for minor girls in trafficking-prone areas and skill building and economic empowerment activities that offer women and minor girls alternative means of income generation have also been undertaken

Capacity-building programmes help to create conditions that reduce the risk of trafficking, to strengthen the capabilities of those rescued and to inform the activities of those in the work of prevention of trafficking. A variety of activities fall under capacity building. Efforts have been made to train lawyers, NGO staff and police and government functionaries and also to sensitise them on the various aspects of child trafficking.

With regard to rescue, the ITPA requires civil society organisation representatives to be present during police rescue operations. A number of NGOs work on supporting authorities to conduct raids and subsequent rescuing of children in CSE such as *Sanlaap* in West Bengal. The NGOs establish and use networks to identify children in brothels, further to which they conduct raids with the police and rescue the children. Raids on brothels are a challenge for NGOs because of safety issues and likelihood of leaks of impending raids to brothel owners. NGOs, however, have succeeded in working with police personnel who have been sensitized to the issues in trafficking. Legal aid in trafficking cases is also offered by several NGOs. Collective organization of sex workers to curb trafficking by constituting vigilance committees from amongst themselves or self-regulatory boards has also been successfully attempted. The Durbar Mahila Samanwaya Committee (DMSC), a sex workers' union in Kolkata, for example, has a self-regulatory body to rescue minors or women trafficked into brothels, as they are insiders and are able to understand the situation better. One study, which uses programme monitoring data, has shown that the institutionalization of self-regulatory bodies has contributed to a decline of over 90 percent in the proportion of minors in CSE in the Sonagachi area (Jana et al., 2013).

With regard to protection of rescued girls, several NGOs run shelter homes in partnership with the government where rescued trafficked women and minor girls can stay. Some shelter homes are exclusively for children, while others cater to both women and minor girls. Rehabilitation and reintegration are key activities undertaken in the shelter homes, where they are given opportunities to build peer networks and develop self-confidence. These NGOs provide vocational training to create skills for alternative forms of employment, offer job placements or provide seed money to start a small business. Counselling and health services form a part of the rehabilitative measures offered to rescue minor girls. They also assess the willingness and capacity of families of trafficked minor girls to take them back and provide counselling to family members, as required. They assist minor girls who cannot be reintegrated with their families to find permanent shelter. The focus is on equipping women and minor girls for livelihoods outside

of CS and reintegrating minor girls into their families and communities. Where reintegration is not possible, efforts are made to integrate them into life outside the shelter. Several NGOs have succeeded in training girls and placing them in careers. They are given training, for example, to become beauticians and mobile phone repairers, or to join as hospital nursing staff. Many NGOs also focus on reintegrating girls into their home villages. Unfortunately, the effectiveness of these interventions in preventing re-trafficking or rehabilitating women and minor girls cannot be ascertained. The quality of care that women and minor girls receive once rescued also remains poorly understood (Kaufman and Crawford, 2011).

Among prosecution activities, NGOs have focused on identifying traffickers at transit points along the Nepal border as well as at interstate borders. Volunteers work with local police and informers to identify traffickers or identify them through interviews with migrants who fit the profile of victims (Hameed et al., 2010). Unfortunately, there has been an absence of standard programme monitoring and evaluation mechanisms (Samarasinghe and Burton, 2007), and very few NGOs have published reports containing details of their activities or successes and challenges that they had experienced (Hameed et al., 2010).

### **3.6 RESPONSE BY INTERNATIONAL ORGANISATIONS**

The UN system has been coordinating international response to trafficking. The General Assembly has adopted a package of instruments against various forms of transnational organized crime, including the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. Various UN agencies and organs like UNIFEM, UNICEF, ILO, UNDP, UNODC, among others, have been active in anti-trafficking.

#### **ILO-IPEC**

The International Labour Organisation (ILO) has been addressing child trafficking through its 'Forced Labour Convention', that aims to eradicate "...all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". This powerful instrument confirms child trafficking as a practice similar to slavery and calls for immediate action to secure the prohibition and elimination of the worst forms of child labour. Within the ILO, action against the trafficking of children has been undertaken by International Programme for the Elimination of Child Labour (IPEC) since 1992.

Guided by the United Nations Convention on the Rights of the Child and ILO Convention 182, IPEC works towards the effective elimination of trafficking of children by addressing its root causes.

## UNICEF

UNICEF is guided by the Convention on the Rights of the Child (CRC), which has been ratified by most countries. Articles 9 and 10 of the CRC state that a child must not be separated from his or her parents against their will, except where it is in the best interests of the child. Article 11 commits States to combat the illicit transfer of children abroad. Article 35 asks States to adopt appropriate national, bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form. For children who do not live with their parents, Articles 20 and 21 declare the best interests of the child to be paramount, and note the desirability of continuing the child's ethnic, religious, cultural and linguistic background. Article 21 provides that international adoption must not involve "improper financial gain". Articles 32, 34, 36 and 39, which provide for protection against economic, sexual and all other forms of exploitation, and the child's right to physical and psychological recovery and social reintegration, are also relevant to the protection of child victims of trafficking. These articles are the steering wheel for UNICEF to determine its policy and area of intervention to combat child trafficking.

The UNICEF strategy for addressing child trafficking focuses on four main areas: raising awareness about the problem, providing economic support to families, improving access to and quality of education, and advocacy for the rights of the child. UNICEF holds that any new policy on trafficking must build on standards already adopted by the international community, including the CRC. UNICEF has also played an important role in the elimination of child labour in India by supporting government and NGO activities in the area.

The primary focus of UNICEF has been on preventing child labour through primary education. It has provided financial and technical support for legal enforcement studies along with workshops and discussions on child labour at the national and state levels. More recently, UNICEF has been involved in combating child prostitution and trafficking by organising regional workshops. It is working with the National Human Rights Commission to coordinate policy and do advocacy work.

## UNODC

The UN Office on Drugs and Crime (UNODC) is the United Nations office responsible for crime prevention, criminal justice and criminal law reform. It pays special attention to combating transnational organized crime, corruption and illicit trafficking in human beings. Nine resolutions relating to UNODC were adopted by the General Assembly at its 55th session. The UNODC Crime Programme cooperates with a network of international and regional institutions, allowing for a more comprehensive approach and an exchange of expertise. UNODC works with Member States to strengthen the rule of law, promote stable and viable criminal justice systems and combat the growing threat of transnational organised crime through better cooperation.

The UNODC Crime Programme assists countries in the elaboration, ratification and implementation of international criminal law Conventions and protocols, such as the United Nations Convention against Transnational Organised Crime and the recently adopted United Nations Convention against Corruption.

The smuggling of migrants and the trafficking of human beings for commercial sexual exploitation and slave labour are two of the fastest-growing global problems in recent years. Recent studies show the increased involvement of organised crime groups. The Global Programme against Trafficking in Human Beings (GPAT) was designed by the UNODC in collaboration with the United Nations Inter-Regional Crime and Justice Research Institute (UNICJRI) and launched in March 1999. GPAT assists Member States in their efforts to combat trafficking in human beings. It highlights the involvement of organised criminal groups in human trafficking and promotes the development of effective ways of cracking down on perpetrators. The GPAT's overarching objective is to bring to the foreground the involvement of organized criminal groups in human trafficking and to promote the development of effective criminal justice- related responses.

## OHCHR

The Office of the High Commissioner for Human Rights (OHCHR) has taken an active interest since 1998 in the problem of trafficking in persons, focusing in particular on trafficking in women and children.



OHCHR action in the area of trafficking is currently taking place on two fronts. On the one hand, the Office continues to enhance the quality of its support to the relevant mechanisms dealing with trafficking and related exploitation. Secondly, OHCHR has developed an anti-trafficking program. OHCHR's work in the area of trafficking is based on two fundamental principles: human rights must be at the core of any credible anti-trafficking strategy, and such strategies must be developed and implemented from the perspective of those who most need to have their human rights protected and promoted.

The Special Rapporteur on Violence against Women and the Working Group on Contemporary Forms of Slavery have both specifically addressed the trafficking issue. Other relevant UN mechanisms include the Special Rapporteur on the Sale of Children and the Committee on the Rights of the Child. All of these mechanisms are serviced and supported by the Office of the High Commissioner for Human Rights. OHCHR has recently developed a system for intra-Office coordination on the issue of trafficking. Its purpose is to ensure that appropriate links are forged between the various mechanisms and among the officers working with them.

## UNIFEM

The core agenda of the United Nations Development Fund for Women (UNIFEM) has been to promote women's human rights, political participation and economic security. Towards this end, it provides technical and financial assistance to innovative programmes and strategies. Within the UN system, UNIFEM promotes gender equality and links women's issues and concerns to national, regional and global agendas by fostering networks and alliance building across governments and civil society. UNIFEM began addressing the issue of trafficking in 1991 and in the initial few years, concentrated on working towards developing an acceptable conceptual framework to address the issue in South Asia. Trafficking was identified as a special area of concern at UNIFEM's First Ministerial-Level Regional Biennial Review of the Beijing PFA in South Asia (1996). NGOs and Governments agreed that UNIFEM, with its strategic position and its unique cross-cutting mandate to address gender-related concerns, should focus increasingly on the elimination of trafficking of women and children as a priority intervention in the region.

Since then, UNIFEM's regional anti-trafficking programme has been focusing on the following priority areas: increasing political and community support at different levels in high-risk (both source and demand) areas, increasing use of reliable data and research findings in advocacy,

protective and prosecution work, improving monitoring and lobbying for implementation of conventions/laws etc. and bringing together different alliances and networking, and enhancing the understanding and focus on trafficking

## UNESCAP

The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) is the regional arm of the United Nations Secretariat for the Asian and Pacific region. Its primary focus is on the economic and social development in the region. The Resource Guide calls for a multi-faceted response to trafficking, utilizing the complete range of legal and other instruments relevant to all dimensions of trafficking.

## UNAIDS

UNAIDS is the global joint United Nations Programme on HIV/AIDS. It brings together seven UN agencies in a common effort to fight the epidemic, viz. the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations International Drug Control Programme (UNDCP), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the World Health Organisation (WHO), the World Bank and the International Labour Organisation (ILO).

UNAIDS leads, strengthens and supports an expanded response aimed at preventing the transmission of HIV, providing care and support, reducing the vulnerability of individuals and communities to HIV/AIDS and alleviating the impact of the epidemic. REACH-Beyond Borders is the consolidated UNDP Special Initiative on HIV/AIDS Regional Programme for South and North East Asia covering 13 countries of the region: Afghanistan, Bangladesh, Bhutan, China, DPR Korea, India, Iran, Maldives, Mongolia, Nepal, Pakistan, the Republic of Korea and Sri Lanka.

UNAIDS has recognized trafficked persons as a group which is highly vulnerable to HIV/AIDS exposure because they are often subjected to a multitude of physical and psychological health problems. Women are specifically vulnerable to reproductive and other gender-specific health problems in trafficking situations as they have little or no access to reproductive health care.

Therefore, UNAIDS has integrated anti-trafficking in its HIV/AIDS programmes in an effort to prevent the spread of the epidemic across the region.

## USAID

The United States Agency for International Development (USAID) provides economic and humanitarian assistance in more than 100 countries. It has taken up trafficking in persons as an important area of concern. Pursuant to the Trafficking Victims Protection Act of 2000, President George W. Bush established the President's Inter-Agency Task Force to Monitor and Combat Trafficking in Persons. The State Department established an Office to Monitor and Combat Trafficking in Persons in October 2001. This office prepares the annual Trafficking in Persons (TIP) Report required by the legislation.

Internationally and domestically, the U.S. Government's approach to combating trafficking in persons is an integrated one, based on prevention, protection and assistance for victims, and prosecution of traffickers. Successful anti-trafficking initiatives are reinforced by programmes that support economic development, good governance, education, health and human rights, and flow from country-based collaborative frameworks that have the committed participation of civil society, government, and law-enforcement.

In South Asia, USAID has played an important role to combat trafficking under its programme, South Asia Regional Initiative, Women's and Children's Equity Programme (SARI-Q). In India, the USAID/India anti-trafficking initiative is being implemented in collaboration with the United Nations Development Fund for Women (UNIFEM). USAID provides grant support to the policy planning process within government agencies to implement the National Plan of Action, capacity building for NGOs, rehabilitation of children of sex workers through education, piloting of community based actions, and Media and Advocacy.

## AUSAID

The Australian Agency for International Development (AusAID), is the Australian Government's official overseas aid programme which aims to help developing countries reduce poverty and achieve sustainable development. AusAID is operational in In India supporting major activities like assistance to governments and communities in the field of anti-trafficking programmes and HIV/AIDs prevention and control.

## ASIA FOUNDATION

The Asia Foundation's programmes focus on: building the capacity of women and women's groups to participate in political processes and public life, expanding women's economic opportunities and legal rights, increasing access to education, supporting efforts to reduce trafficking and violence against women, and mobilising women for broad societal reforms. Foundation programmes help local organisations develop effective strategies to advocate for their agendas and build networks within and across borders. The Asia Foundation feels that trafficking in women and girls is an urgent human rights problem in Asia. The Asia Foundation's anti-trafficking initiatives across Asia have enabled partner organisations both government and non-government to develop and test models and strategies and implement programmes to prevent trafficking, protect victims, and help bring traffickers to justice. The Asia Foundation has been actively involved in South Asia and has launched various programmes in India for the benefit of women.

## PLAN INTERNATIONAL

In India, Plan is working under various program heads: building relationships; livelihood; learning and growing up healthy and focusing on the all round development of children. Child trafficking is seen as an issue of grave concern by Plan, which involves unscrupulous people tricking families into allowing children to move to another place, where they are put to work, more often than not, either in brothels or in slave-labour conditions. To increase awareness of this violation of human rights, Plan has worked with local nongovernmental organisations, organised community meetings and conducted orientation sessions for school children to make people aware of how trafficking takes place.

## CHAPTER-IV

### NATURE AND DIMENSIONS OF TRAFFICKING IN WOMEN AND GIRL CHILDREN FOR CSE: PRIMARY DATA ANALYSIS

#### 4.1: VICTIMS IN COMMERCIAL SEXUAL EXPLOITATION: THE EXPLOITED

The victims of the commercial sexual exploitation were the women and girl children who were trafficked and were yet to be rescued from the exploitative situations. The trafficked victims of brothels based sexual exploitation included all those who were continuing or had entered commercial sex as minor girls regardless of whether they entered on their own will or were forced or deceived into it and adult women who had entered commercial sex as a result of fraud, force, coercion or deception. The brothels based commercial sexual exploitation was explored in the selected organised brothels in red light areas namely Khalpara at Silguri of Darjeeling District and Budge budge and Baruipur of South 24 Parganas District of WB and Malisahi (Bhubaneswar) in Khurda District of Odisha; and in theselected un-organized brothels in non-red light areas as Balasore Municipal area of Balasore District in Odisha, Baharagora of East Singhbhum District of Jharkhand and Japla in Palamu District of Jharkhand. The victims in unorganized brothels were studied in such organizational structures as dhaba, small hotel, make shift residences along National Highways etc. Japla represented home based sexual exploitation of inter generational nature.

**4.1.1: Age:** 60% of the victims of CSE were in the age group of 18-30 and the rest 40% were above 30 years of age. None of the trafficked victims were below 18 years. Young girls in 18-24 age group comprised 36% of the organized-brothels based victims compared to a low 13% of the unorganized-brothels based victims. However, 45 per cent of the victims reported being trafficked when they were below 18 years of age.

**4.1. 2: State of Origin:** The victims largely belonged to their native States. As many as 91 out of 100 victims in organised-brothels of WB were from the State of WB itself, the rest being from Assam, Bihar, Odisha, Nepal and Bangladesh. Most of the victims (30 out of 50) in the organised-brothels of Malisahi in Odisha were from the native State of Odisha followed by a significant no. of Bengali (12) from WB and Telugu (2) from AP. All the 50 unorganized-brothels based victims in Japla of Palamu in Jharkhand were the local residents and were

traditional inter generational sex workers who hardly considered commercial sex as exploitative. In the unorganized-brothels of Baharagora in Singhbhum, as many as 33 victims were from native Jharkhand and the rest were from WB. 48 out of 50 victims in unorganized-brothels of Balasore were from the native Odisha State.

**4.1. 3: Religion:** The Hindus (82%) were in majority followed by Muslims (17%) among the victims of CSE. Most of the Muslim victims (38 out of 52) were found in the organised-brothels of WB.

**4.1. 4: Caste:** The majority of the victims belonged to the General Caste (49%). Over one third of the victims (34%) were the Scheduled Castes and Scheduled Tribes. The ST Victims were predominantly found in the unorganized-brothels of Jharkhand, Baharagora in the East Singhbhum having as many as 27 tribal out of 50 victims. The SCs were well scattered across the States.

**4.1. 5: Literacy:** A vast majority of the victims were either illiterate (46%) or just literate (24%). 21 % of the victims had received education up to the primary level and 6% per cent up to middle school. Only 2 % had education up to secondary level. A significant proportion of victims in unorganized-brothels (15%) were having middle school and higher level of education compared to a small proportion (3%) among the organized- brothels based victims

**4.1. 6: Marital Status:** A little less than two third (63%) of the victims reported being ever married, a significant 22% of them being widows/divorcees/separated. The proportion of married victims in organized-brothels (10%) was significantly less than that in the unorganized-brothels (72%). A small 15% of the victims reported not being ever married- 28% in organized-brothels and 12% in unorganized-brothels. A significant 22% of the victims - 42% organised-brothels based and 2% unorganized-brothels based, reported staying with one of their previous clients/lovers called Babbu.

**4.1. 7: Age at marriage:** About 38% of the married victims had their first marriage at an age below the legal age of marriage. Of them about 2% of the married victims were given in marriage at less than 15 years of age. The majority 52% of the victims were married at an age between 18 and 20 years.

**4.1. 8: No. of Children:** A little more than three fourth (77%) of the victims reported having children irrespective of their marital status. The largest 30% of the victims reported having one child followed by 26% having two children. 21% of the victims had three or more children. A significant 23% of the victims reported having no children- 29% of organized-brothels based and 16% of unorganized-brothels based.

**4.1. 9: Person living with:** The highest 46% of the victims reported living alone themselves on rent, the proportions being 71% and 21% among brothels based victims in red light and non-red light areas respectively. Living with own family was reported by about one third (34%) of the victims-63% organized-brothels based and 5% unorganized-brothels based. A significant 15% of the victims reported living with their Babu. A small 7% of the brothels based victims in red light zones reported living with their brothels keeper called Mashi.

**4.1.10: Years in Commercial Sex:** The majority 40% of the victims had been in commercial sexual exploitation for over 10 years followed by 28% for 6-10 years and 22% for 3-5 years. A small 9% of the victims reported being in CSE for 2 years or less- 15% in red light areas and 3 % in non-red-light areas implying higher incidence of brothels based trafficking in red-light areas. In CSE for 3-5 years, the brothels based victims in red-light zones accounted for 27% compared to a small 18% in non-red-light areas.

**4.1. 11: Age at Entry:** 90% of the victims had their entry into commercial sex at/below the age of 24 years, exactly half of them entering before 18 years of age i.e. when they were minors. Such victims were higher in proportion in organized-brothels (53%) than in unorganized-brothels (38%). A small 10% of the victims reported their entry at/above the age of 25, most of them being in unorganized-brothels based CSE.

**4.1.12: Reason for being in CS:** Trafficking involved luring of the victims with promises of marriage or offer of job. The family pressure to earn was reportedly the major factor leading to trafficking under lure for jobs (68%). 15% of the victims were lured with promise of better life prospects and 6% with promise of marriage. Single, divorced, unwed, widowed, sexually abused women and girls were socially stigmatized who fell prey to the traffickers. The women and girls subjected to domestic violence and abuse in their bid to escape the situation also played into the hands of traffickers. Such societal and familial factors were the reasons for being in CSE as reported by 12% of the victims in CS.

**4.1. 14: Forms of Commercial Sex:** Victims of trafficking were forced into various forms of commercial sexual exploitation : organized-brothels based in the declared red light zones and unorganized-brothels based in non-red-light zones as home based (23%), street based (24%) and other forms of exploitation as escort services, massage parlors etc (23%).

**4.1.15: Sex tourism:** Fear of client violence, multi partnership sex and forced sex without condom and fear of HIV/AIDS infection prevented most of the brothels based victims (84%) in red-light zones from going out for sex. A small 15% of the brothels based victims however reported visiting hotels and private homes on clients demand. Rotation of brothels based sex workers between cities or between places in a city hardly took place. As high as 67% of the brothels based victims in non-red-light areas, however, were mobile sex workers visiting other places in the district or places outside the District / State.

**4.1. 16: Minor Girls in CSE:** Trafficking of minor girls was reported by a significant 25% of brothels based victims in red-light areas and 31% in non-red-light areas. The incidence, however, was reported on decline due to resistance of sex workers organizations against entry of minor girls for brothels based CSE.

**4.1.17: Client Violence:** Violence was any action which involved hurting, injuring, frightening or humiliating a victim into doing something against her will. Threats / coercion, held down, pushed, locked up, punched, pinched, thrown out of vehicle, kicked, slapped, hair pulled, bitten, scratched, threatened with a weapon, strangled/ choked, raped, spat on, burnt, sexually assaulted, called names, threatened, forced into having sex were some of the specific actions to specify violence. Women and children trafficked for CSE experienced a great deal of physical violence within sex work apart from emotional and verbal abuse. The violence they faced was often very serious. More of organized-brothels based victims (57%) experienced violence than the unorganized-brothels based victims (45%).

**4.1.18:** 45% of the victims in red-light areas and 57% of the victims in non-red-light areas reported facing client violence. Hotel/guest houses (37%) and streets (27%) were the conspicuous locations where the brothels based victims in non-red-light areas were subjected to violence. Attempt to rape, forced into unnatural sex, forced into multi partner sex were the type of violence meted out. Most of the victims reported being subjected to violence on the job at least once a month.



**4.1.19: Clients Refused:** A little less than one fourth (23%) of the trafficked victims claimed to have refused sex services to clients during last one year, the proportions being 22% and 31% among the brothels based victims in red-light and in non-red-light areas. The brothels based victims in red-light areas were less at liberty to refuse sex.

**4.1.20: Reason for Refusing Clients:** 50% of the victims reported refusing sex services to known clients prone to violence or addicted to alcohol/drugs. Demand for abnormal sex (24%), insistence to have sex without condom use (13%), nonpayment of required client fees (6%), abusive behavior and physical torture etc were the major reasons for victims to reject sex services to clients.

**4.1.21: First sexual encounter:** As high as 78% of the brothels based victims in red-light areas had their first sexual experience under lure or pressure when they were less than 18 years of age compared to a lower 41% of the victims in non-red-light areas.

**4.1.22: Age of 1<sup>st</sup> Sex:** Of the victims lured/pressurized to have sex during childhood/adolescence, about 78% were then aged 15-17 years followed by 22% aged 12-14 years. A lone victim experienced sex when she was below 12 years of age.

**4.1.23:** Neighbors (37%), Peers (18%), Relatives (20%) were the persons who had lured or pressurized the victims during their childhood to have sex with them. Over three fourth of those exploiters were known to the victims who sexually exploited them first time when they were minors. Among the exploiters, less than one fifth (19%) were the strangers not known to the victims. A few of the victims revealed to have been sexually exploited for the first time by the male Pimps during the transition from source to the destination areas.

**4.1.24:** Sex in the name of relationship (44%) during adolescence was a sort of pressure tactic applied by the beloved to continue relationship into marriage. A significant proportion of the victims admitted to being lured for cash (29%). Gifts (12%) like jewelry, cosmetics were also the reported mode for luring the victims into sex.

**4.1.25: Condom Usage:** Condom Promotion including the social marketing of condoms was one of the strategic interventions for prevention and control of HIV/SIDS by the NGOs working in the brothels under the NACO supported projects. Victims both in organised and non-organized brothels show high rate of condom use. Use of condom every time before sex was reported by

74% of the victims in CSE. Another 17% of the victims reported most often using condoms. A small 8% of the victims however reported using condoms less often most of them being aged and unorganized- brothels based.

**4.1.26: Reason for Non Use of Condoms:** Sometimes condom use is not insisted upon by the victims even if they were fully aware of the hazards of unprotected sex. Sometimes they hardly afforded to lose a client after waiting a whole day. They did not like to make condom use an issue lest they should lose the customer. Unwillingness of the clients to use condom and non availability of condoms at job time was the reasons for non use of condom as reported by 46% and 33% of the victims mostly aged 30 years and above.

**4.1.27: HIV/AIDS:** HIV/AIDS was reportedly heard of by over 99% of the victims. The awareness was almost universal irrespective of the type of brothels organized or unorganized.

**4.1.28:** NGO workers (85%) used to be the predominant source of HIV/AIDS information. Electronic mass media such as TV (12%), Inter-personal contacts (2%) with co-workers had been other channels of AIDS awareness among the victims. The pattern was almost the same between the organized-brothels based and the unorganized-brothels based victims in CSE.

**4.1.29:** STD is closely associated with AIDS was known to most of the victims. A STI infected person was more susceptible to HIV / AIDS than a normal person was known to about two third (66%) of the victims -79% of the organized-brothels based and 53% of the unorganized-brothels based victims in CS. About one third (33%) of the victims were unaware of such an association.

**4.1.30:** The phenomena of sex trafficking directly contribute to HIV/AIDS. Women in CS are especially susceptible to HIV/AIDS because of multi partnership sex. Trafficked women are more at risk of contracting HIV than women in the sex industry because they are far less able to negotiate condom use. As high as 78% of the victims were aware that HIV mainly spread through unprotected Sex, the proportion among organized-brothels based victims (82%) was higher than the unorganized-brothels based victims (75%) in CS.

**4.1.31:** Over three fourth of the victims in CSE were aware that condom use would reduce the risk of infections from HIV/AIDS/STD. The organized-brothels based victims (97%) were fairly more aware that the unorganized-brothels based victims (56%) in this respect.

**4.1.32:** HIV/AIDS mainly spread through unsafe sexual intercourse. Almost all the brothels based victims perceived that they were most susceptible to HIV/AIDS because of their multi partnership sex involvement. The awareness level among the unorganized-brothels based victims (71%) was however low. Overall 85% of the victims in CSE were aware that they were at risk of HIV/AIDS infections because of their sex with multiple clients.

**4.1.33: Alcohol/Drugs Use:** The trafficked women were exposed to drugs and other addictions .Most of the organised-brothels based victims (85%) were used to consuming alcohol before or during sex work, the proportion of unorganized-brothels based victims, however, being low at 31%.

**4.1.34:** Alcohol was taken most of the times before/during sex as reported by 48% of the organized-brothels based victims against 15% of the unorganized-brothels based ones. 44% of the organized-brothels based and 76% of the unorganized-brothels based victims reported consuming alcohol sometimes as and when freely available. A negligible 5% of the victims reported rarely consuming alcohol. Alcohol every time before or during sex was reportedly taken by a small 2% of the victims only.

**4.1.35:** Most of the trafficked women and girls were found used to alcohol. The alcohol was mostly offered and insisted by the clients for consumption as reported by 58% of the victims. Other took alcohol to cope with physical and mental stress of clients load (23%).A small 11% took alcohol occasionally for thrill and excitement. To get alcoholic is part of brothel culture a few (7%) remarked.

**4.1.37: Health:** The women in CS are at heightened risk of sexually transmitted infections (STIs) including HIV/AIDS. They are also more likely to be subject to physical and sexual violence and to experience mental health problems, such as depression, anxiety, guilt, shame and feelings of self-blame, lack of self-worth, suicidal ideation, and dependence on alcohol or drugs. Direct health consequences of commercial sexual exploitation are STDs and HIV infection. Many studies had reported high percentages of HIV infections among the trafficked victims. It was due to the large numbers of clients and the unprotected sexual relationships that many trafficking victims were forced to have.

56% of the victims reported having some health problems or other. 28% of the victims reported suffering from headaches, fatigue, dizziness, back pain etc. Around 9% said that they were suffering from Uro-genital/ Gynecological problems. Over 1% in CSE was HIV-positive. To avoid social stigma of being branded as HIV patients, they used to operate from hired one room house. They never disclosed their HIV status and insisted on condom use with the clients. The rest 18% had other diseases like TB, Anaemia etc.

Organized-brothels based victims were conscious of their health and frequently visited STD clinics under the Targeted Interventions projects run by NACO supported NGOs. The clinics being located in the heart of the brothels were accessible to the victims. Peer Educators and Counselors had succeeded largely to reach out them with information and convince them about their occupational health hazards.

**4.1.37: Use of Technology:** The rapid expansion in the use of the Internet and mobile phones has added a new dimension to sex trafficking. The Internet is a fast, convenient, and cost-effective means of connecting people, while at the same time disguising personal identity. Increasingly, the trade in human trafficking is taking place online and via mobile phones. The traffickers no longer need to place their victims in outdated red light districts or parade them on the streets when clandestine arrangements can be made anonymously online, allowing clients to go to nondescript addresses in cities not previously associated with the sex trade. 92% of the victims reportedly possessed mobile phones – 80% basic phones and 12% smart phones. Most of the basic phone users utilized their phones to make and receive calls and text messages.

**4.1.38:** Of the mobile phone possessors, only 8% were using social network sites as Face Book, Messenger, Whats App. Face Book was the most commonly used social networking site. The motives for using these social networking sites among trafficked victims were to maintain existing online client relationships and to meet new customers (82%) through online video chat. None of the trafficked victims used sex dating sites to promote themselves by way of uploading their explicit profile pictures.

**4.1.39: Police:** Trafficked women who were the victims of commercial sexual exploitation were often arrested on the ground of soliciting customers, prosecuted and often convicted. A little less than one fifth (19%) of the victims reported harassment by police, the proportion of the victims (21%) in non-red-light zones being higher than the victims (17%) in red-light zones.

**4.1.40:** Police encounter with the victims was either occasional (67%) or rare (21%). However, a small 12% of the victims mostly organised-brothels based said that policemen encounter was frequent. The purpose of the police visit was many: to check entry of any minor into the brothels, to conduct investigations, to prevent soliciting, to extort money from the brothel owners and clients, to seek sex services from the victims etc

**4.1.41:** 10% of the victims reported being arrested, most of them being once. Among the arrested, the brothels organised-based victims were higher in proportion (24%) than the unorganised-brothels based victims (4%). Victims were infrequently arrested officially. Most often the brothel owners bribed police officials during the raids to avoid any arrests.

**4.1.42:** The majorities (40%) of the victims were let off with a warning including extortionary payment to the police, 30% were bailed out by the brothel owners by paying a fine in court, and 27% got themselves released on bail from the court. Arrests leading to a prison sentence was however limited to a few.

**4.1.43: Income and Savings:** The victims on an average earned Rs.200-300 per shot of ten minutes, Rs.300-500 for half an hour and Rs2000 per night. Prices charged differed across the sex markets whether organized or unorganized. On average a victim entertained 3 to 5 clients per day. Public holidays, market days, festival days were the busiest days with more no. of clients. Repeat customers usually paid less than new customers. The majority 35% of the victims earned Rs. 5000 – 10000 per month. A little more than one fourth (27%) of the victims reported earning less than Rs.5000 per month. Monthly income between Rs.10000 and 15000 and more than Rs.15000 was reported by 22% and 17% of the victims respectively. The organized-brothels based victims earned higher income than the unorganized-brothels based ones. As high as 62% of the victims in red-light zones earned income more than Rs. 10,000 a month compared to a low 16% in non-red-light zones.

**4.1.44:** A little less than three fourth (73%) of the victims-46% organized-brothels based and 100% unorganized-brothels based had savings accounts in a bank or post office. Most of the unorganized-brothels based victims and a few of the organized-brothels based victims stated that they remitted money home regularly.

**4.1.45: Personal ID:** About 90% of the victims reported having personal ID like Aadhar or Voter card. Over three fourth of the victims (78%) reportedly had the cards with them and over 17% reported having the card at home. Only 1% of the victim reported that the IDs were in possession of the brothel keepers.

**4.1.46: Exit from CS:** A significant 24% of the trafficked victims wanted to move out of CSE. A majority 57% wanted to continue in the profession, most of them being younger ones. They liked to continue in the CS in order to save needed money before they left. Another 14% were undecided about moving out. The reasons for their continuing in CSE were none availability of alternative livelihood means, social stigma and social ostracism and adverse family/community attitude for their acceptance; family pressure to earn etc. Some doubted if anybody existed in the family in their native place to receive them. Only 2% of the trafficked victims reported already leaving the job because of ill health or other factors.

**4.1.47: Rehabilitation Options:** Rehabilitation of the trafficked victims is an important component of efforts to combat trafficking. House under IAY, livelihood allowances, vocational skill training, residential education facility for the children, free health services were the rehabilitation measures most opted by the victims.

**Table No. 4.1.1: Distribution of Victims of CSE by Age Group**

<b>Brothels</b>	<b>&lt;18</b>	<b>18-24</b>	<b>25-30</b>	<b>&gt;30</b>	<b>Total</b>
Darjeeling, WB	0	23	14	13	50
South 24 Pgr, WB	0	11	21	18	50
Khurda, Odisha	0	20	12	18	50
<b>Total Org. Brothels</b>	<b>0</b>	<b>54</b>	<b>47</b>	<b>49</b>	<b>150</b>
<b>%</b>	<b>0</b>	<b>36.00</b>	<b>31.00</b>	<b>33.00</b>	<b>100.00</b>
Balasore, Odisha	0	6	14	30	50
Palamu, Jhr	0	7	24	19	50
E Singhbhum, Jhr	0	7	21	22	50
<b>Total Un-org. Brothels</b>	<b>0</b>	<b>20</b>	<b>59</b>	<b>71</b>	<b>150</b>
<b>%</b>	<b>0</b>	<b>13.00</b>	<b>39.00</b>	<b>47.00</b>	<b>100.00</b>
<b>Grand Total</b>	<b>0</b>	<b>74</b>	<b>106</b>	<b>120</b>	<b>300</b>
<b>%</b>	<b>0</b>	<b>25.00</b>	<b>35.00</b>	<b>40.00</b>	<b>100</b>

**Table No. 4.1. 2: Distribution of Victims of CSE by State of Origin**

<b>Brothels</b>	<b>AP</b>	<b>Assam</b>	<b>Bangla desh</b>	<b>Bihar</b>	<b>Jhr</b>	<b>Nepal</b>	<b>Odisha</b>	<b>West Bengal</b>	<b>Total</b>
Darjeeling, WB	0	2	1	1	0	0	0	46	50
South 24 Pgr, WB	0	0	2	1	0	1	1	45	50
Khurda, Odisha	2	0	0	0	0	0	36	12	50
<b>Total Org. Brothels</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>37</b>	<b>103</b>	<b>150</b>
<b>%</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>25</b>	<b>69</b>	<b>100</b>
Balasore, Odisha	1	0	0	1	0	0	48	0	50
Palamu, Jhr	0	0	0	0	50	0	0	0	50
E Singhbhum, Jhr	0	0	0	0	32	0	1	17	50
<b>Total Un-org. Brothels</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>82</b>	<b>0</b>	<b>49</b>	<b>17</b>	<b>150</b>
<b>%</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>55</b>	<b>0</b>	<b>33</b>	<b>11</b>	<b>100</b>
<b>Grand Total</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>82</b>	<b>1</b>	<b>86</b>	<b>120</b>	<b>300</b>
<b>%</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>27</b>	<b>0</b>	<b>29</b>	<b>40</b>	<b>100</b>

**Table No. 4.1 3: Distribution of Victims of CSE by Religion**

<b>Brothels</b>	<b>Hindu</b>	<b>Muslim</b>	<b>Christian</b>	<b>Total</b>
Darjeeling, WB	28	22	0	50
South 24 Pgr, WB	34	16	0	50
Khurda, Odisha	48	2	0	50
<b>Total Org. Brothels</b>	<b>110</b>	<b>40</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>73</b>	<b>27</b>	<b>0</b>	<b>100</b>
Balasore, Odisha	45	5	0	50
Palamu, Jhr	46	3	1	50
E Singhbhum, Jhr	46	4	0	50
<b>Total Un-org. Brothels</b>	<b>137</b>	<b>12</b>	<b>1</b>	<b>150</b>
<b>%</b>	<b>91</b>	<b>8</b>	<b>1</b>	<b>100</b>
<b>Grand Total</b>	<b>247</b>	<b>52</b>	<b>1</b>	<b>300</b>
<b>%</b>	<b>82</b>	<b>17</b>	<b>0</b>	<b>100</b>

**Table No. 4.1.4 Distribution of Victims of CSE by Caste**

<b>Brothels</b>	<b>SC</b>	<b>ST</b>	<b>OBC</b>	<b>GC</b>	<b>No Caste</b>	<b>Total</b>
Darjeeling, WB	6	2	11	9	22	50
South 24 Pgr, WB	14	0	4	16	16	50
Khurda, Odisha	12	2	12	22	2	50
<b>Total Org. Brothels</b>	<b>32</b>	<b>4</b>	<b>27</b>	<b>47</b>	<b>40</b>	<b>150</b>
<b>%</b>	<b>21</b>	<b>3</b>	<b>18</b>	<b>31</b>	<b>27</b>	<b>100</b>
Balasore, Odisha	8	12	9	16	5	50
Palamu, Jhr	9	8	29	0	4	50
E Singhbhum, Jhr	3	27	15	2	3	50
<b>Total Un-org. Brothels</b>	<b>20</b>	<b>47</b>	<b>53</b>	<b>18</b>	<b>12</b>	<b>150</b>
<b>%</b>	<b>13</b>	<b>31</b>	<b>35</b>	<b>12</b>	<b>8</b>	<b>100</b>
<b>Grand Total</b>	<b>52</b>	<b>51</b>	<b>80</b>	<b>65</b>	<b>52</b>	<b>300</b>
<b>%</b>	<b>17</b>	<b>17</b>	<b>27</b>	<b>22</b>	<b>17</b>	<b>100</b>



**Table No. 4.1.5: Distribution of Victims of CSE by Education**

<b>Brothels</b>	<b>Illiterate</b>	<b>Literate</b>	<b>Primary</b>	<b>Middle</b>	<b>Secondary and Above</b>	<b>Total</b>
Darjeeling, WB	30	19	1	0	0	50
South 24 Pgr, WB	25	9	14	2	0	50
Khurda, Odisha	18	1	30	1	0	50
<b>Total Org. Brothels</b>	<b>73</b>	<b>29</b>	<b>45</b>	<b>3</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>49</b>	<b>19</b>	<b>30</b>	<b>2</b>	<b>0</b>	<b>100</b>
Balasore, Odisha	7	13	13	12	5	50
Palamu, Jhr	35	13	1	1	0	50
E Singhbhum, Jhr	23	18	5	3	1	50
<b>Total Un-org. Brothels</b>	<b>65</b>	<b>44</b>	<b>19</b>	<b>16</b>	<b>6</b>	<b>150</b>
<b>%</b>	<b>43</b>	<b>29</b>	<b>13</b>	<b>11</b>	<b>4</b>	<b>100</b>
<b>Grand Total</b>	<b>138</b>	<b>73</b>	<b>64</b>	<b>19</b>	<b>6</b>	<b>300</b>
<b>%</b>	<b>46</b>	<b>24</b>	<b>21</b>	<b>6</b>	<b>2</b>	<b>100</b>

**Table No. 4.1.6: Distribution of Victims of CSE by Marital Status**

<b>Brothels</b>	<b>Unmarried</b>	<b>Married</b>	<b>Widow</b>	<b>Divorced</b>	<b>Separated</b>	<b>Other</b>	<b>Total</b>
Darjeeling, WB	20	11	3	1	9	6	50
South 24 Pgr, WB	2	3	4	17	0	24	50
Khurda, Odisha	6	1	2	0	8	33	50
<b>Total Org. Brothels</b>	<b>28</b>	<b>15</b>	<b>9</b>	<b>18</b>	<b>17</b>	<b>63</b>	<b>150</b>
<b>%</b>	<b>19</b>	<b>10</b>	<b>6</b>	<b>12</b>	<b>11</b>	<b>42</b>	<b>100</b>
Balasore, Odisha	1	37	2	2	8	0	50
Palamu, Jhr	5	40	1	0	1	3	50
E Singhbhum, Jhr	12	31	5	2	0	0	50
<b>Total Un-org. Brothels</b>	<b>18</b>	<b>108</b>	<b>8</b>	<b>4</b>	<b>9</b>	<b>3</b>	<b>150</b>
<b>%</b>	<b>12</b>	<b>72</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>100</b>
<b>Grand Total</b>	<b>46</b>	<b>123</b>	<b>17</b>	<b>22</b>	<b>26</b>	<b>66</b>	<b>300</b>
<b>%</b>	<b>15</b>	<b>41</b>	<b>6</b>	<b>7</b>	<b>9</b>	<b>22</b>	<b>100</b>

**Table No. 4.1.7: Distribution of Married Victims of CSE by Age at Marriage**

<b>Brothels</b>	<b>&lt;15</b>	<b>15-17</b>	<b>18-20</b>	<b>&gt;20</b>	<b>Total</b>
Darjeeling, WB	0	7	4	0	11
South 24 Pgr, WB	1	1	1	0	3
Khurda, Odisha	0	1	0	0	1
<b>Total Org. Brothels</b>	<b>1</b>	<b>9</b>	<b>5</b>	<b>0</b>	<b>15</b>
<b>%</b>	<b>7</b>	<b>60</b>	<b>33</b>	<b>0</b>	<b>100</b>
Balasore, Odisha	1	14	12	10	37
Palamu, Jhr	1	10	29	0	40
E Singhbhum, Jhr	0	12	17	2	31
<b>Total Un-org. Brothels</b>	<b>2</b>	<b>36</b>	<b>58</b>	<b>12</b>	<b>108</b>
<b>%</b>	<b>0.93</b>	<b>33.64</b>	<b>54.20</b>	<b>11.21</b>	<b>100</b>
<b>Grand Total</b>	<b>3</b>	<b>45</b>	<b>63</b>	<b>12</b>	<b>123</b>
<b>%</b>	<b>1.63</b>	<b>36.88</b>	<b>51.63</b>	<b>9.83</b>	<b>100</b>

**Table No. 4.1.8: Distribution of Victims of CSE by No. of Children**

<b>Brothels</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4 and above</b>	<b>Total</b>
Darjeeling, WB	27	18	3	1	1	50
South 24 Pgr, WB	5	21	19	4	1	50
Khurda, Odisha	12	21	9	6	2	50
<b>Total Org. Brothels</b>	<b>44</b>	<b>60</b>	<b>31</b>	<b>11</b>	<b>4</b>	<b>150</b>
<b>%</b>	<b>29</b>	<b>40</b>	<b>21</b>	<b>7</b>	<b>3</b>	<b>100</b>
Balasore, Odisha	2	15	17	14	2	50
Palamu, Jhr	5	2	18	16	9	50
E Singhbhum, Jhr	17	12	12	5	4	50
<b>Total Un-org. Brothels</b>	<b>24</b>	<b>29</b>	<b>47</b>	<b>35</b>	<b>15</b>	<b>150</b>
<b>%</b>	<b>16</b>	<b>19</b>	<b>31</b>	<b>23</b>	<b>10</b>	<b>100</b>
<b>Grand Total</b>	<b>68</b>	<b>89</b>	<b>78</b>	<b>46</b>	<b>19</b>	<b>300</b>
<b>%</b>	<b>23</b>	<b>30</b>	<b>26</b>	<b>15</b>	<b>6</b>	<b>100</b>

**Table No. 4.1. 9: Distribution of Victims of CSE by Person Living with**

<b>Brothels</b>	<b>Alone</b>	<b>Brothel Keeper</b>	<b>Family</b>	<b>Other</b>	<b>Total</b>
Darjeeling, WB	28	1	7	14	50
South 24 Pgr, WB	37	1	1	11	50
Khurda, Odisha	41	8	0	1	50
<b>Total Org. Brothels</b>	<b>106</b>	<b>10</b>	<b>8</b>	<b>26</b>	<b>150</b>
<b>%</b>	<b>71</b>	<b>7</b>	<b>5</b>	<b>17</b>	<b>100</b>
Balasore, Odisha	12	0	36	2	50
Palamu, Jhr	4	1	34	11	50
E Singhbhum, Jhr	15	4	25	6	50
<b>Total Un-org. Brothels</b>	<b>31</b>	<b>5</b>	<b>95</b>	<b>19</b>	<b>150</b>
<b>%</b>	<b>21</b>	<b>3</b>	<b>63</b>	<b>13</b>	<b>100</b>
<b>Grand Total</b>	<b>137</b>	<b>15</b>	<b>103</b>	<b>45</b>	<b>300</b>
<b>%</b>	<b>46</b>	<b>5</b>	<b>34</b>	<b>15</b>	<b>100</b>

**Table No. 4.1.10: Distribution of Victims by Years of Work in Commercial Sex**

<b>Brothels</b>	<b>&lt;2</b>	<b>3 to 5</b>	<b>6 to 10</b>	<b>&gt;10</b>	<b>Total</b>
Darjeeling, WB	19	10	7	14	50
South 24 Pgr, WB	3	12	15	20	50
Khurda, Odisha	0	18	7	25	50
<b>Total Org. Brothels</b>	<b>22</b>	<b>40</b>	<b>29</b>	<b>59</b>	<b>150</b>
<b>%</b>	<b>15</b>	<b>27</b>	<b>19</b>	<b>39</b>	<b>100</b>
Balasore, Odisha	0	7	23	20	50
Palamu, Jhr	3	4	10	33	50
E Singhbhum, Jhr	2	16	23	9	50
<b>Total Un-org. Brothels</b>	<b>5</b>	<b>27</b>	<b>56</b>	<b>62</b>	<b>150</b>
<b>%</b>	<b>3</b>	<b>18</b>	<b>37</b>	<b>41</b>	<b>100</b>
<b>Grand Total</b>	<b>27</b>	<b>67</b>	<b>85</b>	<b>121</b>	<b>300</b>
<b>%</b>	<b>9</b>	<b>22</b>	<b>28</b>	<b>40</b>	<b>100</b>

**Table No. 4.1.11: Distribution of Victims by Age at Entry into Commercial Sex**

Brothels	<18	18-24	25-30	>30	Total
Darjeeling, WB	12	37	1	0	50
South 24 Pgr, WB	27	18	4	1	50
Khurda, Odisha	40	10	0	0	50
<b>Total Org. Brothels</b>	<b>79</b>	<b>65</b>	<b>5</b>	<b>1</b>	<b>150</b>
<b>%</b>	<b>53</b>	<b>43</b>	<b>3</b>	<b>1</b>	<b>100</b>
Balasore, Odisha	7	35	8	0	50
Palamu, Jhr	34	16	0	0	50
E Singhbhum, Jhr	16	20	13	1	50
<b>Total Un-org. Brothels</b>	<b>57</b>	<b>71</b>	<b>21</b>	<b>1</b>	<b>150</b>
<b>%</b>	<b>38</b>	<b>47</b>	<b>14</b>	<b>1</b>	<b>100</b>
<b>Grand Total</b>	<b>136</b>	<b>136</b>	<b>26</b>	<b>2</b>	<b>300</b>
<b>%</b>	<b>45</b>	<b>45</b>	<b>9</b>	<b>1</b>	<b>100</b>

**Table No. 4.1.12: Distribution of Victims by Reason for being in Commercial Sex**

Brothels	Lured for marriage	Lured for Job	Better life prospects	Other	Total
Darjeeling, WB	5	33	8	4	50
South 24 Pgr, WB	6	36	3	5	50
Khurda, Odisha	0	23	3	24	50
<b>Total Org. Brothels</b>	<b>11</b>	<b>92</b>	<b>14</b>	<b>33</b>	<b>150</b>
<b>%</b>	<b>7</b>	<b>61</b>	<b>9</b>	<b>22</b>	<b>100</b>
Balasore, Odisha	2	40	8	0	50
Palamu, Jhr	1	45	4	0	50
E Singhbhum, Jhr	3	27	18	2	50
<b>Total Un-org. Brothels</b>	<b>6</b>	<b>112</b>	<b>30</b>	<b>2</b>	<b>150</b>
<b>%</b>	<b>4</b>	<b>75</b>	<b>20</b>	<b>1</b>	<b>100</b>
<b>Grand Total</b>	<b>17</b>	<b>204</b>	<b>44</b>	<b>35</b>	<b>300</b>
<b>%</b>	<b>6</b>	<b>68</b>	<b>15</b>	<b>12</b>	<b>100</b>

**Table No. 4.1.14: Distribution of Victims by Forms of Commercial Sex Engaged**

<b>Brothels</b>	<b>Brothel Based</b>	<b>Home Based</b>	<b>Street Based</b>	<b>Other</b>	<b>Total</b>
Darjeeling, WB	50	0	0	0	50
South 24 Pgr, WB	50	0	0	0	50
Khurda, Odisha	50	0	0	0	50
<b>Total Org. Brothels</b>	<b>150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100</b>
Balasore, Odisha	0	15	31	4	50
Palamu, Jhr	0	48	2	0	50
E Singhbhum, Jhr	0	6	39	5	50
<b>Total Un-org. Brothels</b>	<b>0</b>	<b>69</b>	<b>72</b>	<b>9</b>	<b>150</b>
<b>%</b>	<b>0.00</b>	<b>46.00</b>	<b>48.00</b>	<b>6.00</b>	<b>100</b>
<b>Grand Total</b>	<b>150</b>	<b>69</b>	<b>72</b>	<b>9</b>	<b>300</b>
<b>%</b>	<b>50.00</b>	<b>23.00</b>	<b>24.00</b>	<b>3.00</b>	<b>100</b>

**Table No. 4.1.15: Distribution of Victims of CSE by Location Mobility in CS**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Refused</b>	<b>Total</b>
Darjeeling, WB	8	41	1	50
South 24 Pgr, WB	7	43	0	50
Khurda, Odisha	8	42	0	50
<b>Total Org. Brothels</b>	<b>23</b>	<b>126</b>	<b>1</b>	<b>150</b>
<b>%</b>	<b>15.00</b>	<b>84.00</b>	<b>1.00</b>	<b>100</b>
Balasore, Odisha	20	27	3	50
Palamu, Jhr	41	8	1	50
E Singhbhum, Jhr	34	13	3	50
<b>Total Un-org. Brothels</b>	<b>95</b>	<b>48</b>	<b>7</b>	<b>150</b>
<b>%</b>	<b>63.66</b>	<b>32.00</b>	<b>4.66</b>	<b>100</b>
<b>Grand Total</b>	<b>118</b>	<b>174</b>	<b>8</b>	<b>300</b>
<b>%</b>	<b>39.33</b>	<b>58.00</b>	<b>2.33</b>	<b>100</b>

**Table No. 4.1.16: Distribution of Victims by Minor's Involvement in Commercial Sex**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>DK</b>	<b>Total</b>
Darjeeling, WB	30	3	17	50
South 24 Pgr, WB	7	41	2	50
Khurda, Odisha	1	49	0	50
<b>Total Org. Brothels</b>	<b>38</b>	<b>93</b>	<b>19</b>	<b>150</b>
<b>%</b>	<b>25</b>	<b>62</b>	<b>13</b>	<b>100</b>
Balasore, Odisha	19	11	20	50
Palamu, Jhr	5	43	2	50
E Singhbhum, Jhr	22	6	22	50
<b>Total Un-org. Brothels</b>	<b>46</b>	<b>60</b>	<b>44</b>	<b>150</b>
<b>%</b>	<b>31</b>	<b>40</b>	<b>29</b>	<b>100</b>
<b>Grand Total</b>	<b>84</b>	<b>153</b>	<b>63</b>	<b>300</b>
<b>%</b>	<b>28</b>	<b>51</b>	<b>21</b>	<b>100</b>

**Table No. 4.1.17: Distribution of Victims by Violence Encountered**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Refused</b>	<b>Total</b>
Darjeeling, WB	29	21	0	50
South 24 Pgr, WB	30	20	0	50
Khurda, Odisha	9	41	0	50
<b>Total Org. Brothels</b>	<b>68</b>	<b>82</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>45</b>	<b>55</b>	<b>0</b>	<b>100</b>
Balasore, Odisha	12	37	1	50
Palamu, Jhr	36	14	0	50
E Singhbhum, Jhr	38	7	5	50
<b>Total Un-org. Brothels</b>	<b>86</b>	<b>58</b>	<b>6</b>	<b>150</b>
<b>%</b>	<b>57</b>	<b>39</b>	<b>4</b>	<b>100</b>
<b>Grand Total</b>	<b>154</b>	<b>140</b>	<b>6</b>	<b>300</b>
<b>%</b>	<b>51</b>	<b>47</b>	<b>2</b>	<b>100</b>

**Table No. 4.1.18: Distribution of Victims by Place of Client Violence**

<b>Brothels</b>	<b>Brothels</b>	<b>Hotel</b>	<b>Home</b>	<b>Street</b>	<b>Other</b>	<b>Total</b>
Darjeeling, WB	29	0	0	0	0	29
South 24 Pgr, WB	30	0	0	0	0	30
Khurda, Odisha	9	0	0	0	0	9
<b>Total Org. Brothels</b>	68	0	0	0	0	68(48.33)
<b>%</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>100.00</b>
Balasore, Odisha	0	4	2	5	1	12
Palamu, Jhr	0	12	0	0	24	36
E Singhbhum, Jhr	0	16	2	18	2	38
<b>Total Un-org. Brothels</b>	0	32	4	23	27	86(57.33)
<b>%</b>	<b>0</b>	<b>37.20</b>	<b>4.65</b>	<b>26.74</b>	<b>31.40</b>	<b>100</b>
<b>Grand Total</b>	68	32	4	23	27	154
<b>%</b>	<b>44.15</b>	<b>20.77</b>	<b>2.60</b>	<b>14.93</b>	<b>17.53</b>	<b>100.00</b>

**Table No. 4.1.19: Distribution of Victims by Refusal to Client for Service**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Darjeeling, WB	5	45	50
South 24 Pgr, WB	15	35	50
Khurda, Odisha	2	48	50
<b>Total Org. Brothels</b>	<b>22</b>	<b>128</b>	<b>150</b>
<b>%</b>	<b>15</b>	<b>85</b>	<b>100</b>
Balasore, Odisha	8	42	50
Palamu, Jhr	5	45	50
E Singhbhum, Jhr	33	17	50
<b>Total Un-org. Brothels</b>	<b>46</b>	<b>104</b>	<b>150</b>
<b>%</b>	<b>31</b>	<b>69</b>	<b>100</b>
<b>Grand Total</b>	<b>68</b>	<b>232</b>	<b>300</b>
<b>%</b>	<b>23</b>	<b>77</b>	<b>100</b>

**Table No. 4.1.20: Distribution of Victims by Reason for Refusal**

Brothels	Alcohol/Drug Addict	Sex Without Condom	Client Fees	Abnormal Sex	Other	Total
Darjeeling, WB	1	0	0	4	0	5
South 24 Pgr, WB	2	1	2	8	2	15
Khurda, Odisha	2	0	0	0	0	2
<b>Total Org. Brothels</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>12</b>	<b>2</b>	<b>22</b>
<b>%</b>	<b>23</b>	<b>5</b>	<b>9</b>	<b>55</b>	<b>9</b>	<b>100</b>
Balasore, Odisha	4	0	0	4	0	8
Palamu, Jhr	3	0	2	0	0	5
E Singhbhum, Jhr	25	8	0	0	0	33
<b>Total Un-org. Brothels</b>	<b>32</b>	<b>8</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>46</b>
<b>%</b>	<b>70</b>	<b>17</b>	<b>4</b>	<b>9</b>	<b>0</b>	<b>100</b>
<b>Grand Total</b>	<b>37</b>	<b>9</b>	<b>4</b>	<b>16</b>	<b>2</b>	<b>68</b>
<b>%</b>	<b>54</b>	<b>13</b>	<b>6</b>	<b>24</b>	<b>3</b>	<b>100</b>

**Table No. 4.1.21: Distribution of Victims by Sex during Childhood under Lure or Pressure**

Brothels	Yes	No	Refused	Total
Darjeeling, WB	23	12	15	50
South 24 Pgr, WB	19	25	6	50
Khurda, Odisha	36	14	0	50
<b>Total Org. Brothels</b>	<b>78</b>	<b>51</b>	<b>21</b>	<b>150</b>
<b>%</b>	<b>52</b>	<b>34</b>	<b>14</b>	<b>100</b>
Balasore, Odisha	13	36	1	50
Palamu, Jhr	20	30	0	50
E Singhbhum, Jhr	28	12	10	50
<b>Total Un-org. Brothels</b>	<b>61</b>	<b>78</b>	<b>11</b>	<b>150</b>
<b>%</b>	<b>41</b>	<b>52</b>	<b>7</b>	<b>100</b>
<b>Grand Total</b>	<b>139</b>	<b>129</b>	<b>32</b>	<b>300</b>
<b>%</b>	<b>46</b>	<b>43</b>	<b>11</b>	<b>100</b>



**Table No. 4.1.22: Distribution of Victims by Age of 1<sup>st</sup> Sex during Childhood**

<b>Brothels</b>	<b>&lt;12</b>	<b>12-14</b>	<b>15-17</b>	<b>Total</b>
Darjeeling, WB	0	8	15	23
South 24 Pgr, WB	0	6	13	19
Khurda, Odisha	0	9	27	36
<b>Total Org. Brothels</b>	<b>0</b>	<b>23</b>	<b>55</b>	<b>78</b>
<b>%</b>	<b>0.00</b>	<b>29.49</b>	<b>70.51</b>	<b>100.00</b>
Balasore, Odisha	0	1	12	13
Palamu, Jhr	1	2	17	20
E Singhbhum, Jhr	0	4	24	28
<b>Total Un-org. Brothels</b>	<b>1</b>	<b>7</b>	<b>53</b>	<b>61</b>
<b>%</b>	<b>1.63</b>	<b>11.47</b>	<b>86.88</b>	<b>100.00</b>
<b>Grand Total</b>	<b>1</b>	<b>30</b>	<b>108</b>	<b>139</b>
<b>%</b>	<b>0.71</b>	<b>21.58</b>	<b>77.69</b>	<b>100.00</b>

**Table No. 4.1.23: Distribution of Victims by Person lured/Pressurized**

<b>Brothels</b>	<b>Neighbor</b>	<b>Peer</b>	<b>Relative</b>	<b>Teacher</b>	<b>Pimp</b>	<b>Stranger</b>	<b>Other</b>	<b>Total</b>
Darjeeling, WB	6	7	8	0	1	1	0	23
South 24 Pgr, WB	1	3	4	0	1	8	2	19
Khurda, Odisha	18	5	11		2			36
<b>Total Org. Brothels</b>	<b>25</b>	<b>15</b>	<b>23</b>	<b>0</b>	<b>4</b>	<b>9</b>	<b>2</b>	<b>78</b>
<b>%</b>	<b>32</b>	<b>19</b>	<b>29</b>	<b>0</b>	<b>5</b>	<b>12</b>	<b>3</b>	<b>100</b>
Balasore, Odisha	5	0	0	1	2	5	0	13
Palamu, Jhr	8	7	0	0	0	5	0	20
E Singhbhum, Jhr	13	3	5	0	0	7	0	28
<b>Total Un-org. Brothels</b>	<b>26</b>	<b>10</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>17</b>	<b>0</b>	<b>61</b>
<b>%</b>	<b>43</b>	<b>16</b>	<b>8</b>	<b>2</b>	<b>3</b>	<b>28</b>	<b>0</b>	<b>100</b>
<b>Grand Total</b>	<b>51</b>	<b>25</b>	<b>28</b>	<b>1</b>	<b>6</b>	<b>26</b>	<b>2</b>	<b>139</b>
<b>%</b>	<b>37</b>	<b>18</b>	<b>20</b>	<b>1</b>	<b>4</b>	<b>19</b>	<b>1</b>	<b>100</b>

**Table No. 4.1.24: Distribution of Victims by Reason for being Lured/Pressurized**

Brothels	Money	Gift	Relationship	Other	Total
Darjeeling, WB	5	3	12	3	23
South 24 Pgr, WB	10	0	5	4	19
Khurda, Odisha	6	5	23	2	36
<b>Total Org. Brothels</b>	<b>21</b>	<b>8</b>	<b>40</b>	<b>9</b>	<b>78</b>
<b>%</b>	<b>27</b>	<b>10</b>	<b>51</b>	<b>12</b>	<b>100</b>
Balasore, Odisha	4	2	4	3	13
Palamu, Jhr	5	1	13	1	20
E Singhbhum, Jhr	11	6	5	7	29
<b>Total Un-org. Brothels</b>	<b>20</b>	<b>9</b>	<b>22</b>	<b>11</b>	<b>62</b>
<b>%</b>	<b>32</b>	<b>15</b>	<b>35</b>	<b>18</b>	<b>100</b>
<b>Grand Total</b>	<b>41</b>	<b>17</b>	<b>62</b>	<b>20</b>	<b>140</b>
<b>%</b>	<b>29</b>	<b>12</b>	<b>44</b>	<b>14</b>	<b>100</b>

**Table No. 4.1.25: Distribution of Victims by Frequency of Condom Use**

Brothels	Every Time	Most Often	Less Often	Rare	Total
Darjeeling, WB	39	8	3	0	50
South 24 Pgr, WB	34	12	4	0	50
Khurda, Odisha	50	0	0	0	50
<b>Total Org. Brothels</b>	<b>123</b>	<b>20</b>	<b>7</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>82</b>	<b>13</b>	<b>5</b>	<b>0</b>	<b>100</b>
Balasore, Odisha	28	12	8	2	50
Palamu, Jhr	28	15	7	0	50
E Singhbhum, Jhr	43	5	2	0	50
<b>Total Un-org. Brothels</b>	<b>99</b>	<b>32</b>	<b>17</b>	<b>2</b>	<b>150</b>
<b>%</b>	<b>66</b>	<b>21</b>	<b>11</b>	<b>1</b>	<b>100</b>
<b>Grand Total</b>	<b>222</b>	<b>52</b>	<b>24</b>	<b>2</b>	<b>300</b>
<b>%</b>	<b>74</b>	<b>17</b>	<b>8</b>	<b>1</b>	<b>100</b>

**Table No. 4.1.26: Distribution of Victims by Reason for Not Always Using Condom**

<b>Brothels</b>	<b>Not Available</b>	<b>Client Unwilling</b>	<b>Other</b>	<b>Total</b>
Darjeeling, WB	2	8	1	11
South 24 Pgr, WB	7	7	2	16
Khurda, Odisha	0	0	0	0
<b>Total Org. Brothels</b>	<b>9</b>	<b>15</b>	<b>3</b>	<b>27</b>
<b>%</b>	<b>33</b>	<b>56</b>	<b>11</b>	<b>100</b>
Balasore, Odisha	10	10	2	22
Palamu, Jhr	12	9	1	22
E Singhbhum, Jhr	2	2	3	7
<b>Total Un-org. Brothels</b>	<b>24</b>	<b>21</b>	<b>6</b>	<b>51</b>
<b>%</b>	<b>47</b>	<b>41</b>	<b>12</b>	<b>100</b>
<b>Grand Total</b>	<b>33</b>	<b>36</b>	<b>9</b>	<b>78</b>
<b>%</b>	<b>42</b>	<b>46</b>	<b>12</b>	<b>100</b>

**Table No. 4.1.27: Distribution of Victims by Heard of HIV/AIDS**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Darjeeling, WB	50	0	50
South 24 Pgr, WB	50	0	50
Khurda, Odisha	50	0	50
<b>Total Org. Brothels</b>	<b>150</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>100</b>	<b>0</b>	<b>100</b>
Balasore, Odisha	50	0	50
Palamu, Jhr	50	0	50
E Singhbhum, Jhr	49	1	50
<b>Total Un-org. Brothels</b>	<b>149</b>	<b>1</b>	<b>150</b>
<b>%</b>	<b>99</b>	<b>1</b>	<b>100</b>
<b>Grand Total</b>	<b>299</b>	<b>1</b>	<b>300</b>
<b>%</b>	<b>99.67</b>	<b>0.33</b>	<b>100</b>

**Table No. 4.1.28: Distribution of Victims by Source of Information about HIV/AIDS**

<b>Brothels</b>	<b>Mass Media</b>	<b>Co Worker</b>	<b>NGO</b>	<b>Other</b>	<b>Total</b>
Darjeeling, WB	4	1	45	0	50
South 24 Pgr, WB	0	0	50	0	50
Khurda, Odisha	16	0	34	0	50
<b>Total Org. Brothels</b>	20	1	129	0	150
<b>%</b>	13	1	86	0	100
Balasore, Odisha	7	0	42	1	50
Palamu, Jhr	0	3	45	2	50
E Singhbhum, Jhr	10	2	37	0	49
<b>Total Un-org. Brothels</b>	17	5	124	3	149
<b>%</b>	11	3	83	2	100
<b>Grand Total</b>	37	6	253	3	299
<b>%</b>	12	2	85	1	100

**Table No. 4.1.29: Distribution of Victims by Perception that a Person with STD is Prone to HIV / AIDS**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>DK</b>	<b>Total</b>
Darjeeling, WB	39	0	11	50
South 24 Pgr, WB	30	0	20	50
Khurda, Odisha	50	0	0	50
<b>Total Org. Brothels</b>	119	0	31	150
<b>%</b>	79	0	21	100
Balasore, Odisha	34	3	13	50
Palamu, Jhr	12	0	38	50
E Singhbhum, Jhr	34	0	16	50
<b>Total Un-org. Brothels</b>	80	3	67	150
<b>%</b>	53	2	45	100
<b>Grand Total</b>	199	3	98	300
<b>%</b>	66	1	33	100

**Table No. 4.1.30: Distribution of Victims by Perception that HIV Mainly Spreads Through Unprotected Sex**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>DK</b>	<b>Total</b>
Darjeeling, WB	41	0	9	50
South 24 Pgr, WB	32	0	18	50
Khurda, Odisha	50	0	0	50
<b>Total Org. Brothels</b>	123	0	27	150
<b>%</b>	82	0	18	100
Balasore, Odisha	43	3	4	50
Palamu, Jhr	29	0	21	50
E Singhbhum, Jhr	40	0	10	50
<b>Total Un-org. Brothels</b>	112	3	35	150
<b>%</b>	75	2	23	100
<b>Grand Total</b>	235	3	62	300
<b>%</b>	78	1	21	100

**Table No. 4.1.31: Distribution of Victims by Perception that Condom Use reduces the Risk of HIV/AIDS/STD**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>DK</b>	<b>Total</b>
Darjeeling, WB	49	0	1	50
South 24 Pgr, WB	46	1	3	50
Khurda, Odisha	50	0	0	50
<b>Total Org. Brothels</b>	145	1	4	150
<b>%</b>	97	1	3	100
Balasore, Odisha	42	3	5	50
Palamu, Jhr	10	0	40	50
E Singhbhum, Jhr	32	0	18	50
<b>Total Un-org. Brothels</b>	84	3	63	150
<b>%</b>	56	2	42	100
<b>Grand Total</b>	229	4	67	300
<b>%</b>	76	1	22	100

**Table No. 4.1.32: Distribution of Victims by Perception that Commercial Sex Worker is most Susceptible to HIV/AIDS**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>DK</b>	<b>Total</b>
Darjeeling, WB	50	0	0	50
South 24 Pgr, WB	49	1	0	50
Khurda, Odisha	50	0	0	50
<b>Total Org. Brothels</b>	149	1	0	150
<b>%</b>	99	1	0	100
Balasore, Odisha	42	3	5	50
Palamu, Jhr	28	1	21	50
E Singhbhum, Jhr	37	0	13	50
<b>Total Un-org. Brothels</b>	107	4	39	150
<b>%</b>	71	3	26	100
<b>Grand Total</b>	256	5	39	300
<b>%</b>	85	2	13	100

**Table No. 4.1.33: Distribution of Victims of CSE by Intake of Alcohol/Drugs**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Refused</b>	<b>Total</b>
Darjeeling, WB	46	4	0	50
South 24 Pgr, WB	31	18	1	50
Khurda, Odisha	50	0	0	50
<b>Total Org. Brothels</b>	127	22	1	150
<b>%</b>	85	15	1	100
Balasore, Odisha	9	41	0	50
Palamu, Jhr	7	43	0	50
E Singhbhum, Jhr	30	7	13	50
<b>Total Un-org. Brothels</b>	46	91	13	150
<b>%</b>	31	61	9	100
<b>Grand Total</b>	173	113	14	300
<b>%</b>	58	38	5	100

**Table No. 4.1.34: Distribution of Victims of CSE by Frequency of Alcohol/Drugs Intake**

Brothels	Rarely	Sometimes	Most Times	Every Time	Refused	Total
Darjeeling, WB	4	34	7	0	1	46
South 24 Pgr, WB	4	14	13	0		31
Khurda, Odisha	0	8	41	1		50
<b>Total Org. Brothels</b>	8	56	61	1	1	127
%	6	44	48	1	1	100
Balasore, Odisha	0	4	1	3	1	9
Palamu, Jhr	0	7	0	0	0	7
E Singhbhum, Jhr	0	24	6	0	0	30
<b>Total Un-org. Brothels</b>	0	35	7	3	1	46
%	0	76	15	7	2	100
<b>Grand Total</b>	8	91	68	4	2	173
%	5	53	39	2	1	100

**Table No. 4.1.35: Distribution of Victims of CSE by Reason for Alcohol/Drugs Intake**

Brothels	Client demand	Physical Relief	Thrill/ Excitement	Brothel Way of Life	Total
Darjeeling, WB	35	4	1	6	46
South 24 Pgr, WB	17	6	2	6	31
Khurda, Odisha	19	25	5	1	50
<b>Total Org. Brothels</b>	71	35	8	13	127
%	56	28	6	10	100
Balasore, Odisha	7	2	0	0	9
Palamu, Jhr	7	0	0	0	7
E Singhbhum, Jhr	16	3	12	0	31
<b>Total Un-org. Brothels</b>	30	5	12	0	47
%	64	11	26	0	100
<b>Grand Total</b>	101	40	20	13	174
%	58	23	11	7	100

**Table No. 4.1.36: Distribution of Victims of CSE by Health Problems**

<b>Brothels</b>	<b>Headache /Fatigue Backache</b>	<b>Uro-genital/ Gynecological</b>	<b>HIV</b>	<b>Other</b>	<b>None</b>	<b>Total</b>
Darjeeling, WB	13	6	1	8	22	50
South 24 Pgr, WB	12	2	1	12	23	50
Khurda, Odisha	13	3	0	5	29	50
<b>Total Org. Brothels</b>	38	11	2	25	74	150
<b>%</b>	25.33	7.33	1.33	16.66	46.33	100.00
Balasore, Odisha	8	9	1	9	23	50
Palamu, Jhr	24	3	0	12	11	50
E Singhbhum, Jhr	15	3	1	7	24	50
<b>Total Un-org. Brothels</b>	47	15	2	28	58	150
<b>%</b>	31.33	10.00	1.33	18.54	38.66	100.00
<b>Grand Total</b>	85	26	4	53	132	300
<b>%</b>	28.33	8.66	1.33	17.66	44.00	100.00

**Table No. 4.1.37: Distribution of Victims of CSE by Possession of Mobile Handset**

<b>Brothels</b>	<b>Basic</b>	<b>Smart</b>	<b>None</b>	<b>Total</b>
Darjeeling, WB	36	10	4	50
South 24 Pgr, WB	40	3	7	50
Khurda, Odisha	50	0	0	50
<b>Total Org. Brothels</b>	126	13	11	150
<b>%</b>	84	9	7	100
Balasore, Odisha	38	9	3	50
Palamu, Jhr	37	11	2	50
E Singhbhum, Jhr	40	4	6	50
<b>Total Un-org. Brothels</b>	115	24	11	150
<b>%</b>	77	16	7	100
<b>Grand Total</b>	241	37	22	300
<b>%</b>	80	12	7	100



**Table No. 4.1.38: Distribution of Victims of CSE by Social Network Site Used**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Darjeeling, WB	8	38	46
South 24 Pgr, WB	2	41	43
Khurda, Odisha	0	50	50
<b>Total Org. Brothels</b>	10	129	139
<b>%</b>	7	93	100
Balasore, Odisha	8	39	47
Palamu, Jhr	4	44	48
E Singhbhum, Jhr	3	41	44
<b>Total Un-org. Brothels</b>	15	124	139
<b>%</b>	10	90	100
<b>Grand Total</b>	25	253	278
<b>%</b>	8.33	91.66	100

**Table No. 4.1.39: Distribution of Victims of CSE by Encounter/Harassment by Police**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Refused</b>	<b>Total</b>
Darjeeling, WB	8	42	0	50
South 24 Pgr, WB	11	39	0	50
Khurda, Odisha	7	43	0	50
<b>Total Org. Brothels</b>	<b>26</b>	<b>124</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>17.33</b>	<b>82.67</b>	<b>0.0</b>	<b>100.00</b>
Balasore, Odisha	4	46	0	50
Palamu, Jhr	5	45	0	50
E Singhbhum, Jhr	23	15	12	50
<b>Total Un-org. Brothels</b>	<b>32</b>	<b>106</b>	<b>12</b>	<b>150</b>
<b>%</b>	<b>21.33</b>	<b>70.67</b>	<b>8.00</b>	<b>100.00</b>
<b>Grand Total</b>	<b>58</b>	<b>230</b>	<b>12</b>	<b>300</b>
<b>%</b>	<b>19.33</b>	<b>76.66</b>	<b>4.00</b>	<b>100.00</b>

**Table No. 4.1.40: Distribution of Victims of CSE by Frequency of Encounter /Harassment by Police**

<b>Brothels</b>	<b>Frequently</b>	<b>Occasionally</b>	<b>Rarely</b>	<b>Total</b>
Darjeeling, WB	2	6	0	8
South 24 Pgr, WB	3	7	1	11
Khurda, Odisha	1	4	2	7
<b>Total Org. Brothels</b>	<b>6</b>	<b>17</b>	<b>3</b>	<b>26</b>
<b>%</b>	<b>23</b>	<b>65</b>	<b>12</b>	<b>100</b>
Balasore, Odisha	1	3	0	4
Palamu, Jhr	0	1	4	5
E Singhbhum, Jhr	0	18	5	23
<b>Total Un-org. Brothels</b>	<b>1</b>	<b>22</b>	<b>9</b>	<b>32</b>
<b>%</b>	<b>3</b>	<b>69</b>	<b>28</b>	<b>100</b>
<b>Grand Total</b>	<b>7</b>	<b>39</b>	<b>12</b>	<b>58</b>
<b>%</b>	<b>12</b>	<b>67</b>	<b>21</b>	<b>100</b>

**Table No. 4.1.41: Distribution of Victims of CSE by Arrested for Soliciting Clients**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Refused</b>	<b>Total</b>
Darjeeling, WB	8	42	0	50
South 24 Pgr, WB	9	41	0	50
Khurda, Odisha	7	43	0	50
<b>Total Org. Brothels</b>	<b>24</b>	<b>126</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>16</b>	<b>84</b>	<b>0</b>	<b>100</b>
Balasore, Odisha	4	46	0	50
Palamu, Jhr	0	50	0	50
E Singhbhum, Jhr	2	42	6	50
<b>Total Un-org. Brothels</b>	<b>6</b>	<b>138</b>	<b>6</b>	<b>150</b>
<b>%</b>	<b>4</b>	<b>92</b>	<b>4</b>	<b>100</b>
<b>Grand Total</b>	<b>30</b>	<b>264</b>	<b>6</b>	<b>300</b>
<b>%</b>	<b>10</b>	<b>88</b>	<b>2</b>	<b>100</b>

**Table No. 4.1.42: Distribution of Victims of CSE by Mode of Release**

<b>Brothels</b>	Bribing	On Bail	Cash Penalty	Other	<b>Total</b>
Darjeeling, WB	5	2	1	0	8
South 24 Pgr, WB	7	0	2	0	9
Khurda, Odisha	0	2	5	0	7
<b>Total Org. Brothels</b>	<b>12</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>24</b>
<b>%</b>	<b>50</b>	<b>17</b>	<b>33</b>	<b>0</b>	<b>100</b>
Balasore, Odisha	0	3	0	1	4
Palamu, Jhr	0	0	0	0	0
E Singhbhum, Jhr	0	1	1	0	2
<b>Total Un-org. Brothels</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>6</b>
<b>%</b>	<b>0</b>	<b>67</b>	<b>17</b>	<b>17</b>	<b>100</b>
<b>Grand Total</b>	<b>12</b>	<b>8</b>	<b>9</b>	<b>1</b>	<b>30</b>
<b>%</b>	<b>40</b>	<b>27</b>	<b>30</b>	<b>3</b>	<b>100</b>

**Table No. 4.1.43: Distribution of Victims of CSE by Monthly Income**

<b>Brothels</b>	<2500	2500-5000	5001-10000	10001-15000	15001-20000	>20000	<b>Total</b>
Darjeeling, WB	0	6	14	10	12	8	50
South 24 Pgr, WB	0	14	19	12	4	1	50
Khurda, Odisha	0	0	5	23	21	1	50
<b>Total Org. Brothels</b>	<b>0</b>	<b>20</b>	<b>38</b>	<b>45</b>	<b>37</b>	<b>10</b>	<b>150</b>
<b>%</b>	<b>0</b>	<b>13</b>	<b>25</b>	<b>30</b>	<b>25</b>	<b>7</b>	<b>100</b>
Balasore, Odisha	8	37	5	0	0	0	50
Palamu, Jhr	0	7	33	7	3	0	50
E Singhbhum, Jhr	0	7	29	13	1	0	50
<b>Total Un-org. Brothels</b>	<b>8</b>	<b>51</b>	<b>67</b>	<b>20</b>	<b>4</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>5</b>	<b>34</b>	<b>45</b>	<b>13</b>	<b>3</b>	<b>0</b>	<b>100</b>
<b>Grand Total</b>	<b>8</b>	<b>71</b>	<b>105</b>	<b>65</b>	<b>41</b>	<b>10</b>	<b>300</b>
<b>%</b>	<b>3</b>	<b>24</b>	<b>35</b>	<b>22</b>	<b>14</b>	<b>3</b>	<b>100</b>

**Table No. 4.1.44: Distribution of Victims of CSE by Savings Account in Bank/PO**

<b>Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Darjeeling, WB	23	27	50
South 24 Pgr, WB	13	37	50
Khurda, Odisha	33	17	50
<b>Total Org. Brothels</b>	<b>69</b>	<b>81</b>	<b>150</b>
<b>%</b>	<b>46</b>	<b>54</b>	<b>100</b>
Balasore, Odisha	50	0	50
Palamu, Jhr	50	0	50
E Singhbhum, Jhr	50	0	50
<b>Total Un-org. Brothels</b>	<b>150</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>100</b>	<b>0</b>	<b>100</b>
<b>Grand Total</b>	<b>219</b>	<b>81</b>	<b>300</b>
<b>%</b>	<b>73</b>	<b>27</b>	<b>100</b>

**Table No. 4.1.45: Distribution of Victims of CSE by Possession of Original Personal ID**

<b>Brothels</b>	<b>Self</b>	<b>Home</b>	<b>Brothel Keeper</b>	<b>NA</b>	<b>Total</b>
Darjeeling, WB	31	18	1	0	50
South 24 Pgr, WB	45	5	0	0	50
Khurda, Odisha	28	12	0	10	50
<b>Total Org. Brothels</b>	<b>104</b>	<b>35</b>	<b>1</b>	<b>10</b>	<b>150</b>
<b>%</b>	<b>69.33</b>	<b>23.33</b>	<b>0.66</b>	<b>6.66</b>	<b>100</b>
Balasore, Odisha	50	0	0	0	50
Palamu, Jhr	46	2	2	0	50
E Singhbhum, Jhr	35	15	0	0	50
<b>Total Un-org. Brothels</b>	<b>131</b>	<b>17</b>	<b>2</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>87.33</b>	<b>11.33</b>	<b>1.33</b>	<b>0.00</b>	<b>100</b>
<b>Grand Total</b>	<b>235</b>	<b>52</b>	<b>3</b>	<b>10</b>	<b>300</b>
<b>%</b>	<b>78.33</b>	<b>17.33</b>	<b>1.00</b>	<b>3.33</b>	<b>100</b>

**Table No. 4.1.46: Distribution of Victims of CSE by Willingness to Exit from Profession**

<b>Brothels</b>	<b>No</b>	<b>Yes</b>	<b>DK</b>	<b>Refused</b>	<b>Already Left</b>	<b>Total</b>
Darjeeling, WB	30	11	7	0	2	50
South 24 Pgr, WB	39	4	4	0	3	50
Khurda, Odisha	37	10	1	0	2	50
<b>Total Org. Brothels</b>	<b>106</b>	<b>25</b>	<b>12</b>	<b>0</b>	<b>7</b>	<b>150</b>
<b>%</b>	<b>71</b>	<b>17</b>	<b>8</b>	<b>0</b>	<b>5</b>	<b>100</b>
Balasore, Odisha	29	16	5	0	0	50
Palamu, Jhr	25	25	0	0	0	50
E Singhbhum, Jhr	12	7	26	5	0	50
<b>Total Un-org. Brothels</b>	<b>66</b>	<b>48</b>	<b>31</b>	<b>5</b>	<b>0</b>	<b>150</b>
<b>%</b>	<b>44</b>	<b>32</b>	<b>21</b>	<b>3</b>	<b>0</b>	<b>100</b>
<b>Grand Total</b>	<b>172</b>	<b>73</b>	<b>43</b>	<b>5</b>	<b>7</b>	<b>300</b>
<b>%</b>	<b>57</b>	<b>24</b>	<b>14</b>	<b>2</b>	<b>2</b>	<b>100</b>

**Table No. 4.1.47: Distribution of Victims of CSE by Rehabilitation Options**

<b>Brothels</b>	<b>Alternative Livelihood</b>	<b>Livelihood and House to Stay</b>	<b>Total</b>
Darjeeling, WB	0	11	11
South 24 Pgr, WB	0	4	4
Khurda, Odisha	2	8	10
<b>Total Org. Brothels</b>	<b>2</b>	<b>23</b>	<b>25</b>
<b>%</b>	<b>8</b>	<b>92</b>	<b>100</b>
Balasore, Odisha	1	15	16
Palamu, Jhr	25	0	25
E Singhbhum, Jhr	1	6	7
<b>Total Un-org. Brothels</b>	<b>27</b>	<b>21</b>	<b>48</b>
<b>%</b>	<b>56</b>	<b>44</b>	<b>100</b>
<b>Grand Total</b>	<b>29</b>	<b>44</b>	<b>73</b>
<b>%</b>	<b>40</b>	<b>60</b>	<b>100</b>

## **4.2 BROTHEL OWNERS: THE PERPETRATORS**

A brothel includes any house, room, conveyance or place, or any portion of any house, room, conveyance or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes (Section 2a, ITPA, 1956). The ITPA makes it a crime to keep a brothel or allow premises to be used as a brothel and has provisions for the punishment of those living on the earnings of women in commercial sex, procuring a person for commercial sex and detaining a person in premises where commercial sex is conducted (Ghosh, 2009).

The Brothel Owner refers to one who is in control of the brothel and is commonly known as Brothel Manager, Brothel Keeper, Mashi etc. Commercial sexual exploitation of women and girl children is mostly brothel based. The brothel owner is the chief functionary of the brothel and her role is central to the exploitative process of the victims. 30 brothels owners -15 from red light zones and 15 from non red light zones were interviewed. The brothel structures in non red light zones as residential houses, highway hotels and dhabas, beauty parlors etc which were places of commercial sex exploitation under force/fraud/coercion could be considered as brothels and their owners as brothels owners.

**4.2.1:** The majority (47%) of the brothel owners were middle aged women between 36-45 years of age. One third (33%) were in the age group of 46-60 years. A significant 17% who were successor to the brothels owned by their mothers were little younger under 25-35 age group. There were no brothel owners below 25 years of age.

**4.2.2:** The brothels in the red light areas were exclusively owned by the females only. In non red light areas, the brothel owners were predominantly females (66.66%) with significant presence of male owners (33.33%). Both the areas taken together, the females accounted for 83% of the brothel owners followed by males (17%).

**4.2.3:** The brothel owners were either illiterate (30%) or were just literate (30%). Another 30% had education up to the primary level. Two of the brothel owners were educated up to the middle level.

**4.2.4:** Nearly three fourth (73%) of the brothel owners were Hindus and the remaining were Muslims (27%).

**4.2.5:** The brothel owners cut across all caste groups. Among the Hindu owners, the Scheduled Castes and the General Castes were in equal proportion of 45% each. Two brothel keepers belonging to the ST group were found in Jharkhand only.

**4.2.6:** Nearly three fourth of the brothel owners reported being married, majority of them later widowed, separated, deserted or divorced. Some reported adopting Babus as their husband and had children from them. Babus were not legal husbands, most of them being the ex- clients of the owners when in commercial sex.

**4.2.7:** Two thirds of the brothel owners reported sex work as their previous occupation. They had themselves been victims of commercial sexual exploitation. About one third inherited the brothels from their parents (Mothers) who were too old to look after the brothels. These young brothels owners were not the victims of CSE and used to stay outside brothels.

**4.2.8:** Over 50% of the brothel owners reported running brothels for less than 10 years, another one third for 10-20 years, and remaining 13% for more than 20 years. In red light zones, about three fourth of the brothel keepers reported running brothels for over 10 years

**4.2.9:** A little less than two thirds of the brothel owners owned the brothels either through inheritance or otherwise. 30% had the brothels running from the building held on rent. In red light zones, the brothels were being run predominantly from owned building (87%) of the brothel keepers, a small 13% of the building held on rent.

**4.2.10:** The brothels in red light zones are larger in size in terms of no. of rooms than in the non red light zones. Two third of the brothels had less than 5 rooms, only a quarter having 5-10 rooms as reported by the brothel owners. About 50% of the brothels in red light areas were having more than 5 rooms, a significant 20% of those having more than 10 rooms to accommodate a good no. of victims.

**4.2.11:** The largest 47% of the brothels were being operated with up to 5 victims and 37% had up to 10 victims in commercial sex. About 17% of the brothels had more than 10 victims in commercial sex. The brothel owners denied keeping any minor girls due to fear of police raid and legal complications

**4.2.12:** Apart from regular sex workers, some of the brothels used to run with flying sex workers who worked during the day time only. The no. of such workers per brothel varied. More than one

third (37%) of the brothels had less than five visiting workers and one fifth (20%) had 5 to 10 commercial sex workers. However the largest 40% of the brothels owners denied any flying workers engaged in the brothels. These workers were mostly unmarried needing extra money to supplement family income and might not be trafficked. The flying workers reported paying 50% of the clients' fees to the brothel owners

**4.2.13:** Unorganized-brothels-based commercial sexual exploitation usually takes place in hotels, guest houses, farmhouses and in residential premises. None of the brothel owners in the red light areas reported sending out the brothels inmates outside. However, one third of the owners in non red light zones admitted sending out girls to hotels, guest houses etc on individual demand.

**4.2.14:** A pimp was a person who caused a woman or girl to engage in commercial sex in order to profit from her exploitation. The majority (43%) of the brothel owners reported no links with any pimps to operate the brothels. One third (33%) of them dealt with one to two and one fourth (23.33) dealing with 3 to 5 pimps mostly the women previously in commercial sex of the brothels. More than half (53%) of the brothel owners in the red light zones reported running brothels without any pimps.

**4.2.15:** The victims in most of the brothels (60%) were required to pay the room rent on monthly basis along with half of each client's fees to the brothel owners. In about one third of the brothels, apart from monthly room rent, the victims were paying a fixed amount from Rs, 100 to Rs.120 per client fees irrespective of their earning. In rare cases, the brothel owners charged room rent ranging from Rs.100 to Rs.150 per day without any share from the clients fees in which the victim retained all clients' fees for herself. Room Rent on monthly basis along with 50% of earning per client was the normal share of the brothel owners irrespective of the location of the brothels in red light or non red light zones.

**4.2.16:** Young women and girls were most in demand by the clients as reported by more than 53% of the brothel owners. Region specific women (Nepali, Assamese) were also preferred as reported by about a quarter of brothel owners (23%). In demands were also the women of fairness and beauty and the under aged girls.

**4.2.17:** The no. of clients visited a victim in brothels depended on many factors: victim's age, amenities available in the brothel, season of the year and day of the week. In general, a victim had two or less clients visited per day as replied by (33%) of the brothels owners more in non red



light areas. Over one third (37%) of the owners reported 3 to 5 clients per victim in CS. A little less than one fourth (23%) of the brothel owners reported 6-10 clients per victim largely of brothels in red light zones. Winter was reported as the peak period of business. The business varied by day of the week- weekly market day, public holiday, festival day witnessing more clients than normal days.

**4.2.18:** There was no raid as reported by 50% of the brothel owners during the month proceeding to date of survey. The raid reported was once or twice as reported by 37% and 10% of the owners. Police raid once a month was the normal practice.

**4.2.19:** The raids were usually conducted by the police on a complaint or suspicion of arrival of any minor girl in the brothel as reported by less than one third of the brothel owners (30%). 43% of the owners held that police raid was a sequel to any law and order problem arising out nonpayment of fees or misbehavior by the clients with the victims. 20% of the owners held that raids were usually conducted by police to maintain official figures of regular patrolling. Some corrupt police officers conducted raid to extract monthly quota if not given by the brothel owners in time. To prevent and control the entry of minor girls in CSE was the predominant reason for police raid as reported by the majority (47%) of the brothels owners in the red light zones.

**4.2.20:** The brothel owners themselves supervised the brothels business as to no. of clients visited, clients fees received, liquor bought and sold etc. as reported by about 87% of the owners. In small 10% of the cases where the owners were aged, the members of the owner's family as daughter, sister etc undertook the supervision of the brothels.

**4.2.21:** More than half of the brothels owners in red light areas said that their family members would take over their jobs and one third stated that they would leave their brothels to an inmate in CSE. Over 53% of the brothel keepers in non red light zones were in favor of dismantling the brothels because of strict law enforcement.

As per the brothel owners, Poverty, lack of employment options, domestic violence, marital discord, gender discriminations, armed conflicts, natural disasters, family pressure to earn etc had rendered vulnerable most of the victims forcing them to join commercial sex.

**Table No. 4.2.1: Distribution of Brothel Owners by Age Group**

<b>Brothel Owners</b>	<b>&lt;25</b>	<b>25-35</b>	<b>36-45</b>	<b>46-60</b>	<b>&gt;60</b>	<b>Total</b>
Red Light Area	0	3	8	4	0	15
<b>%</b>	<b>0.00</b>	<b>20.00</b>	<b>53.33</b>	<b>26.67</b>	<b>0.00</b>	<b>100.00</b>
Non Red Light Area	0	2	6	6	1	15
<b>%</b>	<b>0.00</b>	<b>13.33</b>	<b>40.00</b>	<b>40.00</b>	<b>6.67</b>	<b>100.00</b>
Total	0	5	14	10	1	30
<b>%</b>	<b>0.00</b>	<b>16.67</b>	<b>46.67</b>	<b>33.33</b>	<b>3.33</b>	<b>100.00</b>

**Table No. 4.2.2: Distribution of Brothel Owners by Sex**

<b>Brothel Owners</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Red Light Area	15	0	15
<b>%</b>	<b>100.00</b>	<b>0.00</b>	<b>100.00</b>
Non Red Light Area	10	5	15
<b>%</b>	<b>66.66</b>	<b>33.33</b>	<b>100.00</b>
Total	25	5	30
<b>%</b>	<b>83.33</b>	<b>16.66</b>	<b>100.00</b>

**Table No. 4.2.3: Distribution of Brothel Owners by Education:**

<b>Brothel Owners</b>	<b>Illiterate</b>	<b>Literate/</b>	<b>Primary</b>	<b>Middle</b>	<b>Secondary and above</b>	<b>Total</b>
Red Light Area	6	4	3	2	0	15
<b>%</b>	<b>40.00</b>	<b>26.67</b>	<b>20.00</b>	<b>13.33</b>	<b>0.00</b>	<b>100.00</b>
Non Red Light Area	3	5	6	1	0	15
<b>%</b>	<b>20.00</b>	<b>33.33</b>	<b>40.00</b>	<b>6.67</b>	<b>0.00</b>	<b>100.00</b>
Total	9	9	9	3	0	30
<b>%</b>	<b>30.00</b>	<b>30.00</b>	<b>30.00</b>	<b>10.00</b>	<b>0.00</b>	<b>100.00</b>

**Table No. 4.2.4: Distribution of Brothel Owners by Religion**

<b>Brothel Owners</b>	<b>Hindu</b>	<b>Muslim</b>	<b>Other</b>	<b>Total</b>
Red Light Area	9	6	0	15
<b>%</b>	<b>60.00</b>	<b>40.00</b>	<b>0.00</b>	<b>100.00</b>
Non Red Light Area	13	2	0	15
<b>%</b>	<b>86.67</b>	<b>13.33</b>	<b>0.00</b>	<b>100.00</b>
Total	22	8	0	30
<b>%</b>	<b>73.33</b>	<b>26.67</b>	<b>0.00</b>	<b>100.00</b>

**Table No. 4.2.5: Distribution of Brothel Owners by Caste**

<b>Brothel Owners</b>	<b>SC</b>	<b>ST</b>	<b>GC</b>	<b>Total</b>
Red Light Area	5	0	4	9
<b>%</b>	<b>55.55</b>	<b>0.00</b>	<b>44.44</b>	<b>100.00</b>
Non Red Light Area	5	2	6	13
<b>%</b>	<b>38.46</b>	<b>15.38</b>	<b>46.15</b>	<b>100.00</b>
Total	10	2	10	22
<b>%</b>	<b>45.45</b>	<b>9.09</b>	<b>45.45</b>	<b>100.00</b>

**Table No. 4.2.6: Distribution of Brothel Owners by Marital Status:**

<b>Brothel Owners</b>	<b>Married</b>	<b>Never married</b>	<b>Other</b>	<b>Total</b>
Red Light Area	10	3	2	15
<b>%</b>	<b>66.67</b>	<b>20.00</b>	<b>13.33</b>	<b>100.00</b>
Non Red Light Area	12	0	3	15
<b>%</b>	<b>80.00</b>	<b>0.00</b>	<b>20.00</b>	<b>100.00</b>
Total	22	3	5	30
<b>%</b>	<b>73.33</b>	<b>10.00</b>	<b>16.67</b>	<b>100.00</b>

**Table No. 4.2.7: Distribution of Brothel Owners by Previous Occupation**

<b>Brothel Owners</b>	<b>Sex Work</b>	<b>Other</b>	<b>Total</b>
Red Light Area	12	3	15
<b>%</b>	<b>80.00</b>	<b>20.00</b>	<b>100.00</b>
Non Red Light Area	8	7	15
<b>%</b>	<b>53.33</b>	<b>46.67</b>	<b>100.00</b>
Total	20	10	30
<b>%</b>	<b>66.67</b>	<b>33.33</b>	<b>100.00</b>

**Table No. 4.2.8: Distribution of Brothel Owners by Years of Brothel Keeping**

<b>Brothel Owners</b>	<b>&lt;5</b>	<b>05-10</b>	<b>10-20</b>	<b>&gt;20</b>	<b>Total</b>
Red Light Area	2	2	7	4	15
<b>%</b>	<b>13.33</b>	<b>13.33</b>	<b>46.67</b>	<b>26.67</b>	<b>100.00</b>
Non Red Light Area	5	7	2	1	15
<b>%</b>	<b>33.33</b>	<b>46.67</b>	<b>13.33</b>	<b>6.67</b>	<b>100.00</b>
Total	7	9	10	4	30
<b>%</b>	<b>23.33</b>	<b>30.00</b>	<b>33.33</b>	<b>13.33</b>	<b>100.00</b>

**Table No. 4.2.9: Distribution of Brothel Owners by Ownership of Brothel**

<b>Brothel Owners</b>	<b>Owned</b>	<b>Inherited</b>	<b>On Rent</b>	<b>Other</b>	<b>Total</b>
Red Light Area	8	5	2	0	15
<b>%</b>	<b>53.33</b>	<b>33.33</b>	<b>13.33</b>	<b>0.00</b>	<b>100.00</b>
Non Red Light Area	3	3	7	2	15
<b>%</b>	<b>20.00</b>	<b>20.00</b>	<b>46.67</b>	<b>13.33</b>	<b>100.00</b>
Total	11	8	9	2	30
<b>%</b>	<b>36.67</b>	<b>26.67</b>	<b>30.00</b>	<b>6.67</b>	<b>100.00</b>

**Table No. 4.2.10: Distribution of Brothel Owners by No of Rooms in Brothel**

<b>Brothel Owners</b>	<b>&lt;5</b>	<b>5-10</b>	<b>&gt;10</b>	<b>Total</b>
Red Light Area	8	4	3	15
%	<b>53.33</b>	<b>26.67</b>	<b>20.00</b>	<b>100.00</b>
Non Red Light Area	12	3	0	15
%	<b>80.00</b>	<b>20.00</b>	<b>0.00</b>	<b>100.00</b>
Total	20	7	3	30
%	<b>66.67</b>	<b>23.33</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.2.11: Distribution of Brothel Owners by No. of CSE Victims (Regular)**

<b>Brothel Owners</b>	<b>&lt;5</b>	<b>05-10</b>	<b>&gt;10</b>	<b>Total</b>
Red Light Area	2	8	5	15
%	<b>13.33</b>	<b>53.33</b>	<b>33.33</b>	<b>100.00</b>
Non Red Light Area	12	3	0	15
%	<b>80.00</b>	<b>20.00</b>	<b>0.00</b>	<b>100.00</b>
Total	14	11	5	30
%	<b>46.67</b>	<b>36.67</b>	<b>16.67</b>	<b>100.00</b>

**Table No. 4.2.12: Distribution of Brothel Owners by No. of CSE Victims (Flying)**

<b>Brothel Owners</b>	<b>0</b>	<b>&lt;5</b>	<b>05-10</b>	<b>&gt;10</b>	<b>Total</b>
Red Light Area	9	3	2	1	15
%	<b>60.00</b>	<b>20.00</b>	<b>13.33</b>	<b>6.67</b>	<b>100.00</b>
Non Red Light Area	3	8	4	0	15
%	<b>20.00</b>	<b>53.33</b>	<b>26.67</b>	<b>0.00</b>	<b>100.00</b>
Total	12	11	6	1	30
%	<b>40.00</b>	<b>36.67</b>	<b>20.00</b>	<b>3.33</b>	<b>100.00</b>

**Table No. 4.2.13: Distribution of Brothel Owners by Non Brothel based CSE**

<b>Brothel Owners</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Red Light Area	0	15	15
<b>%</b>	<b>0.00</b>	<b>100.00</b>	<b>100.00</b>
Non Red Light Area	10	5	15
<b>%</b>	<b>66.66</b>	<b>33.33</b>	<b>100.00</b>
Total	10	20	30
<b>%</b>	<b>33.33</b>	<b>66.66</b>	<b>100.00</b>

**Table No. 4.2.14: Distribution of Brothel Owners by No. of Pimps**

<b>Brothel Owners</b>	<b>0</b>	<b>1-2</b>	<b>3-5</b>	<b>Total</b>
Red Light Area	8	2	5	15
<b>%</b>	<b>53.33</b>	<b>13.33</b>	<b>33.33</b>	<b>100.00</b>
Non Red Light Area	5	8	2	15
<b>%</b>	<b>33.33</b>	<b>53.33</b>	<b>13.33</b>	<b>100.00</b>
Total	13	10	7	30
	<b>43.33</b>	<b>33.33</b>	<b>23.33</b>	<b>100.00</b>

**Table No. 4.2.15: Distribution of Brothel Owners by Share in Victims' Earnings**

<b>Brothel Owners</b>	<b>Room Rent and Fixed Amount per Customer</b>	<b>Room Rent and 50% of Earning</b>	<b>Room Rent Alone</b>	<b>Other</b>	<b>Total</b>
Red Light Area	3	10	2	0	15
<b>%</b>	<b>20.00</b>	<b>66.67</b>	<b>13.33</b>	<b>0.00</b>	<b>100.00</b>
Non Red Light Area	7	8	0	0	15
<b>%</b>	<b>46.67</b>	<b>53.33</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>
Total	10	18	2	0	30
<b>%</b>	<b>33.33</b>	<b>60.00</b>	<b>6.67</b>	<b>0.00</b>	<b>100.00</b>

**Table No. 4.2.16: Distribution of Brothel Owners by Types of Women in Demand**

<b>Brothel Owners</b>	<b>Young</b>	<b>Beautiful</b>	<b>Region Specific</b>	<b>Other</b>	<b>Total</b>
Red Light Area	6	2	5	2	15
<b>%</b>	<b>40.00</b>	<b>13.33</b>	<b>33.33</b>	<b>13.33</b>	<b>100.00</b>
Non Red Light Area	10	2	2	1	15
<b>%</b>	<b>66.67</b>	<b>13.33</b>	<b>13.33</b>	<b>6.67</b>	<b>100.00</b>
Total	16	4	7	3	30
<b>%</b>	<b>53.33</b>	<b>13.33</b>	<b>23.33</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.2.17: Distribution of Brothel Owners by Average No. of Clients Visiting Brothel per Day**

<b>Brothel Owners</b>	<b>&lt;3</b>	<b>3-5</b>	<b>6-10</b>	<b>&gt;10</b>	<b>Total</b>
Red Light Area	3	6	4	2	15
<b>%</b>	<b>20.00</b>	<b>40.00</b>	<b>26.67</b>	<b>13.33</b>	<b>100.00</b>
Non Red Light Area	7	5	3	0	15
<b>%</b>	<b>46.67</b>	<b>33.33</b>	<b>20.00</b>	<b>0.00</b>	<b>100.00</b>
Total	10	11	7	2	30
<b>%</b>	<b>33.33</b>	<b>36.67</b>	<b>23.33</b>	<b>6.67</b>	<b>100.00</b>

**Table No. 4.2.18: Distribution of Brothel Owners by Police Raids in Brothels**

<b>Brothel Owners</b>	<b>Nil</b>	<b>Once</b>	<b>Twice</b>	<b>Thrice and above</b>	<b>Total</b>
Red Light Area	3	8	3	1	15
<b>%</b>	<b>20.00</b>	<b>53.33</b>	<b>20.00</b>	<b>6.67</b>	<b>100.00</b>
Non Red Light Area	12	3	0	0	15
<b>%</b>	<b>80.00</b>	<b>20.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>
Total	15	11	3	1	30
<b>%</b>	<b>50.00</b>	<b>36.67</b>	<b>10.00</b>	<b>3.33</b>	<b>100.00</b>

**Table No. 4.2.19: Distribution of Brothel Owners by Reasons for Police Raids**

<b>Brothel Owners</b>	<b>To check if any minor girl</b>	<b>Law and Order problem</b>	<b>For Official Figures</b>	<b>To collect monthly Quota</b>	<b>Total</b>
Red Light Area	7	4	3	1	15
%	<b>46.67</b>	<b>26.67</b>	<b>20.00</b>	<b>6.67</b>	<b>100.00</b>
Non Red Light Area	2	9	3	1	15
%	<b>13.33</b>	<b>60.00</b>	<b>20.00</b>	<b>6.67</b>	<b>100.00</b>
Total	9	13	6	2	30
%	<b>30.00</b>	<b>43.33</b>	<b>20.00</b>	<b>6.67</b>	<b>100.00</b>

**Table No. 4.2.20: Distribution of Brothel Owners by Brothel Supervision**

<b>Brothel Owners</b>	<b>Self</b>	<b>Mother/Daughter/Sister</b>	<b>Other</b>	<b>Total</b>
Red Light Area	12	3	0	15
%	<b>80.00</b>	<b>20.00</b>	<b>0.00</b>	<b>100.00</b>
Non Red Light Area	14	0	1	15
%	<b>93.33</b>	<b>0.00</b>	<b>6.67</b>	<b>100.00</b>
Total	26	3	1	30
%	<b>86.67</b>	<b>10.00</b>	<b>3.33</b>	<b>100.00</b>

**Table No.4.2.21: Distribution of Brothel Owners by Successors**

<b>Brothel Owners</b>	<b>Family Member</b>	<b>Fellow Worker</b>	<b>Other</b>	<b>Total</b>
Red Light Area	9	5	1	15
%	60.00	33.33	6.67	100.00
Non Red Light Area	7	0	8	15
%	<b>46.67</b>	<b>0.00</b>	<b>53.33</b>	<b>100.00</b>
Total	16	5	9	30
%	<b>53.33</b>	<b>16.67</b>	<b>30.00</b>	<b>100.00</b>



### **4.3 CLIENTELE: THE EXPLOITERS**

The male demand for commercial sex is considered to be the primary cause of trafficking in women and girls. A high demand by clients for purposes of commercial sexual exploitation scales up trafficking in women and children. A study of the clientele is an important aspect in understanding the demand for trafficking- its patterns and trends. The clientele who visit brothels and other places for hired sex are usually called customers. A study of the clientele will throw light on the pull factors that feed on the vulnerability of the victims as well as the responses these factors evoke.

The clients contacted were visitors to brothels both in red light and non red light zones. In non red-light zones, commercial sexual exploitation took place in shanties or makeshift brothels located on the outskirts of towns and on national highways. Customers spotted in brothels were persuaded to respond to the questionnaires.

**4.3.1:** The clients of the victims for CSE belonged to all age groups. The highest 43% of the clients were in the age group of 31-45 followed by 30% in 25-30 age groups. Taken together nearly three fourth of the clients were in the age group of 25-45. 10% of them were young adults in 18-24 age groups and 13% of the clients were in the age group of 45 years and above. The brothels in red light areas were mostly visited by younger clients. Two third (67%) of the clients under 30 visited brothels in red light areas compared to only one fifth (20%) in non red light areas.

**4.3.2:** The educational level of clients was generally low. About three fourth of the clients were just literate (30%) or educated up to primary school level (43%). A small 10% of the clients were illiterate. A significant 17% received secondary school level of education and beyond.

**4.3.3:** The married and unmarried clients visiting brothels were almost in equal proportion- 47% married and 43% never married. A small 10% of the clients were widower/divorced.

**4.3.4:** Of the married clients visiting the brothels based victims in commercial sexual exploitation, 93% had their partners/spouse staying with them.

**4.3.5:** In terms of occupational background, the largest 40% of the clients were from the transport industries- the long distance truck drivers and their helpers and the local taxi/ auto/ mini truck drivers. Another significant one third of the clients were of trade/ commerce/ business

background. The remaining 20% included fruit growers in Baruipur, students, white/blue collared employees. Tailors especially in Budge Budge accounted for only 7% of the total clients

**4.3.6:** Most of the clients (47%) were local nonresidents. They were all working in the local township area but were staying out. Local residents among the clients constituted only a small 17%. Outsiders who neither stayed nor worked in the locality accounted for a significant 27% of the total clients.

**4.3.7:** Two third of the clients were regular visitors to the brothels, about a quarter being occasional visitors. A small 10% reported visiting for the first time.

**4.3.8:** In regard to the frequency of visits to the brothels, 40% of the clients visited it once a week and 17% once a fortnight. 10% of the clients visited the brothels once a month. About one third of the clients were non regular visitors visiting brothels occasionally.

**4.3.9:** Two third of the clients reported that they had no preference for specific brothel/victim in a brothel, however one third of them had their preference to specific brothel/victim for some reason or other

**4.3.10:** More than one fourth (27%) of the clients were compassionately attached to specific victims in a brothel and felt like visiting them on a regular basis. Relieving stress due to long hours of work was cited as one of the reasons for having sex as reported by more than a quarter of clients (27%) mostly in the transport and business sector. One fifth of the clients paid for sex merely for thrill and enjoyment after earning a desired or windfall income. A small 10% of the clients visited for different kinds of sex acts with the victims in CS that their regular partners found unacceptable. For others, buying sex was temporary measure for unmarried having no regular partner or for married experiencing marital problems. Almost all admit being induced for sex under Porn watching.

**4.3.11:** In regard to various sexual activities with a victim, 47% of the clients reported participating in "half and half sex," which included both oral and intercourse. The second most frequently reported sex was intercourse only (43%). A small 3% of the clients reported receiving only oral sex.

**4.3.12:** The amount paid per visit to the victim for sex varied from Rs.200 to Rs.300 as reported by three fifth (60%) of the clients. Nearly one fourth (23%) of the clients reportedly paid Rs.200

or less. Higher amount exceeding Rs.300 was paid by only 17% of the clients. The maximum amount paid by a client was Rs. 2,000 for whole night booking. The younger victims in all the sites were found charging a little higher fee.

**4.3.13:** Over three fourth (77%) of the clients reported paying the fees to the victims either before or after the sex. A small 17% of the clients paid fees to the brothel keepers. A few clients reported to have dropped the amount in the “drop boxes” placed in the job rooms of the brothels.

**4.3.14:** Half of the clients claimed not to have given any gifts to the victims. Over one fifth of the clients reportedly shared liquor as gift with the victims before/during sex. Another one fourth of the clients reported to have gifted condoms, cosmetics, artificial jewelries, perfumes etc to the victims

**4.3.15:** Being a regular client (17%), compassion (17%), extra care (13%) in terms of extended time and special act etc were the reported grounds for giving gifts to the victims as claimed by the clients.

**4.3.16:** The majority 77% of the clients had positive opinion about the victims in CSE describing them as well behaved (57%) and abiding (20%). A negligible 13% of the clients found the victims rude and non cooperative.

**4.3.17:** As a practice, the clients preferred young girls as reported by two fifth of the clients. Some looked for victims who were region specific (13%), beautiful (10%), slim (10%) and some preferred victims who were fair complexioned, shy and submissive and agreed to sex without condom.

**4.3.18:** Nearly two third of the clients (63%) were of the views that the victims were at liberty to accept or refuse a client. Over one fourth were of the view that the victim was left with no choice to refuse sex to a client as she was in commercial sex. Price could buy sex who ever might be the victim as was held.

**4.3.19:** Sex without condom use (50%) was the predominant ground for a victim to refuse sex services to a client. Drunkenness (17%), abusive and rude behavior (13%), demand for pervert sex (10%), physical torture etc were the major grounds for a victim to reject a client before/during sex as held by the clients.

**4.3.20:** Four fifth of the clients (80%) reported not ever being misbehaved in a brothel or nor the victims of CSE ever being rude to them. Only a small 7% reported misbehavior by the victims. Extreme-exploitation, under-payment after sex, attempt to sexually assault, physical torture etc usually created most of the problems as held by the clients.

**4.3.21:** 90% of the clients reported using condoms during sex- 67% invariably for every sex act and 23% using most often. A small 10% of the clients were occasional users of condom during sex. Condom use had been mandatory in most of the brothels in red light zones. The brothel keepers were found supplying condoms to the victims where condoms were not being supplied by the NGOs under the TI program of the NACO.

**4.3.22:** HIV/AIDS was cited as the single most threat that induced condom use as reported by two third (67%) of the clients. About 17% used condoms as a preventive measure against Sexually Transmitted Diseases (STDs). Others reported using condom as made mandatory in most of the brothels.

**4.3.23:** Most of the brothels in red light zones had NGO presence implementing the Targeted Interventions Programs for the victims in CSE whether trafficked or volunteered. Condom Promotion, STD treatment, organization of sex workers into SHGs and their capacity building in Income Generating Programs, Behavior Change Communication and counseling, referral for blood testing for HIV etc were the program interventions. Condoms were supplied to the victims through STD clinics and Peer Educators who themselves were trafficked into CSE in the same brothels. 70% of the clients confirmed that the victims were the source of condom supply. About one fourth of the clients carried their own condoms apprehending that the condom might not be readily available with the victim or if available might not be desired quality.

**4.3.24:** As high as 93% of the clients had drinks before/during sex - 40% always and 43% most often and 20% occasionally. An insignificant 7% client reported never taking any drinks.

**4.3.25:** Sex and drink are closely interlinked. This was evident from the fact that 70% of the clients took drink when visited brothels. Another 17% refused to reply who almost affirmed taking drinks. Only a small 13% claimed not going for drinks in brothels

**4.3.26:** As high as 87% of the clients visiting brothels in red light areas were aware that buying sex was illegal compared to 40% who visited brothels in the non red light zones. Overall 63%

were aware about the illegality of buying sex from a trafficked victim. In other words, 33% of the clients of the victims in commercial sex were not aware about illegality of buying sex. The clients of victims in unorganized brothels were less aware (53%) than those in red light areas (13%).

**4.3.27:** 80% of the clients reported not ever being encountered by the police, the proportion however, being higher among visitors to brothels in non-red-light zones (93%) than in red light zones (67%) implying that the brothels in red light zones were under stricter police vigilance. A negligible 3% of the victims admitted being encountered and abused by the police.

Clients' demand was the root cause of trafficking in women and children for CSE. If demand was lessened, trafficking could be prevented. Initiatives to prevent trafficking at the source areas should be concurrent with the actions taken to address the demand factors.

**Table No.4.3.1: Distribution of Clients of Victims of CSE by Age Group**

<b>Clients /Age</b>	<b>18 &amp;Below</b>	<b>19-24</b>	<b>25-30</b>	<b>31-45</b>	<b>46-60</b>	<b>&gt;60</b>	<b>Total</b>
Org. Brothels	1	2	7	4	1	0	15
<b>%</b>	<b>6.67</b>	<b>13.33</b>	<b>46.67</b>	<b>26.67</b>	<b>6.67</b>	<b>0.00</b>	<b>100.00</b>
Un-org. Brothels	0	1	2	9	3	0	15
<b>%</b>	<b>0.00</b>	<b>6.67</b>	<b>13.33</b>	<b>60.00</b>	<b>20.00</b>	<b>0.00</b>	<b>100.00</b>
Total	1	3	9	13	4	0	30
<b>%</b>	<b>3.33</b>	<b>10.00</b>	<b>30.00</b>	<b>43.33</b>	<b>13.33</b>	<b>0.00</b>	<b>100.00</b>

**Table No. 4.3.2: Distribution of Clients of Victims of CSE by Educational Qualification**

<b>Clients /Education</b>	<b>Illiterate</b>	<b>Literate</b>	<b>Primary</b>	<b>Middle</b>	<b>Secondary and above</b>	<b>Total</b>
Org. Brothels	1	4	6	3	1	15
<b>%</b>	<b>6.67</b>	<b>26.67</b>	<b>40.00</b>	<b>20.00</b>	<b>6.67</b>	<b>100.00</b>
Un-org. Brothels	2	5	7	1	0	15
<b>%</b>	<b>13.33</b>	<b>33.33</b>	<b>46.67</b>	<b>6.67</b>	<b>0.00</b>	<b>100.00</b>
Total	3	9	13	4	1	30
<b>%</b>	<b>10.00</b>	<b>30.00</b>	<b>43.33</b>	<b>13.33</b>	<b>3.33</b>	<b>100.00</b>

**Table No. 4.3.3: Distribution of Clients of Victims of CSE by Marital status**

<b>Clients /Marital Status</b>	<b>Married</b>	<b>Never married</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	6	46.66	13.33	15
<b>%</b>	<b>40.00</b>			<b>100.00</b>
Un-org. Brothels	8	6	1	15
<b>%</b>	<b>53.33</b>	<b>40.00</b>	<b>6.66</b>	<b>100.00</b>
Total	14	13	3	30
<b>%</b>	<b>46.66</b>	<b>43.33</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.3.4: Distribution of Clients of Victims of CSE by their Living with Spouse**

<b>Clients / Stay</b>	<b>Yes</b>	<b>No</b>	<b>Never Married/ Separated</b>	<b>Total</b>
Org. Brothels	6	0	9	15
<b>%</b>	<b>40.00</b>	<b>0.00</b>	<b>60.00</b>	<b>100.00</b>
Un-org. Brothels	7	1	7	15
<b>%</b>	<b>46.66</b>	<b>6.66</b>	<b>46.66</b>	<b>100.00</b>
Total	13	1	16	30
<b>%</b>	<b>43.33</b>	<b>3.33</b>	<b>53.33</b>	<b>100.00</b>

**Table No. 4.3.5: Distribution of Clients of Victims of CSE by Occupation**

<b>Clients /Occupation</b>	<b>Commerce /Trade</b>	<b>Transport Worker</b>	<b>Tailor</b>	<b>Other</b>	<b>T</b>
Org. Brothels	5	5	2	3	15
<b>%</b>	<b>33.33</b>	<b>33.33</b>	<b>13.33</b>	<b>20.00</b>	<b>100.00</b>
Un-org. Brothels	5	7	0	3	15
<b>%</b>	<b>33.33</b>	<b>46.67</b>	<b>0.00</b>	<b>20.00</b>	<b>100.00</b>
Total	10	12	2	6	30
<b>%</b>	<b>33.33</b>	<b>40.00</b>	<b>6.67</b>	<b>20.00</b>	<b>100.00</b>

**Table No. 4.3.6: Distribution of Clients of Victims of CSE by Residential Status:**

<b>Clients /Residence</b>	<b>Local Resident</b>	<b>Local Non Resident</b>	<b>Outsider</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	3	7	3	2	15
<b>%</b>	<b>20.00</b>	<b>46.67</b>	<b>20.00</b>	<b>13.33</b>	<b>100.00</b>
Un-org. Brothels	2	7	5	1	15
<b>%</b>	<b>13.33</b>	<b>46.67</b>	<b>33.33</b>	<b>6.66</b>	<b>100.00</b>
Total	5	14	8	3	30
<b>%</b>	<b>16.66</b>	<b>46.66</b>	<b>26.67</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.3.7: Distribution of Clients of Victims of CSE by Visits to Brothels**

<b>Clients /Visitor</b>	<b>Regular</b>	<b>Occasional</b>	<b>Rare/First Timer</b>	<b>Total</b>
Org. Brothels	8	5	2	15
<b>%</b>	<b>53.33</b>	<b>33.33</b>	<b>13.33</b>	<b>100.00</b>
Un-org. Brothels	12	2	1	15
<b>%</b>	<b>80.00</b>	<b>13.33</b>	<b>6.67</b>	<b>100.00</b>
Total	20	7	3	30
<b>%</b>	<b>66.67</b>	<b>23.33</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.3.8: Distribution of Clients of Victims of CSE by Frequency of Visit**

<b>Clients /Frequency</b>	<b>Once a Week</b>	<b>Once a Fortnight</b>	<b>Once a Month</b>	<b>Non Regular</b>	<b>Total</b>
Org. Brothels	4	3	1	7	15
<b>%</b>	<b>26.67</b>	<b>20.00</b>	<b>6.67</b>	<b>46.67</b>	<b>100.00</b>
Un-org. Brothels	8	2	2	3	15
<b>%</b>	<b>53.33</b>	<b>13.33</b>	<b>13.33</b>	<b>20.00</b>	<b>100.00</b>
Total	12	5	3	10	30
<b>%</b>	<b>40.00</b>	<b>16.67</b>	<b>10.00</b>	<b>33.33</b>	<b>100.00</b>

**Table No. 4.3.9: Distribution of Clients of Victims of CSE by Brothel Preference**

<b>Clients /Brothels</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Org. Brothels	8	7	15
<b>%</b>	<b>53.33</b>	<b>46.67</b>	<b>100.00</b>
Un-org. Brothels	3	12	15
<b>%</b>	<b>20.00</b>	<b>80.00</b>	<b>100.00</b>
Total	11	19	30
<b>%</b>	<b>36.67</b>	<b>63.33</b>	<b>100.00</b>



**Table No. 4.3.10: Distribution of Clients of Victims of CSE by Reasons for Visiting**

<b>Clients /Reason</b>	<b>Thrill</b>	<b>Specific Sex Act</b>	<b>Relation ship</b>	<b>To Relieve Stress</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	3	1	6	3	2	15
<b>%</b>	<b>20.00</b>	<b>6.67</b>	<b>40.00</b>	<b>20.00</b>	<b>13.33</b>	<b>100.00</b>
Un-org. Brothels	3	2	2	5	3	15
<b>%</b>	<b>20.00</b>	<b>13.33</b>	<b>13.33</b>	<b>33.33</b>	<b>20.00</b>	<b>100.00</b>
Total	6	3	8	8	5	30
<b>%</b>	<b>20.00</b>	<b>10.00</b>	<b>26.66</b>	<b>26.66</b>	<b>16.66</b>	<b>100.00</b>

**Table No. 4.3.11: Distn. of Clients of Victims of CSE by Forms of Sexual Activities**

<b>Clients /Kind</b>	<b>Oral</b>	<b>Intercourse</b>	<b>Both</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	1	5	8	1	15
<b>%</b>	<b>6.67</b>	<b>33.33</b>	<b>53.33</b>	<b>6.67</b>	<b>100.00</b>
Un-org. Brothels	0	8	6	1	15
<b>%</b>	<b>0.00</b>	<b>53.33</b>	<b>40.00</b>	<b>6.67</b>	<b>100.00</b>
Total	1	13	14	2	30
<b>%</b>	<b>3.33</b>	<b>43.33</b>	<b>46.67</b>	<b>6.67</b>	<b>100.00</b>

**Table No. 4.3.12: Distribution of Clients of Victims of CSE by Clients Fees**

<b>Clients /Amount</b>	<b>200 and Less</b>	<b>201-300</b>	<b>300-500</b>	<b>&gt;500</b>	<b>Total</b>
Org. Brothels	2	12	1	0	15
<b>%</b>	<b>13.33</b>	<b>80.00</b>	<b>6.67</b>	<b>0.00</b>	<b>100.00</b>
Un-org. Brothels	5	6	3	1	15
<b>%</b>	<b>33.33</b>	<b>40.00</b>	<b>20.00</b>	<b>6.67</b>	<b>100.00</b>
Total	7	18	4	1	30
<b>%</b>	<b>23.33</b>	<b>60.00</b>	<b>13.33</b>	<b>3.33</b>	<b>100.00</b>

**Table No. 4.3.13: Distribution of Clients of Victims of CSE by Client Fees Received**

<b>Clients /Whom</b>	<b>Brothel Keeper</b>	<b>Victim</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	3	10	2	15
<b>%</b>	<b>20.00</b>	<b>66.67</b>	<b>13.33</b>	<b>100.00</b>
Un-org. Brothels	2	13	0	15
<b>%</b>	<b>13.33</b>	<b>86.67</b>	<b>0.00</b>	<b>100.00</b>
Total	5	23	2	30
<b>%</b>	<b>16.67</b>	<b>76.67</b>	<b>6.67</b>	<b>100.00</b>

**Table No. 4.3.14: Distribution of Clients of Victims of CSE by kind of Gift to Victim**

<b>Clients /Gift</b>	<b>Cosmetics</b>	<b>liquor</b>	<b>Other</b>	<b>None</b>	<b>Total</b>
Org. Brothels	1	5	4	5	15
<b>%</b>	<b>6.67</b>	<b>33.33</b>	<b>26.67</b>	<b>33.33</b>	<b>100.00</b>
Un-org. Brothels	0	3	2	10	15
<b>%</b>	<b>0.00</b>	<b>20.00</b>	<b>13.33</b>	<b>66.67</b>	<b>100.00</b>
Total	1	8	6	15	30
<b>%</b>	<b>3.33</b>	<b>26.67</b>	<b>20.00</b>	<b>50.00</b>	<b>100.00</b>

**Table No. 4.3.15: Distribution of Clients of Victims of CSE by Reason for Giving Gifts**

<b>Clients /Reason</b>	<b>On Request</b>	<b>Regular Client</b>	<b>Extra Care</b>	<b>Other</b>	<b>No gift</b>	<b>Total</b>
Org. Brothels	1	4	3	2	5	15
<b>%</b>	<b>6.67</b>	<b>26.67</b>	<b>20.00</b>	<b>13.33</b>	<b>33.33</b>	<b>100.00</b>
Un-org. Brothels	0	1	1	3	10	15
<b>%</b>	<b>0.00</b>	<b>6.67</b>	<b>6.67</b>	<b>20.00</b>	<b>66.67</b>	<b>100.00</b>
Total	1	5	4	5	15	30
<b>%</b>	<b>3.33</b>	<b>16.67</b>	<b>13.33</b>	<b>16.67</b>	<b>50.00</b>	<b>100.00</b>

**Table No. 4.3.16: Distribution of Clients of Victims of CSE by Victim Behavior**

<b>Clients /Victim</b>	<b>Well Behaving</b>	<b>Abiding /Polite</b>	<b>Rude/ Unfriendly</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	9	3	2	1	15
<b>%</b>	<b>60.00</b>	<b>20.00</b>	<b>13.33</b>	<b>6.67</b>	<b>100.00</b>
Un-org. Brothels	8	3	2	2	15
<b>%</b>	<b>53.33</b>	<b>20.00</b>	<b>13.33</b>	<b>13.33</b>	<b>100.00</b>
Total	17	6	4	3	30
<b>%</b>	<b>56.67</b>	<b>20.00</b>	<b>13.33</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.3.17: Distribution of Clients of Victims of CSE by Type of Victim Preferred**

<b>Clients /Type</b>	<b>Young</b>	<b>Beautiful</b>	<b>Slim</b>	<b>Region specific</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	6	2	2	4	1	15
<b>%</b>	<b>40.00</b>	<b>13.33</b>	<b>13.33</b>	<b>26.67</b>	<b>6.67</b>	<b>100.00</b>
Un-org. Brothels	12	1	1	0	1	15
<b>%</b>	<b>80.00</b>	<b>6.67</b>	<b>6.67</b>	<b>0.00</b>	<b>6.67</b>	<b>100.00</b>
Total	18	3	3	4	2	30
<b>%</b>	<b>60.00</b>	<b>10.00</b>	<b>10.00</b>	<b>13.33</b>	<b>6.67</b>	<b>100.00</b>

**Table No. 4.3.18: Distribution of Clients by Opinion if a Victim Could Refuse a Client**

<b>Clients /Refusal</b>	<b>Yes</b>	<b>No</b>	<b>DK</b>	<b>Total</b>
Org. Brothels	11	3	1	15
<b>%</b>	<b>73.33</b>	<b>20.00</b>	<b>6.67</b>	<b>100.00</b>
Un-org. Brothels	8	5	2	15
<b>%</b>	<b>53.33</b>	<b>33.33</b>	<b>13.33</b>	<b>100.00</b>
Total	19	8	3	30
<b>%</b>	<b>63.33</b>	<b>26.67</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.3.19: Distribution of Clients by Circumstances for Victim to Refuse a Client**

<b>Clients /Type</b>	<b>If Drunk</b>	<b>Sex Without Condom Use</b>	<b>If rude/ Abusive</b>	<b>Demand for Abnormal Sex</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	3	10	1	0	1	15
<b>%</b>	<b>20.00</b>	<b>66.67</b>	<b>6.67</b>	<b>0.00</b>	<b>6.67</b>	<b>100.00</b>
Un-org. Brothels	2	5	3	3	2	15
<b>%</b>	<b>13.33</b>	<b>33.33</b>	<b>20.00</b>	<b>20.00</b>	<b>13.33</b>	<b>100.00</b>
Total	5	15	4	3	3	30
<b>%</b>	<b>16.67</b>	<b>50.00</b>	<b>13.33</b>	<b>10.00</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.3.20: Distribution of Clients of Victims of CSE by Victim Misbehavior**

<b>Clients /Misbehavior</b>	<b>Yes</b>	<b>No</b>	<b>Refused</b>	<b>Total</b>
Org. Brothels	2	10	3	15
<b>%</b>	<b>13.33</b>	<b>66.67</b>	<b>20.00</b>	<b>100.00</b>
Un-org. Brothels	0	14	1	15
<b>%</b>	<b>0.00</b>	<b>93.33</b>	<b>6.67</b>	<b>100.00</b>
Total	2	24	4	30
<b>%</b>	<b>6.67</b>	<b>80.00</b>	<b>13.33</b>	<b>100.00</b>

**Table No. 4.3.21: Distribution of Clients of Victims of CSE by Frequency of condom Use**

<b>Clients /Condom Use</b>	<b>Always</b>	<b>Most Often</b>	<b>Sometimes</b>	<b>Total</b>
Org. Brothels	12	2	1	15
<b>%</b>	<b>80.00</b>	<b>13.33</b>	<b>6.67</b>	<b>100.00</b>
Un-org. Brothels	8	5	2	15
<b>%</b>	<b>53.33</b>	<b>33.33</b>	<b>13.33</b>	<b>100.00</b>
Total	20	7	3	30
<b>%</b>	<b>66.67</b>	<b>23.33</b>	<b>10.00</b>	<b>100.00</b>

**Table No. 4.3.22: Distribution of Clients of Victims of CSE by Reason for Condom Use**

<b>Clients /Reason</b>	<b>Prevent STD</b>	<b>Prevent HIV</b>	<b>Mandatory</b>	<b>Other</b>	<b>Total</b>
Org. Brothels	3	9	2	1	15
<b>%</b>	<b>20.00</b>	<b>60.00</b>	<b>13.33</b>	<b>6.67</b>	<b>100.00</b>
Un-org. Brothels	2	11	1	1	15
<b>%</b>	<b>13.33</b>	<b>73.33</b>	<b>6.67</b>	<b>6.67</b>	<b>100.00</b>
Total	5	20	3	2	30
<b>%</b>	<b>16.67</b>	<b>66.67</b>	<b>10.00</b>	<b>6.67</b>	<b>100.00</b>

**Table No. 4.3.23: Distribution of Clients of Victims of CSE by Source of Condom:**

<b>Clients /Source</b>	<b>Victim</b>	<b>Self</b>	<b>Refused</b>	<b>Total</b>
Org. Brothels	13	2	0	15
<b>%</b>	<b>86.67</b>	<b>13.33</b>	<b>0.00</b>	<b>100.00</b>
Un-org. Brothels	8	5	2	15
<b>%</b>	<b>53.33</b>	<b>33.33</b>	<b>13.33</b>	<b>100.00</b>
Total	21	7	2	30
<b>%</b>	<b>70.00</b>	<b>23.33</b>	<b>6.67</b>	<b>100.00</b>

**Table No. 4.3.24: Distn. of Clients of Victims of CSE by Frequency of Alcohol Intake**

<b>Clients /Frequency</b>	<b>Always</b>	<b>Most Often</b>	<b>Occasional</b>	<b>Never</b>	<b>Total</b>
Org. Brothels	5	8	1	1	15
<b>%</b>	<b>33.33</b>	<b>53.33</b>	<b>6.66</b>	<b>6.66</b>	<b>100.00</b>
Un-org. Brothels	7	5	2	1	15
<b>%</b>	<b>46.67</b>	<b>33.33</b>	<b>13.33</b>	<b>6.66</b>	<b>100.00</b>
Total	12	13	3	2	30
<b>%</b>	<b>40.00</b>	<b>43.33</b>	<b>10.00</b>	<b>6.66</b>	<b>100.00</b>

**Table No. 4.3.25: Distribution of Clients of Victims of CSE by Alcoholic Status**

<b>Clients /Drink</b>	<b>Yes</b>	<b>No</b>	<b>Refused</b>	<b>Total</b>
Org. Brothels	11	2	2	15
<b>%</b>	<b>73.33</b>	<b>13.33</b>	<b>13.33</b>	<b>100.00</b>
Un-org. Brothels	10	2	3	15
<b>%</b>	<b>66.67</b>	<b>13.33</b>	<b>20.00</b>	<b>100.00</b>
Total	21	4	5	30
<b>%</b>	<b>70.00</b>	<b>13.33</b>	<b>16.67</b>	<b>100.00</b>

**Table No. 4.3.26: Distribution of Clients of Victims of CSE by Awareness of Illegality of buying Sex**

<b>Clients /Awareness</b>	<b>Very aware</b>	<b>Not Aware</b>	<b>Refused</b>	<b>Total</b>
Org. Brothels	13	2	0	15
<b>%</b>	<b>86.67</b>	<b>13.33</b>	<b>0.00</b>	<b>100.00</b>
Un-org. Brothels	6	8	1	15
<b>%</b>	<b>40.00</b>	<b>53.33</b>	<b>6.67</b>	<b>100.00</b>
Total	19	10	1	30
<b>%</b>	<b>63.33</b>	<b>33.33</b>	<b>3.33</b>	<b>100.00</b>

**Table No. 4.3.27: Distribution of Clients of Victims of CSE by Encountered by Police**

<b>Clients /Police Encounter</b>	<b>Yes</b>	<b>No</b>	<b>Refused</b>	<b>Total</b>
Org. Brothels	1	10	4	15
<b>%</b>	<b>6.67</b>	<b>66.67</b>	<b>26.67</b>	<b>100.00</b>
Un-org. Brothels	0	14	1	15
<b>%</b>	<b>0.00</b>	<b>93.33</b>	<b>6.67</b>	<b>100.00</b>
Total	1	24	5	30
<b>%</b>	<b>3.33</b>	<b>80.00</b>	<b>16.67</b>	<b>100.00</b>

## **CHAPTER-V**

### **MAIN FINDINGS AND RECOMMENDATIONS**

#### **5.1: MAIN FINDINGS**

##### **5.1.1: Legal laws and Status of Law Enforcement**

The existing International legal framework against trafficking of women and children for commercial sexual exploitation include: Convention on the Rights of the Child, 1989; Convention on Protection of Rights of Migrant Workers, 1990; Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, 1999; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography etc.

India is a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It has also ratified, other related Conventions such as Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC) and its optional protocols, and the SAARC Convention on Preventing and Combating Trafficking among Women and Children.

The Immoral Traffic (Prevention) Act, 1956 (ITPA) is one of the important legislations addressing the problem of trafficking. Other important legislations which deal with trafficking related crimes are the Prohibition of Child Marriage Act 2006, The Protection of Children from Sexual Offences (POCSO) Act, 2012 Juvenile Justice (Care and Protection of Children) Act, 2015. In addition, certain specific sections of the Indian Penal Code (Sections 359 to 368 and sections 370 and 370A under new Criminal Law (Amendment) Act, 2013) which deal with buying and selling of girls for prostitution, importation of girls and procurement of minor girls etc, prescribe severe punishment for offences related to trafficking.

The NCRB that has been collecting data related to sex trafficking under such heads as i) Importation of girls from foreign country (Sec. 366B IPC); ii) Procurement of minor girls (section 366A IPC); iii) Buying of minors for prostitution (section 373 IPC) iv); Selling of minors for prostitution (Section 372 IPC) v) Immoral Traffic (Prevention) Act 1956 vi) Human trafficking (section 370 & 370A IPC).

NCRB registered a total of 6877 cases of crime relating to human trafficking in the country during the year 2015 as compared to 5466 cases during the year 2014, showing an increase of 25.8% during 2015 over 2014. A total of 3,517 cases were registered in 2011, which rose to 3,554 cases in 2012, to 3,940 cases in 2013 and to 5,466 cases in 2014. The crime under human trafficking during the year 2015 has increased by 95.5% over 2011. A total of 3,490 cases of crimes relating to child trafficking were registered in the country during the year 2015.

#### **5.1.1.1: Law Enforcement: Police**

The techniques used when investigating crimes emphasized mainly on witness evidence and medical examination report of victim. None of the police officials reported referring to material evidences, forensic examination, mobile surveillance etc.

Most of the police officials worked either with local Law Enforcement or with the State Law Enforcement. The officers confirmed that the department had a formal protocol (guidelines) for identifying and investigating cases of suspected sex trafficking and considered the formal protocols somewhat useful to identify sex trafficking cases.

The department also has a formal protocol (guidelines) for conducting raid and rescue the victims of sex trafficking. The pre rescue and intra rescue protocols covered such aspects as registration of FIR, searching premises, segregating offenders from victims, taking custody of belongings of victims, evidence collection, production of the victim before magistrate, production of the child victim before CWC ; medical care, legal counseling, interview of the victim by a female police officer, custody of the victim to NGO home, sealing places of CSE, produce arrested offenders before the local Magistrate as Post Rescue protocols .

Victim pleading guilty, protection of victim and witness, repeated court adjournments, witness turning hostile etc are the difficulties faced by the police in working with victims of sex trafficking.



More than half of the police officials reported being trained on human trafficking. The training was sensitization in nature to recognize potential victims of sex trafficking. The Sources of training were Police Training Institute and Dept. of Justice Curriculum. The Topics of training covered methods for identifying suspected victims, distinguishing trafficking from prostitution, trafficking modus operandi, trafficking patterns and trends, rights of victims, legal provisions of the law to trafficking cases, legal and administrative provisions for inter-state and cross border investigation, legal provisions for closure of places of exploitation, legal provisions for confiscation of proceeds of crime, victim support and assistance etc. The effect of training on prosecution of cases of trafficking for CSE has been very rewarding.

The IAHTU collects information specific to trafficking. The unit works with other organizations as Prosecution Departments, Non-Governmental Organizations, and Community Vigilance Groups.

In-camera trial and video conferencing of the victim contributed most in successful prosecution of the traffickers. Protection of the victim and witness was the greatest problem faced in investigation and prosecution.

Trafficking of women and children for labor exploitation leading commercial sexual exploitation takes place in almost all the districts in WB; all the Mao affected districts of Jharkhand and all the Tribal districts of Odisha. The districts are mostly characterized as the places of Origin. The problem of trafficking of women and children for CSE in WB was rated alarming. The problem in Jharkhand and Odisha was perceived as no serious a problem.

In regard to the trend and form in trafficking over the past five years, the incidence was reported increasing. The sex trafficking forms in the past years have undergone changes from brothels based CSE to new forms of sex trafficking as private apartments, escort services, massage parlors, pornography etc.

The trafficking can be prevented by effective patrolling and vigil at locations prone to trafficking, inter departmental cooperation for spotting and rescuing the victims, periodical checks on transporters, addressing new forms of demand, inter-state collaboration, sensitization programs for police officers, railway police force, prosecutors and judges on various legislation, prosecution of perpetrators, public awareness and support to women vulnerable to trafficking.

Most of the police officers are aware of the present laws related to trafficking and CSE such as the Immoral Traffic (Prevention) Act, 1956, various Sections of the Indian Penal Code 1860 and the Prohibition of Child Marriage Act (PCMA), 2006. A few are aware of and the Protection of Children from Sexual Offences Act, 2012. These laws have not been able to address the issue of trafficking adequately as remarked. They ignored victim's rights to rehabilitation, protection of victim and witness, provisions for severe punishment of the perpetrators etc.

Repeated adjournments, lack of interpreter, production of the rescued persons in a court of law along with the offender, non protection of the witness etc are the problems the victims confront while dealing with the prosecution. The victim pleading guilty, victim and the witnesses turning hostile etc result in relapse of the cases against the traffickers. The police have no role in the process of rehabilitation of the rescued person.

Repeated adjournments, easy bail for the trafficker, court harassment and humiliation of the victim, insensitivity of the judiciary etc are cited as the loopholes in the prosecution mechanisms.

The challenges being faced by the police are many as victims denying identity, victims fearing to go back home, community ignorance, lack of specific training, lack of resources etc. Adequate staff, infrastructure and funds, continuing training etc are needed to better address sex trafficking of women and children. Extra vigilance during distress migration, pro active community policing, periodic checking on transporters, prevention in demand areas etc were the suggested areas of anti- trafficking interventions.

#### **5.1.1.2: Law Enforcement: Public Prosecutors (PPs)**

The PPs reported to have available guidelines for prosecuting cases of sex trafficking. The protocol / guidelines covered presence of a woman witness during raid, recording of victim's statement by a woman police officer or before a magistrate, medical examination of the victim etc. The guidelines advised working with the law enforcement agencies and service provider organizations..

Most of the PPs were familiar with the laws that address trafficking of Women and Children for CSE namely the Immoral Traffic (Prevention) Act, 1956, the Prohibition of Child Marriage Act (PCMA), 2006, specific Sections in the IPC, 1860 and the Protection of Children from Sexual Offences Act, 2012. These laws related to trafficking and CSE were considered not adequate to

address the issue of trafficking effectively. The Laws ignored victim's rights to protection, right to rehabilitation, witness protection, stringent punishment for the traffickers, confiscation of traffickers' properties etc. Reforming the existing Law incorporating amendments to the mentioned lacunas was recommended.

Section 5 that related to procuring, inducing or taking persons for the sake of prostitution was the most commonly used sections of the ITPA and Section 8 that related to seducing or soliciting for the purpose of prostitution, previously being adequately used, was the least used section of ITPA. The chance of conviction in an ITPA case under Sections 3,4,5,6 was considered low.

The critical evidence leading to conviction/acquittal of a case related to witness statement, material evidences, medical examination report, forensic examination report, etc. The law permitted the use of specialized evidence-gathering techniques such as the use of undercover officers, human and technical surveillance, interception of communications and controlled deliveries for evidence in court as reported by the PPs.

The mandatory formalities followed by the police under the ITPA before producing victims of trafficking in a court of law included registration of FIR, presence of woman social worker during raid and rescue, recording statement by a woman police officer.

The victim needs to testify to go forward with prosecutions. Most of the victims plead guilty to avoid time taking prosecution involving repeated interviews by police, repeated cross examinations in court, court harassment etc. The court takes decision on conviction on the basis of witness statements, material and circumstantial evidences, medical and forensic reports etc. Lack of documentation of the abuse in medical report may be a problem in prosecuting sex trafficking crimes. The existing laws and procedures are being implemented within human rights and gender sensitivity paradigm.

The sex trafficking methods in the past years has undergone changes from brothels based CSE to new forms of sex trafficking as private apartments, escort services, massage parlors, pornography etc.

Though has special powers of investigation, the police normally do not actively investigate the crime beyond the brothels to profile the traffickers. Investigations are confined mainly to the brothels and does not extend to the source of trafficking, the transit routes etc. Complicity and

corruption in the police and the political nexus of the traffickers are the challenges for effective prosecution and justice delivery. The laws do not hold accountable to the police doctors, prosecutors or judiciary and has no provision linking rehabilitation with rescue.

The inherent weaknesses in the law enforcement such as lack of gender sensitivity, lack of child sensitivity, lack of mandatory requirement of women witnesses for conducting rescue and interview, lack of institutionalized mechanisms for repatriation of rescued persons etc have been taken care of.

Delay in submission of charge sheet by police, inappropriate use of criminal sections, lengthy court process with long adjournments, witnesses being called to court many times, producing victim and taccused together in court for cross examination, lack of witness protection, lack of in camera proceeding , lack of fast track/special courts, lack of victim friendly court and police cells, lack of coordination between judiciary and law enforcing agencies etc. are some of the problems associated with the Judiciary system in the delivery of justice to the afflicted .

A few PPs reported being trained on sex trafficking issues. The training imparted was orientation nature and covered the topics as distinguishing trafficking from prostitution, rights of the victims, recognition of legal provisions of the law to trafficking case, understanding of legal provisions for confiscation of proceeds of crime, understanding of the mechanism in place for victim support and assistance, new trafficking trends, trafficking legislation, etc. The training has big effects on investigations and prosecutions of trafficking cases.

### **5.1.2: Govt. Response:**

The Ministry of Women and Child Development (MWCD), Government of India, is the nodal ministry which deals with the subject of prevention of trafficking in women and children for commercial sexual exploitation. In its efforts, MWCD works very closely with the Ministry of Home Affairs (MHA), Ministry of External Affairs (MEA) and the Ministry of Labour and Employment.

The Ministry has adopted a multipronged approach to prevent and combat trafficking which includes legislative measures; law enforcement, programmes and schemes for prevention of trafficking and for rescue, rehabilitation, reintegration and repatriation of victims of trafficking; training, capacity building; awareness generation; and empowerment of vulnerable groups.

The Central Advisory Committee, a national coordinating/monitoring agency has been formed to bring about effective coordination at the national level of preventive strategies, programmes and policies to combat trafficking.

#### **5.1.2.1: Prosecution**

The specific Act relating to trafficking for commercial sexual exploitation was enacted in 1956 as Suppression of Immoral Trafficking Act (SITA) which was amended in 1978 as the Immoral Trafficking Prevention Act (ITPA) and later in 1986 when the orientation was changed from to suppression to prevention. The amended law enacted based on international conventions provides for stringent punishment for procurement of women and girls for commercial sexual exploitation, running of brothels and related exploitative activities. There are, however, serious distortions in implementation of the law and prosecution and justice delivery.

The Immoral Trafficking Prevention Act (ITPA) is the major response to trafficking in India. The Ministry of Women and Child Development administers the Immoral Traffic (Prevention) Act ITPA that makes commercial sex illegal and provides punishment for anyone who lives on the earning of such activities or forces any one into it. The police frequently used the Immoral Traffic Prevention Act and various provisions of the IPC, which have stringent penalties to prosecute sex trafficking

Trafficking of women has been punishable under Section 370 of the Indian Penal Code (IPC) which provides imprisonment for seven to ten years along with fine. The punishment of trafficking of minor has been made more stringent. Section 370 criminalizes government officials' involvement in human trafficking prescribing sentences up to life imprisonment.

The IPC is the substantive criminal law with separate offences dealing with many of the issues that constitute trafficking and related exploitation. In addition to ITPA and IPC, there are several special legislations namely the Prohibition of Child Marriage Act (PCMA), 2006, the Protection of Children from Sexual Offences Act, 2012 which are yet to be effectively implemented in combating the related issues of trafficking

To strengthen the law enforcement response against Trafficking, the Ministry of Home Affairs has established integrated Anti-Human Trafficking Units (AHTUs) and initiated training of police officers and other stake holders to handle cases of human trafficking. There are two Nodal

Officers designated in each state, one representing the Police Department and the other representing the Welfare Department. The national nodal agency integrates the nodal Officers in the states. Anti-Human Trafficking Units (AHTUs) have been set up in many States but they are found underfunded, under staffed and lacked the necessary resources such as vehicles, finance to combat trafficking effectively. Only 8 out of 22 districts in Jharkhand has the presence of AHTUs and most remained non functional.

There has been a radical change in the law enforcement practice and methods. The common practice to arrest, charge sheet, prosecute and convict the trafficked victims on the ground of soliciting has declined. Police and prosecutors are increasingly aware of the need to identify trafficking survivors as victims and not as defendants.

#### **5.1.2.2: Protection**

The Ministry of Home Affairs (MHA) in consultation with Ministry of Women and Child Development issued various advisories to the States on measures needed for preventing and combating crime of human trafficking including Advisory on preventing and combating human trafficking in India (9th September 2009), Advisory on Missing Children (31st January 2012), Advisory to treat human trafficking as organized crime (30th April 2012) and Advisory on preventing and combating human trafficking dealing with foreign national (1st May 2012). The advisories have been well followed with positive outcomes.

As per the Advisory of the Ministry of Women and Child Development issued on 12th October 2011, the State govts. are found conducting gender sensitization of the police personnel, setting up 'Crime against Women Cells' in all the districts, creating of Special Juvenile Police Units for preventing and combating trafficking of women and children for Commercial sexual exploitation. Section 13(3)(b) of ITPA has a provision for the states to constitute an Advisory Body that has been constituted in all the States.

The Track Child Initiative by the Ministry of WCD, GoI under ICPS is another commendable initiative. Under this initiative a website (<http://www.trackthemissingchild.gov.in/>) has been launched to share information about missing and found children.

The Ministry of Women and Child Development is also implementing a Comprehensive Scheme called “Ujjawala” for Prevention of Trafficking and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation in 2007. The scheme components include Prevention( formation of community vigilance groups/adolescents’ groups, awareness and sensitization of key functionaries) ; Rescue( safe withdrawal of the victim from the place of exploitation); Rehabilitation( providing safe shelter for victims with basic inputs of food, clothing, counseling, medical care, legal aid, vocational training and income generation activities etc); Reintegration(restoring the victim into the family/ community ); and Repatriation ( cross-border victims for their safe repatriation to their country of origin). The Protective and Rehabilitative Homes supported under the Scheme are given financial support for providing shelter and basic amenities such as food, clothing, medical care, legal aid, education in case the victims are children, as well as for undertaking vocational training and income generation activities to provide the victims with alternate livelihood option.

Another scheme “Swadhar” by the DWCD caters to women in difficult circumstances, including trafficked women who have been rescued. The scheme has been extended to cover the shelter based rehabilitation of survivors. More importantly, the HIV linkage to trafficking has been addressed through the Targeted Interventions program of NACO, Ministry of H and FW, Govt. of India. These homes are often crowded and in certain districts are simply not available. The police on this ground do not undertake any raid to rescue the victims. There are several instances of rescued victims being re-trafficked for want of proper rehabilitation.

A 2009 MHA directive advises States to use Standard Operation Procedures (SOPs) for proactive victim identification and referral to protection services. Odisha and WB utilized such SOPs.

In June 2015, the Governments of India and Bangladesh signed a Memorandum of Understanding (MOU) on human trafficking to improve coordination in preventing trafficking and protecting victims. To protect both Indian and foreign national victims during trial, prosecutors may request the victim be permitted to testify by video. In February 2016, a Bangladeshi trafficking victim gave testimony via video-conference from Dhaka; the first ever deposition given via live-video in a cross-border trafficking case.

The NGOs are supported for their interventions in the areas of mobilizing communities through Vigilance Committees, undertaking rescue operations and providing counseling services, conducting advocacy, providing vocational training, providing legal support, facilitating networks, establishing shelter homes, training and sensitising of law enforcement etc.

### **5.1.2.3: Prevention**

Based on the recommendations of the National Legal Services Authority and direction of the , Supreme Court to establish a central organized crime agency to investigate human trafficking cases and rescue and rehabilitate victims, the government formed the Central Advisory Committee in 2015 as the lead agency to combat trafficking of women and children for commercial sexual exploitation. MHA maintained an online portal for officials and other stakeholders to access information on trainings, meetings, statistics, laws and shelters.

In May 2015, MWCD and Ministry of Railways signed an MOU with an NGO for the protection of unaccompanied children at railway stations. As many as 20 railway stations hosted NGO staff to provide immediate support to unaccompanied children, who may be missing, abandoned, or runaways and are vulnerable to exploitation, including trafficking.

In November 2015, MWCD and the Railway Ministry launched a project to supply posters to railway stations advising the public to call the National Child line hotline if they encounter an unaccompanied child. The governments of Odisha partnered with NGOs for a large-scale survivor-run awareness campaign across districts.

The government has drafted the ITPA Bill 2016 for introduction in the Parliament under direction by the Supreme Court in 2016.

## **5.1.3: Dimensions of Commercial Sexual Exploitation**

### **5.1.3.1: Victims of CSE**

The victims of the commercial sexual exploitation were the women and girl children who were trafficked and were yet to be rescued from the exploitative situations. The trafficked victims of brothels based sexual exploitation included all those who were continuing or had entered CS as minor girls regardless of whether they entered on their own will or were forced or deceived into it and adult women who had entered CS as a result of fraud, force, coercion or deception.



The brothels based CSE was explored in the identified brothels both in red-light and non-red-light zones. The brothels in non-red-light zones existed under the guise of dhaba, small hotel, shanties, make shift brothels etc. Home based sexual exploitation of inter generational nature existed in Japla of Palamu District of Jharkhand.

Among the victims of CSE, 60% were in the age group 18-30 and the rest 40% were above 30 years of age. None of the trafficked victims were below 18 years. Among the victims, the majority were trafficked within the State. The victims were also from Nepal and Bangladesh establishing existence of trans-border trafficking for commercial sexual exploitation. The Hindus (82%) formed the majority followed by Muslims (17%) among the victims. The majority of the victims belonged to the General Caste (49%). Over one third of the victims (34%) were from the vulnerable Scheduled Castes and Scheduled Tribes community. Among the victims, a significant 22% were widows/divorcees/separated, 15% unmarried and 22% reported adopting Babu(Husband or Lover). About 38% of the married victims had their first marriage at an age below the legal age of marriage i.e. victims of child marriage. A little more than three fourth (77%) of the victims reported having children irrespective of their marital status. The vast majority of the victims were either illiterate (46%) or just literate (24%).

The majority 40% of the victims had been in commercial sexual exploitation for over 10 years followed by 28% for 6-10 years and 22% for 3-5 years. 90% of the victims had their entry into commercial sex at/below the age of 24 years, exactly half of them entering before 18 years of age i.e. when they were minors. The family pressure to earn was reportedly the major factor leading to trafficking under lure for jobs (68%). 15% of the victims were lured with promise of better life prospects and 6% by promise of marriage.

There has been a shift of commercial sexual exploitation from brothels to non-brothels-based situations in almost all the states. The latter manifests itself under the façade of massage parlors, escort services and in small hotels, vehicles and private residences. Traffickers increasingly use emerging technology as websites, mobile applications to facilitate commercial sex.

Fear of client violence, multi partnership sex and forced sex without condom and fear of HIV/AIDS infection prevented most of the brothels based victims (84%) from going out of the brothels for selling sex. A small 15% of the brothels based victims visited outside brothels mostly to hotels and private homes on clients demand. As high as 67% of the non brothels based

victims in CS, however, were mobile sex workers visiting other places in the district or places outside the district.

Women and children trafficked for CS experienced a great deal of physical violence within sex work. The violence was experienced more by the victims in non-red-light zones (57%) than the victims in red-light zones (45%).

As high as 78% of the organized-brothels based trafficked victims had their first sexual experience under lure or pressure when they were less than 18 years of age compared to a lower 41% of the unorganized-brothels based trafficked victims. Of the victims lured/pressurized to have sex during childhood, about 78% were aged between 15 and 17 years followed by 22% in 12-14 years. Neighbors (37%), Peers (18%), Relatives (20%) were the persons who had lured or pressurized the victims during their childhood to have sex with them.

Use of condom every time before sex was reported by 74% of the victims in CSE. Using condoms most often was reported by 17% of the victims and another 8% reported less often use of condoms. Unwillingness of the clients to use condom and non availability of condoms at job time was the reasons for non use of condom as reported by 46% and 33% of the victims using condoms less often.

HIV/AIDS was reportedly heard of by over 99% of the victims. NGO workers (85%) had been the predominant source of HIV/AIDS information. Electronic mass media such as TV (12%), Inter-personal contacts (2%) with co workers had been other channels of AIDS awareness among the victims.

STD is closely associated with AIDS was not known to (33%) of the victims. As high as 78% of the victims were aware that HIV mainly spread through unprotected Sex. Over three fourth of the victims in CSE were aware that condom use would reduce the risk of infections from HIV/AIDS/STD. Overall 85% of the victims in CSE were aware that they were at risk of HIV/AIDS infections because of their unprotected sex with multiple clients.

Most of the organized-brothels based victims (85%) were used to consuming alcohol before or during sex work, the level of intake among the unorganized-brothels based victims, however, being low at 31%.

56% of the victims reported having some health problems. 28% of the victims reported suffering from headaches, fatigue, dizziness, back pain etc. Around 9% said that they were suffering from Uro-genital/ Gynecological problems. The rest 18% had other diseases like TB, Anaemia etc. Over 1% of the victims in CSE were HIV positive. Brothels based workers in red-light zones were conscious of their health and frequently visited STD clinics. Peer Educators and Counselors had succeeded largely to reach out them with information and convince them about their occupational hazards.

The human trafficking was increasingly being organized online and via mobile phones. 92% of the victims reportedly possessed mobile phones – 80% basic phones and 12 smart phones. Most of the basic phone users utilized their phones to make and receive calls and text messages. Only 8% were using social network sites to maintain existing online relationships and to meet new clients.

Police encounter with the victims was either occasional (67%) or rare (21%). However, a small 12% of the victims mostly organized-brothels based said that policemen encounter was frequent. The purpose of the police visits was many: to check entry of any minor, to conduct investigations, to prevent soliciting, to extort money from the brothel owners, to seek sex services from the victims etc. 10% of the victims reported being arrested, most of them being once. Among the arrested, the organized-brothels based victims were higher in proportion (24%) than the victims in non-red-light zones (4%). The majority (40%) of the victims were let off with a warning including extortionary payment to the police, 30% were bailed out by the brothel owners by paying a fine in court, and 27% got themselves released on bail from the court. Arrests leading to a prison sentence was however limited.

The victims on an average earned Rs.200-300 per shot of ten minutes, Rs.300-500 for half an hour and Rs2000 per night. On average a victim entertained 3 to 5 clients per day. The majority 35% of the victims earned Rs. 5000 – 10000 per month. Monthly income between Rs.10000 and 15000 and more than Rs.15000 was reported by 22% and 17% of the victims respectively. The brothels based victims in red-light zones earned higher income than the ones in non-red-light zones.

A little less than three fourth (73%) of the victims had savings accounts in a bank or post office. About 90% of the victims reported having personal ID like Aadhar Card and Voter card. Over three fourth of the victims (78%) reportedly had the IDs with them and over 17% had them at home.

A majority 57% of the victims wanted to continue in the profession, most of them being younger ones who liked to continue in the CS in order to save needed money before they left. The reasons for their remaining in the trade were multiple: none-availability of alternative livelihood means; social stigma and adverse attitudes for their acceptance in the family/community; family pressure to earn etc. Another 14% were undecided about moving out. Housing, livelihood allowances, vocational skill training, residential education facility for the children, free health services were the rehabilitation measures most opted by the victims

#### **5.1.3.2: Brothel Owners**

The brothels in the red light areas were owned exclusively by the females. In non red light areas, the Brothel Owners were predominantly females (66.66%) with significant presence of male owners (33.33%). Two third of the brothel owners reported that they were victims of CSE before becoming brothel owners. About one third who were not the victims of CSE inherited the brothels from their parents who were too old to look after the brothels.

The largest 47% of the brothels were being operated with up to 5 victims and 37% had up to 10 victims in commercial sex. About 17% of the brothels had more than 10 victims. The brothel owners denied keeping any minor girls due to fear of police raid and legal complications. None of the brothel owners in the red light areas reported sending out the girls outside. However, one third of the owners of non-red-light brothels admitted sending out girls to hotels, guest houses, residential premises etc on individual demand.

The majority (43%) of the brothel owners reported no links with any pimps to operate the brothels. One third (33%) and one fourth (25%) of them said that they dealt with one to two and 3 to 5 pimps respectively, mostly the women previously in commercial sex.

Room Rent on monthly basis along with 50% of earning per client was the normal share of the brothel owners irrespective of the location of the brothels in red light or non red light areas.

50% of the brothel owners denied any regular raid in brothels. The raid reported was once or twice a month as reported by 37% and 10% of the brothel owners. To prevent and control the entry of minor girls in CSE was the predominant reason for police raid as reported by the majority (47%) of the brothel owners in the red light zones.

### **5.1.3.3: Clientele**

The clients of the victims for CSE belonged to all age groups. The highest 43% of the clients were in the age group of 31-45 followed by 30% in 25-30 age groups. 10% of them were young adults in 18-24 age groups.

The educational level of clients was generally low. About three fourth of the clients were just literate (30%) or educated up to primary school level (43%). A small 10% of the clients were illiterate. A significant 17% received secondary school level of education and beyond.

The married and unmarried clients visiting brothels were almost in equal proportion- 47% married and 43% never married. Of the married clients visiting the victims in commercial sexual exploitation, 93% had their partners/spouse staying with them

In terms of occupational background, the largest 40% of the clients were from the transport industries- the long distance truck drivers and their helpers and the local taxi/ auto/ mini truck drivers. Another significant one third of the clients were of trade/ commerce/ business background. The remaining 27% included fruit growers, tailors, students, white/blue collared employees.

Two third of the clients were regular visitors to the brothels, about a quarter being occasional visitors. A small 10% reported visiting for the first time.

More than one fourth (27%) of the clients were compassionately attached to specific victims and felt like visiting them on a regular basis. Relieving stress due to long hours of work was cited as one of the reasons for having sex as reported by more than a quarter of clients (27%) mostly in the transport and business sector. One fifth of the clients paid for sex merely for thrill and enjoyment after earning a desired or windfall income .A small 10% of the clients visited for different kinds of sex acts with the victims in CS that their regular partners found unacceptable. Almost all admit being induced for sex under Porn watching.

The amount paid per visit to the victim for sex varied from Rs.200 to Rs.300 as reported by three fifth (60%) of the clients. Nearly one fourth (23%) of the clients reportedly paid Rs.200 or less. The younger victims in all the brothels irrespective of locations were found charging a little higher fee.

90% of the clients reported using condoms during sex- 67% invariably for every sex act and 23% using most often. A small 10% of the clients were occasional users of condom during sex. HIV/AIDS was cited as the single most threat that induced condom use as reported by two third (67%) of the clients. About 17% used condoms as a preventive measure against Sexually Transmitted Diseases (STDs). Others reported using condom as made mandatory in most of the brothels. 70% of the clients confirmed that the victims were the source of condom supply. About one fourth of the clients carried their own condoms apprehending that the condom might not be readily available with the victim or if available might not be of desired quality. As high as 93% of the clients had drinks before/during sex - 40% always and 43% most often and 20% occasionally

As high as 87% of the clients visiting brothels in red-light areas were aware that buying sex was illegal compared to 40% who visited brothels in the non-red-light zones. 80% of the clients reported not ever being encountered by the police, the proportion, however, being higher among the clients visiting brothels in non-red-light zones (93%) than in red-light zones (67%) implying that the brothels in red light districts/zones were under stricter police vigilance.

## **5.2: RECOMMENDATIONS**

In keeping with the main issues identified, the following are the suggestions and recommendations made as the remedial measures:

### **5.2.1: Prevention**

Prevention as a strategy to combat trafficking has to focus on areas of sensitization and awareness among the public at source areas. Besides efforts are needed to address both the structural factors that condition the vulnerable situations and circumstances in which the trafficking of women and girls for CSE takes place and individual- and family-level factors that place women and girls at risk of trafficking.

Poverty has been identified as the primary cause of trafficking. It is, therefore, necessary to ensure that the various schemes for eradication of poverty are focused at benefiting families in which women and children are vulnerable or are at high risk of being trafficked for sexual exploitation and commercial purposes

Trafficking of women and children largely takes place from the socially oppressed sections of society- the SCs and the STs. Developmental programmes should specifically address social and economic empowerment of these vulnerable sections.

Women Self Help Groups in source areas have immense potential to handle social issues. Their proximity to village women and their participation in village matters make them an ideal source of organized woman power to deal with social issues including trafficking affecting community.

At the micro level, the prevention of trafficking in the source areas requires a working partnership between the community, PRIs, police, CBOs and NGOs. Public awareness campaigns and community participation are keys to prevention programmes. Community surveillance and patrols should be encouraged to caution people on the risks of kidnapping, suspicious job offers and fake marriages.

Formation of Village Vigilance Committee comprising various members from the village like Ward member, Anganwadi worker, school head master, NGO representative, representatives of parents, representatives of SHG, members of youth group etc may contribute to combat and prevent trafficking at source areas.

PRIs have a major role and responsibility to take up preventive measures to counter trafficking. They can play a watch dog role against traffickers/agents who move into the village and make false promise of jobs, marriages etc.

Natural calamities like drought and manmade disturbances as ethnic clashes and conflicts, left wing extremism do exacerbate the vulnerability situation of women and children. Efforts need to be made to address the extreme vulnerability situations that the women and children in this area are subjected to.

Besides supply areas, prevention strategies should also be targeted at the demand areas, the transit points and the trafficking routes. The transit point interventions may be led by the NGOs.

The media has a significant role to play in mobilizing public support and involvement for preventing and combating trafficking. Due to its outreach and its ability to mould public opinion, it is a powerful tool of social change. The media has been an effective tool in generating positive social activism. Media focus on the issues of exploitation and human rights violation also provoked improved response systems in the enforcement agencies. Therefore, there is a need for involving the media in a sustained manner.

Capacity building of media on human trafficking in general and sex trafficking in particular is integral to their understanding the different dimensions and ramifications of trafficking and help them address issues related to trafficking of women and girls for CSE in a sensitive and empathetic manner.

The media should create awareness that human trafficking is inappropriate and illegal and has negative consequences. Wide publicity should be given regarding the legal, penal provisions against trafficking and the modus operandi of the traffickers. Victims can be made aware of the places and institutions where they can seek help.

Sensitization programmes for teachers in schools should be promoted. The govt. may introduce gender centred education curricula in schools and subjects of child sexual abuse and trafficking.

Help lines and help booths are very important for providing timely help to any women in distress. Adequate publicity about the child lines and women help lines should be given where the victims can seek help.



The best method of prevention is its integration with prosecution and protection as each component has a direct bearing on the other. Prosecution includes several tasks like the identification of the traffickers, bringing them to the book, confiscating their illegal assets. Protection of the trafficked victim includes all steps towards the redressal of their grievances thus helping the victim survive, rehabilitate and establish herself.

Young men need to be exposed to the realities of trafficking including the reasons women and girls are trafficked, the extent of violence they face, and the physical and psychological harm suffered by the trafficked individuals and should be educated about adverse consequences of buying sex on their own sexuality and imparted skills to address cultural and peer pressures that might influence them to purchase sex from women in prostitution. They should also be made aware of the existing criminal penalties for purchasing sex from trafficked victims.

The key to prevent trafficking in children and their exploitation in prostitution is awareness among the children, parents, school teachers, PRI members etc. Investigation of missing children needs to be done in the source areas by the Panchayat which can identify trafficking. Anganwadi workers with members of Panchayat can take initiative to identify and lodge complaints on missing girls with the police.

Members of the family may not be aware of the legal options if a child goes missing especially in tribal areas marked by lack of awareness. Villagers need to be sensitized that cases of missing children need to be reported to the police. School teachers also need to be sensitized to probe every school drop out to rule out trafficking and report the case to the police.

Preventive strategies to stop increasing sex tourism necessitates improved law enforcement by involving tourism departments, corporate, hoteliers, tour operators, and other stakeholders. Police vigilance in tourism places needs to be strengthened to prevent sex trafficking.

Given the magnitude of trafficking of women and girls through placement agencies there is an urgent need to pass a law to regulate these agencies. It requires that all placement agencies are to register and apply for a license to run. It should have provisions for opening bank accounts for domestic workers where their salaries will be deposited. It should require a domestic worker to be above the age of 18 years.

Marriage registration like birth and death registration should be made compulsory so to ward off fake marriages.

Immigration officials at the borders need to be sensitized so that they can network with the police as well as with local NGOs working on preventing trafficking. Regional cooperation in terms of bilateral and multi lateral treaties and understanding should be promoted on issues such as effective border management, repatriation of victims, information sharing and extradition of perpetrators.

Gender discrimination and patriarchal mindset are important constituents of the vulnerability of women and girl children. This manifests itself in several serious violations of women's rights such as high incidence of female foeticide and infanticide and the discrimination against women in healthcare, education and employment. Since these are vulnerability factors that trigger trafficking, prevention strategies need to be oriented accordingly.

### **5.2.2: Prosecution**

The increasing trafficking of women and children for CSE calls for strong legal action against traffickers, clients, brothel owners and all other exploiters.

Trafficking, being an organized crime, extends beyond brothel to the source area, the transit points, the transit route, etc. and incorporates the roles of a host of exploiters like recruiters, buyers, sellers, transporters, financiers, pimps and traffickers. So the investigation should be broad based encompassing all of them, prosecuting and convicting them.

Non-reporting of crimes related to trafficking is a serious lapse in the existing system of law enforcement. Legal action cannot be initiated against traffickers and exploiters unless all crimes of trafficking are reported to the police. This is possible only with greater police-public cooperation, involvement of civil society, increased public awareness and, above all, sensitivity and accountability among the officials concerned.

The prosecutors play an important role in the justice delivery mechanisms. To strengthen prosecution system, the prosecutors need to be regularly trained and sensitized on the emerging trafficking issues, gender perspectives and human rights issues. They should be equipped with appropriate resources and infrastructure such as Law books and latest rulings by the Supreme Court and by the High Courts, which are essential for effective prosecution

A proper reading of the law leads to its better enforcement. Keeping this in view, the judiciaries at the State, District and Sub-division need to be trained for their effective role in prosecution. Equipping them with relevant and up-to date information on issues relating to trafficking; influencing them for positive change in attitudes; motivating Rights-oriented and gender sensitive implementation of laws, enabling them to take proactive decisions and exercise discretion provided under the law, motivating them to adopt procedures for speedier disposal of trafficking cases; and helping to conform to the very intent and spirit of the law are the rising needs.

There is the need for sensitization of judicial officers and prosecutors on judicial pronouncements by the Supreme Court of India and High Courts, upholding human rights, women's rights and child rights.

There should be a mechanism for regular training of law enforcement, Child Welfare Committees, AHTUs about latest laws, rules and regulations and court judgments. These programs need to be regular and repetitive. Training and sensitization programs for various stakeholders under one roof can help provide a common platform for the stakeholders to discuss and resolve issues to ensure smooth functioning of the entire protection system.

The police, being a professional organization, should have appropriate and regular training for upgradation of their skills and knowledge and orientation of attitudes.

There are several distortions in law enforcement. The non-utilization of certain sections of ITPA against traffickers and exploiters is the normal practice. Law-enforcement officials and others in the criminal justice system need to be trained, sensitised and oriented towards proper utilization of various provisions of substantive laws (IPC), special laws (JJ Act) and ITPA.

Within the existing legislations, there are provisions for anonymity, in-camera trial (Section 327 CrPC) and compensation (Section 357 CrPC) to the victim. To ensure the rights of victims these provisions should be invoked in relevant cases.

A few police officials interviewed were found not receiving training on trafficking. Lack of training of many police officials and their consequent ignorance of the provisions of law and practice leading to lack of knowledge, skill, sensitivity and accountability is a legal handicap

warranting continued orientation and refresher training. Gender sensitization and human rights protection should be the primary focus of the training.

It is high time now to establish and fully capacitate AHTUs in all the districts by providing additional dedicated and trained staff.

There is dearth of women police in existing AHUTs, as well as sub optimal infrastructural and financial resources. Governments should to earmark adequate resources for the concerned police agencies for meeting such contingencies.

Appropriate protection has to be given to the victims who testify against their traffickers and also to the witnesses so that they can cooperate with law enforcement authorities for the investigation and prosecution. The victims should be provided easy access to legal aid services including assistance in accessing compensation.

The provision to close brothels and evict offenders u/s 18 ITPA has been sparingly used. There is a need for sensitizing the law enforcement officials and making them accountable. The illegal assets created by the traffickers and other stakeholders by exploiting the trafficked victims should be confiscated and forfeited.

There is the need for investigations and prosecutions of officials allegedly complicit in trafficking and prosecute, convict and punish those found guilty.

The States should be provided with funding to establish special courts/ fast-track courts to deal with all forms of human trafficking

Considering the fact that trafficking is a highly specialized and organized crime, it may be useful to utilize the services of NGOs in apprehension and prosecution of traffickers.

### **5.2.3: Protection**

One of the important aspects of post-rescue is the rehabilitation of the survivor. Ideal rehabilitation involves steps towards integrated empowerment- psychological, social economic, community reintegration and prevention of re-trafficking. Schemes like Swadhar, with in-built components of rescue and rehabilitation, need to be effectively implemented.

The rehabilitation programme should be integrated and comprehensive in nature with priority on social and economic rehabilitation constituting multiple activities including formal and non

formal education, vocational training, medical care, housing and financial assistance for setting up of micro enterprises.

Comprehensive review of Govt. run/supported rehabilitation homes to identify areas of improvement needs to be conducted. Monitoring mechanisms to ensure quality of care needs to be in place.

The lack of enough shelter homes is reported a major impediment in the rescue operations especially in Jharkhand. Police refrain from carrying out rescue operations for want of adequate rescue homes where the survivors could be lodged This needs to be addressed by providing adequate number of rescue homes in each state

Victim Compensation Fund should be created so as to enable victim to become economically independent. A centrally administered National Rehabilitation Fund should be created with uniform and easily accessible compensation system for victims of trafficking. The Public Prosecutors should be trained on post conviction activities e.g. compensation law, rehabilitation law.

The children born in brothels are affected by the vicious atmosphere of the brothels. To ensure growth of these children in a proper environment, It is suggested to formulate plans making special provisions for their education, health care, vocational training etc to prevent second generation trafficking.

Sex work is a social stigma. The communities should be educated to eliminate such stigmatization towards trafficked women enabling their sustainable reintegration in the family/community.

Further research is needed to assess the quantity and quality of services and care available for rescued victims in rehabilitation home. Also there is also the need for research on health consequences of sex trafficking. Research is also needed to assess the effectiveness of rehabilitation/reintegration program.

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## QUESTIONNAIRES FOR VICTIM

**STATE:**

**DISTRICT:**

**SITE:**

### 1. PERSONAL PROFILE

Name:

Age:

State of Origin:

Mother Tongue:

Religion: Hindu/Muslim/Christian/Other

Caste: SC/ST/OBC/GC

Education: Illiterate/Literate/Primary/Middle/Secondary and Above

Marital Status: Unmarried/Married/Widow/Divorced/Separated/Other

If Married, Age at First Marriage:

Number of Children: Male---/Female-----

Who do you live with: Self /Husband/Husband and Children/Others?

### 2. WORK CONDITIONS

How long have you been working in Commercial Sex:

What was your age when you were entered into Commercial Sex?

What are the forms of Commercial Sex you are engaged: Brothel Based/Home Based/Street Based/ Escort Services/Other

Reason for being in Commercial Sex: Traditional Occupation/To Support Family/Better Living/ Other

Do you move to different locations to engage in Commercial Sex?: Yes/No/Refused

Do you know if any Minors (under 18 years old) involved in commercial Sex at your Work Place: Yes/No/DK

### 3. CLIENT VIOLENCE

Have you ever experienced Client Violence? :Yes/No/ Refused

Where it happened: Brothel/Hotel/Home/Street/Other

Have you ever refused a Client to serve: Yes/No

Reason for Refusing:

#### **4. AGE AT 1<sup>ST</sup> SEX**

Have you ever been lured/Pressurized to engage in Sex during Childhood: Yes/No/ Refused

Who Lured/Pressurized you? :

For what you were lured/Pressurized: Money/Gift/Relationship/Other

What was your age when first involved in this Situation?

#### **5. SAFE SEX**

How often do you use Condom during Sex: All the Time/Most Often /less Often/Seldom /Never /Refused

What are the reasons for not using Condom all the time? :

Have you ever heard of HIV/AIDS: Yes/No

Sources of your Information about HIV/AIDS: Mass Media/Co Workers/NGO Workers/Others

A Person with STD is Prone to HIV / AIDS: True/False/DK

HIV mainly spreads through Unprotected Sex: True/False/DK

Condom Use reduces the Risk of HIV/AIDS/STD Infections: True/False/DK

Commercial Sex Workers are most susceptible to HIV/AIDS: True/False/DK

#### **6. ALCOHOL/DRUGS USE**

Do you take Alcohol/Drugs: Yes/No/Refused

If yes, how often: Rarely/ Sometimes/Most times/Every time before Sex/Refused

Reason for taking Alcohol/Drugs:

Are you experiencing any Health Problem: Headaches/ Stomach Pain/ Urogenital/ Gynecological/ Urination Pain/ Back Pain/ Breathing Difficulties/ Heart or Chest Pain/ Skin Problems/Refused?

#### **7. USE OF TECHNOLOGY**

Do you possess a Mobile Handset: Yes Basic/Yes Smart/ No

Do you use any Social Networking Site: Yes/No/Refused

If yes, what is your most Commonly Used Site?

Reason for using the Site: Maintain Client Relationships/Find New Clients/ Present Profile/Other

## **8. POLICE**

Have you ever been encountered/harassed by Police: Yes/ No/Refused

If yes, how frequently: Frequently/Occasionally/Rarely

If ever arrested by Police for Soliciting Clients: Yes/ No/Refused

If yes, how many Times:

Mode of your Release: Bribing Money/Providing Sex Services/ On Bail/ On Cash Penalty/Other

## **9. INCOME AND SAVINGS**

What is your Monthly Income?: Rs.

Do you have a Savings Account in any Bank/Post Office? Yes/ No/Refused

Do you possess any ID: Yes Voter ID/ Yes Aadhar ID/ Other/None

Where is your original ID? : With Me/With Brothel Keeper/Other

## **9. WORK EXIT**

How long do you want to stay in this Profession?

Do you wish to exit from this Profession: No/ Yes/DK/Refused

What are the barriers to your exit?

What Support do you need to exit from this Profession?:

## **11. When and how you entered Commercial Sex? Please narrate:**

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

## QUESTIONNAIRES FOR BROTHEL KEEPER

**STATE:**

**DISTRICT:**

**SITE:**

### DEMOGRAPHIC PROFILE

- Name:
- Gender: Male/Female
- Age:
- Religion: Hindu/Muslim/Christian/Other
- Caste : SC/ST/OBC/Other
- Education: Illiterate/Literate/Primary/Middle/Secondary and Above
- Previous Occupation: Pimp/Sex Worker/Other
- Marital status: Unmarried/Married/Widow/Divorced/Separated/Deserted/Other
- Who do you live with: Self Alone/ With Spouse and /or Children/ Other?
- Place of stay: Inside brothel/ Outside brothel
- No. of children irrespective of marital status
- If lives with children : Yes/No
- Where do Children stay: Self/ Residential school/Other
- Annual Income:

### Brothel keeping

Years of brothel keeping:

Ownership of the brothel

No. of Rooms in brothel

No. of CSE victims in brothel ( Regular)

No. of CSE victims in brothel (Flying)

Who supervises the Brothel?

Who would succeed you?

Did you take drugs/alcohol: Yes/No



Recruitment

Methods normally adopted in recruitment: Direct Contact/Indirectly through pimps/ Other

Promise of Marriage/Incited for Prostitution/Other

No. of Pimps

Earning

Share in the victims' earnings

Types of women and girls in demand

Average No. of Clients Visited Brothel per Day

If any non brothel based CSE

Law Enforcement

Raids in Brothels

Reasons for raids

Are you often involved in contacts with police: Yes/No/DK/ Refused

If ever arrested by the police

No. of times arrested:

If ever prosecuted/convicted: Yes/No / Refused

Are police involved in the racket of trafficking: No/ Yes/DK/Refused

How did you get involved in trafficking?

How do you view the victim of trafficking: Benefactor / Business Value/ Other?

Reasoning for continuing the act of trafficking: Big profit/No alternative livelihood/ other

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

# QUESTIONNAIRES FOR TRAFFICKER

**STATE:**

**DISTRICT:**

**RURAL/URBAN:**

## DEMOGRAPHIC PROFILE

- Name:
- Gender: Male/Female
- Age:
- Religion: Hindu/Muslim/Christian/Other
- Caste : SC/ST/OBC/Other
- Education: Illiterate/Literate/Primary/Middle/Secondary and Above
- Marital status: Unmarried/Married/Widow/Divorced/Separated/Deserted/Other
- Occupation:
- HH MSI: Farm/Non Farm Enterprises/Business/Daily Wages/ Other
- HH Annual Income:
- Who do you live with: Myself Alone/Spouse/Children/Parents/Other

## Criminal Antecedents

Have you had any criminal antecedents: Yes/No/Refused

If yes, for which acts:

If prosecuted for that: Yes/No/ Refused

If convicted/sentenced: Yes/No/ Refused

Did you use drugs/alcohol: Yes/No

If yes, what type of drugs used: Heroin/Other opiate/Tranquillisers/Crack Cocaine/ Amphetamine /Cocaine /Cannabis/Other

How frequently you used drugs: Seldom/Sometimes/Often /Always

## **MOTIVES/METHOD**

How long it has been since you got involved in trafficking:

What was your age then?:

How did you get involved in trafficking?

What role did you play initially in trafficking: Agent/Spotter/Transporters/Harbinger/Other

Whom do you normally target for trafficking: Minor Girls below 18/ Unmarried Girls above 18/Young Widow/Young Divorcee/ Defamed Girls/Other

What methods you normally adopt in recruitment: Direct Contact/Indirectly through Agents or Spotters/ Network of Love Boys/Other

What strategy you normally employed in trafficking: Promise of Work/On Promise of Marriage/Incited for Prostitution/Other

What work you normally promised to the victim/victim family? Domestic Work/ Office Work/ firm work/ Other

How often you kidnapped/abducted the victim: Never/Seldom/Sometimes/Often /Always

How often the victim is sold by the family: Never/Seldom/Sometimes/Often /Always

Are the victims of trafficking usually known to you? Always Known/Mostly Known/ A few Known/ Unknown

How do you view the victim of trafficking: Benefactor / Business Value/ Other?

How do justify your acts: Helps Needy/ Revenge for being a Victim /Other

How did you feel after your first act of trafficking: Good/ Bad/Guilty/ Regret/None

Reasoning for continuing the act of trafficking: Big profit/No alternative livelihood/ Other

If ever been a victim of trafficking yourself: Yes/No

### **VIEWS OF LAW AND LAW ENFORCEMENT,**

What are the Anti Trafficking laws you know: The Immoral Traffic (Prevention) Act, 1956 / Juvenile Justice (Care and Protection) Act, 2000 / The Indian Penal Code / Child Marriage Act/DK

What are the chances of conviction in an ITPA case: Rarely/ Sometimes/Most times/Always/DK

What punishments are available for perpetrators of sex trafficking: Imprisonment/Fine/Other/DK

Do you see any loopholes in the enforcement mechanism: Inappropriate Charge sheet/ Poor Evidences/Lack of Victim or Witness Protection/Witness Turn Hostile/ Other/DK?

Are you often involved in contacts with police: Yes/No/DK/ Refused

Do you feel that the police are involved in the racket of trafficking: No/ Yes/DK/Refused

If ever encountered by police during transition: Yes/ No/DK

If ever arrested by the police on ground of trafficking

No. of times:

If ever prosecuted/convicted: Yes/No / Refused

If yes, what sentence given?

What are the changes you notice in the ways of trafficking for CSE? What are the locations sex trafficking now: Brothels/Massage parlors/Hotels/Street corners /Drug busts/Escort Services/Private Homes /Other (specify)/DK/Refused

What strategy do you think will play a role in combating sex trafficking in future?

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

## QUESTIONNAIRES FOR CLIENT

**State:**

**District:**

**SITE:**

Client's Name:

Place of Interview:

Date/Timing:

### DEMOGRAPHIC PROFILE

State of origin	
Age	
Education	Illiterate/Literate/Primary/Middle/Secondary and Above
Marital status	Married/Widowed /Divorced/Separated/Never married
If married, staying with spouse?	Yes/No/ No response/ Refused
Activity status	Self employed/Salaried Employee/ Wage Employee /Other
Occupation	
Occupation of spouse	Domestic work/Helper in family Enterprise/Other
Residential status	Local resident/Tourist/On Business/ Other

### SEXUAL BEHAVIOR

Are you a regular visitor to CSW	Yes/No /No response/ Refused
Frequency of visit	Once a Week/Once a Fortnight/Once a Month/After Work/ No Specific Time/Other
Reason to go to a FSW	Curiosity/Lonely /Sexual Gratification/Stressed /Drunk/ Specific Sex Ac/ Other
Amount paid for this visit	
How would you describe the victim that you have just contacted?	Obeying/Entertaining /Polite/ Easy Going/ Friendly/ Rude/ Miserable /Reserved/Unfriendly/ Other

## SEXUAL PREFERENCES

Type of CSW Preferred	Young / Good-Looking/Good Body Shape/ Region Specific/ Language Specific/Other
If ever refused by a CSW	Yes/No/ No response/ Refused
Have you had any instance of misbehavior by the CSW	Yes/No/ No response/ Refused
Reason for misbehaving	Under Payment/ Over Exploitation/ Abusive/Other
How often do you use condom for sexual intercourse with a CSW	Never/Seldom/sometimes/often /always
Reason for use	Prevent STD/Prevent HIV/Other
Reason for non use	Not Available/Don't Like/ Not Necessary/Don't Know/No Response
How often carry a condom when visit CSW	All Time/Most Time/Some Times/Never
Are you aware that buying sex is illegal	Very aware/Not Aware/Refused

## POLICE ENCOUNTER

If ever encountered by police	Yes/No/ No response/ Refused
What action taken by Police	Extracted Money/ Physically Abused/ Verbally Abused/ Freed after Warning/ Arrested/Other
If aware that clients can be penalized under Section 7 of ITPA	Very aware/Not Aware/Refused
If aware that sexual assault on a child under 16 years of age, even with consent, amounts to rape under the Indian Penal Code	Very aware/Not Aware/Refused

## ADDICTION HISTORY

Have you ever had a drink?	Yes/No/ No response/ Refused
How frequently you take drink	Regularly/ Occasionally/ rarely/No response /Refused
Age at first drink	
What type of drink	Foreign/local/ Both

If takes drink when visits brothel	Yes/No/ No response/ Refused
If takes drugs, type of drugs	Heroin/Other opiate/Tranquillisers/Crack cocaine/Amphetamine/Cocaine/Cannabis
If takes drugs when visits brothel	Yes/No/ No response/ Refused

**STD /HIV**

Have you ever heard about STD	Yes/No/ No response/ Refused
If had any genital ulcers/sores during last 12months	Yes/No/ No response/Refused
If treated	Yes/No/ No response/ Refused
Have you heard of HIV/AIDS	Yes/No/ No response/ Refused
Have you ever tested for HIV	Yes/No/ No response/ Refused
If ever tested HIV Positive	Yes/No/ No response/ Refused
Is person with STD prone to HIV	Yes/No/ No response/ Refused

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

## QUESTIONNAIRES FOR POLICE

**STATE:**

**DISTRICT:**

**SITE:**

Name of the Police Station:

Name of the person:

Age:

Sex:

Educational Qualification:

How long have you been with the Office?:

What is your current position?:

How long have you held this position?:

What is your role and responsibility?: *Intelligence Collection /Maintain Database / Undertake Rescue Operations/Post-Rescue Care and Rehabilitation/Liaison with Mahila and Sishu Desks/Crime Investigation/Prosecution of Offenders/ Post-Prosecution Conviction Actions/ Work with Prosecutors on Law Enforcement/ Undertake Community Policing Activities/Keep Vigil at Transit Areas/Other*

Have you ever been involved in investigating crimes related to trafficking of women for CSE: *Yes/No*

If yes, in what capacity: *Special Police Officer / Investigator / Other*

With which other law enforcement organizations did you work: *Local Law Enforcement/State Law Enforcement/Inter State Law enforcement/Other?*

Does your department have a formal protocol (guidelines) for identifying and investigating cases of suspected sex trafficking: *Yes/No/DK/Refused*

In general, what kinds of things are covered in the protocol?

How useful are the formal procedures/protocols to identify sex trafficking cases: *Not useful/Somewhat useful/Very useful*

Does your department have a formal protocol (guidelines) for conducting raid and rescue the victims of sex trafficking: *Yes/No/DK/Refused*

In general, what kinds of things are covered in the protocol?

- Pre Rescue Protocols: *Register FIR /Obtain Search Warrant/ Wearing Badges And Uniform /Other*
- Protocols During Rescue : *Searching Premises/Segregating Offenders/Custody of Belongings of Victims/Evidence Collection/Produce Victim Before Magistrate/ Produce Victim before CWC if Minor/Other*
- Post Rescue Protocols: *Medical Care/Legal Counseling/Interviewing Victim by a Female Police Officer/Send Victim to NGO Home/Sealing places of CSE/ produce Arrested offenders before the local Magistrate/Other*

Has your department ever investigated a sex trafficking case: *Yes/No/DK/Refused*

How many such cases reported/registered last year in your District:

How many such cases resulted in arrest of the Perpetrators?

### **INVESTIGATIVE PROCESS**

Have you or members of your unit ever started investigating a case as one offense, say kidnapping and found elements of sex trafficking?: *Yes/No/DK/Refused*

How often does this happen: *Not very often/Somewhat often/Very often/DK/Refused*

Have you or others in your department ever started investigating a sex trafficking case that resulted in the defendant being charged with something else: *Yes/No/DK/Refused*

How often does this happen: *Not very often/Somewhat often/Very often/DK/Refused*

What are the three most likely locations in which police might encounter sex trafficking activities: *Massage parlors/Brothels/Hotels/Street corners /Drug Busts/Escort services/Private Homes or Apartments/ DK/Refused Other/*

Which are the sources of information about victims or potential victims of sex trafficking: *Service delivering NGOs/NGOs Working on Anti Trafficking/ Community Vigilance Group/ RPF/ Transporters/Help lines/DK/Refused*

Which of the techniques have been used by you/your unit when investigating crimes related to sex trafficking: *Material Evidence/Witness Evidence/Medical Examination of Victim/Forensic Examination of Victims, Suspects and Documents/ Mobile Surveillance/Other*

How often the forensic examination techniques are used: *Not used at all /Used in Selected Cases/ Used in Most Cases*

Is there a Special Police Officer functioning in your jurisdiction for offences related to trafficking: *Yes/ No/ DK*

Is there a Nodal Police Officer functioning in your State for such offences? *Yes/ No/ DK*



## **RELATIONSHIP**

How would you characterize your department's relationship with local services delivery organizations: *Very good/Good/Not very good/Bad/DK/Refused*

Do service delivery organizations help your department gain a victim's willingness to assist in the investigation and prosecution of sex trafficking cases: *Yes/No/sometimes /DK/ Refused*

If no, what do you think prevents them from assisting you?

How would you characterize your department's relationship with other **law** enforcement such as RPF, BSF who work on sex trafficking issues: *Very good/Good/Not very good/Bad/DK/Refused*

How would you characterize your department's relationship with the local prosecutor: *Very good/Good/Not very good/Bad/DK/Refused*

If you take a case with characteristics of sex trafficking to the local prosecutor, what would he/she suggest in terms of charges?

## **CHARACTERISTICS VICTIMS**

How many victims of sex trafficking has your department worked with in the last year: *Number: /DK/Refused*

How many minors involved in **sex** trafficking have been investigated by your department last year:

In general, how old are victims of sex trafficking: *Under 19 years/Between 20 and 29 years/ Between 30 and 39 years/40 years and older/DK/Refused*

Are victims of sex trafficking more likely to be local residents: *Local resident/Other State/it's a mix/DK/ Refused*

What difficulties has your department had in working with victims of sex trafficking?: *Victim Pleading Guilty/Protection of Victim and Witness/Court Adjournments/Witness Turning Hostile/Other*

What steps has your department taken to overcome barriers to providing assistance to victims of sex trafficking?

## **SEX TRAFFICKING VS WORK IN THE SEX INDUSTRY**

What aspects of sex trafficking distinguish the offense from work in the sex industry: *Presence of force, fraud, or coercion/ Victims if Minor /Organized Crime/Other*

Do you have experience of investigating cases engaged in prostitution: *Yes/No/DK/Refused*

What are the three most likely locations in which you might encounter prostitution: *Massage parlors/Brothels/Hotels/Street corners /Drug busts/Escort services/Private homes /other (specify)/DK/Refused*

How do these locations differ from those you've encountered in sex trafficking investigations?

Do the victims of sex trafficking differ from those providing services in the sex industry in terms of age, caste, residence etc:

Do the perpetrators of sex trafficking (e.g., pimps, brothel madams) differ from those providing workers for the sex industry (pimps) in terms of sex/age/residence/other way:

### **TRAINING RECEIVED ON TRAFFICKING**

Have officers in your Unit/Department been trained to recognize potential victims of sex trafficking: *Yes/No/DK/Refused*

What percentage of officers in your department have been trained in sex trafficking?

What type of training: *Induction/ In Service/ Refresher/On Line/ Regional Conferences/ Other*

Source of training: *police training institute/Independent Trainer/ Service providers/ dept. of justice curriculum/ other*

Topics of training covered: *identifying victims or suspected victims/distinguishing trafficking from prostitution/ trafficking modus operandi/ Trafficking patterns and trends/ rights of victims/ legal provisions of the law to trafficking case/ Legal and administrative provisions for inter-state and cross border investigation/legal provisions for closure of places of exploitation/ legal provisions for confiscation of proceeds of crime/ victim support and assistance/ Other*

After receiving training, are officers required to remain in their post for a certain period of time?: *Yes/No/DK/Refused*

Are the patrol officers, investigators, prosecutors, etc. trained about new trafficking trends and legislations?

Have you received specific training in trafficking of women and girl children for CSE: *Yes/No/DK/Refused*

If yes, was the training useful: *Yes/No/DK/Refused*

What effect has the training on investigations of sex trafficking? : *No effect/Very little effect / some effect/Big effect/Don't know/Refused*

How good is your knowledge about the legislations on trafficking of women and children for CSE: *Very Good/ Good/ Average/ Weak/ Very weak*

### **INFORMATION COLLECTION**

Does your unit collect and analyze information specific to trafficking of women and children for commercial sexual exploitation?

Which other organizations does your unit work with: *Prosecution Departments/Non-Governmental Organizations/ Community Vigilance Groups/ Other Agencies?*

How would you rate the problem of trafficking of women and children for CSE in your District:  
*Not a problem/somewhat a problem/Very serious problem?*

Over the past five how do you see the trend in trafficking? : *Increasing/ Decreasing/ Constant*

If increasing/decreasing, specify the reasons:

How can trafficking be prevented: *Effective Patrolling and Vigil at Locations Prone to Trafficking/ Inter Departmental Cooperation for Spotting and Rescuing the Victims/ Periodical Checks On Transporters/ Addressing New Forms of Demand/ Inter-State Collaboration/ Sensitization Programs for Police Officers, Railway Police Force, Prosecutors and Judges on various legislation/ Prosecution of Perpetrators/Public Awareness /Support to Women Vulnerable To Trafficking/ Other*

## **LAW ENFORCEMENT**

What are the present laws related to trafficking and CSE: *The Immoral Traffic (Prevention) Act, 1956/Sections of the Indian Penal Code 1860 /The Prohibition of Child Marriage Act(PCMA), 2006 /The Protection of Children from Sexual Offences Act, 2012/Other*

Are the laws able to address the issue of trafficking adequately? : *Yes/No/DK/Refused*

If not, what do they ignore: *Victim's Rights/ Adequate Rehabilitation Facilities for Victim/Long-Term Crime Control Policy/Protection of Victim and Witness/ Victim's Access to Legal aid/ Other*

What are the most commonly used sections of the ITPA?

Are there any sections that you think are not being adequately used?

What are the chances of conviction in an ITPA case?

What problems do the victims face during their interaction with the police?:

Are there any problems you (the police) confront while dealing with the prosecution?

Is the production of the rescued persons in a court of law connected to the production of the offender?

Who is responsible for bringing the rescued person to the court from the Stay Home?

Is the rescued person allowed to meet her friends /relatives during the process of trial? What are the reasons for the same?

What about the Protection measures for victims and witnesses?

How are the cases followed up?

What is the rate of conviction or acquittal?

Have you had any cases of relapse? If yes, what were the reasons for relapse?

Do the police play a role in the process of rehabilitation of the rescued person?

Do you see any loopholes in the enforcement mechanisms to tackle trafficking? : *Adjournments/ Easy Bail for the Trafficker/ Harassment and Humiliation of the Victim / Provisions under ITPA mostly used against Trafficked Victims/Insensitivity of the Judiciary /Other*

What changes you suggest: *Reform of Existing Laws/New Legislation/ Reform of procedure/ Reform of Court Practice/Clarity of Objectives Of Rescue and Rehabilitation/ Other*

What are the challenges to overcome the problem of trafficking: *Victims Denying Identity/Victims Fearing to Go Back Home /Lack of Good Social Services /Community Ignorance /Lack of Specific Training/Lack of Resources/ Other*

What additional resources do you need to better address sex trafficking cases?: *Adequate Staff/ Adequate Infrastructure/Adequate Funds/ Other*

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

## QUESTIONNAIRES FOR APP/PP

**STATE:**

**DISTRICT:**

**SITE:**

Court:

Name:

Age:

Sex:

Educational Qualification:

### SECTION 1: INTRODUCTION

How long have you been with the Office?:

What is your current position?:

How long have you held this position?:

What is your role and responsibility: Assisting Investigation Officer (I.O.) in drafting FIR/ legal Counseling to Rescued Victims/ Assisting IO during Investigation/ Assisting I.O to Draft Charge Sheet/ Ensure Victim-Witness Protection / Co-coordinate with Police for Conviction of Perpetrators / Providing Compensation to Rescued Victims/Other.

Has your office ever prosecuted a case of trafficking of women and children for Commercial Sexual Exploitation: Yes/No /DK/Refused

How many such cases prosecuted last year?

How many such cases resulted in conviction of the traffickers/perpetrators? :

If perpetrators convicted, what was the sentence length on an average?

Have you a protocol/guidelines for prosecuting cases of sex trafficking? : Yes/No /DK/Refused

What kinds of things are covered in the protocol/guidelines?: Victim's Statement Recorded before Magistrate/Medical, Forensic, Material, Documentary Evidences/ Witness Statements /Other

What are the advantages and disadvantages of adopting a formal protocol for handling sex trafficking cases?

## **SECTION 2: PERCEPTION OF LAWS ON SEX TRAFFICKING OF WOMEN**

What are the laws that address trafficking of Women and Children for CSE?: The Immoral Traffic (Prevention) Act, 1956/ The Prohibition of Child Marriage Act (PCMA), 2006/Specific Sections in the IPC, 1860 /The Protection of Children from Sexual Offences Act, 2012/Other

Are the present laws related to trafficking and CSE, such as ITPA able to address the issue of trafficking adequately: Yes/No /DK/Refused

If not, what do they ignore: Victim's Rights/ Adequate Rehabilitation Facilities for Victim/Long-Term Crime Control Policy/Protection of Victim and Witness/ Victim's Access to Legal aid/ Other

What do you recommend: Reform of Existing Laws / New Legislation/ Reform of Procedure/ Reform of Court Practice/ Reform of Welfare Services /Other

What are the most commonly used sections of the ITPA: S3/S4/S5/S6/S8

What in your opinion is the critical evidence leading to conviction/acquittal of a case?: Material Evidence/Witness/Medical Report/Forensic Examination Report/Mobile Surveillance/Other

Does the law permit the use of specialized evidence-gathering techniques (such as the use of undercover officers, human and technical surveillance, interception of communications and controlled deliveries) for evidence in court?

Are there any procedural complexities in the adjudication process of cases under ITPA? If yes, what are they and how you deal with them? How are the cases followed up?

What, in your opinion, is the attitude of the police to the trafficked victim: Helpful / Harassing/Indifferent/ Other

What are the mandatory formalities followed by the police under the ITPA before producing victims of trafficking in a court of law?

Do you have access to records and statements available with the police?

Do you have access to the victims while they are in the custody of a protective home?

What role do you play in the process of rehabilitation of the rescued victim

If the case is prosecuted, what role does the victim play in the prosecution? What do you do if the victim does not want to proceed with or participate in prosecution? Do you need the victim to testify to go forward with prosecutions?

What are the specific procedural steps to be taken while dealing with cases where the victims are minors (less than 18 years of age)?

What problems do you face during your interaction with the victim?:

**SECTION 3: CAPACITY BUILDING**

Have you received training on the subject of sex trafficking of women and girls: Yes / No / DK / Refused

About what percentage of prosecutors in your office have been trained about sex trafficking issues?

Which organization provided the training?

What type of training imparted: Orientation/Refresher/ On Line/ Regional Conferences/ Other

Topics of training covered: Identifying Victims /Distinguishing Trafficking from Prostitution /Rights of Victims/Recognition of Legal Provisions of the law to Trafficking Case/ Understanding of legal Provisions for Confiscation of Proceeds of Crime/ Understanding of the Mechanism in place for Victim Support and Assistance/ New Trafficking Trends/ Trafficking Legislation/ Other

What effect has the training had on investigations and prosecutions of human trafficking: No effect / Very little effect / Some effect / Big effect / DK / Refused

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

## QUESTIONNAIRES FOR JUDGES

**STATE:**

**DISTRICT:**

**SITE:**

Court:

Name

Age

Sex

Educational Qualification:

Current position

Period in current position

Experience as Magistrate

Are the cases related to trafficking of women and children for Commercial Sexual Exploitation brought before your court?: Yes/No

What percentage of the court cases are of sex trafficking cases?:

Do you refer the standards of international Human Rights principles and obligations related to trafficking of women in the cases of trafficking of women for CSE: Yes/No/DK/Refused

What approach you adopt: Victim Centric/ Respect Human Rights/Gender Sensitivity/Organized Crime Perspective/ Other

Are the present laws of trafficking of women and children for CSE such as ITPA able to address the issue of trafficking adequately? Yes/No/DK/Refused

If not, what do they ignore : Severe Penalties for Repeat Offenders/ Protection for Victims and Witnesses/ Victim Legal Rights to Rehabilitation / Special Investigative Agency /Long Term Crime Control Policy/Other

What are the most commonly used sections of the ITPA: Ss3/4/5/6/8/

Are there any sections that you think are not being adequately used?

What are the chances of conviction in an ITPA case? Never/Seldom/Sometimes/Often /Always

What in your opinion is the critical evidence leading to conviction of cases: Material Evidence/Witness/Medical Examination Report/Forensic Examination Report/Mobile Surveillance/Other

Is lack of documentation of the abuse a problem in cases of sex trafficking crimes? If so, how and why?

Are forensic examination used in cases of sex trafficking? If so, what weight do you give to having a forensic certificate: Low/ Average/ High?



## **Trafficker**

What punishments are available for perpetrators of sex trafficking? What factors are considered in sentencing after a conviction?

What factors are considered in setting bail for a perpetrator accused of a sex trafficking crime?

Do you utilize risk assessments in determining bail, release, or sentencing of sex trafficking perpetrators?

What criteria do you use to assess for direct and immediate threat to the life of victim and witnesses by the perpetrator? What action do you take in this situation?

What is the usual punishment given when a case is proved against a perpetrator (pimps, procurers, brothel owners): Fined Only/Imprisoned Only/ Fined And Imprisoned/Other

What are the courses of action available to you in a case of trafficking of women and children for CSE: Discharged under Section 239 of the Cr.P.C/ release on bail pending filing of charge-sheet and trial/ frame charges against the trafficked woman under Section 240 and 251 of the Cr.P.C. and ask her to plead guilty or not guilty/ acquit on lack of evidence or legal loopholes.

## **Victim**

If the case is prosecuted, what role does the victim play in the prosecution? What do you do if the victim does not want to proceed with or participate in a prosecution? Do you need the victim to testify to go forward with prosecutions?

How long does it generally take to for a criminal sex trafficking case to be resolved?

Have you ever seen a situation in which a victim of sex trafficking was also arrested, charged, or convicted?: Yes/No/DK/ Refused

Do victims prosecute cases of sex trafficking unassisted by the state? Are they successful at prosecuting their cases?

Have you dealt with cases where trafficked women have sought the custody of their children: Yes/No/DK/ Refused

## **Prosecution**

How many sex trafficking cases are on an average handled per year in your court? What factors affect case flow? Over the past years do you see an increasing or decreasing pattern in the number of cases If yes, specify the reasons for the same

How are such cases followed up? What procedures are used in summoning parties and witnesses? How do they go through court proceedings?

What are the limitations of your jurisdiction? Are you capable of mediating cases within and outside your jurisdiction

Whether you seek technical advice from other institutions or bodies and if so, which ones and for what type of cases/situations?

Are their cases referred to other authorities, which are those cases and to which authorities are they referred?

## **Training**

Are there specialized courts for the handling of sex trafficking cases? Are there prosecutors, judges and other judicial officers that focus solely on trafficking in persons?

In their absence, do prosecutors, judges and judicial officers receive training on issues related to trafficking and applicable laws?

Are there mechanisms in place to provide prosecutors, judges and judicial officers who only come across cases of trafficking occasionally with access to relevant expertise?

Are there mechanisms, including regular training and capacity-building, to ensure a sound understanding of the complexity of the crime in every mandated sector including law enforcement units, prosecutors' offices and other judicial entities?

Are there mechanisms in place encouraging cooperation between law enforcement officers, prosecutors and judges involved in cases of trafficking in persons?

Have you ever had trainings on sex trafficking of women and children? If so, when and who organized them? was the training useful?

What effect has the training on prosecution of cases of trafficking for CSE? : No effect/Very little effect / some effect/Big effect/Don't know/Refused

How good is your knowledge about the legislations on trafficking of women and children for CSE: Very Good/ Good/ Average/ Weak/ Very weak

How good is your knowledge about risk assessments of victims: Very good/ Good/ Average/Weak/Very weak

How good is your knowledge about issues of trafficking of women and children for CSE: Very good/ Good/ Average/ Weak/ Very weak

## **LAW ENFORCEMENT**

Are crime investigation authorities sufficiently equipped to ensure appropriate personnel and technical equipment, including the establishment of specialized trafficking investigation units and other related specialized units: Yes/No

which areas they do they have access to specialized guidelines: Proactive investigations/ Disruptive investigations/ Crime Scene Investigations/ Reactive Investigations/ Information and Evidence Gathering/Undercover Techniques/ Use of Informants/Interviewing Techniques/Use of the Media/Databases/ Preparing for Charge and Trial/ Freezing, Seizing and Confiscating Assets/ Other

What loopholes you see in the Law enforcement mechanism? : Inappropriate Provisions under ITPA / Complicit with Perpetrators/Inadequate Profiling of the Perpetrators/ Other

What changes do you suggest: Reform of Existing Laws/New Legislation/Reform of Procedures/Reform of Court Practices/ Other

Main challenges in securing evidence from victims/witnesses: Fear of victims and witnesses /Victim not consider herself as a victim/Discrepancy in validity of evidence of pre-trial statements/victim reluctant to cooperate/Testimony of anonymous witnesses/Other

How does the trafficked victim behave in a Court room: Pleads Guilty/ Takes a Bail/ Has Lawyers to represent her/ Asks for Legal Aid/ Others

When does a woman plead guilty: To Avoid Delay in Proceedings/ Fear of Police Harassment/ Financial Constraints/ Absence of Supportive Court Atmosphere / Combination of these/Other

Who in your experience are generally convicted for offences related to sex trafficking: Trafficker/ Recruiter/Victims/Financer/transporter/ harborer

How to improve better conviction rates of perpetrators of sex trafficking crime: Adequate Documentary, Forensic and Material Evidence / Use of Fast Track Courts/ Video Conferencing of Victims and Witnesses/Other

## **LAWS**

Which are the National Laws that apply to trafficking of women for CSE: The Immoral Traffic (Prevention) Act, 1956/Sections of the Indian Penal Code 1860 /The Prohibition of Child Marriage Act(PCMA), 2006 /The Protection of Children from Sexual Offences Act, 2012/Other

How successful do you think the laws have been in curbing the trafficking of women and children? Very successful/to some extent/ Not at all

What trafficking laws have had the greatest impact: The Immoral Traffic (Prevention) Act, 1956/ The Prohibition of Child Marriage Act (PCMA), 2006/ Sections of the IPC, 1860 /The Protection of Children from Sexual Offences Act, 2012/ Juvenile Justice (Care and Protection) Act, 2000 Other

What flaws do you see in the existing laws: Victim being Punished/ Perpetrators not Charged appropriately/ No Severe Penalties for Repeat Offenders/ Lack Of Protection for both Victims and Witnesses/ Lack of Specialized Investigation Agency/ Other

What procedures the judicial system has established to meet the specific needs of victims testifying in court proceedings: Interpretation services/ Closed Hearings/Witness Protection/Pretrial Detention of the Suspect/ Use of Closed Circuit Television/Provision of legal Counsel to Witnesses/Victim's Legal Adviser/Access to Legal Defense Services/ Other

Do you feel that there are sufficient provisions in the legislation for the rehabilitation of the victims?: Yes/No/DK/ Refused

Do you have a personal or religious opposition to prostitution that inhibits your ability to act as a fair and impartial juror

Do you have any personal opinions about our system of criminal justice that would make it difficult to listen to the law and evidence and render a fair and impartial verdict?

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

## QUESTIONNAIRES FOR NGO WORKING IN ANTI-TRAFFICKING

**STATE:**

**DISTRICT:**

**BLOCK/ULB**

### **BACKGROUND PROFILE:**

Name of the NGO:

Address:

Name

Age

Sex

Educational Qualification

Since when have you been working with this NGO?

Position held at present

How long have you served in the present capacity?

What is the kind of work that you are doing?

How long has your organization been in existence?

What is the primary mission or goal of your organization?

How large is your staff?

What is your annual financial turnover?

What are your sources of funding: Central Govt./State Govt./UNO agencies/Bilateral/Multilateral Agencies/Corporate/Private/Other( Specify)

What aspects of trafficking of women and girl children for CSE you address:

- Prevention: Anti Trafficking Watch Group / Community Vigilance Group / Linkage Building with NGO, Media and Govt. / livelihood Support / Advocacy/ Helpline/Data Collection / Other
- Protection: Care Home/Counseling/Rescue/Safe Return/Vocational Training /Drugs Treatment /HIV Treatment/Other
- Prosecution: Assist Police to Register Case Against Trafficker/ Legal Aid/Assist Victim and Witness in Deposition/ Other
- Capacity Building: Police on Legal Laws/NGOs/Law Enforcement/Judiciary/WCD Officials/Other

Which are the other NGOs in the area that work on anti trafficking of WCCSE?: Yes/No /DK

Do you have collaboration with other NGOs that work against trafficking of WCCSE?

If yes, with which organizations you collaborate?

Does your organization work with other service provider organizations when victims of sex trafficking are involved: Yes/No /DK

If yes, with which organizations you partner with?

## **PREVALENCE**

How do you perceive the menace of sex trafficking of women and children for CSE in your area/district: Mild/Moderate /Severe?

What are the underlying causes of sex trafficking in your Area/district?

What characterize your district: Source/ Transit/ Destination/ Combination of these

Over the past five years what do you observe about the pattern in the number of trafficking: increasing / decreasing/constant

Reasons for the trend:

Have trafficking methods changed in the past years for example from brothels to private apartments, parlors and escort services etc? Yes/No/DK/Refused

## **CSW**

When did you first begin to work on trafficking of women and girl children for CSE?

In addition to working on anti trafficking, do you also provide assistance to workers in the sex industry (prostitution): Yes/No /DK

About what percentage of sex workers who work in the sex industry exhibit characteristics of human trafficking:

What kinds of services do you provide those who work in the sex industry: STI Treatment/ Condom Supply/Behavior Change Communication/Community Mobilization/Other

How do you look upon prostitution? Should it be legalized?: Yes/No/Other

Reason for the same: Decreased Trafficking of Women for CSE/ Safety of Prostitutes and their Clients /Social De-Stigmatization associated with Prostitution/ /Other

## **VICTIMS**

How does incidence of sex trafficking come to your attention: Community Vigilance Groups/Women SHGs/Alertness at Transit Routes/Transporters/ Help Line/ Victim Self Reporting/ Other

How many victims of trafficking of women and for CSE your organization identified last year: No.-/DK

In general, what caste typifies victims of sex trafficking for CSE: SC/ST/OBC/OC/ Mixed/DK

What about the residential status of the victims of sex trafficking: State Resident/Out of State resident/it's a mix/DK

How the victims of sex trafficking generally get involved: Deception/On Marriage/ Promise of Marriage/Kidnapped/Sold/ Other

## PERPETRATORS

Have you ever called police to rescue victims that came to your notice: Yes/No /DK

For how many different cases you called police last year?

How was the response from the Police to your call?: Very good/Good/Not Very Good/Bad /Refused

Do you come in contact with perpetrators of sex trafficking: Yes/No /DK

In general, what gender the traffickers are: Male/Female/Both male and female/DK

In general, how old are the perpetrators of sex trafficking: 20 - 29 years/ 30 -39 years/ 40 years and older/DK

Are perpetrators of sex trafficking more likely to be local residents: Native state/Other State/Native plus Other State / it's a mix/ DK

How many cases resulted in arrest of the perpetrators last year:

What levels of punishment are instituted against the traffickers? If committed in respect to minors do courts apply more severe punishment?

What about the legislation to punish the clients of victims of sex trafficking: Strongly Agree / Somewhat Agree / Somewhat Disagree / Strongly Disagree/ Other

What about the impact of ITPA on trafficking of Women and children for CSE: Significant/Moderate/Mild

## POLICE

What about the efforts of law enforcement in raid and rescue of victims of sex trafficking: Significant/Moderate/No Efforts

What hurdles the law enforcement face in implementation: not enough police officials/ Lack of Infrastructure/Lack of Manpower/Lack of Networking/ Corruption/ Other

Does the law enforcement have special powers of investigation or witness protection?

Do you experience problems in **working with law enforcement** on trafficking (WCCSE) issues? Yes/No /DK

What kinds of problems you face?

How would you comment your overall relationship with the police in addressing issues of trafficking: Very good/Pretty good/Mixed/ Very bad/ DK/ Refused

Does your organization serve in interagency Human Trafficking Task Force: Yes/No /DK

Has the Task Force been effective in addressing issues of sex trafficking: Yes/No /DK

Do you agree that service NGOs and police are involved in joint planning and activities for victims of sex trafficking: Strongly disagree/ Disagree/ Agree/ Strongly Agree/DK/Refused

## **LAWS**

What are the present laws related to trafficking and CSE: The Immoral Traffic (Prevention) Act, 1956/Sections of the Indian Penal Code 1860 /The Prohibition of Child Marriage Act(PCMA), 2006 /The Protection of Children from Sexual Offences Act, 2012/Other

Does the legal mechanism address the problem of trafficking of women and children for CSE adequately: Yes/No/DK/Refused?

What flaws exist in the law: No Severe Penalties For Repeat Offenders / Lack of Protection For Victims and Witnesses/No provision for Special Court / No Victim's legal right to rehabilitation/ No continuous Training of investigators, judicial officers and public prosecutors/ Non existence of Special Investigative Agency/ Offence not Cognizable and non Bailable/Other

What changes you suggest: Reform of Existing Laws/New legislation/Reform of Procedure/Reform of Court Practice/

How do you assess the state initiatives to counter trafficking: Significant/ moderate/ negligible

What is your observation regarding the implementation of existing laws and procedures: No Political will/Inadequate Police Officials/Inadequate Funds/Poor Police Infrastructure/lack of Specialized Investigative Agency/ Lack of Capacity Building for Care Givers, Law Enforcement and Judiciary/ Other

## **REHABILITATION**

Does the legal framework related to trafficking contain provisions for rehabilitation of the victims? Yes/No/DK/Refused

Are the provisions in the legislation for the rehabilitation of the victims adequate: Adequate/Somewhat adequate/Inadequate/No Response/ Refused

What sort of assistance is given to the victim: Housing/livelihood Support/legal Assistance/ Victim Protection / Witnesses Protection /Other

Is access to support and assistance conditional on the presumed trafficked victim's willingness to cooperate with the police?: Yes/No/DK/Refused

Does the law provide for using the confiscated proceeds of crime to compensate victims for damage suffered by victim?

Does the victim has a legal right to rehabilitation: Yes/No/DK/Refused

## **TRAINING**

Have you or your staff been trained to recognize potential victims of trafficking for CSE: Yes/No/DK/Refused

Who provided the training?

What type of training imparted: Orientation/ Refresher/On Line/ Regional Conferences/ Other

Source of training: Police Training Institute/Independent Trainer/ Service Providers/ Dept. Of Justice Curriculum/ Other

Topics of training covered: identifying victims/distinguishing trafficking from prostitution/ trafficking modus operandi/ Trafficking patterns and trends/ rights of victims/ legal provisions of the law to trafficking case/ victim support and assistance/ other

How useful was the training: Very Useful/Useful/Somewhat Useful/Not Useful

What effect has the training on responding to the needs of victims of sex trafficking:  
No Effect/Very Little Effect/Some Effect/Big effect/Don't know/Refused

What training you still need to help you better serve in anti trafficking activities?

### **IMPACT**

What are the programs that you feel are most effective in combating trafficking: Community Awareness/ Pro-active community policing / Empowerment of Women and Girls Prone to Trafficking / Penalties for Clients of Victims / Confiscation, Forfeiture and Attachment of Property of perpetrators/ Sensitization Programm for SSHs/ Helpline for Women and Children/ Others

Name One program most effective in combating trafficking: Community Awareness/ Pro-active community policing / Empowerment of Women and Girls Prone to Trafficking / Penalties for Clients of Victims / Confiscation, Forfeiture and Attachment of Property of Perpetrators/ Sensitization Programm for SSHs/ Helpline for Women and Children/ Other

What is the impact of your activities on community understanding of the issues of trafficking:  
Some Improvement/Significant Improvement/Noticeable Improvement/DK

What is the impact of your activities on community understanding of the rehabilitation needs and social acceptability of trafficked victims: Some Improvement/ Significant Improvement/Noticeable Improvement/DK

What kind of help do you need to strengthen and sustain your efforts in anti trafficking activities:  
Long Term Funding/ Adequate Funding/Training of Staff / Inter Agency Collaboration/Other

What is the impact of your activities on community understanding

**Name of the Investigator**

**Date of Interview**

**Place of Interview**



## QUESTIONNAIRES FOR SERVICE NGO

**STATE:**

**DISTRICT:**

**SITE:**

Name of the NGO:

Address:

### INTRODUCTION

Name

Age

Sex

Educational Qualification

How long have you been with this organization?

What is your current position?

How long have you held this position?

How long has your organization been in existence?

What is the primary mission or goal of your organization?

How large is your staff?

What is your annual financial turnover?

What are your sources of funding: Central Govt./State Govt./UNO agencies/Bilateral/multilateral agencies/Corporate/private/Other; Specify

### VICTIM SERVICES

Does your organization serve victims of trafficking for CSE: Yes/No/DK

When did you first begin to work with sex trafficking victims?

What aspects of sex trafficking you address: Prevention/ Protection/ Prosecution/Capacity Building

What are the activities undertaken under **prevention**: Anti Trafficking Watch Group/Community Vigilance Group/Linkage Building with NGO, Media and Govt./livelihood Support/Advocacy/ Helpline for Children/Data Collection/Other

What are the activities undertaken under **Protection**: Rescue/ Care Home/Counseling/Safe Return/Vocational Training /Drugs Treatment /HIV Treatment/Reintegration/Other

What are the activities undertaken under **Prosecution**: Assist Police to Register Case against Trafficker/ Legal Aid/Assist Victim and Witness in Deposition/ Other

What are the activities undertaken under **Capacity Building**: Training of Police, NGOs, other Law Enforcement, Judiciary ,WCD Officials / Organizing seminars and conferences/ Other

What is the strength of your Home and how many victims of sex trafficking are there in the Home at present?

About how many victims sex trafficking in an average does your agency serve over a year?

What pattern you observe in the number of cases over last years: Increasing/Decreasing/Constant/DK

If the rescued victim has children, where are the children kept during the case investigation? How many victims are having their children with them in the Home now?

What kinds of services does your organization provide to the victims of sex trafficking in home: Shelter, Food, Clothing/Health Care/Legal support/Vocational Training and Economic Rehabilitation/Counseling/Education/Accompaniment/Helpline Facility/Referral Support/Yoga/Other (Specify)

Which are the services available in house: Shelter, Food, Clothing/Clinical and Medical Health Care/Legal support/Vocational Training /Counseling/Education/Accompaniment/Helpline Facility/Referral Support /Spiritual Support /Reintegration/ Repatriation/ Other

Which are the services available on referral: Drug Treatment/HIV Treatment/STI Treatment/Legal Aid/Vocational Training/Formal Education/Non Formal Education/Referral Support for Specialized Services / Other

What are barriers/challenges you face in providing services to the trafficking victims?: Slow Judicial Process/ Lack of Protection for Victims/Insufficient Rehabilitation Provisions for Victims/Other

How do victims of sex trafficking come to your organization: On referral by court/On referral by Law Enforcement/Referred by other NGOs/Others

Does your organization work with other agencies for victims of sex trafficking: Yes/No /DK

If yes, with which agencies you collaborate?

How effective is your collaboration with other agencies: Not Effective/Moderately Effective/Effective/Very Effective/ DK

In addition to providing services to victims of sex trafficking, do you also provide assistance to workers in the sex industry or prostitution: Yes/No /DK

About what percentage of sex workers who work in the sex industry exhibit characteristics of human trafficking?

What kind of services do you provide those who work in the sex industry: STI treatment/condom supply/Behavior change communication/community mobilization/other

### **VICTIMS /PERPETRATORS**

How many victims of sex trafficking has your organization served in the last year: No.---?/DK

In general, how old are victims of sex trafficking: Under 19 years / 20 - 29 years/ 30 -39 years/ 40 years and older/DK

In general, what caste typifies victims of sex trafficking: SC/ST/OBC/OC/ Complete Mix/DK

Are victims of sex trafficking more likely to be local residents: Local resident/Native State / Other State /A Mix/DK

How victims of sex trafficking generally get involved in sex trafficking activities: Deception/ On Marriage/ On Promise of Marriage/Kidnapped/Sold/ Other

Does your organization come in contact with perpetrators of sex trafficking: Yes/No /DK

In general, what gender the traffickers are: Male/Female/Both Male and Female/DK

In general, how old are the perpetrators of sex trafficking: 20 - 29 years/ 30 -39 years/ 40 years and older/DK

Are perpetrators of sex trafficking more likely to be local residents: Local resident/Native State/ Other State/ it's a mix/ DK

### **CAPACITY BUILDING**

Have you or your staff been trained to recognize potential victims of sex trafficking: Yes/No/DK/Refused

Who provided the training?

What type of training imparted: Orientation/ refresher/on line/ regional conferences/ other

Source of training: police training institute/Independent Trainer/ Service providers/ dept. of justice curriculum/ other

Topics of training: identifying victims or suspected victims/distinguishing trafficking from prostitution/ trafficking modus operandi/ Trafficking patterns and trends/ rights of victims/ legal provisions of the law to trafficking case/ Legal and administrative provisions for inter-state and cross border investigation legal provisions for closure of places of exploitation/ legal provisions for confiscation of proceeds of crime/ victim support and assistance/ other

How useful was the training: very useful/useful/somewhat useful/not useful

What effect has the training on responding to the needs of victims of sex trafficking :No effect/Very little effect/Some effect/Big effect/Don't know/Refused

What training you still need to help you better serve clients?

### **LAWS**

What are the present laws related to trafficking and CSE: The Immoral Traffic (Prevention) Act, 1956/Sections of the Indian Penal Code 1860 /The Prohibition of Child Marriage Act(PCMA), 2006 /The Protection of Children from Sexual Offences Act, 2012/Other

Does the legal mechanism address the problem of trafficking of women and children for CSE adequately: Yes/No/DK/Refused?

What flaws exist in the law: Low Punishment / Problem In Implementation of Law/ Lack of Special Court / Frequent Court Adjournments/ Easy bail for the Trafficker/ Harassment And Humiliation of the Victim / Provisions under ITPA used against Trafficked Victims/Lack of Special Funds for Victim's Rehabilitation/ Other

What changes you suggest: Reform of Existing Laws/New legislation/Reform of Procedure/Reform of Court Practices/Policy for Rehabilitation of Victim/ Other

## **LAW ENFORCEMENT**

Have you ever called law enforcement about a sex trafficking perpetrator that came to your attention: Yes/No /DK

How many times have you called law enforcement in the past year about different cases?

Which law enforcement organizations you called: Local police/District Law Enforcement/ Other /DK

Do you know if any of those cases resulted in arrest of the perpetrators: Yes/No /DK

What are the ITPA sections under which most such cases are tried?

What is the procedure followed after a raid/rescue operation? : Diary Entries/Medical Examinations/Statement Recording/ Witness Statement Recording/Producing Victim before Magistrate/Custody of Victim in State of NGO Home/Other

Who is responsible for the custody of persons rescued? What are the mandatory formalities followed before admitting the victims to state home? What are the criteria for accepting victims, or do you accept all those who are sent to you

For how long is the victims sent to state homes? Is there a maximum time period? Who decides the period of stay of a victim at a state home, Can the court extend their stay in the home?

Who takes care of their belongings from the place of their rescue? How do the victims claim their belongings/assets from the perpetrators? Are they required to apply for the same in the court

Who are the SPOs in your district? What is your level of interaction with the Special Police Officer?

Has law enforcement ever referred a human trafficking victim to your organization: Yes/No /DK

Do you assist law enforcement in gaining a victim's willingness to assist in the investigation and prosecution: Yes/No /DK

What, in your opinion, is the attitude of the police to the victim of sex trafficking: Helpful / Harassing/Indifferent/ Other

What kind of problems do you think the victims face in their interaction with the police , What are the concerns expressed by them?

What kinds of obstacles you face in working with law enforcement on human trafficking issues and how you have been able to overcome these obstacles?

How would you describe your organization's overall relationship with law enforcement with respect to addressing issues of human trafficking: Very good/Pretty good/Mixed/ Very bad/ DK/ Refused?

What hurdles the law enforcement face in tackling trafficking: Lack of Infrastructure/Lack of Manpower/Lack of Networking/ Corruption/ Other

Does your organization serve on interagency human trafficking task forces: Yes/No /DK

Do you agree that the task force been effective in addressing issues of sex trafficking:: Strongly Disagree/Disagree/Neutral/Agree/Strongly Agree

What is the nature of your interaction with the public prosecutor (PP)?

Do the victims meet and interact with the public prosecutor before, during and after the trial? If yes, what was the kind of interaction and what was his attitude in their opinion

Are you required to be in the court? If yes, what is your nature of involvement?

Who is responsible for bringing the rescued person from the custody of the state home to the court?

Is the rescued person allowed to meet her friends /relatives during the process of trial? What are the reasons for the same?

How is a case followed up? What is the rate of conviction or acquittal of the victim?

During court proceedings, are the judiciary sensitive to their issue? What is the attitude of the judge?

What problems do NGOs face during their interaction with the judiciary in the course of handling a trafficking case?

Do you feel that there are sufficient provisions for the rehabilitation of the victims?

What other services do you think should be provided?

Do you contact family of the trafficked victims for their integration into the family? How do the family members of the rescued victims react when they are sent back home? What are their fears?

Do the police play a role in the process of rehabilitation of the rescued person?

What role does the CJS play in the process of rehabilitation of the rescued person?

How do you perceive the menace of sex trafficking of women and children for CSE in the district: Mild/Moderate /Severe?

What are the underlying causes of sex trafficking in your district?

What characterize your district: Source/ Transit/ Destination/ Combination of these?

Over the past five years what do you observe about the pattern in the number of trafficking: increasing / decreasing/constant

Reasons for the trend:

Is there a better community understanding of polices, rules or laws of sex trafficking as impacts of your services: Some Improvement/Significant Improvement/Noticeable Improvement/DK

Is there an increased community understanding of the needs of trafficking victims: Some Improvement/Significant Improvement/Noticeable Improvement/DK

What are the major challenges you face in program implementation: lack of Adequate Funds/ Slow Judicial Process/Insufficient Law Enforcement/Lack of Cooperation of CSOs / Lack of Community Support for Rescued Victims/ Lack of long term Funding for Sustainable Approach/Other

What factors will contribute to the sustainability of your efforts?

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

# QUESTIONNAIRES FOR TRAFFICKING SURVIVOR

**STATE:**

**DISTRICT:**

**SITE:**

Name of the Home

Address

## SERVICES UTILIZATION

Since when have you been in the state home? :

Who sent you here: *Police/ Court/NGO/Self /Other?*

Who do you stay with: *Me myself /With Children/Other*

What services are available at the Stay Home: *Shelter/ Food/Clothing/Job Training/ Education/ SHG Activities/Legal Support/ Accompaniment/ Health Care/ Drug Treatment Services/ Referral Support /Counseling/ Spiritual Discourse/Yoga /Other*

Of the services which are available inside the premises: *Shelter/ Food/ Clothing /Job Training/ Education/ SHG Activities/Legal Support/ Accompaniment/ Health Care/ Drug Treatment Services/ Referral Support /Counseling/ Spiritual Discourse/Yoga /Other*

Of the services, which are available outside the premises: *Shelter/ Food/ Clothing /Job Training/ Education/ SHG Activities/Legal Support/ Accompaniment/ Health Care/ Drug Treatment Services/ Referral Support /Counseling/ Spiritual Discourse/Yoga /Other?*

What services you have used: *Shelter/ Food/ Clothing/Job Training/ Life Skills Training/Education/ SHG Activities/Legal Support/ Accompaniment/ Health Care/ Drug Treatment Services/ Referral Support /Counseling/ Spiritual Discourse/Yoga /Other*

What services you have not used: *Shelter/ Food/ Clothing/Job Training/ Life Skills Training/Education/ SHG Activities/Legal Support/ Accompaniment/ Health Care/ Drug Treatment Services/ Referral Support /Counseling/ Spiritual Discourse/Yoga /Other*

Reason for not using the services: *Not Aware of Service Availability/Denied Access/ Scared of the Authorities/ Services Available outside Home/No Need/Other*

What are the services you need but not available at the Stay Home:

Which are the services available on referral? *Job Training/Education/Health Care/ Drug Treatment /Other*

What are ways the Stay Home could improve services for the inmates?

What is the attitude of the officials in the state home: *Supportive/ Indifferent/Abusive*

## LIVING CONDITIONS

How adequate are the infrastructural facilities at the Stay Home:

- Living rooms: *Adequate/Inadequate/No Response/ Refused*
- Toilets: *Adequate/Inadequate/No Response/ Refused*

- Staff: *Adequate/Inadequate/No Response/ Refused*
- Security measures: *Adequate/Inadequate/No Response/ Refused*
- Other: *Adequate/Inadequate/No Response/ Refused*

On what occasions you leave the home premises: *During Court Proceedings/ Health Consultation/ Otherwise*

With whom you leave home premises for other than court trial:

Who takes you to the court for case proceedings: *Police/Home Staff/ Other?*

Did the officials in the home contact your family?

Are you allowed to meet your family and friends during stay at Home?

What rehabilitation provisions does the home provide: *Vocational Training/ Job Placement/ Accessing Social Security Measures/Marriage Rehabilitation/Other?*

What kind of vocational training you have undertaken:

Who selected the trade for training?

What are the obstacles a victim normally faces for rehabilitation: *Social Stigma/ Family Non-Acceptability/Lack of Livelihood/ Other*

### **POLICE**

Are you aware of the rights/ legal provisions?

What is the status of your case: *Under Trial/Tried*

Do you know the sections under which the case has been dealt: *Yes/No*

Who are the accused in the case: *Recruiter/Trafficker/Transporter/ Harbourer/ Seller/ Other?*

What are the problems you faced during interaction with police?

What was the attitude of the police: *Helpful / Harassing/Indifferent/ Other*

### **PUBLIC PROSECUTOR**

If interacted with the public prosecutor before and during the case proceedings?

If yes, what kind of interaction:

Attitude of the public prosecutor: *supportive/ indifferent/Offensive/other*

During court proceedings, was the judiciary sensitive to your case?

How was the court trial: *publicly/in camera/ Video Conferencing/ Other*

Attitude of the judge: *Positive/indifferent/ harassing/other*

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

## QUESTIONNAIRES FOR PROGRAM ADMINISTRATOR

STATE:

DISTRICT:

SITE:

*(Members of State/District Advisory Committee and State/District Anti-Trafficking Committee, GNO, State/District level Officials, WCD, Human Rights Commission & SCW)*

Office:

Name

Age

Sex

Educational Qualification

Designation

Period in present position

### 1. COORDINATION & COOPERATION

India has a National Plan of Action (NPA) against commercial sexual exploitation of women and children. What specific provisions are included in the NPA?:

*(Measures for Prevention of Trafficking/Focus on newly emerging forms of trafficking/ Identification of Traffickers and Trafficked Victims/ Special Measures for Identification and Protection of Trafficked Child Victims/ Rescue of Trafficked Victims/ Rehabilitation, Reintegration and Repatriation of Trafficked Victims/ Cross-Border Trafficking /Legal Framework and Law Enforcement Measures/ Witness Protection and Support to Victims/ Training, Sensitization, Education and Awareness/Other)*

What priority actions are identified to address: *Rescue of Trafficked Victims/ Rehabilitation, Reintegration and Repatriation of Trafficked Victims/ Prevention of Trafficking/ Additional Powers of Law Enforcement/Training, Sensitization, Education and Awareness/ Inter Departmental Coordination/ Other*

What actors are identified as responsible for implementation of specific activities?: *Ministry of Women and Child Development/ National Human Rights Commission/Ministry of Home Affairs/National Commission for Women*

Are the strategy and the National Action Plan monitored and evaluated on a regular basis?: *Yes/No/DK/ Refused*

Which body monitors and evaluates the strategy and the national action plan on a regular basis?: *Central Advisory Committee/Ministry of Women and Child Development/ National Human Rights Commission/Ministry of Home Affairs/National Commission for Women/Other*



Which body monitors and evaluates the strategy and the state action plan on a regular basis?: *State Advisory Committee/ Women and Child Development Department/State Human Rights Commission/ Home Department /State Commission for Women/Govt. Nodal Officer /Police Nodal Officer/Other*

What mechanism exists for coordinating, monitoring and evaluating an overall anti-human trafficking strategy at the state level?: *State Anti-Trafficking Committee/ Govt. Nodal Officer /Police Nodal Officer/IAHTU/Other*

## **PREVALENCE**

How do you perceive the menace of sex trafficking of women and children for CSE in your area/district: *Mild/Moderate /Severe?*

What do you think are the reasons for people in the District/State being trafficked out: *Poverty /Gender Discrimination/Poor Schooling/ No Severe Punishment to the Perpetrators/ Poor Law Enforcement /Family Conflicts/ To Hide from Shame/ Poor Social Support/For Better Quality of Life/Supportive Culture/ Lack of Awareness/Other*

How are women trafficked out: *Sold by Family/Abducted/Induced by Family or Friend or Relative / Induced by Trafficker/On Forced Marriage/On Promise of Marriage /Deception/Other*

What characterize your district/State: *Source/ Transit/ Destination/ Combination of these*

Over the past five years what do you observe about the pattern in the number of trafficking: *increasing / decreasing/constant*

Reasons for the trend:

Have trafficking methods changed in the past years for example from brothels to private apartments, parlors and escort services etc? *Yes/No/DK/Refused*

## **PREVENTION:**

What are the existing measures that address the issue of prevention of trafficking of women and children for CSE: *Prosecution and Conviction of Offenders/ Prevention against Vulnerabilities that Create Victims/ Community Awareness / Reducing Demand by Changing Attitudes of Society and Punishing the Clients/Enhanced Cooperation with CSOs/ Establishment of Help lines or Hotlines/Rehabilitation of Victims / Other*

What is the specialized unit in the national criminal justice system that work on Sex trafficking?: *Integrated Anti Human trafficking Unit(IAHUT)/Other*

What are role and responsibility of the IAHUT: *Rescue of Victims/ Post Rescue Care of Victim/ Ensure Victim-Centric and Rights Based Care /Preparation of Data Base on Trafficking by Networking with Key Informants at Grassroots/Sharing information with SSHs/Ensure Prosecution of the Offenders and Post Conviction Activities/ Other*

What type of public education campaigns and awareness are organized to educate communities about trafficking of women and girl children for CSE: *Family Education Programs/ Community Awareness Programs/ Target Group specific Programs/Other*

## **PROTECTION**

What are the present laws related to trafficking and CSE: *The Immoral Traffic (Prevention) Act, 1956/Sections of the Indian Penal Code 1860 /The Prohibition of Child Marriage Act(PCMA), 2006 /The Protection of Children from Sexual Offences Act, 2012/Other / Juvenile Justice Act (JJ Act), 2000*

Does the legal mechanism address the problem of trafficking of women and children for CSE adequately: *Yes/No/DK/Refused?*

What flaws exist in the law: *No Severe Penalties For Repeat Offenders / Lack of Protection For Victims and Witnesses/No provision for Special Court / No Victim's legal right to rehabilitation/ No continuous Training of investigators, judicial officers and public prosecutors/ Non existence of Special Investigative Agency/ Offence not Cognizable and non Bailable/Other*

What changes you suggest: *Reform of Existing Laws/New legislation/Reform of Procedure/Reform of Court Practice*

How do you assess the state initiatives to counter trafficking: *Significant/ Moderate/ Negligible*

What is your observation regarding the implementation of existing laws and procedures: *No Political will/Inadequate Police Officials/Inadequate Funds/Poor Police Infrastructure/lack of Specialized Investigative Agency/ Lack of Capacity Building for Care Givers, Law Enforcement and Judiciary/ Other*

## **RECOVERY AND REINTEGRATION**

Does the legal framework related to trafficking contain provisions for rehabilitation of the victims? *Yes/No/DK/Refused*

What services exist to support rescued victims of CSE: *Shelter/ Food/ Clothing /Skill Development/ Education/ SHG Activities/Legal Support/ Health Care/ Harm Reduction Treatment/Referral Support /Counseling/Other*

How are the victims of CSE assisted to find alternative livelihood opportunities: *Skill Development Training/Micro-Credit Organization/Job Placement/ Infrastructure under Social Welfare Schemes/Victim Assistance Fund/Other*

Are the provisions in the legislation for the rehabilitation of the victims adequate: *Adequate/Somewhat adequate/Inadequate/No Response/ Refused*

Has the victim has a legal right to rehabilitation: *Yes/No/DK*

Is access to support and assistance conditional on the presumed trafficked victim's willingness to cooperate with the police?: *Yes/No/DK/Refused*

Does the law provide for using the confiscated proceeds of crime to compensate victims for damage suffered by victim?

Which professionals in government services have been trained to assist in the recovery and reintegration of victims of CSE: *Police Officials/ Public Prosecutors/ Judiciary/ Service NGOs/Other NGOs/Health Professionals/ PRIs/Teachers/ Other*

Topics of training covered: *Distinguishing trafficking from prostitution/ trafficking modus operandi/ Trafficking patterns and trends/ Human Rights and Legal Rights of victims/ Gender Sensitivity/ Legal Provisions of the Law to Trafficking Case/ Victim Support and Assistance/ other*

### **IMPACT**

What are the programs that you feel are most effective in combating trafficking: *Community Awareness/ Pro-active community policing / Empowerment of Women and Girls Prone to Trafficking / Penalties to Perpetrators and Clients of Victims / Confiscation, Forfeiture and Attachment of Property of perpetrators/ Sensitization Programs for SSHs/ Helpline for Women and Children/ Others*

Name One program most effective in combating trafficking: *Community Awareness/ Pro-active community policing / Empowerment of Women and Girls Prone to Trafficking / Penalties for Clients of Victims / Confiscation, Forfeiture and Attachment of Property of Perpetrators/ Sensitization Programs for SSHs/ Helpline for Women and Children/ Other*

What is the impact of State activities on community understanding of the issues of trafficking: *Some Improvement/Significant Improvement/Noticeable Improvement/DK*

**Name of the Investigator**

**Date of Interview**

**Place of Interview**

RESEARCH STUDY ON  
**TRAFFICKING IN WOMEN AND GIRL CHILDREN FOR COMMERCIAL  
SEXUAL EXPLOITATION: AN INTER STATE EXPLORATIVE STUDY IN  
JHARKHAND, ODISHA AND WEST BENGAL**  
**EXECUTIVE SUMMARY**

*Submitted to*

**MINISTRY OF WOMEN AND CHILD DEVELOPMENT**  
Government of India  
New Delhi

*Submitted by*

**SOCIAL AWARENESS INSTITUTION (SAI)**  
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## **STUDY OBJECTIVES AND RESEARCH METHODOLOGY**

The present report is the outcome of the study: “**Trafficking in Women and Girl Children for Commercial Sexual Exploitation: An Inter State Explorative Study in Jharkhand, Odisha and West Bengal**” sponsored by the **Ministry of Women & Child Development, Govt. of India** and undertaken by **SAI, Cuttack**.

### **STUDY OBJECTIVES**

The **General Objective** of the study was to understand the enormity and dimensions of trafficking in women and girl children for commercial sexual exploitation with focus on critical review, analysis and gap identification at the policy, programme and implementation levels in three selected States of West Bengal, Odisha and Jharkhand in the Eastern India. The **Specific Objectives** of the study were:

- To understand the magnitude, dimensions, determinants, forms, pattern, purpose of trafficking in women and children for commercial sexual exploitation in the selected States;
- To identify source and destination areas and routes of trafficking and to know the dynamics, underground networks, strategies and organizational structure of the traffickers;
- To critically review the Constitutional Provisions, National Legal Framework, National Policies and Plans for prevention and control of trafficking in women and children for commercial sexual exploitation;
- To study the role, functioning and effectiveness of the Law Enforcement and Adjudication Machinery in dealing with the problem of trafficking in the selected States;
- To identify lacunae specific to each component of criminal justice system namely the police, the prosecution and the judiciary and find out the constraints, challenges and problems being faced by them;
- To analyze the existing protection and rehabilitation measures for trafficking survivors, and find out the standard of services, their utilization and gaps in the services delivery;
- To study the post rehabilitation socio economic and health status of the victims of trafficking reintegrated with their families and communities;

- To analyze the socio-economic contexts and processes of women and child labour migration and their linkages with sex trafficking;
- To assess community perception on trafficking, features and determinants of vulnerability of women and children to trafficking;
- To explore the GO/NGO initiatives for prevention of trafficking and effectiveness of the measures especially of community policing in source areas;
- To explore the role and response of the media in reporting incidents of trafficking; and
- To make recommendations for improving the effectiveness of the legal framework and institutional mechanisms to prevent and control trafficking in women and children and to rehabilitate victims of trafficking.

## **RESEARCH METHODOLOGY**

The Trafficking in its manifestations can be broadly categorized as: trafficking for sex based exploitation and trafficking for non-sex based exploitation. The trafficking for sex-based exploitation includes brothels based commercial sexual exploitation, pornography pedophilia, sex tourism, mail-order bride system and disguised sexual abuse in the garb of massage parlours, beauty parlours, bartending, friendship clubs, etc. The trafficking for non-sex based exploitation include a vast area of servitude, slavery and exploitation, which are commonly seen in bonded or forced labour; domestic servitude, industrial servitude, servitude in the entertainment industry (e.g. camel racing, circuses, etc.) drug peddling, begging, adoption, trading in human organs and other similar exploitative practices. The present study addressed trafficking for sex based exploitation of women and girl children both in organized brothels of red-light zones and in unorganized brothels of non- red-light zones.

The study defined victims of trafficking as: women who had entered commercial sex at an age of 18 years and above as a result of force or deception; women in commercial sexual exploitation who had entered commercial sex at an age less than 18 years and all minor girls (below 18 years of age) currently in commercial sex regardless of whether they entered voluntarily or were forced or deceived into it.

The research design involved a process of triangulation of both quantitative and qualitative data of varied nature collected by using quantitative and qualitative research techniques respectively.

The study was explorative in nature and integrated both primary & secondary data. The primary data were collected from various stake holders such as women and minor girls currently in the commercial sex exploitation, trafficking survivors, key stakeholders involved in CSE as exploiters and perpetrators (brothel owners, traffickers and clients) and other secondary stake holders ( police, Public Prosecutors, Judges, Govt. officials, NGOs etc ). The secondary data were collected from various sources as the review of various qualitative and quantitative studies; review of the policies, laws and programs for prevention and combating of trafficking; collation of data from the National Crime Records Bureau (NCRB); the Census Regional reports and the small-scale studies conducted across the States etc. Previous study reports, excerpts, books, journals, news, articles, documents and other related published/unpublished materials and GO/NGO websites were also the secondary sources of information. The field survey was conducted during April -December 2016

The study was conducted in three Eastern Indian States namely West Bengal, Odisha and Jharkhand badly affected by trafficking of women and children for commercial sexual exploitation. Six districts- two in each of the three States namely Darjeeling and South 24 Parganas in WB; Khurda and Balasore in Odisha; and Palamu and East Singhbhum in Jharkhand were selected for the study. The districts were selected on the basis of reported trafficking cases under ITPA by the Anti Human Trafficking Units in the CID of the respective States. The trafficked victims were brothels based both in red light and non red light zones as follows:

<b>State</b>	<b>District</b>	<b>ULB</b>	<b>Site</b>	<b>Forms of CSE</b>
Odisha	Khurda	Bhubaneswar Municipal Corporation	Malisahi	Organized brothels based in red-light zone
	Balasore	Balasore Municipality	Balasore city	Unorganized brothels based in non-red-light zone
Jharkhand	Palamu	Sahanabaj Municipality	Japla	Unorganized brothels based in non-red-light zone
	East Singhbhum	Baharagora Municipality	Baharagora	Unorganized brothels based in non-red-light zone
West Bengal	Darjeeling	Silguri Municipal Corporation	Khalpara	Organized brothels based in red-light zone
	24 Pgr South	Budge Budge Municipality and Baruipur Municipality	Puratan Bazar, Baruipur	Organized brothels based in red-light zone

In red-light zones, the brothels were organized by nature whereas in non-red-light zones, the brothels were unorganized. The unorganized brothels based commercial sex exploitation mostly ran from shanties, make shift brothels, dhabas, small hotels, vehicles and residential premises. The various units of the study were:

- Brothels-based Trafficked Victims in commercial sexual exploitation
- Trafficking Survivors (rescued trafficked victims from CSE)
- Brothel Owners, Traffickers and Clientele (exploiters and perpetrators)
- Police , Public Prosecutors, Judges (Officials of law enforcement)
- Officials of GO/NGO Agencies

The trafficked victims were contacted in brothels for interview and the trafficking survivors in Shelter Homes in each selected district. In view of the criminal nature of trafficking, both purposive and convenience sampling was adopted in selection of the victims. Purposive sampling was used to select the police, prosecutors and Judges for interview. Both Interview Method and Questionnaires Method methods were adopted for data collection. The sample size of the various study units were as follows:

State	Primary and Secondary Stake Holders					
	Victims of CSE	Brothel Keeper	Clientele	Police	PP/Judges	Administrator /NGOs
West Bengal	100	10	10	10	10	10
Odisha	100	10	10	10	10	10
Jharkhand	100	10	10	10	10	10
<b>Total</b>	<b>300</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>

The different **tools of data collection** were: Questionnaires for Trafficked Victims in CSE; Questionnaires for Trafficking Survivors; Questionnaires for Brothel Keeper; Questionnaires for Trafficker; Questionnaires for Clientele; Questionnaires for Police; Questionnaires for Public Prosecutor; Questionnaires for Judge; Questionnaires for Service NGO; and Questionnaires for Administrator.

The teams worked in cooperation with the local NGOs working in anti trafficking/sex industry. The Peer Educators of the facilitating NGOs besides interpreting the questions in local language facilitated the data collection from the victims in brothels. The Peer Educators (PEs) most of whom were victims of sex trafficking themselves, used to enjoy the confidence of the women in brothels for their truthful response.



## **MAIN FINDINGS**

Some of the important findings emerged from the data analysis are summarized below.

### **LEGAL LAWS**

The International legal framework against trafficking of women and children for commercial sexual exploitation include several UN Conventions and Protocols. India is committed to prevent and combat trafficking by being a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000 supplementing the United Nations Convention against Transnational Organized Crime. It has also ratified, other related Conventions such as Convention on the Elimination of all forms of Discrimination against Women (CEDAW), 1999; Convention on the Rights of the Child (CRC) etc.

The Immoral Traffic (Prevention) Act, 1956 (ITPA) is one of the important legislations addressing the problem of trafficking. Other important legislations which deal with trafficking related crimes are the Prohibition of Child Marriage Act 2006; the Protection of Children from Sexual Offences (POCSO) Act, 2012; Juvenile Justice (Care and Protection of Children) Act, 2015. In addition, certain specific sections of the Indian Penal Code (Sections 359 to 368 and sections 370 and 370A under new Criminal Law (Amendment) Act, 2013) which deal with buying and selling of girls for prostitution, importation of girls and procurement of minor girls etc, prescribe severe punishment for offences related to trafficking.

### **STATUS OF LAW ENFORCEMENT**

The NCRB that has been collecting data related to sex trafficking under such heads as i) Importation of girls from foreign country (Sec. 366B IPC); ii) Procurement of minor girls (section 366A IPC); iii) Buying of minors for prostitution (section 373 IPC) iv); Selling of minors for prostitution (Section 372 IPC) v) Immoral Traffic (Prevention) Act 1956 vi) Human trafficking (section 370 & 370A IPC) registered a total of 6877 cases of crime relating to human trafficking in the country during the year 2015 as compared to 5466 cases during the year 2014, showing an increase of 25.8% during 2015 over 2014. A total of 3,517 cases were registered in 2011, which rose to 3,554 cases in 2012 to 3,940 cases in 2013 and to 5,466 cases in 2014. The crime under human trafficking during the year 2015 has increased by 95.5% over 2011. A total of 3,490 cases of crimes relating to child trafficking were registered in the country during the year 2015.

## **LAW ENFORCEMENT: POLICE**

The techniques used when investigating crimes emphasized mainly on witness evidence and medical examination report of victim. None of the police officials reported referring to material evidences, forensic examination, mobile surveillance etc.

Most of the police officials worked either with local Law Enforcement or with the State Law Enforcement. The officers confirmed that the department had a formal protocol (guidelines) for identifying and investigating cases of suspected sex trafficking and considered the formal protocols somewhat useful to identify sex trafficking cases.

The department also has a formal protocol (guidelines) for conducting raid and rescue the victims of sex trafficking. The pre rescue and intra rescue protocols covered such aspects as registration of FIR, searching premises, segregating offenders from victims, taking custody of belongings of victims and evidence collection. The post rescue protocols covered production of the victim before magistrate, production of the child victim before Child Welfare Committee, medical care, legal counseling, interview of the victim by a female police officer, custody of the victim to NGO home, sealing places of CSE, produce arrested offenders before the local Magistrate etc.

Victim pleading guilty, protection of victim and witness, repeated court adjournments, witness turning hostile etc are the difficulties, the police faced in working with victims of sex trafficking.

More than half of the police officials reported being trained on human trafficking. The training was sensitization in nature. The Sources of training were Police Training Institute and Dept. of Justice Curriculum. The Topics of training covered methods for identifying suspected victims, distinguishing trafficking from prostitution, trafficking modus operandi, trafficking patterns and trends, rights of victims, legal provisions of the law to trafficking cases, legal and administrative provisions for inter-State and cross border investigation, legal provisions for closure of places of exploitation, legal provisions for confiscation of proceeds of crime, victim support and assistance etc. The effect of training on prosecution of cases of trafficking for CSE has been very rewarding.

The Integrated Anti Human Trafficking Unit collects information specific to trafficking. The unit works with other organizations as Prosecution Departments, Non-Governmental Organizations, and Community Vigilance Groups.

Trafficking of women and children for labor exploitation leading commercial sexual exploitation takes place in almost all the districts in WB; in all the Mao affected districts of Jharkhand and in all the Tribal districts of Odisha. The districts are mostly characterized as the places of Origin. The problem of trafficking of women and children for CSE in WB was rated alarming. The problem in Jharkhand and Odisha was perceived as no serious a problem.

In regard to the trend and form in trafficking over the past five years, the incidence was reported to be increasing. The sex trafficking forms in the past years have undergone changes from brothels based CSE to new forms of sex trafficking as escort services, massage parlors, pornography etc.

The trafficking can be prevented by effective patrolling and vigil at locations prone to trafficking; inter departmental cooperation for spotting and rescuing the victims; periodical checks on transporters; addressing new forms of demand; inter-State collaboration, sensitization programs for police officers, railway police force, prosecutors and judges on various legislation; prosecution of perpetrators; public awareness; and support to women vulnerable to trafficking.

Most of the police officers are aware of the present laws related to trafficking and CSE such as the Immoral Traffic (Prevention) Act, 1956; various Sections of the Indian Penal Code 1860 and the Prohibition of Child Marriage Act (PCMA), 2006. A few are aware of the Protection of Children from Sexual Offences Act, 2012. These laws have not been able to address the issue of trafficking adequately as remarked. They ignored victim's rights to rehabilitation, protection of victim and witness, provisions for severe punishment of the perpetrators etc.

Repeated adjournments, lack of interpreter, production of the rescued persons in a court of law along with the offender, non protection of the witness etc are the problems the victims confront while dealing with the prosecution. The victim pleading guilty, victim and the witnesses turning hostile etc result in relapse of the cases against the traffickers. Repeated adjournments, easy bail for the trafficker, court harassment and humiliation of the victim, insensitivity of the judiciary etc are cited as the loopholes in the prosecution mechanisms.

In-camera trial and video conferencing of the victim contributed most in successful prosecution of the traffickers. Protection of the victim and witness was the greatest problem faced in investigation and prosecution. The challenges being faced by the police are many as victims denying identity, victims fearing to go back home, community ignorance, lack of specific training, lack of resources etc.

There has been a radical change in the law enforcement practice and methods. The common practice to arrest, charge sheet, prosecute and convict the trafficked victims on the ground of soliciting has declined. Police and prosecutors are increasingly aware of the need to identify trafficking survivors as victims and not as defendants.

### **PROSECUTION: PUBLIC PROSECUTORS (PPs) & JUDGES**

The PPs reported to have available guidelines for prosecuting cases of sex trafficking. The protocol / guidelines covered presence of a woman witness during raid, recording of victim's statement by a woman police officer or before a magistrate, medical examination of the victim etc. The guidelines advised working with the law enforcement agencies and service provider organizations.

Most of the PPs were familiar with the laws that address trafficking of Women and Children for CSE namely the Immoral Traffic (Prevention) Act, 1956; the Prohibition of Child Marriage Act (PCMA), 2006; specific Sections in the IPC, 1860 and the Protection of Children from Sexual Offences Act, 2012. These laws related to trafficking and CSE were considered not adequate to address the issue of trafficking effectively. The Laws ignored victim's rights to protection, right to rehabilitation, witness protection, stringent punishment for the traffickers, confiscation of traffickers' properties etc.

Section 5 that related to procuring, inducing or taking persons for the sake of prostitution was the most commonly used sections of the ITPA and Section 8 that related to seducing or soliciting for the purpose of prostitution, previously being adequately used, was the least used section of ITPA. The chance of conviction in an ITPA case under Sections 3,4,5,6 was considered low.

The critical evidence leading to conviction/acquittal of a case related to witness statement, material evidences, medical examination report, forensic examination report, etc. The law permitted the use of specialized evidence-gathering techniques such as the use of undercover

officers, human and technical surveillance, interception of communications and controlled deliveries for evidence in court as reported by the PPs.

The mandatory formalities followed by the police under the ITPA before producing victims of trafficking in a court of law included registration of FIR, presence of woman social worker during raid and rescue, recording statement by a woman police officer etc as reported by most of the prosecutors.

The victim needs to testify to go forward with prosecutions. Most of the victims plead guilty to avoid time taking prosecution involving repeated interviews by police, repeated cross examinations in court, repeated court adjournments, etc. The court takes decision on conviction on the basis of witness statements, material and circumstantial evidences, medical and forensic reports etc. Lack of documentation of the abuse in medical report is a problem in prosecuting sex trafficking crimes. The existing laws and procedures are being implemented within human rights and gender sensitivity paradigm.

Though have special powers of investigation, the police normally do not actively investigate the crime beyond the brothels to profile the traffickers. Investigations are confined mainly to the brothel and does not extend to the source of trafficking, the transit routes etc. Complicity and corruption in the police and the political nexus of the traffickers are the challenges for effective prosecution and justice delivery. The laws do not hold accountable to the police, doctors, prosecutors or judiciary and has no provision linking rehabilitation with rescue.

Delay in submission of charge sheet by police, inappropriate use of criminal sections, lengthy court process with long adjournments, witnesses being called to court many times, producing victim and accused together in court for cross examination, lack of witness protection, lack of in camera proceeding , lack of fast track/special courts, lack of victim friendly court and police cells, lack of coordination between judiciary and law enforcing agencies etc. are some of the problems associated with the Judiciary system in delivery of justice to the afflicted .

A few PPs reported being trained on sex trafficking issues. The training imparted was orientation nature and covered the topics as distinguishing trafficking from prostitution, rights of the victims, recognition of legal provisions of the law to trafficking case, understanding of legal provisions for confiscation of proceeds of crime, understanding of the mechanism in place for

victim support and assistance, new trafficking trends, trafficking legislation, etc. The training has big effects on investigations and prosecutions of trafficking cases.

### **GOVT. RESPONSE:**

The Ministry of Women and Child Development (MWCD), Government of India, is the Nodal Ministry which deals with the subject of prevention of trafficking in women and children for commercial sexual exploitation. In its efforts, MWCD works very closely with the Ministry of Home Affairs (MHA), Ministry of External Affairs (MEA) and the Ministry of Labour and Employment.

The Ministry has adopted a multipronged approach to prevent and combat trafficking which includes legislative measures; law enforcement; programmes and schemes for prevention of trafficking and for rescue, rehabilitation, reintegration and repatriation of victims of trafficking; training and capacity building; awareness generation; and empowerment of vulnerable groups.

The Central Advisory Committee, a national coordinating/monitoring agency has been formed to bring about effective coordination at the national level of preventive strategies, programmes and policies to combat trafficking.

### **Prosecution**

The specific Act relating to trafficking for commercial sexual exploitation was enacted in 1956 as Suppression of Immoral Trafficking Act (SITA) which was amended in 1978 as the Immoral Trafficking Prevention Act (ITPA) and later in 1986 when the orientation was changed from to suppression to prevention. The amended law enacted, based on international conventions, provides for stringent punishment for procurement of women and girls for commercial sexual exploitation, running of brothels and related exploitative activities.

The Immoral Trafficking Prevention Act (ITPA) is the major response to trafficking in India. The Ministry of Women and Child Development administers the Immoral Traffic (Prevention) Act ITPA that makes commercial sex illegal and provides punishment for anyone who lives on the earning of such activities or forces any one into it. The police frequently used the Immoral Traffic Prevention Act which has stringent penalties to prosecute sex trafficking

The Indian Penal Code (IPC) is the substantive criminal law with separate offences dealing with many of the issues that constitute trafficking and related exploitation. Trafficking of women has been punishable under Section 370 of the IPC which provides that whosoever for the purpose of exploitation recruits, transports, harbours, transfers or receives person by using threats or using force or by abduction or by practicing fraud of deception or by abuse of power and by inducement etc. shall be liable for imprisonment for seven to ten years along with fine. The punishment of trafficking of minor has been made more stringent. Section 370 criminalizes government officials' involvement in human trafficking prescribing sentences up to life imprisonment.

In addition to ITPA and IPC, there are several special legislations relating to child labour, organ transplant, adoption, marriage etc namely the Prohibition of Child Marriage Act (PCMA), 2006; the Protection of Children from Sexual Offences Act, 2012 etc being implemented in combating the related issues of trafficking

To strengthen the law enforcement response against Trafficking, the Ministry of Home Affairs has established integrated Anti-Human Trafficking Units (AHTUs) and initiated training of police officers and other stake holders to handle cases of human trafficking. There are two Nodal Officers designated in each State, one representing the Police Department and the other representing the Welfare Department. The Anti-Human Trafficking Units (AHTUs) have been set up in the States but they are found underfunded, under staffed and lacked the necessary resources such as vehicles, finance to combat trafficking effectively.

### **Protection**

The Ministry of Home Affairs (MHA) in consultation with Ministry of Women and Child Development issued various Advisories to the States on measures needed for preventing and combating crime of human trafficking including Advisory on preventing and combating human trafficking in India (9th September 2009); Advisory on Missing Children (31st January 2012); Advisory to treat human trafficking as organized crime (30th April 2012) and Advisory on preventing and combating human trafficking dealing with foreign national (1st May 2012). The advisories have been well followed with positive outcomes.

As per the Advisory of the Ministry of Women and Child Development issued on 12th October 2011, the State Governments are found conducting gender sensitization of the police personnel, setting up 'Crime against Women Cells' in all the districts and creating of Special Juvenile Police Units for preventing and combating trafficking of women and children for Commercial sexual exploitation. Section 13(3)(b) of ITPA has a provision for the States to constitute an Advisory Body that has been constituted in all the States.

The Track Child Initiative by the Ministry of WCD, GoI under Integrated Child Protection Scheme is another commendable initiative. Under this initiative, a website (<http://www.trackthemissingchild.gov.in/>) has been formed to share information about missing and found children. This has been a great initiative that requires strengthening, regular updating of information and training of personnel to do so.

The Ministry of Women and Child Development is also implementing a Comprehensive Scheme called "Ujjawala" for Prevention of trafficking and rescue, rehabilitation, re-integration and repatriation of victims of trafficking for commercial sexual exploitation in 2007. The scheme components include Prevention( formation of community vigilance groups/adolescents' groups, awareness and sensitization of key functionaries) ; Rescue( safe withdrawal of the victim from the place of exploitation); Rehabilitation( providing safe shelter for victims with basic inputs of food, clothing, counseling, medical care, legal aid, vocational training and income generation activities etc); Reintegration(restoring the victim into the family/ community ); and Repatriation ( cross-border victims for their safe repatriation to their country of origin). The Protective and Rehabilitative Homes supported under the Scheme are given financial aid for providing shelter and basic amenities such as food, clothing, medical care, legal aid, education in case the victims are children, as well as for undertaking vocational training and income generation activities to provide the victims with alternate livelihood option.

Another scheme "Swadhar" by the DWCD caters to women in difficult circumstances, including trafficked women who have been rescued. The scheme has been extended to cover the shelter based rehabilitation of survivors. More importantly, the HIV linkage to trafficking has been addressed through the Targeted Interventions program of NACO, Ministry of H and FW, Govt. of India. These homes are often crowded and in certain districts are simply not available. The



police on this ground do not undertake any raid to rescue the victims. There are several instances of rescued victims being re-trafficked for want of proper rehabilitation.

A 2009 Ministry of Home Affairs directive advises State officials to use Standard Operation Procedures (SOPs) for proactive victim identification and referral to protection services. Odisha and WB utilized such SOPs. The central government issued several directives to State and district level law enforcement to carry out operations to rescue and rehabilitate missing and exploited children. Some State- and district-level law enforcement actively partnered with NGOs to identify, rescue, and provide rehabilitation services to victims.

In June 2015, the Governments of India and Bangladesh signed a Memorandum of Understanding (MOU) on human trafficking to improve coordination in preventing trafficking and protecting victims. To protect both Indian and foreign national victims during trial, prosecutors may request the victim be permitted to testify by video. In February 2016, a Bangladeshi trafficking victim gave testimony via video-conference from Dhaka; the first ever deposition given via live-video in a cross-border trafficking case.

The MWCD supports the NGO for their interventions in the areas of mobilizing communities, undertaking rescue operations and providing counseling services, conducting advocacy, providing vocational training, providing legal support, facilitating networks, establishing shelter homes, training and sensitizing of law enforcement etc.

## **Prevention**

In May 2015, the MWCD and Ministry of Railways signed an MOU with an NGO for the protection of unaccompanied children at railway stations. As many as 20 railway stations hosted NGO staff to provide immediate support to unaccompanied children, who may be missing, abandoned, or runaways and are vulnerable to exploitation, including trafficking.

In November 2015, MWCD and the Railway Ministry launched a project to supply posters to railway stations advising the public to call the National Child Line Hotline if they encounter an unaccompanied child..

Based on the recommendations of the National Legal Services Authority and direction of the , Supreme Court to establish a central organized crime agency to investigate human trafficking cases and rescue and rehabilitate victims, the government formed the Central Advisory

Committee in 2015 as the lead agency to combat trafficking of women and children for commercial sexual exploitation. The MHA maintained an online portal for officials and other stakeholders to access information on trainings, meetings, statistics, laws and shelters.

The government has drafted the ITPA Bill 2016 for introduction in the Parliament under direction by the Supreme Court in 2016.

The media has been an effective tool in generating positive social activism. Media focus on the issues of exploitation and human rights violation also provoked improved response systems in the enforcement agencies.

### **SOCIETAL RESPONSE**

Discussions with the NGOs working in anti-trafficking and in prostitution industry reveal that community awareness about common forms of trafficking namely forced labour, forced marriage and forced commercial sex is low. NGOs and Mass Media are the common sources of people's awareness about sex trafficking. Forced labour is the most common form of trafficking universally known. Forced commercial marriage is believed to be part of the community culture. This impedes efforts to raise levels of reporting and prosecuting traffickers especially in Jharkhand tribal areas. Raised awareness of trafficking among the general public may lead to communities being able to support victims and hold perpetrators to account.

### **MEDIA RESPONSE**

The NGOs working in cooperation with the Media hold that there has been consistent portrayal of trafficking issues in the media scene. Over the last decade, there has been an increase in the coverage of stories on trafficking of women and children for CSE. Hundreds of women and girls as survivors of various forms of violence and exploitation have featured in the news. There are stories on the lived experiences of trafficked women and girls. Electronic and print media have become sensitive towards reporting crimes against women. They now less sensationalize issues, keeping in view women's dignity and safety. From the angle of reporting and representation, print media has more coverage on trafficking than the electronic media. There have been positive changes in reporting, writing and representation of trafficking issues in Newspapers contributing towards trafficking prevention and prosecution. Some Newspapers have undertaken

trafficking related campaigns challenging the law enforcement and prosecution thereby influencing for speedy justice delivery to the victims and stringent punishment to the traffickers.

## **DIMENSIONS OF COMMERCIAL SEXUAL EXPLOITATION**

### **Victims of Commercial Sexual Exploitation**

The victims of the commercial sexual exploitation were the women and girl children who were trafficked and were yet to be rescued from the exploitative situations. The trafficked victims of brothels based sexual exploitation included all those who were continuing or had entered commercial sex as minor girls regardless of whether they entered on their own will or were forced or deceived into it and adult women who had entered CS as a result of fraud, force, coercion or deception.

The trafficked victims were forced into brothels based commercial sexual exploitation both in red-light zones (organized brothels) and in non red-light zones (unorganized brothels). The brothels based victims of CSE in non red-light zones included structures as private residences (23%), streets (24%) and other structures (23%) as dhabas, small hotels, vehicles etc.

Among the victims of CSE, 60% were in the age group 18-30 years and the rest 40% were above 30 years of age. None of the trafficked victims were below 18 years.

The majority among the victims were trafficked within the State. The victims were also from Nepal and Bangladesh establishing existence of trans-border trafficking for commercial sexual exploitation.

Among the victims the Hindus (82%) formed the majority followed by Muslims (17%). The majority of the victims belonged to the General Caste (49%). Over one third of the victims (34%) were from the vulnerable Scheduled Castes and Scheduled Tribes community.

The vast majority of the victims were either illiterate (46%) or just literate (24%).

Among the victims, a significant 22% were widows/divorcees/separated, 15% unmarried and 22% reported staying with Babu (ex-client as husband). About 38% of the married victims had their first marriage at an age below the legal age of marriage.

The majority 40% of the victims had been in commercial sexual exploitation for over 10 years followed by 28% for 6-10 years and 22% for 3-5 years. 90% of the victims had their entry into commercial sex at/below the age of 24 years, exactly half of them entering before 18 years of age i.e. when they were minors.

The family pressure to earn was reportedly the major factor leading to trafficking under lure for jobs (68%). 15% of the victims were lured with promise of better life prospects and 6% under promise of marriage.

Fear of client violence, multi partnership sex, forced sex without condom and fear of HIV/AIDS infection prevented most of the brothel based victims (84%) in red-light zones from going out for selling sex. A small 15% visited outside brothels mostly to hotels and private homes on clients demand. As high as 67% of the victims in unorganized brothels, however, were mobile sex workers visiting other places in the district or places outside the district.

Women and children trafficked for commercial sexual exploitation experienced a great deal of physical violence within sex work. The violence was experienced more by victims in unorganized brothels (57%) than in organized brothels (45%).

As high as 78% of the trafficked victims in organized brothels had their first sexual experience under lure or pressure when they were less than 18 years of age compared to a lower 41% among the victims in unorganized brothels. Of the victims lured/pressurized to have sex during childhood, about 78% were aged between 15 and 17 years followed by 22% in 12-14 years. Neighbors (37%), Peers (18%), Relatives (20%) were the persons who had lured or pressurized the victims during their childhood to have sex with them.

Use of condom every time before sex was reported by 74% of the victims in CSE. Another 17% of the victims most often used condoms. Unwillingness of the clients, non availability of condoms at job time etc were the reasons for less-often use of condom as reported by 8% of the victims.

HIV/AIDS was reportedly heard of by over 99% of the victims. NGO workers (85%) had been the predominant source of HIV/AIDS information. Electronic mass media such as TV (12%), Inter-personal contacts (2%) with co workers had been other channels of AIDS awareness among the victims.

As high as 78% of the victims were aware that HIV mainly spread through unprotected Sex. Over three fourth of the victims in CSE were aware that condom use would reduce the risk of infections from HIV/AIDS/STD. Overall 85% of the victims in CSE were aware that they were at risk of HIV/AIDS infections because of their unprotected sex with multiple clients. However, STD is closely associated with AIDS was unknown to (33%) of the victims.

Most of the victims (85%) in organized brothels were used to consuming alcohol before or during sex work, the intake among the unorganized brothels based victims, however, being low at 31%.

56% of the victims reported having some health problems. 28% of them suffering from headaches, fatigue, dizziness, back pain etc and about 9% suffering from Uro-genital/ Gynecological problems. The rest 18% had other diseases like TB, Anemia etc. Over 1% of the victims in CSE were found HIV positive. Brothel based workers in red light areas were conscious of their health and frequently visited STD clinics. Peer Educators and Counselors had succeeded largely to reach out them with information and convince them about their occupational hazards.

The human trafficking was increasingly being organized online and via mobile phones. 92% of the victims reportedly possessed mobile phones – 80% basic phones and 12 smart phones. Most of the basic phone users utilized their phones to make and receive calls and text messages. Only 8% were using social network sites to maintain existing online relationships and to meet new clients.

Police encounter with the victims was either occasional (67%) or rare (21%). However, a small 12% of the victims mostly organized-brothels based said that police encounter was frequent. The purpose of the police visits was multiple: to check entry of any minor, to conduct investigations, to prevent soliciting, to extort money from the brothel owners, to seek sex services from the victims etc.

10% of the victims reported being arrested, most of them being once. Among the arrested, the victims in organized brothels were higher in proportion (24%) than the unorganized-brothels based victims (4%). Most of the victims (40%) were let off with a warning after extortionary payment to the police, 30% were bailed out by the brothel owners by paying a fine in court, and

27% got themselves released on bail from the court. Arrest leading to a prison sentence was however limited.

The victims on an average earned Rs.200-300 per shot of ten minutes job, Rs.300-500 for half an hour and Rs2000 per night. On an average, a victim entertained 3 to 5 clients per day. The majority 35% of the victims earned Rs. 5000 – 10000 per month. Monthly income between Rs.10000 and 15000 and more than Rs.15000 was reported by 22% and 17% of the victims respectively. The brothels based victims in red light zones earned higher income than the victims in the non-red –light zones.

A little less than three fourth (73%) of the victims had savings accounts in a bank or post office. About 90% of the victims reported having personal ID like Aadhar Card and Voter card. Over three fourth of the victims (78%) reportedly had the IDs with them and over 17% had IDs at home of their native places.

A majority 57% of the victims wanted to continue in the profession, most of them being younger ones who liked to continue in the CS in order to save needed money before they left. The reasons for their remaining in the trade were multiple as none-availability of alternative livelihood sources, social stigma, family pressure to earn and their non-acceptance in the family/community etc. Another 14% were undecided about moving out. Housing, livelihood allowances, skill training, residential education facility for the children, free health services etc were the rehabilitation measures most opted by the victims

### **Brothel Owners**

The brothels in the red light zones were owned exclusively by the females. In non red light zones, the brothel owners were predominantly females (66.66%) with significant presence of male owners (33.33%). Two third of the brothel owners reported that they were victims of CSE before becoming brothel owners. About one third who were not the victims of CSE inherited the brothels from their parents who were too old to look after the brothels business.

The largest 47% of the brothels were being operated with up to 5 victims and 37% had up to 10 victims in commercial sex. About 17% of the brothels had more than 10 victims. The brothel owners denied keeping any minor girls due to fear of police raid and legal complications.

None of the brothel owners in the red light zones reported sending out the girls outside. However, one third of the owners in non red light zones admitted sending out girls to hotels, guest houses, residential premises etc on individual demand.

The majority (43%) of the brothel owners reported no links with any pimps to operate the brothels. One third (33%) and one fourth (25%) of them said that they dealt with 1-2 and 3-5 pimps respectively, mostly the women previously in commercial sex.

Room rent on monthly basis along with 50% of earning per client was the normal share of the brothel owners irrespective of the location of the brothels in red light or in non red light zones.

50% of the brothel owners denied any regular police raid. The raid reported was once or twice a month as reported by 37% and 10% of the brothel owners. To prevent and control entry of minor girls was the predominant reason for police raid as reported by the majority (47%) of the brothel owners in the red light zones.

### **Clientele**

The clients of the victims for CSE belonged to all age groups. The highest 43% of the clients were in the age group of 31-45 followed by 30% in 25-30 age groups. 10% of them were young adults in 18-24 age groups.

The educational level of clients was generally low. About three fourth of the clients were just literate (30%) or educated up to primary school level (43%). A small 10% of the clients were illiterate. A significant 17% received secondary school level of education and beyond.

The married and unmarried clients visiting brothels were almost in equal proportion- 47% married and 43% never married. Of the married clients visiting the victims in commercial sexual exploitation, 93% had their partners/spouse staying with them

In terms of occupational background, the largest 40% of the clients were from the transport industries- the long distance truck drivers and their helpers and the local taxi/ auto/ mini truck drivers. Another significant one third of the clients were of trade/ commerce/ business background. The remaining 27% included fruit growers, tailors, students and white/blue collared employees.

Two third of the clients were regular visitors to the brothel, about a quarter being occasional visitors. A small 10% reported visiting for the first time.

Relieving stress due to long hours of work was cited as one of the reasons for having sex as reported by more than a quarter of clients (27%) mostly in the transport and business sector. One fifth of the clients paid for sex merely for thrill and enjoyment after earning a desired or windfall income. A small 10% of the clients visited for different kinds of sex acts with the victims in commercial sex that their regular partners found unacceptable. Almost all admit being induced for sex under Porn watching.

The amount paid per visit to the victim for sex varied from Rs.200 to Rs.300 as reported by three fifth (60%) of the clients. Nearly one fourth (23%) of the clients reportedly paid Rs.200 or less. The younger victims were found charging a little higher fee.

90% of the clients reported using condoms during sex- 67% invariably for every sex act and 23% using most often. A small 10% of the clients were occasional users of condom during sex. HIV/AIDS was cited as the single most threat that induced condom use as reported by two third (67%) of the clients. About 17% used condoms as a preventive measure against Sexually Transmitted Diseases (STDs). Others reported using condom as made mandatory in most of the brothels. 70% of the clients confirmed that the victims were the source of condom supply. About one fourth of the clients carried their own condoms apprehending that the condom might not be readily available with the victim or if available might not be of desired quality.

As high as 93% of the clients had drinks before/during sex - 40% always and 43% most often and 20% occasionally

As high as 87% of the clients visiting brothels in red light zones were aware that buying sex was illegal compared to 40% who visited brothels in the non red light zones. 80% of the clients reported not ever being encountered by the police, the proportion, however, being higher among the clients visiting brothels in non red light zones (93%) than in red light zones (67%) implying that the brothels in red light districts/zones were under stricter police surveillance/vigilance.



## **RECOMMENDATIONS**

In keeping with the main issues identified, the following are the suggestions and recommendations made:

### **PREVENTION**

Prevention as a strategy to combat trafficking has to focus on areas of sensitization and awareness among the public at source areas.

Poverty has been identified as the primary cause of trafficking. It is, therefore, necessary to ensure that the various schemes for eradication of poverty are focused at benefiting families in which women and children are vulnerable or are at high risk of being trafficked for commercial sexual exploitation.

Efforts are needed to address both the structural factors that condition the vulnerable situations and circumstances in which the trafficking of women and girls for CSE takes place and individual- and family-level factors that place women and girls at risk of trafficking.

Trafficking of women and children largely takes place from the socially oppressed sections of society- the SCs and the STs. Developmental programmes should specifically address social and economic empowerment of these vulnerable sections.

Women Self Help Groups in source areas have immense potential to handle social issues. Their proximity to village women and their participation in village matters make them an ideal source of organized woman power to deal with social issues including trafficking.

At the micro level, the prevention of trafficking in the source areas requires a working partnership between the community, PRIs, Police, CBOs and NGOs. Public awareness campaigns and community participation are keys to prevention programmes. Community surveillance and patrols should be encouraged to caution people on the risks of kidnapping, suspicious job offers and fake marriages.

Formation of Village Vigilance Committee comprising various members from the village like Ward Member, Anganwadi Worker, School Head Master, NGO representative, representatives

of Parents, representatives of SHG, members of Youth Group etc may contribute to combat and prevent trafficking at source areas.

PRIs have a major role and responsibility to take up preventive measures to counter trafficking. They can play a watch dog role against traffickers/agents who move into the village and make false promise of jobs, marriages etc.

Natural calamities like drought and manmade disturbances as ethnic clashes and conflicts, Left Wing Extremism do exacerbate the vulnerability situation of women and children. Efforts need to be made to address the extreme vulnerability situations that the women and children in this area are subjected to.

Besides supply areas, prevention strategies should also be targeted at the demand areas, the transit points and the trafficking routes. The transit point interventions may be led by the NGOs.

The media has a significant role to play in mobilizing public support and involvement for preventing and combating trafficking. Due to its outreach and its ability to mould public opinion, it is a powerful tool of social change. Therefore, there is a need for involving the media in a sustained manner.

The media should create awareness that human trafficking is immoral and illegal and has negative consequences. Wide publicity should be given regarding the legal, penal provisions against trafficking and the modus operandi of the traffickers. Victims can be made aware of the places and institutions where they can seek help.

Sensitization programmes for teachers in schools should be promoted. The govt. may introduce gender centred education curricula in schools and subjects of child sexual abuse and trafficking.

Help Lines and Help Booths are very important for providing timely help to any women in distress. Adequate publicity about the Child Lines and Women Help Lines should be given where the victims can seek help.

The best method of prevention is its integration with prosecution and protection as each component has a direct bearing on the other. Prosecution includes several tasks like the identification of the traffickers, bringing them to the book, confiscating their illegal assets etc. Protection of the trafficked victim includes all steps towards the redressal of their grievances thus helping the victim survive, rehabilitate and establish herself.

Young men need to be educated about adverse consequences of buying sex on their own sexuality. They should also be made aware of the existing criminal penalties for purchasing sex from trafficked victims.

The key to prevent trafficking in women and girl children and their exploitation in prostitution is awareness among the Children, Parents, School Teachers, PRI members etc. Investigation of missing children needs to be done in the source areas by the Panchayat which can identify trafficking. Anganwadi workers with members of Panchayat can take initiative to identify and lodge complaints on missing girls with the police.

Members of the family may not be aware of the legal options if a child goes missing especially in tribal areas marked by lack of awareness. Villagers need to be sensitized that cases of missing children need to be reported to the police. School teachers also need to be sensitized to probe every school drop out to rule out trafficking and report the case to the police.

Preventive strategies to stop increasing Sex Tourism necessitate improved law enforcement by involving Tourism Departments, Corporate, Hoteliers, Tour Operators, and other stakeholders. Police vigilance in tourism places needs to be strengthened to prevent sex trafficking.

Given the magnitude of trafficking of women and girls through placement agencies there is an urgent need to pass a law to regulate these agencies. It requires that all placement agencies are to register and apply for a license to run. It should have provisions for opening bank accounts for domestic workers where their salaries will be deposited. It should require a domestic worker to be above the age of 18 years.

Immigration officials at the borders need to be sensitized so that they can network with the police as well as with local NGOs working on preventing trafficking. Regional cooperation in terms of bilateral and multi lateral treaties and understanding should be promoted on issues such as effective border management, repatriation of victims, information sharing and extradition of perpetrators.

Capacity building of media people on human trafficking in general and sex trafficking in particular is integral to their understanding the different dimensions and ramifications of trafficking and help them address issues related to trafficking of women and girls for CSE in a sensitive and empathetic manner.

## **PROSECUTION**

The increasing trafficking of women and children for CSE calls for strong legal action against traffickers, clients, brothel owners and all other exploiters.

Trafficking, being an organized crime, extends beyond brothel to the source area, the transit points, the transit route, etc. and incorporates the roles of a host of exploiters like recruiters, buyers, sellers, transporters, financiers, pimps and traffickers. So the investigation should be broad based encompassing all of them, prosecuting and convicting them.

Non-reporting of crimes related to trafficking is a serious lapse in the existing system of law enforcement. Legal action cannot be initiated against traffickers and exploiters unless all crimes of trafficking are reported to the police. This is possible only with greater police-public cooperation, involvement of Civil Society, increased public awareness and, above all, sensitivity and accountability among the officials concerned.

The prosecutors play an important role in the justice delivery mechanisms. To strengthen prosecution system, the prosecutors need to be regularly trained and sensitized on the emerging trafficking issues, gender perspectives and Human Rights issues. They should be equipped with appropriate resources and infrastructure such as Law books and latest rulings by the Supreme Court and by the High Courts, which are essential for effective prosecution

There is the need for sensitization of judicial officers and prosecutors on judicial pronouncements by the Supreme Court of India and High Courts, upholding human rights, women's rights and child rights.

There should be a mechanism for regular training of law enforcement, Child Welfare Committees, AHTUs about latest laws, rules and regulations and court judgments. These programs need to be regular and repetitive. Training and sensitization programs for various stakeholders under one roof can help provide a common platform for the stakeholders to discuss and resolve issues to ensure smooth functioning of the entire protection system.

The police, being a professional organization, should have appropriate and regular training for up-gradation of their skills and knowledge and orientation of attitudes.

There are several distortions in law enforcement. The non-utilization of certain sections of ITPA against traffickers and exploiters is the normal practice. Law-enforcement officials and others in the criminal justice system need to be trained, sensitized and oriented towards proper utilization of various provisions of Substantive laws (IPC), special laws (JJ Act) and ITPA.

Within the existing legislations, there are provisions for anonymity, in-camera trial (Section 327 CrPC) and compensation (Section 357 CrPC) to the victim. To ensure the rights of victims these provisions should be invoked in relevant cases.

A few police officials interviewed were found not receiving training on trafficking. Lack of training of police officials and their consequent ignorance of the provisions of law and practice leading to lack of knowledge, skill, sensitivity and accountability is a legal handicap warranting continued orientation and refresher training. Gender sensitization and human rights protection should be the primary focus of the training.

It is high time now to establish and fully capacitate AHTUs in all the trafficking prone districts by providing additional dedicated and trained staff.

There is dearth of women police in existing AHUTs, as well as sub optimal infrastructural and financial resources. Governments should earmark adequate resources for the concerned police agencies for meeting such contingencies.

Appropriate protection has to be given to the victims who testify against their traffickers and also to witnesses so that they can cooperate with law enforcement authorities for the investigation and prosecution. The victims should be provided easy access to legal aid services including assistance in accessing compensation.

The provision to close brothels and evict offenders' u/s 18 ITPA has been sparingly used. There is a need for sensitizing the law enforcement officials and making them accountable. The illegal assets created by the traffickers and other stakeholders by exploiting the trafficked victims should be confiscated and forfeited.

The States should be provided with funding to establish special courts/ fast-track courts to deal with all forms of human trafficking

Considering the fact that trafficking is a highly specialized and organized crime, it may be useful to utilize the services of NGOs in apprehension and prosecution of traffickers.

## **PROTECTION**

One of the important aspects of post-rescue is the rehabilitation of the survivor. Ideal rehabilitation involves steps towards integrated empowerment- psychological, social, economic, community reintegration and prevention of re-trafficking. Schemes like Swadhar, with in-built components of rescue and rehabilitation, need to be effectively implemented.

The rehabilitation programme should be integrated and comprehensive in nature with priority on social and economic rehabilitation constituting multiple activities including formal and non formal education, vocational training, medical care, housing and financial assistance for setting up of micro enterprises.

Comprehensive review of Govt. run/supported rehabilitation homes to identify areas of improvement needs to be conducted. Monitoring mechanisms to ensure quality of care needs to be in place.

The lack of enough shelter homes is reported a major impediment in the rescue operations especially in Jharkhand. Police refrain from carrying out rescue operations for want of adequate rescue homes where the survivors could be lodged This needs to be addressed by providing adequate number of rescue homes in each State

Victim Compensation Fund should be created so as to enable victim to become economically independent. A centrally administered national rehabilitation fund should be created with uniform and easily accessible compensation system for victims of trafficking. The Public Prosecutors should be trained on post conviction activities e.g. Compensation Law, Rehabilitation Law.

The children born in brothels are affected by the vicious atmosphere of the brothel. To ensure growth of these children in a proper environment, It is suggested to formulate plans making special provisions for their education, health care, vocational training etc to prevent second generation trafficking.

Further research is needed to assess the quantity and quality of services and care available for rescued victims in rehabilitation home. Also there is also the need for research on health consequences of sex trafficking. Research is also needed to assess the effectiveness of rehabilitation/reintegration program.