

# Trading the miserable

Human Trafficking  
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**T**rafficking in women and children is one of the worst violations of human rights. The International Organization of Migration estimates that the global trafficking industry generates about \$ 8 billion each year from what may be described as a "trade in human misery". The problem is not new, but it has now been exacerbated by globalization, rise in sex tourism, increasing vulnerability of women and children, and the failure of the enforcement machinery to curb this evil. Trafficked women and children are used for prostitution, domestic work, camel jockeying, organ transplants, forced marriages and so on.

Trafficking has grown in recent years since it is extremely profitable and the risk of prosecution is relatively low. This is because most countries have weak laws on trafficking and allied activities. Trafficking in women and children is a big business today involving extensive international networks of organized criminals and unscrupulous government officials. It takes organized effort to move large numbers of people across borders and over long distances. It takes "recruiters" to identify and procure young women and children. It takes transporters to take them across borders to their destination. Then there are "receivers" to deliver them to brothels. Finally, there are the brothel managers and heads of criminal cartels who make the most profit in this trade in misery.

**P**resently, there is no clear and single definition of trafficking. The term is used to describe activities that range from voluntary migration to the forced movement of persons for exploitative purposes. The 1999 United Nations crime commission and the November 2000 convention against transnational organized crime are supplemented by two additional protocols concerning the smuggling of migrants and trafficking in persons, especially women and children. The latter is often referred to as the "trafficking protocol" and provides the currently agreed upon definition of trafficking as recruitment, transportation, purchase, sale, transfer, harbouring or receipt of persons (a) by threat or use of violence, abduction, force, fraud, deception or coercion (including abuse of authority) or debt bondage, for the purpose of, or (b) placing or holding such a person, whether for pay or not, in forced labour or slavery-like practices in a community other than the one in which such a person lived at the time of the original act described in (a). As has been correct-

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Anti-trafficking legislation in India has not only proved ineffective, but is also heavily weighed against the victim, writes Sankar Sen



Face it alone

ly pointed out by experts, at the core of any definition of trafficking must be a recognition of the fact that trafficking is never consensual. It is this non-consensual nature of trafficking that distinguishes it from other forms of migration.

In India, apart from the provisions in the Constitution enjoining the equality of all before law, Article 23 prohibits trafficking in human beings and all forms of forced labour. The directive principles, enlisted in Article 39(e) and (k) declare that state policy should be directed towards protecting childhood and youth "against exploitation and material abandonment". Building upon these, the Suppression of Immoral Trafficking in Women and Girls Act was enacted in 1956, whose aim is "to inhibit or abolish commercialized vice, namely, trafficking in women and girls for the purpose of prostitution, as an organized means of living". The act was amended in 1986 as the Immoral Trafficking of Persons Prevention Act. The amended legislation prohibits prostitution in its commercial form without declaring prostitution, *per se*, an offence. It also prescribes stringent action against those forcing children into prostitution.

Sections 3 and 4 of the act punish anyone owning a brothel or living off the earnings of a prostitute. Section 15 allows the police to conduct raids on broth-

els without a warrant on the basis of information that an offence under the ITPA is being committed on the premises. The act also punishes any person who solicits for the purpose of prostitution or who carries on prostitution in public vicinity. Section 13 empowers state governments to appoint special police officers to be assisted by an advisory board comprising social welfare workers of the area. Section 13(4) empowers the Centre to appoint "trafficking police officers" with nationwide jurisdiction to prevent inter-state trafficking. However, the government is yet to appoint any such officer. Usually, the Central Bureau of Investigation is directed to perform the functions of trafficking officers.

Also, the act does not provide for any punishment for the client. Thus these legislations have tended to disadvantage street prostitutes more than those working off the streets. In a study on prostitution in Mumbai, it was found that the number of prostitutes arrested was disproportionate to the number of pimps, procurers, brothel-keepers arrested. Obviously, the reason for this is a nexus between the traffickers and the police. There is also the difficulty of gathering proof to sustain the charges against offenders. Often, the owner of a brothel does not live on the premises. Instead one of the prostitutes is in charge who claims, during a raid, that all the women

present operate independently. As the act lays down penalties only for "sex for profit", neither the woman in charge, nor the owner can be arrested. Many a time, the brothel-keeper sends a prostitute to a hotel. In such cases it becomes difficult for the prosecution to prove that the hotel is being used for commercial prostitution.

**A**nother problem is the absence of regional cooperation for effectively combating trafficking. The cooperation of governments in a region is necessary because traffickers try to exploit laws in individual countries. According to the IOM, 11 countries in central and North America have been working under the Pueblo Process since 1996 to combat trafficking. Costa Rica, Honduras, Mexico, the United States of America and others have agreed to launch joint training initiatives and simultaneous joint action and exchange of information on the entry of migrants who have been victims of trafficking and smuggling. Governments must also be more sensitive to the plight of trafficked victims, especially to their need for protection. The evidence of trafficked women and children is vital to effectively clamp down on the traffickers. Laws that protect them will make it easier for victims to come forward. Perhaps one of the most important need is prompt prosecution of traffickers. The US, for example, passed the Victims of Trafficking and Violation Protection Act in 2000, which has increased the penalty for trafficking to upto 20 years of imprisonment, similar to that for rape.

In India, during 1996 and 1997, 8,189 and 9,076 cases respectively were registered under the ITPA. However, almost 47 per cent of the cases were reported from Tamil Nadu. This shows that in most other states, few cases of immoral trafficking are being registered and a low priority is being accorded to this crime. Given the nexus between corrupt officials and brothel-keepers, there are the occasional bursts in police activity in which the prostitutes, but not the pimps and customers, are arrested.

**T**he National Law School of India has prepared a draft bill called the "prohibition of immoral trafficking and empowerment of prostituted women bill, 1993", as an alternative to the existing legislation. This bill contains provisions for healthcare for prostitutes, association of local non-governmental organizations in the maintenance and management of protective homes. It also provides proposes punishment of customers. But it requires a lot of political will to incorporate these much-needed changes into the revised legislation.

Human Trafficking

# Evil of trafficking grows

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The north eastern states share many problems. But the one that threatens to overshadow all of them is the rise in trafficking of minor girls to Mumbai and other large cities.

In the past year, at least 50 girls between 11 and 17, from Meghalaya, Assam and Manipur have found their way to the brothels of Mumbai, Kolkata and Bangalore.

The lid was blown off this flourishing racket last year, with links to one of Asia's largest illegal sex industry in Mumbai. A Mumbai-based NGO, Action against Trafficking and Sexual Exploitation of Children (ATSEC), teamed up with the local media to expose a horrifying story of how girls from the North East, Bangladesh and Nepal were being smuggled to red light areas in major Indian metros.

The victims include girls from poor Bangladeshi families staying in India. This year alone, more than 27 girls from the North East have been rescued from Mumbai's brothels.

Later, police arrested three women traffickers in Shillong, Meghalaya's capital. The women say that at least 300 girls have been forced into prostitution in the past six years. The traffickers also say that the North East has become an important centre for procuring women for the cities. In some cases, close relatives prey on unsuspecting children, enticing them away with glib talk before selling them to pimps.

The scale of the criminal network and the devastation on the social fabric is so vast that leaders of South Asia, cutting across political and national differences, have identified trafficking in women and minors as one of the top social menaces that needs to be combated.

Some time ago, a prominent magazine out of Kathmandu, *Himal*, carried a poignant cover story, "The price of our daughters", which graphically described the brutality and humiliation as well as disease and ostracisation of young Nepalese women sold by their parents or simply kidnapped and taken to brothels in Mumbai, Delhi and Kolkata.

At the local level in Meghalaya, Hasina Kharbhih, head of Impulse Network, a

local NGO which partners

ASTEC, says that the criminal network is vast and organised.

Their confessions corroborate a study on trafficking which says that most of the north eastern girls trafficked outside are first sent to high supply zones like Karnataka, Andhra Pradesh, Maharashtra, Tamil Nadu and Uttar Pradesh.

Some of the rescued girls say that they were sold to pimps by the three arrested women at prices between Rs 25,000 and Rs 50,000. "I was sold when I was nine by my uncle," says Pushpa (not her real name), a girl from Tripura, who is now 17.

After being rescued, she was sent home but her family refused to accept her. She now lives in a special home for rescued women in Agartala, the state capital. Ms Kharbhih says that those who try and rehabilitate the rescued girls face major problems when families refuse to take the girls back.

Both the Meghalaya police and Impulse are at their wit's end. The delays mean that in some cases, some girls may have gone back to prostitution. There are reports of missing girls.

Ten girls were rescued in May, while 14 others from Mizoram and Assam were kept at a Mumbai remand home. Those fighting the menace blame an "insensitive system" and claim that most of these girls were either school or college dropouts, who fled their homes because of poverty.

But is poverty the only reason? There are different arguments including that advanced by the Mumbai police who say that "most of the rescued girls in the last year were from the lower strata of society and pimps took advantage of the situation and trap them". The Meghalaya police are not convinced. The Superintendent of Police (East Khasi Hills), Ida Nongrang, believes that some girls may have gone on their own, seeking the glamour and bright lights of Mumbai.

Activists in Assam also blame the new craze for careers in modelling among

By Monica Saha

teenagers in the North East, fuelled by television and newspaper advertisements, as partly responsible for luring young girls into the traffickers' net. "Most of the time, the girls think that they would become front office receptionists or small-time models," says social worker Rose Lyngdoh. Instead, they end up in cheap hotels and brothels where they are paid monthly salaries of Rs 3,000 to Rs 4,000.

Neeru Sharma of the Department of Women & Child Development in the Maharashtra government, says that "pimps glamourise Mumbai", telling the girls it is a happening city with many

opportunities.

Prejudice and increasing violence against women cannot be overlooked, say others. Trafficking out of the North East has soared in recent years because of the huge profit margins and relatively few risks. Those involved are unscrupulous, seemingly untouched by the horror that they inflict on innocent children and unsuspecting young women.

The North East has now become the gateway for trafficking across international borders to neighbouring countries like Bangladesh, Nepal and Myanmar.

(The author is a scholar from Cachar, Assam)

THE STATESMAN

*Women Trafficking*  
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# NGOs seeking HC orders to curb child trafficking

By Ramya Kannan

**CHENNAI, SEPT. 23.** In view of the large number of cases of trafficking in children reported over the past week, a coalition of NGOs has decided to file a public interest litigation petition, seeking Madras High Court directions to curb child trafficking in the State.

Several instances of trafficking in children, to other States, have emerged over the past weeks, with large contingents stopped at key railway stations. The members of the coalition, Campaign Against Child Trafficking (CACT), who met after the latest and largest 'haul' of 42 children at Chennai Central, decided to move court, for sorting out the procedures involved in rehabilitating children proceeding legally.

"At the moment, there are no clear directions on what should be done in such situations. A case of trafficking cannot be booked. The options are filing cases of kidnapping or invoking the

Bonded Labour Act," says the CACT member, Thomas Jeyaraj. However, as has been proved in the recent instances, a case of kidnapping cannot be filed as the children often have been sent with parental consent. Bonded labour charge would be valid only if the children were rescued from a worksite.

Again, in the recent instances, the children, who were taken under the wings of the Directorate of Social Welfare, had to be 'set free' after a hearing. "We have no option but to send the children back with their parents. All we can do is counsel them," says the Juvenile Welfare Board chairperson, Vidya Shankar.

Other members of the board, who have been attending hearings of the cases, say they are in a catch-22 situation, "We have to let the children go because the parents have come for them. At the same time, the parents tell us that they might send the children to work again, if the situation warrant." Apparently the parents and children

have been citing extreme poverty, the direct result of drought, for the mass movement to other States.

Mass migration of the labour force is not new to Tamil Nadu, though trafficking in children is more recent.

"If we have no food to eat, what is the point having my daughter with me. When somebody offers to provide food and employment what is wrong in sending my child?"

If she works, she will at least get two meals a day and maybe even make something to send home," says a mother, justifying her sending her child to Gujarat.

Also some parents had no money to go back home, escorting their children. The JWB had to make alternative arrangements for sending them home.

The child rights activists contend that intervention occurs only at a late stage.

"When we approach the children at the station, we are already late. We can only stop them; we do not even assure

them proper rehabilitation. The process of intervention must begin even earlier, in villages and towns, where the district administration must closely follow the drought and migration patterns."

The State-level committee under the chairmanship of the Chief Secretary has made some 'important' decisions. However, there are no signs of the panel taking concrete action, or sharing the decisions taken at its meeting with the media and the public.

It is to resolve these myriad problems that the coalition is seeking court directions.

It has also decided to map the exact areas from where children are being trafficked in an effort, which will help in prevention.

A few NGOs have been chosen to conduct the study.

Voluntary organisations will also join resources to intensify awareness programmes throughout the State in the coming weeks.

24 SEP 2002

## **63 Indians held in Belarus, Ukraine for illegal entry**

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JALANDHAR, SEPT. 21. Sixty-three Indian nationals have been arrested in Belarus and Ukraine for allegedly entering these countries without valid visa and travel documents.

The Indians, all from Punjab, would be sent back after verification and deposit of the amount required for their deportation, Amarjit Singh, Passport Officer, said here today.

He said according to the communication received by Indian embassies in these two countries, 31 persons were arrested in Minsk in Belarus and 32 were held at Kiev in Ukraine recently without proper documents.

"The communication stated that the Regional Passport Office, Jalandhar, issued the passports of all the 63 persons", he said, adding that "after verification parents of the detainees would be requested to deposit the required amount for deportation."

Mr. Singh hoped that the verification would be over by Monday and "accordingly family members of the detainees would be asked to deposit Rs. 40,000 and Rs. 24,500 to cover the travelling cost from Minsk and Kiev respectively to India. —PTI

22 SEP 2001

# 'Human trafficking widespread in India'

By Ela Dutt

11-15-86

Washington: Human trafficking is widespread in India, Nepal being a major source of supply, according to a U.S. report.

Secretary of state Colin Powell, releasing the state department's Trafficking in Persons Report for 2002, said traffickers prey on the most vulnerable members of the community.

The report revealed that over the past year, at least 700,000 and possibly as many as four million men, women and children worldwide were bought, sold, transported and held against their will in slave-like conditions.

Women, children and men are sold into the global sex trade for prostitution, sex tourism and other commercial sexual services and into forced labour situations in sweatshops, construction sites and agricultural settings.

The practice may take other forms as well, including the abduction of children and their conscription into government forces or rebel armies, the sale of women and children into domestic servitude and the use of children as street beggars and camel jockeys, the report details.

"India is a country of origin, transit and destination for trafficked persons. Internal trafficking of women and chil-



Colin Powell

dren for purposes of sexual exploitation, domestic servitude, bonded labour, and indentured servitude is widespread," says the report.

In addition to being trafficked domestically, Indian women and children are trafficked to the Middle East and the West for purposes of forced labour and sexual exploitation.

Bangladeshi and Nepalese women and children are trafficked to India and transit through India en route to Pakistan and the Middle East. Like many countries, including Pakistan and Nepal, India does not yet fully comply with minimum standards for the elimination of trafficking, says the report.

"However, it is making significant efforts to do so," the state department concedes. Investigations and prosecutions of traffickers are rare but increasing. India has numerous federal laws criminalizing trafficking and child labour. But there is a lack of laws establishing federal jurisdiction over inter-state crimes. Police efforts to investigate trafficking across state borders are further encumbered by a lack of coordination among state police departments. IANS

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THE TIMES OF INDIA

# Saarc leaders pledge to curb trafficking in women, children

By Anita Katyal  
Times News Network

NEW DELHI: Although the seven South Asian nations attending the recently-concluded 11th Saarc summit at Kathmandu were preoccupied with threats of war and terrorism, they also addressed the problem of trafficking in women and children and committed themselves to the promotion of welfare of the region's children.

The Saarc countries signed two important conventions on combating trafficking in women and children and child welfare while the Saarc Declaration expressed their collective resolve to treat trafficking in women and children as a "criminal offence of a serious nature." The convention is being viewed as a first step in controlling the trans-border trafficking in women and children in the region, an issue which has been exercising the region's women's groups.

Besides putting women centre stage, Saarc nations also directed their ministers to take concrete steps to give priority to investing in children and recalled that the years 2001 to 2010 had been declared as the Saarc Decade of the Rights of the Child.

The convention on trafficking is aimed at forging co-operation among the member states of Saarc to deal effectively with the various aspects of prevention, interdiction and suppression of trafficking of women and children. It is also aimed at repatriating and rehabilitating the victims of trafficking and preventing the use of women and children in international prostitution networks.

The government heads agreed to establish a voluntary fund with contributions from member states

and donor agencies for the rehabilitation and reintegration of the victims of trafficking, tasks recognised as a real challenge given the stigma attached to women in prostitution.

The signing of the two conventions and the inclusion of women and children's concerns in the Declarations come after hectic lobbying by the region's women's groups and UN agencies like UNICEF. The developments have been welcomed by women's groups who described it as a positive and welcome step but also said that much more work needs to be done. Ranjana Kumari of Centre for Social Research said Saarc countries also need to address the source of the problem, saying the Saarc countries need to set up a specific mechanism for information sharing on trafficking and monitoring the programme. Jyotsana Chatterjee of Joint Women's Programme (JWP) also believes that much more work is required to prevent the entry of children into prostitution.

Razia Ismail of the India Alliance for Child Rights said the setting up of a fund for rehabilitation of trafficked women was a long-standing demand from women's groups but wondered how and who will administer it. "Let's hope it is not crippled by bureaucracy," she commented.

They all agreed that these developments means that Saarc countries had waken up to the of the problem of trafficking as it is estimated that about 5,000 to 7,000 children are trafficked from Nepal alone to India for prostitution and another 4,000 trafficked from Bangladesh to Pakistan.

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