

**Designing and Implementing an
Action Research Project on
Trafficking – A Perspective from
NHRC India**

By

Dr. Savita Bhakhry

Senior Research Officer

National Human Rights Commission of India

Background Facilitating the Action Research Project

- Existing scenario in India.
- In-coming complaints on trafficking in the Commission on regular basis.
- Reporting on trafficking in the media.
- Dearth of research studies/authentic database on trafficking.
- Request made by the then UNHCHR to each National Institution, in follow-up of a recommendation made by the APF of NHRIs in a meeting held in Manila in Sept. 1999, to nominate an appropriate individual to serve as a Focal Point on Human Rights of Women including Trafficking.

Initiation of the Action Research

- Establishment of the Focal Point on Human Rights of Women including Trafficking in the NHRC in February 2001.
- Senior Research Officer of NHRC to assist the Focal Point.
- The Focal Point dwelled upon the Terms of Reference and then ventured to take up the Action Research in its endeavour to:
 - Create an authentic database so as to deal with the problem in all its dimensions.
 - Sensitise the public and law enforcement machinery to the grave dangers inherent in trafficking and the need for its prevention and elimination.
 - Strengthen the vulnerable regions/groups prone to trafficking.
 - Review and strengthen laws including the law enforcement process.
 - Revamp the rescue, rehabilitation and reintegration process of trafficked victims.

Towards the Action Research

- Began with the organisation of a one-day Technical Consultation on 9th of October 2001.
- Technical Consultation mainly deliberated on the methodology to be adopted for the Action Research.
- Participants to the Consultation were different stakeholders from all over the country.
- It was opined that the Action Research should generate data on the following:
 - Trends and dimensions of trafficking.
 - All kinds of victims of trafficking.
 - Perpetrators of trafficking.

- Role of different law enforcement agencies in preventing and combating trafficking.
- Process of rescue/recovery, rehabilitation and reintegration.
- Role of other national institutions created by the State for preventing and combating trafficking.
- Role of civil society.
- Analyse judicial and police records/cases.
- Link-up between missing persons vs. trafficking.
- Relationship between migration and trafficking.
- Relationship between tourism and trafficking.
- Link-up between culturally sanctioned practices and trafficking.

Process of the Action Research

- The Action Research commenced in March 2002.
- It was a joint venture of NHRC, UNIFEM and the Institute of Social Sciences (ISS), a research institute with HQs. in Delhi.
- It was guided, facilitated and supervised by a National Study Team (NST).
- Carried out in 13 States/Union Territories which were most effected by trafficking.
- In each of these identified States/Union Territories, a Consultation Meeting was held with all the stakeholders to understand the problem and identify a suitable research partner who in turn would assist the ISS, the Nodal Agency in carrying out the Research.

Focus of the Action Research

- Study the factors, trends and dimensions of trafficking including vulnerability mapping of geographical areas prone to trafficking in terms of demand, supply and transit points/zones.
- Assess the types of existing responses to issues arising from trafficking in women and children including the role of government, law enforcement agencies, NGOs and others in preventing, detecting and combating trafficking.
- Review the existent laws and on that basis recommend changes for strengthening of old law(s) **or** enactment of new law(s).
- Bring out a comprehensive Plan of Action for prevention of trafficking, protection of trafficked women and children including their rehabilitation, repatriation and reintegration as well as better law enforcement.

Defining Terminologies

- For the purpose of the Action Research, **women** included all females of all ages.
- **Children** included all males and females who had not attained the age of 18 years.
- The **definition of trafficking** given in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime, 2000 was adopted for the Action Research.

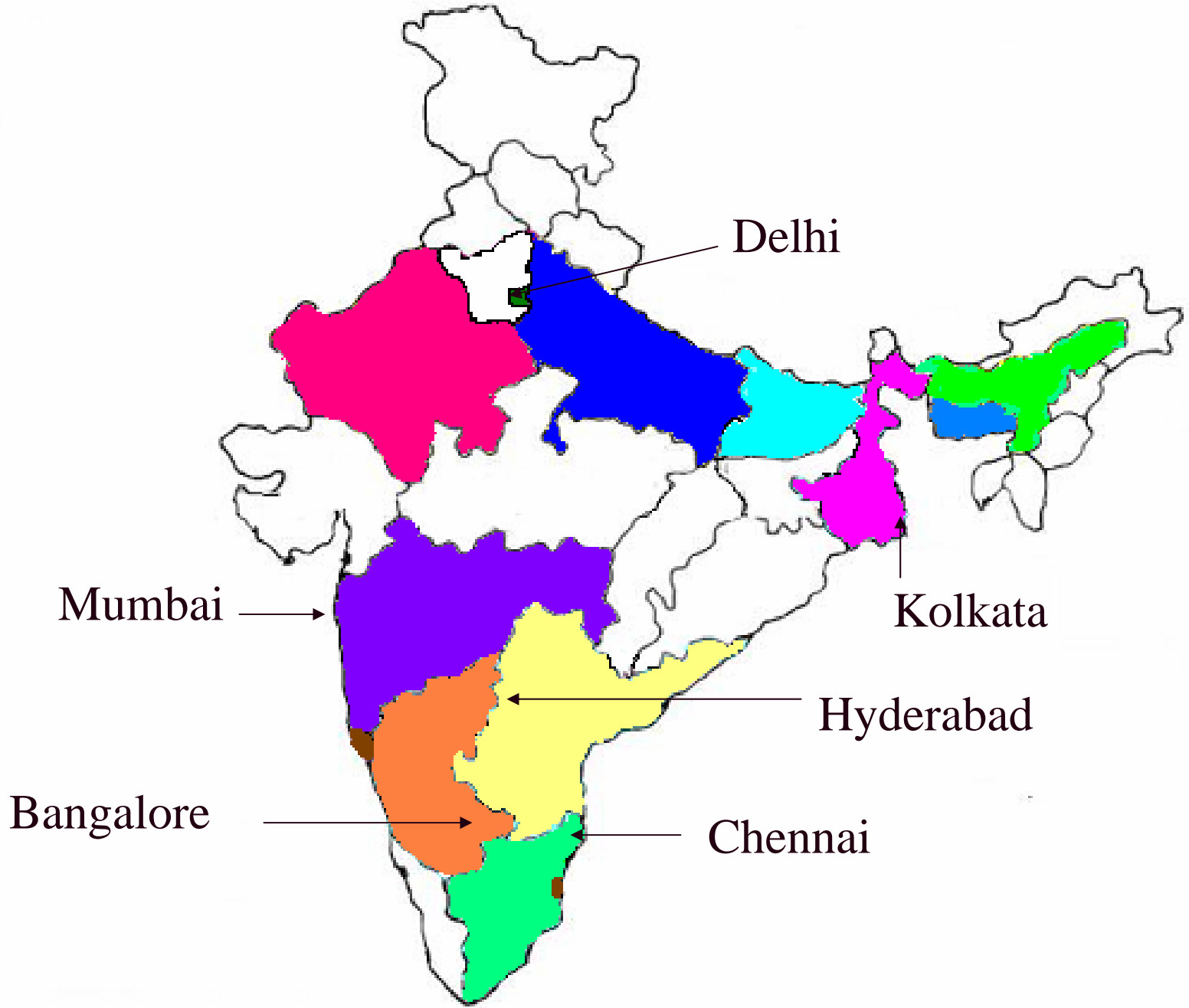
Coverage

- The Action Research covered the following aspects:
 - (i) **Trafficking for sex-based purposes/commercial sexual exploitation (CSE)**, i.e., for prostitution, pornography, paedophilia, sex tourism and disguised sexual abuse in the garb of massage/beauty parlours, bar tending, friendship clubs, etc.
 - (ii) **Trafficking for other purposes** like forced labour or services for domestic/agricultural/industrial/entertainment purposes such as circus and sports like camel racing, drug peddling, begging, fake marriages, illegal adoptions, trading in human organs, etc.

Study Area

The Action Research was carried out in the States/UTs of Andhra Pradesh, Assam, Bihar, Delhi, Goa, Karnataka, Maharashtra, Meghalaya, Pondicherry, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal.

The metropolitan cities of Bangalore, Hyderabad, Mumbai, Kolkata, Delhi and Chennai were also covered.



Respondents Interviewed

Primary data was collected by using the method of convenience sampling. In all 4006 persons were interviewed falling under seven categories as follows:

- (i) Trafficked female survivors rescued from CSE (561).
- (ii) Trafficked victims in CSE (929).
- (iii) Traffickers (160).
- (iv) Brothel owners (412).
- (v) Rescued children trafficked for labour and other exploitation (510).
- (vi) Police officials (852).
- (vii) Clients (582).

Information was also elicited from the general community by using the method of PLA, in particular, FGDs.

Preparing Tools of Data Collection & Orientation Training for Field Staff

- To collect data from the sampled units, 7 different types of standardized interview schedules were prepared consisting of fixed alternative and open-ended questions after pre-testing.
- Orientation training was imparted to all the field staff with regard to the general principles of data collection, such as rapport building, maintaining objectivity, eliciting responses, etc.

Case Studies

As part of the Action Research, the case study method was also adopted to deal with various facets of trafficking as follows:

- (i) Trends and dimensions in trafficking.
- (ii) Extent and types of exploitation.
- (iii) Vulnerabilities that cause/perpetuate trafficking.
- (iv) Prevention and other proactive responses to trafficking.
- (v) Law enforcement.

These case studies (155) have reinforced findings arrived through quantitative analysis.

Action Programmes

Being an Action Research, an attempt was simultaneously made to:

- (i) Generate awareness through training programmes, seminars, workshops and conferences on different aspects of trafficking among all the stakeholders.
- (ii) Facilitate various activities in States/UTs with regard to prevention, investigation into and prosecution of traffickers, protection to trafficked victims, including their rescue, rehabilitation and repatriation.
- (iii) Building up a functional network of governmental and non-governmental agencies for preventing and combating trafficking.

Trends and Dimensions in Trafficking

- It is a borderless crime transgressing national and international borders.
- Maximum percentage of women and children are trafficked from four States – Andhra Pradesh, Karnataka, West Bengal and Tamil Nadu.
- Intra-state trafficking is a common phenomenon in most States within the country.
- Trans-border trafficking from Nepal and Bangladesh to India happens to be a common feature.
- Between Nepal and Bangladesh, trafficking from the former is of a larger dimension.

Findings

- Among the trafficked persons, majority are girl children who are trafficked at a very young age.
- For the trafficked girls, the end point is the brothel/CSE. For boys it is the work place where they are put to strenuous labour with nominal or no wages and bad working conditions.
- Majority of the victims are from dysfunctional families and socially deprived/discriminated sections of society.
- More than 60% of the victims of CSE are also victims of child marriage.
- Majority of the victims rescued or arrested earlier returned to brothels exposing thereby the glaring deficiencies in the existing system of law enforcement, justice delivery and rehabilitation programmes.

- The survivors and victims of trafficking had no choice with regard to safe-sex practices and were ailing from HIV, STDs and other gynecological problems.
- Human rights violations are rampant during the rescue and post-rescue phase.
- The rights of victims, in most places, is violated by the law enforcement agencies for it is a common practice to arrest, charge-sheet, prosecute and convict the trafficked victims.
- Dignity, self-esteem and the need to belong emerged as some of the most important requirements for trafficked victims.
- 67.2% were victims of CSE before becoming brothel owners.
- At the time of interview 393 brothel owners stated that they had 2,702 women and children with them, making an average of 7 trafficked victims per brothel owner.

- 82 brothel owners admitted that they have girls below 16 years in their brothels.
- 53.4% of the brothel owners avoided arrest or police action by bribing them.
- 29.1.% of the brothel owners stated that the police have a share in their income.
- 90% of the traffickers were Indians, the rest Nepalese.
- A large majority of the traffickers lured women and children on the pretext of providing good jobs to them.
- For a vast majority of police officials (supervisory and investigating) preventing and combating trafficking is a low priority.

- The perception of the police about the enormity of sex-based trafficking is high in comparison to other kinds of trafficking.
- Trafficking for other purposes was also not free from sexual exploitation.
- Pattern of conviction shows that the traffickers were rarely prosecuted and punished. On the contrary it was the victims who were arrested, prosecuted and punished.
- As per the Indian law, the customer is liable for punishment but this never happens and the police too is ignorant about this fact.
- There is linkage between trafficking and migration and trafficking and cultural/social practices.
- There exists linkage between ‘missing persons’ and trafficked persons.
- Similarly, there is linkage between trafficking and sex tourism.

Spin-offs

- Succeeded in creating with the cooperation of all the States/UTs, a permanent network of Nodal Officers on trafficking across the country. In each State/UT two Nodal Officers have been nominated, one representing the police department dealing with rescue, investigation and prosecution and the other representing the welfare agencies dealing with rehabilitation, reintegration and economic/social empowerment of the victims.
- A National Conference of all these Nodal Officers was held at New Delhi in October 2002 wherein they were sensitised to various issues relating to trafficking in women and children. Terms and Reference detailing out the duties and responsibilities of Nodal Officers were also finalised and forwarded by the NHRC to all the Chief Secretaries/Administrators of different States/UTs.
- Facilitated rescue, rehabilitation and repatriation of trafficked victims in several States by networking between the Government officials and NGOs.

- Facilitated trans-border repatriation and rehabilitation of victims. Also along with the help of an NGO, and Directors General of Police of Uttar Pradesh, Bihar and West Bengal, facilitated in preventing cross border trafficking along the Indo-Nepal border.
- Garnered corporate involvement. The NHRC along with UNIFEM, a Mumbai based NGO and Taj Hotel, Mumbai organised a Workshop to sensitise the officials of hotel and tourism industry on the hazards of trafficking and sex tourism.
- Forged partnership between the police and NGOs.
- Facilitated law enforcement in neglected areas.
- Organised more than 34 training programmes and sensitised more than 2000 police officials. Also organised 7 training programmes for judicial officers and 41 training sessions for NGOs and civil society members were facilitated.
- Identified good practice models.

Recommendations

- There is need to adopt a ‘human rights perspective’ in all measures taken to prevent and end trafficking in women and children.
- Care should also be taken to ensure that these measures are gender-responsive and rights enhancing.
- Need to develop standard minimum guidelines for officials and service providers with regard to rescue of trafficked victims and rehabilitation and repatriation of rescued survivors.
- Urgent need to rescue all victims of trafficking who are being used for varied purposes and the proposed rescue operations should be victim oriented and should adhere to human rights norms and standards.
- In cases where the victim is a child, he/she should not be treated as a criminal and should be produced before the Child Welfare Committee as per the relevant law.

- In cases where the victim rescued is not a child, she should not be *prima facie* treated as criminal for ‘soliciting’ clients. On the contrary, correct provisions of law should be applied and the FIR should not be stereotyped.
- Need to ensure that rescued victims are examined by a registered medical practitioner for the purposes of age verification and detection of injuries.
- Medical aid and counselling should be provided to all victims irrespective of age.
- Rehabilitative measures for trafficked victims should be properly planned taking into consideration their age, education and skills.
- Need to upgrade the conditions and capacities of institutions/ homes run by the Government. Along with this there is need to recruit adequate number of trained counsellors and social workers in institutions/homes run by the Government independently or in collaboration with NGOs.

- Provide stringent punishment to traffickers along with confiscation of their properties and assets.
- Need to bring about changes in the existent law on trafficking. Till the time changes are brought about, there is need to enforce the current laws forcefully.
- Need to generate awareness among the vulnerable groups as well as empower them by extending various welfare, development and anti-poverty schemes of the Government to remote areas of the country.
- Target adolescents who are both potential victims and clients by providing appropriate information on issues related to sexuality and reproductive health.
- Need to develop a national database and a quick response tracing mechanism and coordinating structure for missing children and women – intra and interstate, within the police system to prevent trafficking.

- Deepen knowledge and understanding of the law enforcement machinery through sensitisation and training programmes.
- Need to devise necessary mechanisms for concerted coordination between the police, judiciary, government institutions and non-governmental organisations with regard to preventing and combating trafficking.



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