

Situation of Human Trafficking and Anti Trafficking Interventions: India in the South Asian Context

Presentation at CRC – URI 27 Oct 2015

by Dr. Pravin Patkar

Fulbright Nehru Academic
& Professional Excellence
Fellow- 2015-16

Co-Founder & Director-
PRERANA, India



*Situation of Human Trafficking and Anti Trafficking
Interventions: India in the South Asian Context*

Presentation at CRC – URI 27 Oct 2015

The India centric Human Trafficking scenario of South Asia and looking back at the multi pronged anti human trafficking interventions of the State and Civil Society. A different cultural and political perspective.

ACKNOWLEDGEMENT

- ❖ The University of Rhode Island
- ❖ The organizers of the CRC Session
- ❖ Prof. Donna Hughes, Gender & Women Studies Programme (my Faculty Associate for the Fulbright).
- ❖ The Gender & Women Studies Programme & Dept of Sociology & Anthropology
- ❖ USIEF/ Fulbright Commission US Govt.
- ❖ All children and women victims of trafficking
- ❖ My partner networks all over



Where are we? South Asia in Asia- Indian Sub Continent



Where are we? India in Asia



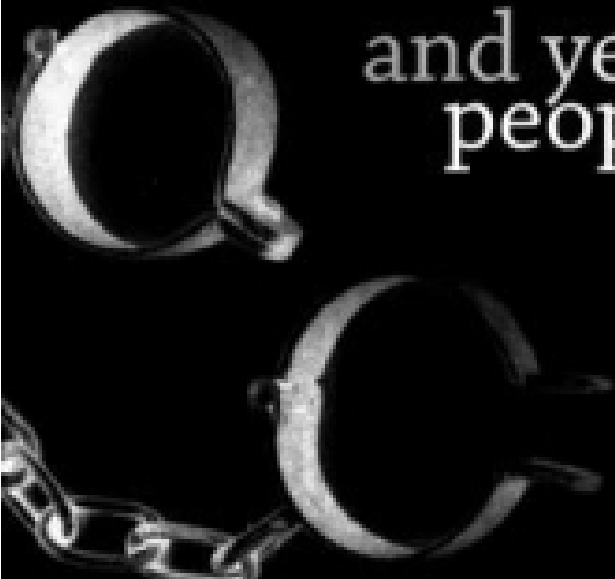
A quick glimpse at the unacceptable reality

Human Trafficking

Slavery was abolished
150 years ago...

and yet there are more
people in slavery today...

than at any other time
in our history.



Human Trafficking for Organised Beggary



Human Trafficking- organized beggary



Human Trafficking – organized beggary



Human Trafficking- Exploitative Labour Sector



Human Trafficking



Human Trafficking- Brick Kilns



Human Trafficking- Porters



Human Trafficking – Cigarette making



Human Trafficking- Porters



Human Trafficking – Scrap collection



Human Trafficking - Scrap Collection



Human Trafficking: Acrobatics /Entertainment



Human Trafficking: Fire Cracker Making



Human Trafficking: Charcoal Making



Human Trafficking: Making Fire Crackers



Human Trafficking: Brick Kilns



Human Trafficking: Leather Works



Human Trafficking: Cotton Harvesting



Human Trafficking: Carpet making



Human Trafficking: For Camel Race in Middle East/Dubai



Human Trafficking: Camel Jockeying



Human Trafficking: The Master & the Jockey



Human Trafficking for the Sex Trade

What is Human Trafficking?

- In simple words Human Trafficking is illegally procuring a person by illegal, criminal or unfair means to put that person in a situation of exploitation for someone else's gains.
- Situation of exploitation includes (but not limited to) in Sex Trade, Slavery, Bondage, Forced Labour Human Organ Trade, Begging, etc.

Human Trafficking

- is technically different from -

- Prostitution
- Slavery
- Human Smuggling
- Illegal Migration
- Exploitation
- Kidnapping/Abduction
- Servitude/Bondage

BUT often they are interlinked and overlapping

- **Human Trafficking – has 3 elements**
- **ACT** - Abduction, Kidnapping, Buying, Selling, Hiring, Renting, Pawning, Harboursing, Pledging, Taking, Receiving, Transporting, Transferring and Recruiting of human beings
- **MEANS**- By Force, Fraud, Coercion, Abuse of position of power, Abuse of vulnerabilities of others, buying of consent
- **ENDS** – Placing the person in an exploitative situation like slavery, servitude, organ trade, sex trade, beggary etc. for the benefit of someone other than the victim

South Asia

Labour Sector - Bondage, Peonage, Seasonal/Annual Bondage, Customary bondage, Vethbigary, Lagingadi, Saldari, Mail Bride (Paro/Malki -polyandry) , Circus, Beggary, Escort services, Camel Jockey, Construction (Brick), Farming (Hawai), Domestic Help

Sex Trade – Prostitution, Pornography, Dance Bars,, Entertainment, Phone Sex, Mail Bride, Devadasi, Customary

Organ Trade – Kidneys, Liver, Torture camps, (also blood)

Mail Bride – Muttah, Paro/Malki

Human Trafficking- Customary prostitution -- North West India



Certain north-west Indian communities traditionally trafficked into the sex trade. Banchda, Bedia, Kanjar, Nat, & Rajnat



95% girls do not get to marry and settle in a family. They are groomed for prostitution



Human Trafficking: Community girls highway-side prostitution



Human Trafficking: Community girls sold into the metropolitan sex trade



Human Trafficking: Sex Trade in the Garb of Dancing



Human Trafficking: Devdasis (God's Slaves/Wives) customary temple based sex trade



Human Trafficking- Devdasis - God's Wives. Prostitutes for ever



Devdasis once a majority in Mumbai's Red Light Districts



Lives and Generations Condemned

- Some South Indian communities traditionally trafficked into the sex trade – temple based prostitution, Devdasis, Yellammas, Basavis,, Vaghya Murali & Deuki (Nepal) etc



Last resort- Nude Protest by the Devdasis



Devdasis concerned about their next generation the captive victims



Devdasis seeking freedom and dignity for their children



Because only pre-pubescent girls were dedicated



Source: imagarmendia.es

In short, it was an evil custom of child predating



Dedicated girl ready to be deflowered on reaching puberty: Practically auctioned



Mumbai's Kamathipura

Dilapidation, Congestion, Filth – prime infrastructural identities



Once Asia's largest Red Light District – Kamathipura, Mumbai



Mumbai's Kamathipura Red Light District

Trying to catch up with some sleep



Kamathipura Red Light District

One Madam, 1 brothel, 20 Girls, 12 customers a night each.
40% under 18 Yrs, rest inducted while 18> yrs



Kamathipura Red Light District

Day Time Customers



No place even to sit & rest! 12 customers a night



**No political identity, no ration card, no voting rights,
no bank account, no school admission for children,
no access to public facilities like hospitals**



Captive victims –the second generation

Girl children getting ready to be raped



Kamathipura – the scene at night



Streets overflowing with strange males

Children to find place to sleep amidst this after serving them till the midnight



Getting painted to get raped! No place to sit!!



Choose your piece! The customer is the king!



Women and girls for display. Boys in the back lane



Filth, violence, congestion, contamination, infections. Poultry farms are 100 times cleaner and better maintained



Human Trafficking for Sex Trade



The Historical Context

- Post 1950
- Post 1980 scenario:
Sex Trade/Child Labour/Sex Tourism, Child Sex
Predating (pre Internet based and Internet
based)

Current Issues

- Diversified Sex Trade and Pornography
- Unsafe Migration --- Displacement, Eviction and Forced Migration. Illegal Migration & Human Smuggling, Trafficking, Slavery and Servitude
- Trade in Human Organs, Trafficking for Human Sacrifice, extortion through torture
- Digitalization of the Sex Trade. Net based access. Credit card issuing companies. Govt of India July-Aug 2015 action.
- Shift of focus -- International intervention shifting to the labour sector exploitation at the neglect of the sex sector exploitation
- Focus on rescue and prosecution.
- Prevention & Protection neglected. Donor driven/Fund driven

Legal Instruments

- UN Conventions, European Instruments, Laws, Protocols, Regional Conventions.
- Constitution, Criminal Law, IPC, Special Laws- (Immoral Traffic (Prevention) Act 1956, The Child Labour Act 1986, The Transplantation of Human Organs Act 1994, The Bonded Labour (Systems) Abolition Act 1976, The Bombay Prevention of Begging Act, The Juvenile Justice Act 2000

Prerana's Innovations

- Night Care Centre - NCC
- Day Care Centre- DCC
- Mid Way Homes – CHILDLINE
- Education Support Program- ESP
- Institutional Placement Programme- IPP
- After Care/Group Homes-AC-GH
- Children Affected by AIDS - CAA
- Health intervention- -HI
- Legal Intervention- -LI
- Community Animators- -CA

Prerana's innovations contd....

- **Vigilance Squads**
- **Dancing Feet**
- **Post Rescue Operation PRO**
- **Victim Assistance/ Victim Witness Protection**
- **Home Investigation Report /SIR**
- **Psycho Social Counselling**
- **Restoration**
- **Repatriation**
- **Victim Tracking Registry – Software**
- **Women's Collective – Nishant (End of the Night)**
- **Children's Collective – Ekta, Disha**

Innovations in Vocational training /Job Placements

- **By Prerana:**

- Fashion Designing
- Beauty Care
- Housekeeping and Catering Technology
- Fabric Painting and Embroidery
- Jobs at McDonald, TajMahal Hotel, Taj Lands End
- Petrol pumps, other food chains

- **By others network partners**

- Taxi service – Odanadi - Mysore
- Café Khushi- Ankuram - Hyderabad
- Book Binding Unit – Prajwala - Hyderabad
- Fabric painting- Sanlaap - Kolkata

Advocacy & Policy Changes Accomplishments

- National Plan Of Action – Govt of India -1998
- *The Goa Children's Act 2003*
- Children's Right to (Free & Compulsory) Education Act - 2009
- Ratification of the Palermo Protocol 2011
- Protection of Children from Sexual Offences Act - 2012
- Criminal Law Amendment Act 2013 (rape, acid attack, stalking, sexual assaults redefined, gang rape,
- Sec 370 - Slavery redefined. UN definition of trafficking incorporated in IPC.
- Sec 370-A: Booking the sex buyer. Not any buyer of sex but the buyer of sex of a traffic victim (victim being minor or major) is punishable.
- ITPA Amendment Bill 2009 pending.
- *Interstate Migration of Labour Act 1956 (action revived)*

- SAARC Convention 2002 & subsequent SAARC Meets
- SAIEVAC- SAARC
- GoI Protocol (Rescue, Post Rescue.... 2005)
- 1st Special Trafficking Court in India (Our PIL)
- Appointment of Central Bureau of Investigation - CBI as TPO (Sec 13 ITPA)
- Appointment of SPOs (Sec 13-3-b ITPA)
- Setting up the institutional mechanisms under various laws
- Several High Court Orders through PILs
- 1st Sealing of a Brothel. HC Order to the Magistrates
- Guidance & Monitoring Committee 2007 Co Management of State institution
- Victim Tracking Registry - Use of Software & Internet

- Time Frame for Child Trafficking case disposal – 6 months
- Minimum Standards of Care & Protection binding (Relicensing of Children's Homes)
- Special Children's Court (Design)
- Special Court for POCSO
- AHTU in all States/District Vigilance Committees, statutorily empowered VCs awaited.
- Central Advisory Committee (CAC)/ State - SLAC
- Massive Trg of Enforcement through NGOs (UNODC)
- Mass Awareness/TV Spots /CAANS, NY, Hongkong, GoaFest, AHT Songs, Stories, newspaper articles, Essay & Elocution Competitions in schools, colleges (on reading the given material), Morning rallies, Public Oath taking, Cycle rallies, Religious festivals

Slow Progress

- Repatriation, sealing of international borders
- Unorganized sectors like Domestic Help (Chhattisgarh, Jharkhand, Orissa who is the culprit?)
- Biometric identities (Aadhar UID card ????)

AHT NGOs INGOs

- International Justice Mission- Rescue, Prosecution
- Rescue Foundation-Rescue, PRO, Repatriation to Nepal
- IOM – Vocational Rehabilitation
- Prajwala, Odanadi & Sanlaap/ : - Shelter, Vocational Rehabilitation, Documentation, Awareness.
- Maiti Nepal /Shakti Samuha – Shelter, repatriation to Nepal, Networking
- Shakti Vahini- Recue, Prosecution, Pol. Trg.,
- Prerana – Prevention, EIGT, NCC.ESP,IPP, CAA, HI, S&T, Facilitating Rescue by police, vigilance, Legal Interventions/ PIL, Use of Software Technology, PRO, Rehab, Reintegration, After Care-Group Homes, Advocacy – local to global, Think Tank, R & D, Information Dissemination, Networking, Mentoring.
- HELP – follows the Prerana model

Prevention

- Global Action is required against : -
 - i) inhuman inequalities in consumption and living conditions
 - ii) Models of economic development that create vulnerabilities and uprootment of sustainable life styles and destroy primary community based protective mechanism & support structure

Community Intervention

- Strengthening of Community based support structures and protection mechanisms
- Communities – Socio-economic profile, vulnerabilities and resilience
- Missing & Found but Untraced Children-technology based state driven solutions, Data Bank and Data Exchange Systems, Biometric Identities, Safe Migration, Registration of Employment Agencies, Vigilance Committees, Follow up / Child Tracking & Early diagnosis (through networking with local AHT groups)

Strategic considerations

Demand reduction, Supply reduction

- **Laws:** Having laws that ban employment of children and/or declare certain sectors as unsafe and hazardous for children to work
- **Progressive legislation for prevention:** Making children follow a developmental path like compulsory education. (India's RTE Act 2009)
- **Multi-pronged mobilization:** Mobilizing the UN (various agencies as well as the MSGs), INGOs, Media, Judiciary, Enforcement, Business Competitors, Social Media

PART- 2

Our Story

PRERANA (Inspiration)

**Taking Light to the Suffocating
Darkness of the Red Light
Districts**

1986 We entered the scene

29 Years later 2015

we are still there

✓ **Protecting Rights**

✓ **Creating Options**

✓ **Restoring Dignity**

Situation of Women

- Slaves - not owning one's body and mind
- Sold and Resold and Resold
- Homeless- W/O Family- resourceless - supportless
- Illiterate-uneducated-unskilled
- 35% of victims are <18 years of age
- Others trafficked when they were <18
- No father to the child
- No bank account (so, savings with the offenders)
- No citizenship identity/No Domicile
- No ration card (SSN)
- Stigma & discrimination in public life
- Remittances welcomed but personal visits not!

Situation of Women

- 40% known HIV positive
- Body ravaged by innumerable diseases/ Early death
- No Funeral-unclaimed bodies
- Routine arrests, lock ups, and imprisonment
- Ever increasing indebtedness
- Forced Addiction (alcohol, drugs)
- Daily physical violence from customers, pimps, madams, and police
- Daily raped by 12 to 15 customers
- Could not cook. Unhealthful expensive daily food

Situation of Children

- No Home/ No Family/Only Mother/No place to sleep/No play/No Education/ No Home Food/ No home toilet/No immunization
- New Born & Infants - Nightly drugged.
- 2- 5 yrs – Sleep under the same bed. Over 5 Yrs find their place to sleep Winter or Rain
- 5-8 Yrs – Errand for customers, pimp, and Madam - liquor, drugs, drinks, cigarettes
- 6-10 yrs –Arrange blue films from brothel to brothel
- 8-14 yrs – Pimp for mother and sister
- 14 & above- Disappear. Untraceable.

Situation of Children

- > 40% sex slaves were girls below 18 yrs
- Girls sexually routinely maltreated
- 6 year old sexually abused by customers & pimps
- By 13 yrs start taking customers
- By 10 Yrs – Sold in the sex trade
- By 13 first abortion- crude
- By 14 -15 yrs first child
- Most children were pledged, pawned, bought & sold, rented, hired on court fee stamp paper

Accomplishments

- Put an END to the Inter-generational Trafficking (CoPW)
- Comprehensively covered 12000 children of prostituted women
- Protected 30000 adult women victims of the Sex Trade
- Comprehensively Rehabilitated 2500 rescued minor girls
- Comprehensive Care to Children Affected by AIDS
- Health Intervention to Women Victims
- Bolstered Law Enforcement

Accomplishments

- **Replanted a SMILE on every face**
- **Re-established a HOPE in every heart**
- **Restored DIGNITY of every soul**
- **Ventured and created path-breaking interventions**
- **Created success stories on every front**
- **Made the State own its responsibility**
- **Sensitized the civil society**
- **Inspired divergent platforms to join in**
- **Created a social movement**

The Night Care Centre

- **We started the World's First Night Creche**
- **Much more than a Creche**
- **Right in the midst of the red light areas**
- **Right to Protection Against Violence**
- **Right to Protection Against Deprivation**
- **Right to Peaceful Sleep**
- **Right to life**
- **Right to Development**
- **Right to Participate**

Night Care Centre







Night Care Centre



EIGT – Education Support Program- ESP

- Ensure Sustainable Development
- Every Child (CoPW) in Formal Schooling
- To whatever Level of education it aspires
- Comprehensive support to Keep them protected against trafficking, violence, deprivation, trauma, insecurity, discrimination.....
- Admission without recording father's name

Right to Education











EIGT- Institutional Placement Program

- Ideally children should be with their families but CoPW have no family...just a homeless mother a slave
- As the interim measure – placed them in shelter facilities for Protection & Development
- Stigma & Discrimination
- Inclusive institutionalization
- No Separate Shelters

Children Affected by HIV/AIDS (CAA)

- India's first Child Affected by AIDS project (USAID)
- Mother/Parent to Child Transmission
- ARV Therapy/Nutrition/Access to public hospital
- Fought Stigma & Discrimination
- Morbidity / Death & Dying
- Who dies first?
- Last rites
- AIDS Orphaning
- Fight Fresh Vulnerabilities
- Fight Fresh Discrimination

Children's Participation

EKTA (Unity) - Children's Collective

Dancing Feat- one step to fight the Trauma

DISHA (Children's Collective)

Violence Against Women

- NISHANT- Victim Women's Collective
- Right to Vote
- Right of Access to Public Health System
- Ration Card- Primary Identity Proof
- Right to Public Distribution System (grains)
- Right to Open a Bank Account
- Right not to be re-victimized
- Right to be protected against violence
- Community Animators/Vigilance Squads

Rehabilitation

- Vocational Counselling & Training
- Fashion Designing/Garment making
- Catering & Hospitality
- Beauty Care, etc
- Job Placements
- After Care (where to stay after 18 yrs?)
- Group Homes
- Repatriation
- Follow up

Sensitization & Training

- Police
- Prosecutors & Lawyers
- Judicial Officers - Magistrates & Judges
- Media representatives
- Elected Representatives
- Government Staff- Service Providers
- Civil Society- Service Providers
- PT-Drivers, Conductors, Cabbies Railway Staff

Search, Rescue, Post Recue (PRO)

- Providing Information/tips
- Bolstering Law Enforcement/Evidence collection
- Providing witnesses
- Recovering Children, Property & Documents
- Immediate post rescue victim assistance
- Shelter, Nutrition, Clothing, Health services,
Recreation, Participation
- Psycho Social Counselling
- Legal Representation
- Facilitating Witness Protection

Not working to Networking

- Socializing – “the more the merrier!”
- De Monopolising/De-Bureaucratizing/ De-Regimentalizing
- Creating a Regional Movement
- Functional Networking
- Impacting laws, policies, budgets, administration
- Impacting Global policies
- Evolving success stories through cooperation
- Victim Tracking Registry - Software
- HIR
- Repatriation

Post Rescue Operation

- ✓ Pioneered professional intervention in Post Rescue Operation- PRO**
- ✓ Changed the scenario in Govt Homes for Rescued Juvenile Girls**
- ✓ Co-Management**



Children's Collectives – Disha (Peer Group)



Balak Utsav 2011



Naunihal – Shelter for Girls



Mothers' Meetings









Legal Intervention

Pioneered :

- **Public Interest Litigation (PIL) against the modern day slavery in India**
- **First Special Trafficking Court of India**
- **Sealing of Brothels in South Asia**
- **Time Frame Disposal of Child Trafficking in South Asia**
- **Co Management of Govt Homes (GMC)**
- **CBI appointed for extra territorial jurisdiction**
- **500 Seater state Home for rescued Juvenile girls**
- **Minimum Standard of Care & Support enforced**
- **Victim Tracking Registry (Software)**

The British Colonial Rule

- British rule & Organized prostitution. Birth of RLDs in port cities and cantonments
The Cantonments Act 1864 by British power 12 to 15 Indian women in *Chaklas* for each regiment
- Weekly medical check up for VD's and compulsory hospitalization. The Cantonments Act 1895 outlawed prostitution in military.
- 30% of military illnesses were VD's.
- **The Contagious Diseases Act 1865. General area.** Compulsory medical examination for STIs / Lock Hospitals. Only women examined
- The Abolitionist movement under Josephine Butler demanded end to state sponsored prostitution and the law Contagious Disease Act. 1883 it was suspended and 1884 fully repealed.
- British white soldiers mixing with Indian women and creating a mixed breed. Indian men mixing with British (White) women and creating a mixed breed . Concern over homosexuality in the military. So European women were allowed to migrate to India.
- Devdasi system was misunderstood. It served no British purpose hence it was banned by the British
- Devdasis had inheritance rights and right to landed property.
- **Criminal Tribes Act 1871. 2 million people were believed to be killed @ 40,000 per year.**

Indian Laws

- Immoral Traffic (Prevention) Act 1956
- Victim friendly.
- Prostitution (selling one's bodily sex) *per se* not an offence
- Opposed to organized prostitution
- Offences --- Procuring, inducing, pimping, brothel keeping, providing space, detaining anyone in a brothel
- Soliciting in public places causing nuisance punishable

Other laws

- **Child Labour (Prohibition & Regulation) Act 1986**
- **Indian Penal Code – 1860**
- **Bonded Labour (Systems) Abolition Act 1977**
- **Prohibition of Beggary Act 1929/2006**

Violence Against Prostituted Women

- Stopped Physical Violence & Extortion
- Ideal Mothers Award (changed self perception)
- Health Intervention
- Fought Stigma & Discrimination
- Ensured Constitutional Freedoms
- Civic & Political Rights (ration cards, voter's list, BPL surveys, bank accounts, police protection)



Secured Ration Cards- access to subsidized food grains & sugar. A proof of Identity



Candidates of the Ideal Mother Award. Felicitating Motherhood





International Women's Day



Women's Empowerment Through their Collective Demanding End to Violence



Reintegration

- **REINTEGRATION WITH ONESELF**
- Reclaiming lost childhood & innocence
- Physical & Psycho Social
Counselling/Healing
- Safe Migration & Protection Trg
- Psychological Help
- Legal Help & Representation
- Eco. Self Reliance Trg./ Vocational Trg.

Post Rescue Operation



Rescued Minor Girls Helped with Healing/ Trauma Based Psycho Social Counselling

In Govt run Rescue Homes



Participatory activities



REHABILITATION & SOCIAL REINTEGRATION

- **Inclusive Interventions (join the mainstream)**
- **Mobilizing social goodwill**
- **Sensitizing public functionaries**

Reclaiming Lost Childhood

Ensuring Economic Self Reliance



Engaging in Creative Activities



High Profile Professionally Designed Vocational Training

Kitchen of the Tajmahal Hotel, Mumbai



Self Defence Training & Eco Empowerment



- **SENSITIZATION & TRAINING of**
- Police – UNODC
- Judicial Officers
- Prosecutors & Defence Lawyers
- Elected Representatives
- Semi Judicial Bodies
- Govt functionaries
- Media
- NGOs
- Service Providers
- Network Members

Sensitization & Training of Police





AHT Sensitization & Training of Police Officers. Commissioned by the UNODC





TV Spots/ Local to Cannes Film Festival

Posters released/ Books & Literature



ADVOCACY

- Global - Impacted the UN Protocol Palermo Protocol 2000. Invited to Speak Before the UN General Assembly
- Invited to speak before the World Congress on HIV/AIDS, Yokohama
- Regional- Impacted SAARC Convention 2002 onwards. Now expert to SAARC on Violence Against Children
- National- GOI-PoA 1998 onwards up to date
- Expert to National Commission for Women
- State Level- Commissioned to Draft a State Law on Child Protection
- Mobilization for Amendment in India's Anti Trafficking Law

Honours

- Global Vice Chairperson ECPAT International – Host of Three World Congresses Against CSE of Children.
Pravin Patkar
- Nominated by ECPAT for UK's Anti Slavery Award-
Pravin Patkar
- Nominated by US Govt for the global position of UN Special Rapporteur on Human Trafficking – *Pravin Patkar*
- Honoured by Vital Voices as Global Human Rights Awardee – *Priti Patkar*
- Honoured by STAR Impact Award in Child Protection Category- *Prerana - NGO*
- Civil Society Award by UNAIDS 2007 – *Prerana-NGO*

Honours



Release of Awareness Material by the Chief Minister Maharashtra, 1st Anniversary of Satyamev Jayate with Anna Hazare & Bollywood Star Mr. Amir Khan



Felicitation by the Police Commissioner & the Metropolitan Magistrate



Visits by the US Ambassadors to India

Ambassador Mr. Peter Burleigh

Ambassador Mr. Timothy Roemer



US Ambassadors with our children in the Kamathipura Red Light District



Thank You!

- Pravin Patkar