

# **Women Trafficking and Related Problems: A Case Study of Delhi**

**Thesis**

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## **CHAPTER VI**

### **CONCLUSION**

#### **6.1 FINDINGS**

An indepth study into the lives of trafficked victims raises the issues and challenges encompassing the reality or truth of the miserable dark world of human trafficking which exhibits that majority of women and children are victims of horrendous crime who are majorly trafficked by luring, deceit, force and threat before they are bought into the world of flesh trade. They are exposed to extreme physical, mental, psychological trauma which remains with them till their last breath. World is seeing an increasing trend of sexual exploitation via. sex tourism, religious towns, tourist places and across-border trafficking.

Trafficking of women and children is not limited to territories of a country. It is much beyond than national boundaries having a vast expanse. Over the time different countries in the South Asian region have emerged as the most important nodal centres of sources, points of destinations and transit places experiencing trafficking. India too has emerged as an important source, point of destination and transit place for trafficking for variety of purposes like commercial sexual exploitation and forced bonded labour. While intraregional trafficking forms the majority of the proportion of the trafficked victims, migration of people across borders for trafficking is also seen particularly from countries like Nepal and Bangladesh. Large number of women and children from India are also trafficked to the Middle East nations for the reasons of forced labour bondage and commercial sexual exploitation.

The condition is worse in the underdeveloped regions as the push and the pull factors that lead to trafficking and the balance between the mechanism of demand and supply play a vital role in expanding trafficking across borders. For example, trafficking of women and children from the North-Eastern states of India and along all the neighbouring countries remains a challenging issue despite of various legal constitutional remedies. The extremist activities, the ethnic group clashes and the conflicts between several regional groups have led women and children in this region highly prone to this exploitation. Since trafficking has a multi-dimensional approach across different states and countries, it should be tackled carefully by the agencies of the Centre, State governments and NGOs working in this area.

Both Push and Pull factors are responsible for aggravating this situation of trafficking across the globe. It is the marginalised backward and socially discriminated and economically depressed groups of the society who are considered as the most vulnerable among all. Moreover, among them, the girl child are the most miserable victims of trafficking as she is considered as a liability or burden and not an asset for the family. The gender-based differences existing in the society and varied forms of abuse against women like female infanticide and female foeticide is an additional burden to her existence. These further increases during the times of chronic disasters like drought conditions, excessive flood, acute food shortage etc. The debt trap situations due to economic distress as well as due to the failure of social security systems has led to increased migration happening for trafficking. Poverty and illiteracy are the two main attributes that lay the foundations for trafficking, thereby, creating the much-needed demand force. This demand is supplemented by several other factors like the easy provisions for license given to traffickers through which they operate, Lack of strict enforcement of law. The low risk enjoyed by the

traffickers, complimented with the high levels of profit of commercialization ensures endurance of trafficking. The traffickers have no constraint on court jurisdictions or the regions lying between police stations, districts, states, and across borders in carrying out their illegal 'trade'. The implementation agencies are bogged down by restrictions and limitations, which are effectively funded by the traffickers.

The practice of trafficking is considered as a less risk and more profit scheme for traffickers. Hence, action on this aspect by all the government agencies is important as a preventive measure since it may become a source of black money in the economy.

While exploring the connection between migration and exploitation for trafficking, it is seen that restrictions on women's migration along with lack of secure measures increases their susceptibility to trafficking. Therefore, migration should be addressed from a progressive perspective. There is a strong link between migration with the type of gender, progress and governance. An all-round approach, addressing different dimensions of trafficking is needed. Safer means of migration, preventing trafficking and suppressing of HIV/AIDS are essential to the progress of South Asian region. These are attributes having a direct bearing on community security and on national security. Anti-trafficking programmes should recognize people's rights to move ahead with informed choice.

With the rising tourism activities in several nations of South Asia, incidents related to sex tourism and other forms of trafficking has also risen high. The government across developing countries with an objective to increase tourism and thus, economic development has turned blind to these challenging problems. Economic development in any country should not take place at the price of exploitation and trafficking. On

the reality ground there is hardly any conscious effort to address the challenges concerned.

The rehabilitation scenario related to victims of trafficking presents a very dissimilar picture. There are no institutionalized mechanisms in majority of the countries and among the states of India. The counseling and vocational skill training taking place in the rescue and rehabilitation homes within the country speak more about the availability of amenities and resources and less for the best interests of the victims. The needs and aspirations of the rescued person should be addressed in a comprehensive manner. Most of the traffickers also take undue benefit of the helplessness and hopelessness of poverty ridden families; hence, precautionary action must involve empowering these hopeless members particularly in rural areas. Genuine efforts by the government along with NGOs can prove to be fruitful in attaining this goal.

Along with psychological and social intervention, proper medical care, skillful vocational training etc needs to be given to uplift the status of trafficked women. Better and regular means of livelihood options should be given to the victims so as to make their life more secure. Micro-credit facilities and encouragement towards establishing self-help groups among themselves need to be accentuated. Once the victims are rehabilitated a proper follow up system needs to be organised to ensure that there is no trafficking.

Thus, an integrated approach related to the three components of prevention, protection and prosecution of trafficking needs to be organized in a proper way. Since trafficking is an organised crime, involving a variety of professional means to deal with them are much needed. Inevitability and severity of punishment to the culprits, without much

delay is the most essential need for preventing trafficking. Along with it, the victims should be rescued and rehabilitated in more sustainable manner. Since lack of priority, time, energy, sensitivity as well as ignorance of the issues related to trafficking are taken into account as the major factors responsible for the existing depressing picture of enforcement, there is an efficient networking of the law executing agencies with NGOs to make genuine efforts towards making the mechanism more trust-worthy.

The responsive situation with respect to cross border trafficking is troubled with infinite challenges and problems. The nationality or identity of the trafficked person and procedures of repatriation commonly becomes a serious issue. Many rescued victims are restricted to rescue homes for more than a decade inspite of the harsh fact that they had to tolerate exploitation in the brothels too but for only limited months. The rescue scenario is highly traumatic and also a violation of human rights. The problems are accelerated because the destination country refuses to accept the citizenship of the person. In many cases, the victims are unable to recollect the details about their place of origin which causes lot of problems in verification and authentication. Appropriate governmental systems and organisation need to take proper form and efforts should be taken to make them more functional and approachable. There is restricted bilateral and mutual regional cooperation with relation to law enforcement, border exclusion, victim repatriation and prevention strategies. There is a shortage in collection, analysis of trafficking data. South Asia Regional Criminal Justice Cooperation is particularly as important as the issue of the cross-border trafficking that takes place which is largely intra-regional and presently there is no formal regional police arrangement (SAARCPOL) to overcome such transnational crimes.

The situation in the country presents a picture of lack of unity and coordination among the agencies. Whether it is intra-state trafficking, inter-state trafficking or trans-border trafficking, the agencies working towards the rescue operations do not seem to have proper coordination with the agencies working for rehabilitation. The issue of missing women and children is seen in isolation and is never studied coexisting in correlation with trafficking.

The number of civil societies organisations working in this field has increased over the last few years. Moreover, majority of them are located in urban areas and very few have grassroots networks in rural areas where the problem of trafficking is the most prominent and needs to be combated at all levels. There is an urgent need for genuine society organisations to work on anti-trafficking in these rural areas which are the source as well as transit areas. The civil society organisations are mostly working on rescue and post-rescue operations including protection and prosecution, while there are very few organisations which are focusing on the prevention of trafficking.

Trafficking among women and children is the extreme violation of basic human rights, and the response of the government and non-governmental organisations is more or less temporary and individual-oriented, and rarely institutionalised. The magnitude of exploitation of the trafficked victims have never been measured by the agencies and thus, the response scenario with respect to safeguarding justice to the victims has been miserable. The welfare approach has to be replaced by a basic rights approach, where the survivors, victims as well as vulnerable victims should be involved not only in developing strategies but also in implementing and decision

making. A participatory and all rounded approach should be adopted for the welfare of the victim, survivor and the vulnerable ones to combat trafficking.

The response of the government agencies and even civil society organisations reflects the existing loopholes of our society where they are able to address only a small fraction of the huge challenging social issue. The trends and different dimensions of the problem of trafficking has exposed the dark truth of human rights violation and how it has urged an urgent need to be addressed for successfully combating the gloom of human beings caught in trafficking.

## **6.2 RECOMMENDATIONS**

Human trafficking is a complex situation and there can never be one solution which can resolve all problems related to human trafficking. On a general level, the efforts for prevention should overcome with the main causes of trafficking. Some of the recommendations to curb this social menace are as under:

- The programmes that aim at eradicating human trafficking from India should examine the social and economic backgrounds of the victims, identify the marginalised groups, address the root cause of trafficking and other ways of exploitation and abuse such as gender discrimination, social and economic marginalization, domestic abuse, armed war and organized crime.
- Both long run and short run actions should be constituted to reintegrate those vulnerable groups taking in account their age and experiences. An understanding, supportive and well-integrated trafficked victims friendly services network system should be established that gives adequate protection to them, giving proper education and information on health services and training on life skills as a means



of protecting and building self-esteem of victims along with making them independent of decision making which can help in preventing their re-trafficking.

- A universal system to identify victims who have been exposed to violence and exploitation, either as a result of trafficking or due to any other social taboos. This identification should be taken up seriously by both the government and civil society organisations. Qualitative facilities should be made available to all children, independent of their identification and background and should be provided as a matter of one's own rights and individual needs.
- To give empowerment to the trafficked ones, access to right information and proper education is much needed for preventing human trafficking. It should aim at empowering victims to make well informed choices and protect oneself against any kind of social abuses like the risks of migration, gender based discrimination, sexuality and abusive relationships.
- Victims who are trafficked need long-term support and cooperation. Activities for their safety, prevention, protection and reintegration should be carried out seriously within an all rounded framework. Close relations with the victim's family is required to ensure that they are adequately protected when once they return home. There is a need for easy accessibility to police stations and to make them victims friendly so that their faith in the system and self-confidence would be restored.
- Awareness about human trafficking through different mediums like media both print as well as electronic and inform people about this horrendous crime should be encouraged at all levels to stop it. Empowering women in different varied

fields, working towards improving their health conditions, putting an end to HIV/AIDS, eradicating poverty, giving better education and developing a mutual cooperation level at global level for development. Society as a whole comprising of professionals from varied fields like police, lawyers, doctors and also their parents should treat these victims as human beings and encourage them in such a way so that their self-confidence is boosted in the long run.

- There is a need for strengthening the preventive strategies and warning the vulnerable groups along with alleviating the factors that make people fall prey to trafficking, like poverty, lack of education, and lack of economic opportunity. The nation should move towards efforts that try to enrich knowledge of the common citizens by giving deeper meaning, nature and scope of human trafficking as a profession through data collection and analysis.
- All national, state, local, tribal, and territorial authorities should frame laws and policies that readdress the needs of survivors of commercial sexual exploitation from arrest and prosecution as criminals. Such laws should be applicable to all children and adolescents under the age of 18 years also.
- To attract the attention of the masses and to protect children from the miseries of human trafficking the most important tool of prevention of human trafficking is proper means of education as it ensures that people are well aware of its existence as well as different forms of human trafficking in India. Education helps in upliftment of women by developing "Intrinsic Capacity, inner transformation of one's own conscious to overcome challenges, access resources and traditional ideologies".

- Promotion of Technical Education helps in overcoming the problem of human trafficking in India. Technical education stresses on the need of providing vocational skills to people and therefore place a person to train the skilled and economically independent workforce that developing nations need to create to come out of poverty. Technical education can be given at different levels corresponding to the different needs and aspirations of the learners from different social, cultural, economic and academic backgrounds and make them trained for effective employment and sustainable living. The eventual aim of technical education is employment. Where there are job opportunities, poverty level automatically goes down, which eventually means the chances of falling prey to human trafficking will be reduced. Thus, promotion of Technical Education particularly among women is also an effective way to reduce the problem of human trafficking.
- The police personnel have to be sensitized, strengthened and made more answerable for which advocacy and activities from the NGOs' side has to be strengthened.
- The present constitutional provision in India in the form of Immoral Trafficking (Prevention) Act should be amended to punish the traffickers instead of focusing only on sexually exploited women and brothel owners.
- A comprehensive law should be implemented keeping in view all facets of trafficking as per the U.N. convention and in accordance with Article 23 of the Indian Constitution.

- The enforcement agencies, judicial officers, shelter home superintendents and social workers should be sensitized and trained to provide counselling and guidance to the rescued and affected women in addition to discharging their own responsibilities.
- The Railway Police should use section 145 of the Indian Railways Act, which provides punishment for drunkenness or nuisance in railway carriage or in any part of the railways. The Railway Police normally use this section against street prostitutes found asking in railway premises. They should use it against the traffickers along with the section 5 of the ITPA Act.
- Training and sensitization of law enforcing officials, building up of public support through awareness campaigns and active involvement of police officials, prosecutors, NGOs, social activists etc should be strengthen through various activities of the NGOs.
- The issues related to commercially sexually exploited women and the concept of mainstreaming has not been given the due important place that it deserves. All the state governments need to formulate an “Anti Trafficking Policy” defining the problem and to come up with the multi-dimensional approach to its prevention as an attempt to been seen in Andhra Pradesh. A ‘Rescue Protocol’ for trafficked victims and vulnerable victims needs to be developed and activated as an important component of this policy.
- Long term sustainable development schemes have to be initiated to promote self-sufficient life style among the survivors. It is realized that if the vulnerable or the victimized masses are provided with vocational training in different trades, i.e.

making of candles, scented sticks, matchboxes, processing of natural agricultural produce, animal husbandry etc. then the key to achieve sustainable development is possible.

- Re-trafficking is observed by all the NGOs irrespective of geographical areas as the major cause of this is found to be commercially sexually exploited women's hatredness towards the family. This highlights the need of effective counselling for the survivors through which re-trafficking can be limited.
- Reintegration through marriage or reunion with family has been found to be an indispensable tool to aim for mainstreaming. Though reintegration is necessary, but the NGOs have to take decisions to not to reintegrate the survivors even though she and her family are willing, if the threat of re-trafficking is felt.
- At present, Government and Non-Government organizations are able to provide institutional care involving food, shelter, clothing and health care services to the victims. Hence, there is need for greater number of organizations adopting this mechanism.
- It is also seen that many of the victims of trafficking particularly women are not to be found in the list of the citizens of the country which is a threat for their existence and survival. In such a situation civic rehabilitation is very essential as it confirms identity of survivors as citizens of this country.
- It is observed that victims are discouraged to continue their education because of their age and lack of confidence and societal pressure in facing the mainstreamed masses. This results in increase in dropout rates at the school level. To address this

problem, there is a need for encouraging the victims to continue with their education without comparing themselves with mainstreamed candidates.

- The best method of preventing trafficking is by integrating prevention with prosecution. Prosecution includes identification of the traffickers, confiscating the illegal assets created out of trafficking, making the traffickers compensate for the losses and ensuring that they do not cause any further harm.
- “The Ministry of Law, the Ministry of Health and Human Services, and the Department of Education should spread awareness about the different ways of commercial sexual exploitation and sex trafficking of minors by supporting the development, implementation, and evaluation of:
  - national, regional, state, and local level training for professionals and other individuals who frequently interact with children and adolescents;
  - national, regional, state, and local public awareness campaigns; and
  - specific targeted strategies to raise awareness among children and adolescents”.
- The problems like gender discrimination and socio-economic neglect of women along with acute unemployment and poverty has to be addressed seriously since they provide the primary push for trafficking. The State government also have to initiate policies and programmes to alleviate this situation wisely.
- The government at the state level need to understand the gravity of the problem and initiate suitable measures to check the growing trend of trafficking. A multi-tasking approach integrating income generation methods along with the IEC

(information, education, communication) initiatives need to be put up together in association with NGOs and civil society.

- Vigilant committees in the vulnerable sections of the society have to be established in police-NGO partnership. This initiative can bring active co-operation between NGO workers and police officials which can result in successful checking of trafficking in these identified localities.
- Efforts should be made in mobilizing the attention of the elected local leaders can bring a marked difference in preventing trafficking in women. It can be a powerful instrument for social mobilization against trafficking.
- Compulsory registration of marriages will be very useful in identifying and help tracking down the culprit husbands and their families who push their women in the misery of trafficking. There is a need for regular checking over village temples, particularly the famous temple where marriages of take place. The identity of grooms has to be recorded within a period of 15 days so as to confirm the identities of the bride grooms. If this is done, fake marriages can be discouraged and in case a woman is missing, her location can be traced. The NGOs have to take initiatives in encouraging the district authorities to take steps in this way and to motivate the panchayats to function as information centers.
- NGOs need to favour mass marriages at one place to enable poor parents, under acute poverty to get their daughters married without incurring high costs. The expenditure for performance of rituals in these marriages can be borne by the joint efforts of NGOs, concerned government authorities and also by involving the community.

- There is a need for social action to prevent human trafficking for prostitution. Trafficking is extensive in places where a culture of silence exists. Social meaninglessness and unspoken support encourage trafficking. When a woman is trafficked through the medium of fake marriage the neighbors and villagers admit innocence. They prefer to be silent as they do not wish to interfere and incur the outcomes with the victims' families. Thus, regular community awareness programmes in these vulnerable areas need to be undertaken starting from the grass root level stressing on fundamental rights, principles of human rights, laws relating to trafficking and the ways in bringing the community involved to counter attack the menace of trafficking in the society.
- Mapping and monitoring of vulnerable pockets, which are sensitive and vulnerable from the trafficking point of view, should be done at regular intervals of time to enable the government, NGOs and other agencies to focus attention on these areas.
- The need of mainstreaming commercially sexually exploited women is challenging to work which demands lot of professional skills, knowledge and experience. There is a huge demand for professionally trained people to get into this field and serve for the welfare of these exploited women.
- Prevention is a challenging activity in which a majority of the organisations are working.
- The Developmental activity of government and civil societies need to strengthen the present developmental programmes adopted by them to ensure the smooth running of the programmes and schemes to reach out to the targeted groups.



- It is also recommended that cultural activities are the effective mode to reach to the grassroot level, as these sections of the society suffer from illiteracy and lack of awareness. To impart them knowledge and awareness about such heinous crimes, cultural activities are the best medium to reach out to the masses.
- The support for identifying the survivors has to be extended through framing exclusive policies, schemes and programmes as the problems they face in reality are different from the women caught in distress. So generalizing the programmes for a larger group may not holistically address the issue of rescue, rehabilitation and reintegration of prostituted women.
- By providing proper funds to the NGOs and other grassroot level agencies, the government should come up with a strategy for recruiting proper staff to ensure good quality trained professionals are present in this field to work effectively towards accomplishing the targeted goals of combatting trafficking from the country as a whole.
- Lastly, the role of media holds utmost importance to reach out to the masses at grassroot levels. The Media should transmit appropriate message to ensure the victims realise that they are not alone in their journey to justice. It should make victims aware to the places, organizations and institution they can approach to in case of help. Media should also make evident efforts in the promotion and marketing of information regarding the legal constitutional provisions against trafficking and the method taken up by the traffickers through print and electronic media like radio, television etc.

- The need of the hour is to change the perceptions of society through which we frame our constitutional laws connected to sex work. It is much needed to realise that sex activity, either done voluntary or due to forced trafficking, is the main result of poverty and social discrimination prevailing in our society. The insecure and unorganised working environment for the workers creates conditions which lead to these illegal crimes.
- A research conducted by UN in nine countries of the world states that “ 60-75% of women in sex work were raped and 70-95% of them were physically assaulted. Thus, it is evident that the condition of the women involved in sex work would remain the same unless they get a platform where sex workers could voice their opinions and grievances instead of providing them an environment which only suppresses it”.
- The brothels have turned into a dark hub where the victims have to work on the sole choice of the brothel owner. Thus, we need to provide better laws and involve large number of NGO's to look into the life of sex workers so that they have the authority to decide the brothel in which they voluntary wish to work and these NGO's should also play a pivotal role in framing and decision making about the working rules of a brothel. The government should empower the victims by framing policies that motivate sex workers to form Self Help Groups (SHGs) of their own and thus make them self-reliant to come up with solutions for their betterment.
- Thus, rather than defaming the profession, the policy, schemes, laws and programs should recognize it as a means of livelihood and the focus should necessarily be shifted towards prevention of trafficking rather than elimination of sex work industry in our country.