

# HUMAN TRAFFICKING

The Stakeholders' Perspective



Edited by

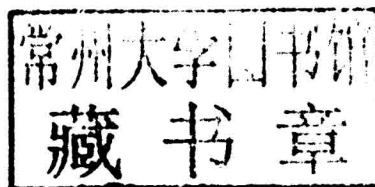
**Veerendra Mishra**



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*The Stakeholders' Perspective*

*Edited by*  
**Veerendra Mishra**



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**The SAGE Team:** Shambhu Sahu, Rohini Rangachari, and Anju Saxena

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# List of Abbreviations

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CS	civil society
AHT	anti-human trafficking
CSAHT	Civil Society Anti-Human Trafficking
CSO	civil society organization
CSE	commercial sexual exploitation
CSE&T	commercial sexual exploitation and trafficking
DG/DIG	Director General/Deputy Inspector General
GO-CSO	Government Organization/s, Civil Society Organization/s
GOI	Government of India
HT	human trafficking
IEC	Information Education Communication
ITPA	Immoral Traffic (Prevention) Act
NACO	National AIDS Control Organization
NACSET	Network Against Commercial Sexual Exploitation & Trafficking
NATSAP	Network Against Trafficking & Sexual Exploitation—Andhra Pradesh
NCW	National Commission for Women
NGO	nongovernmental organization
OSCE	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
PPP	public-private partnership
SP	Superintendent of Police
TIP	Trafficking in Persons
S&T	sensitization and training
SGBV	sexual and gender-based violence
UNCEDAW	United Nations Convention for Elimination of Discrimination Against Women
UNCRC	The UN Convention on the Rights of the Child
UNTOC	The United Nations Convention against Transnational Organized Crime
USG	United States Government
WCD	women and child development



# Preface

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Human trafficking (HT) is one of the three most lucrative types of organized crime, besides drugs and arms. It has reached a scary magnitude. The extent of human rights' violation is unimaginable. One can come across panel discussions in electronic media, articles in print media and incessant seminars, workshops, and consultations taking place at every nook and corner, discussing the severity and enormity of menace, with brain-clashing sessions over combating strategies. However, crime is spreading its tentacles unabated, reaching undefined proportions. New dimensions add up during every discussion with organizations becoming specific in projecting the kinds of exploitation. The broader spectrum of HT is redefined at a micro-level and new terminologies are appended to the trafficking lexicon. When it comes to calculating the intensity of the problem, the figures from different sources vary tremendously. The difference in estimates of government agencies and civil society organizations are too wide to comprehend. However, in reality the actual figures are still unknown as projections are guesstimated in the absence of authentic surveys.

In a gist, the definition of HT given in Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons can be given as the acquisition of people by improper means such as force, fraud, or deception, with the aim of exploiting them.

Virtually every country in the world and every state of our country is affected by this crime of trafficking as a place of origin, transit, or destination for victims. The challenge for all countries, rich and poor, is to target the criminals who exploit desperate people and to protect and assist victims of trafficking and smuggled migrants, many of whom endure unimaginable hardships in their bid for a better life. Every year, thousands of men, women, and children fall into the hands of traffickers, in their own countries and abroad.<sup>1</sup>

Trafficking of persons is a modern-day form of slavery, threatening the dignity and security of millions of people throughout the world. UN Secretary-General Kofi Annan had noted:

Slavery was, in a very real sense, the first international human rights issue to come to the fore. It led to the adoption of the first human rights laws and to the creation of the first human rights non-governmental organization. And yet despite the efforts of the international community to combat this abhorrent practice, it is still widely prevalent in all its insidious forms, old and new. The list is painfully long and includes traditional chattel slavery; bonded labor; serfdom; and forced labor, including of children, women and migrants, and often for the purpose of sexual exploitation, domestic servitude and ritualistic and religious reasons.

The United Nations without mincing any words has reiterated that trafficking in human beings is one of the third most money spinning organized crimes. The other two are trafficking in drugs and weapons. If we try to understand the way trafficking takes place, it will be easy to understand how much potential trafficking in persons holds in overtaking the other two. Trafficking in human beings involves the least risk when compared to other two organized crimes. HT takes various forms, for sexual exploitation, slavery, for organs, forced marriages, labor, and adoption. Within the country, the process involves the least risk. Even when carried internationally, it is difficult to expose a smart trafficker. The reason is simple. In most cases of HT, the victim for a long time is under the impression that it is for her or his benefit. They mostly come to the rescue of the trafficker posing difficulties for the enforcing or intervening agencies to establish the crime. It is difficult to provide safety, unless the victim is a clear-cut minor or a major and speaks out loud about victimization. In the other two types of trafficking (drugs and weapons) if the goods trafficked are detected and confiscated, the chances for the trafficker to be saved become difficult. It becomes an open case for investigation for the law enforcers.

It is very difficult to ascertain the authenticity of the estimation of trafficking. So, we can always say that the estimated value of trafficking involved is a mere presumption and in actuality it may be many times more. The victims most of the time, particularly in third world countries, are from a poor economic background and rural setup. The local authorities and the neighborhood are unable to decipher trafficking. They presume it to be migration, in search of greener pastures. The difference between migration and trafficking is many a times technical, which is beyond the comprehension of oblivious locals. Hence the majority of cases of trafficking still go unreported, failing to draw attention.

For the seventh year in a row, India remained on the Tier 2 watch list, receiving one of the lowest rankings in the Trafficking in Persons (TIP) Report, annually issued by the U.S. State Department. The annual report, required by the U.S. Congress, ranks 177 nations by tiers to measure the extent to which each government adheres to the Trafficking Victims Protection Act, a U.S. law enacted in 2000 to combat HT and protect victims. While India continues to be listed in the Tier 2 watch list, Pakistan has shown improvement in ranking by shifting from the Tier 2 watch list in 2009 to a Tier 2 country in the 2010 TIP Report.

A Tier 2 ranking means a government is “making significant efforts” to comply with the anti-trafficking law’s minimum standards but does not yet meet those standards. Tier 2 watch list countries do not meet the minimum standards but are making significant efforts, yet trafficking is either increasing or more concrete steps are needed by the governments.<sup>2</sup>

“This report provides in-depth assessments and recommendations for 177 countries, some of whom are making great progress toward abolishing the illicit trade in human beings. Others are still doing too little to stem the tide,” said Secretary of State Hillary Clinton, while releasing the report. “Behind these statistics on the pages are the struggles of real human beings, the tears of families who may never see their children again, the despair and indignity of those suffering under the worst forms of exploitation,” she said adding, “Through this report we bear witness to their experience and commit ourselves to abolishing this horrible crime,” she added.<sup>3</sup>

An area of concern is trafficking for labor. Another very recent report of the U.S. Department of Labor on July 19, 2010 labeled India as a country that uses child labor in garment manufacturing. It has

put garments from Indian origin in the Executive Order 13126 list, thereby labeling them as “products, by country of origin, which the Department of Labor, State and Homeland Security believe might have been mined, produced or manufactured by forced or indentured child labor.”<sup>4</sup>

“The Indian government has not demonstrated sufficient progress in its law enforcement, protection or prevention efforts to address labor trafficking,” noted the TIP report, adding, however, that the country was making significant efforts to end sex trafficking.

Therefore, internationally it is opined that we are focusing enough on the issue of sex trafficking but little on other fronts. However, many question the authenticity and impartiality of these reports. Without falling into the discussion trap of merit and demerit of these reports, we can accept the fact without doubt that the issue of HT still lacks the desired attention.

This book is an attempt to discuss various issues of HT, including perspectives of a cross section of stakeholders. The crusade of all contributors is the same, to strengthen the endeavor to combat HT. They are working in their respective disciplines with the common goal of fighting against this menace.

The book is divided into six sections.

The first section constitutes chapters basically delving into commercial sexual exploitation (CSE). “Commercial sexual exploitation” of women takes place by pushing them into selling their bodies as a commodity, selling them off as brides, and through other means. Articles are suggestive of the rehabilitation mechanism with a success story in the form of case study. There has been an attempt to evaluate the cause and effect scenario. The contributions are from different fields and with varied experiences. There are active field operators that have influenced policy makers to act. Researchers and academicians give a generalized viewpoint of an intellectual. The idea has been to incorporate varied views to cover it from different angles, as CSE is what is presumed to be HT by most in society.

The second section covers “child trafficking” issues. Child trafficking chapters include articles on child labor, trafficking through adoption, for sexual exploitation, and other reasons. The chapters are contributed by organizations with repute that have innumerable success stories to their credit in saving children from the clutches of traffickers and bringing to book the perpetrators. They have been active in their field for years and actively turned the course of legal provisions providing more protection and security to children.

The third section contains “perspectives on trafficking from outside India” and the chapters reflect the scenario beyond borders. They discuss issues of trafficking by adoption in Eastern Europe, commercial sexual exploitation in East Timor, trafficking for labor in Europe, as coercive performers in the circus from Nepal, Labor and for sexual exploitation from Bangladesh along with details of legal provisions. The chapters are highly enriching and they enable us to understand the commonality of the problem, cutting across borders, differential cultures, economic growth, and political ideology and stability. The problem of Romania, an East European country formerly communist; the United Kingdom, a western developed nation; East Timor, a war torn country and the youngest democracy; Nepal and Bangladesh, developing nations with which India shares a common border, and faces cross-border trafficking suggest that all are groping with the same problem of HT, reflecting that the problem is universal.

The civil society organizations have contributed by sharing their experiences, viewpoints, ground realities, inherent weaknesses of the system pledged to combat trafficking, and suggestions to plug the

loopholes. Some analysis have been critical, with very strong statements made bearing the frustration of helplessness and some guided with optimism. The best part is that opinions are honest and reflected in unambiguous words.

The fourth section of the book deals with the “legal provisions.” The contributors are judges with enviable reputations and experience on the subject, organizations working for decades on prosecution, and an academician’s viewpoint. The prevailing laws have been critically examined and evaluated. In India the major criticism of anti-human trafficking efforts has been that it is more accused oriented and the victim is marginalized and neglected. The High Court judge’s reflection of HT from the victimology’s angle is the lease of fresh air. There is a discussion on the subject of operations and rescue, as well.

The fifth section is about “experiences of State responses.” The most critically targeted group, for the failure to curb the problem, is the state. Here are a few chapters from people who are serving and retired as government servants. They define the role of state and delineate some success stories. This is in line to prove the fact that all is not bad as presumed and projected. The gap in law enforcement, some success stories of the state, achieved in cooperation and collaboration with civil society organizations with an overview of the prevailing situation is honestly discussed.

The last section, but not the least important, incorporates “case studies and models—a way forward.” Chapters are suggestive about the successful rehabilitation and working models in place, which have been widely appreciated. An empirical study of Mumbai and Kolkatta draws a vivid picture in these two metros and the state response.

Governments and the international and local community groups and organizations have been responding to the growing incidence of trafficking. The significance and strength of the civil society organizations (CSO) lies in its creativity, diversity, its localized nature with desirable links with community, voluntary spirit, its capacity and courage to question, and to challenge the dominant paradigms of development. government on the other hand has the backing of law, protocols, and other criminal justice response machinery including police force in place to prevent, suppress, and punish trafficking in persons. However, rather than capitalizing on their strength by forging a partnership with the state and other stakeholders to end trafficking, the CSOs tend to sit on the critical bench and cool their heels by throwing allegations on un-delivering system. The state too has failed miserably to keep up to expectations, due to a lack of conceptual literacy, complacency, official complicity, apathy, and other genuine limitations. All across the globe Public–Private Partnership (PPP) is the golden slogan and the tested model of success. Coordinated multiagency response to HT is the need of the hour where strength of both CSOs and states are harnessed to the maximum. Rather than watching, cribbing, and letting go of the accountable partners, the civil society organizations should take a lead and try to engage in dialogue and capitalize on the changing lookout. They have a very important role to play, of decreasing the chasm between service providers and victims. Each one has to comprehend the fact that all the stakeholders have to concertedly work on a strategy. Letting out one party in the process will leave a gap threatening the chances of goal achievement.

Very deliberately, I have emphasized on the role of CSOs because, honestly speaking, for the relevant machineries in the state, unless defined in protocol and terms of reference, HT never remains the top priority. It is an additional job besides other responsibilities. HT is an organized crime and it can be

checkmated only through an organized professional approach. This can be achieved by proper networking, collaborating, sharing, and working in unison. The CSOs can play an important role in doing so.

## Notes

1. Available at <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuside> and accessed on 05/13/2012.
2. Available at <http://www.america.gov/st/sca-english/2010/June/20100621125725kjleinad0.1923181.html?CP.rss=true#ixzz0rdJBz0Hc> and accessed on 10/20/2011.
3. Remarks on the Release of the 10th Annual *Trafficking in Persons* Report available at <http://www.state.gov/secretary/rm/2010/06/143113.htm> and accessed on 04/02/2011.
4. Available at <http://economictimes.indiatimes.com/news/news-by-industry/cons-products/garments/-textiles/Indian-apparel-exporters-jittery-over-US-allegations-of-child-labour/articleshow/6207514.cms> and accessed on July 24, 2010.

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