

THE SITUATION OF **CHILD TRAFFICKING** IN THE STATES OF ANDHRA PRADESH & TELANGANA



**GIRLS
ADVOCACY
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A Research Report

The Situation of Child Trafficking in the States of Andhra Pradesh & Telangana

By Dr. Pravin Patkar

Study conducted by



Supported by



A Research Report on The Situation of Child Trafficking in the States of Andhra Pradesh & Telangana

July 2018

Research undertaken by

Prof. (Dr.) Pravin P Patkar

Fulbright Nehru Academic & Professional Excellence Fellow- 2015-16

Retd. Faculty TISS

Ex. Professor Amrita Vishwavidyapeetham

Co-Founder - PRERANA

+91-9819217040

pppatkar@gmail.com

Supported by :



Published by :



2nd Lane, Sujatha Nagar, Lawyerpet Extn., Ongole - 520 002.

Tel : (08592) 221206 / 221208

helpap@gmail.com

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Thangaperumal Ponpandi
Country Manager (Consultant)
Terre des Hommes Netherlands
T: +91 80 25480067 | T: +91 91640 50000
www.terredeshommes.nl



MESSAGE

Terre des Hommes Netherlands is a development organisation dedicated to children; it is named after a book by the famous French writer and World War II pilot Antoine de Saint Exupéry - author of 'The Little Prince'. Even before this book was published, he wrote "Terre des Hommes" (Earth of Mankind) in which he called upon 'the people of the earth' to take their responsibilities seriously and to show solidarity. He said: "There is no third world. There is one world for which we are all responsible."

The United Nations Convention on the Rights of the Child (UNCRC) is the cornerstone of all our programmes. This Convention represents the recognition by the international community that not only do children deserve to be protected, but that they have a right to be so. These rights have been enshrined in this almost universally accepted treaty and have subsequently been incorporated in national legislation in an overwhelming majority of the world's nations. Terre des Hommes - Netherlands (TdH-NL) has prioritised Child Protection in all its operating countries including India.

HELP organisation which is one of our implementing partners for Andhra Pradesh is involved in combating Human Trafficking of children and women for more than fifteen years. Terre des Hommes Netherlands is happy to learn that a book "The Situation of Child Trafficking in the States of Andhra Pradesh and Telangana" has been prepared by HELP along with Terre des Hommes - Netherlands. We are sure that this book enables the systemic actors/stakeholders working on the issue of child trafficking will give an idea on current trends prevailing in child trafficking in and around the states of Andhra Pradesh and Telangana. The data, best practices, challenges, success stories, modus operandi that works out well by the child protection mechanisms will be exchanged between two states and followed wherever it is possible and is feasible for replication. The qualitative and quantitative findings of this research work will accelerates the actions and initiatives by concerned counterparts towards an effective performance and with result oriented intervention in curbing the heinous crime of trafficking in persons.

Terre des Hommes Netherlands is happy to be associated and support in this great work of HELP in publishing the "The Situation of Child Trafficking in the States of Andhra Pradesh and Telangana" for supporting each and every stakeholder who took part in this great cause of striving against child trafficking in both Telugu speaking states of Andhra Pradesh and Telangana.

July 28, 2018

Bangalore

(Sd.) P. Thangaperumal
Country Manager (Consultant)
Terre des Hommes Netherlands

Foreword

HELP is a voluntary organization formed in 1993 by a group of journalists & professionals committed for protection and promotion of rights of children and women in the state of Andhra Pradesh. The core focus of HELP is to prevent child trafficking, safeguard children from all forms of abuse and exploitation through rescue, rehabilitation and re-integration also victim/witness protection services. HELP built an excellent rapport with Government and Non-Governmental agencies as such it is working in collaboration with Judiciary, CID of A.P, Dept of WD&CW, Dept of Juvenile Welfare, Correctional Services & Welfare of Street Children Govt of Andhra Pradesh and state run child protection mechanisms as well.

The Girls Advocacy Alliance (GAA) is a Global Programme of Terre des Hommes – Netherlands, Plan Netherlands and ECPAT International and supported by Dutch Ministry of Foreign Affairs across 10 countries in Asia and Africa. It is aiming to facilitate Equal Rights and Opportunities to Girls and Young Women through reducing Child Marriages and Child Trafficking and by promoting Secondary Education for Girls and Job Oriented Vocational Trainings for Young Women.

Trafficking has increased in Andhra Pradesh because of globalisation and also in view of newly launching companies/industries/entrepreneurships as part of establishment and development of new capital AMARAVATHI. In this situation, it is attracting numerous marginalised families along with their children too in and around the state for livelihood options and for wage employment that most of the times contributing to unsafe migration in turn lead to trafficking. In addition, it is exacerbated by other socio-economic variables such as child marriage, Gender Based Violence and so on. In this context, HELP with support from Terre des Hommes – Netherlands has proposed to conduct a Situational Analysis on the Status of Child Trafficking in Andhra Pradesh and Telangana.

We express our cordial gratitude to Mr. Thangaperumal Ponpandi, Country Manager, INDIA – Terre des Hommes –Netherlands for his extensive inputs, suggestions and on time guidance in preparing this study report with outstanding quality. Our sincere thanks to Mr. Subrat Kumar Panda – Programme Manager – GAA Andhra Pradesh & Telangana for his support in constant review and inputs in fine tuning the content of this research publication.

We are very much thankful to Dr. Pravin Patkar - PRERANA who successfully justified this great work with his 20 years of rich experience and expertise in the area of Anti-Human Trafficking as a teacher, visiting professor for TISS and other universities in India & USA and also as a researcher who brought numerous publications and research reports in to light. We are extremely so thankful to Mr. Pavan Kumar of HELP for coordinating the entire exercise and for providing required back up for this research work and also Mr. Anand and other HELP staff for coordinating in data collection from field areas and organizing interviews. We are very much grateful to Ms. Jayadarshini for her assistance in coding, data entry and frequency analysis through SPSS, Ms. Kashina Kareem for assisting in report writing and Ms. Aditi Wagh and Ms. Flarantxa Pereira for the concept & design.

HELP would like to cordially acknowledge the contribution of our GAA partners THARUNI, SCOPE-RD & SVK (Telangana), RAIDS & HANDS (A.P) and their every team member for extending a great support in data collection and organizing interviews with concerned officials and other stakeholders. We extremely thankful to the Dept. of WD&CW; police especially CID and other line departments as well as SCPCR & CWCs and also like minded NGOs of both Telangana and Andhra Pradesh for their immense support and inputs for making this a comprehensive and effective publication that truly comes in to handy for several stakeholders striving to curb the crime of child trafficking in Andhra Pradesh and Telangana.

Ram Mohan NVS
Secretary - HELP

About the author



Dr. Pravin P. Patkar

B.Sc., M.A.(Social Work - TISS), PhD (Sociology- Mumbai Uni.)

Teacher and Researcher at TISS for 20 years, Visiting Professor at Amrita Vishwa Vidyapeetham for 5 years, Fulbright Professor in residence at University of Rhode Island-USA 201516. Elected unopposed by the General Assembly of ECPAT International on its Governing Board and Vice Chairperson. Nominated by the US Govt. for the global position - UN Special Rapporteur on Human Trafficking in 2004. Member 1st Editorial Board of Dignity International Journal on Sexual Exploitation and Violence of Rhode Island Uni. USA, Commissioned by UNICEF India and Govt of Andhra Pradesh in 2010 to draft a comprehensive child protection law for the state of Andhra Pradesh -2009. Founder Director Anti Trafficking Centre of Prerana a Knowledge Hub and Think Tank on human trafficking.

Co-Founded Prerana in 1986 and initiated a 24X7 based comprehensive field action against Second Generation Trafficking of children born in the redlight areas. Prerana was presented by DoJ US Govt before the UN General Assembly as the Best Practice Model of working with the women victims of organized violence in April 2000 in Vienna before putting the UN Optional Protocol 2000 for voting.

Several interdisciplinary research studies while at TISS. Over 20 research projects for UN agencies, INGOs, Indian Govts., Universities as part of the Anti Trafficking Centre of Prerana. 'How POCSOA Unfolds on the Ground in Maharashtra' and 'Indo Nepal Cross Border Child Trafficking- A Study for CARITAS India' are the latest among them. Built and strengthened several institutions and networks, Authored/Co-authored over 16 books on human trafficking, Wrote 50 Marathi articles on marginalised and exploited children.

Creative Writing: Over 40 published short stories, 3 collections of short stories published by external publishers received 6 awards. One story 'The Deluge' won the Katha National Award for short stories included in Katha Prized Stories Vol-III.

ABBREVIATIONS

ABNS	Available but not sufficient
AHT	Anti Human Trafficking
AP	Andhra Pradesh
BL	Bonded Labour
CARA	Central Adoption Regulation Authority
CB	Child Beggary
CFT	Child Friendly Treatment
CLA	The Child Labour (Prohibition and Regulation) Act 2016
CNCP	Child in Need of Care & Protection
CrPC	Criminal Procedure Code
CS	Commercial Surrogacy
CSO	Civil Society Organization
CT	Child Trafficking
CWC	Child Welfare Committee
CWPO	Child Welfare Police Officer
DCPO	District Child Protection Officer
DCPU	District Child Protection Unit
DK	Don't Know
DWCD	Department of Women and Child Welfare
FIR	First Information Report
GAA	Girls' Advocacy Alliance
GO	Government Order
HIR	Home Investigation Report
HOTA	Human Organs Transplantation Act
IA	Illegal Adoption
IG	Inspector General
IPC	Indian Penal Code
ITPA	Immoral Traffic Prevention Act
JJA	Juvenile Justice Act, 2015
JJB	Juvenile Justice Board
LT	Labour Trafficking

ABBREVIATIONS

MB	Mail Bride
MO	Modus Operandi
MTP	Medical Termination of Pregnancy Act
MWCD	Ministry of Women & Child Development
NA	Not Available
NCLP	National Child Labour Programme
NGO	Non-Governmental Organizations
NR	No Response
OH	Observation Home
OLT	Online Trafficking
OT	Organ Trade
PBA	The Prohibition of Beggary Act
PI	Police Inspector
POCMA	Prohibition of Child Marriage Act
POCSO	Protection of Children from Sexual Offences
POCSOA	Protection of Children from Sexual Offences Act, 2012
PP	Public Prosecutor
PRO	Post Rescue Operation
PSI	Police Sub Inspector
RTE	Right To Education
S&T	Sensitization & Training
SIR	Social Investigation Report
SJPO	Special Juvenile Police Officer
SJPU	Special Juvenile Police Unit
SOAC	Sexual Offences Against Children
SOPs	Standard Operating Procedures.
SOR	Sex Offenders; Registry
SPO	Special Police Officer
ST	Sex Trafficking
T	Telangana
VWP	Victim Witness Protection

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CHAPTER 1
INTRODUCTION





1.1

BACKGROUND AND RATIONALE FOR THE RESEARCH STUDY

Since 1995 HELP a non-profit making voluntary civil society organization has emerged as a competent organization in the anti-human trafficking field. HELP has been intervening in different areas of the broader AHT field namely rescue, post-rescue, victim assistance, rehabilitation, prosecution, networking, training, research and advocacy. The organization also acts as a service provider to the government mainly to the key departments such as Dept of Women Development and Child Welfare, CID of A.P. and Dept of Juvenile Welfare, Correctional Services and Welfare of Street Children.

HELP is a lead partner for Girls Advocacy Alliance (GAA)- for the state of Andhra Pradesh. GAA is a global, collective initiative of Terre des Hommes – Netherlands, Plan International and ECPAT to offer equal rights and opportunities to the girls and young women across ten countries including India by promoting secondary education and job oriented vocational training. GAA focuses on the prevention of child trafficking and child marriage and its focus district in AP is Prakasam. HELP works with its consortium partners at Kadapa and Anantapur districts of AP in alliance with MAHITHA and THARUNI.

In the above context, HELP has been carrying out its effective advocacy initiatives with Government Line Departments at State and District levels using its vast experience and expertise in the field of preventing trafficking of women and girls for sexual abuse, exploitation and child marriages. HELP involves various networks and groups as part of advocacy on various issues and for seeking services for the victims of human trafficking.

Trafficking and Commercial Sexual Exploitation of Women and Children is a fundamental violation of their human rights. The physical, psychological, social and moral consequences of trafficking and commercial sexual exploitation on women and child victims are serious, life-long and even life threatening.

The criminalization of human trafficking flows from Article 23(1) of the Constitution of India states;

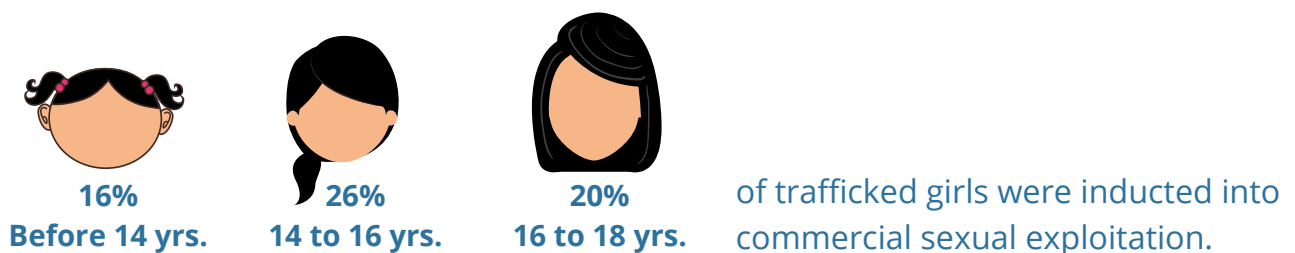


23. Prohibition of traffic in human beings and forced labour
(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law

The sex trade, one of the oldest destination crimes of human trafficking in India, essentially preys on children. Similarly, the presence of very young children in the unorganized exploitative labour market is a very familiar sight in India. The estimates vary widely but most experts agree that a substantial portion of the victim population is comprised of children below 18 years of age. The victims who are adults today often report that they were trafficked when they were below 18 years of age. The children of the prostituted women trafficked for the sex trade are particularly vulnerable and get trafficked at an early age.

The Telugu speaking states of Andhra Pradesh & Telangana have emerged as states which supply several thousands of trafficked persons. Intrastate trafficking of women and children for the purposes of commercial sexual exploitation is widespread in these states. The victims of trafficking suffer discrimination & exploitation with little or no legal/ social protection. The support mechanisms for their reintegration & rehabilitation at household, community & institutional levels are very weak or dismally missing.

According to a study conducted by HELP in 2000 in the coastal regions of the AP state:



A survey conducted by National Commission for Women in 1997 estimated that Andhra Pradesh represents 40% of the victims trafficked for sexual exploitation, which re-confirms the greater need to work in the state of A.P.

1.3

OBJECTIVES OF THE STUDY

- To understand the latest trends in child trafficking followed by the traffickers and other perpetrators of the crime.
 - To find out the issues that prevail between law enforcement and judiciary in terms of rescue, prosecution and victim/witness protection services.
-
- To understand the level of interdepartmental coordination and cooperation between various line departments in providing effective rehabilitation and reintegration services to rescued victims of trafficking.
 - To analyze the measures/steps taken by both Governments in prevention of child trafficking including the level of implementation of those steps with both positive and negative consequences.
 - To capture the quantitative data of A.P and Telangana on no. of rescued victims of trafficking, no of victims rehabilitated through state support services and no. of traffickers convicted.

1.4

THE SCOPE OF THE STUDY

- Identification of the latest trends in sex trafficking through desk review, discussions with knowledgeable and experienced individuals, organizational representatives and stakeholders, group discussions, community level meetings, etc.
 - Understanding the nature of interaction between the police and the judiciary over rescue, post-rescue, prosecution and witness protection services subject to the availability of access and the given time limit.
-
- Enrich the understanding about the status of interface between various line departments and agencies over victim assistance in post-rescue to social reintegration phases.
 - Understanding the match and mismatch between the needs and the provisions, glitches, road blocks in the AHT work.
 - Constructing the issues for advocacy for changes in policies, programmes and work styles.

Considering the practicalities and the fact that the project partners of the sponsors were working in 6 districts of the two states the following 6 districts were finally selected for the study. The capital cities of the two states were also covered. ?



The primary level data for the survey was collected using a specially designed largely pre-coded interview schedule. Numerous difficulties and delays were encountered in the collection of primary and secondary data from many parts of Telangana. The interviews schedules were extensive. In certain districts, the interviews were conducted with considerable precision thereby endorsing the appropriateness and strength of the interview schedule while in some other districts the interviews had to be repeated.

The primary level data for the survey was collected using a specially designed largely pre-coded interview schedule. Numerous difficulties and delays were encountered in the collection of primary and secondary data from many parts of Telangana. The interviews schedules were extensive. In certain districts, the interviews were conducted with considerable precision thereby endorsing the appropriateness and strength of the interview schedule while in some other districts the interviews had to be repeated.

The Study did not rely upon the outcome of the interviews conducted as per the interview schedules as the sole or prime source of data. The research was not explanatory in nature having any testable hypothesis. The difficulties did not affect the outcome drastically except for delaying the process.

It was proposed to have the primary data collected from:

- Government departments & agencies
- Service centres and other institutions under juvenile justice system
- Members of Unicef and ex-members of international organizations like Plan who had worked in the old Andhra Pradesh for more than a decade (unstructured interviews)
- Primary data was also sought form registers and files wherever access was given

During the course of the study the members of the key semi judicial body the Child Welfare Committee (CWC) from both the states were also interviewed against an unstructured interview guideline (besides a formal interview against a structured largely pre-coded Interview Schedule). Besides that, the past members of the CWCs were also interviewed as they also held various other positions in the civil society sector.

The secondary data maintained by the above agencies and made available to the public were extensively sought. The secondary data was also collected through extensive desk reviews.

Units of Analysis

- Situation of sex trafficking changes therein over time and the current status and trends if any.
- Status of prevention, rescue, post rescue, victim witness protection, prosecution, rehabilitation, social reintegration as observed and reported by the stakeholders.
- Community level situation, Stakeholders' views, difficulties, challenges, expectations, suggestions and the interface between various duty bearers, caregivers and other stakeholders.

Units of Analysis added during the actual conduct of the inquiry

- On ground practices
- Changes observed
- Knowledge & level of awareness of law and schemes
- Opinions on certain provisions
- Institutionalized prostitution like Devadasi and Jogini
- Challenges faced

What the study actually covered

The study covered all of the above units of analysis, through primary data collection drives, secondary data collection meets and desk reviews.

The study covered the following segments of AHT through primary and secondary data collection and analysis:

- Status of prevention
- Rescue
- Post rescue
- Victim witness protection
- Prosecution
- Rehabilitation
- Social reintegration

Units of Inquiry

Inquiries were conducted with mainly the following entities:

- Field level police handling the trafficking cases
- Prosecutors handling the trafficking cases
- Child Welfare Committees of the 6 districts
- Service provider CSOs
- Authorities of the shelter facilities
- Media representatives particularly covering the trafficking issue
- Senior police officers who have an insight in the AHT field
- Defence lawyers
- Senior social workers who have done extensive work on the Devadasi/ Jogini issue. Their work covered 24X7 ground level services to state level advocacy, to have laws and programmes influenced appropriately.

The following limitations were experienced:

- Legal, ethical and logistical factors increasingly coming in the way of accessing and interviewing the victims of sex trafficking or their families.
- The requirements under Sec 19 of POCSOA Mandatory Reporting.
- The phenomenon being highly disguised, underground and victimization being stigmatized the scientific requirements starting from accurate sample and measurements are non-feasible although quoting unfounded figures as facts and making unscientific generalisations is very common.
- It needs to be noted that Judicial officers /magistrates normally do not give interviews to public bodies and civil society sector organizations. In absence of interviews with the judicial officers, the situation had to be constructed by analyzing the case papers, reports of conferences and workshops and such other reports of the judicial officers.
- The limitations were further compounded by the difficulties in the data collection drives.



Support received from HELP in the collection of the data work

HELP coordinated the data collection drives by;

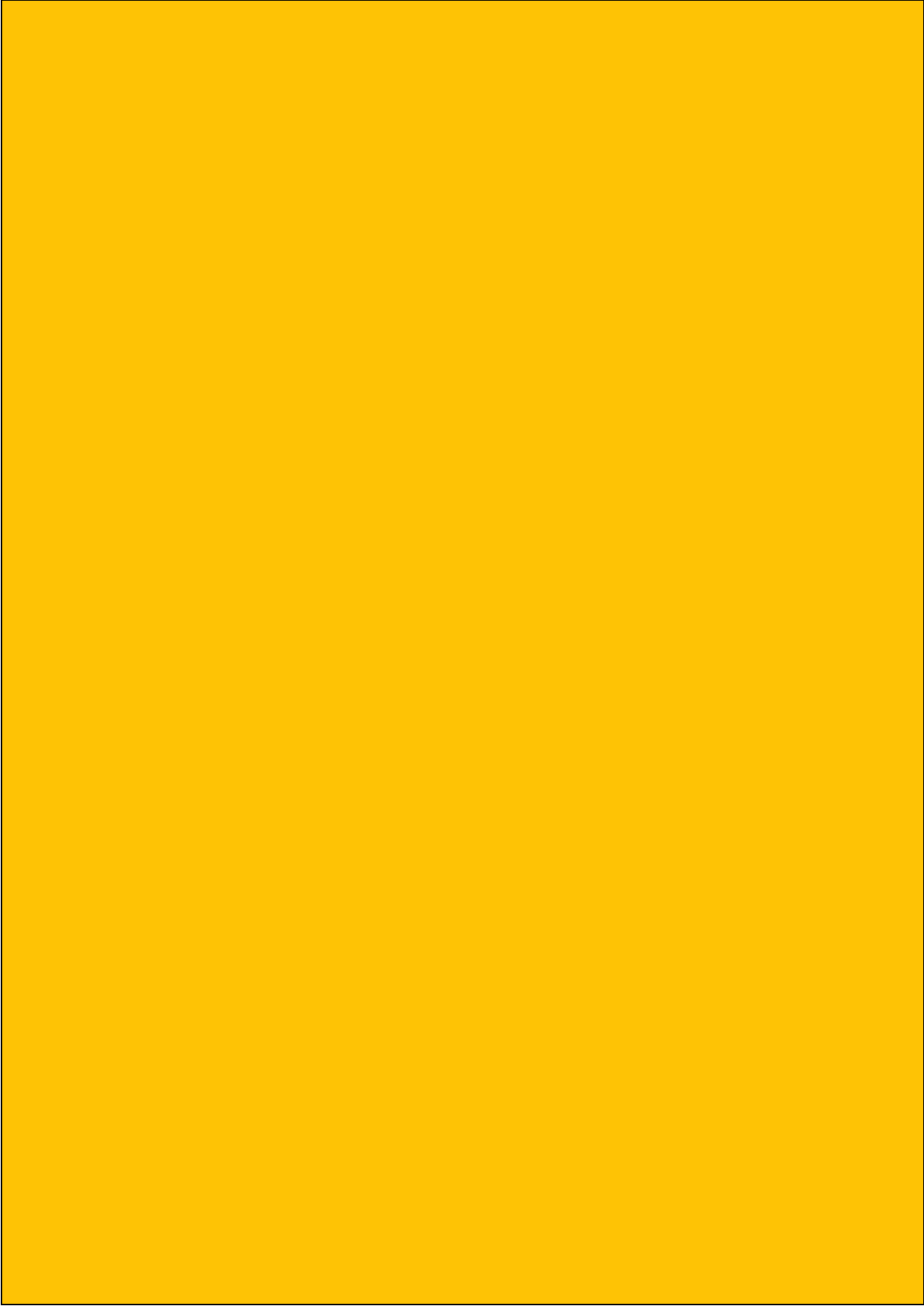
- Engaging local human resources for data collection and overall research assistance
- Facilitating language interpreters and transcription between Telugu and English
- Facilitating the logistics during the Study
- Facilitating meetings with the sources of information especially the representatives of the State and other NGOs, INGOs

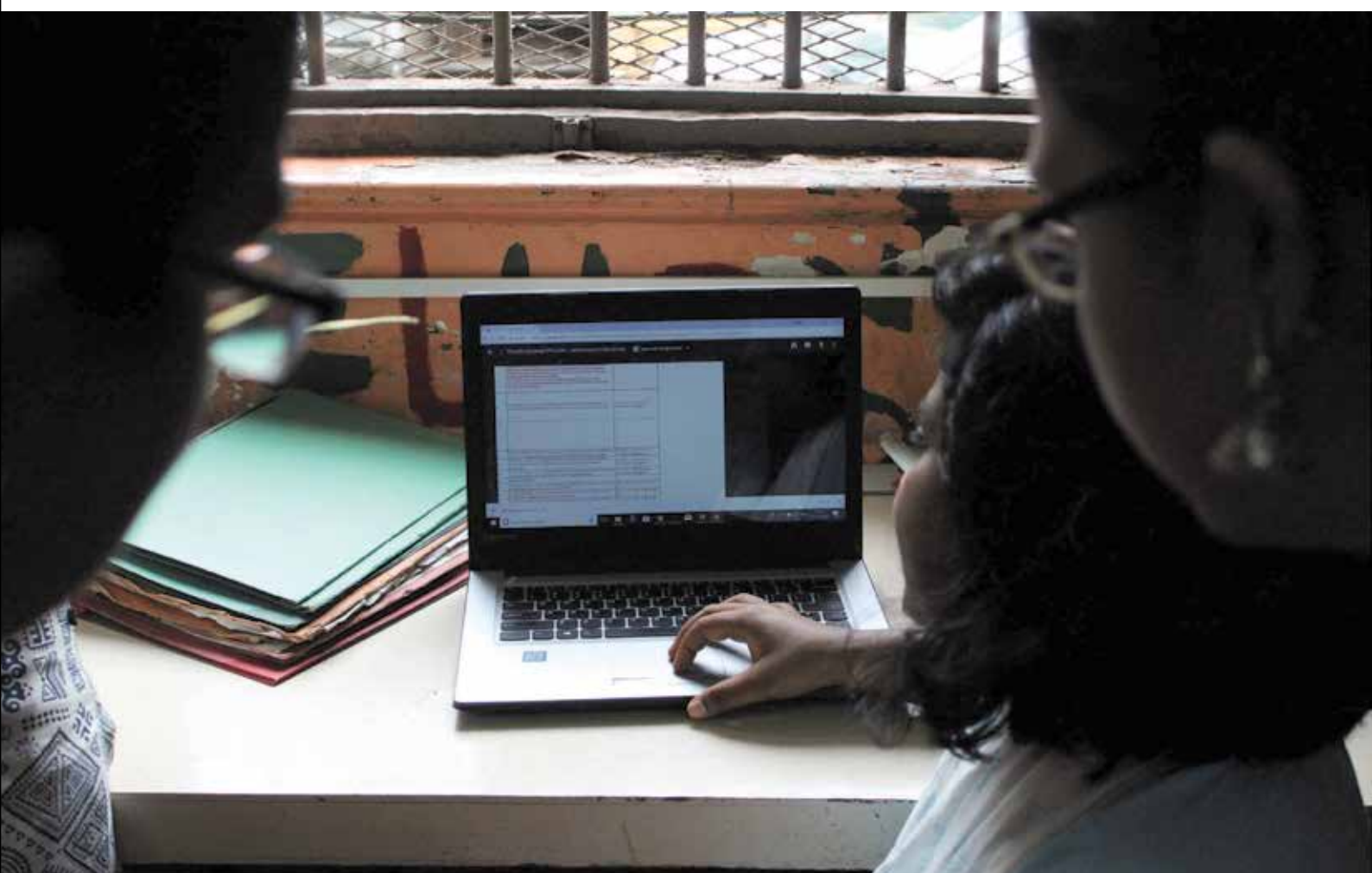
Tharuni, another coordinating group also arranged the interviews with many stakeholders and experts in the city of Hyderabad. This included meeting some of the high profile public functionaries like the Commissioner of Police, Rachkonda and a retired IG of Police. The primary and secondary data collection outside of Hyderabad in the state of Telangana, however, remained a challenge.

CHAPTER 2



RESEARCH DESIGN





2.1

METHODOLOGY

HELP in its original note expressed the followings as the details of methodology to be adopted for the study. They are in the form of the guidelines to be adopted for the research process.

- Interactions with officials from key line departments of both states. Group Interactions with victims of trafficking, parents, community elders.
- In depth Interviews with children who are subjected to trafficking, abuse and exploitation and also those who are involved in abusing situations will also be interviewed.
- The tools developed will be shared with HELP for feedback and input before administering.
- Consultations with the Partner organizations;
- Any other method deemed necessary and in joint agreement with HELP.
- Case study/success stories will be incorporated including challenges faced by different stakeholders involved in research.

Except for point 3 every care was taken to observe the instructions and suggestions while carrying out the study. Using sexually assaulted children for an interview purpose primarily meant for the data collection of a research study did not have adequate justification. Joining to witness a counselling process or a process of recording the evidence by the police, magistrate or CWC of a child against whom an offence has been committed is ethically and legally not permitted and is also not a good practice.

Doing so in the cases of children who have not yet been referred to the police or the CWC and hence whose offence has not been reported poses a legal responsibility on the audience to report the matter to police under the mandatory reporting clause of POCSO Act 2012. For all the above reasons it was not endorsed.

As regards the latter part of point 3, the credibility of these methods is greatly questionable in social sciences. The participant observation method as a tool of data collection first used in social anthropological studies did give useful results e.g. the famous study of urban crime gangs in William White's study, The Street Corner Society, gave a good result but it cannot be relied upon for a study with clear cut time limits.



It is important to note that :

- This study was not an explanatory study with pre-set hypothesis.
- The study did not consciously aim at testing any of the common assumptions in the field of sex trafficking if the information gathered was capable of testing them. One such assumption is the operation of highly organized gangs of professional criminals behind the sex trafficking of women and children.
- The study did not aim at arriving at the incidence or scale of sex trafficking although it is very popular among the non-scientific researchers to come up with completely unsubstantiated, unscientific statistics and generalisations which have no credibility.

2.2

RESPONDENTS

Various suitable tools of data collection were used.



The police officers belong to the various AHT agencies like SPO, AHTU, SJPU, CWPO, etc.



Special Public Prosecutors or public prosecutor at the special trafficking court or trial courts



The members of the Child Welfare Committee in a group or where that was not possible, the Chairperson or the most experienced member among them



Senior officers of the organizations running shelter-based services for rescued traffic victims



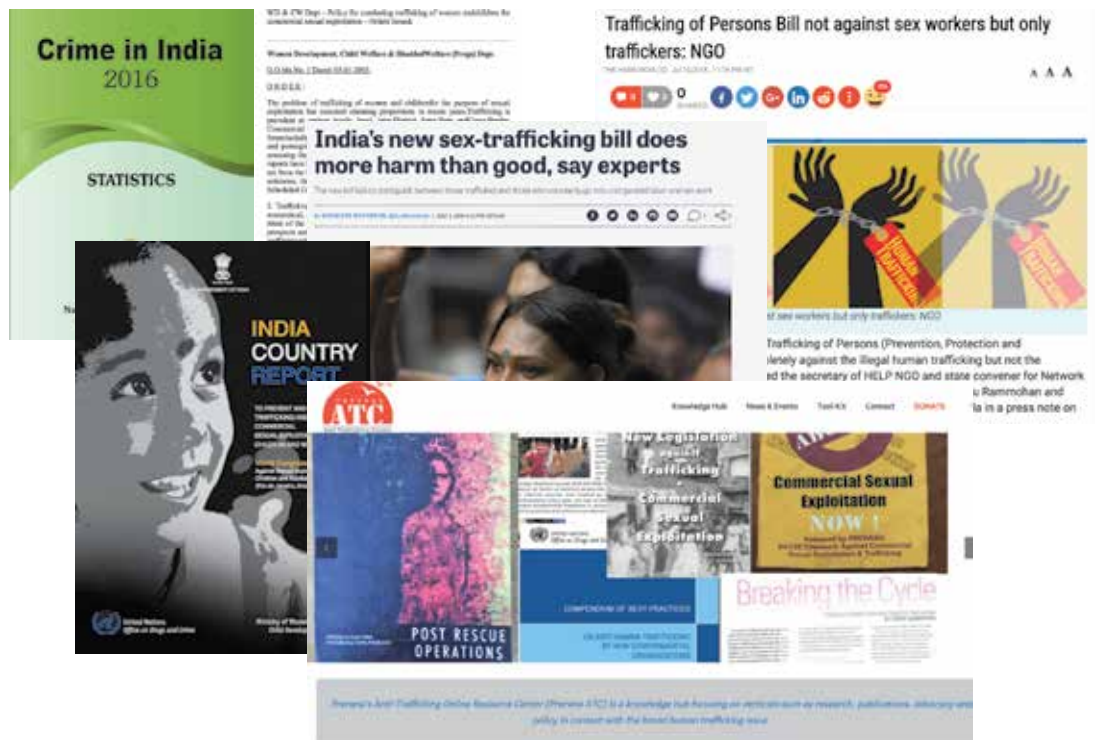
Senior representative of the Anti-Human Trafficking Civil Society Organizations active in the two states

Police officers, CWCs, prosecutors, shelter-based service providers, and AHT-CSOs were interviewed against the pre-coded Interview Schedules specially designed for each category.

Unstructured interviews were conducted with various persons who had a special knowledge and insight in the child trafficking situation and anti-trafficking work. They included Commissioner of Police, Retired IG of police, DG of police, Resident Editor of a reputed newspaper, Past and present representatives of INGOs supporting the AHT initiative, Leaders of AHT CSOs, etc.

The data was collected between September 2017 and December 2017.

2.3
SECONDARY
DATA

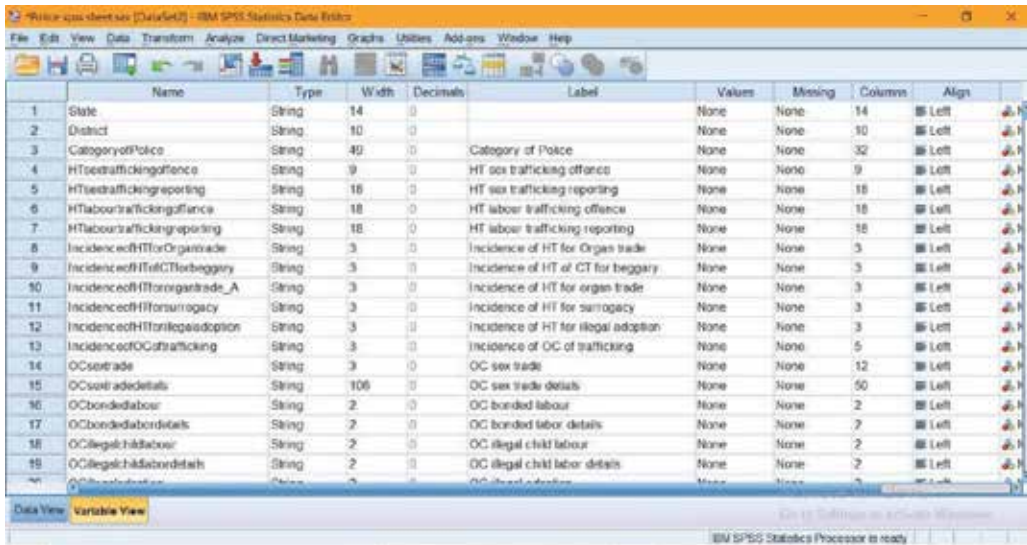


Government orders, statistical reports, AHT- CSO's reports, State and National Crime Records Bureau's reports, Planning department's reports, newspaper archives, internet-based information, websites, etc. were used to gather the secondary data.

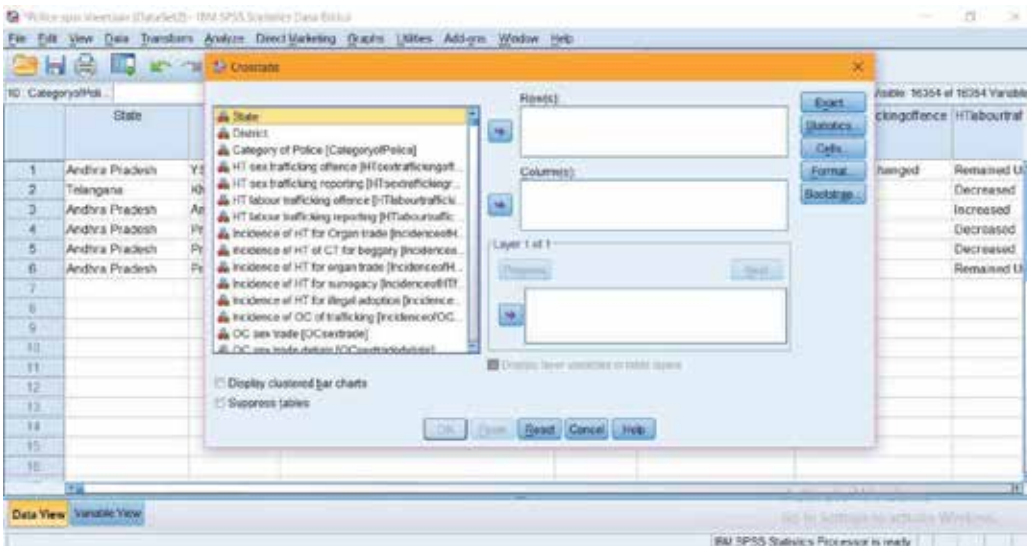
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DATA ANALYSIS

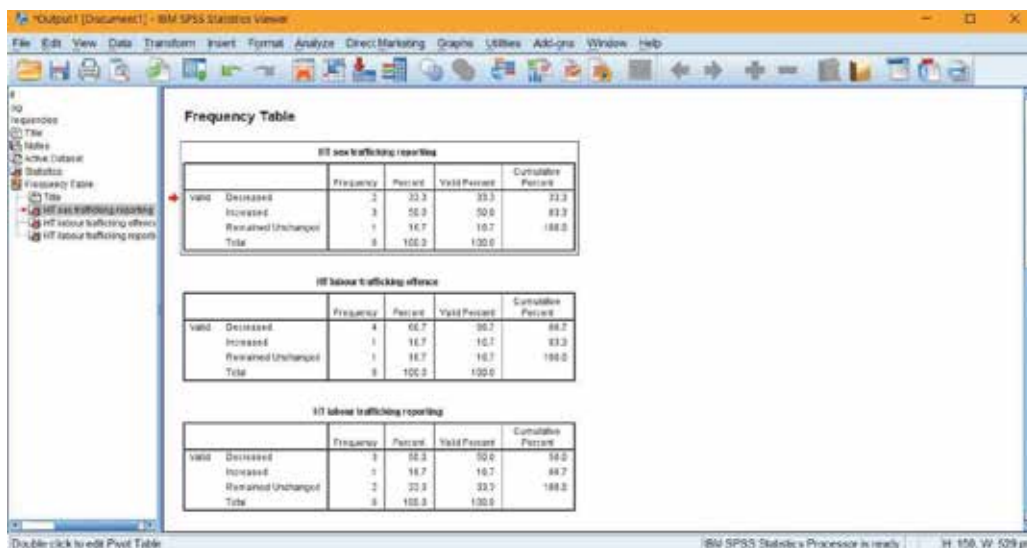
The qualitative data were analysed logically.
The quantitative data were analysed with the help of SPSS software (Statistical Package for the Social Sciences).



SPSS Software: Step 1



SPSS Software: Step 2

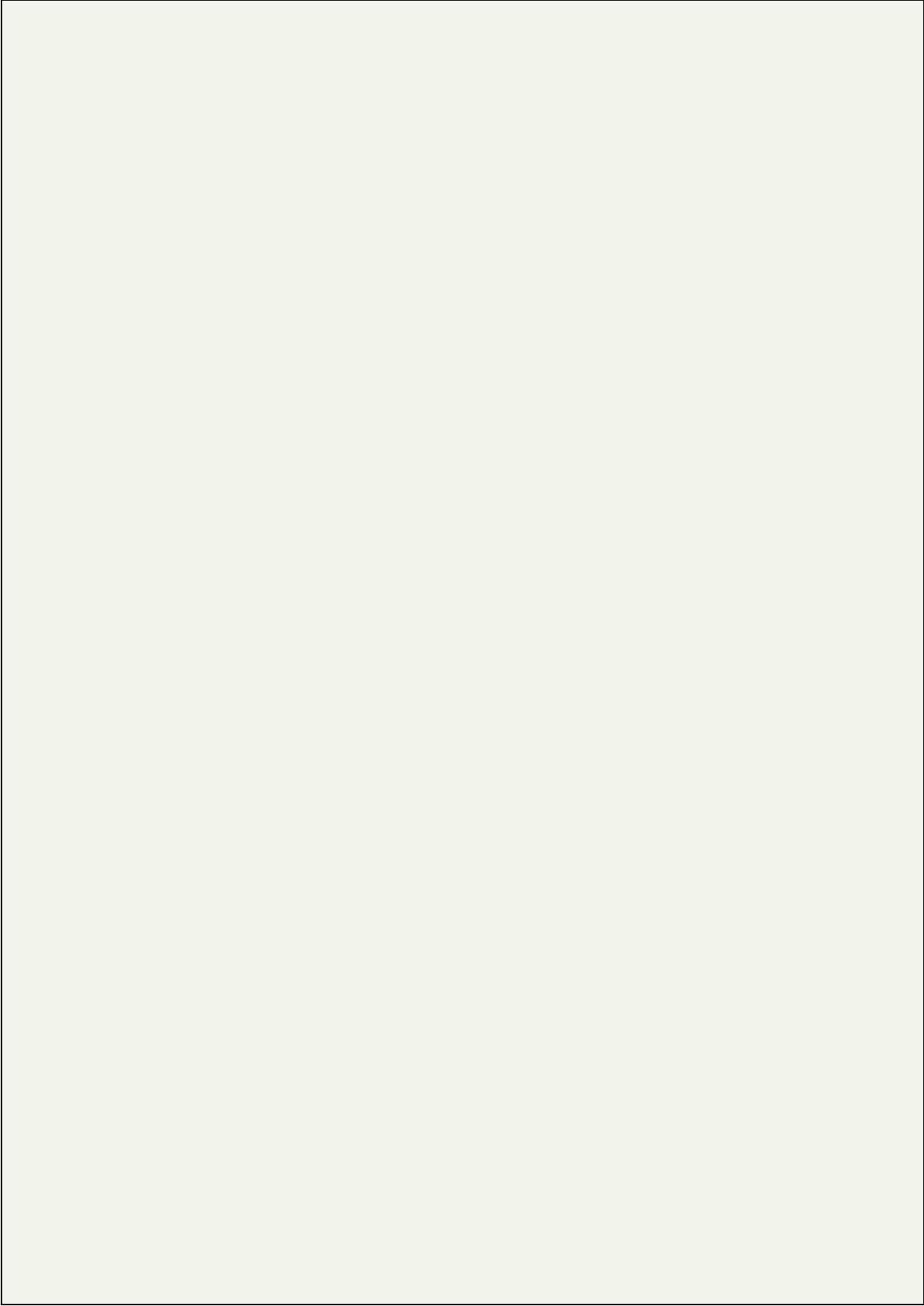


SPSS Software: Step 3



CHAPTER 3

INTRODUCTION TO THE STATES UNDER STUDY



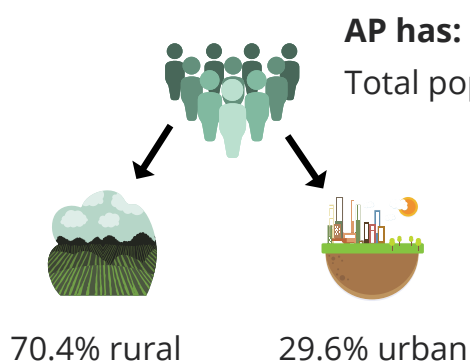


3.1

STATE OF ANDHRA PRADESH

Andhra Pradesh one of India's 29 states is on its south-eastern coast. It is the 8th largest state in India with an area of 162,970 sq. Kms. As per the 2011 Census of India, the state has a population of 49,386,799 and is tenth-largest Indian state by population with a population density of 308/km². It has 974 km long coastline. Andhra Pradesh has 3 regions: Coastal Andhra, Uttarandhra and Rayalaseema. Together they make 13 districts. India's famous city Vishakhapatnam is located in North Coastal Andhra. Among other tourist attractions, it holds the world famous Tirumala Venkateswara Temple in Tirupati one of the world's most visited religious sites, with 18.25 million visitors per year.

Demographics



10.6% of the total population is composed of children in the age group of 0–6 years with net population of 5,222,384. Visakhapatnam district has the largest urban population of 47.5% and Srikakulam district with 83.8%, has the largest rural population. It has 17.1% of SC and 5.3% ST population.

It has a sex ratio of 996 females per 1000 males much higher than the national average of 926. The literacy rate of the state prior to the division of the state was 67.41%.



Agriculture

House of 4 important rivers of India the Godavari, Krishna, Penna, and Thungabhadra. The Andhra Pradesh economy is based on agriculture and livestock. 60% of its population is engaged in agriculture and allied occupations.

Rice is the major food crop and staple food of the state. AP exports many agricultural products. It also grows mangoes, chillies and other vegetables, jowar, bajra, maize, minor millet, coarse grain, many varieties of pulses, oil seeds, sugarcane, cotton, chili pepper, mango nuts and tobacco.

There are many multi-state irrigation projects under development, including Godavari River Basin Irrigation Projects and Nagarjuna Sagar Dam. The state has another profitable business of livestock and poultry. The state is also the largest producer of eggs in the country and hence, it is nicknamed as "Egg Bowl of Asia". It also produces 70% of India's shrimps.

Industry

The industrial sector of the state includes some of the key sectors like Pharma, Automobile, Textiles etc. The industrial giants include PepsiCo, Isuzu Motors, Cadbury India, Kellogg's, Colgate-Palmolive, Kobelco etc. AP is also emerging as information technology and biotechnology hub.

Tourism

Its coastal districts such as Rushikonda, Mypadu, Suryalanka and its caves, Borra Caves, Indian rock-cut architecture depicting Undavalli caves and the country's second-longest cave named Belum Caves and its Araku Valley, Horsley Hills boost the state's tourism industry. The state is home to various religious pilgrim destinations.

All of this indicates immense potentialities for economic growth. The key question is whether the growth will be equitable or it will exacerbate inequalities.

Human trafficking is commoditization of humans and presumes purchasing power. Higher disposable income may boost that power and with that human trafficking too. Andhra Pradesh also keeps recurrently getting hit by cyclones causing huge human and material losses. It is a cause of multiple vulnerabilities.

3.2

STATE OF TELANGANA

Telangana is India's 29th state. On 2 June 2014 with division of the Andhra Pradesh state two states namely Telangana was carved while out the remaining state continued to be Andhra Pradesh.

Telangana has an area of 112,077 square kilometres and a population of 35,193,978 as per the 2011 census.

It hosts some important cities like Hyderabad, Warangal, Karimnagar, Nizamabad, and Khammam. Except for Hyderabad the rest of Telangana is economically backward.



70% of its overall population is Telugu speaking.

Telangana population comprises of:



85.09%
Hindus



12.68%
Muslims



1.3%
Christians

It's literacy rate is :

66.46%

74.95% Men

57.92% Women



Economy

Telangana has a largely rainfed agrarian economy. It has two main rivers Krishna and Godavari. And other smaller rivers like Tungabhadra, Bhima, Dindi, Kinnerasani, Manjeera, Manair, Penganga, Pranahitha, Peddavagu and Taliperu.

Besides rice, it also grows cotton, sugar cane, mango and tobacco. The state is growing in information technology and biotechnology. It is a mineral-rich state.

It has many multi-state irrigation projects in the offing like Godavari River Basin Irrigation Projects and Nagarjuna Sagar Dam, the world's highest masonry dam.



Industries

Hyderabad and its hinterland host several major manufacturing and services industries. Other industries include automobiles and auto components industry, spices, mines and minerals, textiles and apparels, pharmaceuticals.

Hyderabad also called Cyberabad has many information technology and major software industries in the city. The state is developing Industrial Parks, Export Promotion Park, and Bio-technology park. It is also aiming to emerge as a major health care industry.



Tourism

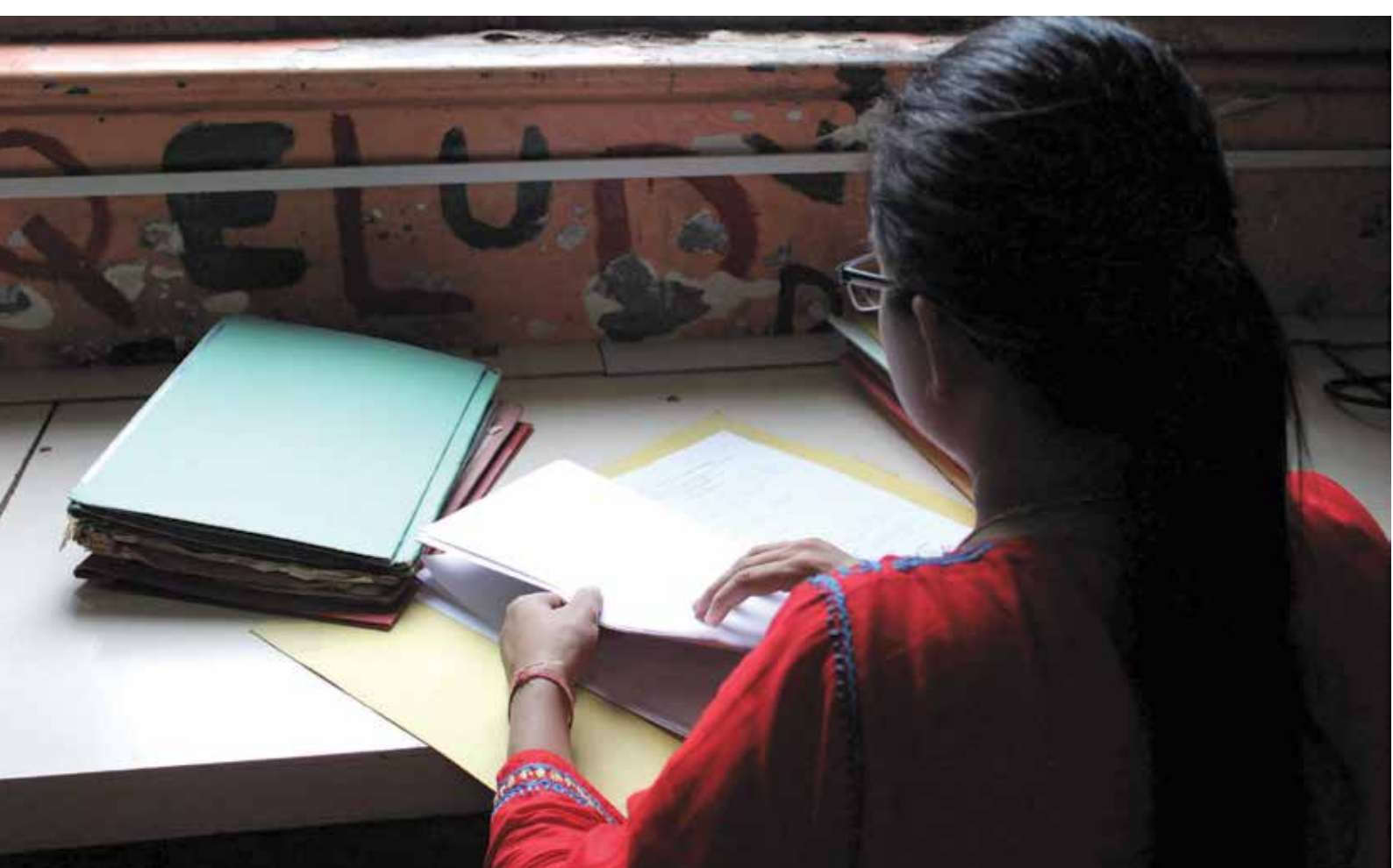
Telangana has a variety of tourist attractions including historical places, monuments, forts, waterfalls, forests and temples. Telangana State Tourism Development Corporation (TSTDC) is working to develop many more tourist sites. In general Telangana appears to be currently economically backward but holding many potentialities.

CHAPTER 4

DESK REVIEW

AND SECONDARY DATA





4.1

TRAFFICKING SITUATION IN THE TWO STATES: OFFENCE AND LAW

Newspaper Reports

The undivided state of Andhra Pradesh has always been on the top of the list of states supplying victims for sex trafficking. (The New Indian Express AMARAVATI, 9th March 2017 “Concern over State turning into major human trafficking hub”, ‘More girls pushed into sex work in Prakasam’, The Hindu, Ongole, 7th May 2017).

Special Home for Rescued Juvenile Girls -Mumbai



The data on the juvenile girls rescued in Mumbai and placed at the state run special home for rescued juvenile girls Mumbai from 1996 consistently shows that the highest number of girls were from the states of Karnataka, West Bengal and Andhra Pradesh.

The AHT activists of Prerana in Mumbai observe that Andhra Pradesh was always the third state supplying victims to Mumbai’s sex trade with West Bengal being first and Karnataka second. The figures of West Bengal were inflated as the victims from Bangladesh in order to evade legal action under the immigration laws present themselves as belonging to the Indian state of West Bengal. In this context Andhra Pradesh came only next to Karnataka. (Post Rescue Operation, 2003).

The nationwide study of trafficking in persons by NHRC observes; “It is seen that maximum percentage of interviewed women and children have been trafficked from the states of Andhra Pradesh (25.9 per cent), Karnataka (15 per cent), West Bengal (12.5 per cent) and Tamil Nadu (12.3 per cent). In most states, intra-state trafficking is a common phenomenon. This is particularly true for a state like Tamil Nadu, where, out of a total of 156 interviewed trafficked victims, 148 (94.8 per cent) had been subjected to intrastate trafficking. Similarly, in Rajasthan, intra-state trafficking is 88.5 per cent, followed by Assam and Meghalaya at 88.4 per cent, Bihar at 80.26 per cent, and Uttar Pradesh at 73.5 per cent.” (NHRC Report P. 50)

It further states, “The in-flow chart shows that in most of the states, trafficking within the state is quite high. This is true for states like Andhra Pradesh, Rajasthan, Uttar Pradesh, Assam and Meghalaya, Karnataka, Tamil Nadu, and West Bengal. On the other hand, there are a few exceptions like Delhi and Goa where intra-state trafficking is very minimal, with only 0.4 percentage and 0.6 percentage respectively.” (NHRC Page 51)

4.2

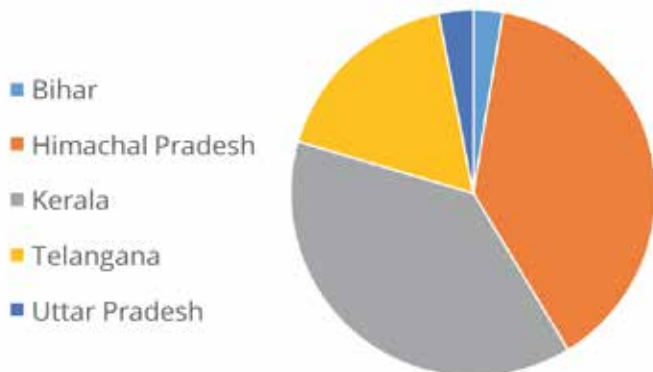
UNICEF REPORT
2014

CHAPTER 4:
Child Protection

UNICEF on Telangana

Birth Registration

Child protection, generally speaking, is an underreported subject in India with insufficient data collection and availability. For example, there is negligible data on trafficking, street children, children working in dangerous occupations, children suffering abuse and cruelty. A robust effort needs to be made in this direction.



Birth registration is regarded to be the first right of the child. It is a first step in ensuring that the child’s existence is acknowledged in official records, so that fulfilment of his/her needs can be tracked. At 40% birth registration rate, Telangana is among underperforming states of India.

Although not as low as Bihar (6%) or Uttar Pradesh (7%), the state is nowhere near the better-performing states such as Himachal Pradesh (89%) and Kerala (88%). Rural areas have a lower birth registration (36%) rate than urban areas (49%).

Child Workers



At nearly 8% of its children in the 5-14 years age group working, the state is among the first ten states of India that record highest proportions of child workers.

Urban areas have fewer working children (3%) than rural areas (9%). Data show that rural females have the highest proportion of workers (almost 11%), while more girls (8.4%) than boys (7%) are child workers. An exception is in the urban setting where more boys (4%) than girls (2%) work.

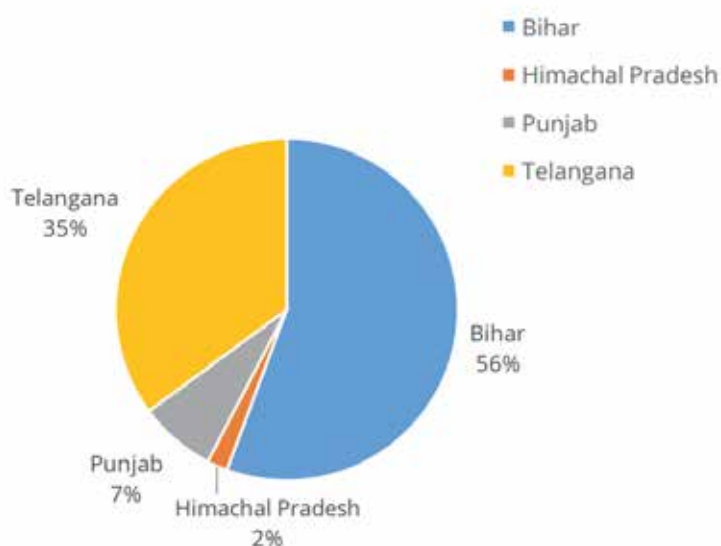
From a programme perspective, this means that more girls than boys work, especially in rural areas, while

urban boys – possible from poor and migrant families – work more than girls. Interventions, therefore, need to focus on child workers, especially girls and urban boys.

Child Marriage

Child marriage is common in India, and even though it has shown a declining trend over the years, it persists tenaciously.

Data (2007-2008) show that nearly 29% of girls were married off in Telangana before they turned 18. This puts the state at the eighth rank in the country. Although not as high as Bihar (46%), the state needs to set its goals higher so that it can be counted among a group of states such as Punjab (6%) or Himachal Pradesh (1.6%). Within the state, districts such as Mahbubnagar and Nalgonda show a very high proportion of girls getting married early – 47% and 37% while Hyderabad has only 5%.



The issue can be addressed by undertaking a programme that makes people aware of the law, as well as educates them about the disastrous consequences of early marriage and maternity.

On early marriage, boys are not far behind girls. Around 27% of boys were married before they turned 21 – the legal age for marriage of boys in India. Mahbubnagar leads on this with 34% of boys getting married before turning 21 and is followed closely by Nalgonda (32%) and Khammam (31%).

Child Protection

“UNICEF laments, “Professionals working in the area of child protection are often faced with a paucity of data. While a number of national surveys collect data on health, education and several other sectors, such surveys on the status of working children, children living on streets, children facing abuse and exploitation, or being forced into early marriage are few and far between. The Child Rights Atlas, therefore, is using a limited number of indicators in this section.”

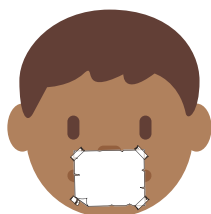
UNICEF on Child Marriages in Andhra Pradesh

Child marriage is an indicator which is reflective of the status of women and settles the issue on whether they are considered an asset or a liability by families in which they are born and society.

A large proportion of children in Andhra Pradesh are married off early – as many as,



28.5% of girls



27.5% of boys

This is much higher than rates in South Indian states such as Kerala (6.8%) and Tamil Nadu (9.10%), and comparable with several states in North India such as Madhya Pradesh (29%), Rajasthan (40%), Uttar Pradesh (33%) and Bihar (46%). The state needs to work with communities to get them to delay their children’s marriages and invest in their education. Equally important is obtaining district and block-level information to identify pockets where incidence of child marriage is higher so that special interventions and campaigns can be designed for these areas.

4.3

NATIONAL CRIME RECORDS BUREAU (NCRB) DATA
2010 – 2016



Crime Against Women in AP and Telangana

The data below presents a distribution of crimes against women and children as per sections of Immoral Traffic (Prevention) Act – 1956, the Juvenile Justice (care and protection of children) Act – 2015, Protection of Children from Sexual Offences Act – 2012 and Indian Penal Code (1860).

*Data of the years 2010 to 2013 is before partition of Andhra Pradesh

Sections	ANDHRA PRADESH							TELANGANA		
	2010	2011	2012	2013	2014	2015	2016	2014	2015	2016
IPC										
366 A	82	106	30	40	37	33	17	26	33	32
366 B	0	0	0	0	0	0	0	0	0	0
370 & 370 A					2	19	31	60	226	9
372	3	2	4	2	0	0	0	1	0	1
373	0	0	0	0	0	0	0	0	0	0
376	1362	646	1341	1635	961	1027	995	979	1027	1278
ITPA										
ITPA (5)					23	81	67	82	225	174
ITPA (6)					0		2	29		12
ITPA (7)					0	7	3	8	1	3
ITPA (8)					2	1	2	0	0	2
ITPA Other Sec.					179	133	112	73	66	49
ITPA 1956 Total	548	497	472	489	204	204	186	192	252	240

The high number of cases under POCSOA and negligible cases under ITPA raises a question whether the trafficking cases against children are now being treated merely as cases under POCSOA.



Indian Penal Code Sections

- 366 A Procurement of Minor Girls
- 366 B Importation of Girls (up to 21 years of age)
- 371 Habitual dealing in slaves/Changed to engaging a victim of trafficking
- 372 Selling of Girls for Prostitution
- 373 Buying of Girls for Prostitution
- 376 Rape

The number of reported cases of crimes against women under Sec 370 and 370-A are very high for Telangana for the years 2014, 2015 and 2016 namely 2,19,61 for AP as against 60, 226, and 9 for Telangana.

Crime Against Children in AP and Telangana

*Data of the years 2010 to 2013 is before partition of Andhra Pradesh

Sections	ANDHRA PRADESH							TELANGANA		
	2010	2011	2012	2013	2014	2015	2016	2014	2015	2016
IPC										
360										
361										
364					1			0		
363					180			243		
366	581*	735	1403	1595	274	497	89	247	608	138
367										
369										
370 & 370 A					46	1	2	30	11	23
ITPA										
ITPA (5)					3			2		
ITPA (6)					0			0		
ITPA (7)					0			0		
ITPA (8)					0			0		
ITPA Other Sec.					6	1		1	0	
ITPA 1956 Total						3	3		2	1
JJ Act					2	5	22	55	126	491
POCSO										
4					24	132	459	5	135	690
6					21			1		
8					19	237		7		189
10					1			0		
12							51			178
14 & 15					0	0		0		0
Others					41		83	12		101
POCSO Total					106	237	830	25	264	1158



IPC Sections (Includes sections 363-369 IPC, 371-373 IPC)

- 360 Kidnapping for Extortion
- 361 Kidnapping from Lawful Guardianship
- 363 A Kidnapping for Ransom
- 364 A Kidnapping for Begging
- 366 Kidnapping for Marriage
- 367 Kidnapping for Slavery
- 369 Kidnapping of child for stealing (under 10 years of age)

The high number of cases under POCSOA and negligible cases under ITPA raises a question whether the trafficking cases against children are now being treated merely as cases under POCSOA.

As regards crimes against children under Sec 370 & 370-A the data shows Telangana to be high with 46, 1 and 2 for the State of AP and 30, 11 and 23 for the State of Telangana for the years 2014, 15 & 16.

With a near-zero conviction rate over the past four years most of those involved in organized human trafficking rackets are getting off scot-free in Telangana. If data provided by the Telangana - Crime Investigation Department is anything to go by, though 1,134 cases of trafficking were booked in the past four years in the state and 1,081 traffickers arrested, none of them was convicted. In Hyderabad alone, in 2017, till Oct, 73 cases of human trafficking were reported and 154 persons were arrested, as per city crime records bureau.

*A Statement Showing the Anti-Human Trafficking cases registered, No of Traffickers Arrested No. of Victims Rescued, No. of cases Convicted, No. of Clientele, Pimps 2014, 2015, 2016, 2017 (up to July)

Sl. No.	Year wise	Cases Registered	Total No of Traffickers Arrested	Total No of victims rescued	Minors		Adults		No of cases Convicted	No of persons convicted	Clientele	Pimps
					M	F	M	F				
1	2014 (June to Dec)	312	312	434	5	1	2	426	0	0	334	6
2	2015		346	719	1	195	8	514	0	0	304	11
3	2016		262	355	0	7	0	348	0	0	188	19
4	2017 (Upto July)		141	209	8	4	0	197	0	0	82	10
Total		1134	1081	1717	14	208	10	1485	0	0	908	48

Source: DIG CID Hyderabad



Note the dismal rate of conviction whether cases or persons. Also note the negligible number of rescue of children and minors as against the number of adult women rescued as well disproportionately high number of arrests of clientele as against pimps.

4.4

LEGAL SITUATION IN THE TWO STATES

In India most laws that address the various destination crimes of human trafficking are union laws.

Few Central Legislations

- The Indian Penal Code – 1860, the principal criminal law
- The Immoral Traffic Prevention Act – 1956 deals with sex trade or commercial sexual exploitation
- The Protection of Children From Sexual Offences Act – 2012 deals with sexual offences against children
- The Child Labour (Prohibition & Regulation) Act – 2016 deals with labour of children
- The Transplantation of Human Organs Act – 2010 deals with organ transplantation which is connected with organ trade
- The Bombay Prevention of Begging Act – 1959 deals with begging
- The Bonded Labour Systems (Abolition) Act – 1977 deals with bonded labour
- The Child (Labour) Pledging Act 1933 covers the pledging of child labour

Among the procedural laws also The Code of Criminal Procedure – 1973, The Juvenile Justice (Care & Protection of Children) Act – 2015 too are central legislations.

Although the Goa Children’s Act 2003 which is a State law appears as a major exception there are some other exceptions too, namely, The U. P. Naik Girls Protection Act 1950, the Andhra Pradesh Devadasi (Prohibition of Dedication) Act 1988. The Karnataka Devadasi (Prohibition of Dedication Act) 1982, The Maharashtra Devadasi System (Abolition) Act 2005, etc.

The issues of human trafficking in the two states of AP and Telangana are thus governed mostly by the above mentioned central legislations except for the Devadasi related law namely, the Andhra Pradesh Devadasi (Prohibition of Dedication) Act 1988.

Although the Immoral Traffic Prevention Act 1956 which was majorly revised in 1986 contains the term trafficking only in its title no other Indian law had a definition of trafficking or a legal provision specifically against trafficking until 2013. The ITPA mainly addressed one of the two most common and widespread destination crimes of human trafficking namely the sex trade or commercial sexual exploitation. The Bonded Labour System (Abolition) Act 1976 had its own way of comprehensively addressing the offence of trafficking without labelling it as trafficking.

Through a much sought-after amendment in the principal criminal law of the country the Indian Penal Code in the year 2013 the definition and offence of trafficking were incorporated in the law. Trafficking was also defined mostly as per the definition given in UN Optional Protocol to the UN Convention against Transnational Organized Crime, popularly called the Palermo Protocol though with a small modification. Section 370 of the IPC which earlier defined slavery was changed to accommodate the new definition and offence of human trafficking.

There were mixed reactions to this amendment. Incorporating it in the IPC instead of any other special law addressing the destination crimes was considered by some as a smart move. This was because the IPC and the CrPC are the two pieces of legislation that are best understood and enforced at the ground level by the local police stations. They are better understood and followed also by the trial courts. Hence this move improved the chances of its enforcement.



The incorporation also created a crisis. Under Sec. 22 of the ITPA there is a provision for setting up special dedicated courts for ITPA related offences. As per an Order issued in 2007 by the High Court of Mumbai in a criminal Writ Petition No 1694 of 2003 Prerana Vs. State of Maharashtra) India’s first Special ITPA Court was set up in Mumbai. Being dedicated the court exhibited a remarkable rate of disposal of cases. Perhaps since the Special Court was initially headed by the carefully chosen Metropolitan Magistrates who followed child sensitive procedures and engaged appropriate AHT CSOs it attained a high conviction rate.

The system suffered from one major drawback. While the law provided for a much longer sentence of imprisonment the limits on the power of the Metropolitan Magistrate to award punishment limited the punishment to a maximum of three years. The cases had to be referred to the Court of Sessions which could award a higher punishment term.



The 2013 amendment however created yet another problem. The amendments in Section 370 (trafficking) and 370 A (dealing with sex trade customers) became Session triable as per the First Schedule of Sec 23 of the CrPC. This rendered the Special Trafficking Courts unable to try the offence of trafficking for sex trade. The issue still remains unresolved at all levels. The problem is further compounded since the Courts of Sessions handling trafficking cases are not dedicated to dealing exclusively with the destination crime of sex trade and hence are not necessarily specialised. The cases too get delayed.

The abovementioned list clearly shows that there is no central or state law to address a fast-emerging destination crime of trafficking for surrogacy or commonly called baby farming. Newspaper reports indicate that undivided Andhra Pradesh and Gujarat states were the biggest hubs of surrogacy in the country. In the year 2016 the Govt of India declared a complete ban on international surrogacy.

Adoption



In the year 2001 a major adoption racket from Hyderabad rocked India exposing several malpractices especially connected with international adoptions. It was labelled as a baby selling racket. The issue was heard by the Supreme Court of India which gave

several guidelines to monitor adoptions and route out the malpractices which came to be known as Central Adoption Regulation Authority guidelines, in short as CARA guidelines. Prior to that, the issue of adoption was addressed by the various personal laws. While the personal laws continue to operate and there is no central law on adoption the CARA guidelines regulate the adoption scenario. This also applies to the states of AP and Telangana.

Subsequent to CARA while some people felt that the entire adoption process has been digitalised and streamlined some others felt that it had caused inordinate delay in adoption while there were many willing adoptive parents waiting in the queue and many more babies waiting to get adopted. Nonetheless not much protest was staged against the delay perhaps as it was weighed against the seriousness of the baby selling rackets of Hyderabad (AP).



Labouring Children

Laws dealing with the engagement of children in informal exploitative labour sector.



The Child Labour (Prohibition & Regulation) Act 2016 was passed in the year 2016. It was a marginal revision of the earlier law namely The Child Labour (Prohibition & Regulation) Act-1986. As it stands now, working children have been divided into two categories namely; a child who has not completed 14 years of age and adolescent as one who has completed 14 years of age but not completed 18 years of age. The law provides as follows;



3. (1) No child shall be employed or permitted to work in any occupation or process. (2) Nothing in sub-section (1) shall apply where the child,— (a) helps his family or family enterprise, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations; (b) works as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed: Provided that no such work under this clause shall effect the school education of the child. Explanation.—For the purposes of this section, the expression, (a) “family” in relation to a child, means his mother, father, brother, sister and father’s sister and brother and mother’s sister and brother; (b) “family enterprise” means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons; (c) “artist” means a child who performs or practices any work as a hobby or profession directly involving him as an actor, singer, sports person or in such other activity as may be prescribed relating to the entertainment or sports activities falling under clause (b) of sub-section (2).



3 A. No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule: Provided that the Central Government may, by notification, specify the nature of the non-hazardous work to which an adolescent may be permitted to work under this Act.



Child Sexual Abuse

The Protection of Children from Sexual Offences Act (POCSOA)

It is a commonplace observation that people mistake trafficking for prostitution or for bonded labour. They are two distinct phenomena although closely connected. Similarly, commercial sexual exploitation (commonly called the sex trade) per se is not the same as non-commercial sexual exploitation although they are interrelated and the latter often leads to the former. They are nonetheless differentiated by the presence or absence of the commercial dimension.

India saw the promulgation of the POCSO Act in the year 2012. The POCSOA was passed in response to a long campaign by the child protection activists of the country who were demanding a comprehensive law to protect children from sexual offences.



The POCSOA besides defining a large number of sexual offences also introduced some very positive steps for victim assistance and victim witness protection. The POCSOA also introduced the much-demanded Child Friendly Practices in the investigation and trial procedures. The POCSOA has a provision for special POCSOA Courts and has placed time limits for disposal of the case. Although the victims of POCSOA offences and Child Sex Trafficking offences need the same care and support but the ITPA did not make any such provisions. Technically speaking if the victim of sex trafficking is a child then the provisions of POCSOA should also be made applicable to the victim child. It is important to examine whether it is actually happening on the ground or not.



Provision against Procuring a Child Indian Penal Code



Sec. 366:- Kidnapping, abducting or inducing woman to compel her marriage, etc. —Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; 1[and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable as aforesaid].



IPC Sec 366A - Procuration of minor girl. Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.



IPC Sec. 372 - Selling minor for purposes of prostitution, etc.—Whoever sells, lets to hire, or otherwise disposes of any 1[person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be] employed or used for any such purpose, shall be punished with imprisonment of either

description for a term which may extend to ten years, and shall be liable to fine. 2[Explanation I.—When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.



IPC Sec 373 - Buying minor for purposes of prostitution, etc.—Whoever buys, hires or otherwise obtains possession of any 1[person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, of knowing it to be likely that such person will at any age be] employed or used for any purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. 2[Explanation I.—Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.



New (i.e. Post 2013 amendment) IPC Sec 370 of the Indian Penal Code

Trafficking of persons

1. Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—
 1. using threats, or
 2. using force, or any other form of coercion, or
 3. by abduction, or
 4. by practising fraud, or deception, or
 5. by abuse of power, or
 6. 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.

Explanations

- The expression “exploitation” shall include 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 consent of the victim is immaterial in determination of the offence of trafficking.

IPC Sec 370-A added in 2013 - This provision is expected to be used for booking the customers or sex buyers

Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.



CHAPTER 5

INSTITUTIONALIZED SEX TRAFFICKING



The modern discourse on human trafficking is myopic and asocial as it focuses on a context free 'crime and punishment' framework and fails to take cognizance of the thoroughly well-oiled forms of sex trafficking institutionalised through the caste-class and gender-based conspiracy against Dalit girls, women and boys. Some of them like the Devadasi, Basavi, Mathamma, Jogini, Murali are evil social customs that have a religious dimension while the trafficking for girls from Banchada, Bedia, Nat, Raj Nat, Kanjar communities in North West India and the Dommars, Sugalis and such other communities of Andhra Pradesh are without a religious base.

For the purpose of simplicity, we shall refer to the above mentioned religious customs as the Devadasis or Joginis interchangeably. It is found prevalent mostly in the states of Karnataka, Andhra Pradesh, Tamil Nadu, Maharashtra and Odisha. Under the Devadasi system in certain areas the pre-pubescent girls (and boys too) almost all being Dalits, are dedicated to the local gods, goddesses and deities by way of a marriage to the God. As the girl attains puberty the parents and temple priest organize a public ceremony in which a highest bidder gets to go to bed with that girl and against a certain amount paid to the parents keeps the girl as his extra marital sexual partner with the knowledge of his family for a few years.

After some years the girl becomes a public woman who has no right to deny any man who approaches her demanding sex with her and is willing to pay for it. Eventually, she is sold into the sex trade in the metropolises like Delhi, Mumbai, etc. She has no claim over the name or the property of her main patron including from whom she begets a child.

As the Devadasis are conveniently publicised as Holy women they are given certain ritualistic privileges in the village ceremonies. Although they are Dalit and hence subjected to the rampant evil practice of untouchability that does not come in the way of the high caste patrons sleeping with them. The Devadasis have an obligation to seek alms in the name of the deity and that goes in supplementing the money given by the patron.

In the non-religious evil social custom of sex trafficking, the communities some of whom are mentioned above dedicate a majority of their girls/daughters to local or metropolitan sex trade, like the Kothas, Mujra houses especially in the north and north west and Dance bars and Live Bands of metropolitan areas like Mumbai, Bangalore. In these communities' studies show that men do not work but live on the earnings of the prostitution of their wives and daughters.

From early 20th Century, legal measures to ban the dedication of children and women were initiated by the British government and were later, after independence, followed by the Indian state. A variety of assistance programmes like old age pension hostels for the children of Devadasis were initiated. Reports and repeated petitions indicate that the pension amount is extremely meagre and limited to those Devadasis who have been included in the list prepared in a census conducted by the government.

There are wide spread complaints that a large number of Devadasis have been left out of the census. Similarly, although a few hostels were started exclusively or largely for the children of Devadasis it was soon realised that such exclusive schools would instead of facilitating inclusion and social reintegration result into further branding and stigmatization those children.

Around 1975 – 80, fresh interest to abolish the Devadasi system was shown by some city-based liberal reformers who analysed it merely as a situation arising out of irrational 'blind' faiths. This Devdasi system abolition movement nonetheless created significant pressure on the state governments and led to a crackdown by the police at the most important hub of dedication, the Saundatti temple of goddess Yellamma in Karnataka.

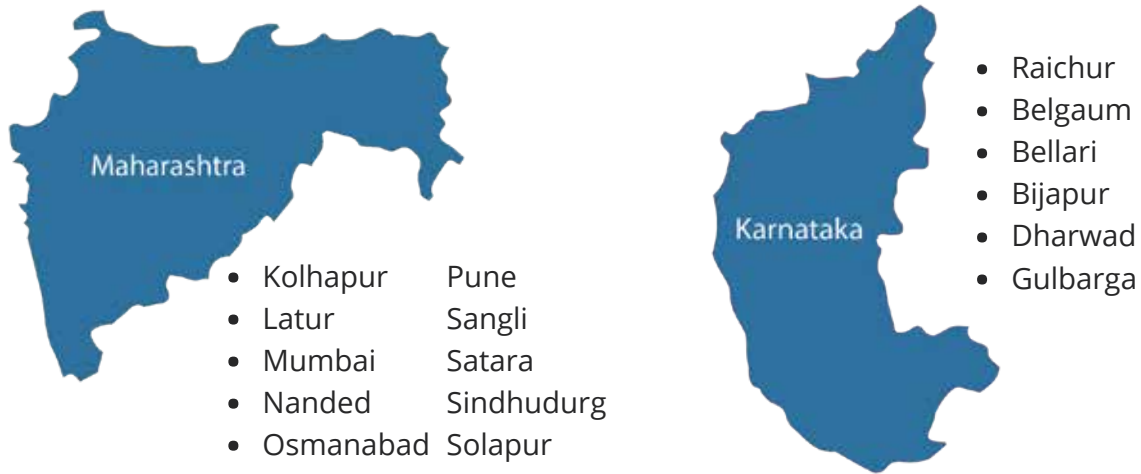
The Devadasi system existed in different parts of India:



- Adilabad
- Hyderabad
- Medak
- Nalgonda
- Nizamabad
- Rangareddy
- Warangal
- Mahbubnagar



- Nellore
- Anantapur
- Chittoor
- Sirkakulam
- Kurnool



The temple-based Devadasi system was known by different names in the different parts of India:

<p>Karnataka</p> <ul style="list-style-type: none"> • Devadasis • Joginis 	<p>Goa</p> <ul style="list-style-type: none"> • Kalavanteens • Bhavins 	<p>Andhra Pradesh</p> <ul style="list-style-type: none"> • Basavis • Venkatsanis • Naillis 	<p>Maharashtra</p> <ul style="list-style-type: none"> • Devadasis • Jogitinees • Muralis
<p>Kerala</p> <ul style="list-style-type: none"> • Maharis 	<p>Tamilnadu</p> <ul style="list-style-type: none"> • Thevardiyars 	<p>Assam</p> <ul style="list-style-type: none"> • Natis 	

The Devadasi system by whatever name it existed had certain inbuilt provisions:

- › Originally most of the Devadasis had access to a plot of land belonging to the temple to which they were attached. To be able to continue to hold that land it was important for them to continue the Devdasi tradition by having or adopting a girl child as her successor. It is believed that it led to girl child trafficking in a big way.
- › The child born to a Devadasi did not have any claim on the property of the father even if the identity of the father was known publicly.
- › The patrons had the freedom to leave the devadasi at will without any obligations or stigma.
- › The Devadasis had to entertain customers other than the main patron in order to supplement their income.
- › The patron had no stigma whatsoever attached to them and enjoyed preferential service from her.
- › The Devadasis were required to visit a few houses every week for 'Joga' (seeking alms). This was worked out actually to lessen the burden on the patron to provide for her maintenance.

Although the Andhra Pradesh Devadasi Prohibition Act was passed in 1988 the government's apathy was so deep that it did not formulate the Rules under the law for 27 years.

Source: www.thenewsminute.com/article/27-years-after-devadasi-system-ban-act-andhra-govt-wakes-frame-rules-36683

In February 2015, the state government set up a single judge Commission to study the issue of Devadasi in the state which in its report stated that the age old practice of devadasi is far from having abolished as there are about 80,000 devadasis in the two states of post division AP.

The Commission in its report wrote that although the AP Social Welfare Commission had submitted that there are 24,273 Devadasis:

Karimnagar - 5,861	Warangal - 1,059	Medak - 1,145	Chittoor - 544	Nalgonda - 40	East Godavari - 1
Nizamabad - 5,666	Anantapur - 2,686	Adilabad - 906	Nellore - 284	Prakasam - 26	Kadapa - 1
Mahbubnagar - 2,879	Kurnool - 2,197	Hyderabad - 740	Rangareddy - 231	Visakhapatnam - 7	

The actual number could be more than 80,000. The problem is more rampant in Telangana and Rayalaseema.

After independence till 1990, the red-light districts of Mumbai showed a very high proportion of Devadasis but it declined drastically in the following years. The presence of Devadasis is still quite high in the red-light districts of Pune, Kolhapur, Sangli, Barshi, Solapur and other places in the state of Maharashtra. As human trafficking became widespread and the demand for commercial sex grew, the Devadasi belt ceased to be the major supply source of sex slaves.

Speaking in 2015, Kompalli Sundar who worked in Samskara under the leadership of the famous social reformer couple of Andhra Pradesh Ms. Hemalata Lavanam and Mr. Lavanam for 3 decades observes that at that moment there may be at the most 30,000 Joginis (Devadasis) in the districts of AP and Telangana together. He himself counted around 2900 in Nizamabad and 480 in the old district of Nagat.



In the post-independence era, the Devadasi system, as prevailed earlier in the coastal Andhra, gradually declined, even though its remnants continued in a much-degenerated form of prostitution and touring record dance troupes. The practice of Jogini is a feudal remnant of exploitation of women in the name of religion and custom. Jogini system is predominantly prevalent in Telangana.

- Kompalli Sundar, Samskara, 2015

Just as the supply situations were suppressed the dedication activity started getting dispersed and went underground. Similarly, increased action against the retail outlets of sex trade in conventional red-light districts, the form of retailing too changed.



A vulgar form of public dancing emerged in the countryside of India under various names. In Andhra Pradesh, it is reported that these women were made to dance half naked on the tunes of popular songs of the new films. While the girls in the age group of 15 to 40 years were paid Rs. 500 per dance, the agents and pimps earned Rs. 5000/- for the same. After the record dance and even otherwise, the girls were offered for sexual pleasure against a price by their pimps who were usually their own family members. The sex was unsafe exposing the girls directly and dangerously to the risk of contracting STIs and HIV.

- Kompalli Sundar, *Samskara*, 2015

5.1

SOCIAL MOVEMENTS INVOLVING DALIT ORGANIZATIONS

The *Jogan Mitra Mandali*, a social reform society was established in 1906 to work for the welfare of outcasts. Founded by a dedicated social worker, Madari Bhagya Reddy Verma, it gathered momentum and emerged as the *Adi Andhra Movement* in 1917. It pleaded against the dedication of young girls to deities as Joginis. Bhagya Reddy Verma organized cultural programmes depicting the evils of Jogini system.

Also, other organizations such as *Matangi Mahasabha* (Hyderabad), *Suveetha Bala Samajam* founded by a Dalit activist, Arigay Ramaswamy at Secunderabad worked for the eradication of social evils among Dalits including Jogini system. In 1922, the All-India Adi Hindu social conference took place at Hyderabad and a resolution to abolish Jogini system was adopted. The conference had also organized meetings to sensitize people on this deep-rooted custom throughout Telangana region. However, it could not achieve success as it lacked effective legislative backing and rehabilitative measures.

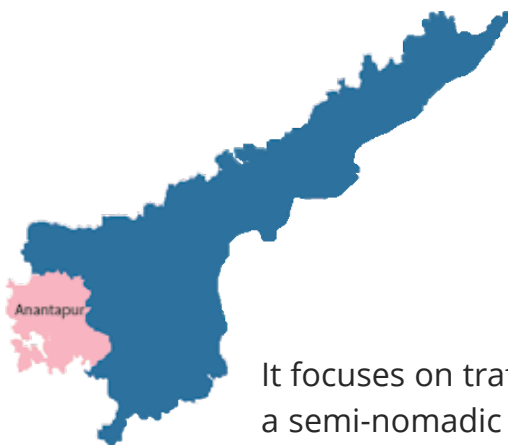
Exclusive housing for devadasis or hostels for their children was not the right intervention. Samskara took up a housing programme for the Joginis in AP which he admits failed as it practically gave rise to new red-light areas where the customers could come down any hour of the night and the Joginis would be required to serve them. The colony earned ill reputation as a new red-light area.

Joginis who previously lived in their natal families and enjoyed some control over their activities lost it after shifting to the new housing colonies. A similar programme of providing them land also failed as it remained limited to creating an ownership in land rather than leading to making the land a means of self-reliant and sustainable livelihood.

 The Sugalis

The conventional methods used for conducting exploratory studies and carrying out situation analysis like sample surveys have severe limitations in capturing the reality and interrelationships among its constituent factors.

In comparison, however configurative case studies of certain geographical areas or communities that focus on the issues of concern for the proposed intervention and those that use field observation tools of data collection prove to be far more accurate and useful e.g. the village studies by some of the Indian anthropologists. Their utility cannot be exaggerated for understanding a disguised and criminal phenomenon like human trafficking for sexual exploitation.



The study of Sugali tribe of the Anantapur district of Andhra Pradesh conducted by HELP deserves special attention in this context. Besides helping a proposed intervention become need-based and therefore effective it also conveys the relieving fact that the art of conducting such studies exists in the area under this Study.

It focuses on trafficking in Anantapur district of AP and indicates the Sugali a semi-nomadic tribe as the most numerous and vulnerable section of the population of Anantapur.

Subtypes of the Banjara tribe named differently in different parts of AP in particular and Western India :



In the pre-British Raj time in India, these communities were at different stages of getting assimilated in the broader Hindu religion of course at a lower level. The Vanjaris and Lamanis are considered as Hindu castes in many parts of western India. Once upon a time, the central, western and southern Indian tribes were forest dwelling tribes.

The colonial forest policy and administration, in order to ensure captive labour supply for their forest operations (basically harvesting good quality timber from these forests), purposely kept certain forest dwellers unsettled and mobile with the forest administration practically as bonded labour (commonly described as *Veth*). The forest dwellers' rights to collect firewood and certain minor forest produce were recognized as *nistar* rights by the British forest administration.

The labour gangs were also allowed to cultivate grains like ragi (millets) in the forest plots that were kept vacant after harvesting while waiting for the next round of plantation. The post-independence forest administration and policy rendered these moving tribes jobless and eventually brought severe controls on their *nistar* rights.

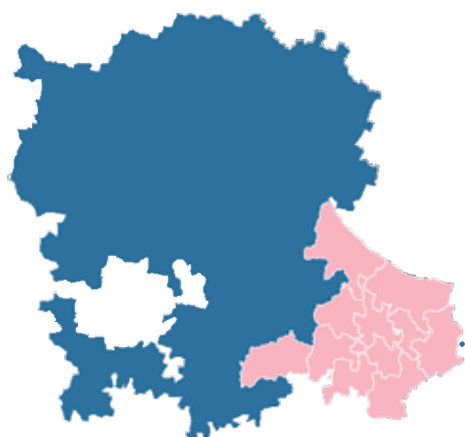
By then a majority of the other communities mostly the tenants cultivating the plain lands and belonging to the established religion had managed to put significant pressure on the government demanding land ownership. In response to that the Govt of India on 1 April, 1957 declared a conditional ownership of the tillers on the land that had now owned but had been tilling as tenants. The forest-dwelling groups got left out of this benefit.

Subsequently, under the land ceilings legislation, the surplus land taken away by the government was also redistributed to the landless. A part of the Sugalis in Anantapur district also became landowners although marginal and small. They formally appeared occupied in agriculture but the sector itself was burdened by rampant open or disguised unemployment and declining land productivity.

The issue in Anantapur was compounded by recurrent droughts since 1990. As a result, of impoverishment, the men started out-migrating initially seasonally but eventually permanently. The Sugalis were thus forced to continue their seminomadic lifestyle by seasonally migrating out for survival leaving the old, the disabled and the women and children behind to fend for themselves. Being semi-nomadic they got deprived of welfare and development benefits at both the ends of their seasonal migration route.

The HELP study identifies that in Anantapur district the Sugalis are found living in 63 Mandals in the districts of Kadiri, Gandlapenta, and Talupula mandals. The land holding of the majority of Sugalis is small and unirrigated making the Sugalis depend upon monsoon when they could grow ragi, paddy and where possible groundnuts. Since 1990's frequent failures of rain have forced these people to migrate to other areas.

The district also has the notoriety of a high incidence of sexual violence including rape and sexual assault and abduction of children and women by gangs of armed hoodlums in the service of men with affiliations across political parties.



Since 2006 to 2011, **5,232** women & children have been trafficked from the districts of:

Kadiri, Gandlapenta, Talupula, Mudigubba, Nambulipulikunta, Tanakal, Nallacheruvu, Amadagur, Obuladevara Cheruvu, Nallamada, Gorantla

Source: Dist. Crime Records Bureau

These mandals reportedly have high levels of trafficking, with women being transported to brothels in distant places like Guntur, Vijayawada, Hyderabad within the state and to out of states like Bangalore, Pune, Delhi and Mumbai as well as to Kuwait and Dubai. Trafficking is particularly reported to be high among the Sugalis (also known as Banjaras or Lambadas in other districts of AP and majority from Anantapur district), a semi-nomadic tribe which is the most numerous in Anantapur district compared to the other districts in the state (Reddy, 2006).

The Sugalis live in small settlements (Tandaas or Thaandas) attached to the main villages. Few development schemes reach their Tandaas.

Commenting on the overall trafficking situation in Anantapur district the HELP study observes;



In many cases, close family members such as the father, husband, in-laws, uncles, cousins, stepfathers and family friends or relatives act as trafficking agents. There is growing community involvement in the fast-growing sex trade. In some cases, the victims themselves or their families take the initiative of contacting traffickers in the hope of gaining a better livelihood.

- Traffickers have a strong local presence in this region and there exists a strong traffickers-political nexus in the region.
- Traffickers mostly operate in small groups and are on the constant lookout for vulnerable, single, poor, deserted women.
- Traffickers have good connections with operators in distant cities, within the state and outside.
- Most victims are between the ages of 12 and 18 years.
- A number of ways like persuasion, deception, threats and coercion are used to entrap the victims. Fake marriages are another ploy used by the recruiters. In many cases, marriage itself is enough to lure a woman away from her home and parents.
- Most of the victims are from families who depend on wage labour and often migrate for work. Victims have to live in extremely bad conditions under threats of violence.
- In most cases, victims are exposed to sexually transmitted diseases including HIV/AIDS.

Source: Background Note on Sugali Community by HELP 2011

The Dommaras

Andhra Pradesh particularly coastal Andhra Pradesh is identified as a high supply zone for sending and transiting girls from other states for sex. It also sends its own women and girls to states of Mumbai, Calcutta, Goa, Chennai, Orissa and inter districts for prostitution, marriage and cheap labour. It also traffics boys and girls for begging as child Labour.

The large prostitution areas of coastal A.P are Chilkaluripet, Ongole, Guntur, Mangalagiri, Eluru, Guduwada, Nalajerla, Tadepalligudem, Rajamundry, Kavali, Nellore, Sullurupeta & Naidupeta etc., and also small towns in all districts.

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Areas, where the Dommara community (a nomadic tribe) are located, get bad publicity for prostitution trade. People of the Dommara Community maintain brothel houses. Prostitution is a traditional way of life among Dommara & Yerukalalani.

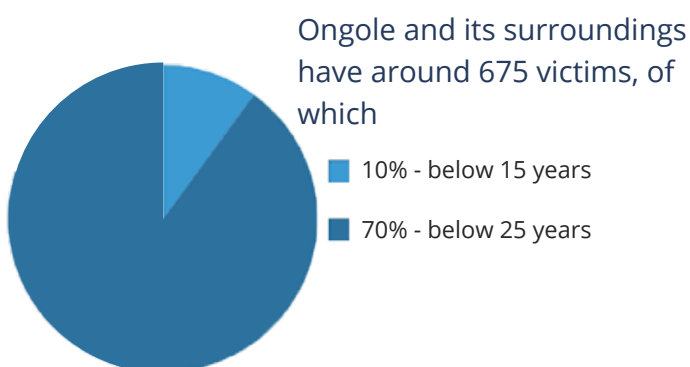
The Dommaras do not own agricultural land.



Agricultural wage earning:
Rs. 20/- to Rs. 30/- per
day.



Earning of a woman in the
sex trade: Rs. 250/- on avg.



210 of them have 292 children. 168 children are below the age of 15 years and of them 80 are girls, who are extremely vulnerable to be victimized in prostitution trade if intervention does not continue.

The intervention by HELP in 10 Thandaas seems to have delivered many promising results giving the confidence that the work could be extended to cover 10 more thandaas adjoining the previous Thandaas.

The following factors have been identified as the challenges in the way of protecting the children of the new areas from getting abused, exploited or trafficked,

- Institutionalized prostitution and sex trafficking is difficult to combat.
(There are 107 prostituted women and 15 children below 18 years)

- Institutionalized prostitution and sex trafficking is difficult to combat. *(There are 107 prostituted women and 15 children below 18 years)*
- The children of prostituted women are far more vulnerable to sexual exploitation and trafficking. *(Kadiri, Gandlapenta & Talupula area have nearly 360 prostituted women with nearly 450 children)*
- The larger economic forces shall continue to force people to migrate out in search of wages. *(180 families have migrated in both existing as well as newly identified thandas and there are 57 vulnerable children)*
- The infrastructure and quality of education lead to higher dropouts. *(There are 167 children have dropped out)*
- Widespread alcoholism in the community. *(There are nearly 250 alcoholic families affecting 380 children directly)*
- Lack of availability of usable educational opportunities. *(In 14 thandas, schools are far away. Nearly 380 children are moving to far away schools from these thandas. Moreover, there are no proper roads and travelling is not safe. At the moment the children travel nearly 3-4 Kms and in some cases 7 Kms to go to school)*
- Community endorses and facilitates record dance and circus which are legitimate fronting to the sex trade. *(30 children are found involved)*
- Increasing family disintegration and polygamy of both types. *(280 children affected)*

(Source: Background Information of Children of Vocset in Red Light Areas of Coastal Andhra Pradesh, Study by HELP, 2000)

5.3

CONTRACTUAL CHILD MARRIAGES IN THE CONTEXT OF TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION OF GIRLS IN TELANGANA-HYDERABAD

It is an open secret in Hyderabad that many young girls are married off to rich sheikhs from the Gulf nations. In a recent case (Sep 2017), eight men, approx. in their 60's to 80's (five Omani and three Qatar nationals) were nabbed by the Hyderabad Police. These men were in the city to marry minor girls and traffic them to the middle east. Some lodge owners and brokers were also arrested.

The police claimed to have identified 35 brokers in Hyderabad alone. These brokers generally associate with the Sheikhs during their stay and help them communicate with the local girls and their families. Often, parents and families are lured with money and innocent young Muslim girls are dragged into marrying a wealthy sheikh. After the marriage, these young girls are taken to a new country and are exploited by several others.



In May 2004, an old man, named Muhammad Zafer Yaqub Hassan al Jorani, from Sharjah came to Hyderabad - the capital of undivided Andhra Pradesh, apparently to undergo a cataract operation. On May 7, he married Haseena Begum - a 19-year-old girl; and after two days, he divorced her. On May 24, he married another 16-year-old girl, Ruksana Begum. Haseena, went to the local police station to narrate her story and within an hour the police arrested Jorani. The police also arrested someone called Shamsuddin who allegedly had played a mediator and received cash of Rs 40,000 from Jorani paying Haseena's parents as *mahr* (mandatory payment to be paid by the groom to the bride at the time of marriage which is treated as her inalienable property). Jorani had two wives and 11 children in Sharjah.

Contract marriages in this part of the country (especially Hyderabad) have been going on for many years, but it has now become an organized, international trade of girls, involving agents and qazis from different Indian cities.

Nikah Mutah is a private and verbal temporary marriage contract in which the duration of the marriage and the Mahr is pre-determined. In the context of Islam, the Shia Twelver sub-sect even today strongly practices the custom of Mutah (temporary contractual) marriage. Such marriage is initiated for a specific time period and for a certain consideration, often for the purpose of providing religious sanctity to prostitution. Often, young girls are sold to men under the garb of Mutah marriages.



In November 2017, two Bahraini nationals were arrested on charges of Trafficking minor girls to the Middle East on the pretext of marriage. In a separate case, the police arrested five people including two women brokers who had got a 64-year-old man married to a 14-year old minor girl. After the marriage, the Sheikh spent a week with the girl in a lodge and then went back to Oman from where he sent a Visa for her. She spent two years in Oman before returning to India on health grounds.

If one does search for the existence of Mutah Marriages today, one can come across a number of cases where old men from the Gulf countries have gotten married to young, in some cases minor girls in return for a heavy sum of Mahr. Besides, this tradition is openly practiced and also legitimized under the Islamic law by a number of scholars. There are also online websites that disburse information along with running live chat rooms in order to find suitable candidates for Mutah Marriages.

Source: <http://www.mutah.com/>, https://www.datanta.in/user-view_user-153428.html

Shaheen Women's Resource and Welfare Association is an organisation working in the Old City area of Hyderabad since 2002. It conducted a survey with a series of interviews with more than 388 households in areas namely Nasheman Nagar, Sultan Shahi, Baba Nagar, Barkas, Shaheen Nagar, Golconda (Ahmed colony), Vatta Pally (Roshan colony)

and Aman Nagar and found that girls from more than 33% of households were married to Arab men touring India.

The two states of AP & Telangana chronically suffer from institutionalized sex trafficking. The Dalit Hindu castes suffer from the religion based or temple based evil social custom of sex trafficking of Devadasi called by various names in different parts. The most exploited among the Dalit scheduled tribes the ex-Criminal Tribes (or Denotified tribes) like Dommaras and Sugalas are the victims of the deeply entrenched system of sex trafficking.

Being institutionalised, the victims do not see this as structural injustice and thus do not stand up against it. As there is little bloodshed in these well-oiled systems of victimization the Crime and Punishment based AHT intervention wilfully fails to notice the ultimate form of trafficking or intervene in it.

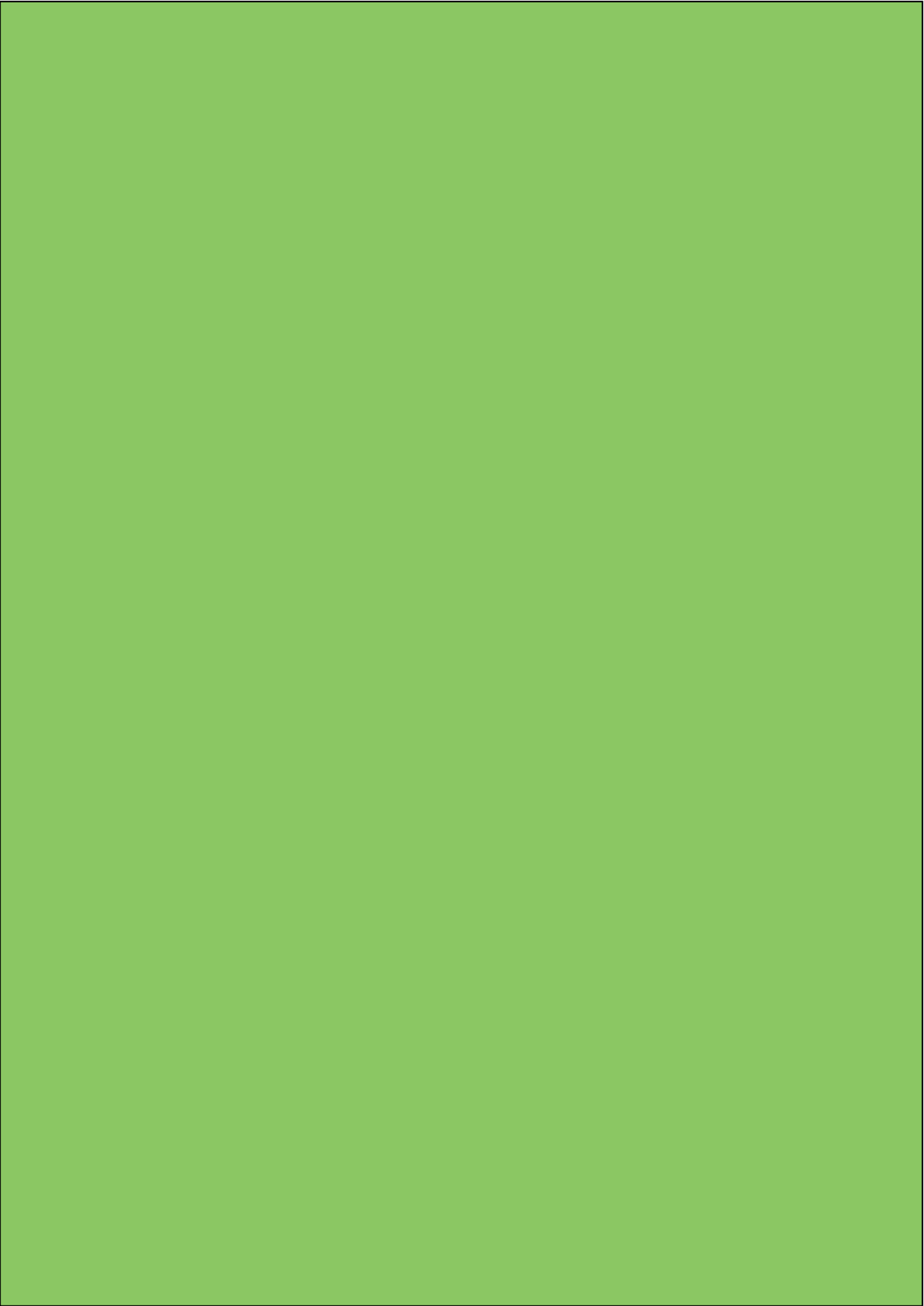
References:

http://creative.sulekha.com/muta-or-temporary-marriage-in-muslim-societies_405330_blog

CHAPTER 6



**POLICY ISSUES
EMERGING FROM
THE TWO STATES**



Andhra Pradesh to criminalise sex buyers to choke demand

Bill drafters

2 MAY 2018

MUMBAI (Thomson Reuters Foundation) - Andhra Pradesh will become the first state in India to target people who purchase sex in brothels as part of a crackdown on the sexual slavery of women and children, authorities said.

India has strict laws against human trafficking, sexual abuse and operating brothels. Pimps, brothel managers and traffickers are often prosecuted.

Yet, those who buy sex from people forced to work in brothels, including children, rarely face charges.

That needs to change, authorities say.

"People who purchase sex go scot free," said H. Arun Kumar, the state government's commissioner for women's development and child welfare.

Kerala To Go Online To Name And Shame Sex Offenders

Bill drafters

2 MAY 2018

Bill drafters

2 MAY 2018

THIRUVANANTHAPURAM: A week after the submission of a proposal to set up State Sex Offenders Registry, the first of its kind in the country by Kerala Nithya project honorary director Sunita Krishnan, the state government has accepted it and plans to take it forward. When contacted, Sunita Krishnan who also runs an organisation Prayviva for rehabilitation of the survivors of sexual assault and human trafficking of girls and women in Hyderabad, told TOI that she had given a proposal to the chief minister for setting up a State Sex Offenders Registry and to provide interim relief to the victims based on the severity of the crime. "I am humbled that the Kerala government has accepted the proposal for setting up State Sex Offenders Registry and to provide interim relief to the victims," she said.

Kerala accepts proposal to set up State Sex Offenders Registry

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Draft

Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016

Arrest customers of minor sex-workers under "strictest of laws"

of laws": Shaina

Mumbai, Dec 11 (PTI) Maharashtra BJP leader Shaina NC has started an online petition at "Change.org" demanding arrest "under the strictest of laws" of customers indulging in sex with minor sex-workers.

Speaking to PTI, Shaina said, "While Maharashtra has been leading the efforts against human trafficking, arresting these customers under the strictest of laws would be the most crucial element in curbing the demand for children in commercial sex."

"The petition asks the Maharashtra Chief Minister to direct the state police, specially Anti-Human Trafficking Units (AHTUs) working on rescue and rehabilitation of girls, to make it their mandate to arrest these child predators."

In her petition, Shaina has narrated the story of a 14-year-old girl, who was given hormone injections so that she looks older and was sometimes forced to have sex with 30 men in a day. PTI APM BNM SDM

Telangana, Andhra cops on alert after mobs lynch 4 suspected child traffickers

Vigilantes lynched at least four people and kept up scores of others in different parts of Telangana and Andhra Pradesh in the last few days following rumors on social media about child trafficking.

Updated May 23, 2019 10:11 AM



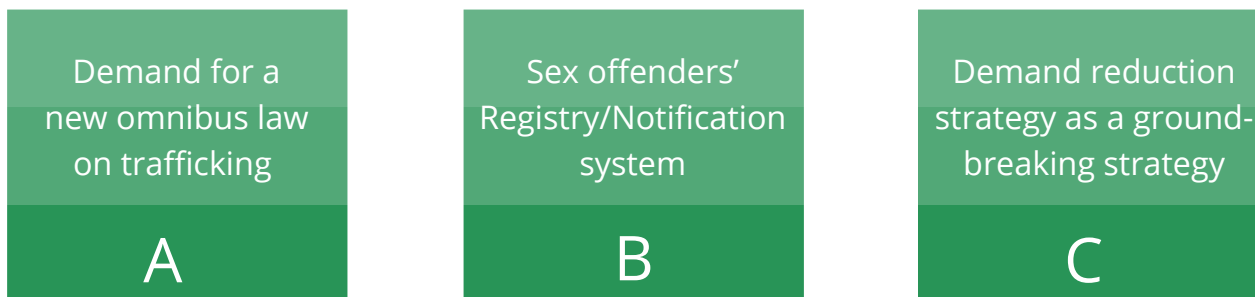
The earlier state of Andhra Pradesh (now AP + Telangana) has been a peculiar state on the anti-trafficking front for various reasons. The globally famous Trafficking In Person (TIP) Report of Department of State, United States of America has so far felicitated three persons from this state as Heroes on the anti-trafficking front.

Two of them have been top level police officers who have been quite committed to the anti-trafficking cause. Despite of such international recognition, the state has a gravely dismal rate of conviction of trafficking offenders. The state's record in rescuing minor victims is also gravely negligible as shown by the statistics it has released and we have quoted elsewhere in this report. The third Hero felicitated by the State Department has been running a shelter facility in Hyderabad. She has in different times in the recent past come up with a demand to institute publicly accessible sex offenders registry with a 'name, blame and shame' approach towards the sex offenders. This demand has created considerable controversy. She has also taken initiative to demand an omnibus law against all types of trafficking.

Considerable public time and energy have been spent to present numerous versions of the said law in sequence. Each such version has met with devastating criticism. The repeated gesture of releasing a version of the proposed law and quietly dropping it in the face of irrefutable rational criticism could have caused embarrassment to the central government.

Recently, the state government of Andhra Pradesh announced a 'novel' strategy of demand reduction by going after the customer of the sex trade. It has been greatly publicised as a completely new idea and ground-breaking approach when actually speaking year after year the statistics and report released by the state government have quoted significant figures of arrests of customers in sex trade which often matched the figures of arrests of traffickers.

In this section we analyse the three sensational and controversial initiatives namely:



A Demand for a new omnibus law on trafficking

The Min of WCD Government of India (GoI) in response to a PIL by a Hyderabad based anti-human trafficking activist, Sunitha Krishnan of a CSO Prajwala filed an affidavit in the Supreme Court of India assuring that it shall constitute a Committee to do the followings:

- To study the various Acts/Legislations under the purview of different Ministries/ Departments relating to various aspects of trafficking. (That does not state that a new law is required or will be enacted).
- To consider the gaps in the existing legislation, from the point of view of prevention, pre-rescue, rescue, post-rescue and rehabilitation aspects.
- To strengthen victim protection protocol so as to ensure that victims are treated as victims not as offenders.
- To draft a comprehensive legislative framework covering all aspects of trafficking, as may be considered necessary.
- To provide for adequate shelter homes for the rescued victims.
- To prepare a comprehensive policy for law enforcing agencies, including for lady police officers for handling the victims of trafficking.



Trusting this assurance from the Government of India, the Supreme Court disposed off the PIL by Prajwala vide its Order 9th December 2015 stating -'6. We are sure that the Committee shall do the needful at an early date so that appropriate law can be enacted on the subject. We hope that the Committee shall prepare and submit its report preferably in six months.'

Although the Supreme Court did not direct the Gol to *'enact an omnibus law against all types of human trafficking'* that remained the impression in the public domain for almost 27 months that followed the SC Order.



Source: Supreme Court Campus Photogallery

Subsequent to this, A Committee was constituted by MWCD Gol in Nov 2015 which worked till May 2016 and the MWCD Government of India announced that the Committee had drafted an omnibus law against human trafficking. The first draft that was circulated for public discussion met with severe criticism which made the MWCD drop the idea and come up with yet another draft. This continued for some time.

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Every time in the face of criticism the Govt dropped the version of the Bill and evolved a new one till the number allegedly went to 10 or 15 drafts in all. During the period of this study a final draft of the proposed Bill was never circulated in the public domain nor was it displayed on the Ministry's official website. However, a cursory look at the Bill that is available (<http://wcd.nic.in/acts/trafficking-persons-bill-2016-draft>) shows that it is **a highly defective Bill which will create more breakdown and confusion** than add to the efficiency and ease of operation. Some of its obvious flaws were as follows:

- Although it claims to be an omnibus law on trafficking, it does not touch any of the existing special laws on the various destination crimes of human trafficking such as sex trade, organ trade, bonded labour, child beggary, child labour, etc., which means for substantial purposes the new law has to take resort to the various special laws that already exist.
- It does not contain the definition of the offence of trafficking. The definition remains intact in Sec 370 (amended in 2013) of the IPC. Which means the proposed omnibus law also does not define or codify the offence of human trafficking.
- Without defining trafficking, it adds a handful of offences which can most appropriately be categorised as the aggravated forms of the main offence of trafficking. Keeping with the established practices of law making, these aggravated offences should have been better appended to Sec. 370 of IPC which defines the main offence of trafficking. Instead they have been shown as new offences in the proposed bill.

- The new law does not suggest any new procedures unlike innovatively introduced by the POCSO Act of 2012. The nature of the crime is such that for procedures the enforcement will have to take resort to CrPC, JJ Act, POCSO Act, etc. The new law adds certain structures which are uncalled for and confusing. Take for example it provides for Protection Home for all victims. In the context of finely defined and well-established structures of child care institutions under the JJ Act like Children's Home, Shelter facility, Observation Home, Special home, After Care Home or under the ITP Act like Protective Home for rescued adults the proposed Bill adds a category 'Protection Home' without defining its interface with the established Homes.
- While the various versions of the proposed law were poles apart from one another what remained persistent in all of them was a desperation to introduce some high power, police heavy structures with extremely large range of powers. This also reflects in the fact that the Bill started with describing these bureaucratic structures in Sec 3 which going by the established practice of law making is dedicated to defining the offences and stating the punishments.
- The Bill appears to be a product of a mindset that wishes to run a human society with police, courts, jails and fails to understand that by the very scale of the problem of human trafficking it ceases to be an issue to be handled by the crime and punishment approach and with police, courts and jails. The socio-economic cultural analysis and understanding of the problem is completely missing in the Bill.
- In stark contrast to the earlier laws, the Bill is filled with many extra ordinarily long sentences the exact meaning and interpretation of which is very difficult consequently making its application difficult. It freely uses terms which are neither defined in the proposed Bill nor in any other laws.
- It makes wrong claims e.g. 'for the first time it provides to penalise the customer'. In fact, the previous bills of amendments in the ITP Act, Sec 5 always provided for penalizing the customer. Recently with the 2013 amendments, the IPC Sec 370-A clearly provides for penalising the customer. Of course, there are practical difficulties in implementing these provisions but the Bill of the new law also does not offer any solution to the difficulties in enforcing that provision. Secondly, it claims to prevent the victim from getting punished. Those who have studied and worked on ITPA or the Bonded Labour Acts also know that these laws made sure that the victims were not punished. Ironically the blanket provision of immunity to victim made in this law is completely against common sense and common good besides being extremely dangerous.

- The Bill negates the accomplishments of the past several years e.g. it gives far too wide powers to the national and state level bureaucratic bodies and expels the civil society even from the rehabilitation scenario. All the work that the civil society and the courts have done on the modification and elaboration of Sec 357 of Cr PC dealing with criminal injuries compensation and the creation of state level schemes of compensation is reduced by the Bill to sheer wasteful exercise.
- It ignores the past experience of having faced great obstacles like lack of administrative will, tokenism and alleged financial constraints in creating the bare minimum mechanisms to give effect to the various laws and randomly seeks more and more structures and bodies the setting of which has not been rationally justified in the first place.

B Sex offenders' Registry (SOR) /Notification system (N)

Hyderabad plans to create sex offenders registry, but is it wise?

Analysing examples of US and UK, experts say it's better the registry is accessed only by officials; putting details on public domain can lead to stigmatisation



Published: 07th November 2017 09:01 AM | Last Updated: 12th November 2017 11:01 AM



Source: The Indian Express

In February 2015, Ms. Sunitha Krishnan, a Hyderabad based anti-trafficking activist initiated a 'Shame the Rapist' Campaign. It went with an appeal to shame and help track the rapists. She is reported to have demanded a national registry of sex offenders, where data on those convicted is made available in the public domain.¹ It was believed that the Hyderabad based activist was the first one to demand such a public registry at the National level.

Ms. Krishnan also suggested to the Govt. of Kerala to maintain an online (public) register of sexual offenders.² Ms. Krishnan submitted a proposal to the Kerala State Government to set up State Sex Offenders Registry (SOR), the first of its kind in the country. This proposal was allegedly accepted by the State Govt. in February 2017.³ In November 2017, State of Telangana joined the list of states planning to setup a Sex Offenders' Registry.⁴

A few anti-trafficking activists connected with the ministry of WCD and the Union Minister Ms. Maneka Gandhi, have been echoing the demand for the SOR. Such registries are operational in the US, UK, Australia and a few other countries since over a decade. The activists in India proposing the SOR claim that such Registry will go a long way in alerting people about the presence of the sex offender in their vicinity. These activists also bundle it with a system whereby the registrants of the SOR are disqualified from getting jobs or residences in most neighbourhoods and establishments and are required to keep the police informed about their movements.

While the Ministry of Home Affairs (MHA) proposed draft guidelines for a national Sex Offenders Registry (SOR) on May 10, 2016 5, not much has moved since. The demand for such a registry hasn't been substantiated either by data or research where such systems already exist.



52 News
Privacy is a basic human right, and even criminals have those. To undermine this capacity because vicious, punitive justice sells on primitive TV debates is to tear through the foundation that this country,
Indian governments, irrespective of the party believing them, have a history of knee-jerk reactions when it comes to opposing public interest. This tendency shines through most obviously in cases of public anger against incidents of sexual violence that inspire the state's imagination and bring people out on to the streets. We saw this in the aftermath of the recent Delhi rape case when Criminal Law (Amendment) Act of 2013 was brought in. It questioned the anger long enough for people to move on to the next outrage.
And now, as always, history is repeating itself.
The idea of a sexual offender's registry has been floating in India for a while now, and it finally came to fore with the Kathkin and Chispe cases that shocked the country recently. On 13 May, the Ministry of Home Affairs floated a Request for Proposal (RFP) for the selection of a private agency that would create and host the registry across the country. This will lead to India joining the ranks of several countries that host such a database. While most countries limit the access to the registry only to law enforcement officials, the US allows full public access to theirs. India, as far as the RFP shows, will choose a middle path, with the names of the convicted offenders available to the public, while the list of those charge-sheeted and arrested being available only to law enforcement officers.

There are different types of systems of SORs and while some of them are barbarous and counterproductive, some in their mildest form may serve some purpose but technically speaking they don't appear in the system of SOR that is being demanded or proposed in India. What is concerning here is the fact that experience and research on the existing systems abroad prove that the SOR has little utility in curbing sexual offences or making the physical, social environment safe for children and other vulnerable individuals.

Source: The Print



Existing System of Notification (existing in ITP Act, 1956) is grossly unused

The demand for SOR/N should have considered that India already has a system of SOR, more appropriately, of Notification under Section 11 of its law dealing with trafficking namely the Immoral Traffic (Prevention) Act 1956. It provides for the inclusion in a data base, of a convict only of certain offences, committed more than once within a period of five years after the release from the prison and on the discretion of the judge. Not every sexual offender is dragged into this system. This Indian system also does not flash the personal details of the registrants' publicly. The above provision that exists in the law has never been used.



SOR and Notification are not the same

The SOR per se is a data base of convicted sexual offenders to be utilized by the police for better tracking and by the judiciary for identifying the repeat offenders. The system of Notification which is being conflated with SOR is also often bundled with exposure, ostracism, disqualification, severe restrictions on the movement of the offender, denial of employment, imposed disqualification on residing in many neighbourhoods. The proposed demand is for a system of Notification under the garb of a Sex Offenders' Registry, which through research has proven to be more dangerous than maintaining the database system.



Need to maintain data on offenders and sharing on justified request:

The modest system

A system of data management of sexual offenders or any serious offenders does have certain utility. The absence of such a data maintenance and exchange frustrates many penal provisions of the law and hence it is overdue. Most legal provisions on crime also contain increased punishment for the second or subsequent offences. However, in the absence of any database that can establish if a similar offence has been committed earlier by a convict in the past or not, such higher punishment cannot be given by the courts. It is to be noted here that such a system of data base is not the same as the demand for a Public Sex Offenders' Registry.



Stranger danger:

A rare phenomenon in sexual offences including sex trafficking

It has been repeatedly and abundantly established by research studies that an overwhelming majority of rapes and other sexual offences are committed by the known persons and rarely by the strangers. The much quoted Government of India 2007 study on Child Abuse also states the same. As against that, the utility of the proposed SOR/N, lies in keeping the neighbourhoods informed about an unfamiliar person who is a sex offender and who is staying in or visiting their neighbourhood. Thus, as most sex offenders are persons known to the victim, the proposed SOR does not serve its protective purpose.



Negligible incidence of recidivism

Research in the countries including where SOR/Notification systems have been institutionalised abundantly indicates that the incidence of recidivism is negligible among sex offenders who have undergone the sentence. The SOR essentially maintains data only on those who have gone through the process of trials and also undergone the sentence. Which means they are not as much a danger to the society. This need not be confused with the repeated offenders who are at large or have not been convicted and sentenced. They are obviously not a part of any SOR and hence the SOR cannot protect the potential victims from them. This fact combined with the fact that most sex offenders are faces known to the victim established beyond doubt the futility of the SOR/Notification system.



Damage caused by SOR/N is irreversible while the definition and coverage of the term sexual offence is constantly changing

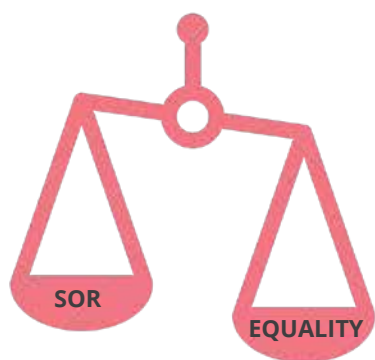
In a society like India which is fast civilizing and evolving the definition and substance of the term offence and especially sexual offence is fast changing too. Newer human actions are being called sex offences while some of the actions earlier considered as offences are not being considered as offences.

Not just in the USA, but even in India going strictly by law public urination is now a sexual offence. In a socially and legally dynamic situation where the substance of the term offence is constantly evolving, the system of including someone (in some cases permanently) in a publicly accessible SOR and sending notifications to their neighbourhood could disable a person's movement, residential status, employment and might lead to irreversible damage to a person.

SOR/N violates the constitutional promise of equality

Research in the countries including where SOR/Notification systems have been institutionalised abundantly indicates that the incidence of recidivism is negligible among sex offenders who have undergone the sentence. The SOR essentially maintains data only on those who have gone through the process of trials and also undergone the sentence. Which means they are not as much a danger to the society. This need not be confused with the repeated offenders who are at large or have not been convicted and sentenced. They are obviously not a part of any SOR and hence the SOR cannot protect the potential victims from them. This fact combined with the fact that most sex offenders are faces known to the victim established beyond doubt the futility of the SOR/Notification system.

SOR/N violates the constitutional promise of equality



The SOR/N system singles out sex offenders (as against other offenders) and makes them suffer from a lifetime of punishment with no opportunity to reform and join the mainstream while it spares murderers. (This is not to suggest that it should also be crudely applied to the persons who have committed other heinous offences).

Several situations discussed indicate that it is unfair and dangerous to look at these situations from a blinkered framework of crime and punishment to be handled by police and jails. Many of these are essentially social issues, where the society is changing very fast. The issues of sex trafficking and labour sector trafficking are primarily the ills of economic structure and arrangements which make a large part of humanity extremely vulnerable and desperate and gives some others the most favourable and risk-free scope to exploit them. Correcting those ills, demands considerable and comprehensive understanding of the society and tireless efforts to change the system. Treating them as merely as problems of crime and punishments to be solved by the police, courts and jails is a dangerous way out.



SOR/Notification system denies the utility of punishment and the chance of reformation by proposing limitless punishment

The SOR system declares to the world, the identity and the whereabouts of a convict of sexual offences who has completed his sentence. Besides, it also disqualifies the registrants from getting a roof over their head and disqualifies them for most jobs. Such gross denial and ostracism leaves the registrants with limited options to earn a decent livelihood and thus forces them make crime their career. The proposal abandons reformation as the purpose of punishment and replaces it with retributive justice (i.e. an eye for an eye).

Except in cases of extremely severe and repeated offences every punishment must come to an end someday. The system of SOR/Notification suggests unending and disproportionate punishment. Thus, the idea of SOR conflicts with the very idea of imprisonment for reformation. On this path, we as a nation have moved away from retributive to reformative justice.



SOR/N fuels dangerous vigilantism

The Prime Minister of India, and the chief of RSS a major social force behind the central government, both have unambiguously condemned the spurt in the Cow vigilantism that scared the country in 2016-17. They categorised the vigilante as criminal elements. In the US, where the system of SOR is rigorously enforced it is frequently complained that SOR leads to vigilantism where anti-social elements take law in their hands and attack the registrants. Thus, the proposed demand for SOR/N could to lead to street justice and mob lynching failing to serve the essential purpose of a modest database.



Demand reduction strategy as a ground-breaking intervention



Source: Prerana Anti-Trafficking

In January 2018, Andhra Pradesh claimed to become the first state in India to target persons who buy sex in brothels as part of a crackdown on the sexual slavery of women and children. A panel of legal experts and campaigners was appointed to study anti-trafficking laws that could be applied to criminalize the buyers of sex. This panel was expected to submit a report with recommendations in about 60 days.⁶ However, today, about three months later, there isn't much in terms of recommendations of the committee reported in the media or on any other public platform.

The SOR system declares to the world, the identity and the whereabouts of a convict of sexual offences who has completed his sentence. Besides, it also disqualifies the registrants from getting a roof over their head and disqualifies them for most jobs. Such gross denial and ostracism leaves the registrants with limited options to earn a decent livelihood and thus forces them make crime their career. The proposal abandons reformation as the purpose of punishment and replaces it with retributive justice (i.e. an eye for an eye).

Around December 2017, Shaina NC, a leader from the ruling political party the Bharatiya Janata Party (BJP) ran a campaign on 'Change.org' demanding arrest of customers engaging with minors under the strictest of laws.⁷ A few other states followed suit and demanded strong punitive measures for customers in order to curb the demand for commercial sex. While analysing this fairly popular demand, there are a few pertinent issues that are not being raised in this discussion of arresting customers:

The current provisions under the laws Immoral Traffic (Prevention) Act, 1956 and Indian Penal Code (amendment in 2013) are not strong and clear enough to book and especially convict customers/clients who exploit trafficked women. As per the proposed Section 5C of the ITPA, 1956 (included in the ITPA Amendment Bill 2007 which is still pending) any person who frequently visits or is found in a brothel for the purpose of sexual exploitation of any victim of trafficking is to be punishable. However, there is no understanding on how a customer/client would approach a woman and be able to identify her as a victim of trafficking.



If the idea here is to curb sex trafficking by hitting the demand for the victims, then the provisions and interventions must target only those who use trafficked victims and not any sex buyer.

But a bigger question here is how does one execute an intervention like this



Similarly, IPC Section 370 A (introduced through the Criminal Law Amendment 2013) penalizes whoever engages (sexually) a victim of trafficking. Here as well, the person thus engaged with has to be a 'victim of trafficking'. The fact that it is a victim of trafficking must be established by the prosecution as there is no presumption of guilt. (the burden to prove that the person engaged is a victim of trafficking lies on the prosecution and not on the accused). This continues to be a major weakness of Sec. 370-A. Thus a few practical questions need immediate attention if the state plans to work on reducing/curbing the demand for commercial sex, which is being met through trafficked victims.



With the focus of a few states, starting from Andhra Pradesh looking at curtailing demand by arresting customers, the obvious question seeking an answer is – **Does Demand Reduction imply only booking/arresting sex customers?** Demand reduction should also be focused on the factors that lead to the demand in the first place. In following the strategy of going after the sex customers one depends solely upon the police and judiciary to deal with a complex social issue of a huge magnitude. A macro level socio-economic policy that can help pierce into the factors leading to such demands is the need of the hour. A few countries in the West have implemented some of the following interventions to reduce the demand for commercial sex in their countries:

➤ **Johns' schools**

Starting from the first one in San Francisco CA, USA this idea has spread in multiple states and cities of USA. It has been proposed that if the sex buyers are made aware of the horror and violence involved in the business of making young girls available for the sex buyers they would get sensitized and refrain from repeating the same behaviour. This is sought to be accomplished through what is known as the Johns' School.' Often the courts order the convicted of buying sex, 'the johns', to undergo a course at the Johns' school at his expenses. This makes the john school partly sustainable. In terms of cost and qualified human resource hours it could be an expensive intervention. However, since the rate of recidivism is known to be poor it fails to get the required justification.

➤ **Counselling of adolescents**

Counselling of adolescents to enable them to postpone early sexual encounters. Proper sex education, counselling, sensitization over the horrors of sex trafficking, the danger of unsafe sex and the options of career oriented constructive engagements together delay the sexual encounters of adolescents.

➤ **Curbing the retailing outlets of sex trade**

The history of regulated sex trade in the British colonies like India clearly points to the normalization of the demand for commercial sex from British sailors and soldiers. The justification emanated from their long-term separation from their wives. Just as the shortage of goods, shoots up the price it is also correct that oversupply and easy accessibility of goods does lead to increased demand. From that point of view curbing the retailing activity of sex trade, remains one of the preferred and time-tested measures to bring down the demand.

Ensuring protection of labour laws

Both, in the HIV/AIDS field as well as in the anti-trafficking field it is amply recognized that long distance truckers create a huge demand for commercial sex along their way. Their nightly demand for sex makes their night time halts near petrol pumps and dhabas (roadside eateries) the hubs of prostitution for which local girls are trafficked to meet the demand. This is also established by the emphasis given by the national and state level AIDS control programme when they focused their activities on the highways with the truckers thereon. No such focus is witnessed with the other transport workers like railway motormen and guards or ST drivers and conductors. The major difference between the two categories being their type of employer and the enforcement of labour laws. Through a relay system if the trucker is given a limited hour and limited distance duty whereby he can return to his family every night then it will serve several purposes. The chances are that he will not create such a regular demand for commercial sex, will not get infected with HIV, nor will he spread the infection. This is a rights-based approach which also espouses the labour rights of the truckers. In short, instead of going after customers with inadequate legal tools if such creative interventions are adopted then it will go a long way in reducing the demand.

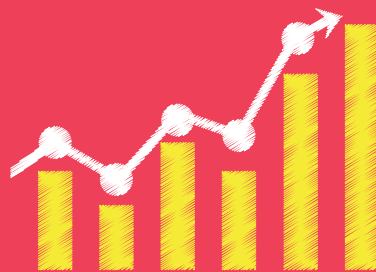
References

1. <http://www.thehindu.com/news/national/telangana/its-time-to-have-a-national-registry-of-sex-offenders/article6923379.ece>
2. <https://www.ndtv.com/south/kerala-to-go-online-to-name-and-shame-sex-offenders-1662825>
3. <https://timesofindia.indiatimes.com/city/thiruvananthapuram/kerala-accepts-proposal-to-set-up-state-sex-offenders-registry/articleshow/57314074.cms>
4. <http://www.newindianexpress.com/cities/hyderabad/2017/nov/07/hyderabad-plans-to-create-sex-offenders-registry-but-is-it-wise-1694087.html>
5. <http://pib.nic.in/newsite/mbErel.aspx?relid=145173>
6. <https://www.timesofmalta.com/articles/view/20180115/world/indian-state-to-criminalise-sex-buyers-to-choke-demand.668045>
7. <https://www.indiatoday.in/pti-feed/story/arrest-customers-of-minor-sex-workers-under-strictest-1104966-2017-12-11>

CHAPTER 7

ANALYSIS

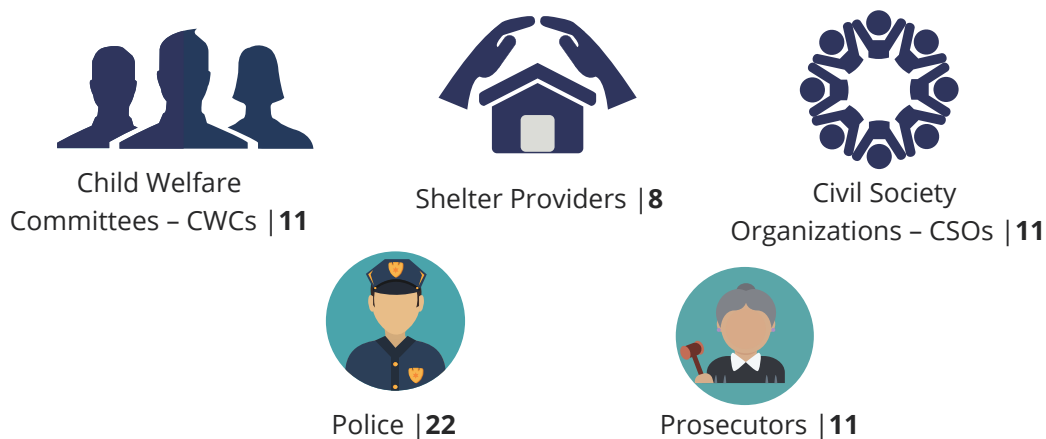
OF PRIMARY DATA





A total of 63 respondents belonging to 5 key categories from the antihuman trafficking (AHT) field in the two states of Andhra Pradesh (AP) and Telangana (T) were interviewed against a structured and mostly pre-coded Interview Schedule. Their responses were statistically processed with the help of Statistical Package for Social Sciences (SPSS). Considering the overall size of the respondents, their differential distribution in many categories and since the study was essentially exploratory without any pre-set hypotheses no advanced statistical tests were required.

The respondent categories and numbers were as follows:



**TOTAL
RESPONDENTS**



The responses given by each category of respondents are presented below:

7.1

POLICE (P)



In all **22 police respondents** from AP and Telangana were interviewed against a largely pre-coded Interview Schedule. They belonged to Anantpur, Gooty, YSR-Kadapa, Pulivendula, Krishna, Khammam, Kurnool, Prakasam, Sangareddy, Vijayawada, Vikarabad, Vishakhapatnam, districts/ places and to the following categories:



Child Welfare Police Officer (CWPO) under the JJ Act 2015



Women Police Sub Inspector



Circle Inspector



PIs – Inspector of Police



SHOs



CID – PI



Dy. Supdt. of Police /District Crime records Bureau



SPO – Special Police Officer (under Sec 13 of ITPA)

The questions asked to them are given briefly with the tables where appropriate. They were requested to keep in mind a time span of the last 5 years while answering most of the questions.

TABLE P-1 CHANGE IN TRAFFICKING OFFENCE IN THE LAST 5 YEARS ?

(ST-Sex Trafficking, LT- Labour Trafficking, OT-Organ Trade, CB- Child Beggary, CS- Commercial Surrogacy, IA- Illegal Adoption, CL-Child Labour, BL-Bonded Labour, MB- Mail Bride)

Offence Changed?	ST	LT	OT	CB	CS	IA
Increased	14	8	8	17	7	9
Decreased	5	10	11	4	14	11
Unchanged	1	4	0	0	0	0
NR	2		3	1	1	2
Total	22	22	22	22	22	22

Most respondents agreed that sex trafficking and child trafficking for beggary rackets have increased in the last 5 years while a significant higher number of respondents felt that the offence of commercial surrogacy had decreased and a marginally higher number felt decrease in labour trafficking organ trade and illegal adoption.

TABLE P-2 CHANGES IN 'ONLINE' TRAFFICKING ?

Online Crime Changed?	ST	LT	MB	CS	IA
Increased	10	4	1	4	4
Decreased	1	0	0	0	1
Unchanged	5	17	17	13	14
NR/DK	6	1	4	5	3
Total	22	22	22	22	22

No one reported that the online crime in general has decreased. Most policemen felt that the online crime of sex trade has gone up. On most other fronts they recorded no change.

TABLE P-3 CHANGES IN DESTINATION CRIMES ?

ST	LT	CS	IA
Gone online		More rural women are falling victims	
Retailing destinations changed	Retailing destinations changed		
Increased use of social media			
Girls across classes are seen engaged			
Overall increase	Increased	Increased	Increased

They recorded increase in all types of destination crimes. In commercial surrogacy they find rural women as major victims.

TABLE P-4 CHANGES IN **PROFILE OF VICTIMS ?**

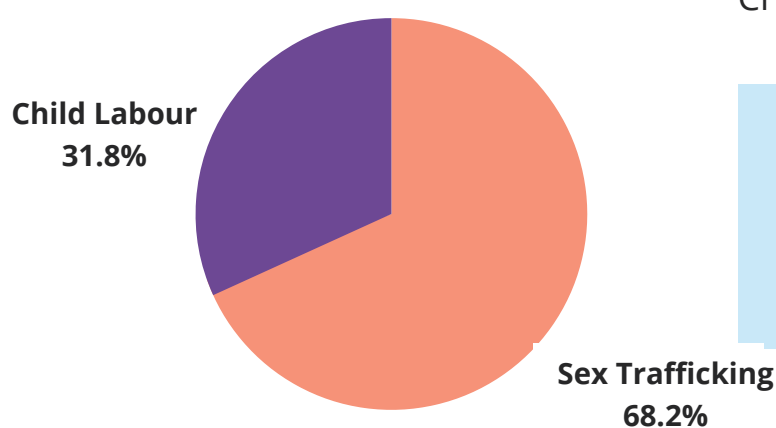
Changes - Profile of Victims	ST	LT	MB	CS	IA
Yes	13	6	3	4	4
No	6	13	12	11	14
DK	2	1	4	4	3
NR/	1	2	3	3	1
Total	22	22	22	22	22

Most policemen recorded change in the profile of victims in sex trade but not in other types of destination crimes where there is an emphatic negative reply. Same trend is observed in response to the question on change of profile of offenders as shown below.

TABLE P-5 CHANGES IN **PROFILE OF OFFENDERS ?**

Changes - Profile of Offenders	ST	LT	MB	CS	IA
Yes	15	6	2	5	4
No	4	12	12	9	13
DK	1	2	5	6	3
NR/	2	2	3	2	2
Total	22	22	22	22	22

CHANGES IN **PROFILE OF CUSTOMERS ?**



Except for sex trafficking (68.2%) followed by child labour 31.8% (7 out of 22) in all the other types of trafficking there was no change in the profile of the customers.

TABLE P-6 CHANGES IN **MODUS OPERANDI (MO)** ?

13 out of 22 respondents observed a change of Modus Operandi of the traffickers, 3 denied it.

Change in Mode of Transport	Policemen	%
Yes	19	86.4
No	1	4.5
NR	2	9.1
Total	22	100

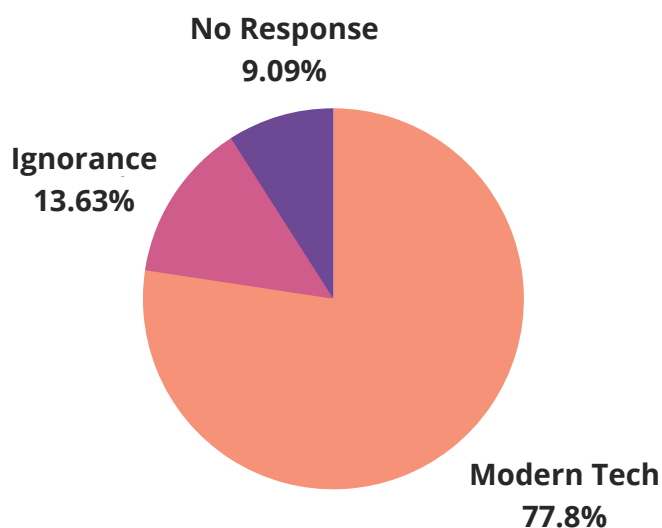
87% of respondents mentioned that there was a definite shift in the system of transportation of the victims by the traffickers. One respondent mentioned that in the previous 5 months Hyderabad police had arrested 10 traffickers and **rescued 12 girls, who had been trafficked from Vizag, Tirupati and Vijayawada through flights (air)** and the ages of girls were between 6 and 22 years. Another respondent stated that there was **increasing reliance on private vehicle as against public transport like rails and buses.**

When asked **if the parents are aware of the trafficking of their children 13 (59%) said they are not while 7 said parents are aware.** When asked to elaborate 16 respondents out of 22 expressed lack of knowledge while 6 repeated that in some cases the parents are aware of the trafficking angle. 18 out of 22 policemen noted change in the gender of traffickers. Only 2 stated there were no changes therein. When asked to elaborate **4 stated there were more women, and 4 stated there were all genders,** 1 respondent mentioned the presence of transgenders while still another stated the victims were joining the rank of the traffickers.

As regards the changes in MO w.r.t. the preferred routes most policemen mentioned that **the routes are frequently changed to skip vigilance.**

68% of policemen responded that the **victims are sorted and sent to different destinations.** Around 18% denied that. Elaborating this observation, they mentioned that the **i) adolescent girls and young women are preferred for sex trade, ii) they are sorted by their looks and the good looking are sent to the cities like Mumbai, Pune and Hyderabad.**

To the question whether there has been any change in the situation after the division of AP they explained that **the rise of new capital has led to considerable construction work and consequent migration of labour from other states to AP.** Vijayawada was emerging as a new destination and transit, **once AP develops its own airport and air travel the sex tourists will flock directly to AP by skipping traveling via the Hyderabad.**



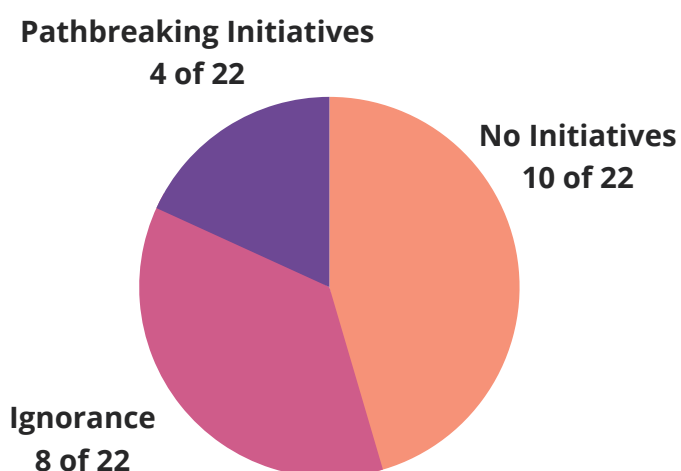
CHANGES IN M.O. – TECHNOLOGY ?

17 of 22 (i.e. 77.3%) police respondents mentioned that the traffickers have adopted the modern technology. They mentioned higher use of internet, mobile phones and social media. 2 did not respond to that question and 3 expressed ignorance.

CHANGES IN THE STATE LAWS ?

7 out of 22 (31.8%) policemen stated that they were aware of the changes in the 'State' laws related with child trafficking others expressed ignorance. The fact is that there has not been any HT related state law in these two states except against the Devadasi system. **Only 4 out of 22 policemen could state that there were changes in the union law namely the IPC, the Child Labour law, and the JJ Act.**

The respondents could not differentiate between state laws, policies, schemes, programmes and a very small minority of them quoted common amendments in JJ Act, POCSOA, Child Protection policy, Aarogya Laxmi, Kalyan Laxmi, Shaadi Mubarak, rice for Gurukulas, G.O.MS. No. 28 and Kishori Vikas Yojana etc.



Only 4 out of 22 police respondents said that there were some pathbreaking initiatives on the AHT front and quoted the 2013 amendments in the IPC and CrPC as well as the SHE scheme (a scheme by the Telangana police to make Hyderabad a safe city for women). 10 stated there were no such initiatives while 8 expressed ignorance. One would have expected the mention of the much publicised Bharosa One Stop Crisis Centre (OSCC) at least in the Telangana state.

The police quoted that there were several cases of rescue and rehabilitation in Prakasam and Guntur districts. They also quoted one case in Ongole police station which resulted in conviction.

In the opinion of the police **the victims and witnesses turning hostile was a major factor causing failures in the AHT work.** The **absence of witness protection programme, insufficient police staff, inactive AHTUs etc. were quoted as the other reasons.**

As regards the AHT schemes 3 policemen out of 22 could quote CHILDLINE, Police number 100 and SHE as the AHT schemes indicating thereby that they have deficit knowledge about the various state schemes for anti-human trafficking purposes.

Only 2 policemen out of 22 could answer that they had come across any important court ruling. They quoted:

- Priority for speedy disposal of trafficking of cases, in camera procedures; and
- Special courts for dealing with cases related to trafficking and child sexual abuse with child friendly procedures.

TABLE P-7 CHANGES IN PROSECUTION ?

Change in Prosecution	ST	CL	LT/BL	IA
Increased	4	3	2	1
Decreased	0	1	1	0
Unchanged	17	17	18	19
DK	1	1	1	2
Total	22	22	22	22

The policemen feel that the situation of prosecution has not changed. If at all there has been slight rise but no dip, they felt. This may also imply that the searches and rescues don't necessarily add up to prosecution.

TABLE P-8 CHANGE IN INCIDENCE OF CONVICTIONS ?

Change in Incidence of Convictions	ST	CL	LT/BL	MB	CS	IA
Increased	8	3	3	1	1	3
Decreased	3	7	6	4	5	6
Unchanged	8	6	7	8	8	7
DK	3	6	6	9	8	6
Total	22	22	22	22	22	22

In their observations the incidence of conviction has neither changed nor improved but has in fact decreased except in the sex trafficking cases. They recorded a rise in the discharges of accused and attributed it to:

- Lack of VWP Programme
- Lack of incentives for victims
- Delayed hearing
- Disappearance of victims as witnesses
- Poor evidence building
- Defective FIR

In their observations the incidence of conviction has neither changed nor improved but has in fact decreased except in the sex trafficking cases. They recorded a rise in the discharges of accused and attributed it to:

CHANGE IN ACQUITTALS ?

Only 8 out of 22 policemen responded saying they had come across cases of acquittals in the last 5 years, half of the police respondents 50% (11 out of 22) mentioned that they had not seen any case of acquittal. When asked about the nature of change 6 (27.3%) said **acquittals had increased** while only 1 respondent stated it had decreased. The observation did not tally the crime statistics however. Among the reasons for acquittals they mentioned the same reasons as mentioned above

CHANGE IN GOOD PRO PRACTICES ?

Almost 27% stated they had not but 68.2% policemen responded stating they had come across good practices in the Post R Scenario. When asked to elaborate they mentioned cases where a victim was placed with an NGO Home for rehabilitation and supported to apply for immediate relief support from DWCD because of which the victim stood strong and gave her witness resulting in the conviction of the accused.

CHANGE IN **CIRCLE OF STAKEHOLDERS** ?

A majority (86.4%) of policemen observed that the 'circle of stakeholders' in AHT intervention had increased over the previous 5 years. They mentioned that many CSOs are now involved in conducting the SIR/HIR, the State Legal Services Authority is conducting more awareness programmes, more CWCs have become cooperative, AHTUs are coordinating with the others and the DCPO office is regularly involved, etc.

KNOWLEDGE AND AWARENESS

An attempt was made to explore if the policemen have appreciated the spirit and the essence of the ITP Act as being victim friendly? They were asked if the prostitute women were to be punished.

TABLE P-9 WHETHER **PROSTITUTED WOMEN ARE PUNISHABLE** ?

Are Prostituted Women to be Punished ?	Policemen	%
Yes	6	27.3
No	15	68.2
NA/NR	1	4.5
Total	22	100

Although 68.2% policemen stated that a prostituted woman is not to be punished under the law, 27% (i.e. 6 out of 22) did mention that under the law she is to be punished.

They were asked to react to the statement - 'under ITP Act only children are to be rescued not adults'. Although a **majority of policemen were aware that under ITP Act children as well as adults are to be rescued still there were 18.2% policemen respondents who held that only children are to be rescued and not adults.**

When asked who is to be punished under the ITPA most respondents mentioned that **traffickers, pimps, transporters, brothel owners are to be punished under the law and 8 out of 22 also mentioned that under the law the customers are to be punished too.**

A critical question was asked under the law if the transgender are to be rescued from sex trafficking or not. Shockingly, 15 out of 22 (68.2%) held that **the transgender are not to be rescued**. Only 4 (18.2%) said they should be rescued too.

When asked if customers are to be booked or not surprisingly only 3 (13.6%) said they are to be booked and **17 (77.3%) flatly said the customers are not to be booked**.

The AHT intervention has brought to the centre stage an important procedural principle in the enforcement arena namely “child friendliness”. When asked to react to the statement – ‘As per the law Child Friendly Treatment (CFT) is to be given to a person only up to the age of 12 years’ **77.3% said that was not correct and 9 % still agreed with that statement**.

The concept of child friendly treatment was formally introduced mostly through the POCSO Act in 2012. The policemen respondents were asked whether in the cases of human trafficking if the victim is a child CFT can be offered or not. **Surprisingly, 86.4% respondents stated that it was not applicable in the human trafficking cases. No one emphatically stated that it could be applied.**

When asked once again as to what should be the cut off age for offering CFT **only 59 % of policemen respondents felt that the cut off age for offering child friendly treatment should be 18 the rest wanted it lower at 15 or 16 years.**

To the statement ‘Since a brothel keeper only offers her premise to run a brothel she is not to be **punished under the law**’ 13.6 % policemen reacted in agreement.

We tried to know as to under the Victim Witness Protection measures what is taken care of and what remains neglected: most respondents mentioned the followings as being taken care of by the stakeholders in the arena of VWP:

Most respondents mentioned the **following as being taken care of by the stakeholders** in the arena of VWP:

- Minimum needs of rescued persons
- Shelter, counselling, nutrition
- Rescue Rehabilitation, home integration, job placement
- Legal assistance
- SIR/HIR

Among the **things ignored by the stakeholders**, respondents mentioned:

- Collecting material and documentary evidence
- Getting compensation
- Witness counselling

The respondents were asked if victim compensation is available in trafficking cases or not. 14 out of 22 (63.3%) policemen stated that victim compensation was applicable in human trafficking cases as well. However, they were very clear about sex trafficking cases. When asked if it is available in all types of trafficking cases a majority (13 i.e. 59.1%) replied negatively and only 5 (22.7%) replied positively.

TABLE P-10 NEED FOR CHANGE IN THE LAW ?

Change in Law Needed	Numbers	%
Yes	11	50
No	10	45.5
DK	1	4.5
Total	22	100

The respondents were almost equally divided on whether the law needs to be changed. But when asked to substantiate their response no one could.

Not even 20% of the respondents stated awareness about the expression of the demand for change in the law made from within their own state.

To assess their knowledge of ITP Act which is commonly used by the police station against sex trafficking and sex trade a question was asked if any police officer of the Sub Inspector level can conduct search and rescue under ITPA. The fact is that only those officers not below the rank of Inspector of Police who are designated to be Special Police Officer under Sec 13/3 of ITPAs can conduct rescue and search operation legally. However, **over 72.7% respondents stated positively which was a wrong answer.**

They were asked to react to the statement 'Prostitution is legal and not an offence under the Indian law'.

A vast majority of policemen (**81.8%**) said that prostitution is not legal in India which is a correct interpretation of the law.

Attempt was also made to know if the policemen could differentiate between prostitution and sex trafficking. They were asked to react to yet another statement '**Trafficking means prostitution**'.

TABLE P-11 'TRAFFICKING MEANS PROSTITUTION'

Trafficking Means Prostitution	Numbers	%
Yes	10	45.5
No	12	54.5
Total	22	100

45.5% agreed with the statement which is incorrect while 10 (45.5%) disagreed with it. A similar question was asked on labour trafficking and labour exploitation wherein 59.1% said 'yes' which is incorrect and 9 (40.9%) said 'no' which is correct.

A substantial part of **the policemen respondents (40.9%) did not have any formal training on human trafficking** only 54.5% had some training on HT. In most cases, the **duration of the training was of 1 or 2 days only**. Those who had the trainings had attended 1 to 3 training programmes.

TABLE P-12 EVER ARRESTED A CUSTOMER ?

Arrested Customers?	Numbers	%
Yes	16	72.7
No	3	13.6
NR	3	13.6
Total	22	100

A substantial part (**i.e. 72.6%**) of **police respondents mentioned that they had arrested customers in sex trade**. This has to be seen in the context of the new initiative announced by the AP & Telangana police to go after the customers describing it to be a path-breaking initiative.

When asked which legal **Sections they use for arresting a customer they mentioned Sec. 294 & Sec. 250 IPC and Sections 3,4 and 5 of the ITPA** which indicated that they **were not well informed as Sections 3,4 and 5 of the ITPA are against brothel keeping, pimping and procurement and not against the customer**. Newly added IPC Section 370-A can be used against the customer but that was not mentioned by any.

PROPERTY RECOVERY DURING SEARCH/ RAID

86.4% of the respondents stated that they do property recovery during the Search and Rescue operations under the ITPA. When requested to give the details they mentioned that they recover cash, jewellery, cell phone, purses and electronic items. Surprisingly, no one mentioned recovering the most important things like the documents or the children belonging to the rescued victims.

TABLE P-13 WHETHER CONDUCT A MEDICAL EXAMINATION ?

Medical Examination	Children	Women	Customer
Yes	14	10	4
No	4	10	17
NR	3	2	1
Total	22	22	22

Very clearly the policemen are used to conducting the medical examination of children after they are rescued from the sex trade. In much less number they do it for the rescued adult women and very rarely for the customer. Sadly, considerable evidence is lost if the customer of sex trade is not immediately examined for the collection of important forensic evidence. The offence of sexual assault cannot be effectively established without such forensic evidence.

TABLE P-14 CONDUCT AGE VERIFICATION MEDICAL OF EVERY CHILD

Age Verification	Numbers	%
Yes	18	81.8
No	3	13.6
NR	1	4.5
Total	22	100

In most cases (81.8%) the police conduct the age verification of the rescued children. In giving the details of the same they mentioned they check the followings:

- Aadhar card
- Ration card
- Birth certificate
- School leaving certificate
- Report of the Age Verification Medical test

MEASURES OF VWP AFTER RESCUE

The most common way of giving them VWP as per the police respondents was to place them in shelter facilities.

SIGHT & SOUND SEPARATION (SSS)

The most common or perhaps **the only measure of ensuring Sight and Sound Separation between the victim and the accused followed by the police is to place the accused in a lock up and send the victim to shelter facility.**

The incidence of sealing a brothel is negligible.

86.4% of policemen respondents stated that they produce every rescued child before the CWC. Only one replied in the negative. While 12 (54.5%) stated that they produce every rescued child before a regular magistrate 9 (40.9%) said they do not produce a rescued child before a regular magistrate.

Only 5 (22.7%) respondents stated that they facilitate the compensation for the victim under the Cr PC. 9 (40.9%) flatly said they do not.

TABLE P-15 APPLYING POCSOA IN ST CASES ?

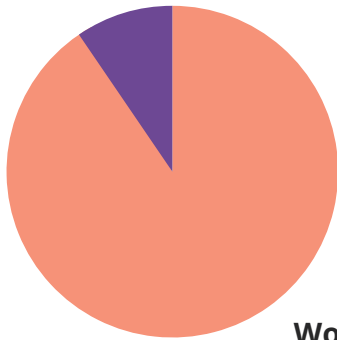
Apply POCSOA in ST cases?	Numbers	%
Yes	8	36.4
No	9	40.9
DK	1	4.5
NR	4	18.2
Total	22	100

A significant portion **(40.9%) policemen stated that they do not apply the POCSOA provisions in the sex trafficking cases** involving children or minors. Actually, the police must use POCSOA in cases of child sex trafficking.

WORKING IN COLLABORATION

Not Working with CWC

2 of 22



Work with CWC
19 of 22

19 (86.45%) policemen admitted that they have to work with the CWCs and only 2 (9.1%) replied in the negative which is still serious. Similarly, 18 (81.85%) admitted that they work in collaboration with the DCPU under the ICPS. Similarly, 17 (i.e. 77.3%) admitted that they work with CSOs. All these indicate a positive multi-disciplinary approach to the anti-trafficking work.



CHALLENGES FACED



Challenges faced in AHT work

- AHTUs are insufficient, previously they were appointed, now they are in regular duties.
- Quality of counselling services is average
- When CSOs are involved in rescue they should ensure that they continue even as witnesses.
- Victims do not cooperate.
- Victim's identities are not correct and keep changing.
- Victim and accused settle between them and withdraw from the case.
- Prosecutors do not cooperate.
- Parents take advance from trafficker and stop cooperating.



EXPECTATIONS OF THE POLICE

- **Expectations of police from Police:** Appropriate trainings, refresher courses, Monitoring/ appraisal, Continuous training, Registration of missing girls' cases and strong investigation required, Needs training in child friendliness, Need a Special Cell.
- **Expectation of police from CWC:** Should be composed of experienced and competent members, Children and their families and CSOS should not be made to wait at the CWC for long, should be quick in giving Orders and issue Orders even on phone, Facilitate proper rehabilitation and reintegration.

- **Expectation of police from ICPS:**
Provide counselling, Facilitate fast recovery of the victims, Immediate support to the minor victims, Focus on rehabilitation of the victim.
- **Expectations of police from Prosecution:**
Ensure victim witness protection during the trial, Ensure victim compensation, Appoint specialized persons as Spl. prosecutors, Brief the victims properly and provide pre-trial orientation.
- **Expectations of police from Shelter Facilities:**
Provide vocational training, skill development, counselling besides providing shelter, Follow Minimum Standards, Be present in every district.
- **Expectations of police from Victim's families:**
Help the victim be good witness, Provide moral and social support, Accept the victims & treat them with concern, Cooperate with the police, Cooperate through the trial.
- **Expectations of police from Hospitals:**
Speedy treatment and examination, Treat victims with respect, Follow CFT procedures.
- **Expectations of police from Courts:**
Fast trials, Speedy disposal, Victim friendliness.
- **Expectations of police from Service Providers:**
Should be present in every district e.g. Sangareddy district has none, should know their roles and responsibilities.
- **Expectation of police from Victims' Collectives:**
Should be present and active present in every district, Should provide voice to the voiceless.
- **Expectations of police from NGOs:**
Provide shelter, rehabilitation, reintegration and support in rescue and immediately post rescue.

The police were asked if they felt any difficulties because there is no one single law on trafficking in India that covers all types of destination crimes of trafficking.

Difficulties in AHT as there is special law for each type of trafficking?	Numbers	%
Yes	5	22.7
No	10	45.5
DK	1	4.5
NR	6	27.3
Total	22	100



Around half of them said they did not face any difficulty due to not having an omnibus law on trafficking. Only 22.7% said they do and mentioned the following difficulties.



Difficulties arising out of different specialized laws

- Different laws have different definitions of child
- Different nodal departments have different attitudes and sense of seriousness
- Coordination is difficult when we have a case involving offences under different laws



Paucity of Funds

Over half of the police feel that the implementation of the laws suffers because of paucity of funds.



What do they require funds for?

Over half of the police feel that the implementation of the laws suffers because of paucity of funds.

- Creating awareness and paying compensation
- Recruiting special personnel like AHTU to implement laws
- Training and capacity building of service providers
- Having more courts
- Paying compensation
- Creating more rehab centres
- Appointing Task Force



Can the local police handle AHT?

When asked if the local police is competent to handle the anti-trafficking responsibilities 77.3% showed confidence in the local police and only 18.2% felt the local police will not be able to do so.

7.2

PROSECUTOR (PR)



The **11 prosecutors** which were interviewed belonged to a variety of courts like:



Additional Sessions Court



Municipal Magistrate Court



Kadapa Court



**Namapally Criminal Court
(Metropolitan Sessions Court)**



District Court



Sr. Civil Judge Court



**First Class Judicial
Magistrate Court**



Vishakhapatnam Court

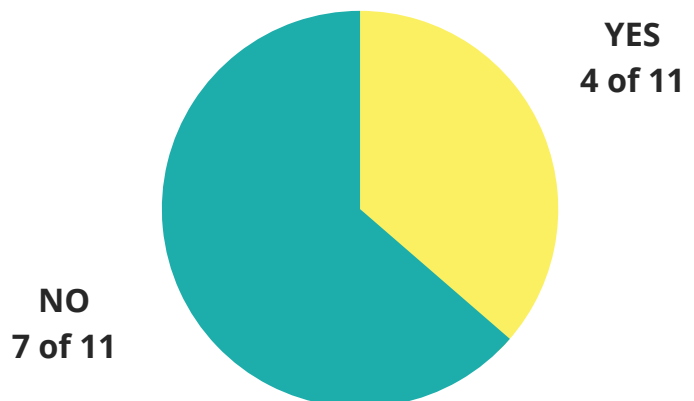
They belonged to the following districts namely Anantpur, Hyderabad, hammam, Kurnool, Prakasam, Sangareddy, Vikarabad, Visakhapatnam, Yadhagiri/Yedradi, YSR Kadapa.

In **8 of the 11** cases the prosecutor **respondents mentioned that there was no special trafficking court (STC) in their districts** while 3 prosecutors said they do have a STC.

They mentioned that **the trafficking cases are tried in the following courts in absence of a STC; Metropolitan Magistrate Court, First Class Judicial Magistrate Court, Municipal Magistrate Court.** Only 2 prosecutors noted that they were working in STC. 4 respondents observed that setting of STC had helped. 6 had no opinion to offer and 1 replied in the negative. They explained their response by stating that there were in camera trials and child friendly procedures were adopted, etc.

When asked as to how many cases of trafficking had they handled in the previous 5 years most quoted 2 to 8 cases in all. When specifically asked about the cases of sex trafficking they quoted between 3 to 18 each.

When asked **'Is there a POCSOA court in your district?'** 7 said 'no' and 4 said 'yes'.



When asked about the **time taken for the disposal of a case of human trafficking in their district they mentioned a period from 6 months to 3 years.**

Some questions were put to the prosecutors to understand their awareness of the trafficking law and the procedural laws. The prosecutors were asked if the accused of sex trafficking is a person below 18 years of age where is the trial held? A majority 72.7% answered it correctly mentioning the JJB.

TABLE PR-1 TRIAL OF ACCUSED BELOW 18 YEARS OF AGE ?

Where is the trial if the accused is below 18 years?	Numbers	%
Juvenile Justice Board	8	72.7
Court of Sessions	1	9.09
POCSO Act Court	1	9.09
NA. We haven't received any such case so far	1	9.09
Total	11	100

To the question **whether a victim of human trafficking can be represented by an independent lawyer 7 out of 11 prosecutors (63.6%) replied correctly stating that it can be done.** Only one prosecutor replied denying that.

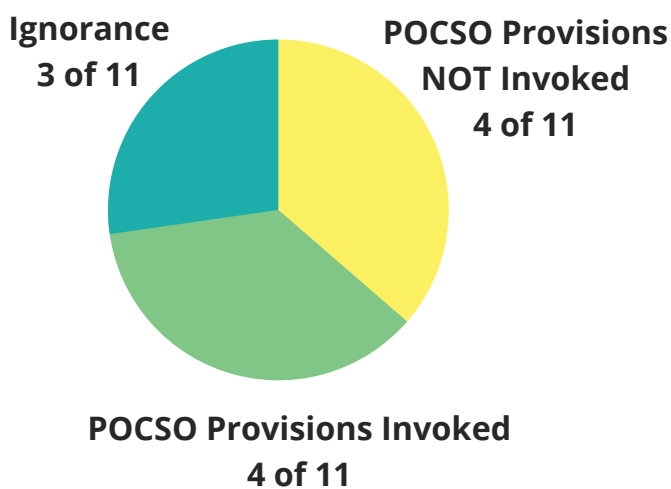
To the question 'Is there any system of **teleconferencing and for recording evidence and conducting cross examination in your court?**' Only 3 respondents (27.3%) said **their courts do have such facilities while 6 denied having them.**

To the question what arrangements exist in your court to separate the victim from the accused, **one respondent (9.1%) said that the victim is kept in the video conference room and the accused is examined in the special court. Four respondents mentioned they have separate rooms for the two. Only one respondent denied having any such arrangement.**

Over half of the prosecutors mentioned that they do provide an interpreter to a child victim of sex trafficking. Only one prosecutor denied having that facility. 6 out of 11 prosecutors also agreed that they provide a special educator to a child victim when required in the trial process.

Two said they had no case requiring such resources. Seven (**63.6%**) **prosecutors replied saying that they also provide a Support Person to a child victim of sex trafficking during the trial** only one prosecutor denied that. Nine (81.85%) agreed that they provide counsellor to a child victim of sex trafficking. This response is quite satisfactory and it may be because of the POCSO Act or because those cases are heard in the special POCSOA Court. Surprisingly, the incidence of **appointing a Support Person where children are involved is very less**. Only two agreed and 7 flatly denied it.

We tried to explore **if the prosecutors seek the services of DCPO/DCPU** from ICPS during the trial of child trafficking. While 5 prosecutors replied positively 5 replied in the negative.



Sex trafficking of children often involves sexual offences that fall under the POCSO Act. Do the POCSOA provisions get applied in the cases of child trafficking? Only 4 out of 11 prosecutors mentioned that they are, 4 stated they are not invoked and the rest expressed ignorance. When inquired which sections are invoked, only 3 prosecutors answered mentioning Sec 3,4,5 and 7 of POCSOA.

There was a fear expressed in some quarters of AHT field that with the advent of POCSOA the cases of child trafficking might get treated as mere cases of POCSOA. We tried to know if that was the observation of the prosecutors. **27.3% prosecutors stated that CT cases were being treated as mere POCSOA cases while 54% denied that.**

POCSOA adopts child friendly practices and formally introduces some victim witness protection measures. As child victims of sex trafficking are also victims of sexual offences that fall under POCSOA we wanted to know **if the defence lawyer can remain present while the statement of the child victim is being recorded. The correct answer is 'No'**. While 8 out of 11 prosecutors replied with a 'No', 3 prosecutors did say 'yes'.

TABLE PR-2 CAN A DEFENCE LAWYER REMAIN PRESENT WHILE THE STATEMENT OF THE CHILD VICTIM OF ST IS BEING RECORDED ?

Can Defence lawyer remain present?	Numbers	%
Yes	3	27.3
No	8	72.7
Total	11	100

The position of POCSOA on this matter is quite clear; regardless of what is stated in CrPC the defence lawyer cannot remain present when the statement of the child victim of sex offences is being recorded. However, 27.3% prosecutors stated that the defence lawyer can remain present.

BOOKING THE CUSTOMERS

Eight out of 11 prosecutor respondents mentioned that during the raids under ITPA, the police also arrest the customers while one replied negatively. One prosecutor observed that although the police arrest the customers they book them under some petty offences and not under ITPA. Only one prosecutor quoted Sec 370-A of IPC as the section used.

PROPERTY RECOVERY BY POLICE

While 8 (72.7%) prosecutors mentioned that the police do undertake property recovery during the search and rescue operations 6 described gold, cash and electronic items as the objects of such recovery by the police.

MEDICAL EXAMINATION OF CHILD VICTIMS AFTER RESCUE

72.7% prosecutors said that the police send the rescued children for medical examination while 18.2% said the police does not. When the same was inquired about rescued adult women 54.5% stated positively while 36.4% said the police does not send rescued adult women for medical.

Interestingly, only two prosecutors mentioned that the police conduct medical examination of the customers, while one considered it as not applicable.

Only 18.2% prosecutors stated that the age verification medical test is carried out for every child, while 45.5% stated negatively.

TABLE PR-3 MEASURES TO PROTECT THE VICTIMS AFTER RESCUE

Measures by police to protect victims after rescue
Produce before CWC and provide shelter, care and protection
Send them to shelter home and hide their details from media

The police seem to be a standard measure to protect the victims in post rescue scenario namely, send the victims to a shelter facility and hide its identity.

SIGHT & SOUND SEPARATION (SSS)

Other than sending the accused to the lock-up and victim to a shelter Home the police doesn't seem to take any other measure for ensuring sight and sound separation between the victims and the accused.

While ITPA provides for the sealing of brothels after search operation only 1 out of 11 prosecutors mentioned that they get order of sealing from the magistrate while 5 emphatically stated they do not.

Several state schemes provide immediate compensation to the victims of sexual offences. Do the prosecutors enable the victim to get their rightful compensation? When asked only 2 prosecutors mentioned they do and 4 stated they do not.

TABLE PR-4 DO THE PROSECUTORS COLLABORATE WITH THE OTHER DUTY BEARERS ?

Work in coordination with	CWC	DCPU	CSOs
Yes	8	6	6
No	3	4	4
NR		1	1
Total	11	11	11

8 out of 11 prosecutors (72.7%) mentioned that they work in collaboration with the CWCs, and 3 (27.3%) replied in the negative. They work knowing that the rescued child is a child in need of care and protection. A little more than half also work in collaboration with the DCPU and the CSOs.

CHANGES IN INCIDENCE

TABLE PR-5 CHANGES IN INCIDENCE OF TRAFFICKING CRIME ?

Change in 5 Years	ST	LT	CB	OT	CS	IA
Increased	5	1	6	1	2	1
Decreased	4	3	2	7	5	7
Unchanged	2	6	2	2	1	1
NR	0	1	1	1	3	2
Total	11	11	11	11	11	11

Increased incidence was reported only in sex trafficking and trafficking for child beggary. In all other types of trafficking crime the prosecutors reported decrease. A majority stated that the incidence has not changed in labour trafficking.

TABLE PR-6 CHANGES IN INCIDENCE OF 'ONLINE' CRIME ?

Change in online offence 5 years	ST	LT	CT	OT	CS	IA	MB
Increased	6	1	3	0	0	0	0
Decreased	3	6	4	0	0	0	0
Unchanged	0	0	0	0	6	6	6
NR	2	4	4		5	5	5
Total	11	11	11	11	11	11	11

For the sex trade they mentioned increasing use of internet, social media and mobile phones.

TABLE PR-7 CHANGES IN INCIDENCE OF DESTINATION CRIME ?

Change in Destination Crime 5 years	ST	LT	CT	OT	CS	IA	MB
Yes	5	0	0		0	1	3
No	4	4	3		3	3	3
DK	1	5	5		6	5	3
NR	1	2	3		2	2	2
Total	11	11	11	11	11	11	11

As regards the sex trade the prosecutors mentioned that the age of the girls found in the sex trade was lowering fast. The criminals were using modern technology such as mobile phones and internet. Often the family members and relatives were found involved in the trafficking and exploitation of these girls.

Earlier, mostly poor family women were found as victims in on the surrogacy rackets. Has that changed? No prosecutors felt that it has changed. 4 out of 11 said it has not changed. Similar observation was recorded by the prosecutors about the profile of victims in mail bride arena with 6 out of 11 denying it , no one confirming any change and rest stating ignorance.

CHANGES IN INCIDENCE

Has the profile of offenders in different trafficking fields and destination crimes changed? As regards sex trade 7 out of 11 **(72.7%) stated that the profile of sex offenders has changed** and only 3 denied it. On the front of bonded labour only two prosecutors out of 11 observed any change while 6 denied to have observed any change. Similarly, 5 out of 11 mentioned that there was no change in the profile of offenders in the field of illegal child labour.

In the field of illegal adoption as well as mail bride only one prosecutor observed change in the profile of offenders while 4 denied it categorically and most others expressed lack of knowledge about it. In the field of commercial surrogacy only one prosecutor observed any change and 3 denied to have noticed any change while the rest 7 showed ignorance about the situation.

TABLE PR-8 CHANGES IN **PROFILE OF CUSTOMERS ?**

Change Profile of Customers	ST	LT	CL	CS	IA	MB
Yes	4	1	3	0	3	0
No	4	6	6	6	6	5
DK	2	2	1	4	1	5
NR	1	2	1	1	1	1
Total	11	11	11	11	11	11

As per the prosecutors **there has not been any change in the profile of the customers except in the sex trade.**

CHANGES IN MODUS OPERANDI

TABLE PR-9 CHANGES IN **'MODUS OPERANDI' OF OFFENDERS ?**

Change in MO	Transport	Knowledge of Parents	Gender of Trafficker	Preferred Routes	Use of Technology
Yes	6	3	9	1	7
No	3	6	1	7	1
DK	1	1	1	1	1
NR	1	1	0	2	1
Total	11	11	11	11	11

The other observations included the following:

- Increasing use of private vehicle as against use of public buses
- Increasing number of women as traffickers
- Emergence of Vijayawada to Kolkata as one of the emerging preferred routes. This may be indicating trafficking from Bangladesh via West Bengal
- Sorting of girls on the basis of age, looks, skin colour and health

In matters of transport, gender of traffickers and use of technology change has been noted.

PROSECUTION

TABLE PR-10 CHANGES IN INCIDENCE OF PROSECUTION ?

Incidence of Prosecution	ST	LT	CL	IA	CS	MB
Increased	2	1	1	1	0	0
Decreased	6	7	6	6	6	6
Unchanged	2	1	2	1	3	3
NR	2	2	2	3	2	2
Total	11	11	11	11	11	11

Consistently across all types of trafficking a **decrease in prosecution has been observed.**

CONVICTIONS

TABLE PR-11 CHANGES IN INCIDENCE OF CONVICTIONS ?

Incidence of Conviction	ST	LT	CL	IA	CS	MB
Increased	2	0	0	1	0	0
Decreased	2	2	2	2	2	2
Unchanged	2	6	6	5	6	6
NR	5	3	3	3	3	3
Total	11	11	11	11	11	11

Increase in **conviction is recorded in sex trade while in all other types the conviction has remained largely unchanged and modest decrease is also recorded.**

The prosecutors quoted the following most common reasons for the discharge of the accused in trafficking cases:

- Defective investigation by the police
- Lack of witness protection
- Non-cooperation from the victims

ACQUITTALS

TABLE PR-12 CHANGES IN INCIDENCE OF ACQUITTALS ?

Incidence of Acquittals	Numbers	%
Increased	3	27.3
Decreased	2	18.2
Unchanged	1	9.1
DK/NR	5	45.5
Total	11	100

27.3% prosecutors mentioned increase in acquittals while 18.2% observed decrease and almost half (45.5%) expressing lack of knowledge about it.

They attributed acquittals to:

- Defective investigation by the police
- Lack of witness protection
- Victims do not cooperate settle the matter on their own
- Poor quality evidence
- Long drawn trials

GOOD PRACTICES

No respondent said that he had come across any good practices in the post rescue phase

KNOWLEDGE OF PROVISIONS IN THE RELEVANT LAWS

TABLE PR-13 ARE PROSTITUTED WOMEN PUNISHABLE UNDER LAW ?

Are Prostituted Women Punishable Under Law?	Numbers	%
Yes	1	9.1
No	8	72.7
NA/NR	2	18.2
Total	11	100

72.7 % prosecutors held that a prostituted woman is not to be punished under the law. However, 1 respondent did say that she is to be punished.

TABLE PR-14 UNDER ITP ACT ONLY CHILDREN TO BE RESCUED NOT ADULTS ?

Only Children, Adults Not To Be Rescued?	Numbers	%
Yes	1	9.1
No	9	81.9
NR	1	9.1
Total	11	100

Although a **majority of prosecutors (9 out of 11) were aware that under ITP Act children as well as adults are to be rescued**, still 1 respondent held that only children are to be rescued and not adults. Surprisingly, **54.5% prosecutors stated that transgender victims are not to be rescued** under ITPA and 3 expressed that they were not sure about it. Only 2 said that the transgender victims were to be rescued.

When asked who are to be punished under ITP Act 7 out of 11 stated that **pimps, brothel keepers, brothel owners and customers are to be punished under the ITPA.**

A substantial proportion of the prosecutors (**63.6%**) **held that under the law customers are not to be arrested.** Only 1 said they are to be. 63.6% respondents also held that it is not correct that child friendly treatment is to be given to children below 12 years of age only.

Almost all prosecutors disagreed with the statement that brothel keepers are not to be booked and are not guilty as they offer a place for running of the brothel.

VICTIM WITNESS PROTECTION (VWP)

VWP- Taken care of:

- Minimum needs of rescued persons
- Shelter, counselling, nutrition
- Orientation to the victim before they appear for giving statement
- Legal assistance
- SIR/HIR

VWP Ignored:

- Collecting evidence
- Getting compensation
- Witness counselling
- Close follow up of the trial and informing the victim about the next hearing
- Collection of documentary evidence

When asked what the appropriate age for is **offering CFT 8 out of 11 stated it is 18 years**. The same number also felt that CFT can be offered in cases of trafficking.

9 out of 11 were aware of the availability of victim compensation schemes, only one respondent was not aware. However, they were divided on whether compensation can be given to victims of any types of trafficking offences.

CHANGES IN LAW

The prosecutors were almost **equally divided over whether a change in the anti-trafficking law was required** with 4 out of 11 saying 'No' and 5 saying 'Yes'.

TABLE PR-15 EXISTING LAWS REQUIRE CHANGES ?

Changes Required in Law ?	ST	LT	OT	IA	MB
Yes	8	6	4	3	3
No	1	1	4	4	5
Others	2	4	3	4	3
Total	11	11	11	11	11

Some respondents suggested changes in the laws on sex trafficking and labour trafficking.

Prosecutors were asked if **any police officer on or above Inspector of Police level can conduct search and rescue under ITPA. A majority of them answered 'Yes'**. This is partly correct as only those officers on or above the rank of Inspector of Police who are specifically designated as Special Police Officers can conduct search and rescue under the ITP Act.

They were asked to react to the statement **'Prostitution is legal and not an offence under the Indian laws'**. Only 2 prosecutors agreed with that while **8 correctly rejected that position**.

They were also **asked if 'trafficking meant prostitution' only 2 agreed and 8 rejected that position**. Similar reaction was given by them when asked if trafficking meant labour exploitation.

TRAINING

Only one out of 11 prosecutors had undergone formal training on human trafficking.



CHALLENGES FACED



Challenges faced in AHT work: Victim Co-operation

- AHTUs are insufficient, previously they were appointed, now they are in regular duties.
- Victims do not cooperate.
- Victim's identities are false.
- Victim and accused settle between them and withdraw from the case.
- Parents settle with the accused directly.



Challenges faced in AHT work: Police Co-operation

- Defective investigation.
- Police cannot handle the victims well.
- Victims do not cooperate.
- Victim's identities are false.
- Victim and accused settle between them and withdraw from the case.



Challenges faced in AHT work: Co-operation in Medical

- Poor quality examination.
- CFT lacking.
- Delay in receiving report of medical examination.



Challenges faced in AHT work: Handling the Case

- Victims require briefing.
- Witness protection is poor.
- Victims do not testify.
- Victims' families do not cooperate.



EXPECTATIONS FROM DIFFERENT STAKE HOLDERS



Expectations from Police

- Appropriate trainings, refresher courses monitoring/appraisal.
- Continuous training.
- Registration of missing girls cases and strong investigation.
- Training in child friendliness.
- Special Cell.



Expectations from CWCs

- As soon as a child victim of sex trafficking is produced before the CWC it should send the child for medical exam and then issue orders to book various sections of POCSOA, IPC and ITPA.
- Offer shelter and other services.
- Offer care and protection.



Expectations from ICPS/DCPU

- Conduct HIR.
- Provide rehabilitation services.
- Provide protection and compensation.
- Provide support services.



Expectations from Hospitals

- Conduct speedy and urgent Medical.
- Detect STI if any.
- Initiate medical treatment.
- Submit clear and comprehensive report.
- Follow child friendly procedures.

Expectations from Prosecutors

- Ensure CFT.
- Brief the victims.
- Try for speedy disposal.
- Orient the victim before the trial.
- Facilitate compensation.

Expectations from Courts

- Ensure CFT.
- Brief the victims.
- Speedy disposal of cases.
- Issue orders for victim compensation.

Expectations from Shelter

- Ensure care and protection.
- Be present in every district.
- Follow Minimum Standards.

Expectations from Service Providers

- Need for trainings to the services providers and quarterly review meetings.
- Proper guidance to the victims and proper protection.

Expectations from Family of Victim

- Ensure care and protection.
- Be present in every district.
- Follow Minimum Standards.

Expectations from Victim Collectives

- A few prosecutors had any suggestions as regard the victim collectives. Two of them suggested that victim collectives should be formed and strengthened.

Prosecutors were asked if they faced any difficulties in carrying out their anti-trafficking work because there is no single law covering all types of trafficking offences 8 out of 11 respondents denied that and only 2 prosecutors stated positively. When asked - Have you faced any difficulty in carrying out your anti trafficking work because in India for each type of trafficking there is a special law like ITPA, Child Labour Law, HOTA, Prevention of Begging Act etc? Not a single prosecutor replied positively. 8 out of 11 (72.7%) replied that there were no difficulties because there were special laws for each type of trafficking.

TABLE PR-16 DIFFICULTIES DUE TO SPECIAL LAWS OF TRAFFICKING ?

Difficulties Due To Special Laws	Numbers	%
No	8	72.7
DK	2	18.2
NR	1	9.1
Total	11	100

When asked ‘Do you think the existing special laws can be made more effective with a few amendments?’, they responded as follows:

TABLE PR-17 SPECIAL LAWS NEED A FEW AMENDMENTS ?

Special Laws Plus Amendment	Prosecutors	%
Yes	5	45.5
No	4	36.4
NA	2	18.2
Total	11	100

More than half prosecutors feel that the existing special laws can be effective in combating HT if they are moderately and suitably amended.

The prosecutors felt that AHT is suffering because of paucity of resources for investigation, protection, victim witness protection, providing police escorts to the victims, compensation, rehabilitation measures, upgradation of shelter-based services, support to CSOs and service providers. There are so many fronts which need a strong dose of funds. They also felt that awareness in rural areas is necessary, victim should get transport services to attend the trial, victim witness protection services require infrastructure upgradation. 9 out of 11 prosecutors felt that the **local police are competent to handle human trafficking crime.**



SUGGESTIONS FOR BETTER PROSECUTION:



Suggestions of Prosecutors for better AHT

- Arranging referencing facility
- Speedy disposal
- Setting up Special courts in every district
- Appointing Special prosecutors for dealing child trafficking cases
- There should be SSS between the victim and the accused.

They observed that at that moment there was no Special court in the state of Telangana. Out of the two models offered for SOR 7 out of 11 prosecutors preferred the second one while only 1 selected the first model. (Read the 2 models in the APPENDIX section).

7.3

CHILD WELFARE COMMITTEE (P)



The following 11 CWCs were interviewed against a largely pre-coded Interview Schedule for the Study. They belonged to:



Anantpur



Prakasam



Vishakhapatnam



Hyderabad



Ranga Reddy



Waranga



Khammam



Sanga Reddy



YSR Kadapa



Nalgonda



Vijayawada

At the time of the study **out of the 11 CWCs that were studied 7 (63.6%) had the full strength of 5 members while 3 (27.3%) had 4 members and 1 had only two members each.** This could raise a question of the very validity of the latter 4 bodies.

TABLE CWC-1 NUMBER OF **WOMEN MEMBERS** IN CWCs

No. of Women Members	No. of CWCs	%
0	1	9.1
1	5	45.5
2	3	27.3
4	2	18.2
Total	11	100

One CWC had no woman member at all while 5 CWCs had just one-woman member and 3 CWCs had only 2 women members. Considering the fact that that many rescued child victims of sex trade produced before the CWC are girls the situation causes concern.

TABLE CWC-2 KNOWLEDGE OF TOTAL NUMBER OF CWCs IN THE STATE

No. of CWCs in State	Numbers	%
10	5	45.5
12	3	27.3
13	1	9.1
31	1	9.1
NR	1	9.1
Total	11	100

The **CWCs were not sure of the total number of CWCs in their own state. The number quoted varied from 10 to 31.** All the interviewed CWCs admitted that in their jurisdiction the child victims of trafficking are produced before the CWC. This was a **relieving point to note.**

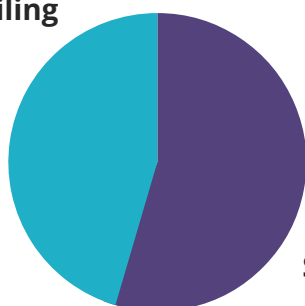
Further, 9 out of 11 CWCS (81.9%) mentioned that the children are produced before them mostly by the police, 7 mentioned the CHILDLINE, 6 accredited the NGOS with that task while 5 mentioned the DCPO.

NUMBER OF CHILD VICTIMS OF TRAFFICKING PRODUCED BEFORE THE CWCS IN THE PAST 10 YEARS

The total number of child victims of trafficking produced before the CWCS in the previous 10 years' time varied greatly from 20 to 140. While 4 respondents did not answer that question, one pointed out that such data was not available. When asked about the previous 5 years, the number ranged from 2 to 312. This may indicate that there is large variation among the CWCs in terms of the incidence of traffic victim children produced before it. Some districts may have a higher incidence of child trafficking and/or action against it.

WHO FAILS TO PRODUCE THE CHILD BEFORE THE CWC ?

**System is Failing
5 of 11**



**System is Not Failing
5 of 11**

The CWCs were almost equally divided on the question whether the system was failing to produce the traffic victims before the CWCS with 6 denying that and 5 agreeing with it.

Among the children produced before the CWCs a variety of trafficking cases were reported such as child labour, adoption, sex trade, child marriage

When asked as to what kind of Orders are usually passed by the CWCs in the cases of child trafficking 36.4 % had no response to give while the others mentioned a variety of Orders such as:

- Order to police to file a case under ITPA
- Order for placement of child in shelter facility
- Order to the Probation Officer for Home Investigation Report/ SIR
- Order to WCD for release of compensation
- Order to provide care and protection
- Orders for counselling, education & vocational trainings
- Order to conduct HIR/SIR for restoration
- Orders for shelter, medical support, MTP, home placement, joining school
- Orders for rehabilitation and reintegration
- Trauma care, counselling services
- Orders for psychiatric treatment, Vocational Training, Continuation of education, Counselling with parents (<18 years)

TABLE CWC-3 ARE CHILDREN FOUND IN THE LABOUR SECTOR CASES OF CHILD TRAFFICKING ?

Is it Child Trafficking?	No. of CWCs	%
No	2	18.20%
Yes	9	81.80%
Total	100	100

Almost 82% CWCs stated that children found in child labour are cases of child trafficking while 18% denied that.

Most CWCs mentioned a variety of services offered by the state to the child victims of trafficking namely care and protection, counselling, education, vocation training, rescue, rehabilitation, re-integration, prosecution, one stop crisis centres, helpline, shelter services, staff home, Ujjwala home, Swadhar Gruh etc. The same range was also mentioned when inquired about the services offered by the civil society sector. They both seem to be well aware of the services offered by the State and civil society sector organizations.

CHANGE IN INCIDENCE

Almost **82% of CWCs reported that the offence of sex trafficking in their jurisdiction had increased** while 18% did not respond to that question.

When asked specifically about the incidence of 'reporting' of the offence of sex trafficking **63.6% stated that the incidence of the reporting of sex trafficking offence has increased** while 27% felt that it had remained unchanged. No one mentioned that it had decreased.

The CWCs stated the same about the incidence of the offence of labour trafficking as well as about the reporting of labour trafficking with **63.6% stating that the reporting had increased**.

TABLE CWC-4 NOTICED ANY INCIDENCE OF HT FOR ORGAN TRADE
IN LAST 5 YEARS

HT for OT?	Numbers	%
DK	1	9.1
No	7	63.6
NR	1	9.1
Yes	2	18.2
Total	11	100

When asked if they had noticed trafficking for organ trade 63.6% stated negatively, 9.1% expressed ignorance about it and 18.2% replied positively.



INCIDENCE OF HT FOR ORGAN TRADE

More than half CWCS replied negatively. Only 2 out of 11 CWCS replied positively organ trade.



HT FOR COMMERCIAL SURROGACY

6 out of 11 CWCs reported not to have noticed any case of human trafficking for the purposes of commercial surrogacy in the last 5 years while 4 (36.4%) replied positively.



GROWTH IN THE INCIDENCE OF ONLINE COMMERCIAL SURROGACY

8 (72.7%) CWCs reported no growth in Commercial Surrogacy while only 2 out of 11 CWCs said there was growth.



GROWTH IN THE OFFENCE OF MAIL BRIDE TRAFFICKING

63.3% CWCs reported no growth in mail bride trafficking while 2 out of 11 noted growth.

- Growth in metropolitan areas has boosted the demand for commercial sex. These days traffickers pay money to the parents and take away their children in the name of giving them jobs in the cities.
- Earlier Mumbai now Chennai, Kerala, Goa, Bangalore are creating great demand for bonded labour. There are contractors in the villages who supply cheap labour.
- Domestic work is emerging as a major destination for child labour. Along with that construction and poultry farms, bricks manufacturing too is growing as destinations of child labour.
- Procedures in legal adoption, etc. all boost illegal adoption.
- Only 1 CWC out of 11 mentioned that commercial surrogacy is growing secretly while most CWCs reported lack of knowledge about it. One CWC also mentioned that such cases do not come to the CWCs.

One CWC mentioned that Mail Bride trafficking is happening but is not reported. There are agencies operating as marriage bureaus which indulge in it. Another 2 mentioned that girls were getting trafficked to the Gulf countries as brides from Hyderabad. Four CWCs flatly denied that and 3 did not answer that question.

CHANGE IN PROFILE OF VICTIMS

63.6% of CWCs report changes in the profile of the victims while 27.3% deny that.

CHANGE IN PROFILE OF VICTIMS OF SURROGACY

63.6% of CWCs mentioned that the profile of the victims of surrogacy has not changed. Only 1 out of 11 CWCS said that it has changed. Going by the newspaper reports the women used in commercial surrogacy in the past exclusively belonged to the lower class and uneducated stratum. It appears to have remained unchanged.

CHANGE IN PROFILE OF OFFENDER

While 54.6 % CWCs reported change in the profile of the offenders of HT only 1 out of 11 stated the opposite and the others were unsure or gave no response. 7 of 11 CWCs reported change in the profile of the offender of the sex trade and 3 out of 11 stated negatively.

As regards the profile of offenders in all other types of trafficking the CWCs were clearly divided but were not able to substantiate their observation. The CWCs were almost equally divided over the change in the profile of offender of bonded labour with one CWC unsure about its position. 63.3% of CWCs mentioned change in the profile of the offender of child labour while only 2 out of 11 CWCs denied any change. 54.6% of CWCs reported change in the profile of the offender of Illegal Adoption.

CHANGE IN PROFILE OF CUSTOMER

63.6% of CWCs mentioned that the profile of the victims of surrogacy has not changed. Only 1 out of 11 CWCS said that it has changed. Going by the newspaper reports the women used in commercial surrogacy in the past exclusively belonged to the lower class and uneducated stratum. It appears to have remained unchanged.



CUSTOMERS IN THE SEX TRADE

Almost half of the CWCs reported change in the profile of the customers of sex trade and only 3 of 11 denied it.



CUSTOMERS IN BONDED LABOUR

45.5% CWCs mentioned no change in profile of customer of bonded labour while 4 out of 11 (36.4%) stated that the profile has changed.

AWARENESS IN COMMUNITY FAMILY

When asked whether the communities/villagers know that their children and women go missing and what happens to them subsequently the CWCs reacted as follows:



Over half of the CWCs felt the villagers were not aware of trafficking but 36.4% stated the villagers knew the fact of trafficking of their children.

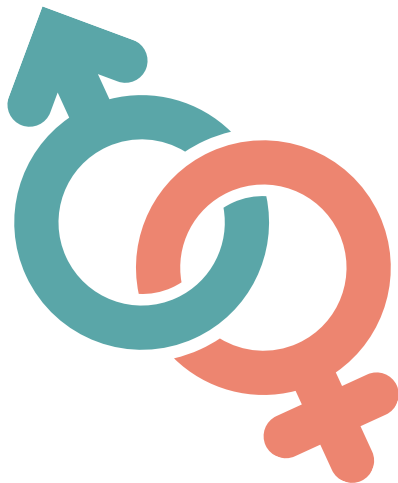


When further asked if the parents are involved in the trafficking of their children or are negligent causing their trafficking 81.8% CWCs agreed with that while only 18.2% CWCs disagreed. The CWCs happened to meet the parents as well and hence their observation is crucial.



The CWCs were further asked as to what precautions do they take while restoring the child to their parents to ensure the safety of the child the CWCs mentioned the following:

- Ensure rehabilitation
- Ensure reintegration
- Giving Orders for further proceedings in the best interest of the child
- Discrete Home Investigation Report (HIR/SIR)
- Counsel the family on how to treat the victim
- Close follow-up at least for one year by the police
- Enrol in formal school,
- Follow up, periodically if case is registered in the police station,
- Continue giving support; and
- Recommend the DCPO for the follow up of the child



CHANGE IN GENDER OF TRAFFICKER

CWCs observe a change in the gender of trafficker with the emergence of women in sex traffickers and rise in their number.

CHANGE IN GENDER OF TRAFFICKED CHILDREN

The CWCs observed that there are more boys in labour trafficking and more girls in sex trafficking.

CHANGE IN MODUS OPERANDI (MO)

Most CWCs report change in the Modus Operandi among the child traffickers. Previously the trafficker used to use only trains, now a days they use cars, buses and private vehicles. Traffickers pay the parents and get their permission to take their children away. Use of social media and internet and mobile phone is on the rise. Traffickers don't accompany the victims all along lest they should get nabbed by the vigilant forces. They monitor their movement through mobile phones.



NOTICED ANY INTER COUNTRY TRAFFICKING?

5 out of 11 CWCs (45.5%) reported inter country child trafficking while 3 (27.3%) replied negatively. For India, a major supplier of traffic victims for sex and labour exploitation has been Bangladesh.



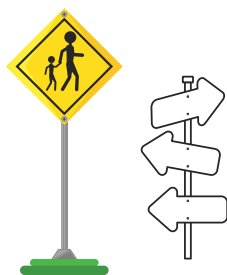
CHANGE IN MO: MODE OF TRANSPORT

A huge majority of the (81.9%) CWCs felt that the traffickers have changed their mode of transport in the past 5 years from public to private.



CHANGE IN MO: GENDER OF TRAFFICKER

10 out of 11 (i.e. 90.9%) CWCs mentioned that there is a definite change in the gender of the traffickers with more women engaged as traffickers.



CHANGES IN MO: ROUTES PREFERRED

6 out of 11 CWCs reported that the traffickers change their routes while 3 denied it and 2 expressed lack of knowledge about it.



CHANGE IN MO; USE OF TECHNOLOGY BY TRAFFICKERS

All CWCs reported that there was a definite change of technology used by the traffickers. They mentioned increased use of mobile phones and social media.

CHANGE IN THE LAW

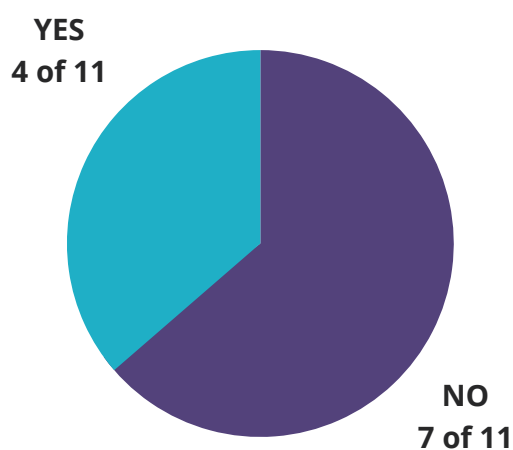
9 out of 11 CWCs said that the union laws on trafficking related crimes had changed. They mentioned amendments in JJ Act, IPC, Child labour law, the presentation of ITPA Amendment Bill and promulgation of POCSOA as the examples. A few CWCs (6 out of 9) also mentioned that the State laws related with trafficking offences too had changed. However, they could not mention what those State laws were and referred to the state policies like the policy on compensation and child protection policy etc. They also mentioned the programmes like Muskaan, Swawalamban, as the change.

CHANGES IN THE STATE SCHEMES IN THE PAST 5 YEARS

When asked if there were any changes in the State schemes related with trafficking in the past 5 years 7 CWCs replied positively and 4 negatively. The former mentioned Aarogya Laxmi, Kalyan Laxmi, Shaadi Mubaraq, provision of rice for Gurukulas and Aanganwadis, etc. as the new schemes.

The question whether there were any important rulings by the courts in the past 5 years was not answered correctly by any CWC.

PATH BREAKING INITIATIVES



The CWCs were asked if there **were any path-breaking initiatives on the anti-trafficking front**, 7 of 11 (i.e. 63.6) responded in the negative and 4 said 'yes'.

Government and CSOs are very active especially after the Nirbhaya incident, APSRTS (road transport services) and Railway have escalated vigilance at railway stations and bus depots. There is Swaraksha programme and increased general awareness generation.

ANY SUCCESS STORY IN AHT ?

There are a few stories of successful rehabilitation especially of the girls in the Thaandas. When asked if there were major failures on the AHT fronts 6 out of 11 denied and 4 stated yes. They elaborated that the laws and the protocols are not followed, the staff is insufficient, concerned departments do not report child trafficking cases to CWCs as the failures.

When asked if there were any schemes that were non-starters only 1 CWC replied positively. They lamented that G.O.-28 and GO-1 are never implemented. (GO-28 is Government Order on the release of immediate victim relief of Rs. 20,000/- and GO-1 is the Govt. Order on providing education, ration and health card and such other rehabilitation support to the victim).

AWARENESS OF SERVICES PROVIDED

CSOs Services – Prevention
CSOs conduct awareness programmes at the grass roots level
CSOs promote VLCPC to protect child rights
CSOs disseminate IEC material to facilitate prevention of trafficking

CSOs Services – Vigilance
CSOs conduct awareness, sensitization programmes and disseminate IEC material for better vigilance at the community levels
CSOs facilitate the formation of village level vigilance committees

Most CWCs replied that the CSOS offer good services in rescue if they are involved by the authorities in the rescue operations. The CSOs with the support of government conduct special drives for the rescue of the trafficked children.

Government and Non-Government, together, rescue the children under operations "Muskan" & "Smile". CSOs collaborate with CHILDLINE-1098, local volunteers and philanthropists to have more rescue.

SERVICES OFFERED BY CSOs PSYCHOSOCIAL COUNSELLING

Most CWCs (8 out of 11) admitted that the CSOs provide shelter and counselling services to the victims of trafficking.

Legal Services And Assistance Provided By The CSOs

In Telangana state Newly formed Bharosa & Sakhi centers are for assisting the trafficked victims

Less opportunities but NGOs are providing when they are accessible

Provide legal counselling with support DLSA Anantapur

Only 1 CWC felt that they do not give legal counseling and assistance services

Services Given By CSO – PRO

Grass root level counselling

Shelter (nutrition), Health, etc.

Vocational training

Rehabilitation

Reintegration

Education



SERVICES OFFERED BY CSO: REPATRIATION

Most CWCs reported that the CSOs do not give any crucial service in the repatriation domain except attending it under the Order of CWC.



SERVICES OFFERED BY CSO: REHABILITATION

CSOs run Swadhar Homes, Ujjwala Homes, Baala Sadanams (shelters) for rehabilitation and vocational training.

CHANGE IN PROSECUTION

The CWCs don't seem to have noticed any change in the incidence of prosecution. With sex trafficking only 3 out of 11 reported some change, 2 reported change in labour trafficking prosecution 4 in child labour, and 2 in illegal adoption and nil in commercial surrogacy as well as mail bride trafficking.

CHANGE IN CONVICTIONS

3 CWCs out of 11 reported that the convictions in Sex Trafficking cases has increased while 2 stated it had decreased and 6 said it is unchanged. The same was the reporting on Child Labour. Only 1 CWC of 11 reported increase in conviction of Bonded Labour trafficking while 4 reported it has decreased and 6 stated it has remained unchanged. 2 CWCs reported increase in conviction in Illegal Adoption and no increase in conviction was reported in Commercial Surrogacy.

REASONS FOR DISCHARGE

The following 3 reasons were quoted as the main reasons for discharge of the accused.

- Victims disappear and do not come to the court because of social stigma
- Delays in the release compensation to victims
- Work out a compromise demoralized by the inordinate delays in the court procedures

CHANGE IN THE INCIDENCE OF ACQUITTALS

63.6% of CWCs mentioned that they had noticed change in the rate of acquittals. 5 out of 11 CWCs reported increase in acquittals and only 1 reported decrease.

DETAILS ON ACQUITTALS

The CWCs gave following factors responsible for acquittals:

- Inappropriate investigation
- Defective charge sheets
- Once released on bail traffickers manage the parents of the victim and ensure they do not cooperate with the prosecution
- Delays in the trial
- Absence of victim protection

SOCIAL REINTEGRATION OF TRAFFIC VICTIMS

When asked if the victims get socially reintegrated the CWCs were found divided (45.5% saying 'yes' as against 54.5% saying 'no'). They elaborated the response as follows:

- Restoration to families have been made. with counselling to the parents
- There are a number of cases socially reintegrated
- Only a few get socially reintegrated but most find their reintegration in the shelter homes
- We provide counselling and moral support



Has the Circle of stakeholders increased? 8 out of 11 CWCs mentioned that it has increased.

WHAT DOES VWP COVER AND WHAT DOES IT IGNORE ?

What is taken care of by the stakeholders?

- Care, protection counselling
- Orientation appearing as witness
- Mock trials
- Liaison with prosecution and police
- Provision of shelter
- Confidentiality/identity protection

What is ignored by the stakeholders?

- Not letting expose the identity of the victim to the media
- Follow up of victims' status is generally ignored
- Strengthening parents in all levels like villages, mandals, etc.
- Strengthening police protection

CUT OFF AGE FOR CHILD FRIENDLY TREATMENT (CFT)

The CWCs were asked if the provisions of child friendliness given in POCSOA can be used in the cases of child trafficking surprisingly and unfortunately 10 out of 11 said it is not applicable.

When asked to point out the gaps in the anti-trafficking intervention by the state and non-state agencies the CWCs could not quote any. One CWC lamented about the different definitions of 'child' in different laws. One CWC each pointed out shortage of manpower by the state, incomplete awareness about the law and lack of convergence.

INTERFACE BETWEEN ITPA AND POCSOA

When asked to point out the gaps in the anti-trafficking intervention by the state and non-state agencies the CWCs could not quote any. One CWC lamented about the different definitions of 'child' in different laws. One CWC each pointed out shortage of manpower by the state, incomplete awareness about the law and lack of convergence.

- POCSOA covers abuse of single persons while trafficking covers abuse of more than one person
- Both can apply to sexual abuse of girls
- Where both apply there the one with higher punishment is to be used.
- ITPA covers persons of all ages while POCSOA covers only persons below 18 years
- ITPA deals with sex trafficking while POCSOA is about sexual offences only

VICTIM COMPENSATION

Question was asked to know their awareness about the scheme of victim compensation. 10 out of 11 CWCs were aware of the scheme and one did not respond.

When asked if the victims of sex trafficking are entitled to get the compensation 100% of them said that they were entitled. Every CWC was aware that the victims of sex trafficking are entitled to get the compensation under a state scheme. They were not so unanimous on whether the other types of trafficking victims are also entitled to compensation.

The CWCs could not provide any rough figure of the amount of criminal injuries compensation paid in the previous 3 years.

NEED FOR CHANGE IN THE LAWS

The need for change in the law on sex trade is felt by maximum number (10) of CWCs followed by (8) the demand for change in law of labour trafficking and adoption (6).

The CWCs were asked if they thought that the demands for law change was coming from within their state but the demands were mutually opposite. Only 1 CWC replied in positive. 3 CWCs denied that, 4 said they were unaware of it and 3 did not respond to the question.



CHALLENGES FACED IN HANDLING HT CASES

- No staff to coordinate with Special Courts
- No convergence with Police, JJB, CCIs, Task Force, DWO, District administration, ICPS/ DCPO Service providers
- Non availability of resource directories
- No AHTUS in many districts; in absence of proper rehab rescued victims get re-trafficked
- Services for boys are less
- Accused and victim make private settlement and turn hostile, Police handle the case directly without producing the child before us
- Police protection not available for escorting and other purposes
- Victims do not share their factual details



EXPECTATIONS OF THE CWC

- **Expectations from Police:**
Book under ITPA, Invoke POCSOA wherever possible, Have a special squad for AHT, Undergo training on special laws and protocols.
- **Expectations from ICPS:**
Establish Child Trafficking system at village level, Facilitate compensation, Prepare a complete rehabilitation plan for the child victim.
- **Expectations from Prosecutors:**
Ensure child friendliness in procedures, Orient the victim and its support system on court procedures, Better coordination with other line departments.
- **Expectations from Shelter Facilities:**
Follow Minimum Standards, Create child friendliness, Better quality & range of services including vocational training.
- **Expectations from AHT-CSOs:**
Create awareness, Provide counselling, Provide shelter-based services including education, health services etc., Provide vocational training, Serve as Support Person, Conduct effective SIRs, Facilitate rehabilitation and reintegration.
- **Expectation from CWCs:**
Thoroughly understand various legal provisions, facilitate child friendliness approach, Mobilize line departments and CSOs for better resource mobilization for the victim.
- **Expectations from Hospitals:**
Adopt confidentiality and child friendliness in its functioning, Follow the protocols strictly, Orient the support systems of victim for better results.
- **Expectations from Courts:**
Better monitoring of special courts, PPs and overall cases, Speedy time bound trials, Better victim witness protection.
- **Expectations from Service Providers:**
Better coordination with state and non-state agencies, Better services, Good knowledge of the availability of services & resources, Provide Support Persons in each case.
- **Expectations from Victims' families:**
Help minimize the stigma, Better understanding of the situation of the victims, Moral support to the victim, Function as witnesses, Accept the victim.
- **Expectations from Victims' families:**
Help minimize the stigma, Better understanding of the situation of the victims, Moral support to the victim, Function as witnesses, Accept the victim.



SUGGESTIONS TO/FOR



Curbing Trafficking Of Children Out Of AP/T

- Special department to curb interstate trafficking of children
- Greater involvement of CSOs
- Monitoring the visits of outsiders to the villages
- Upscaling community vigilance



Protecting Children From Being Trafficked Within The State

- Community vigilance should be up-scaled
- Create higher public awareness
- Proper implementation of the ITPA



Better Rehabilitation

- **Better Rehabilitation:** International coordination, CSOs should be involved in greater degree, Enhance community participation
- **Restoration:** Upgrade Home Investigation, Support vocational training financially, Better convergence with local agencies
- **Repatriation:** International cooperation, Speedy repatriation
- **Advocacy Programme:** International cooperation, Speedy repatriation

When asked if the Special Courts take their assistance 63.6% CWCs responded saying yes and 27.3% said they don't.

For a better child protection of an actual or potential traffic victim child the CWCs need a resource directory and a contact list of local service providers. When asked if that was available 81.8% stated positively.



Collaborate With DCPO:

Special department to curb interstate trafficking of children.



Whether POCSOA Court Seeks Assistance Of CWC:

7 out of 11 CWCs reported that the POCSOA Court seeks the assistance of the CWC. This is a positive thing.



Appointment of Support Person in POCSOA offences:

7 (63.7%) CWCs state that under the POCSOA a Support Person is actually required to be appointed but is not appointed in their jurisdiction. Only 3 out of 11 CWCs stated that a Support Person is appointed.



Applying provisions of POCSOA to HT cases:

Sex trafficking involves sex offences and Labour trafficking is not free from them.

When the CWCs were asked if the courts hearing trafficking cases apply the provisions of the POCSO Act in cases of human trafficking of person below 18 years of age, 4 (36.4%) CWCs replied clearly in the negative and the same number replied positively. When asked about the prosecution 7 stated the prosecution doesn't and only 2 said they do. When asked about the police 6 out of 11 CWCs stated that the police don't apply POCSOA and only 4 said they do. This should be verified further as it is a serious situation. In cases of human trafficking victim below 18 years of age often involving sex offences POCSO Act must be invoked.

When asked if a national level body is required to handle the AHT as the local police cannot handle it around 63% of CWCs expressed confidence in the local police to handle the problem of child trafficking. 54.5% clearly stated that a national level authority is not required for AHT work.

More than half of the CWCs have a permanent office to conduct their sittings the rest do not have one. 9 out of 11 (almost 82%) CWCs keep having their sittings in different premises. **4 out of 11 (36.4%) CWCs interviewed do not have separate recording room to record the child's statement.**

Although 90% of CWCS stated that they have access to their own toilet in their office when inquired about access to toilet for the children who come to the CWC 54.6%stated the children do not have access to toilets.

7.4

CIVIL SOCIETY ORGANIZATIONS (CSOs)



In all **11 representatives of 11 Civil Society Organizations (CSOs)** from Andhra Pradesh and Telangana were interviewed against a largely pre-coded interview schedule. The CSOs operated in Khammam, Medak, Vikarabad, Naalgonda, Yedardi, Prakasam, Nellore, Rangareddy, Sangareddy, Twin cities and YSR Kadappa.

OBJECTIVES OF THE CSOs

The CSOs mentioned the following as their objectives:



- Child centered development organization
- Child protection, environment and women development
- Drinking water to urban and rural poor
- Empowerment of women folk and protection of their rights
- Provide shelter based facilities to the victims of HT
- Prevention of HT
- Protection of women/girls from all type of atrocities/crimes

ACTIVITIES OF THE CSOs

The CSOs mentioned the following as their activities:



- Campaign against child labour, violence against women and for child rights
- Children's education, health & WASH, livelihood
- Community awareness, Convergence with government, advocacy
- HIV/AIDS- Urban health centres women
- Lobbying and advocacy with line departments
- Promoting SHGs, community mobilization campaign on women's rights
- Rehabilitation and vocational training to trafficked victims
- Running shelters

NATURE OF AHT WORK

TABLE CSO-1 KIND OF AHT WORK

Kind of AHT Work They Do	Numbers
Anti Sex Trafficking	5
Anti Sex & Labour Trafficking	2
Sex Trafficking, Labour Trafficking, trafficking for beggary rackets, trafficking for adoption	1
Sex trafficking/ Labour trafficking/ trafficking for beggary rackets	2
All types of trafficking	1
Total	11

7 out of the 11 CSOs have worked in the AHT field for between 10 and 17 years and 4 for a period less than that. Five of them provide shelter-based services (2 for boys and 3 for girls and women) The other 6 do not give shelter-based services. No AHT CSO runs shelter-based service for adult men.

AHT ACTIVITIES IN DETAILS

- Awareness, rescue & rehabilitation through other NGOs and Networks
- Awareness, rescue, refer to different homes and back to their families, Rehabilitation
- Community vigilance & tracking; Creating awareness among the vulnerable communities; convergence with stake holders & CP members
- Conducting sensitization programmes
- Counselling, Needs assessment, Medical services, Reintegration
- Formation of adolescent groups to prevent second generation trafficking, Forming victims' groups, Alternative livelihood trainings to prostituted women in; Condom promotion; Counselling and medical facilities; Rescue and rehabilitation
- Providing health, medicines through care and health centre to HIV AIDS victims

- Join the police in the team for rescue operations, Providing shelter; counselling services, skill/vocational trainings, education, medical care
- Lobbying and advocacy with DLSA & WCD to sanction compensation to trafficking victims
- Participation in rescue operations, Shelter and counselling especially for the victim of child labour, Linking with govt. rehabilitation supports
- Shelter, counselling, vocational training, rehabilitation and re-integration to the trafficked victims

The CSOs were asked to point out those parts of the states which in their information have the highest incidence of human trafficking. They mentioned the following:



Ananthapur, Guntur, Krishna



Bhuvanagiri, Nalgonoda



Ananthapur, Krishna, Chittoor, Prakasam, Badopa, Kadapa



Hyderabad, Medak, Vikarabad, Siddapet, Rangareddy, Warangal



Ananthapur



Hyderabad, Palvancha, Khammam



Ananthapur, Guntur, Prakasam, E.Godavari, Kurnod, Srikakulam



Kaduri, Ananthapur



AP and Telangana all over



Rangareddy, Sangareddy, Warangal, Khammam



Some of the CSOs were quite articulate and justified the basis of their information elaborately e.g. “We use data released by the CID, news appearing in the newspapers, direct contacts with the members of the Dommara community, migrant labour and other tribals who mostly come for labour work. We have observed that in our areas 30% of the trafficked victims belong to the Dommara community and the rest 70% to the other communities. We cooperate with like-minded institutions and individuals in India and all over the world, work for capacity building of many community-based organization, share knowledge and experiences. We work in collaboration with the State AIDS Control Society and get a fairly good idea about the incidence of detected HIV infection. We work for the prevention of trafficking of children into the sex trade.”

CHANGE IN ONLINE CRIME

Attempt was made to find out if the CSOs had observed any change in Online Crime of trafficking. Online crime was reported to have increased in sex trade alone. In the rest types, the CSOs clearly opined that it has not increased. They elaborated as – misuse of internet, social media, chat rooms, etc. for trafficking vulnerable individuals.

16 years Ramaya Patnam of Medak district is the source area, so many Dammara and vulnerable community women move to Hyderabad Mumbai now after new state established. Now a days many young women reach Ramaya Petnam for sex trade. Medak district has changed from the source to destination of sex trade. After the division of AP and creation of Telangana state industrialization has got a boost. There is influx of skilled manpower and rise in commercial sex.



THE CSOS ALSO OBSERVED INCREASE IN CHILD LABOUR FOR:

- Construction and hotels, bars & restaurants.
- Mainly girl children are being trafficked to the Arab countries.
- Many industries have illegally employed many children girls and boys both. These children are picked up by some agencies from Orissa and AP.
- Recently a lot of new construction is coming up for industrial purposes and hence many children come from Orissa, Chhattisgarh for labour.

CHANGE IN PROFILE OF VICTIMS AND OFFENDERS

CSOs noted change in the profile of victims only in sex trafficking followed by labour trafficking but not in the other types of trafficking.

CHANGE IN PROFILE OF CUSTOMERS

Change was noted in the profile of customers in sex trade by most CSOs but they noted no change the profile in labour trafficking, illegal adoption, commercial surrogacy and mail bride trafficking.

CHANGE IN MODUS OPERANDI (MO)

9 out of 11 CSOs noted change in MO in terms of transportation, use of technology and gender of traffickers. Almost half mentioned the same in knowledge of parents and preferred routes by the traffickers.

In the state of Telangana, the previous 10 districts have recently been split into 30 districts. The new capital of Andhra Pradesh is growing fast. This has boosted immigration and with that the demand for commercial sex has shot up.

CHANGE IN THE LAWS

5 of 11 CSOs have observed change in Union law while 4 said there wasn't any change. 3 quoted change in JJ Act and the emergence of POCSO Act and amendment in the Child Labour law. Only 1 CSO observed change in State law, **while 8 denied that which is a correct position as the state laws have not changed.**

8 CSOs stated there was no change in the state policies on trafficking only 2 said there was but when asked to elaborate they quoted the Union law and not any state policies. Similarly, 8 out of 11 CSOs said there was **no change in state programmes on HT** and one said there was. When asked to quote the CSO quoted SHE, 'Beti Bachao Beti Padhao' programmes.

Almost half of the CSOs noted change in state schemes and quoted Bharosa, SHE, Kishori Vikas Yojana Shaadi Mubarak, Kalyan Laxmi and victim compensation as the examples of the change.

7 of 11 CSOs said they observed **no change due to court's ruling on the AHT front.** One CSO commented that the judiciary has slowed down lately.

Many CSOs expressed that there have not been any success stories on the rehabilitation front in the two states.

6 CSOs agreed that the **circle of stakeholders in AHT work has increased** over the last 5 years. Only 4 denied that. The former mentioned the AHTUs, DLSA, Women Helpline, DCPU as new entrants.

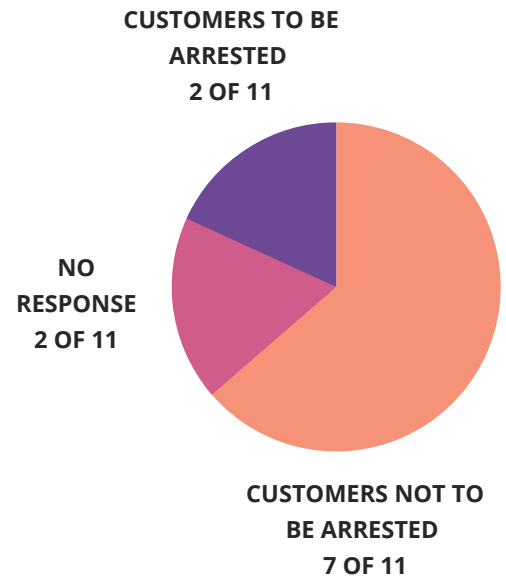


NO PUNISHMENT FOR PROSTITUTED WOMEN

All 11 CSOs maintained that prostituted women are not to be punished under the law. 7 CSOs noted that under the law the traffickers, pimps, brothel keepers and customers are to be punished. 10 of 11 CSOs disagreed with the statement that under the law only children are to be rescued and not adult women, one CSO did not respond to the question. The 10 also disagreed with the statement that the transgender are 'not to be rescued' under ITPA, only 1 CSO said that was correct.

Surprisingly, **only 2 CSOs maintained that the customers are to be arrested while 7 said they are not to be arrested** and 2 did not respond to that question.

All 11 CSOs disagreed with the statement that child friendly treatment is to be given to only those children who are below 12 years. 10 CSOs disagreed with the statement that under the law a brothel keeper is not to be booked as she only gives her premise for the brothel. Still one CSO said that was correct.



WHAT DOES VWP COVER AND WHAT DOES IT IGNORE ?

What is taken care of by the stakeholders?

- The basic requirements of the victim are met
- The CWC is involved in most decisions related with the child
- The confidentiality of the child victim is maintained
- There is an increased trend to hand over the rescued child to the parents only after a proper scrutiny and on studying a SIR

What is ignored by the stakeholders?

- Victim compensation
- Trauma counselling
- Sight and sound separation between the victim and the accused

While **8 out of 11 CSOs considered 18 to be the proper cut off age for offering child friendly treatment**, one each thought that 14 and 15 should be the proper cut off ages. 8 out of 11 CSOs stated that the provisions of **child friendly treatment can be used in the cases of human trafficking** as well while 2 CSOs said 'CFT they cannot be given'.

8 out of 11 CSOs replied that the victim compensation scheme is available but the benefits reach the victim very late. Only 1 CSO stated that compensation is not available. When asked if compensation is available for victims of all types of trafficking only 3 CSOs replied affirmatively, 5 denied and 3 were unsure.

To the question whether there is a need for change in the existing law, the CSOs stated that change in the sex trafficking and labour trafficking related law is necessary.

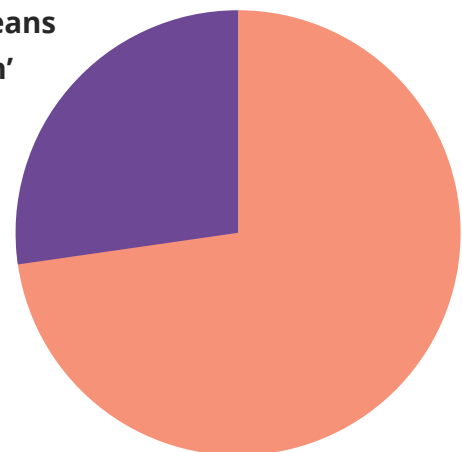
AWARENESS ON LEGAL PROVISIONS

2 (18.2%) CSOs reported knowledge about the demand for a new union law on trafficking coming from their own state. The rest said they were not aware. **However, they could not state what the demand was.**

When asked if any police officer above the rank of Sub Inspector can conduct search under ITP Act 10 out of 112 CSOs replied affirming that. **The response is largely correct except that the officer (on or above the rank of Inspector of Police) has to be designated as the Special Police Officer under the ITP Sec 13.**

To a statement 'Trafficking means Prostitution' 8 CSOs out of 11 correctly expressed their disagreement and 3 agreed with that statement.

'Trafficking means Prostitution'
3 of 11



'Trafficking DOESN'T means Prostitution'
8 of 11

To a statement 'Trafficking means Labour Exploitation' 6 CSOs out of 11 correctly expressed their disagreement and 4 agreed with that statement.

TRAINING IN AHT

As compared to the police and the prosecutors a larger proportion (9 out of 11) of CSOs seem to have gone through a number of training programmes on HT & AHT. While one CSO had just one training programme, there were 4 who attended between 12 and 18 training programmes. The programmes were mostly of 1 to 3 days' duration.



CHALLENGES FACED

Challenges faced in AHT work

- Lack of convergence among the line departments.
- Difficulties in establishing the true identities of the victims.
- State agencies especially the police are apathetic and uninterested in AHT.
- Police and prosecution are zest-less and hence the conviction rate is almost zero.
- Counselling is labour intensive and hence expensive. Counselling skills are in short supply.
- Victims' families are non-cooperating and hostile to the victim.
- Police is interested in sensational news of rescue operations. There is no follow up on rescues.
- Investigation and prosecution is lacklustre.



EXPECTATIONS OF THE CSOs

- **Expectations from Police:**
File the chargesheet in time, Include in the FIR all the relevant sections of the law, Involve AHT CSOs during search and rescue operation, Get proper and timely medical done by following the law and the rules, Rescue team should be properly trained
- **Expectation from ICPS/DCPO:**
Facilitate compensation, Coordinate with all stakeholders when it is a case of a child victim, Prepare a care plan, Mobilize resources needed for post rescue and rehabilitation, Sensitize and train other duty bearers on how to handle victims of trafficking
- **Expectation from CWC:**
There should be a CWC for each district. Currently, they are looking after more than one district. Ensure proper FIR is filed, Improve facilities at the CWC where the victims are brought, Make sure that the sex trafficking angle is not lost and cases are not filed only under POCSOA
- **Expectations from Hospitals:**
Speedy medical, Speedy and clear report submission of medical examination, Treat the victim and not just examine them, Provide for a counsellor or social worker to deal with the victim, Adopt victim friendliness in approach

- **Expectations from Prosecution:**
Undergo training in child friendliness
Orient the victims before trial begins,
keep them informed of the next date and
brief them, Take periodic review of the
trafficking cases, Facilitate compensation
to the victims
- **Expectation from Victims' Collectives:**
Victim Collectives should be recognized by
the State and the civil society, Victim
Collectives should be encouraged in every
district, They should be involved in
decision making and in the overall AHT
work, They should provide overall support
to the victims during investigation and
prosecution.
- **Expectations from Courts:**
Fast disposal, Allow adult victims to take
their own decisions, Provide proper
counselling during the trial
- **Expectations from Service Providers:**
They should upgrade themselves and
instil professionalism, Coordinate with
other service providers, Bring in
Minimum Standards in their services,
Adopt victim friendliness
- **Expectations from Shelter Facilities:**
Need to be victim friendly, More number
of shelters required, Every district should
have Swadhar and Ujjwala Homes,
Urgent up-gradation of quality is needed
Better infrastructure & amenities

A majority CSOs mentioned that the AHT CSOs should \ create community level awareness, they should be present in every district and should be encouraged to work in close coordination with the AHTUs. All CSOs felt that the AHT work is suffering for paucity of resources and provisions. They felt that the genuineness of the State AHT intervention should not be judged merely by announcements of schemes and programmes but by the allocation of funds.



PROVISIONS REQUIRED FOR BETTER AHT:

- Technical assistance and financial support to the alliance NGOs
- Proper monitoring needed
- Establishment of shelters and provision of skilled staff
- Life skill centres needed
- Victim compensation by the court through ITPA law
- Victim/witness protection services at the door step
- Skill trainings for alternative livelihood
- Human resources for AHTUs
- Better convergence in state departments and with non-state agencies

7 out of 11 CSOs felt that the local police are competent enough to handle the trafficking crime and a national level agency is not required.

7.5

SHELTER PROVIDERS



8 Shelters – 5 from Andhra Pradesh and 3 from Telangana state – were interviewed against a largely pre-coded specially designed Interview schedule. They were from Anantpur, Hyderabad, Khammam, Kurnool, Prakasam, Vishakhapatnam, Warangal and Kadapa districts.



2 of 8 Shelters were run by government and others by CSOs. **5 of them sheltered adult women as well as minor girls, 1 was only for adult women and 2 for girls.**



The shelter authorities mentioned the following districts/places as the supply/source districts for child trafficking:

Adilabad, Manchire Yala, Guntur, Vijaywada, Anantpur, Bellary, Kadapa, Krihsna, Hyderabad, Chittoor, Prakasam, Palvancha, Khammam, Kurnool, Ongole, Addarnki, Chirala, Vizag Rural.



The shelter authorities also mentioned the following districts/places as the destinations of places for child trafficking:

Bangalore, Rajahmundry, Anantapur, Vijaywada, Tirupati, Bhadradi, Kothagudem, Palvancha, Mumbai, Rajasthan.

The shelter providers felt that there has been an increase in all types of trafficking. Online crime was reported increased only in sex trafficking and not in other types of trafficking.

CHANGE IN MODUS OPERANDI (MO)

All the Shelter providers have noted changes in the technology and many noted changes in gender of traffickers, the transport used and the knowledge of parents. They further elaborated:

- Multiple ways including sea ways are used.
- Maharashtra Rajasthan are preferred destinations.
- High demand for 15 to 21year age group.
- Higher use of social media and internet at least in sex trafficking.

CHANGE IN UNION AND STATE LAWS

- The responses to these questions were incorrect indicating gaps in knowledge on law.
- The knowledge on state policies and schemes was satisfactory.
- Respondents could quote schemes like Swashakti, Swawalamban, SHG, Swayamsidda.
- 6 of 8 respondents stated that prostitute women are not to be punished.
- 6 of 8 shelters 'disagreed' that transgender are 'not to be rescued'.
- They also disagreed with the statement that adult women are not to be rescued.
- Surprisingly, **7 out of 8 Shelter authorities stated that the customers of sex trade are not to be arrested.** They disagreed when told that a brothel keeper is not to be booked as she only offers her premise.
- **7 shelters stated that child friendly treatment is to be given only to children under 12 years.**
- Half of the Shelter providers felt that CFT can be made available to the victims of trafficking as well while only 1 disagreed with that.
- **5 out of 8 shelter providers said that the victim compensation scheme is available in their district.** Two members said 'no'. Same number also said that it is available against sexual offences. 4 shelters said that compensation is available for victims of all types of trafficking while 3 disagreed with that.

AWARENESS OF PROVISIONS

When asked if any police officer above the rank of police Sub-Inspector can conduct raids under ITPA, 6 shelters said 'yes'. The answer is largely correct although not completely. Only those above PI level who have been formally designated as Special Police Officers U/S 13-3 of ITPA alone can conduct search and rescue.

Only 2 shelters said that prostitution is legal and not an offence. While 5 correctly replied that it is not legal and can be punished under the law.

4 shelters said trafficking is not the same as prostitution or labour exploitation. The two are different.



CHALLENGES FACED

Challenges faced in AHT work

- Creating awareness among the tribal communities
- Inadequacies of facilities like shelter and counselling
- Cooperation of the victims
- Income generation in rural settings is difficult
- Linking with government



EXPECTATIONS OF THE CSOs

- **Expectations from Police:**
Act quickly, Make *suo motu* cases, File FIR properly, Do proper investigation, Adopt child friendly procedures
- **Expectation from ICPS:**
Arrange for compensation quickly implement ICPS guidelines for rehabilitation and release of compensation, Proper counselling and home visits and government linkages provide proper education and vocational skills to inmates
- **Expectations from Prosecution:**
Fast disposal, Higher conviction, Orientation to victims
- **Expectations from Shelter Facilities:**
Provide for basic needs of victims, Counselling, Rehabilitation
- **Expectation from CWC:**
Upgrade rehabilitation, Do proper scrutiny before handing over the child to avoid re-trafficking
- **Expectations from Hospitals:**
Better medical and treatment, Free facilities
- **Expectations from Courts:**
Fast disposal, Higher conviction, Friendly treatment to victim
- **Expectations from Service Providers:**
Proper coordination, Entrepreneurship, Rehabilitation
- **Expectation from Families of Victims:**
Advocacy, Support, Participation
- **Expectation from Victims' Collectives:**
Advocacy, Support, Participation

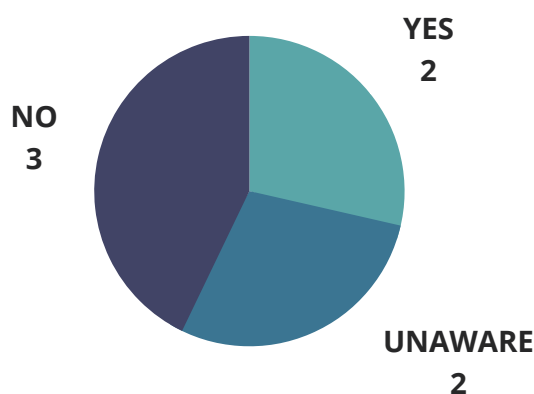
Only 2 out of 8 felt that the AHT work suffered because there was not a single law dealing with all types of trafficking. Only two shelters felt that the AHT work was suffering because there were specialized laws for different type of trafficking. 5 out of 8 (62.5%) shelters felt that the AHT work in India is suffering for paucity of funds and 2 felt that was not the case.

Shelter authorities expressed the following needs; resources for infrastructure, human resource, immediate support and transportation of the victims. The shelters were divided over whether the local police is competent to handle trafficking crime. 3 of 8 shelter stated that the families are aware of the trafficking of their children and 4 denied it.

Around half of the shelters felt that the families are involved in the trafficking of their children or they are negligent thus allowing the child to get trafficked.

Half of the shelters stated that the courts do appoint them as Support Persons in POCSOA cases. The same number also admitted the same by other courts hearing trafficking cases. Only one shelter replied that it has handled 5 cases of traffic victims.

While 2 shelter authorities denied having any knowledge about it, 3 each said the police do apply the sections of POCSOA in trafficking cases.



When asked **if the courts apply any sections of POCSO Act in cases of child trafficking**, 2 shelter authorities said 'yes' while 3 said 'no' and 2 said they were not aware.

SERVICES OFFERED BY CSOS IN 'YOUR' DISTRICT

The following services were mentioned by the shelter authorities when inquired about the services offered in the shelter: - Shelter, nutrition, clothing, medical and health, education, counselling, rehabilitation, love & affection and legal support, etc.

Services Offered By CSOs In Your District	
Prevention	Awareness camps, Self-employment, Focus on vulnerable communities
Vigilance	Village level vigilance committees
Rescue	Participation in rescues, Give tips
Psychosocial counselling	Special psychologists under Swadhar
Post Rescue Operation	Counseling, Linkages, Follow Up
Restoration	Conduct SIR/HIR
Rehabilitation	Vocational training

PRECAUTIONS TAKEN FOR SAFETY OF THE CHILD

Precautions Taken For Safety Of The Child
Regular follow up with the parents of the child
Proper career oriented vocational training
Counseling to parents/families on treatment to the victim, support to lead normal and independent life
Monthly supervision with support of the ICPS staff
Written agreement with the parents to affix responsibilities
Verified address proof of victims, parents and guardians

7 out of 8 shelters have the facility of professional counsellor, while 1 does not have it. There is variation among the shelters in terms of the services of counsellors. Some have 10 counsellors on their roll while others have 1 or 2 or someone on twice a month visiting terms.

7 out of 8 shelters have in-house vocational training facilities. While 5 shelters send their resident children outside for training purposes 3 do not. 5 shelters have income generation activity in their shelters while 3 don't.

Surprisingly, all the 8 shelter home authorities stated that they had no difficulties in getting their Homes registered or renewing their licenses.

In India justice is an inhumanly long drawn process and often results in justice denied. At the same time social reintegration of a victim of trafficking crime cannot be complete unless she is given justice and her offenders are brought to pay for their crime. While the established systems of justice demand the presence and attendance of the victim in the trial process the healing processes of recovery, rehabilitation and reintegration require that the victim should go back to her family community and nation as soon as possible.

Healing requires that the memories of the trauma fade away fast while prosecution demands that the victim must be able to give a convincing oral evidence in vivid impeccable details and stand through a detailed and aggressive cross examination. In this sense the demands of these processes on the victim are conflicting. We asked the shelter authorities to comment on that.

4 Shelter authorities felt that prosecution comes in the way of rehabilitation, while 3 disagreed with that. 5 Shelter authorities felt that prosecution comes in the way of repatriation while 2 disagreed with that.

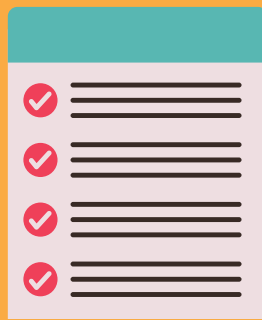
Services Offered By State To Trafficked Children
Counselling, Rehabilitation, Restoration, Legal Aid and Compensation
Rescuing, Rehabilitation, Counselling, Reintegration, Vocational Trainings
Compensation Only
Education and Vocational Training
Only Shelter



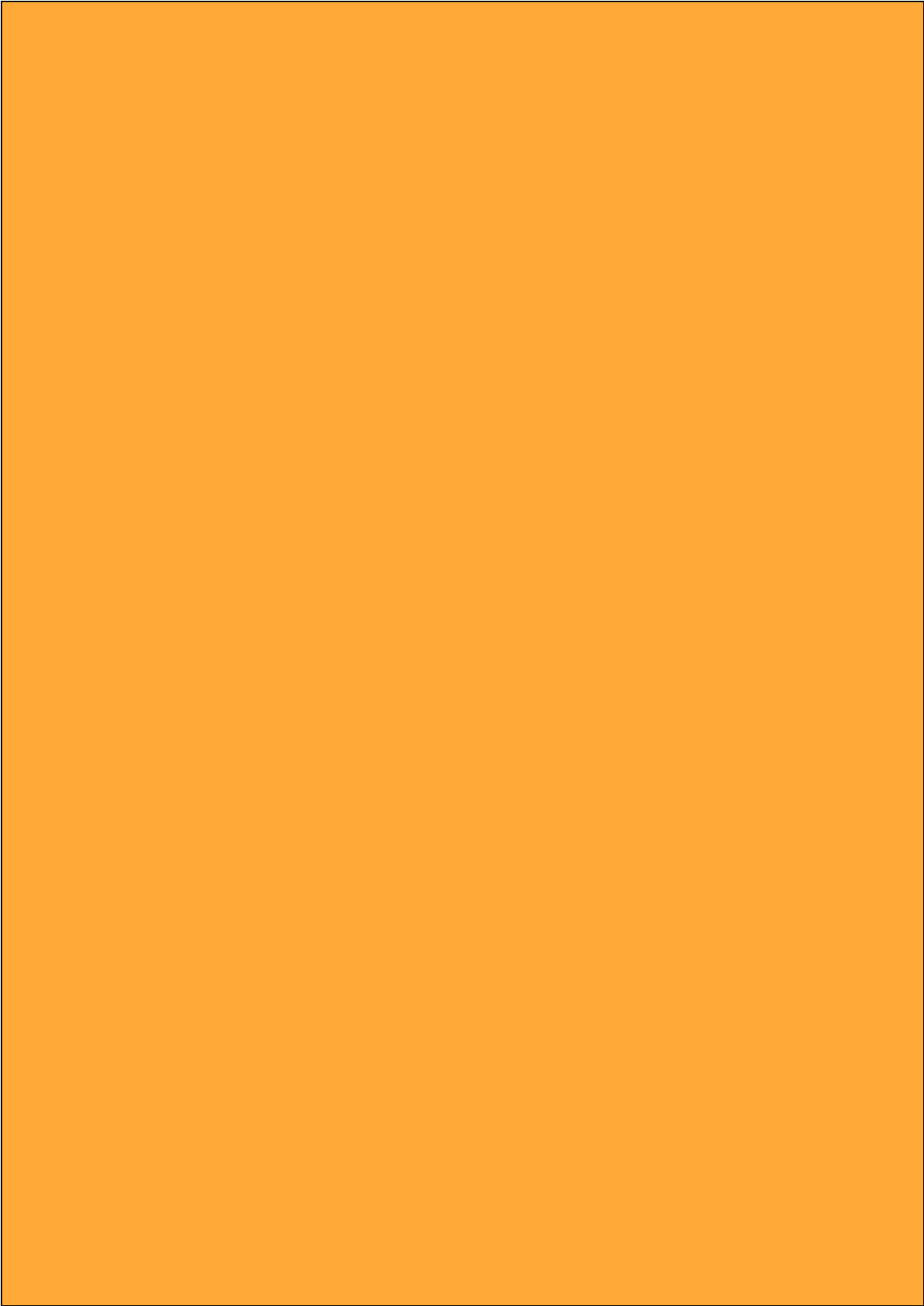
SUGGESTIONS OF REPRESENTATIVES OF SHELTER TO/FOR

- INGOs – Identify and support to correct affected victim
- Protecting children from being trafficked into AP & T – Work with source state to prevent & strict law enforcement
- Improving vigilance at railway stations bus stands check posts and on highways
- Protecting children from being trafficked within the states – Focus and act urgently on missing children
- Better rehabilitation – Proper implementation of the government schemes. Fast release of compensation and other funds
- Restoration – Good quality SIR and convergence across states and within

CHAPTER 8



CONCLUSIONS





This chapter highlights the conclusions of the study with reference to the objectives laid down towards the beginning of the research:

1. To understand the latest trends in child trafficking followed by the traffickers and other perpetrators of the crime.

The exercise enhanced our understanding about the latest trends in the practices and tactics adopted by the traffickers and other perpetrators of the crime especially in sex trafficking. The profile of traffickers has changed. The presence of women and transgender traffickers was reported increased.

There was a clear shift and preference to using private vehicles and private transport in place of public transport like public buses and trains. There was an increased use of social media for luring potential victims and reaching out to the potential customers. There was a clear-cut trend towards going online as far as sex trade was concerned although on line sex trafficking. There as increased use of mobile phones by traffickers and pimps to avoid getting noticed by the anti-trafficking vigilance agencies.

Sadly, the explicit or tacit involvement of the parents and close relatives in trafficking of children was observed on an alarming scale. The hand in glove operation was blamed for the victims turning hostile and cases getting dropped as a result of the out of court settlement between the accused and the victim's family. There was no indication of any operation of or control by any state level, national or transnational organized crime syndicate.

In sex trafficking activity, the traffickers were multi nuclei and dispersed with neighbours, close relatives or other known persons performing the role of a trafficker opportunistically. This has an important implication for the strategy required to combat trafficking in persons. It surely raises serious doubts about the relevance and reasoning behind the “Crime and Punishment” anti-trafficking model that is devoid of social component and relies on police, courts and jails.

2. To find out the issues that prevail between law enforcement and judiciary in terms of rescue, prosecution and victim/witness protection services.

The Study identified lack of resources, absence of minimum infrastructure, lack of incentives for zestful rescue and prosecution, lack of accountability in post rescue and prosecution phases, lack of convergence as the issues between law enforcement and judiciary. The non-availability of the judiciary for any kind of interaction (required for the data collection component) and the absence of research studies covering the judiciary set severe limitations on meeting this objective.

3. To understand the level of inter departmental coordination and cooperation between various line departments in providing effective rehabilitation and re-integration services to rescued victims of trafficking.

The police were found interacting only with the CWC, shelter providers and courts, as it is absolutely mandatory and necessary for them. They were not found interacting, let alone collaborating, with the other stakeholders on their own initiative or when not mandated. The police did involve the CSOs in sensitization and training of the police personnel by way of inviting them for a couple of sessions that required social analysis and insights gained from their on-ground experiences. Surprisingly however, there was a persistent reliance upon engaging a few retired police officers without any on ground experience of social intervention to provide sensitization and training to the police force.

The initiative from CWC, DCPU (not interviewed directly but as gathered from the observations shared by the other stakeholders), prosecutors, authorities of the State run and non-State run shelters for networking and collaboration with the other duty bearers was found seriously lacking. By the nature of their work the CWCs are required to interact with the shelter service providers in order to place many of the children produced before them as CNCP. A serious absence of convergence among the various core duty bearers was recurrently observed in the two states.

4. To analyze the measures/steps taken by both Governments in the prevention of child trafficking including the level of implementation of those steps with both positive and negative consequences.

The Study could not come across any specific preventive measures by the governments of both the States. The focus was found to be on intermittent searches (raids) and rescue

operations with poor follow up and negligible convictions. The most promising preventive measure eliminating intergenerational sex trafficking with identification and intense focus on the most vulnerable children replicated by HELP in Andhra Pradesh was also not adopted by the governments. The Study came across the one stop crisis centre Bharosa set up by the police department in the city of Hyderabad for the registration of complaints of violence against women and for offering them immediate relief. Bharosa appears to be a passionate action by the Hyderabad police but since it has not been evaluated logically or empirically by any external body the Study found it too early to comment.

5. To capture the quantitative data of A.P and Telangana on no. of rescued victims of trafficking, no of victims rehabilitated through state support services and no. of traffickers convicted.

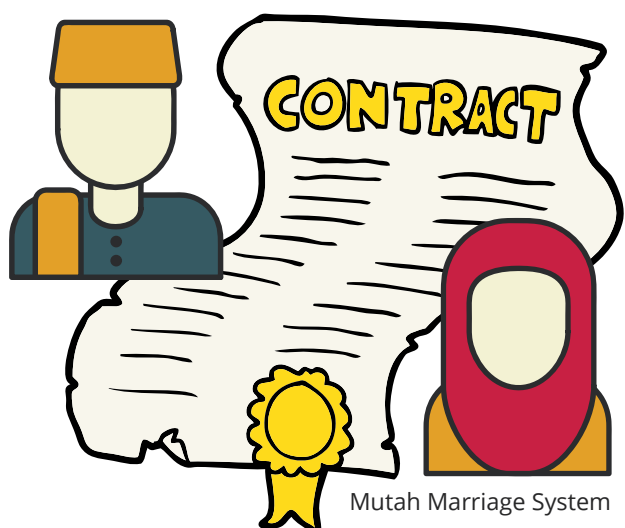
A major problem noticed in the course of the study was the appalling condition of data collection, data analysis (interpretation), data accessibility & data sharing especially on crime especially when the two states claim to be the hubs of the IT industry. Such a state of data management and sharing puts severe limitations on the research studies that rely upon quantitative data.

Some baseless figures on the incidence of the trafficking crime were found snowballing during the course of the Study in the two states. Such quotes were no doubt serving the purpose of instantly sensationalizing the issue and impressing the audiences. However, a caution is necessary as the spread of such statistics comes in the way of responsible and scientific analysis and muffles the voice of sanity.

8.1

Andhra Pradesh and Telangana as supplier states

Outmigration from both the states of AP & Telangana to other states and mostly to the Gulf countries continues to be very high. Trafficking of persons from other states to Andhra Pradesh or Telangana is low. The proportion of victims of Intra-State trafficking was reportedly very high in the two states.

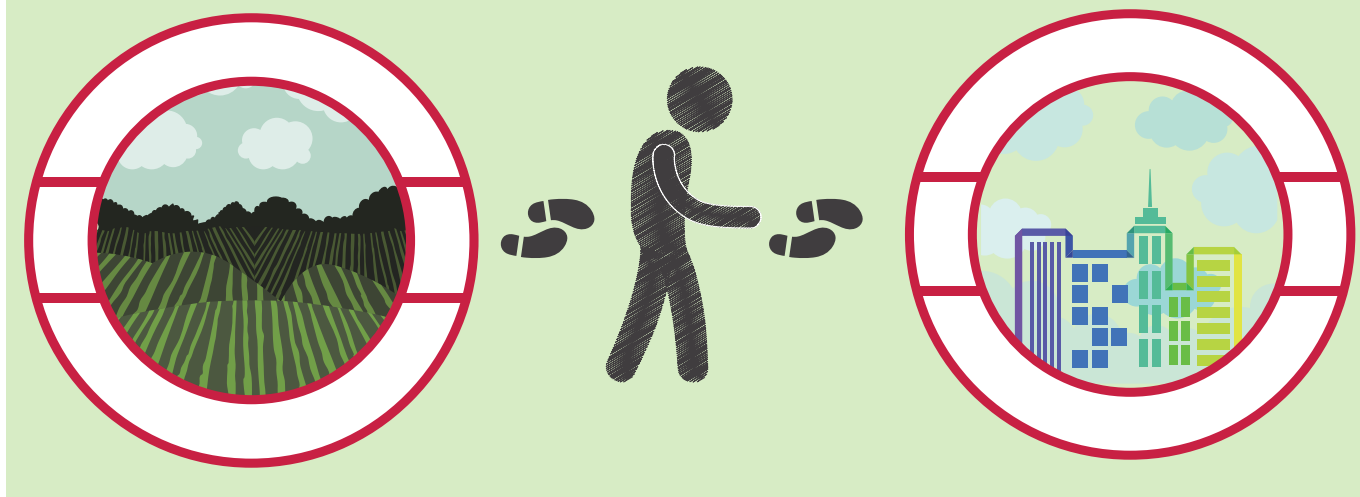


Sex trade in the other states of India has found a majority of women from undivided Andhra Pradesh. There is a substantial number of Muslim girls trafficked through real or fake contractual marriages including the Mutah marriages. **There are regular advertisements on the net given by those touring India and seeking a short-term sexual partner under the Mutah marriage system.**

Although Intra-State trafficking is reportedly high in the two states, at the railway terminus stations like Hyderabad, Vishakhapatnam, Vijayawada, it is not uncommon to spot many children unescorted by their adult guardians who are migrating to these two states from the northern states like Bihar and UP.

They could be actually trafficked children. They quickly merge in the army of sweatshop workers in these cities. There is a universal and inescapable trend of urbanization. Most rural areas are expected to be urban sooner than later. The problem of economic development, among other factors, is classically attributed to the excess population pressure on land in rural areas manifesting mostly through disguised unemployment. A common and rational solution to this is to offload the excess population from the farming sector to non-farm sectors of wages.

Like in most of the third world countries, in India, however, instead of the rural areas creating gainful non-farm employment opportunities and thereby absorbing the excess population steps were taken to physically push the excess population out to the urban areas leading to the growth of metropolises and cities of all types. This in consequence disintegrated the demographic fabric of the rural societies leaving many essential social and economic functions (socialization, child protection, economic empowerment, support mechanisms, etc.) unfulfilled.



Male select migration, women headed households, seasonal migration for survival, disintegration and disempowerment of the neighbourhood and community-based mechanisms led to a social situation wherein many important social roles went missing. The ever expansionist market institution eagerly grabbed that opportunity to fulfil all those functions against a monetized price. The loss of self-sufficiency and initiative of the primary social structures like family, extended family, neighbourhood, community were taken over by the state bureaucracy.

As is abundantly established that the economic development policies and programmes have created a sizeable middle class whose economic aspirations are met to a great extent. The policies also led to a large-scale erosion of a vast majority of the lower class from its pre-existing self-reliant livelihood and protection. When it comes to trafficking of young tribal girls from Chhattisgarh, Odisha and Jharkhand as domestic help, one finds this very middle class, thriving in the metropolises of India is actually standing in the defendants' box.

Although the natural disasters correctly called 'man made disasters' are caste, class, gender neutral when they hit the difference in the socio-economic situation, vulnerabilities, shock absorbing capacities, resilience, capacity to bounce back, all make a critical difference in the consequences. In this process, the weaker communities and families get devastated. A few years ago a television report showing the drought prone farmers of Andhra Pradesh camping at Hyderabad railway station begging for their daily meal that sent shock waves across the nation. Andhra Pradesh was also first in the news on farmers' suicides.

Some of the trends that were clearly elucidated through the primary data

- Human trafficking is serious and growing fast. The respondents from all the categories of stakeholders in the survey record this observation.
- The destination crimes for which persons are trafficked are getting diversified. e.g. the retail outlets of sex trade are not limited to the conventional red-light areas.
- There is a growing use of mobile phones and other apps like messaging, WhatsApp etc. by the traffickers to beat police and social vigilance.
- There is an increased use of internet for promoting sex trade if not sex trafficking.

There is **no effective prevention mechanism**. On the contrary the vulnerabilities of a large section of humanity are growing fast. Traditional protective mechanisms are crumbling down under the pressure of urbanization, migration, climate change, impoverishment and natural disasters.

There is a **serious lack of political will** to correct the situation. There is little provision on the fronts of rescue, post-rescue, psychosocial counselling, minimum standards in care & support services and victim witness protection. The field is also plagued by the absence of time frame for disposal of cases, low conviction rates, higher incidence of victims turning hostile and a lack of application of mind for rehabilitation. The excessive reliance on intermittent 'raids & rescues' action that does not result in convictions, the lack of qualitative and quantitative services in the post rescue phase, the absence of success stories on the rehabilitation front etc. all corroborate this observation.

There is **little participation of the victims** in the post rescue processes.

There is **no enthusiasm** whatsoever on part of the governments **to set up and help strengthen victims' collectives**. The perpetrators of the trade have however actively promoted sex workers' collectives to protect the trade like sex workers' union and dance bar girls' union etc. and protect the health of the customers in the sex trade. The state and civil intervention in the HIV and AIDS field is a classic example of this.

The **institutionalised (shelter facility, etc.) services are emerging more as problems** and less as solutions.

There is **little breakthrough in vocational training**. Although negligible in number some NGOs set up workshops which offer low skill jobs to the victims who are then permanently dependent on those NGO for wages. In the process the NGOs become the employers and the victims become casual labour. There is little attempt to provide self-reliance and sustainable livelihood.

Climate change is causing frequent recurrence of disasters called natural disasters. This, in turn, **generates more vulnerabilities** especially among the marginalised mass. There is no specific AHT component in the disaster management or mitigation plans at the district or state levels.

The state economic policies over decades have only exacerbated inequalities.

GROWING $\frac{\text{Inequalities}}{\text{Vulnerabilities}}$

“ Quoting a data compiled by the World Wealth and Income Database Times of India reports on 15 Dec 2017, “.....inequality in India has risen substantially since the 1980s following "profound transformations in an economy that centered on the implementation of deregulation and opening-up reforms.”

"This rising inequality contrasts to the 30 years following the country's independence in 1947, when income inequality was widely reduced and the incomes of the bottom 50 per cent grew at a faster rate than the national average," the report added.

"The fact that inequality trends vary so greatly among countries, even when countries share similar levels of development, highlights the important role of national policies in shaping inequality. For instance, consider China and India since 1980: China recorded much higher growth rates with significantly lower inequality levels than India. The positive conclusion of the World Inequality Report is that policy matters a lot," said Lucas Chancel, general coordinator of the report."

This needs to be understood against the low budgetary allocations for rural development, irrigation, agriculture in both the States and their declining rates of economic growth.

8.3

Institutionalised Trafficking

The religion based evil social customs of sex trafficking of young girls such as Devadasi, Joginis, Basavi, Mathamma, continue although in an underground and dispersed manner with their ritualistic component becoming less obvious. The non-religion based customary sex trade found among the ex-criminal and other nomadic/semi-nomadic tribes like Dommaras, Sugalis persists. In the coming years these highly institutionalised forms of sex trafficking will continue to grow though its ritualistic parts may subside even further or vanish.

8.4

The Traffickers

The traffickers are familiar faces often extended relatives or neighbours who perform several social roles in the source areas. They are not tightly organized full time professional criminal syndicates. It appears like for every vulnerable and unprotected child there is danger lurking around the corner and persons from the neighbourhood waiting to be the trafficker often with the connivance of the child's parents/guardians. Reportedly, more women have joined the ranks of the traffickers in the recent past.

8.5

Modus Operandi

There has been increased use of social media and deployment of modern technology like cell phones. The digitization of crime has increased with evident increase in online sex trade. Traffickers are shifting to private vehicles and moving away from using public transport.

8.6

Prevention

As the damage caused by human trafficking is irreversible and now with HIV and AIDS fatal the primacy of preventive intervention gets accentuated. The last decade has seen considerable investment in police training all over India, Andhra Pradesh being on the lead among them. As the crime statistics indicates the returns however are not matching.

Since the provision for the sealing of the brothels in the ITP Act is weak, the number of prosecutions being quite low as compared to the arrests made and since the conviction rate is dismally low, the preventive potentiality of recurrent raids and rescue fails to manifest. It also fails to make the retailing in the sex trade non-feasible or non-viable.

Prevention at Source

The government development programmes in general to prevent human trafficking appear non-existent at the source areas. The usual economic developmental activities are very important but as can be seen they are creating serious inequalities at the village levels.

The successful intervention by HELP in checking inter-generational sex trafficking has not been replicated anywhere in the two states.

Prevention in Transit

In absence of any strong legal provisions the preventive intervention during transit (railway trains, junctions, long distance buses) fails to lead to convictions if the victims are not determined, which usually is the case, to punish the trafficker.

Currently, there is very little happening in the transit phase which can suspect, detect and intervene and thereby prevent a highly potential trafficking situation. Merely focusing on the terminal stations is not enough as the smart traffickers conveniently leave the train one stop earlier and board one stop later or as the train starts.

Prevention at Destination

Going by the newspaper reports, claims of the AHT CSOs and the police statistics there appear to be many raids especially on the sex trade. Crack down on the retail outlets of the sex trade is an important strategy to combat trafficking.

Where the profitable crime of trafficking and its destination crimes are run entirely by victimizing the particularly weaker members (children and women) of a majority of socio economically politically and culturally marginalised communities (SC/ST/DNT/NT) it ceases to be an issue of law and order. It becomes an issue of the structural arrangement of the society where some social strata are cleverly and consistently marginalised, enslaved and exploited. When that happens, it ceases to be an issue to be handled by 'crime and punishment of crime' approach because the law and order keeping machinery becomes an instrument of systemic repression of the suppressed communities.

When the culture of enslavement is instilled in the minds of certain communities so that the criminal arrangement of exploitation becomes invisible and the act of structural violence appears to be a self-imposed voluntary act on the part of some sections of the society purely borne out of ignorance and the elusive concept of poverty it is a social issue. While social movements try to transform the very structural arrangement with a view to change the equations, the state sponsored interventions offer a few token reliefs.

Following the Crime & Punishment model it presents the act as an act of criminal behaviour and uses police force, courts and jails to penalise the criminals. It announces policies and welfare programmes which are rarely backed by the minimally required budgetary allocations. It presents the police as the hero but despite its avowed commitment to the crime and punishment model it shows no zest in implementing it which is reflected in the low conviction rates, low budgetary provisions and deficit facilities created on the ground for any kind of positive intervention.

India has a rich tradition of social reforms and social renaissance movements which have purged the society of several social ills. The reforms of the type initiated and undertaken by Samskara need to be revived with appropriate modifications.

8.7

Raids
and Rescue

While the primacy and importance of rescue cannot be exaggerated it must be noted that it also cannot be relied upon as the main instrument in the fight against human trafficking. However, as against the background of appallingly low rate of conviction, rescue of minors, arrest of traffickers, and the larger number of rescue of adult women all this not reflecting in effective prosecution and conviction indicates the futility of such rescue operations.

8.8

Immediate
Post Rescue
Operations

Currently, in the two states in the absence of effective post rescue institution-based victim services, rescues carry no meaning. A study on the follow up of the rescues will establish the futility of rescues and the high incidence of re-trafficking.

Apparently, prima facie a centre like Bharosa looks promising.



Dr. Pravin Patkar at Bharosa Centre

However, no conclusions can be drawn unless the model is carefully evaluated by examining its impact on victim co-operation, victim assistance, VWP, success of trial, rate of conviction and social reintegration of the victims. In the absence of any such studies, it is too premature to comment on the initiative. The second point that needs to be taken into consideration is the replicability, i.e. its capital heavy and skill intensive nature. The one stop shop initiative of Hyderabad police in setting up Bharosa and providing enviable facilities in one place shows a ray of hope.

8.9

Long Term Post Rescue Operations

The primary data abundantly shows that there is a serious lack of convergence among the line depts. and the civil society service providers which is detrimental to any kind of post rescue goals. There is no multi-disciplinary or team approach to Post Rescue Operation (short & long term). Most functionaries are not aware of their own roles and responsibilities and that of the other functionaries, entrusted to them under various laws, rules and other instruments.

As of today, there is a recognition that Case Management approach needs to be adopted and Victim Centric Trauma Informed Intervention is required. Nonetheless, the standard and the research base of the clinical interventions in terms of providing psycho-social counselling to the rescued victims are not up to date. There is considerable knowledge, skills and experience available internationally. The financial affordability of high quality psycho social counselling like Victim Centric Trauma Informed counselling is however, doubtful.

There are few success stories of economic self-reliance and social reintegration of the victims rescued from the sex trade and labour exploitation in the two states even after attempts at repatriation and restoration.

Although a few AHT CSOs in India have demonstrated success in terms of economic rehabilitation the success stories are few and far between. They are too few as against the stories that have not met with noticeable success. Even after a decade or more the existing success stories have not been replicated by other CSOs or government agencies.

8.10

Victim Assistance Services

Almost all traffic victim assistance interventions compel the victims to get incarcerated in institutions if they have to benefit from any assistance. The quality of infrastructure, super structure and other services of these institutions is appallingly sub-human. The situation in the government run shelters is far below the mark and fraught with corruption. Victims get re-victimised and further traumatized.

The situation in the CSO run Homes by and large is no different. There is little learning from the best stories from across the states although such stories do exist. From within Hyderabad institutionalised victims have allegedly revolted against the CSOs running those shelter facilities.

Institutionalization based services also appear to be financially non-viable considering the fact that there is low allocation from the state and by their very nature they are expensive especially when minimum standards are to be ensured.

8.11

Shelter based facilities and minimum standards

In some cases, institutionalization is inevitable especially since the victims of sex trafficking exploited in the sex trade are largely homeless and have no access to their families or communities back home. In such inevitable cases of institutionalisation, it is not just a moral responsibility of the state, the civil society and the service providers but a right of the victim to receive facilities that follow the minimum standards.

8.12

Conviction rate

The million-dollar question in the AHT intervention especially one that emphasises the 'crime and punishment' framework of intervention with police, courts and jails as the main pillars is that of the conviction rate. The current rate of conviction in the two states under study is abysmally poor. This is not appalling merely for the history of the poorly enforced ITP Act 1956 but also true for the nationally revived interest and intervention against human trafficking in the new millennia (post 2000 A.D.).

Considering the shocking figures of the overall pendency of cases before the various courts in the country, the extremely low rate of conviction in general in all types of crime, the sub human and frustrating levels of procrastination of criminal cases, all put together the picture is quite dispiriting.



The provision of Special Court to try sex trafficking related offenses has been rendered inapplicable because of the inclusion of the offence of trafficking in Sec 370 of IPC which is Session triable. Until such time that this issue is sorted out the futility of the ITPA Special courts shall continue. Additionally, although the first ITPA Special Court was set up in Mumbai in 2008 till date no other Special ITPA Court has been set up in the country.

The POCSOA Courts also can handle sex trafficking related offences when committed against a child but the POCSOA courts are not dedicated courts unlike the ITPA Special Courts and hence despite the time frame given by the POCSO Act, the delay continues.

8.13

Social Reintegration

There is very little happening by way of revival of the social reform movement. While that is the topmost need of the hour. The last attempt at it appears to be the efforts of the two Gandhian reformists Mr. Lavanam and Ms. Hemlata Lavanam of Sanskara.

The term social reintegration remains poorly conceptualised and operationalised. Completely satisfying meaning of the concept may perhaps not be possible in a dynamic and ever-changing society. Social Reintegration should minimally guarantee social treatment devoid of stigma and discrimination. Social Reintegration has also a lot to do with correcting social misperceptions.



Mainstreaming the Marginalised

Limited victim centric interventions and sensitization and training of the duty bearers in the enforcement and rehabilitation arena will not make much change on social misperception but social renaissance movement can definitely make a difference.

The successes and failures of the social movements against the evil social custom of Devadasi is one area that can offer good lessons and insights.

Social Reintegration does not necessarily mean restoring and re-establishing a rescued girl back in her community.e.g. in cases of Devadasis, Dommars, Sugalis, Bancchadas, Bedias restoring the victims back in their communities might often lead only to re-trafficking.

8.14

Vocational Rehabilitation

There are few success stories emerging from the rehabilitation sector in the two states. The attempt to help the rescued girls run a cafeteria in a public place in Hyderabad has met with several odds and has closed down.

Employing a few girls who are residents of one's shelter facility in a capital heavy processing unit like a printing press can make a few resident girls as employees of the press but there is a serious limit to the number of girls who could be employed as workers in the press. New girls cannot be accommodated unless the press is expanded or old girls are replaced. The working girls may not get such sustainable employability skills which has demand and scope outside. On their own they may not be able to make the same heavy capital investment and hence once they go out those skills may not help them get a job.

There appears to be a serious lack of intelligent and professional approach to trade selection and vocational training resulting in only making a small section of resident girls' employees in the NGO owned establishments.

The two states urgently require a professional approach to planning and managing the rehabilitation component. In other parts of the country like Mumbai there are several cases of successful vocational training, job placement and after care. There is a need for technology transfer and learning from those success stories.

8.15

Victim Witness Protection

Most respondent of all categories have attributed the acquittals and discharges to the serious lack of victim witness protection measures. The current understanding of the police about VWP is very nominal namely that of sending the victim to a shelter facility. A good victim witness protection programme requires funds for creation of suitable infrastructure, super structure, deployment of technology and highly skilled services like counselling. Hard pressed for money, in face of long drawn prosecution and in the absence or delay of any victim compensation, the victim or her support systems work out a settlement with the accused resulting into the failure of the trial.



What has clearly emerged from this study is the fact that there is little awareness about the existing legal provisions of VWP measures among the duty bearers like police, prosecutors and magistrates.

POCSOA has made great provisions on paper. It provides for paid special educator, counsellor, support person, interpreter, translator etc. to assist a child victim of sexual offences. It also provides for child friendly treatment. In the absence of government budgets for the same, they are rarely translated into practice except when the CSOs chip in which in itself has serious limitations. In addition to that if the enforcement personnel are not sure if the provisions of POCSOA can be invoked in the cases of sex trafficking, then the situation becomes worrisome.

8.16

Victim Compensation

Sex trafficking crime is covered under Victim Compensation scheme in undivided Andhra. It is much unlike many other Indian states as it covers the offence of sex trafficking as well. However, such schemes being largely unconditional in nature end up becoming breeding grounds of corruption. They require close monitoring and higher accountability preferably elaborate guidelines and judicial supervision.

8.17

Victims' Collectives

Sustainability of intervention demands that the ex-victims be the drivers of the various anti trafficking interventions. Considering the importance of the victims themselves taking responsibility for changing their situation and impacting the policies and programmes of the State and the civil society. Prerana, for the first time in India started NISHANT a Collective of Women victims of sex trafficking.

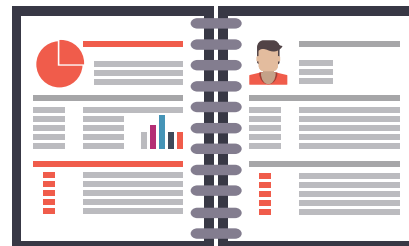
The UN Convention on Rights of the Child 1989 has laid emphasis on the right of the children to participate in the decision-making process that affects them and their environment. The victimized children need such a right far more urgently than the others. Prerana started EKTA and DISHA two Collectives of children who were exposed to intergenerational trafficking. These have been very active. Such collectives help build a better understanding of the issue and also help develop the necessary skills to fight for their rights.

Surprisingly, with the exception of HELP in Andhra Pradesh no AHT CSOs in AP or Telangana has given any attention to this much needed intervention organising and empowering the victims in the form of Victim Collectives.

8.17

Information,
Education and
Communication

While each AHT group is coming up with its own Information, Education and Communication (IEC) material, there is little exchange or broader dissemination.



8.18

Sensitization
and Training

The AHT CSOs have contributed greatly to the sensitization and training of field police officials on human trafficking and anti-human trafficking interventions. The police departments have on their part shown impressive openness to have inputs from the civil society sector. This is quite visible in the case of the two states. The coordination between the CSOs and police department appears promising. What is perhaps lacking is a matching improvement in the knowledge level of the police officers and their application of the various legal provisions. The primary data abundantly indicates the gaps in the knowledge even about some of the most important provisions and position of the law on trafficking and its destination crimes.



Training of Police Officers on Child Protection



CHAPTER 9

RECOMMENDATIONS



Human trafficking needs to be properly understood and analyzed as a social structural problem that has its roots in the inegalitarian and exploitative. social economic and political arrangement. It is a grave error to present it merely as an issue of crime and punishment to be tackled by police, courts and jails. The predominance of women and children belonging to the Dalit communities among the traffic victims (extra-peripheral tribals, the peripheral scheduled castes, the landless, marginal land holders, uneducated, unorganized) especially against an impressive aggregate economic growth and advancement of science and technology brings out this fact very strongly.

Although identifying the nature of the criminal gangs behind the crime was not an explicit objective or purpose of this Study the observations shared by a cross section of stakeholders including victims did not indicate any operation of a highly organized state level, national or international criminal syndicate centrally controlling the entire activity with full time and armed criminals.

While one part of child trafficking is clearly seen as highly institutionalized and operates in a highly frictionless manner (refer to the evil social customs of child trafficking like the Devadasi system or the community based prostitution of the de-notified tribes) the other part is characterized by extreme inequalities compounded by situational vulnerabilities and widely diffused presence of traffickers where any distant relative or neighbor could take to trafficking as a part time activity and find the family members facilitating it against a price or by agreeing to look the other way.

The importance of equity and rights-based overall development with special focus on those who are at the bottom of the pyramid and hence extremely vulnerable as a major preventive strategy cannot be exaggerated. The apathy of the state to enact and enforce the law, the repeated failure of enforcement agencies to combat the crime, the mockery of raids and rescue made by the fact of re-trafficking of the rescued victims all point to the limited scope of the 'crime and punishment' model with raids and rescue as the main techniques and police stations, courts and jails as the major arrangements.

The nature and irreversibility of the damage caused to the victim, the huge cost required for physical and mental recovery, the unbearable delays in justice and the absence of politico-administrative will to make provisions of funds for rehabilitation and justice all together once again and forcefully emphasize upon the importance of preventive approach with focus on equity and rights-based development.

Having said that it is also necessary for the state and the civil society to make it unambiguously clear that abusing someone's vulnerability to induct that person into a life of exploitation for one's own gains is a crime which will not be tolerated. Every case of victimization cannot be explained away by attributing it to the elusive and vague concept of poverty especially when the society and certain sections in the very society are crossing all limits of prosperity and privileges.

Economic policies that lead to multiplication of vulnerabilities and erosion of sustained lifestyles make individuals available to be exploited by anti-social elements with criminal intents.

The Constitution of India is against such policies;



Article 38 *{State to secure a social order for the promotion of welfare of the people}*

1. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
2. The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.



Article 39 *{Certain principles of policy to be followed by the State}*

The State shall, in particular, direct its policy towards securing -

- a. that the citizen, men and women equally, have the right to an adequate means of livelihood;

- b. that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good;
- c. that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- d. that there is equal pay for equal work for both men and women;
- e. that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are Part IV of Constitution of India Directive Principles of State Policies not forced by economic necessity to enter avocations unsuited to their age or strength;
- f. that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

9.1

Institutionalised Trafficking

If the report on the prevalence of Devadasi system in Andhra Pradesh by the single judge Committee on Devadasi released in 2016 is to be believed then there is an urgent need to relook at the Devadasi system. Perhaps a social movement for the eradication of the Devadasi system may be badly needed.

The problem cannot be handled by the modern-day police's heavy crime and punishment approach that seeks to arrest, prosecute and punish the offender after the damaging incident takes place.

An institutionalised evil practice like Devadasi system needs a social movement that is based upon the comprehensive understanding of the steeply hierarchical socio-economic arrangement of the Indian society, and manipulation of culture and religion by the privileged castes with the evil intention to sexually exploit the Dalit girls' women and male children.

As regards the non-institutionalised type of trafficking in the two states several specific recommendations emerge from this Study.

- First and foremost a drastic change in the strategy and reprioritizing of intervention measures are urgently required.
- New and better strategies need to be devised in terms of rescuing victims and booking offenders. The age-old technique of sending a bogus/ decoy customer will have to be replaced by a sounder method.

The Traffickers

The peculiarity of the South Asian phenomenon of trafficking needs to be understood as distinct from the systems in Europe, USA or Japan where it is an establishment run by highly organized criminal gangs. In India, a trafficker is often a known person from the neighbourhood and often the family members are aware of the trafficking possibility or plan. This needs to be understood very well, before deriving strategies and implementing AHT especially programs against child trafficking.









9.2

Prevention

The police and court heavy approach of crime and punishment has little scope to curb trafficking and the destinations crimes. A preventive approach with emphasis on developmental intervention with focus on the vulnerable communities is the need of the hour. Prevention remains the best intervention.

Prevention at Source

As an interim measure, the host countries and states should strive to delay the exit (under whatever pretext like run away, trafficked, illegal migration, etc) of their children and young adults anytime below 18 years of age.

-  It is seen that the mean age of the exiting children is 13 years. If they can be held on till they complete 18 years and given self-protection capabilities and employability skills then the chances that they will be trafficked and exploited are minimized.
-  Better protection mechanisms to curb the so-called Run-Away children phenomenon.
-  Retention of children in formal education system through enforcement of RTE through Tribal Ashram Schools, schools, and wherever unavoidable through NCLP schools.
-  Provision of toilets, hot mid-day meals, sanitary napkins, bicycles, physical security, curbing of - corporal punishments, bullying & belittling of children, enforcing of minimum standards in infrastructure & basic amenities & quality of education all these measures which are a commitment of the State can go a long way in protecting vulnerable children.
-  Preventive action is required in the sending states to stem the exodus.
-  Targeted interventions with a developmental orientation to protect the vulnerable children from the notorious supply zones, help them overcome their vulnerability, to empower them, to equip them with sustainable vocational skills, convert them into a valuable human resource and enhance their employability.

Learn from the global anti-human trafficking program of the US government. Preventive, and protective action in the supply countries to control the inflow of traffic victims into the USA.

- Identification of untraced children living on and off streets or working in informal sector establishments without a guardian, registration, provision of identity cards, coverage under health insurance and health services, locker facilities, nighttime shelter (Aamchi Kholi-Mumbai), bank accounts, vocational counselling and training to upgrade them to the level of skilled workers and employability at an appropriate age, group homes for above 18 years, food coupons, provisions of and access to non-institutionalised services, tracing the homes/parents of the children before resorting to an institutionalised or non-institutionalised option.

Prevention in Transit

- Preventive intervention during transit (Railway trains, junctions etc.) long-distance buses, involvement of Autorickshaw drivers, Multidisciplinary Helpdesks (police, counsellors) at the terminal stations & junctions would help identify cases of trafficking early on.
- Easy access to Helplines during transit, displaying Helplines in out-station trains, Railway stations, Bus Stops, Radio announcements about the same, Regularly pre-recorded announcements in out-station trains about reporting (like the ones in Mumbai Locals) can help in bringing the crime to notice during transit.
- Timely delivery of deterrent messages, perceived operations of vigilant squads, well attended help desks on the platforms and bus depots can help deter the perpetrator at the right time.

Prevention at Destination

The efforts of HELP to end intergenerational trafficking;

Children born to prostituted women who are victims of commercial sexual exploitation, whether red-light based or not, are captive victims of sex trafficking who are closely exposed to the danger. Among the various anti trafficking interventions, the one that prevents intergenerational trafficking is the most successful with perhaps the highest ever known success rates.

In terms of priority to it protects that section of children which are most vulnerable to trafficking. The approach being rights-based and development oriented, it protects the child comprehensively and keeps them on the path of development thereby protecting the child from every other form of human trafficking as well.

Taking away such sure recruits to the sex trade from the clutches of the traffickers is a strong blow to the very foundation of child sex trafficking, HELP is already working on that model.

Other CSOS committed to child protection whether working directly in the AHT field or not should be encouraged and supported to take up interventions against intergenerational trafficking.

9.3

Immediate Post Rescue Operations

- Steps and measures are needed to eliminate the re-trafficking of the juvenile girls and other children rescued from the sex trade or labour bondage.
 - CSOs should be encouraged and equipped to submit effective Social Investigation Reports of the rescued children who are children in need of care and protection (CNCP) produced before the CWCs.
- The duty bearers should be trained and equipped to understand the serious consequences of handing over the rescued child to any claimant after a casual inquiry. They should also understand that the child's safety is not necessarily guaranteed by merely restoring the child to the family. In many cases, it may be equivalent to pushing the child in the most dangerous situation.

A comprehensive Post Rescue Operation project is required to bring in rule of law and purge out malpractices that cause re-trafficking besides causing serious wastage of resources and efforts.



Victim Assistance

Bharosa a One Stop Crisis Centre started by the Hyderabad Police in Hyderabad was much needed and overdue. Prima facie it looks very promising. To what extent it boosts proper investigation and prosecution and results into higher conviction is yet to be established.

Similarly, although its claim on social reintegration is less likely to be challenged in the first glance it needs to be established by a third-party assessment. Bharosa has to be undoubtedly accredited with reducing considerable distress and inconvenience to a victim. Third party evaluation (not documentation) of Bharosa and identification of its impact, potentialities, strength, weaknesses, socio-cultural and economic replicability etc. is recommended. Another point to note is that Bharosa only serves women and leaves out the male children victims of sexual maltreatment or organized violence.



Long Term Post Rescue Operations

- The success stories, landmark judgements, protocols, SOPs, manuals, guidelines, and other IEC material should be widely disseminated.
- A pilot project for comprehensive long-term PRO including economic rehabilitation and social reintegration is badly needed particularly against the background of a serious lack of success stories on long-term post-rescue and rehabilitation.

- To eliminate re-trafficking of rescued girls, stop the wastage and duplication of resources, to make immediate and long-term post-rescue operation accountable and transparent it is recommended to adopt a software-based approach as evolved in Mumbai's 'The Victim Tracking Registry'. The AP government had expressed having such a system for the State and had obtained one such programme from Mumbai a few years ago.

Victim Assistance Services

- Institutionalization in facilities run by state or non-state bodies should not be a precondition for the victims to avail of a variety of services meant for them.
- Urgent attention to be given to evolving community-based rehabilitation and non-institutionalized services for the victims.
- In the domain of victim assistance, there is adequate though not up to date knowledge base and IEC material in South Asia. Capacity building programmes to introduce the content in the degree, diploma and paraprofessional training programmes of the established universities and open universities are recommended. This could go a long way in making the required trained manpower available.
- Creating a pool of bare foot counsellors, upgrading them with specific skill sets to handle certain types of cases, building up a system of referral to experts in selective cases appears to be a practical and viable approach.

9.4

Inevitability of Shelter based facilities and services with minimum standards

In certain situation shelter-based services are inevitable. Access to shelter-based services should not amount to incarceration or mere vegetative existence. Actual and potential victims, when institutionalised, should also be linked with formal Education and open schooling system which can generate resilience and empowerment.

9.5

Conviction rate

Provision of dedicated Special Courts and advocacy to resolve the issue with session triability of the offence under Sec 370 & 370-A.

Effective PRO services, VWP and fast disposal of cases will go a long way in a higher conviction of offenders and sustained rehabilitation of the victims.

9.6

Social reintegration

The term remains poorly conceptualised. Completely satisfying meaning of the concept may perhaps not be possible in a dynamic and ever-changing society. Social Reintegration should minimally guarantee social treatment devoid of stigma and discrimination.

Social Reintegration has a lot to do with correcting social misperceptions. Limited victim centric interventions and sensitization and training of the duty bearers in the enforcement and rehabilitation arena will not make much change on social misperception but social renaissance movement can definitely make a difference.

The successes and failures of the social movements against the evil social custom of Devadasi is one area that can offer good lessons and insights.

Economic self-reliance is a key to prevent trafficking and re-trafficking of the rescued victims. The long-term post-rescue operation measures must ensure economic self-reliance. Vocational guidance, vocational counselling followed by vocational training, imparting employability skills and placement in the job market are all indispensable elements of a sound rehabilitation programme. The selection of trades for vocational training must be based upon a sound study of the job market and demand for skills. Trade selection has to be done by taking into consideration various factors.

9.7

Vocational Rehabilitation

The trades and skills set to be given to the victim by way of vocational training must be selected carefully giving considerations to the following tips;

- There should be an open-ended demand for the skills/trade
- The capital investment must be modest
- The inventory must be modest
- The technology must not be remote
- The trade should not make the trained person vulnerable to exploitation
- There should be open-ended spatial demand for the skill so that the trained victim can change their place and do not get stuck with one place
- The gestation period must be short, the returns must start flowing in a short period
- The trade should be risk-free and resilient to depression and market fluctuations
- The skill should not invite stigma and discrimination from the society even though the stigma is irrational for the person who suffers from it, it is real

9.8

Victim Witness Protection

VWP is not just a statement of law it is a skill set too. By and large, the functionaries do not possess those skill sets. There is no programme with regards to Victim Witness Protection whatsoever in AP, Telangana or in the country as a whole. The S & T programmes should provide practical training to help the duty bearers acquire those skill sets.

The critical importance of VWP has been adequately identified in India long back. It is also admitted that provision of VWP positively affects the outcome of investigation and prosecution. In the absence of a law on VWP, the apex court has set various good practices to facilitate justice and avoid re-victimization of the victims during the trial. The POCSO Act, 2012 has actually begun the process of incorporating the VWP measures in the text of the law. This process needs to be strengthened.

9.9

Victim
Compensation

Victim Compensation regulatory mechanisms should have a system of judicial monitoring. If left to the bureaucratic bodies it will lead to rampant corruption.

Some VC schemes make it compulsory to invest a large portion of the amount in long-term fixed deposits.

This may not be a sound idea especially when the victim of its dependent actually needs the money immediately e.g. to sustain education. It makes no sense in making it available years after the beneficiary has dropped out of school and remained uneducated and unskilled.

9.10

Victims'
Collectives

Victims must be helped to get organized in a Collective which can voice their concerns at all the relevant social platforms and decision-making centres.

They have to be appropriately trained to serve as the care taker and duty bearers in institutionalised and non-institutionalized services for the victims.

VIMUKTI the victim collective facilitated by HELP is an excellent example of providing legitimacy and authenticity to the anti-trafficking interventions. Being low on status, education and other resources they would need some hand holding for some initial years. Intensive capacity building is necessary to make these Collectives effective. It is very sad that the AHT CSOs are doing little on this front.

9.11

Information
Education and
Communication

Creation of civil society run anti trafficking resource centres (ATCs) to provide the intellectual and material back up for the antitrafficking initiatives of the civil society and critique the government is highly recommended.

In different corners of India different organizations have evolved considerable IEC material. Several organizations that have worked on victim assistance have evolved IEC material based upon their experiences. Some others like IOM, SARI/Equity project of AED-USA have produced and disseminated compendia of guidelines, checklists, protocols, SOPs, handbooks, manuals, best practices in victim assistance and handling their mental health.

The ATC should gather and disseminate it among a larger group of field practitioners, service providers, duty bearers and stake holders.

- Pre-service and In-service training should be given its due importance.
- Ideally, the State should, in collaboration with the CSO sector and other experts, evolve and disseminate the minimum standards for the training content, methods and resource persons to the state and non-state agencies who are interested in undertaking training on HT and AHT and other related issues or are entrusted with the responsibility. These minimum standards should equip the trainers and training bodies with background information, situation analysis, case materials, pre-test post-test evaluation formats, minimum duration, communication technology and the use of audio visuals, etc.
- The important duty bearers like the personnel of SJPU, members of CWC & JJB, Superintendents of JJ institutions, Hostel wardens, recognized service providers, must be made to appear for an online test on HT and AHT - the Act, the Rules and the broader issues of child protection.
- Multi-disciplinary teams of duty bearers, caregivers should be trained together rather than training these groups individually and convergence should be an essential part of the training.
- The training should give emphasis on using carefully chosen case material which can encourage the trainees to apply various legal and programmatic provisions to the individual case.
- The trainers should have passed an online examination on the subject monitored by UNICEF or the MWCD.
- Certified trainers alone should be engaged in conducting S & T.
- The State should create a pool of experts who function as trainers who can be made available to the duty bearers in the field for occasional consultation and guidance when in need.
- The state and non-state entities undertaking training should instill accountability in training.
- S & T should be assessed and monitored for impact.

APPENDIX



OPTIONAL MODELS OF SEX OFFENDERS' REGISTRY

In one type of register all names contact details and photographs of all types of sex offenders are declared and made publicly easily available. Along with that, all sex offenders are then disqualified from all kinds of jobs for life time. This model is based on the faith that every offender is has to be punished over and above his term of punishment preferably for life time and deserves no opportunity to get reformed. There is a fear that the anti social elements in the public may take undue advantage of the knowledge and attack those in the list if found in market and other public places.

In another type of register only the names and picture of the offenders who have committed severe or repeated sex offences are included. Such registries are maintained only with the police. When anyone applies to an organization for a job then the organization can write to the local police station and get the candidate / applicant verified whether he is included in the Registry. This keeps the offenders of minor sex offences and first timers of minor offences out giving them an opportunity to get reformed without facing public wrath at public places. At the same time the organizations get to know if the applicant has any history of sexual crime and can decide whether to appoint or not. This model is based on the fact that every sex offender of any kind of offence is not necessarily a hardened criminal and if given opportunity may get reformed. It also believes that the law should give a sentence and the punishment should end with the completion of that sentence.

WHICH OF THE TWO TYPES DO YOU SUPPORT, FIRST OR SECOND?

HELP founded in 1993 by a group of service professional from different areas of interest committed to protection of women & children from violence, sexual exploitation, abuse and trafficking. The vision of HELP is to create a safe, supportive and responsive society that upholds the protection, rights and dignity of every child in Andhra Pradesh. HELP is one of the pioneering organizations working against human trafficking through prevention strategies, direct services to the trafficked victims for their rehabilitation and re-integration and advocacy for speedy legal redressal of the trafficked victims. HELP as one of the important policy – influencing organizations in the State of Andhra Pradesh is the nodal NGO for the Department of Women Development and Child Welfare and the Criminal Investigation Department (CID) in Andhra Pradesh.

The Girls Advocacy Alliance (GAA) is a global initiative of Plan International – Plan Netherlands, Terre des Hommes Netherlands and Defence for Children – ECPAT Netherlands. It is aimed at contributing towards 'Equal rights and opportunities to girls and young women' and inclusive economic growth in ten countries, spread across Asia and Africa region. The programme lays emphasis on the elimination of violence against girls and young women and their economic exclusion as policy priorities.

In India, this initiative is led by Plan India and Terre des Hommes Netherlands in partnership with Mahita, HELP and Tharuni in Andhra Pradesh and Telangana. Its main focus is on prevention of child marriages, child trafficking and promotion of secondary education among girls and Job Oriented Vocational Training (JOVT) among young women. It endeavors to create and environment where girls and young women can carve a life of self-reliance, dignity and financial independence.

TERRE DES HOMMES NETHERLANDS, is a proactive international non-governmental organization. Since 1965, TdH Netherlands has protected tens of millions of children from violence, labor, trafficking, sexual exploitation, malnutrition and health issues. The organization is working towards a world where all children have a decent life and can grow up to be independent adults.



ONGOLE

HELP, 2nd lane, Sujatha nagar, Lawyer pet Ext,

ONGOLE - 523 002. Prakasam District, A.P

Ph: 08592 - 221206/221208/270664.

Fax: 08592 - 221208

www.helpap.org

www.childprotectioninfo.in

Field offices:

VIJAYAWADA : 24-25-74, 2nd Floor,BRTS Road, Durgapuram,

Vijayawada. Krishna Dist., A.P

CHILAKALURIPET : Lakshmi Children Hospital Road,

Subbaiah Thota, Chilakaluripet - 522 616. Guntur Dist, A.P.

ANANTHAPUR : # 1/1189-22A, NGO Colony,

Ananthapuram Dist., A.P.

HYDERABAD : D.No: 12-13-483/27/1,1st floor,

Vastra Designers, Street no:1, Taranaka, Secunderabad, A.P.

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