

**COMBATING TRAFFICKING OF WOMEN AND
CHILDREN IN SOUTH ASIA**

COUNTRY PAPER

INDIA

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CURRENCY EQUIVALENTS

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Currency Unit –		Indian Rupee
Rp1.0	=	
\$	=	

ABBREVIATIONS

A.P.	Andhra Pradesh
ACS	Association For Care and Support in Organizing Trafficked women
ADB	Asian Development Bank
AIDS	Acquired Immune Deficiency Syndrome
APAC	Aids Prevention And Control
APO	Assistant Project Officer
B.D.F	Border Defense Force
B.S.F	Border Security Force
BNWLA	Bangladesh National Woman Lawyers Association
BPL	Below Poverty Line
BSF	Border Security Force
C.M	Chief Minister
CAPART	Council For Advancement Of Peoples Action And Rural Technology
CATW	Coalition Against Sexual Exploitation Of Women
CBI	Crime Bureau of Investigation
CBO	Community Based Organization
CRC	Convention for the Rights of the Child
CSW/s	Commercial Sex Workers
CSWB	Central Social Welfare Board
CWIN	Child Workers In Nepal
D.W.C.D.	Department of Women and Child Development
DGP	Director General of Police
DPEP	District Primary Education Program
DWACRA	Department of women and child Rural Agency
ECE	Early Childhood Education
FBI	Federal Bureau of Investigation
FIR	First Information Report
GAATW	Global Alliance Against Trafficking in Women
GDP	Gross Development Product
GNP	Gross National Product
GRP	General Railway Police
HIV	Human Immuno-Deficiency Virus
ICDS	Integrated Child development program
IDP	Internally Displaced Person
IPC	Indian Penal Code
IRDP	Integrated Rural Development Program
IREDA	Indian Renewable Energy Development Authority
ISED	Institute for Socio- Economic Development
ITPA	Immoral Trafficking (Prevention) Act
J.W.P.	Joint Women's Program
Km	Kilometer
M.P.	Madhya Pradesh
M.P.S.R.C	Maharashtra Public State Roadways Corporation
MCOCA	Maharashtra Center Of Organized Crime Act

MD	Managing Director
MOU	Memorandum of Understanding
MWCSW	The Ministry of women and children and social welfare
N.C.R.B.	National Crime Record Bureau
NACO	National Aids Control Organization
NACSET	Network Against Commercial Sexual Exploitation and Trafficking
NATSAP	Network Against Trafficking and Sexual Exploitation and Trafficking
NCRB	National Crime Records Bureau
NCW	National Commission for Women
NGO	Non Government Organization
NHRC	National Human Rights Commission
NNGAT	National Network Against Girl Trafficking
NORAD	National Organization of Rural and Agriculture Development
NPA	National Plan of Action
NPBD	National Project on Bio gas Development
NPIC	National Program on Improved Chulah
P.S.	Police Station
PHC	Primary Health Center
PIL	Public Interest Litigation
PITA	Prevention of Immoral Trafficking Act
PMRY	Prime Minster's Rojgar Yojna
PRI	Panchayati Raj Institution
Q..A.	Quinquennial Average
REGP	Rural Employment Generation Program
RETA	Regional Technical Assistance
RVTI	Regional Vocational Training Institute
SAARC	South Asian Association for Regional Cooperation
SAP	Structural adjustment Program
SCRB	State Crime Record Bureau
SEP	Socio economic Program
SHG	Self Help Group
SJSRY	Swarn jayanti Swa Rozgar Yojana
SMS	State Management Systems
STD	Sexually Transmitted Diseases
STEP	Support To Training and Employment
STOP	Stop Trafficking, Prostitution and Oppression of Children and Women
SUDPR	Sustainable Urban Development Poverty Reduction Program (Kerala)
T.N.	Tamilnadu
U.P.	Uttar Pradesh
U.T.	Union Territory
UN	United Nations
UNHCR	United Nations Commission on Human Rights
UNICEF	United Nations International Children's Education Fund
UNIFEM	United Nations Development Fund For Women
VCSE	Victims Of Commercial Sexual Exploitation
VDO	Village Development Officer
VHS	Voluntary Health Services
W.H.I	Women Empowerment & Human Resource Development Center Of India
WIP	Women In Prostitution
WOREC	Women's Rehabilitation Center
WTO	World Trade Organization

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I. EXECUTIVE SUMMARY

1. The alarming numbers of women and children being trafficked for forced labor or slavery-like practices (including commercial sexual exploitation) is a development concern for the Asian Development Bank (ADB). Although available statistics are limited and contested, the existing data has served to highlight the issue as evidenced by increased national attention to trafficking issues. An important dimension of inclusive development and a key focus area for the ADB involves strengthening the participation of vulnerable groups in mainstream development, reducing gender discrimination and promoting the development of social capital. ADB's involvement in combating trafficking of women and children directly addresses its strategic goals: poverty reduction and promoting gender equality.

2. Following initial investigations in the South Asia region and discussions with the governments of India, Bangladesh and Nepal, the following objectives were developed for the ADB Regional Technical Assistance (RETA):

- (i) To increase ADB's understanding of how its existing country programs and regional policy dialogue can be used to support and strengthen anti-trafficking efforts in South Asia; and
- (ii) To contribute to capacity building and other efforts by stakeholders to develop and implement policies and programming which will effectively combat trafficking in women and children in South Asia.

3. The challenge of combating trafficking is far beyond the capacity and resources of individual organizations alone, therefore the ADB sought a collaborative approach for this RETA to learn from the experiences of member countries and ask questions about what it can do to help assist and move forward to address trafficking. The methodology utilized by the RETA Team recognized that ADB should seek to bring specific value-added to an already active field of stakeholders by analyzing where the strengths and expertise of the organization lies and how to engage, as partners, those with technical experience in addressing trafficking concerns.

4. The approach to achieving the RETA objectives was based on carrying out a comprehensive analysis of the factors that induce and facilitate trafficking on the demand and supply side, and the potential for addressing vulnerabilities created by these factors in the context of ADB's policies and ADB-assisted projects. This analysis sought illustrations of how different types of anti-trafficking activities already underway could be used in the context of sector activities such as road improvement, micro finance, women's empowerment or other mainstream poverty reduction projects to combat trafficking of women and children. The findings of this assessment, as presented in the RETA reports, can now be used not only by ADB staff, but also by other agencies and organizations seeking to draw on a broader base of resources available through mainstream poverty reduction programs. In addition, the Department of Women and Child Development of the Human Resources Ministry of the Government of India - the Focal Point for addressing trafficking concerns - requested that an additional section be included in the India Country Paper concerning the scope and nature of cross-border trafficking into India.

5. The objectives of the RETA have been achieved through preparation of Country Papers for India, Bangladesh and Nepal, and a synthesis paper of the regional findings. A supplemental report on legal frameworks and issues relevant to human trafficking in the South Asia sub-region was also prepared. In addition the RETA facilitated an exposure visit for stakeholders from India, Nepal and Bangladesh to Thailand to explore the experiences of various organizations in address trafficking from a regional perspective. The RETA Team consulted widely, reviewed the extensive literature on trafficking in South Asia, and assessed existing programming and its relevance to mainstream poverty reduction efforts. The findings were discussed with stakeholders both at National Consultation Workshops and at a Regional Workshop held at ADB headquarters in Manila. In India the RETA team included a National Consultant who was extended considerable support and leadership by DWCD. Valuable and sometimes time-consuming inputs were also provided by a wide range of stakeholders whose patience and generosity was much appreciated.

6. The findings of the RETA Country Paper for India confirm that the dynamics of trafficking reach across the South Asia region, where, despite specific and different historical and cultural circumstances, similarities are clear. Extensive consultations verified that there is a severe lack of concrete data from which to build an accurate picture of the scope of trafficking. Traffickers go to great lengths to avoid monitoring of their illegal activities and any available data must be treated with caution. However, it was stressed very strongly that while concrete data is limited, this does not mean that government and international agencies should discount the magnitude of the trafficking problem. Considerable internal trafficking occurs within India as well as cross-border - primarily from Bangladesh and Nepal. These non-Indian nationals may remain in India or be transited on to other countries in South Asia or the Middle East. There is no data collected concerning Indian women and children who are trafficked out of India, although it is believed that this occurs.

7. The lack of data and solid body of research has also lead to the building of certain myths and assumptions about trafficking that need to be questioned, for example, that trafficking is usually for the purposes of prostitution, when there is evidence of the use of trafficked labor as domestic workers, or in factories. Assumptions that most trafficking incidents starts with kidnapping are also false, as coercion or deception by traffickers frequently occurs as part of a migration experience. Understanding why those vulnerable to trafficking migrate in the first place and how to make migration a positive experience is key to addressing the risks mobile populations face.

8. It is also frequently assumed that all trafficked persons desire to return home, whereas they may have initially left home before being trafficked to escape an abusive environment. Stigmatization by other community or family members might also make return difficult if not impossible. Adopting a rights-based approach to rescue and reintegration is vital if such efforts are to be positive and effective for the trafficked person. The complexity of trafficking, the links with visceral issues such as commercial sex work and exploitation of children, and the politics of migration management has meant that there is much contention over the definition of trafficking and the types of policies and programming that would effectively combat this serious crime and affront to basic human rights.

9. Consensus is evolving through UN international mechanisms on a working definition for trafficking. In this context it is important to clarify that this RETA employed the following definition - trafficking in persons - means:

1. The recruitment, transportation, purchase, sale, transfer, harboring or receipt of persons: by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage,

For the purpose of:

2. Placing or holding such person(s), whether for pay or not, in forced labor or slavery-like practices, in a community other than the one in which such person lived at the time of the original act described in 1.¹

10. Another area of consensus is that gender-based differences and attitudes play an important role in both the supply and demand dynamics of trafficking. From what data is available in South Asia, it appears that the “worst forms” of trafficking relate to the illegal movement of women and children for the purposes of exploitation in sectors such as commercial sex work, and child labor of all forms,² and the low status of women increases their vulnerability as targets of traffickers and limits their options as survivors seeking a new life. The ADB’s strong commitment to redress gender imbalances and to contribute to women’s empowerment through its operations provides a strong rationale for the RETA to consider the issues associated with combating the trafficking of women and children, as those most frequently harmed by and vulnerable to its effects.

11. In order to explore potential entry points to address trafficking through poverty reduction initiatives, the RETA analyzed the complex factors that push or pull the vulnerable into situations of high risk to be recruited by traffickers, and those that create a demand for exploitable labor. The most commonly identified push factor that starts the trafficking process is poverty. The necessity to meet basic needs, *in combination with* other factors is the most commonly identified motivation to migrate or to encourage a family member to leave. An understanding of the non-economic elements of poverty – lack of human and social capital, gender discrimination – is also necessary to identify the most vulnerable to marginalization from the development process and, simultaneously, to trafficking. Governance issues also play a role in allocating resources and services in a community and those living in poverty tend to have limited access to these development opportunities, reinforcing their vulnerability to trafficking. Other pull factors, such as images drawn from the media and stories from returning migrants entice many into migrating under ill-informed and risky circumstances.

12. Macro-factors such as the impacts of globalization, employment, trade and migration policies and conflicts and environmental disasters can put into motion circumstances that increase vulnerabilities. Development-induced risks also play a role. The demands for exploitable labor in sectors where harsh and criminal working conditions go undetected also create a pull effect on those already vulnerable. For example, the demand for younger and younger sexual partners - girls and boys frequently as young as 10 or 11 years old - in the

¹ Coomaraswamy, Radhika. 2001. *Addendum Report to the Human Rights Commission regarding Mission to Bangladesh, Nepal and India on the issue of trafficking of women and children (October-November 2000)*.

² Skeldon, R. 2000/1, *Trafficking; A Perspective from Asia*, International Migration, Special Issue.

commercial sex sector is linked to many clients seeking HIV/AIDS free partners. For as long as these demands exist, opportunistic traffickers will fill that niche.

13. As quoted by Coomaraswamy: “traffickers fish in the stream of migration”³ and can easily identify those who are most easily deceived or coerced, so building resistance among migrants to ensure that these experiences bring positive outcomes is another important aspect to addressing trafficking concerns. The negative impacts of trafficking are also considerable. No information or analysis is currently available but it would seem undeniable that the social, economic and health impacts are undermining development efforts at many levels.

14. A theme that emerged from the RETA research, which was strongly endorsed through the consultations with stakeholders, is the need for clarity and caution when developing operational steps to address aspects of trafficking. Challenges exist when developing programming in areas such as:

- Migrants need protection and policies and programs to facilitating safe migration, but such activities have been used to exclude women from migrating or to limit the flow of migrants thus stagnating the important role of migration in development. New immigration policies might also create new niches for opportunistic traffickers to exploit;
- Communities need to be made aware of the harm trafficker cause when they arrive in their midst, but without causing suspicion of newcomers or marginalizing those already considered “different”;
- Labor standards must be addressed to curb the demand for trafficked labor, but this is very challenging in the informal sectors and fraught with suspicions in the formal sectors concerning opportunistic measures by developed countries to limit trade from economies with cheap labor;
- Prevention campaigns and safe migration programs might simply drive traffickers away from that community to an area where they are less likely to be noticed; and,
- Targeting the vulnerable and source areas is difficult as the modus operandi of traffickers must be flexible to fill demand niches as they emerge and be ready to change their routes or source areas to evade prosecution.

15. The India Country Paper also identifies key stakeholders involved in combating trafficking in respective countries and the types of programming underway. Case studies are provided of ongoing initiatives that demonstrate types of partnerships that have been more effective in curbing risks to trafficking and for offering trafficked persons sustainable alternative livelihoods from commercial sex work. These case studies provide examples of types of anti-trafficking initiatives that could be incorporated into ADB operations as well as background on potential partners among government and NGO stakeholders.

16. The findings of the RETA are that there is considerable potential for collaboration by ADB with and among existing stakeholders to address trafficking concerns through poverty reduction programming, particularly in the area of prevention and reducing vulnerabilities of those most at risk. The challenge lies in creating mechanisms to improve targeting and identification of risks. ADB policies and guidelines are already in place to address specific aspects of poverty reduction, for example concerning gender equality, governance, resettlement

³ Coomaraswamy, Radhika. 2001. *Ibid.*

and social protection. These can be used and expanded to incorporate trafficking concerns. There are also several areas of research and dialogue where ADB's expertise and unique position in the region can be used to make progress, for example, in curbing the demand for trafficked labor, to encourage collaboration among governments regarding trade and migration policies and to assess the impacts of trafficking on regional development and integration efforts.

17. There is potential for ADB operations to address trafficking in the following ways:
 - target those most vulnerable to trafficking, especially women and children;
 - assess the impacts of ADB operations to take up opportunities to prevent, minimize and mitigate development induced risks;
 - rebuild social and human capital among mobile (or potentially mobile) populations in emergency loans and assistance in post-conflict reconstruction encourage safe-migration; and,
 - stem demand for trafficked labor, especially in informal sector and among small and medium enterprises (SMEs).

18. The following general steps can be used by ADB staff to mainstream trafficking into ADB operations:
 - Where possible, flag the issue of trafficking in subregional strategies (e.g. Subregional Cooperation Strategy and Program - SCSP) and country analysis and strategies (e.g. country poverty analysis, CSP and CSP updates and country gender analysis and strategy).
 - Include the analysis of groups that are particularly vulnerable to trafficking in IPSA and PSA. In particular, include mobile population into the analysis as well as women and children.
 - Develop project designs that would directly and indirectly combat and reduce human trafficking.
 - Identify and work with partners (e.g. Ministries, NGOs, private sector including contractors, donors etc.) to develop and implement anti-trafficking project components.
 - Where non-lending products and services (e.g. TAs and sector and thematic works) provide opportunities, consider addressing trafficking.
 - Raise awareness among relevant ADB staff including dissemination of findings of the reports produced un the RETA through various means such as: a) publication, external website, and relevant committees and networks; b) developing pilot projects with the initiatives of Regional Departments in collaboration with RSPR; and c) developing guidelines and good practices on contractors' codes of conduct and loan covenants in collaboration with COPP and OGC.

19. As stated in the closing remarks by the Director General, South Asia Department at the RETA Regional Workshop, ADB is committed to addressing trafficking concerns and since the adoption of the Poverty Strategy there is greater rationale and potential to incorporate such concerns and new sources of funding are now available. The mandate of ADB also directly includes the promotion of regional cooperation. Trafficking is a serious limit on the positive forces of development, and bringing additional resources from broad based poverty reduction projects to address the root causes of vulnerabilities and risks must be encouraged. ADB will continue the commitment expressed through the RETA and now seek other opportunities and means to combat trafficking in all its operations.

II. INTRODUCTION

A. Background to the RETA

20. Assisting developing member countries to reduce poverty, and improve the living conditions and quality of life is the mission of the Asian Development Bank (ADB). Being anchored in the Asia and Pacific region ADB has the responsibility to respond to new issues and those emerging as priorities in the region. The benefits of development will have to reach all groups that make up the region's poor including women and children for developing member countries to achieve sustained and equitable development. An important dimension of inclusive development and a key focus area for the ADB involves strengthening the participation of vulnerable groups in mainstream development, reducing gender discrimination and promoting the development of social capital.

21. The alarming numbers of women and children being trafficked for forced labor or slavery-like practices (including commercial sexual exploitation) is a development concern for the ADB. Although available statistics are limited and contested, the existing data has served to highlight the issue as evidenced by increased national attention to trafficking issues. ADB's involvement in combating trafficking of women and children directly addresses the strategic goals of the ADB: poverty reduction and improving the status of women.

22. In July 2000 ADB fielded a mission to Nepal, Bangladesh and India to assess the human trafficking issues confronting the region. The Mission met with representatives of the government, donors and non-governmental organizations (NGOs) active in anti-trafficking initiatives. During these initial meetings the potential role of ADB in fighting trafficking in the region was highlighted and where ADB's specific expertise and profile in the region can add value to on-going endeavors. The challenge of combating trafficking is far beyond the capacity and resources of individual organizations alone. It requires a coordinated and concerted effort.

23. Following the July 2000 Mission a RETA was put in place for India, Bangladesh and Nepal with the following broad objectives:

- (i) To increase ADB's understanding of how its existing assistance programming and policy dialogue at a regional level can be used to support anti-trafficking efforts in South Asia; and
- (ii) To contribute to capacity building and other efforts by stakeholders to develop and implement policies and programming which will effectively combat trafficking in women and children in South Asia.

24. These objectives were framed around the ongoing activities of a wide range of stakeholders including government departments and NGOs, which have developed specific expertise and capacities in different areas of programming. The recommendations of the RETA therefore seek to make a contribution to these ongoing efforts in a complementary and collaborative manner. There have also been a series of events associated with combating trafficking of women and children that have taken place in the region, including:

- Preparations for the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama in December 2001, which included reviewing/establishing National Plans of Action to combat trafficking.

- The signing of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, in January 2002.

25. During international and regional meetings associated with these events, many stakeholders identified that, as poverty has such a strong connection with trafficking, poverty reduction programming of large development agencies should target those most at risk to trafficking more effectively. Given the ADB's extensive involvement in poverty reduction programming, its particular contribution can be to mainstream anti-trafficking initiatives into Country Program strategies and regional policy dialogue and thereby ensuring those most at risk to being trafficked benefit from these efforts.

26. The objectives of the RETA will be achieved through preparation of Country Papers for India, Bangladesh and Nepal; a Supplemental Study on Legal Frameworks Relevant to Human Trafficking in South Asia; a synthesis paper of the regional findings presented at a Regional Workshop in Manila, in May 2002; and an exposure visit to Thailand. The ADB RETA Team is led by Ms. Helen Thomas of Agriteam Canada, along with six other members from across the region. The team member from India who prepared the India Country Paper is Dr. Nandini Azad.

27. During interviews and meetings, many stakeholders made invaluable contributions and have kindly provided the RETA team with important materials. Contributions by stakeholders who attended the National Consultation Workshop, held in April 2002, were also key to improving the findings of the work in India, and were greatly appreciated in light of the other demands put on the time of those who attended. Three government and three NGO stakeholders from India were also represented at the RETA Regional Workshop in Manila in May 2002, and provided valuable insights to the discussions.

28. Particular thanks must be extended by the RETA team to DWCD, of the Human Resources Ministry, Government of India, under the leadership of the Secretary, Dr. Vaidyanatha Ayyar. The ADB staff and RETA Team received strong endorsement and support from Dr. Iyer and his staff at DWCD during the planning and implementation of the RETA. Joint Secretary, Ms. Veena Rao from DWCD in particular also provided extensive support throughout the implementation of the RETA, given guidance and technical support, as well as comments on this Country Report.

B. India Country Paper

29. The objectives for the India Country Paper are to increase the understanding of how to mainstream trafficking concerns in poverty reduction programming through an analysis of (a) key issues (e.g. existing statistics, pull-push factors, legal framework, and gaps in bilateral-multilateral agreements⁴); (b) mapping of source and transit areas and destinations; (c) mapping of key stakeholders; and (d) identification of gaps in legislation, policy, institutional frameworks and other areas. The findings of this analysis are complemented by good practices from a range of anti-trafficking initiatives illustrating practical ways to mainstream these concerns into a range of related development assistance initiatives. In addition, at the request of the Government of India, special attention was given to cross-border flows of trafficked women and children.

⁴ Analysis is included in the RETA 5948 "*Supplemental Study on Legal Frameworks Relevant to Human Trafficking in South Asia*".

C. Methodology

30. To prepare the Indian Country Paper, the RETA team:

- Participated in the RETA Inception Workshop in Delhi that reviewed and revised the original project scope in light of initial findings from all three RETA countries;
- Reviewed existing data in India (e.g. The National Crime Records Bureau (NCRB), government and NGO reports) regarding issues associated with trafficking of women and children;
- Consulted stakeholders (e.g. NGOs) directly involved in programming and monitoring cross border flows;
- Reviewed emerging data on cross-border flows and verified information through interviews with state governments (Chief Ministers, Finance Ministers, DWCD, Director General Policy, Home Secretary etc.);
- Identified gaps and commissioned separate short papers from key Indian NGOs and networks actively engaged in rescue and repatriation activities to piece together existing data and identify trends;
- In various states, including those identified as high supply states and ADB states, reviewed existing anti-trafficking programming to identify good practices among government and NGO stakeholders. This allowed the team to explore entry points for incorporating anti-trafficking initiatives into pro-poor programming, as such practices highlight not only achievements and operational characteristics which led to their success;
- Developed recommendations for the ADB on mainstreaming of trafficking concerns into ADB's activities in India. These recommendations were developed using the ADB's comprehensive poverty reduction framework to analyze the nature and extent of trafficking in India;
- Conducted a consultative national workshop to present the findings of the RETA for India and solicit verification and additional recommendations for incorporation into the final India Country Paper;
- Conducted a Regional Workshop in Manila to present the findings of the RETA to stakeholders from all three countries involved as well as relevant staff from ADB Headquarters to apply the country level recommendations to a regional context and promote dialogue among regional stakeholders regarding the overall findings; and,
- Prepared final Country Report that incorporated findings and recommendations from stakeholders and ADB and case studies illustrating good practices to assist in implementing recommendations.

III. UNDERSTANDING CROSS-BORDER TRAFFICKING OF WOMEN AND CHILDREN IN INDIA

31. Human trafficking, a systematic, economic phenomenon, involving the displacement and movement of persons solely for the exploitation of their labor, is not new in South Asia: for hundreds of years movement of kidnapped or bonded labor has taken place. This phenomenon has persisted as economic structures and patterns of trade have changed. While some forms of human trafficking have existed for many years, others have grown to take advantage of opportunities presented by emerging economic niches. In order to understand the phenomenon and hence develop strategies to combat a vicious and harmful criminal activity for trafficked persons and communities alike, it is important to outline some definitions and descriptions of the modus operandi of traffickers.

32. Human trafficking is increasingly recognized as a complex process, involving a series of episodes for the trafficked person⁵ requiring markedly different responses from governments or communities. These episodes might start with a desire or need to leave their home / community or migrate, followed by an encounter with a trafficker leading to coercion or deception and to highly harmful and exploitative working situations. For other trafficked persons, the process might start with family members handing over responsibility for their safety and well being to others known to them, and then end up trafficked by a third set of actors. The trafficked person after some time might prefer to remain away from their original community, despite the exploitation and harm they have suffered. The options for returning home many involve further stigmatization, lack of control over their lives and no opportunities for economic survival. Some argue that most trafficked persons remain migrants, often moving on to less exploitative situations. What is clear is that a trafficking episode changes a person's situation for life.

33. As there are relatively few cases of kidnapping it is important to understand the motivation or need behind why a trafficked person was convinced or voluntarily moved in the first place and who or what influenced that decision. This information can assist in building resistance to traffickers. Poverty or the failure to meet basic needs, social exclusion, insecurity or stigmatization are often identified as the initial motivating factor and provide a starting point to address these concerns.

34. For traffickers, the process is a systematic, well-organized economic phenomenon, involving the displacement and movement of persons solely to profit directly or indirectly from the exploitation of the trafficked person's labor. Trafficking offers opportunities to make quick extra cash for many, and for some it garners extremely high profits. Some forms for human trafficking have existed for thousands of years, while others take advantage of opportunities emerging economic niches present.

35. Traffickers take advantage of vulnerabilities in others, many of which are the outcomes of poverty, poor governance (for example limited law enforcement or implementation of labor standards) or social exclusion or gender discrimination. Desperate circumstances often lead migrants to take difficult decisions and lead them into situations of great risk and vulnerability. Again, these are factors that can be addressed as part of ADB poverty reduction operations and thus contribute to combating trafficking.

⁵ Many people argue that using the term "victim" to describe someone who has been trafficked is disempowering, therefore, for this paper the term "trafficked person" will be used.

36. The persistence, and apparent recent increase in human trafficking can perhaps be understood in part as an inextricable aspect of the “modernization” or development process. Vulnerability to trafficking is linked to some of the changes that come with modernization, for example: individuals migrating to seek new horizons as their horizons are opened through education or new media; the movement of rural populations to cities as traditional livelihoods are disappearing; those excluded from the development process are forced to move to meet their basic needs. A key finding of the RETA is that if such risks are minimized as development programs are implemented, then trafficking can be curbed and the harm it causes reduced. The minimizing of these same risks of exclusion and vulnerability is also the objective of ADB’s poverty reduction strategy.

37. Despite the increasing global recognition that responses to human trafficking must be more effective to stem this harmful process, there remains great contention amongst activists, policy makers, legislators and survivors about the definition and means to combat the full range of human trafficking activities. This lack of consensus highlights the following aspects of trafficking:

- (i) The highly complex nature of the full range of human trafficking processes that affect many different actors –trafficked persons, their families, communities, and other third parties recruiting, transporting, harboring and using trafficked labor.
- (ii) The difficulty if not impossibility, to quantify the scope of trafficking, because of its illegal character. Those profiting from it seek to obscure their activities and encourage complicity from as wide a range of actors as possible, through coercion and offers to share in profits, in order to enhance their impunity from prosecution.
- (iii) The mechanisms, routes and destinations for human trafficking change rapidly according to economic conditions and risks involved. For example: in response to changes in immigration regulations, traffickers seek new channels to make profit; as labor demands change, coercion methods shift to ensure a suitable supply of victims is available. This makes it difficult to generalize about the modus operandi of traffickers or to ensure that new legislation, while preventing one form does not create new opportunities in other areas.
- (iv) Because of this complexity and the need for traffickers to respond to prevailing legal, economic and social conditions, the causes and characteristics of human trafficking vary greatly from region to region, country to country.
- (v) Human trafficking supplies labor for many sectors, including commercial sex work (CSW). Any analysis, policies or programming in this sector raises numerous moral and visceral responses from different stakeholders leading to significant differences in ideological approaches to address trafficking concerns. There are also similar debates around definitions of children and their roles in the work force, which complicate and often delay responses.
- (vi) Human trafficking involves gross violations of human rights, great human suffering and yet appears to be very difficult to combat. Despite increasing investments from government, donors and civil society organizations, evidence seems to suggest an increasing incidence of human trafficking as the demand for this form of exploitable labor persists.
- (vii) The links between human trafficking and migration theory are not well understood or explored, and consequently the role migration management can play in addressing trafficking has been largely ignored by policy makers and development planners alike.

38. This paper seeks to clarify some of the debates concerning the definition, causes and effects of trafficking and consider strategies for addressing some of the causes and seeking to combat trafficking of women and children in India. The paper starts by reviewing the scope of cross border and internal trafficking and its characteristics in India. This will be followed by an analysis of the causes of trafficking, examining the supply and demand ends of the process, push – pull factors and assess who is most vulnerable to being entrapped into these difficult and dangerous circumstances. A section follows this on the anti-trafficking strategies adopted by stakeholders in India. Finally the paper will look at ADB's program in India and identify where anti-trafficking activities might be integrated into ADB's overall poverty reduction approach and policy dialogue.

A. Definitions and Debates

39. The foundation definitions of human trafficking used by activists and other stakeholders are those identified in United Nations (UN) conventions, protocols or other multi-lateral instruments as they seek to establish norms upon which national and bilateral legislation, agreements, policies and programming can be set. These definitions have evolved over recent years as the need has emerged to sharpen a common understanding of the process and economy of trafficking.⁶

40. A UN General Assembly resolution, adopted in 1994, defined human trafficking in a broad manner incorporating many forms of exploitative and oppressive work situations (including prostitution and forced labor of any kind). However, it only included specific cross-border movements and did not cover the extensive internal trafficking that takes place in a region such as South Asia.

41. Early definitions also made no distinction between: a) prostitution as a form of labor which can take place in the form of services between two consenting adults; and b) forced prostitution of trafficked persons. Without these distinctions, any form of prostitution or CSW would be considered as trafficking, providing additional support to those advocating the complete banning of prostitution as a means to combat trafficking. More recent definitions recognize implicitly the right of prostitutes to choose to work in this sector. However, it is important to stress that under Article 34 and 35 of UN Convention on the Rights of the Child (CRC) 1989, any form of sexual exploitation, sale of or trafficking in children is an abuse of their human rights.

42. UN definitions do not contribute to the need to place trafficking more clearly into the context of on-going migration. Distinctions between involuntary and voluntary migration are unclear in all definitions and have not facilitated the need to make migration safe for those who choose to move, especially across borders. For example, in response to cases where employers have abused women who migrated voluntarily, some South Asian governments have sought to “protect” women by restricting their right to leave the country as unskilled migrant workers. This implies that any migrant woman who is abused is trafficked, which is not necessarily an accurate reflection of her experiences. It also excludes women who still migrate outside their country from any protection from their government once they fall into difficult circumstances. Adult women should have the same rights as adult men to migrate.

⁶ A more detailed discussion of legal definitions and evolution of UN international mechanisms to combat human trafficking, please refer to the RETA 5948 *Supplemental Study on Legal Frameworks Relevant to Human Trafficking in South Asia*

43. Another important aspect of any definition is to distinguish between the rights, needs and interests of women as distinct from those of children. Women and children are particularly vulnerable to trafficking for a series of reasons, but they are not the same reasons. Minors have distinct needs for the protection of their rights. However, under some legislative jurisdiction, women are considered to require the same protection as minors, restricting their rights as fully fledged individual adults, denying women the rights attached to adulthood, such as the right to have control over one's own life and body. The conflation of women and children's interests also emphasizes a single role for women as caretakers for children without acknowledging the changing nature of women's role in society. A notable example is not accounting for women's increasing role as the sole supporter of dependent family members and, consequently, as economic migrants in search of work. Nearly half of the migrants in the world today are women.⁷

44. Many definitions and discussions of concepts of human trafficking also focus on trafficked persons and place less accountability on governments to prosecute perpetrators. The most UN sanctioned set of definitions is the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000)*, which supplements the *UN Convention Against Transnational Organized Crime (2000)*, which places much greater responsibility on states to punish those responsible for trafficking, including consumers of trafficked labour. However, in many countries, including India, national constitutional protection and legislation do not have similarly comprehensive approaches to address human trafficking. An assessment of aspects and implications of the gaps in legislation in India and efforts from stakeholders to address these gaps is assessed in the RETA legal mechanism assessment paper.

45. In October and November 2000, the Special Rapporteur on Violence against Women, Ms. Radhika Coomaraswamy, traveled to Bangladesh, Nepal and India and prepared a report to the Commission on Human Rights on the issue of trafficking of women and girls. In this report she used a definition of human trafficking that is both clear and simple and covers the most basic characteristics of human trafficking from which a more complex analysis can be drawn. This definition is as follows:

“Trafficking in persons means:

- (i) The recruitment, transportation, purchase, sale, transfer, harboring or receipt of persons: by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage,

For the purpose of:

- (ii) Placing or holding such person(s), whether for pay or not, in forced labor or slavery-like practices, in a community other than the one in which such person lived at the time of the original act described in 1.”⁸

46. These debates over definitions of human trafficking may seem relatively unconnected from moving forward in combating trafficking activities within communities. The definitions also fail to paint an adequately complex picture of the experiences of trafficked persons who set out on their journeys into trafficking for such a huge range of reasons, and end up in an equally wide range of situations. However, especially for areas where there are strongly held ideological differences (women's right to movement, sexual choice etc.), establishing internationally acceptable standards and norms has proved vital in progressing on forming an objective framework for mechanisms to be developed and implemented at national levels. The

⁷ www.gaatw.org

⁸ Coomaraswamy, Radhika. 2001. *Addendum Report to the Human Rights Commission regarding Mission to Bangladesh, Nepal and India on the issue of trafficking of women and children (October-November 2000)*.

next step is to identify, within a rights-based framework, how best to address different aspects of the causes and effects of trafficking.

47. To assist in understanding what can be considered trafficking, the Country Report builds on widely adopted definitions to identify key characteristics that form the framework for the analysis. The key characteristics are:

- (i) **The existence of demand for exploitable labor for certain types of work**, for example, CSW, bonded labor in some industrial and agricultural sectors; domestic work, begging, entertainment sector – including camel jockeying. The types of work facilitate maintaining highly exploitative working conditions that are gross violations of human rights and labor standards in locations and conditions that are difficult to monitor or address through regular means.
- (ii) Recruitment and working conditions are characterized by **coercion, lack of consent, and an inability for the trafficked person to make choices**, once the process of trafficking has begun. Recruiters use many forms of coercion ranging from false promises to threats of and actual violence. Trafficked persons are often required to conspire with the perpetrators to avoid detection as they move to the place of work. Once working, conditions might include debt bondage, slave-like practices⁹ ensuring no escape and reinforcing the sense of absolute “ownership” over the trafficked person through violence or threats of violence, and no control by the trafficked person over their own body or sexuality. It can also be argued that forced ‘marriages’ are a form of trafficking whereby women or girls are used as domestic laborers while being held as virtual prisoners, raped continually by their ‘husbands’ and often forced to become pregnant for the purpose of providing their ‘husbands’ with children.
 - A feature of the coercion placed on trafficked persons is the fear of the consequences of reporting or taking steps to prosecute the perpetrators. In many cases, families and other community members close to the trafficked person also benefit from the process further limiting the probability of the trafficked person taking action to escape or bring about the severe consequences of prosecution. Another aspect of coercion is the knowledge that survivors are rarely accepted back into their communities. It is especially difficult for women to return as they are usually assumed to have been involved in CSW and are therefore considered to be “ruined” for marriage. Without marriage such women will continue to burden their families economically and through social stigma. Recruiters and those using the labor (brothel owners’ etc.) play on this stigmatization to ensure the trafficked person does not try to escape.
 - Care must be taken, however, over the use of the terms consent and the ability of any individual to have choice and control of their lives. All individuals have only comparative agency and control over their lives. Experiences for trafficked persons in their homes or previous community may mean they actually choose to remain in a highly coercive and exploitative situation, as the alternatives are perhaps worse. There is a continuing debate among stakeholders and activists regarding the extent

⁹ Definition of Slavery and Debt Bondage appears in the UN Slavery Convention 1927

- to which trafficked persons must retain the right to choose to remain in exploitative conditions, even if they are continuing to be harmed.
- The threads of this debate reach into many facets of efforts to combat trafficking. For example, for some activists, all women and girls should be taken out of CSW as it causes great harm irrespective of the wishes of the prostitute. These activists support the actions of police who raid brothels and take into detention all women and girls found there. Others feel that the rights of individual adult women to remain working under these conditions should be respected. In some cases women find their working and living conditions - although exploitative - are less oppressive than those they were subjected to at home. For others, their families may be in debt from assisting the girl to migrate even though under false pretences. Being forced to return home before the debt is paid would have worse consequences for the trafficked person than remaining in the brothel until the debt is paid. Issues concerning consent and personal agency are highly complex and require specific programming to respect the different needs and rights of individuals.
- (iii) Human trafficking involves **movement** and is part of a **migration** experience - the trafficked person moves from one place and travels to another.¹⁰ This does not necessarily involve movement across borders. However, such movement for the purposes of trafficking should not be confused with voluntary migration, which may result in many benefits as well as involve risks. For example, many attempts to address trafficking have resulted in limitations being placed on women's migration. In the long run this has driven the trafficking process further underground and ". . . a trafficked person's status as an illegal migrant is often a very effective tool in the hands of traffickers, leaving the migrant vulnerable to further coercion and abuse".¹¹
- (iv) **Time factor** is crucial – the process of trafficking has a distinct beginning and end point with many implications for both trafficked persons and perpetrators. For example, harm can be reduced the earlier interception takes place along the time continuum. This also has implications for the types of supports required to overcome harm, to make choices trafficked persons might perceive to be available and to seek prospects for long term recovery. If recruiters are to be prosecuted measures have to be taken quickly after recruitment takes place and before trafficked persons are passed on into the control of the next person in the chain of events.
- (v) **Third party or parties benefit / profit** – these include all those benefiting as the trafficked persons pass through the hands of a chain reaching from the point of recruitment to the point of use of their labor. All are direct perpetrators of the crime of human trafficking. Understanding the benefit for family members or other guardians of trafficked persons is more complex, but has to be taken into account as enforcement measures are designed. Most attention is paid to prosecuting recruiters, those involved in supporting this process along the way such as transporters (bus and truck drivers, train conductors) and hotel and restaurant workers – who knowingly provide services to traffickers and their victims. Efforts to capture and convict the heads of organized criminal networks

¹⁰ At the RETA Regional Workshop in Manila, May 2002, it was suggested that in India there are also cases of trafficking that do not necessarily involve movement.

¹¹ USAID May 1999, Cited in The Asia Foundation, Population Council/ Horizons "Prevention of Trafficking and the Care and support of trafficked Persons, February 2001 p 11

have also recently increased as demonstrated through the adoption of the UN Convention Against Transnational Organized Crime in 2000 by many countries. Less attention has been paid to those exploiting trafficking labor (factory owners, heads of householders using domestic workers), and especially consumers such as clients in brothels who do not question the conditions under which CSW is carried out.

B. Gender Dimensions of Trafficking

48. Gender dimensions of trafficking are clearly evident. From what data is available in South Asia, it appears that the “worst forms” of trafficking relate to the illegal movement of women and children for the purposes of exploitation in sectors such as commercial sex work, and child labor of all forms.¹² Gender discrimination and the low status of women across South Asia results in women and girls having fewer options or means available to them to counter the deceptions of traffickers and are more vulnerable to the threats of violence than men. Stereotypes of behavior for young women tend to reinforce a sense of helplessness and of being unprotected without a man, a vulnerability quickly recognized by opportunistic traffickers. Women and girls are also most likely to suffer from stigmatization once they return to their communities from such experiences, and have fewer options for alternative survival strategies. Hence the traffickers can increase their control over and isolation of trafficked persons through fear of such further victimization. In cases where their families or guardians push women or girls into trafficked circumstances, many do not rationalize this as harmful, as they are considered chattels of their father or guardian and further protection from their community would be inappropriate. These attitudes build an atmosphere of impunity for many traffickers who seek out those most marginalized through these attitudes. The ADB’s strong commitment to redress gender imbalances and to contribute to women’s empowerment through its operations provides a strong rationale for the RETA to consider the issues associated with combating the trafficking of women and children, as the most frequently harmed by and vulnerable to its effects

C. Incidence and Patterns of Trafficking

49. Traffickers throughout South Asia lure their victims by means of attractive promises such as high paying jobs, glamorous employment options, prosperity and fraudulent marriages. It is estimated that 35% of the total number of girls and women trafficked to India have been abducted under the pretext of false marriage or good jobs.¹³

50. Parents and family members are also deceived by false promises and deception. However, several studies confirm cases where the victim’s family members and relatives collude with traffickers in order to receive payment. In some communities, family members, village leaders and neighbors do not perceive the removal of a child, or a young woman with few prospects, from the family with traffickers as a criminal act. In several areas, this is seen as a viable survival strategy for poor families, and therefore they do not support prosecution nor acknowledge the level of harm caused to victims or the community. Poor households in debt or struggling with insecure livelihoods may be compelled to hand over a child into debt-bondage or allow them to migrate by themselves.

51. Though traffickers themselves play a key role in the entire process, many other people also directly or indirectly contribute: agents, promoters, brokers, border police, hoteliers,

¹² Skeldon, R. 2000/1, *Trafficking: A Perspective from Asia*, International Migration, Special Issue, 2000/1

¹³ Report of South Asia Workshop on Trafficking in Women and Children. 1996. *Formulating Strategies of Resistance*, October 1996.

employees, transport agents, brothel owners and clients, factory owners and households for whom trafficked women and children do domestic work. In some regions of Bangladesh, for example in border town transit points, many members of the community stand to lose income if the traffickers are forced to stop their activities. Traffickers also work with agents who smuggle goods and people across the border. The trafficker, who recruits the victim, may use an agent to cross the border.¹⁴

52. India is both a destination and transit area for trafficking of women and children.¹⁵ It is estimated that cross-border trafficking represents about 10% of the coerced migrants, with approximately 2.17% from Bangladesh and 2.6% from Nepal.¹⁶ Inter-State trafficking, therefore, could make up as much as 89% of trafficked victims.¹⁷ Given this, addressing internal as well as cross-border trafficking issues is essential to any strategic approach at the national level.

53. West Bengal, Uttar Pradesh, Uttranchal and Bihar are the main transit states in India through which trafficked women and children pass. West Bengal shares the border with Bangladesh, and Uttar Pradesh, Bihar and Uttranchal share the border with Nepal.

54. Various studies¹⁸ have shown that traffickers from Nepal and Bangladesh operate through networks within and outside the countries. In some instances, there is evidence that organized criminal groups, politicians and other such influential players back these networks. In most cases, traffickers take victims to their destination via circuitous and ever-changing routes, making retracing and apprehension practically impossible.

55. Border Security Force (BSF) checkpoints are few and widely dispersed, and are thus ineffective in maintaining strict vigilance on who crosses the border. It has been said that the BSF used to push back victims in the cover of the darkness of the night. This suggests that, although the State is aware of loopholes in the border, systems are unable to adequately address the problem due to institutional, political and international influences.

56. In some instances, traffickers cross the border on fixed days of the week at fixed hours. It is said that this is common knowledge in surrounding communities, and NGOs working in areas where this happens have found it difficult to believe that State enforcement agencies are unaware of such activities.¹⁹ It is the common perception of communities living in villages and districts along the border that the network of smugglers/agents are organized and protected.

57. There are great challenges in collecting, verifying and comparing data on the trafficking of women and children, as its illegal nature forces those who profit from trafficking to obscure their activities and seek complicity from as wide a range of actors as possible. Traffickers change their routes and modus operandi to effectively evade the enforcement agencies. Inconsistencies in the definitions of migrants cloud the identification of those being trafficking as distinct from illegal, irregular and other types of migrants. Monitoring mechanisms at border crossing rely on rapid assessment by border officials on those moving through.

58. The following sections bring together as wide a range of data as can be found in India as well as substantive reports and data from Nepal and Bangladesh. It should be noted that there

¹⁴ SANLAAP, 2002. *Cross Border Trafficking-Bangladesh & India*,

¹⁵ There is no data available nor discussion in the literature regarding India as a sending country - this is an area that needs additional attention as it would seem implausible that Indians are never trafficked out of India

¹⁶ Mukerjee Dr. K.K /Dr.(Mrs) Sutapa Mukerjee, 1991, A Study Report: *Female Prostitutes And Their Children In City Of Delhi.*,

¹⁷ Ibid.

¹⁸ Population Council, 2001. *Prevention of Trafficking and the Care and Support of Trafficked Persons*, and Shamin & Kabir, 1998. *Child Trafficking: The Underlying Dynamics*,

¹⁹ SANLAAP, 2002. *Cross Border Trafficking-Bangladesh & India*,

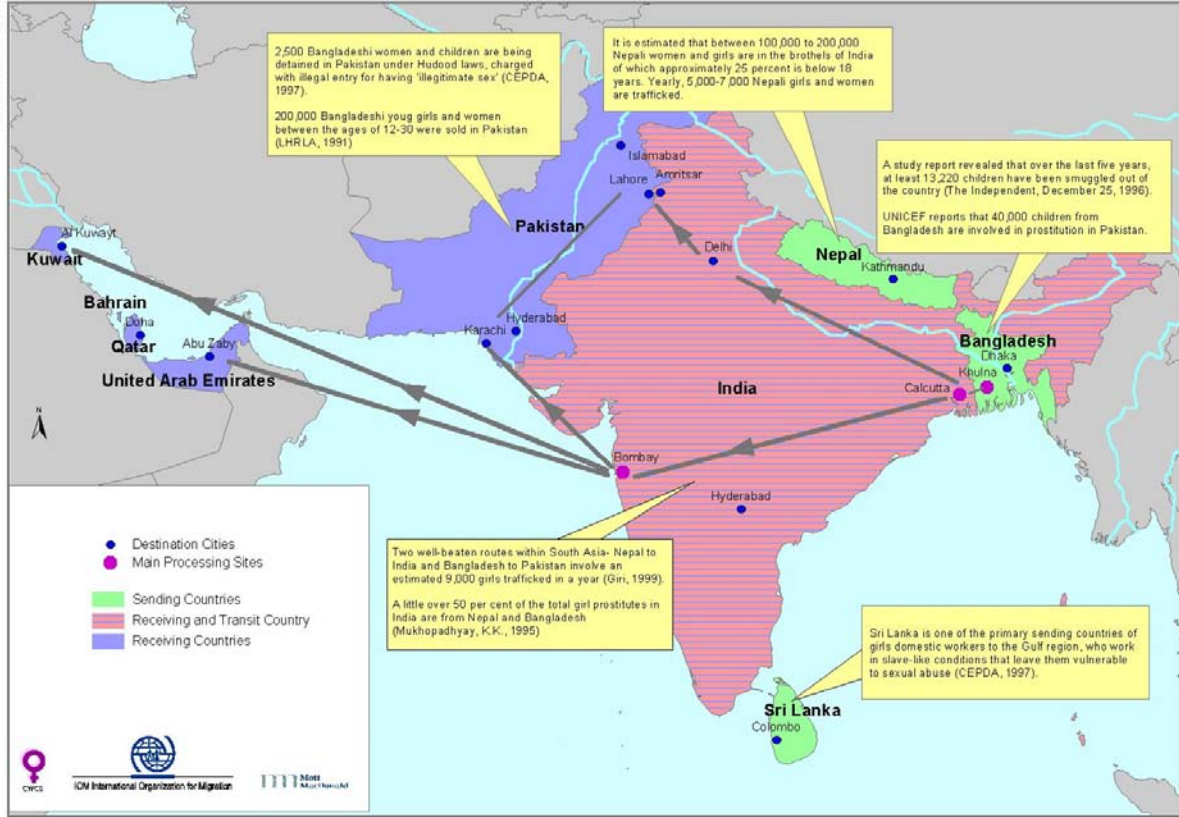
is no available information on the scope of trafficking for purposes other than prostitution / CSW in the available sources and literature. In an interview with a representative from Delhi-based NGO, Jaggory, there is evidence of trafficked laborers being used in a wide range of other work than for commercial sexual exploitation. The organization is currently carrying out research in Gujarat on this topic (supported by Unifem). Limitations in data quality is discussed in the following paragraphs, and tables with comparisons of data demonstrate enormous variation, making it very difficult to generalize trends.

59. The variety of stakeholders and activities in each of the three sovereign countries considered by the RETA is another factor that makes it difficult to piece together a comprehensive picture. With the signing of the SAARC Convention, closer cooperation between India, Bangladesh and Nepal can be anticipated. A priority will be linking data on incidence of trafficking in the three countries, i.e., between inter-state and cross border trafficking.

Given the challenges of assessing and comparing data on an illegal activity that is under-reported through formal mechanisms, the RETA team depended on a number of other sources for corroboration and verification of data: government officials, law-enforcers, NCRB, CBI, NGOs working in red-light areas, civil society networks and alliances working in various states. In addition to this, consultation between personnel working on the three ADB national studies, including exchange of relevant inputs on source areas, transit points, mapping of routes and modus operandi, has been useful in identifying best practices in data collection and interpretation. The RETA also commissioned separate papers on the magnitude/ complexities of the trafficking problem from NGOs directly involved in rescue and repatriation.²⁰

Figure 1:

²⁰ Papers were commissioned by the RETA from: Sanlaap–Kolkata, PRERNA – Mumbai, STOP –Delhi, ADITHI – Patna. The Joint Women’s Programme – Delhi also provided additional data.



Major Trafficking Routes in South Asia
FIGURE 2.2

D. National Crime Data

60. A starting point for the analysis of available data is the NCRB, of the Indian Ministry of Home Affairs, that collects data on trafficking through State Crime Report Bureaus and Union Territories, subsidiaries of the NCRB that obtain data from District Crime Report Bureaus. This presents an indication of the level of reporting of trafficking within India. Data available through NCRB is collected through First Information Reports (FIRs), lodged in police stations. FIRs can be lodged by victims, NGOs and any member of civil society.

61. National data from the NCRB provides an analysis of trends in various Indian Penal Code (IPC) crimes, including: importation of girls; kidnapping and abduction of women and girls; and offences under the Immoral Trafficking Prevention Act (ITPA), which are consolidated from information provided by State and Union Territories.

62. The 1999 NCRB report notes that its data on crime rates should be viewed with caution, as a sizeable number of crimes against women go unreported, largely due to the social stigma attached with reporting. For example, NCRB data indicates that, in 1999, there were 9,368 trafficked women and children. This is significantly less than 1991 data, which reports that 16,000 women were trafficked. Under reporting of related crimes makes it impossible for State and District counterparts of the NCRB to provide data reflecting the real magnitude of the problem. Enforcement officials also noted that little priority is given to reporting trafficking activities, as they face many pressures and little available time to investigate and follow up on specific cases.

63. Specific findings in NCRB data related to trafficking of women and children include:

- Under the IPC, crime at the national level has increased by 15.3% over the last decade. Factors that influence crime rates, such as growing urbanization, unemployment and income disparity, must be taken into account on a region-by-region basis. Offences under the ITPA, which contributed 50% of the national share of crimes against women, were only reported from 23 cities, and no aggregation was made between rural and urban crime data.
- Incidence of trafficking under the ITPA has shown a steady increase since 1997, with an increase of 7.7% over the 1998 rate. Reported crimes against women were highest in Tamilnadu State (10.5%). The significance of this difference should be treated with caution, as it could indicate a higher level of reporting / registration of cases because of enhanced sensitivity of enforcement agencies and/ or greater awareness among the general public, rather than a tendency for increased crime of this kind.
- The incidence of kidnapping and abduction of women and girls recorded an increase of 6.4 % over the quinquennial average between 1994 and 1998.
- Information on kidnapping and abduction cases based on purpose wise (i.e., adoption, begging, camel racing, prostitution, illicit intercourse, selling body parts, sale, slavery and unlawful activities), as well as gender wise and State/ UT wise details have only been collected since 1998. The total numbers of cases of kidnapping and abduction registered in 1999 was 15,956 (66.9%). Among the total female victims, 1,960 females were reported kidnapped or abducted for marriage and 9,159 for prostitution purposes.

E. Data from Indian Brothels

64. Individuals generally do not identify themselves readily as victims of trafficking, as they are afraid of their captors or concerned that they will be treated as illegal immigrants. Numbers of trafficked persons might be generated from estimates based on visual or linguistic differences among commercial sex workers in general in brothels. It is difficult, however, to identify Bangladeshis from Bengalis, and their numbers may be greatly under-estimated. Nepali's on the other hand are more physically distinguishable and estimates of their numbers may be more accurate.

Characteristics of Brothels in Different Cities in India that are Frequent Destinations for Trafficked Persons

Delhi:

- More than 20,000 women/girls of different age groups, (many 12-13 years) in 3,000 red-light areas; and,
- Majority remain in the brothel until the debts are repaid for example: 4 to 8 years.

Mumbai:

- Kamathipura is the largest brothel area where the 20,000 women/girls come from different parts of the country - also a center for pedophilic commerce in India as Mumbai is transit point for foreign tourists arriving in India (although a recent NHRC study suggest that greatest demand for sex tourism is from Indian tourists);
- Estimated that Mumbai generates at least \$400 million a year in revenue from the estimated 100,000 women/girls serving an average of 6 customers per day; and,
- One of the cities where criminal nexus in trafficking is quite visible.

Kolkata:

- Junction and transit point for cross-border trafficking where women and girls are processed and initiated into CSW from Bangladesh and Nepal; and,
- 29 red-light areas include: Sonagachi, Rambagan, Bowbazar, Kidderpore, Kalighat.

Goa:

- CSW has a long history serving a clientele made up of local men, migrant workers and sailors and more recently foreign sex tourists (including pedophiles);
- Red light areas are small compared to Mumbai, Kolkata and Delhi but share many similar features; Baina is the red-light area with approximately 3000 women/girls CSW; and,
- Some of the women are bonded and very few operate independently - those who are contracted are usually released after 2-3 years receiving only 20% of their income.

Kerala:

- CSWs are from Trivandrum and other cities and from Karnataka, (especially Bangalore);
- In Kovallam beach, where there is demand from foreign tourists, most of the girls are from AP/Karnataka;
- Brothel sites tend to be temporary, rotating over periods of six months to one year, as 90% of sex workers are street based and come from a wide range of backgrounds; and,
- Children living in slums and on the streets are exploited in open spaces and sometimes taken to houses where they may be taken into the control of traffickers.

Sources: RETA interviews and project documents from Association for Care and Support in Organizing Trafficked Women (ACS) and Women Empowerment and Human Resource Development Center of India (WHI) in Kerala, Central Social Welfare Board in Delhi, SANLAAP, Prerna, JWP, STOP and from Krishnan, Sunita & Jose Verticattil, 2001. A Situation Report: Trafficking for Commercial Sexual Exploitation, India,

Table 1: Number of Trafficked Women in Indian Brothels

No. of Women	Nationality	Location	Time Frame	Source
70% of 1000 to 10,000	Bangladeshi	Kolkata	Over last 5 years	Sanlaap 2002
800	Bangladeshi	Kolkata	1990 - 1992	Sanlaap, 2001
(140 flying CSW's)	Bangladeshi	Kolkata	-	Reuters, 1997
30,000	Bangladeshi	Various cities	-	CATW, Asia Pacific
2000	Bangladeshi	Mumbai, Goa	-	Trafficking Watch - Bangladesh, Reuters, 1997
10,000	Bangladeshi	Mumbai, Goa	-	Trafficking Watch - Bangladesh, Reuters, 1997
200,000	Nepalese	-	-	Ghimire/ Nepali Social Workers
27,000	Bangladeshi	-	-	Center for Women & Children Study, 1998
2.7% of women (a)	Bangladeshi	Kolkata	-	Central Social Welfare Board, 1991

Notes:

(a) Persons trafficked are used for purposes other than prostitution in Kolkata, and would not be included in this figure, invalidating projections from this number.

F. Data from Source Areas

65. Some data on the incidence and pattern of trafficking in the region has been derived from source and border areas and those working at border crossings.

66. One source of data from sending areas has been based on assessments of women and/ or children reported as missing by families or community surveillance groups. This information, however, includes those who have voluntarily been estranged from their families, and is therefore limited in accuracy. Data taken only from those trafficked for commercial sexual exploitation misses those trafficked for other purposes and hence provides an under estimate of total flows.

67. In some districts of Nepal, statistics from source areas indicate greater rates of trafficking, even where communities are conducting surveillance activities. This may be because people are more aware of the harm caused by trafficking and hence report incidents more readily than before surveillance and awareness programming started. Trends over time therefore have to be treated with caution as they may only reflect changes in levels of reporting.

68. Information from assessments at border areas is also of limited quality. It is legal for all adults to enter India from Nepal under the Open Border Agreement (1950), therefore there is little check on mobility, making it easy to carry out trafficking operations without risking interception by immigration. Children however, require a legitimate guardian to cross the border freely from Nepal, but these regulations are easy to bypass, especially as there is limited birth registration. Lack of official birth registration in both Nepal and Bangladesh also makes it very

difficult to trace and monitor missing children. Legal documents are required for immigration from Bangladesh to India.

69. NGO surveillance of official border crossings with Nepal has increased the number of rescues of trafficked victims, but traffickers go to extra lengths (such as pay-offs and shifting routes) to continue their operations. Traffickers also cross the border away from official border points, creating an even more porous border between Nepal and India and making monitoring more challenging.

70. As India is easily accessible from neighboring countries, traffickers also use it as their main transit points for victims being moved to other countries, so any estimates taken from border points may not provide an accurate picture of the numbers who actually remain within India's borders.

71. Data from destination points is largely concentrated on visible victims, yet once women or children integrate into the local population it is difficult to assess who is an outsider and who is not. Verification of data from red-light areas is necessary to garner an accurate picture of the number of trafficked victims living or working in those areas. NGOs that work in red light areas held discussions with the women / girls from Nepal and Bangladesh and, to some extent, validated information from other sources such as law enforcers. NGO networks and alliances that have a broad perspective of the cross border situation were also asked to contribute to this study.

72. Micro studies are generally unavailable around the border, and government statistics from the three countries do not provide a comprehensive picture of operations. Discussions by RETA team with police personnel of Uttar Pradesh and Bihar indicate the inadequacies of official information on cross border flows. No government enforcement agency has been able to collect verifiable data due to complexities in cross border regulations that vary from country to country.

73. There is no law on repatriation, no NCRB category under which to record it, and therefore there is almost no accurate data available. The only data currently available is from NGOs active in rescue and rehabilitation programming for victims of cross border trafficking.²¹

a. Bangladesh Source Area

74. Bangladesh shares a 4,156 km border with India that has 20 official check posts and out of its 32 districts, 30 districts are on the Indo-Bangladesh border. In Bangladesh, the collection points for trafficked women are usually far from border points. Women rescued in Dinajpur (north) were from Cox's Bazaar (south). Girls from the southern part of Bangladesh are usually trafficked across northern borders.²² Illegal migration, trafficking and smuggling exist in varying degrees along the border.

75. One study²³ estimates that almost half of the trafficking to India takes places through Benapole in Jessore District. Entry points like Thakurbairi Chandurila, Kaiba Sultanpur, Chodarpur, Chapainaababgunj, Hili Akhwara, Chuadanga and Poladanga are other commonly used entry points to India.

76. West Bengal has nine districts adjoining the border that are mostly different from one another socio-economically and culturally. Some are more prosperous and developed

²¹ SANLAAP, 2002, *Cross Border Trafficking-Bangladesh & India*,

²² UBINIG, 1995, *Trafficking in Women and Children: The Cases of Bangladesh*, Dhaka, p.19

²³ Shamin. I & Kabir, 1998, *Child Trafficking: The Underlying Dynamics*, Dhaka,

agriculturally, e.g., Nadia, where farmers primarily grow jute and betel leaves, is a prosperous area. The Sundarbans area of south / north 24 parganas is very weak agriculturally, and thus trafficking is a much more common economic activity for communities.

77. Crossing between Bangladesh and West Bengal becomes a daily routine for many people as they may live in either of the countries and earn their living in the other. Thus, keeping a check of those being trafficked, married off, infiltrating, and immigrating illegally or irregularly is an uphill task and has to be achieved through innovative methods and day to day vigilance. Crossing the border takes not more than Rs.50/- per person.

In Kushtia area, some villages are used as stations for the traffickers. Rajshahi border, Bidirpur and Premtali are used because there are fewer checkpoints. Jessore border is very popular with traffickers. Some hotels and godowns are used to keep the girls brought from different parts of the country. At least 13 women are being trafficked every day. In eight months police could rescue only 28 women who were being trafficked, and arrested 38 traffickers. Usually the traffickers do not accompany the women while crossing the border. Therefore, it is difficult for the border police to arrest them. There are female members in the trafficking gang, who help to hide their identity." *Ittefaq, October 1990, Trafficking in Women and Children: The Cases of Bangladesh, UBINIG, 1995, pp.19-20*

78. Having crossed the border, the trafficked victims are mainly kept in West Bengal, and in some cases also in the state of Orissa. They are sorted and graded and sent to different destinations such as Middle East, Delhi, Mumbai, and Agra. Often, they are sold to pimps who then sell them to brothel keepers in red light areas of Kolkata such as Sonagachi, Kalighat, Bowbazar. Some are sent to Bashirghat in the neighboring district of 24 Paraganas.²⁴ Details lists of land routes from different districts in Bangladesh, the trafficking routs or last transit point in Bangladesh and the first transit point in India are included in Appendix V.

²⁴ Prerna, 2002. *Note On Indo-Nepal & Indo-Bangladesh Trafficking: The Maharashtra State Perspective*,

Table 2: Number of Women Trafficked from Bangladesh

No. of Women	Frequency/ Time Frame	Destination	Source (a)
200-400	Monthly	-	BNWLA, 2000
24,000-48,000	Annually		
200,000 (b)	Over 10 years	-	Rape of Minors Worry Parents, 1998
200,000	-	Pakistan, India, Middle East	Rape of Minors Worry Parents, 1998
500	Daily	Pakistan, via India	BNWLA, 1998 (Press Statement)
200,000	1990-1997	-	Centre for Women & Children Report, 1998
1% of 500,000 foreign CSW's	-	India	Central Social Welfare Board, 1997; BNWLA, 1997
13	Daily	-	Ittefak 1990; UBINIG, 1995
4,000 or more	Annually		
50	Daily	-	UBINIG, 1995
Approx. 6,000	Annually		
27,000	-	Indian Brothels	Centre for Women & Children Report, 1998
10-15,000	-	India	UN Special Rapporteur, 2001

Notes:

(a) Full details of the source documents are provided in the bibliography. Table demonstrates great variation in statistics.

(b) The figure of 200,000 victims being trafficked to India is used in many sources. The statistic seems to be cross-quoted but the original source never identified.

79. Initially young married women were trafficked from Bangladesh to Mumbai but in the past eight years demand for the young unmarried and minor girls has increased. Many Bangladeshi women are the victims of polygamy. If not, divorced they have so called husbands who live off their earnings. In return, they have the status of being a married woman and a hope that they would return home. In many cases, the husbands are the pimps. Trafficked women prefer to stay away from the conventional red lights areas by renting in smaller tenements at Ray Road, Saat Road and such other places perhaps because of the fear of raids and police harassment. A number of women claim to have maintained regular family connections and state that they visit their family in Bangladesh occasionally.²⁵

b. Nepal Source Area

80. The Indo-Nepal border is long but porous as there are only 14 legal entry points along the whole distance of the border. Three States of India, Uttranchal, Uttar Pradesh and Bihar are used as crossing points:

- Entry points in Uttranchal (hilly State of Northern India) are Pilibhit, Rudrapur, Tanakpur, and Pithoragarh. Nepal exit points are Nepalganj Bhairawa, Dadaldhura, and Mahendra Nagar;

²⁵ Prerna, 2002, *Note On Indo-Nepal & Indo-Bangladesh Trafficking: The Maharashtra State Perspective*,

- In Uttar Pradesh the entry points are Rupedia, Balmikganj, Gaurifanta LakhimpurKheri, Bahraich, Sravasti, Maharjanj, Gorakhpur Sitapur, Dudhwa, Tetan and last exit points from Nepal are Mahendra Nagar, Butawal, Sidhartanagar, Tulsipur; and,
- Entry points in the State of Bihar are Raxaoul, Bairganja, Motihari, Sitamarhi, Narkatraganj, Madhuvani, Sonbarsha, Jogbani, Kakarbita. Last exit points from Nepal side are Hetauda, Birganj, Jankpur, Jhapa.²⁶

Table 3: Number of Women Trafficked from Nepal

No. of Women	Frequency/ Time Frame (a)	Destination	Source
5000-11000	Annually	-	STOP/MAITI, 2002
300,000 "globally"	-	-	CAC Nepal – 2000
200,000 (b)	-	-	CWIN, 1987
(10% 14-18 years)			
5,000	Annually	-	Ghimire, 2002
5000-7000	Annually	-	Population Council, 2001
50,000	-	-	STOP 2002
100,000 –200,000	-	-	ADB RETA 5948 Nepal Country Report 2002
200,000	-	Sex Industry	Population Council, 2001

Notes:

(a) Data concerning Nepal indicates, with slightly more consistency, the annual number of women trafficked from Nepal through different sources.

(b) The most common figure found in various documents, without citing a source and cross-referred, is 200,000. Variation and inconsistency in data collection makes it impossible to derive trends with any accuracy.

81. The terrain of Nepal is described in terms of three regions: mountainous, hilly and terai. Until the early 1980s, the hilly area of Nepal provided India with the largest supply of trafficked girls. "Now the scenario has slightly changed. As a result of the larger number of awareness generation campaigns conducted by NGOs and concerned agencies, the outflows of young women and girls have lessened to some extent".²⁷ Sabin Gurung of Maiti Nepal, corroborated this information: "massive awareness generation campaigns" by NGOs in trafficking prone areas has led to lessening of problems there. Due to increased awareness and the influence of liberalization and globalization there is a spill over to other their parts of the country.²⁸ Current civil unrest is also increasing the number of internally displaced persons from areas not traditionally associated with trafficking.

²⁶ STOP, 2002, Excerpts from: *Analyzing the Dimensions: "Trafficking and HIV/AIDS in South Asia"*,

²⁷ National Network against Girl Trafficking, 2000, Kathmandu,

²⁸ STOP, 2002, Excerpts from: *Analyzing the Dimensions: "Trafficking and HIV/AIDS in South Asia"*,

Trafficking operations in Bihar are not much in focus because of the 'creative' nature of trafficking of the girls right through the year in the bordering villages of Bihar. Raxual in East Champaran and Jayanagar in Madhubani districts are supposed to be the trafficking points. Most policing is done in the area to prevent it. The other districts, which are equally vulnerable, are ignored. i.e. West Champaran, East Champaran, Sitamarhi, Madhubani, Supal, Araria, Kishanganj and Purnea districts etc are all equally vulnerable areas *Source: Aditi RETA commissioned report, Bihar, 2002.*

82. The Ministry of Women, Children and Social Welfare, Government of Nepal (MWCSW) has also identified the following twenty-six (26) geographic districts, regions, and areas as trafficking prone areas:

Table 4: Trafficking Prone Areas Identified by Ministry of Women, Children and Social Welfare, Government of Nepal

Terrain	Eastern	Central	Western	Mid /Far Western
Hill/ Mountain	Udayapur	Nuwakot, Dhading, Sindhupalchowk, Kavrepalanchowk, Makwanpur, Sinduli, Kathmandu, Ramechhap	Gorkha, Kaski	
Terai	Jhapa, Dhanusa, Sunsari, Morang	Chitwan, Sarlahi, Parsa, Mahottaraj	Rupandehi, Nawalparasi	Kailali, Dang, Banke

Source: *Commercial sexual Exploitation of Children –A Review of South Asia – Nepal Perspective 2001 -SAP Nepal.*

83. Other hill and mountain districts not listed by MWCSW include: Ilam, Khotang, Lalitpur, Baglung, Myagdi, Surkhet, Rolpa and Dailekha. Additional terai regions include: Rautahat, Kapilbastu and Kapilbastu.²⁹

i. Data from Rescue and Repatriation Operations

84. As there are no laws in India covering repatriation for trafficked persons to Bangladesh or Nepal, the system currently depends on a good understanding and rapport between the various stakeholders involved and requires dealing with cases on an individual basis. NGOs in India have built relationships with several NGOs across the border to liaise with the Nepal Embassy and Bangladesh High Commission in repatriation of trafficked women and children.³⁰ These networking and repatriating linkages have also yielded corroborative evidence from rescue and rehabilitation efforts.

85. Mechanisms for rescue and repatriation include:

- Raids on brothels whereby the police round up numbers of CSWs in a particular brothel area, providing an opportunity to gather information about nature of trafficking and the individuals involved: For example the Mumbai Mass Raid in

²⁹ SAP Nepal, 2001, *Commercial Sexual Exploitation of Children: A Review of South Asia, Nepal Perspective*, 2001

³⁰ SANLAAP, 2002, *Cross Border Trafficking-Bangladesh & India*,

- 1996/1999 wherein the police rescued and sent the victims to care and rehabilitation homes (see box below);
- Continuous process of rescue carried out by NGOs in collaboration with enforcement agencies, for example: STOP (Delhi based NGO) rescues women and children from G.B. Road, Delhi ; Sanlaap carries out rescue operations in the red light areas of Kolkata providing figures of Nepalese, Indian and Bangladeshi children who are rescued by different police stations of Kolkata; and,
 - Legal instruments for accelerating rescue and stimulation of the State enforcement machinery into action, for example the Public Interest Litigation (PILs) on the trafficking of minors filed in the High Courts.

Table 5: Numbers of Victims Rescued/ Repatriated

NO. OF VICTIMS	SOURCE
70 child victims repatriated to Nepal	STOP, 2000 –2002
12 girls repatriated to Bangladesh	Sanlaap, 2001
28 women rescued in Maharashtra	Prajaak, 2001
14 girls and 10 boys* repatriated to Bangladesh	BNWLA (quoted in Prerna Note 2002)
65 women rescued and repatriated from Delhi to Bangladesh in 2001	SANLAAP 2002
3 women rescued from Kolkata in 2001	SANLAAP 2002
4 Nepali women repatriated in 2001	SANLAAP 2002
74 Bangladeshi women rescued	Dainik Bangla –1993
200 Bangladeshi women waiting for repatriation in India	The Hindu, 1998 (web page)
223 girls child repatriated to Bangladesh (over a period of time)	BNWLA Annual report 1999-2000
14 victims in the year 2000 from India	BNWLA Annual report 1999-2000

*The reason for trafficking in boys could not be ascertained

86. Rescue activities are carried out by NGOs in collaboration with enforcement agencies. Raids in which the police round up numbers of CSWs provide the opportunity to gather information about nature of trafficking and the individuals involved, for example events that have come to be called the Mumbai Mass Raids of 1996 and 1999. Police conducted several raids in the red light areas of Mumbai city and took charge of 487 minor girls. Of these, 223 Nepalese were repatriated by NGOs in Nepal: Child Workers in Nepal (4), ABC Nepal (28), WOREC (12), MAITI- Nepal (28), Stri Shakti (10), Shanti Punarsthapna (12) and Navjyoti (14). Of the 487, 65 were declared to be above the age of 18 years on medical verification of age. Eighty persons mainly brothel keepers were arrested in connection with the raids. Around 253 of these rescued girls were from different parts of India, and were sent to Observation Homes or Protective Homes in their respective States.

87. However, identifying where trafficked victims are from or the circumstances under which they have arrived at their destination point is challenging. Many Bangladeshi victims insist on reporting their domicile to be West Bengal, as they believe that this will protect them against penal action for illegal migration to India. As communities that share a common language and culture it is difficult to refute these claims. Similarly, from within India, Kolkata is strategically placed viz. a viz. Bangladesh. It becomes operationally convenient to refer the Bangladeshi victims to Kolkata based NGOs for their repatriation. However, there is a very large influx of

Bangladeshi women to the red light areas of Mumbai. Bangladeshi NGOs have limited operations in the State of Maharashtra as compared to West Bengal, limiting smooth repatriation from Mumbai brothels.³¹

88. STOP, a Delhi based NGO, rescues women and children from G.B. Road. STOP and Delhi police have jointly carried out raids and rescue operations, as raids cannot be conducted without physical presence of the police, so that they may file the statements of rescued girls. STOP's direct intervention ceases once rescued women are sent to government run homes. However, it arranges to send the women back to their origin with the assistance of its partner organizations across the borders in Nepal and Bangladesh.

Table 6: Child victims repatriated by STOP to Maiti-Nepal

August 2000 - February 2002
(Total number of children = 70)

S.No.	Place of origin/residence in Nepal	%age of victims repatriated
1.	Kathmandu	22.8%
2.	Bagmati Anchal	11.4%
3.	Dhangari	4.2%
4.	Balaju	8.5%
5.	Nepalgunj	4.2%
6.	Gorkha	2.8%
7.	Rasua	2.8%
8.	Nuwa Basta/Nuwa Basti	2.8%
9.	Dhading	7.1%
10.	Pokhra	4.2%
11.	Dang	2.8%
12.	Ramechhap	5.7%
13.	Surkhet	4.2%
14.	Dharchula	2.8%
15.	Makwanpur	5.7%
16.	Sindhuli/Sindhupalchowk	5.7%
17.	Jhapa	4.2%

Source: STOP Interview and internal documents

89. Sanlaap carries out rescue operations in the red light areas of Kolkata, and provides information on Nepalese, Indian and Bangladeshi children who are rescued by different police stations of Kolkata.

³¹ Prerna, 2002. *Note On Indo-Nepal & Indo-Bangladesh Trafficking: The Maharashtra State Perspective*,

Table 7: Number of Rescued Children from Red Light Areas of Kolkata

Date	Rescued from	Rescued by	No.	Nationality	Court /Board
12.01.2001	Watgunj	Watgunj P.S.	2	Nepali	Court
27.01.2001	Sonagachi	Burtola P.S.	2	Indian	Court
10.02.2001	Sonagachi	Burtola P.S.	1	Nepali	Court
30.03.2001	Sonagachi	Burtola P.S.	2	Indian	Court (Adult)
11.4.2001	Sealdah Stn.	Sealdah G.R.P.	5	Bangladeshi	Court
26.04.2001	Prem Chand Boral Street	Bowbazar P.S.	3	Indian	Court (Adult 2)
18.05.2001	Sonagachi	Burtola P.S.	1	Indian	Board
21.05.2001	Watgunj	Watgunj P.S.	1	Indian	Board
28.06.2001	From Street	Hastings P.S.	1	Nepali	Court
29.06.2001	Bowbazar	Muchipara P.S.	1	Indian	Court
28.07.2001	Sonagachi	Burtola P.S.	1	Indian	Court
18.08.2001	Bowbazar	Muchipara P.S.	1	Indian	Court
25.11.2001	Sonagachi	Burtola P.S.	1	Indian	Court

Source - SANLAAP, *Cross Border Trafficking-Bangladesh & India, Feb,2002*

90. In light of the data cited in the tables above, it would appear that the number of individual rescues and repatriations is very low. When compared to the overall populations in Bangladesh and India, figures may seem relatively insignificant. However, qualitative evidence suggests that, while there is much variation, in the absence of other macro-level data on the issue, this data is useful for providing indicative information, and hence its value should not be ignored. Repatriation linkages between NGOs in different countries yield additional micro level data and experiential information, providing a more depth to the understanding of cross border flows.

D. Findings and Recommendations

91. In South Asia, a commonly identified push factor for cross border trafficking appears to be the convergence of gender and poverty. That being said, there is concern that civil strife in some countries will increase the flow. Source areas in Nepal and Bangladesh have several common characteristics, of which poverty is key: if desperation levels in supply areas is high, potential victims are more likely to be co-operative with traffickers. Addressing desperation in supply areas, through livelihood and prevention programs, is perhaps a more sensible measure than relying upon what may appear to be unmotivated enforcement agencies on the border.

92. The Indo–Nepal border has 14 legal entry points, and no substantial data is officially available from enforcement agencies or government departments. Lack of identification mechanisms at the entry and exit point of the Indo- Nepal border causes authorities to fail to distinguish between migration and trafficking. Several Nepalese in different parts of India also work as domestic help, watchmen and chefs, complicating the unraveling of the issue.

93. Movement between Bangladesh and India is more complicated, and the number of trafficked women quoted by the NGOs is difficult to verify because of indistinguishable physical features and similar ethnic and language profiles. The State of West Bengal has 20 official check posts, making it very difficult to keep an accurate check on numbers of trafficked individuals.

94. NGOs and partner organizations only facilitate repatriation across the national border of India to Nepal and Bangladesh, not within India itself. Many organizations find it difficult to deal with governmental procedures that often end up criminalizing the victims of trafficking (STOP, 2002). Lack of legal clarity of existing laws, as well as their inconsistent application, also leads to vulnerability in and victimization of trafficking survivors.

95. This report has attempted to provide data on basic conditions in source areas, names of places and districts from which victims are trafficked and routes and exit points into India from both countries. This data could also be used by BSF and enforcement agencies to take action. It could also be used to improve programming and target efforts to combat trafficking at source areas. Increasing the amount of information available on cross border flows, along with improving source area programming, will support regional efforts among government and civil society actors to operationalize the SAARC Convention.

96. Several types of approaches are required to support the unveiling of the total picture of cross border trafficking in the SAARC region. The current ADB national studies (India, Bangladesh and Nepal) are a first attempt to substantively analyze common trends, patterns, utilizing comparative denominators, definitions and frameworks of analysis. Civil society groups have contributed greatly to the process of research for the regional ADB Study, particularly in accessing qualitative micro-level data. Although this data is limited in scope, it has been vital in pinpointing crucial points of departure in analysis and findings on a subject that is covert, and thus ambiguous.

97. Article VIII of the SAARC Convention provides several suggestions for measures to prevent and interdict trafficking in women and children. A framework is required to develop a format and methodology to standardize data on the extent and scope of trafficking of women and children. This could be modeled on the process used for by the first SAARC Technical Committee on Women and Development, 1987, to develop a guidebook on Women in Development in the region. It could be taken up by focal points in the three countries, through the mechanism of the Regional Task Force. SAARC governments would have to accept responsibility for providing standardized basic and accountable data, as micro-studies and trend analysis would only provide partial realization of the total scenario.

98. Further, more diversified, research is required. Several micro-studies are available in India, at the State level, on trafficking for prostitution purposes.³² These studies provide valuable qualitative information on the nature, causes, detailed backgrounds, structure and operations, recruiting models and types of vulnerability of internal trafficking processes. Such micro-studies are required in Districts on both sides of the border, using several types of research methodologies. Organizations involved in prevention, rescue and rehabilitation of cross border trafficked women and children on the border areas of West Bengal feel that action research initiatives along the border would be immensely valuable in gathering information from communities living around the area.³³ Ethnographic and qualitative mapping could be carried out through investigating trafficking routes on dense highways and border crossings. Such investigations could be used to identify (a) origins of trafficking (b) returnees that set up networks or recruit or initiate dhabas (kiosks) around which trafficking networks are centered.

99. Other initiatives that could improve the monitoring of cross border flows of trafficked victims, while contributing to combating trafficking itself, include increasing birth registration and training for enforcement officers in all three countries.

³² For example: Kerala, Andhra, U.P., Orissa, West Bengal (WHI 99, 2001; Krishnan and Verticattil 2001; Tata School of Social Sciences, 1998; ISED 2001, Sunlaap1997).

³³ SANLAAP, 2002, *Cross Border Trafficking-Bangladesh & India*,

100. Categories in national crime data collection systems need to be reviewed if they are to provide expansive and accurate data in relation to cross border flows. This could be developed through activities such as pilot surveys near the border and action research at the district level to develop a system for identifying trafficked victims, perpetrators etc.. The support of NGOs with expertise in the sector would be essential, as would the full support of the SAARC Regional Task Force.

101. A high level of common understanding and cooperation is needed in the region. For example, despite the demand generated in India for trafficked labor, the need to stem trafficking activities from source or supply areas in Nepal and Bangladesh persists. Best practices for source area programming can be found in India (see Appendix 1), and can be considered effective on several counts compared to other countries. Exchange visits and regional training could generate greater cooperation.

102. The SAARC Regional Task Force on this issue has to initiate common legal assistance, extradition, prosecution and rehabilitation/repatriation measures. This could involve committees in each country examining existing loopholes with a view to providing analyses of national experiences. This could be reviewed by National Focal Points that would then examine the challenges collectively, particularly issues that are political and sensitive. MOUs have been developed, created and implemented in similar circumstances between Cambodia, Laos and Thailand. An exchange visit of multi- stakeholders, key players by this ADB RETA is ongoing with a view to examining the actual experiences in regional implementation and enforcement of these issues.

103. Collate data from pro-active mechanisms for rescue/repatriation taken by enforcement agencies in India (raids, PILs by NGOs, rescue operations and judicial activism) to highlight best practices in this area.

104. Strengthening the SAARC Convention is essential, particularly regarding the need to distinguish between women and children. For examples, different types of advocacy, and representation in law are required for children compared to adults. Examples of the practice of child advocates in other countries could be considered.

IV. DYNAMICS OF TRAFFICKING OF WOMEN AND CHILDREN

105. Trafficking is a complex phenomenon, and the factors that make an individual vulnerable to being trafficked are multifaceted. Understanding the cycle of trafficking is essential, as it helps to determine risk and vulnerability factors.

106. Poverty is frequently identified as the root cause of vulnerability. However, economic poverty alone does not explain why some women and children are particularly at risk, nor how the interplay of push and pull factors place individuals in situations where coercion is easy. An understanding of the non-economic elements of poverty – lack of human and social capital, gender discrimination – also helps identify the most vulnerable to marginalization from the development process and, simultaneously, to trafficking. Governance mechanisms also play a role in allocating resources and services in a community and those living in poverty tend to have limited access to these development opportunities, reinforcing their vulnerability to trafficking. It is also important to understand the nature of the demand for trafficked women and children, as filling this demand is the primary motive for traffickers.

107. The supply and demand for trafficked labor is inextricably linked to migration trends and patterns. Some argue that, while trafficking involves human rights abuses, it fundamentally involves movement of people and could perhaps be better understood by using migration theory. Others point out that, while globalization has focused on freeing the movement of capital, restrictive migration policies in parts of the world have reduced the freedom of movement of labor, and created opportunities for illegal migration networks and trafficking to flourish.³⁴

108. Rights-based approaches to combating trafficking point out that mechanisms to regulate migration are difficult to apply while ensuring that all adults are given the right to choose where they work. It is not easy for an official at a border crossing to quickly identify when consent of a migrant is vitiated by deception or coercion and can hence be characterized as trafficking.

109. Links between trafficking and migration illustrate the need to adopt a multifaceted, but comprehensive approach to understanding the process in India. Examining where victims come from, end up and the nature of their exploitation provides only partial insight: it is also necessary to determine vulnerability factors and strategies to build resistance to such forces.

110. A range of policies and environmental circumstances also influence the incidence of poverty and vulnerability to risks for migrants to being trafficked, as well as the demand factors for trafficked labor. For example: the impacts of globalization are both push factors (changes in traditional livelihoods, employment loss through economic restructuring) and pull factors (spread of modernization and new technologies such as TV and internet); conflicts and disasters; migration policies. Similarly, income disparities between regions/countries or job opportunities encourage out migration, but do not explain alone why some poor people do not take up these opportunities. The demand for cheap, temporary labor (both internally and from other countries) will also affect migration patterns and often encourage trafficking and smuggling of migrants.

111. Trade policies also have an impact on both the supply and the demand dynamics of trafficking. The demand for low skilled and cheap labor - usually carried out by women - is frequently influenced by trade policies in distant countries. Quotas and subsidies drive down the cost of labor through increased competition, which has significant impacts on the demand

³⁴ Haque, Md. Shahidul. 2001. *Quest For An Implementation Mechanism For Movement Of Service Providers*, Trade Related Agenda, Development And Equity (TRADE), Occasional Papers

for trafficked labor in countries where there is little or no protection of workers' rights, making it easier to hide the use of trafficked labor.

A. Supply

112. Supply factors influencing the dynamics of trafficking are in turn influenced by changes in macro and external issues, economic, social and governance. These are complex and interlinked issues, and to assist in the analysis for this report the focus will be on the factors that create vulnerabilities to being trafficked. For example, the commercialization of agriculture (macro global trend influenced by many external and internal policies) is directly linked to a loss of livelihoods among India's poor (economic factors), which in turn leaves families, and particularly women (based on social gender-based factors), with a lack of economic or livelihood alternatives. These push factors substantially increase vulnerability, particularly when combined with other socio-cultural influences. Some community members are also influenced by push factors such as information in the media, beliefs that a better way of life is possible as portrayed in movies etc. These factors operate in combination with each other, but it is clear they are exacerbated by conditions of poverty.

B. Environmental Factors

113. An examination of the highest source areas for trafficking of women and children in Southern India reveal that trafficking is more common in areas that are prone to drought or other natural disasters, situated in less productive agro-climatic zones and where large numbers of families live below the poverty line, i.e. those who make low wages, if any; are functionally landless; have poor literacy and no alternatives for lean season employment. A 1997 study found that one third of women and girls in CSW in metropolitan cities were from drought prone areas, clearly supporting the link between poverty, powerlessness and vulnerability to trafficking.³⁵

C. Structural Economic Changes

a. Commercialization of Agriculture

114. Macro-economic reforms have resulted in an increasing commercialization of agriculture throughout India. This has resulted in:

- Labor-intensive cropping pattern has been being replaced by capital-intensive systems, particularly in the coastal districts;
- A shift to cash crops from paddy production. As a result, many women have been forced to work as day laborers on farms where wage differentials between male and female workers are high; and
- Increasing need and demand for occupational skills, leading to an institutionalization of gender bias in agricultural and natural resource industries. There is little opportunity for unskilled labor.

115. The impact of structural-economic change in the agricultural sector seems to have increased the proportion of casual workers, thereby demanding flexibility and mobility from the labor force. For women, the casualization of female labor increases vulnerability to trafficking.

b. Livelihood Loss

116. Livelihood loss is directly linked to vulnerability to trafficking. There has been substantial livelihood loss in the fishing, weaving, tobacco and cotton sectors in India, which has

³⁵ Mukerjee K.K 1997. Paper presented to Joint Women's Programme (JWP) Seminar, Delhi.

contributed to increased vulnerability. In the fishing sector, the depletion of resources and non-implementation of the Marine Fishing Regulation Act and Aquaculture Bill have facilitated conglomerate takeovers in the industry, forcing many men to seek wage labour on the roads and women seeking income from whatever means available.³⁶

117. In Kerala, the impact of WTO trade regulations and international fluctuations in market prices in the rubber, coconut and coir industries has led to deepening economic crisis. Two transitions have been particularly important: the move from paddy cultivation to cash crops and decreasing cash crop wage earnings. Women from landless and marginal farmer families, most of whom struggle to make sufficient wages through cash crop labor, have been particularly vulnerable to trafficking.

118. The loss of land, or pauperization, is a major cause of livelihood loss. Throughout much of southern India, aquaculture companies have bought small pieces of land from marginal and poor households in need, providing advances to the male heads of these households to meet immediate needs, but not sustain the livelihood of the family. Loss of land makes food security an immediate issue, and often forces men and women to seek wage employment elsewhere. Source area employment and income are critical for the livelihoods of the poor, and poor women in particular. Land and livelihood loss leads to increased numbers of women migrating for temporary manual work, a situation which puts them at a greater risk of being trafficked.

119. Andhra Pradesh has seen an increase in the number of suicides associated with the failure of crops and loss of livelihoods. This has been particularly so among middle caste families: men have turned to suicide as a way to maintain social norms and protect women from increased mobility, and therefore, vulnerability to trafficking. Some lower caste, poor households have already accepted the use of child labor as a coping mechanism to augment family income during periods of shocks or crisis.

120. Structural inequities, bonded labor practices, variables of caste and ethnicity and marginalization are other factors that affect livelihood vulnerability and loss.

121. Livelihood loss often results in a lack of alternate sources of employment, food and income – livelihood options - for the poor. This has led to forced migration under highly variable and exploitative conditions and made many migrants increasingly vulnerable to trafficking.

³⁶ Network Against Trafficking and Sexual Exploitation and Trafficking, 2000 Concept Note: *On Trafficking*, India

- **Western Orissa:** It is estimated that 80,000 to 100,000 people from drought prone areas of have left to work in Upal, Potangcheru, Dundigal, Tukuguda, Kisra and Bularam, as well as suburbs of Hyderabad for a handful of broken rice.
 - A process, which began almost 10 years back, is stronger by the day. Now, each village boasts of a labor contractor, often without licenses. The conditions of work are severe and wages are very low; for nearly 6 months the laborers in these kilns mainly depend on broken rice or 'kanki'... Cases of missing people and death are high.”
- **Bihar.** In several areas around Ranchi 40 - 50% of the population migrates during the lean season (6 months) to far off brick factorie
- **Madhya Pradesh:** In Panna district several thousand tribals are employed in stone quarries and live in migrant shanties near the quarry sites. Contractors and other personnel tend to exploit women and only provide insecure dwellings.
- **Andhra Pradesh:** Nearly 4000 handloom weavers have been forced to migrate to Tamilnadu to find work. A study of six districts in Andhra Pradesh found that there has been a large increase in trafficking activities that correlates to the fall in handloom markets. Similarly, Saurashtra weavers that have migrated to Southern Tamilnadu, where it is reported that nearly half of the women have been caught in the traffick
- **Northern Kerala:** In, coastal areas fisher women are migrating in search of work, to prawn processing areas in south Gujarat and Maharashtra. Kerala has also experienced the export of housemaids to Gulf countries, where women are frequently trafficked into commercial sexual exploitation.

Sources: Interviews by RETA team, Action Aid Report 2001, NATSAP Report, 2001.

D. Social Factors

122. Women and children from poor households are often coerced into prostitution by false promises of economic prosperity, marriage, employment and promises of freedom from their prevailing situation of bondage. Those that lure them away are often relatives, kins-people, criminal gangs, returnees and those with power and/ or vested interest in trafficking. The point of coercion is: the lack of economic capacity and choice; social and economic vulnerability; bondedness; aspiration for opportunity (e.g., jobs, consumer goods, higher standards of living); caste and class; threats of social ostracism; and breakdown of social capital. As industrialization has slowly but steadily feminized labor, migration and trafficking need to be seen as interlinked factors in the sexual exploitation of children and women

ii. Gender Based Socialization

123. Characteristics of social exclusion are reinforced by tradition and institutionalized in politics, education, health and access to development resources. Social exclusion based on gender is a major contributing factor to the risks of being trafficked. In India, as in many other parts of the world, gender-based discrimination is perpetuated and institutionalized in the family, community and political sphere.

124. In India, girl children are commonly seen as overwhelming burdens to their families. The unholy alliance between tradition (son complex) and technology (ultrasound) has created havoc in Indian society: some families see it as more desirable to spend a few thousand rupees on pre-natal sex determination tests and sex selective abortions, than to spend hundreds of thousands of rupees on dowry later on.

125. Studies show that the practice of female infanticide is widespread in a number of districts in Tamilnadu. Data from Primary Health Care (PHC) records on female infant deaths due to “social causes” an euphemism for female infanticide, show that an average 3000 cases of female infanticide occur every year in Tamilnadu. This amounts to around one-sixth to one-fifth of all female infant death in the State.

126. Women are socialized from childhood to be submissive, servile and even obedient to men. Cultural definitions and understandings of the female associate her with the “inside”, or home. By contrast, men belong to the “outside,” where livelihoods are earned and political and economic power is exercised. Such attitudes make it very difficult for women to exercise control over their lives and make independent decisions.

127. Traditionally, families socialize girls with the sole goal of marriage: the marriage of a girl child is perceived as a huge responsibility for a family. Added to this is the dowry demanded by the prospective groom’s family, compensation for this burden to be taken on by them. As indicated above, many families are choosing to abort girl children rather than take on the burden of marrying them and paying dowry later in life.

128. All these factors play into the hands of traffickers, allowing them to control and exploit young women more easily. As discussed in Section II, families themselves are increasingly aware of the circumstances under which women and children are trafficked, and are choosing to facilitate such arrangements.

c. Gender and Poverty

129. Poverty in general, and extreme poverty in particular, has a significant gender dimension. The structure and causes of poverty are rooted in access: the flow of productive resources, creation of capabilities, consumption of goods and use of services are all intertwined determinants of poverty. Evidence is overwhelming that, in India, access, or who gets what, is closely tied to gender.

130. India invests far less in its women workers than in its working men. Women also receive a smaller share of what society produces: they are less endowed than men with health care, education and productive assets that could increase their return to labor. Women’s nutritional levels are lower than men’s are; more women than men die before the age of 35. Three fourths of Indian women are illiterate. Ninety percent of rural and 70% of urban women workers are unskilled. Generally speaking, women lack the bureaucratic know-how to make the system work for them.

131. Women constitute a major workforce in India. Women's flexibility and cheap labor are sought in both the formal and informal sectors. Yet the majority of women work in informal sectors, using simple technologies and limited resources. Systemic gender related inequities, for example unequal access to land, productive resources, information and skills and education, in addition to continuing inequity in the labor market and harassment at work, enhance women’s vulnerability to economic change.

132. While women are vital and productive workers in India’s economy and make up one-third of the labor force, there is a statistical *pardah* imposed by existing methods of measuring labor that renders much of their work invisible. When work such as collecting fuel and fodder or

working in dairy, poultry or kitchen-gardening, is added to the numbers of those who work in the conventional labor force, women's participation rate in the economy totals 51%, only 13 percentage points below the rate for men.

133. Women also bear the children and take primary responsibility for domestic maintenance. Studies show that the poorer the family, the more it depends on the economic productivity of a woman. Approximately 30 to 35 per cent of rural households are estimated to be headed by women and thus dependent almost exclusively on their income. Increase in women's income thus translates quite directly into tangible benefits.

134. Efforts to improve the position of poor Indian women, and hence reduce their vulnerability to being trafficked, need to focus on women as economic actors who have multiple roles as well as their socio-political environment. Increasing women's economic productivity affects their status and survival in the immediate family and their value in society. Evidence suggests that improvements in women's bargaining power within the household and direct, unmediated access to income drastically reduces women's dependency, thereby reducing their vulnerability to trafficking.

135. The social dimensions of poverty eradication require attention to building and awareness of rights. This includes literacy in general, legal literacy in particular and training programs that assist women in productive activity. It is important that skill training be well matched with market requirements. Finally, while local action should be encouraged, there should be in-built mechanisms to ensure that mismatch does not occur between decisions taken locally and larger macro-level market trends.

136. The most vulnerable women, those who are unmarried, widowed or divorced, are often easily identified by traffickers who are from the same community. For these women, finding a guarantor for a micro-finance loan or ration card, or opening a bank account, is next to impossible. During times of crisis, women are forced into trafficking to meet their immediate, emergency needs. These women are also more susceptible to the influence of other trafficked women who befriend and introduce them into their work.

d. Caste and Tribal Systems

137. Another form of social exclusion is inequity rooted in the belief and enforcement of caste differentiation and tribal systems. These systems can be seen as cultural and structural social inequities perpetuated by tradition, leaving female members of the caste or tribal group particularly vulnerable to increasing poverty as well as trafficking.

The Devadasi practices in Karnataka, Andhra Pradesh and Maharashtra, the Jogin in Andhra Pradesh and the Bhedias or Sansui in M.P. illustrate this nexus between gender and ethnicity. Parents from certain scheduled tribes (who have traditionally been discouraged from owning any land, have low literacy rates and are typically poor) marry girls to a deity or a temple. The marriage usually occurs before the girl reaches puberty and requires the girl to provide sexual services for upper-caste community members from the temple. Such girls are known as jogini. They are forbidden to enter into a real marriage.

A study for the National Commission for Women indicated that 62% of women CSWs belong to the scheduled castes, and 30% to scheduled tribe groups. In many instances, traffickers recruit and send Devadasis to states or districts where there is less strict enforcement of the caste system. At the same time, as the practices has been illegal since 1988, within Karnataka itself, there has been increased action to prevent the trafficking of Devadasi women.

Source: Mukerjee K.K 1997. Paper presented to Joint Women's Programme(JWP) Seminar, Delhi

E. Governance

138. Governance can be defined as the system of government policies and programs necessary to perform a number of vital functions:

- make decisions and coordinate policies;
- establish an enabling environment for private sector growth ;
- deliver certain critical sets of goods and services; and; and,
- promote equity.³⁷

139. Good governance for poverty reduction requires public policies that encourage the inclusion of the poor and other vulnerable groups in the development process. This involves pro-poor public expenditures, social services that are nearer to the users and have more relevance for the poor, policies that generate equity and access to socio-economic assets and enhanced social relations – including gender equity and the improved status of women. To improve governance, it is necessary to empower communities, individuals, and groups so that they can participate in decisions that affect their lives.

140. Poverty estimates generated by the Government of India currently form the basis for the identification and planning of anti-poverty programs. The poverty line distinguishes the poor from the non-poor and is defined using a calorific norm with a fixed consumption basket. Various estimates suggest that the poor make up a sizeable section of India's population. Still, measures of poverty are typically incomplete, as the phenomenon is generally understood only in economic terms, sometimes ignoring the social aspects that play an extremely significant role.

³⁷ ADB, 2000 *Promoting Good Governance, ADB's Medium Term Agenda and Action Plan*

141. Another aspect of good governance is the capacity to extend protection from criminal acts such as trafficking. Despite the existence of legislation intended to extend such protection, many of the most vulnerable are not aware of or able to access adequate protection. As discussed earlier, few cases of trafficking are registered with the police compared to the number of women and girls identified as missing. Cases are not reported for many reasons, several of which can be linked to social silence and connivance. Local government officials and decision-makers also may not be aware or exposed to the complexities of offering protection from traffickers and hence do not follow up on cases, or understand the leadership roles they could play in ensuring that legislation is more effectively enforced.

Violence against women, including female infanticide, *sati*, sexual violence, kidnapping and domestic and public assault, occurs across India. Government initiatives to address violence against women include community-policing initiatives such as the Mahila Dakshata Samiti (women's advisory boards), police counseling cells, All Women Police Stations, family courts and legal aid boards. Still, in terms of budgetary allocations, the government's response to gender violence is meager. For example, the budgetary allocation for short stay homes to rehabilitate victims of domestic violence has declined from Rs. 14.51 crores.³⁸ (2000-2001) to Rs.12.84 crores (2001-2002).

142. The decentralization of government decision-making regarding planning and delivery of services to the Panchayat levels (district and village), has the potential to enable communities to ensure that services are more responsive to their needs. Women elected officials now make up 33% of these decision-making bodies at all levels, and extensive efforts are underway to empower these women to respond to the needs of other marginalized women in their communities (see paragraphs 203-208 below concerning DWCD programs in this regard). However, empowering women to seize these opportunities is a long term process, and as identified above, those women most vulnerable to trafficking are the least likely to participate in social mobilization and remain unable to access services an program that would build their resistance.

143. The following sections illustrate some of the obstacles to accessing pro-poor programs faced by those vulnerable to trafficking and how some programs have been effective in incorporating those most at risk. These examples can be used to identify good practices, both of mechanisms and combinations of economic and social development initiatives are building resistance to risks such as trafficking or bringing sustainable change into the lives of rescued trafficking survivors.

1. Accessing Poverty Reduction Programming

144. Most NGOs working on trafficking prevention or rehabilitation programs find it an uphill task to access funding for micro-finance, housing, enterprise generation scheme, as local bureaucracies are often not sensitive to the special needs of women. Limited access to government schemes and programs makes the poor even more vulnerable to trafficking, as they have fewer survival options.

145. Though several awareness generation programs are being implemented, they are neither specifically targeted nor are those in remote areas able to access them. Some examples of poverty reduction programming that are more accessible include:

³⁸ 1 crore is equivalent to 10 million

- In Andhra Pradesh, an NGO and its SHGs tried to access benefits through DWACRA groups, but were unable to do so because of VDO/APO bias against trafficked women joining a mainstream group. However, the NGO was able to access housing or employment loans and several other government benefits.
- In Kerala, the Peoples Council for Social Justice, (Cochin) on the other hand is working closely with the Urban Municipality on legal aid programs.
- Samskar in Andhra Pradesh has been extremely effective in accessing land for 930 jogins in Nizamabad district i.e. one acre per person as part of a governmental rehabilitation scheme.
- Abhaya, in Kerala, has provided 10 acres of land by the National Fund for Rural Development and has other linkages with different State and Government Departments for shelters and homes.
- APAC partners in Tamilnadu are exploring opportunities to access and link trafficked women to micro-finance and housing schemes.
- In Delhi, Joint Women's Programs (JWP) are struggling to maintain schools for children of CSW', and have sought intervention from the National Human Rights Commission.
- In Andhra Pradesh, Karnataka, Bihar, Maharashtra States, Women's Development Corporations (DWDs) have developed programs to assist CSWs with economic development activities. In some cases, these have been specifically targeted to particularly vulnerable groups, such as Devadasi women.

146. Andhra Pradesh has one of the first draft policies for rescue and rehabilitation. In Madhya Pradesh, an overall sensitive women's policy has several components that deal with gender and violence, sexual exploitation etc. In Kerala, civil society partnerships are nascent, due to the poor growth of NGOs. Kerala's Women's Component Plan (WCP), a special mechanism for targeting women in the overall planning process, has, however, been successful in having government departments earmark and report on allocations made to women specific programming.

2. Civil Society Partnerships

147. As discussed above, government schemes and programs are often inadequately gender sensitive. This makes them unavailable to the poorest women who are most at risk to trafficking. Partnerships with civil society organizations can be an effective strategy for increasing the gender sensitivity and accessibility of government programs. Enforcement efforts against traffickers also seem more effective when major stakeholders, e.g., development and enforcement agencies and civil society groups, coordinate their activities.

148. The best illustrations of state/ non-state partnerships uncovered by the RETA team are in Andhra Pradesh, Karnataka, Madhya Pradesh, West Bengal and Bihar.

- In Maharashtra, Prerna, the NGO and its district level partners were able to exert substantial pressure to pass the Maharashtra Central of Organized Crime Act in 1999 (MCOCO). The Maharashtra Police also asked Prerna and NACSET to carry out anti-trafficking sensitization and training at all of its 11 police training centers.³⁹
- In the Gaurav Jain case, a PIL led to changes in central government policies related to IPTA, advisory committees and NPAs. The State Commission of Women has also taken a pro-active role in coordinating raids, taking charge of

³⁹ Prerna, 2002. *Note On Indo-Nepal & Indo-Bangladesh Trafficking: The Maharashtra State Perspective*,

minors and lobbying for government jobs for victims of commercial sexual exploitation; and,

- In the wake of the Orissa disaster, NGOs took the issue to the legislature. The House Committee on Women and Child Welfare (1999-2000) of the Orissa Assembly formally acknowledged that immoral trafficking of girls by brokers or agencies, on the pretext of providing employment as well as arranging marriage, has been rampant in the Kalahandi, Balangir, Mayurbhanj and Balasore districts. As a remedial measure, the House Committee recommended that stringent penal provisions be made to prosecute the offenders.⁴⁰

3. Movement Of People

149. Moving from one place to another is often an initial step in the process of trafficking and migrants appear to be a significant source of trafficked persons. Insecurity, low levels of confidence, lack of social networks and resources all contribute to vulnerabilities to being trafficked. Consequently, many argue that the processes that initiate movement, particularly of women and children, need to be understood to develop comprehensive and effective prevention programs. Similarly, some argue awareness campaigns need to incorporate these dynamics of human movement to ensure that prevention and rescue programs do not inhibit people's right to move.

150. In the context of cross-border trafficking, illegal migration is also often confused with trafficking. Distinguishing between illegal and irregular migrants and trafficked victims is difficult to ascertain, and awareness of these differences is necessary for migration management policies and regulations to be effectively implemented without causing further harm to trafficked persons.

4. Findings

151. The following are a synopsis of the risk factors identified in the above sections that create vulnerability to being trafficking.

⁴⁰ Institute for Socio-Economic Development, 2001. *Initial Results, An Exploratory Study: Trafficking in Women in Orissa*, Delhi

Women:

Gender based discrimination, sometimes accentuated by caste-based discrimination, leads lack of access to and control over economic, social and political resources (including education, health, livelihoods). This exposes women and girls to risk factors such as:

- Domestic violence;
- Early marriage;
- Lack of choice regarding marriage partner;
- Preferential treatment to sons and treatment of girl children as a burden to the family;
- Dowry harassment and deaths due to dowry harassment;
- Socializing of the girl child to remain 'dependent' and 'servile' to the men in the family and to 'bear' injustice and violence of all forms, silently;
- Lack of decision making powers within the family and outside the family;
- Low levels of self confidence and self worth;
- Lack of recognition of the work performed or the role played by women in the family and outside the family;
- Shouldering of the complete responsibility to run the family and look after the children single-handedly, especially when the husband is a deserter, irresponsible, alcoholic, etc.;
- The accepted trend in the society of men dominating over women and violating her rights;
- Differential wages for women when compared to men, for the same work done;
- Stigma attached to reporting or even disclosing sexual exploitation/ violence, especially when the 'offender' is from within the family; and,
- Lack of bargaining power/choices with regard to employment opportunities which leads to further exploitation.

Children:

- Death of parent (s);
- Large family size, sometimes leading to a very negative attitude towards the child by the mother/father;
- Family insecurity leading to abuse or ill-treatment in the home;
- Family and gender-based violence – may be associated with alcoholism, drug addiction or other anti-social behavior by parent(s);
- Female infanticide and son preference;
- Sexual exploitation by the family members;
- Low levels of awareness among children about sexual abuse and the possibility of being sexually exploited based on taboos regarding incest and other forms of sexual abuse; and,
- Myths regarding HIV/AIDS (e.g. the belief that the disease will get cured by sexual intercourse with children who are virgins).

Those Mobile or in the Process of Migration:

- Lack of employment opportunities /choices regarding employment options;
- Lack of previous experience of having gone out of one's village and therefore being unprepared about the kind of lifestyle in a city, precautions that need to be taken , etc.; and,
- No social networks or social capital because new in area.

Indigenous People:

- Lack of awareness;
- Lack of education;
- Discriminatory attitude by the society;
- Traditional practices like the Devadasi system in Karnataka which give social sanction to sexual exploitation of women; and,
- Debt bondedness.

F. Demand Factors

152. The demand for trafficked labor comes from a wide range of sectors, including: commercial sex work, where trafficked persons are required to provide sexual services in a wide range of circumstances. There is also evidence of a growing demand for trafficked labor in factories where trafficked persons become debt-bonded to factory owners or coerced into work under slave-like conditions. Asia has become a center for low cost, labor intensive, manufacturing operations. Competition between countries in South Asia has driven the cost of labor further down encouraging some employers to use illegal practices such as bonded labor to access cheaper and cheaper labor sources.

153. According to many reports (e.g. USAID, ILO) India has the largest number of child laborers in the world. Government of India estimates range from 17.5 million to 11 million,⁴¹ many of whom are highly vulnerable to being trafficked. Furthermore, persistent acceptance of the use of child labor in some sectors of work creates demand for trafficked children. Many studies have identified that high proportions of children involved in the worst forms of child labor (as defined by ILO Convention on the Worst Forms of Child Labor No. 182) have been trafficked. There are also many anecdotal accounts of trafficked child labor used as domestic workers, but the conditions and dynamics of the use of labor in this sector has not been extensively explored. There is resistance to examining these issues in many Asian countries as middle class professionals are strongly implicated in hiring child labor in their homes, whether trafficked or not. Children are also trafficked into the control of begging syndicates, and other sectors of entertainment such as circuses. It should not be assumed, however, that all these children are working under conditions of forced labor or are trafficked and the Indian government is actively seeking to eliminate all forms of exploitation of children.

154. Addressing these demand factors is as important as the measures to address push or supply-side factors. A study is currently being conducted by Jagory of the use of trafficked labor in sectors such as the fish processing industry in Gujarat, but these are micro studies. Most trafficked labor is concentrated in sectors rarely subject to monitoring of core labor standards, and it is advocated by many stakeholders, that if existing labor standards were implemented

⁴¹ (<http://www.usaid.gov/in/specialfeatures/womensday.htm> USAID India web-site for International Women's Day, 2002)

more effectively the demand for trafficked labor would be reduced. There has been some effort made to improve labor standards in India. The most effective in other countries have been based on partnerships between government and the private sector to increase corporate responsibility for respecting workers' rights. Care should be taken by advocates of strengthening core labor standards from outside India, as there is suspicion from many government and private sector stakeholders that these mechanisms will be used to restrict trade.

155. Most of the limited research on the demand for trafficked labor in India has been carried out in the commercial sex sector. The demand for trafficked commercial sex workers is evident across the country in hotels, brothels, lodges, cinema halls, parks, along major roads and highways. Several types of clients demand services from commercial sex workers: politicians; students; bachelor employees; pensioners; migrant populations; officers; businessmen; tourists; coolies; vehicle operators (auto, taxi, truck and bus drivers and cleaners); uniformed forces; care takers; street children; and drug users.

The working and living conditions of migrant construction workers (especially females and their children) are very poor with a highly hierarchical and exploitative organization of the industry that limits enforcement of basic labor laws. The mason – helper relationship is a point of coercion in the experience of several NGOs working with these migrants, and illustrates the extra sexual favors demanded of female workers and frequent debt-bondage organized through traffickers and labor brokers. Stipulation of minimum wage payment by contractors, crèche/other benefits, secure shelter, medical facilities should be part of policies for construction tenders while building highways.

Source: RETA interview with Jananeethi , Kerala

Demand Conditions for CSWs Along India's Highways:

A major demand for commercial sex workers is from those who work (35 lakh⁴² truckers work for private / public companies) and travel along highways. Road traffic has increased over recent years in India, and now accounts for 55% of freight and 80 % of passenger traffic, whereas rail traffic has decreased to about 40% of freight and 20% of passenger traffic.⁴³

This has resulted in a range of impacts for those living and doing business along the highways. It can be presumed that as the demand for CSWs increases, traffickers and organized crime syndicates will bring children and young women to meet this demand. In Mandla district of Madhya Pradesh, for example, several scheduled-tribe villages are located on the Mandla-Raipur national highway which are centers for organized trafficking of adolescent girls. There are also grave concerns about the links between highway routes, mobile populations and the spread of HIV/AIDS.

Recent work carried out in Maharashtra with HIV/AIDS prevention organizations has demonstrated that it is possible to curb the demand for CSWs by changing the high risk behavior of truck drivers using multiple sex partners while away from home. The State Government has enhanced working conditions for the 50,000 truck drivers by regulating the maximum number of hours spent on the road and limiting days away from home. The impacts have included improved safety on the highways as well as lowered demand for CSWs.

The highways are also the intersections where female migrants arrive (in inter-state bus stations) and where protection from harassment and shelter is minimal. Depending on whether they arrive with families or singly, the process of luring and coercion often begins here by gangs of contractors/ brokers working with traffickers.

Sources: RETA Team interviews and documentation from STHREE and Prerna

G. Impacts of Trafficking

156. Another area with little or no attention paid to research or data collection, concerns the impact of trafficking. The negative impacts of trafficked are far-reaching - families disintegrate and the effects of exploitation and physical and mental harm are inter-generational. Development efforts are subverted, as economic investments in human and social capital are lost and the profits made from the trafficking economy are diverted out of areas with potential to reduce overall poverty in India. The following are areas where impacts of trafficking must be felt, even if unquantified at present. Additional data concerning these areas would provide stronger rationale for government and other stakeholders to apply additional resources to address trafficking concerns.

1. Social Impacts

157. Trafficking in India exploits and perpetuates patriarchal attitudes and behavior that in turn undermine efforts to promote gender equality and eradicate discrimination against women and children. The individual potential of thousands (if not millions) is lost through exploitation and abuse, not only to each survivor, but also their families and communities. However, there

⁴² Lakh is equivalent to 100,000.

⁴³ ADB *India: Country Operational Strategy*, 2001

are conflicting aspects to the social impacts of trafficking, as for many women, trafficking episodes, while causing harm, also removed them from otherwise oppressive circumstances. Thousands of women, who have returned but remain silent about their experiences, especially concerning CSW, may have brought back not only some savings, but also more experience of the world. Some of these women have managed to turn these experiences into personal empowerment within their communities. These cases can be termed “self-integrating” trafficked persons without assistance from NGO or government programs. In many other cases, however, the return home proves to be too restrictive or their basic needs still cannot be met, so they return once more to a migrant life. These experiences again point out how safe (or less harmful) migration experiences can be empowering for women, and the need for more understanding of how this can be achieved.

2. Economic Impacts

158. Economic losses to communities and governments are enormous if considered in terms of lost returns on human or social capital investments. The cost of countering criminal trafficking activities puts additional strain on already limited government resources for law enforcement. Vast amounts of potential income from trafficked labor is lost in “hidden” sectors such as CSW or is usually expropriated by criminal traffickers and diverted out of the formal economy. There are many sectors of the Indian economy that rely upon low cost and often trafficked migrant labor, but if reasonable returns could be made on this labor by the migrants themselves and mechanisms are put in place which facilitate remittance and reinvestment of such savings to improve livelihoods in a sustainable manner, poverty conditions could be alleviated and the vulnerability to trafficking (as an outcome from risky migration) could be reduced. As both sending, transit and receiving countries seek to stem trafficking and human smuggling activities, the economic benefits of safe migration should not be ignored.

3. Health Impacts and HIV/AIDS

159. Trafficked persons have often faced extreme psychological stress that in turn leads to trauma, depression and in some cases suicide. A trafficked woman or child may have been exposed to isolation, fear, sexual abuse, rape and other forms of physical and psychological abuse. Emotional stress is usually compounded by constant fear of arrest and public stigmatization making the thought of returning home fearful. These harms are both short term and long term. Mental health experts understand more now about the enormous impact of post-traumatic stress over many years, that might influence the capacity of a woman to care for her family or negotiate through future emotional challenges once the original harm has stopped. These impacts reach beyond the individual, requiring resources to be used from already overstretched health services.

160. Women and children located in the commercial sex sector, either trafficked or otherwise, face higher risk of contracting sexually transmitted diseases (STDs), HIV/AIDS, tuberculosis and other diseases. Mobile populations in general face greater risks of contracting STDs as their family and community lives are disrupted. Many of the children most at risk of being trafficked, particularly urban street children, are also considered to be high risk groups for contracting HIV/AIDS through drug use, sexual contacts and other behaviors. Stakeholders seeking to combat trafficking and to address HIV/AIDS are therefore working with similar risk groups and there are many examples of combined programming or collaborative approaches (e.g. UNDP HIV and Development Program for South and Southwest Asia - see Appendix IV) that have ensured women and girls are empowered to protect themselves from HIV infection and resist or exit from trafficking experiences.

161. Increased incidence of HIV/AIDS is also believed to have led to an escalating demand for younger commercial sex workers, who have higher probability of being free of diseases. There remains strong resistance amongst many men to recognize they are HIV carriers. There have also been reports of myths circulating that having sex with a virgin will actually cure STDs. Tragically these false notions are creating a demand for younger girls, even below 12 years of age. There are many highly innovative programs already in place in South Asia seeking to change high-risk behavior, particularly among mobile male populations that have the potential to contribute to curbing demand for some of the most exploited commercial sex workers.

162. However, links between trafficking and HIV/AIDS have to be explored with caution. Many trafficking awareness-raising campaigns have inadvertently conveyed the message to fearful communities that all trafficked persons are HIV positive, leading to further stigmatization of all women returning to their communities⁴⁴. There is also often tension between the public health objectives of HIV/AIDS programming and attempts to combat trafficking. In some cases, the delivery of public health messages concerning HIV/AIDS risks among CSWs has been carried out by co-opting the support of pimps or brothel owners, who are also abusing and exploiting children. Forced testing of returning migrants as a public health measure has also considerably increased victimization as women have been humiliated by the procedures and attitudes of health officials.

⁴⁴ At the RETA Regional Workshop, May 27-29, 2002, WOREC (an NGO in Nepal) provided an example of this occurring in Nepal from their own early programming to combat health concerns among migrant women. Other participants at the Regional Workshop confirmed this experience as being similar to that of some stakeholders in Bangladesh and India.

V. ANTI-TRAFFICKING PROGRAM STRATEGIES

163. Combating trafficking requires strategies that address its many and interlinked causes and effects. Consideration must be given to the most vulnerable, and how their vulnerability might be reduced. The underlying causes of vulnerability need to be addressed before any long term results can be achieved. Risks to perpetrators of trafficking crimes need to be increased through both legislative and social sanctions, and this must be balanced by strategies to reduce the demand for trafficked labor. In the mean time, trafficking survivors require appropriate and timely services, and communities need to recognize and accommodate their special needs.

A. Institutional Mechanisms

1. The Role of the State

a. Central Government: Department of Women and Child Development

164. The National focal point for combating trafficking in women and children in India at the national level is the Department of Women and Child Development (DWCD), of the Ministry of Human Resource Development. DWCD has counterpart focal points in each State government. In pursuance of the Supreme Court directives of 1990, the government of India constituted a central advisory committee on child prostitution in 1994, comprised of government and non-governmental agencies to examine policy and program interventions. A desk has been set up in the Department of Women and Child Development to implement the recommendations of the advisory committee. In 1997, under the directive of the Supreme Court, a committee on prostitution, child prostitution and children of prostitutes has been established, headed by the secretary of the DWCD. This Committee looks into the problems of prostitution and trafficking of women and children in order to evolve suitable programs. In August 2001, a meeting of this committee was held.

165. The Department has also been mandated to implement a National Plan of Action to suppress trafficking in the country. The honorable Supreme Court of India dated July 9, 1997 passed in Writ Petition (Civil) no. 824 of 1988 Gaurav Jain Vs Union of India and others with Writ Petition (Criminal) Nos. 745-54 of 1990 has directed the constitution of a committee to make an in-depth study of the problems of prostitution, child prostitutes and children of prostitutes and to evolve suitable schemes for their rescue and rehabilitation. The report of the Central Advisory Committee on Child Prostitution, the recommendation of the National Commission for Women and the directions of the Supreme Court of India and the experiences of various NGOs working in the area were incorporated while drafting the National Plan of Action.

166. Government and NGO representatives all agreed that this NPA is both comprehensive and innovative. However, there remain constraints on its implementation, which include lack of resources, and inadequate accurate data on which to base policy formulation and advocacy to combat trafficking across other government departments.

167. The UN special Rapporteur on Violence against Women, Radhika Coomarasamy has commended India's plan of action, which she notes has very interesting and included innovative ideas. She noted the section on awareness raising and the provision of health services is particularly useful and comprehensive. The social welfare component is dealt with in detail, from rescue to rehabilitation, to education of the children of prostitutes, to housing and shelter. The section on health services is also very comprehensive, arguing for the setting up of health care canters in red light areas specializing in HIV/AIDS and the conducting of awareness and

education campaigns on aids. Unlike other plans in the region, there is a determined effort to include psychological counseling as an aspect to health care”, she concluded.

168. The DWCD is working towards synergizing the multiple but isolated initiatives of international agencies to combat trafficking. The Department is collecting data on the spheres of activity and interest of UN and Bilateral agencies. Joint consultation with these agencies in the near future to decide a blueprint for future course of action would ensure that there is greater focus on field projects for prevention, rescue and rehabilitation, and consolidation of efforts.

169. The DWCD in association with the UNICEF Country Office, are organizing Regional Workshops on Prevention of Trafficking of Women and Children in the country with the objectives of review the situation of trafficking and sexual abuse in women and children in different regions and to evolve a plan of action to combat the menace.

170. At the regional level, India has pledged to co-ordinate and take effective measures for the implementation of the SAARC Convention on Combating the crime of Trafficking in Women and Children for Prostitution, which has been ratified by the SAARC Countries at the recently concluded Eleventh SAARC Summit held at Kathmandu in January, 2002.

171. On the international plane, a variety of instruments to address this problem have been put into place, ratified by India (in whole or part). The Convention on Suppression of Trafficking in Persons and the Prostitution of Others; the Convention on the Elimination of All forms of Discrimination Against Women; the Convention of the Rights of the Child and the Platform for Action of the Fourth World Conference on Women, 1995. The Declaration and Agenda for action adopted by the First World Congress against Commercial Sexual Exploitation of Children held at Stockholm in 1996 focused the attention of national governments, international media, parliamentarians, NGOs and others regarding serious threat to the life of poor women and girls worldwide. Recently, the international community took a significant step towards ensuring that the crime of trafficking receives universal recognition. The UN convention against Transnational Crime, the first legally binding UN treaty in the field of crime – was adopted by the General Assembly in November 2000. The Convention has Protocols relating to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and against Smuggling of Migrants by Land, Sea and Air. These Protocols detail comprehensive approaches at national, regional and global levels to stem these practices. The Government of India is in the process of signing the Protocol relating to prevent, suppress and Punish Trafficking in persons, especially Women and Children. It is hoped that upon ratification, this convention will emerge as an important tool to combat international trafficking.

172. The other government statutory bodies/ agencies dealing with issues pertaining to trafficking for sexual exploitation are some of the following described below: Home Ministry, NHRC, NCW, NACO etc.

b. Home Ministry (C.S Division)

173. The Home Ministry, Government of India has a focal point for combating trafficking activities. One of the issues that figures in the National Plan of Action is the setting up of a Nodal Agency under section 13 (4) of the Immoral Traffic (Prevention) Act, 1956. It is felt that an agency having all India jurisdiction would be in a position to overcome inter-state jurisdiction delays that presently hinder effective enforcement of the ITPA. A proposal for setting up a Nodal Investigating Agency under the aegis of Ministry of Home Affairs, Government of India is under consideration at present and is being dialogued with the State Governments. The State Governments have State Women’s cells at police headquarters, women in the police force and efforts are being undertaken for sensitization on gender issues, under the overall co-ordination of the division dealing with the issue in the Home Ministry.

iii. National Human Rights Commission (NHRC, NEW DELHI)

174. The NHRC is a statutory body that performs the functions assigned to it under the Protection of the Human Rights Act.

175. It promotes research in the fields of human rights as part of its strategies. The Commission has referred the National Law School of India with the following research projects with relevance to the overall issue of trafficking:

- Sexual abuse of women and children.
- The study of treaties and other international instruments on human rights and the making of recommendations for their effective implementation.
- Imminent problems connected with the spread of HIV infection and Human Rights.
- The National Police Commission's observations about the misuse of the power of arrest by the police and the collection of statistics, under the Pilot Project, as to the reasonableness of the exercise of the power of arrest by the police.

176. The issue of child prostitution has been a major concern of the Commission. The Commission has, accordingly, been interacting with the Department of Women and Child Development (WCD), Govt. of India, the National Commission for Women (NCW) and UNICEF to evolve measures to deal with this problem. In order to better co-ordinate efforts, the Commission Constituted a Core Group on child prostitution in 1998. Several studies have been undertaken on the issue too to NHRC.

177. On the request of UNHCR, a Focal Point has been set up in the Commission in 2001 as part of the Human Rights of Women, including matters relating to Trafficking. It has taken up a multi-centric Action research on Trafficking in Women and Children in India with UNIFEM.

iv. National Commission for Women (NCW)

178. The National Commission for Women (NCW) is a body that has supported the effort with regard to the protection of the rights of women. The commission's mandate is to safeguard the rights and interests of women by running legal awareness programs, looking into complaints regarding the violation of women's rights, examining the non-implementation of laws as well as non-compliance with policy guidelines, providing relief to women by taking up their concerns with the appropriate authorities, conducting research, undertaking investigations, etc. The NCW also has the powers of a civil court when investigating any case provided for by the NCW act 1990. Combating the trafficking of women is one of its main areas of priority.

v. National AIDS Control Organization (NACO)

179. As identified in paragraph 160 above, HIV/AIDS prevention stakeholders undertake programming to combat trafficking, as many of those most at risk to contracting HIV may have already been trafficked or are highly vulnerable to being trafficked e.g. street children who are also CSWs or drug addicts. In response to the challenge of the epidemic, the National AIDS Control Program (NACO) was launched in 1987 and the first National AIDS Control Project in 1992. The second phase of the National Project has begun for the period 1999-2004 (with a total funding of approximately US \$331 million). The emphasis is on a comprehensive multi-sectoral approach. The key components – targeted interventions with vulnerable and general populations (in vulnerable commercial sex workers, street children, migrant laborers etc. that are critical target group for this study), care and support for people living with HIV/AIDS, Voluntary testing and counseling, hospital infection Control, STD Programming.

180. Interestingly, NACO's State level mechanisms include the State AIDS Control Societies that are run by NGOs/Technical professionals. APAC, one such state level mechanism (in Tamilnadu) run by VHS, an NGO has an intervention called WIP (Women in Prostitution). 12 NGOs from several districts of Tamilnadu working in community based mobilization, SHGs and micro-finance, advocacy, accessing government schemes are involved with APAC. Yearly surveillance on CSW's is being done by APAC apart from ethnographic/ sociological studies in its base line surveys. In Kerala, SMS (another State level mechanism managed by Dalal Consultants) has three interesting projects for CSW's that show potential for other additionalities, (few of its interventions target overlapping high risk groups vulnerable to trafficking including construction workers etc).

181. The criticism leveled that NACO addresses trafficking of women and children at a superficial level may hold ground at one level, but there is no doubt that it is the single largest mechanism which has State level counterparts (that are often autonomous civil society groups in partnerships), registered societies separate from government health departments (providing them flexibility). They also have a mandate for special interventions for CSW's (and other cross-referencing through 7 other interventions such those as for truckers, street children, migrant workers etc.). Wherever such NGOs have been identified that have community or social mobilization base or and when leadership has more than clinical / medical inputs i.e. sociological/anthropological expertise (Tamilnadu/Kerala), these agencies under NACO show great potential for combating trafficking against women and children (with additionalities such as awareness raising regarding the use of child sex workers, etc.).

2. State Governments

182. In terms of the high supply states, it is seen that in the South, West, Central India and Bengal where there has been higher mobility and education for women, including jobs, there seems to be a higher supply into trafficking. In Bihar and UP, the feudal framework with limited mobility for women, strict norms for women and men interacting with each other or control of women through patriarchy seems to have retained prostitution to specific areas, historically demarcate, such as 'Kothas' rather than transport them to metropolis or tourist centers. Several sources indicate that "high supply states" in India as Andhra Pradesh, Karnataka, Tamilnadu, Maharashtra, West Bengal and Madhya Pradeh⁴⁵. Disaster struck states such as Orissa, Maharashtra are also catchment areas for trafficking, especially for children.⁴⁶

a. Tamilnadu

183. In terms of the State Governments, Tamilnadu has the highest registration of crimes against women especially trafficking (women and children) as well as highest level of police intervention in these cases in Tamilnadu. A study of the several schemes, policies in social welfare/social defense departments, Women Developments Corporation, urban planning, HIV/AIDS control (APAC case), and mass gender sensitization of police personnel as a campaign (20,000 police personnel), special programs for girl child, free compulsory education, mid-day meals for girls from BPL, point it out to be the most pro active state in programming in this area. (Discussions were held with Home Secretary, DGP, IG in charge of Gender Sensitization, Secretaries – Social Welfare (Current and former).

⁴⁵ Krishnan and Vertivattil, 2001

⁴⁶ ISED 2001.

b. Andhra Pradesh

184. The Andhra Pradesh Government has a draft policy on rescue and rehabilitation. It has been involved with implementation of rescue from Delhi's G.B. Road and rehabilitation ventures in source area villages. A girl child scheme being implemented by them is both holistic and realistic and likely in the long run to deal/stem source area procurement of girl child children. The land distribution schemes to 900 Jogins in Nizamabad (under the aegis of Samskar, an NGO case studied in this report) is nearly 1000 acres and has had special ramification in challenging the traditional sexual exploitation of Jogins and facilitated their social and economic rehabilitation. (See case studies in Appendix I and III) (Discussions were held with Secretary Director Social Welfare, Women's Development Corporation, State Commission on Women. See convergence model case study in Section VI).

c. Karnataka

185. In Karnataka, the perspective of the DWCD is to mainstream gender issues in main-line ministries. It is involved in catalyzing government line departments to gender issues (agriculture, education, co-operative departments etc.) Through the Women Development Corporations, Devdasis have been rehabilitated en masse in Belgaum through SHGs run by NGOs, fostering rehabilitated Devadasi associations etc. and so forth apart from comparatively effective enforcement interventions in this area. (See case studies in annexure)(Discussions were held with Secretary, WCD and MD Women's Development Corporation).

d. Madhya Pradesh

186. In Madhya Pradesh, a highly evolved policy for women with criteria/stipulations for accelerating women's participation in programming has been pronounced. This is converged fairly effectively with the Panchayat Raj system; micro – level planning decentralized allocations. (Yet no special component plan for women exists like in Kerala). The Jabali Scheme for children from Bedias, Banchhara tribes in MP is a comprehensive scheme intended to cover 16 districts. As resources are limited, this scheme will be initiated only in few districts (Attention: ADB). The scheme also envisages and embraces enforcement agencies as part of the convergent action to legally combat the issue apart from social/economic program rehabilitation and source area prevention i.e. Development agencies. The conceptualization of the Jabali' scheme is comprehensive and practical at the rural, tribal level where combined action is required. (See case studies in annexure) (Discussion wee held with Secretary, WCD and Commissioner; DGP).

e. Kerala

187. In Kerala, combating trafficking is a misnomer primarily as vulnerability to trafficking does not stem from poverty per se. Educated poor, export orientation dependent on international economy, out migration, perceived high status of women, decentralization, and unionization has created new types of outcomes. With falling prices of export products, migrant cash crop workers tend to be trafficked. (as testified by NGOs in the last few months). In several cases in earlier years, agricultural workers too (paddy production) were forced to move into prostitution during shift to cash crops (Kuttanad area). Changes in the matrilineal reform by well meaning jurists (patriarchal, British law) have also in fact lowered the status of women.

181. Three new sets of groups found in Kerala are more vulnerable to trafficking but not evident in the rest of India (a) women left behind by out migration workers in Gulf or other countries. Point of coercion is often within the family or tempted through seeking an outlet for sexual frustration (several years of separation from husbands / partners) (b) Housemaids exported to the Gulf countries (c) Coastal area fisher women moving to Gujarat/Maharashtra for

prawn processing. On the other hand the role of church, unions, communist movement has been quite significant in supporting resistance to this activity.

188. The Government of Kerala has a program called Kudumashree (rural development), working as a network of SHGs (based on virtual integration layered neighborhood groups and societies) at the municipality/ rural Panchayat level generating economic activity, savings etc. The Department of Social Welfare (DSW) has registered 14,000 destitute women (not targeted specifically by Kudumashree) in its ambit through the Women's Development Corporations (suitable as component for SUDPR Program of the ADB due to its interlinkages with other programs). The mandate of the DSW is women's empowerment, development of children/adolescent girls within its ambit. . (See case studies in annexure) (Discussion was held with the Hon'ble C.M., Finance Minister, DGP, Home Secretary, Finance Secretary, Secretary DSW, Secretary Urban Development, Planning Commission, State Commission on Women etc.

vi. Bihar

189. In Bihar, the department Of Social Welfare has taken a proactive measure by issuing instructions to the IRDP, CAPART, STEP, and NORAD schemes for targeting women and children of CSW's. The focus of the government is towards rehabilitation and efforts taken in this direction are to initiate a process for implementation of providing free and compulsory education for children of women victims, setting up of anganwadi centers in red light areas and inclusion of victims' names in the electoral roles. NGOs such as Adithi, Shakti Vardhini, Janjagran Manch, etc. are engaged in the rehabilitation of VSE along with government collaboration. (See details in appendix I)

vii. West Bengal

190. In West Bengal, the State Government and a few NGOs have taken a joint initiative of setting up anganwadi centers under the ICDS in red light areas Efforts to reach out to children were taken through setting up of institutional care centers. A receiving center for women who are repatriated and a cottage scheme for destitute children are other interesting initiatives taken up by the government to combat trafficking.

viii. Gujarat

191. The State Level Advisory Committee to address Trafficking and Commercial Sexual exploitation with 16 members was established for this purpose in 1992. The members were from government as well as NGOs, who met once a year for three consecutive years from 1992 to 1994. In these meetings discussions were around measures to rehabilitate women and children engaged in commercial sex. As a follow-up, the Director Social Defense had notified all institutions receiving women and children to introduce the rehabilitation measures and submit regular reports on the same.

ix. Rajasthan

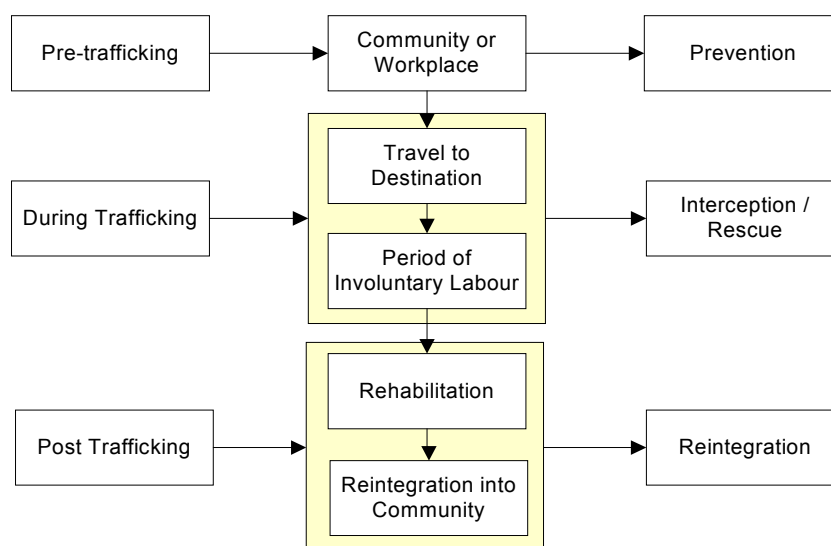
192. A project in Narena, Nandlalpura Dantri villages in Jaipur District is emerging as a model for prevention of child prostitution in areas where special ethnic groups groom the girl children to become prostitutes. The strategy includes non-formal education for children linked to formal schools, pushing service delivery through the government system i.e. starting of the Anganwadi Center through DWCD. Hand pumps through PHED, benefit of schemes of Social Welfare Department, Small-Scale industry & Khadi Board. In addition, alternative avenues of income generation are suggested / supported for the adults in the community. Adults of the families are involved in self-help groups and vocational training, in addition to alternate sources of income generation.

193. The project in 'Baleta', District Alwar is reinforcing the strategy developed for prevention of sexual exploitation of girls in Jaipur District. 'Naangal Rajavatan' village of District Dausa has been initiated based on the strategy tried in Jaipur and Alwar Districts.

194. An innovative project of prevention of sexual exploitation of street girls at the railway station, through institutional care of girls who have been absolutely alone at the railway station, has been initiated in Jaipur City.

B. Types of Trafficking Interventions

195. Trafficking interventions can be classified into three main categories under the following framework:



1. Prevention

196. Prevention programming is intended to “prevent” the cycle of trafficking from starting. Community-based poverty reduction programming plays an important role in trafficking prevention particularly if those particularly at risk are included. Increasing the livelihood options for those with few resources is vital. Programs seeking to increase incomes for women as well as households as a whole will also help the most vulnerable withstand shocks such as natural disasters, forced resettlement etc. However, addressing economic issues alone is not sufficient to prevent trafficking. The case of the Working Women’s Forum, India is an example of provision of holistic services including micro-credit, health care, group, resistance, micro-insurance to a social protection strategy for vulnerable groups. (see appendix I for case study).

197. The most effective prevention strategies are those that allow the participation of the women & children victims for sexual exploitation to be empowered and participate in their own programs. In direct contrast is the ‘victim’ approach, which is welfarist in nature where women are targeted, often as passive beneficiaries. To stem greater outflow into trafficking for sexual exploitation cycle, it would be necessary to initiate poverty reduction strategies through holistic programming in source areas involving micro finance / livelihood options (through social mobilization into groups). Women’s thrift and credit groups not merely build resistance but support / care, provide saving to cope with crisis, minimize overheads/ risks and transition costs provide for both Micro finance institutions and poor women. They are also mechanisms for delivery of service and for privatizing financial sector outflow to the poor. Social capital formation is also facilitated due to linkages possible with other institutions, agencies or networks amongst

themselves. Civil society – State partnerships also provide multi dimensional inputs into prevention programs.

198. Factors, which lead to social disintegration of families and communities also, need to be addressed. Awareness raising, education, programming to increase the status of women and girls and address other discriminatory traditions can help build collective efforts to combat trafficking.

199. The following section analyses the programs available in government of India for source area programming, the possibility of women accessing them (pro-women) and the women's component of public expenditure.

i. Public Expenditure with Pro-women Allocations

200. Certain public expenditure schemes have pro-women allocations, though they are not exclusively targeted for women. For instance, there are several schemes for poverty alleviation and employment generation that includes women components. Similarly, public provision of drinking water supply and sanitation, fuel, housing, improved energy resources like biogas, improved Chullahs are of immense benefit to women.

201. DWCD provided recent gender analysis from Budgets of 2001-02 and 2002-03 revealing:

- The budgetary allocation for women specific schemes increased Rs. 3,260 crores in 2001-02 to Rs. 3,358 crores in 2002-03 representing an increase of 3%
- Pro-women schemes have seen enhanced financial support from Rs. 13,036 crores in 2002-03, an increase over 2001-2002 of 23% and specific increases are noted for girls elementary education budget and women and children participation in Integrated Child Development Services (ICDS) programs have increased.

Table 11: Selected Public Expenditure with Pro-Women Allocations

Ministry Department	Public Expenditure with pro-women allocation
Agriculture and Co-operation	1. National Watershed Development Program for Rainfed Area
Health	1. Assistance towards expenditure on hospitalization of poor
Family Welfare	2. National Illness Assistance Fund 1. Rural Family Welfare Services 2. Urban Family Welfare Services 3. Strengthening of Immunization & Eradication of polio 4. Transport [including provision of Mopeds to ANMs] 5. Sterilization Beds
Education	1. Sarva Shiksha Abhiyan 2. Operation Blackboard 3. District Primary Education program (DPEP) 4. National Program of Nutritional Support to Primary Education 5. Non-formal Education 6. Shiksha Karmi Project
Youth Affairs & Sports	1. Sports Authority of India 2. Sports Scholarship Scheme 3. Miscellaneous Schemes of the Dept. 4. Nehru Yuva Kendra Sangathan 5. Scheme of National Service Volunteer Scheme
Labor	1. Employment and Training a. Women's Vocational Training programs b. Establishment of Placement Cells at National Vocational Training Institute (RVITs) c. Vocational Rehabilitation of Women with Disabilities 2. Labor Welfare Schemes 3. Employees Pension Scheme, 1995 4. Compensation to Families of heavy duty Inter-State vehicle drivers killed in accidents.
Non-conventional Energy Sources	1. National Project on Biogas Development (NPBD) 2. National Program on Improved Chulhas (NPIC) 3. Indian Renewable Energy development (IREDA)
Small Scale Industries and Agro & Rural Industries	1. Prime Minister's Rojgar Yojana (PMRY) 2. Khadi and Village Industries Commission 3. Rural Employment Generation Program (REGP) 4. National Small Scale Industries Corporation Ltd.

Source: This section and table cited from *Gender Budgeting in India, National Institute Of Public Finance and Policy, August 2001*

202. In spite of the significant pronouncements on gender in the Union Budget for the first time in India, coupled with the priority already set in the Ninth Five Year plan, scanning through the Union Budget, 2001-02, it is observed that not much has been attempted this year.⁴⁷ By and large no change is evident to have been effected in this year's budget from the usual procedure of *monitoring input rather than outcome* and proliferation of *too many programs with too little*

⁴⁷ This section has been cited from *Gender budgeting in India, NIPFP, August 2001*

money. Apart from the women specific programs (all of which are ongoing), no (corrective) action has been initiated to identify the girl's women-related provisions in the composite programs and schemes.

ii. Government Prevention Initiatives

203. The ICDS is the largest scheme available in the area of source area prevention in Government of India. It has been implemented widely in several states in red light areas or source areas and is both a hub of the local functionary in organizing children, adolescents and mothers from BPL families. Several innovations are tied to it at the state level; and is a crucial program for identifying beneficiaries for schemes related to trafficking. The ICDS program is to be universalized by the first year of the tenth five-year plan period. The DWCD aims to extend ICDS to 5,000 blocks from the present 4,388 blocks by the end of the next year. Recommendations have also been made for mobilizing community support and participation in the ICDS program besides ensuring availability of quality infrastructure and a regular and adequate inventory.

204. Special schemes for girl children/adolescents (Jabali Scheme in MP for children of trafficked women/adolescents i.e. the Kishori Shakthi in Kerala, Girl Child Scheme in AP, the Chief Minister's Child Welfare scheme in TN etc.) are programs that are indicative of individual states initiatives in targeting the girl child from BPL families. Several other programs are discussed in this report in the case studies from different states. (Appendix 1).

205. The Swarn Jayanthi Swa Rozgar Yojana (SJSRY) is the major poverty reduction program in Government of India, (the prologue to the IRDP, DWACRA and other rural development programs for self employment) and is a vital scheme for source area development. It is not yet targeted specifically to source areas vulnerable to commercial exploitation of women but provides an opportunity for NGOs/SHGs/women groups to provide local level livelihood activities linked to decentralized government structures. (In MP and Kerala states these schemes have been well converged with PRI though the latter state has few NGO partnerships at the local government level.

206. Support to Training and Employment Program (STEP), Setting up of Training-Cum-Production Centers (NORAD), Socio-Economic Program (SEP) are implemented in source areas for the welfare and rehabilitation of trafficked victims. These are programs of DWCD.

207. The Government of India has initiated an ongoing scheme known as "Swadhar". It is meant for women in difficult circumstances including rescued victims of trafficking. The scheme envisages the provision of food, shelter, clothing, counseling, social and economic rehabilitation through education and skill up gradation, clinical and legal support etc. It also plans to set up a help line by networking between government organizations and NGOs. Other programs include Ballika Samridhi Yojana and Grant in Aid Schemes.

208. The DWCD in collaboration with UNICEF is developing a National Media Strategy. NGOs have been consulted for their views and formulation of the strategy is underway. It is envisaged that the media strategy would cover the print as well as the electronic media at the national as well as the regional levels so as to achieve the widest outreach possible for awareness generation.

iii. NGO Prevention Activities

209. Examples of programming activities carried out by NGOs at source areas are given below:

- **Samskar**, a rural based NGO in Andhra Pradesh (Nizamabad) works at the source area with the Jogin community. Through an integrated strategy has through access to land, community mobilization prevented Jogins from dancing at funerals as traditionally practiced or sexually exploited in Nizamabad district. Several inputs such as awareness, generation literacy, child development programs, rehabilitation, homes, through sustained community interventions and leadership building has empowered the Joginis.
- **Stthree** from Anantpur (a drought prone area in Andhra Pradesh) works on livelihood issues with communities including self-help / housing, SC/ST/caste entitlements free education, housing and bonded labor programs.
- **Prajwala** of Hyderabad works with HIV positive children from the community runs transitory schools for 800 children of CSWs and skill training.
- **Help** (Ongole), **Rise** (Tirupathi), **Odanadi** (Karnataka) work with preventive measures for children (many are children of CSWs or from high-risk communities).
- In Karnataka, the **Mahila Samakya Program** (a government sponsored program), **Working Women's Forum, India, Joint Women's Program (JWP)** work with Devadasis through strategies such as empowerment, education, livelihood options, advocacy / consciousness.
- The **Stthree Adhra Kendra** in Pune provides for enhancing community participation by organizing and raising awareness, women's help centers in 3 cities of Maharashtra, as well as trauma – counseling centers etc.
- **Prerna** in Maharashtra has been in the forefront of raising awareness and runs highly acclaimed centers for children in high risk areas. Campaigns have been undertaken to create national / regional awareness for prevention of trafficking within the larger community as well as reverse responses from the grassroots to policy makers (strategies such as rallies, IEC materials etc. have been utilized).
- In Calcutta **Sanlaap** has organized public awareness, community participation (within communities) to address the problem of trafficking. Rehabilitation of cross border victims, counseling, drop- in centers are Sanlaap's special programs.
- The **Sonegachi** project in its work with CSWs of Calcutta, has attempted preventive strategies such as self-regulatory boards, taking a stand against child and forced trafficking, women's collectives (as a beginning in this area).
- The **Joint Women program (JWP)** started a service center in red light areas of several metropolis; crèche / balwadi programs for children of victims were initiated, women's clubs or mahila mandals were started especially to organize other services, Grassroots alliances with NGOs/government functionaries / key stakeholders at the village have been initiated.
- Programs for sensitizing the police, judiciary, media have also been taken up by several NGOs (SAK, Pune, JWP Delhi etc.).

210. Anti-trafficking work in urban areas is done presently by a few NGOs Mumbai / Delhi / Calcutta. But source area prevention, rehabilitation models have been implemented effectively in South India in the high supply states of Andhra Pradesh, Tamilnadu and Karnataka. These existing programs take a pro-active community based approach, bringing the most vulnerable members of a community center stage, through empowerment strategies, including social mobilization.

211. HIV / AIDS programming is also being implemented effectively in the southern states, where to some extent, a community based approach has been taken (For example peer educators programming, support to community drop in centers etc. At present, these programs are narrowly focused on condom distribution, possibilities are that such programs could be strengthened to mobilize the community from within, against child and forced trafficking. These types of programs are very limited in scope, however, and inadequate in terms of coverage of the target population. APAC Tamilnadu, however, presents an interesting model to replicate (Case-study section below has more details).

iv. Protecting Indigenous People: Devadasis, Jogins & Bedias-Strategies for Excluded and Vulnerable Groups

212. The best scheme implemented for Devadasis is in Karnataka through the Women's Development Corporation (WDC) (especially organization of women SHGs, micro-finance and civil society partnerships). Sc-ST Development Corporations are also implementing similar schemes. In Andhra Pradesh too through the Women's Development Corporations, and in Maharashtra, State Governments, have responded to in different ways with varying success.

213. The Jabali scheme in M.P. addresses the Bhedia, Bhancadara and Sansui Tribes and has a holistic conceptualization to programming for children of victims.

214. The ADB has a special policy on indigenous people within the context of the socially vulnerable, groups (that requires specific social protection strategies).

v. Child Policies and Programs

215. This section addresses the need to transform children as beneficiaries of poverty reduction investments. They face the most several handicaps in this sector.

216. Education (formal / non-formal, mid-day meal schemes or schemes to prevent foeticide or even child care centers / ECE or night schools are relevant protection and development strategies. Four case-studies from NGO programs and an equal number from the State / Central Government schemes are described in the Appendix 1 as models for programming.

217. The overwhelming majority of children vulnerable to trafficking are those belonging to families whose means of survival is subsistence agriculture, or those who along with their parents, work in the factories, hotels, lodges, and construction sites. Those most at risk are:

- (i) children separated from their families or with disrupted family backgrounds (e.g. orphans, unaccompanied children, children from single-parent families, or from families headed by children);
- (ii) economically and socially deprived children (unemployed, poor, rural, and those without access to education, vocational training, or a reasonable standard of living);
- (iii) children from other marginalized groups (e.g. certain minorities, and internally displaced persons); and,
- (iv) children from the areas prone to civil strife.

218. Several theories in the field of commercial sexual exploitation of children abound. However the theory on child rights has universal applicability because it envisages various sets of relationship involving the best interests of the child, the family and the state. In modern governance systems, the State not only influences the socialization process of children but also the family's capacity to raise and rear children. To develop a long-term vision of a better future for vulnerable children in India, the measurement of development should be guided by a social

justice index. (NHRC study on 'Child Prostitution In India', 1999), which conforms a broad based approach to reducing vulnerabilities.

vi. Social Safety Nets

219. Safety nets are required for high-risk groups such as children in the transition to privatization.

220. Sexually transmitted infections are the most common direct medical consequences of child prostitution, with HIV/AIDS the most serious of these infections, both for the child and public health. More often than not, the first choice of these children will be in terms of personal security and skills for immediate living.

221. The educational system can play a proactive role in tackling the problem of trafficking. Efforts should be made to prevent or at least reduce the risk of children falling prey to commercial sex by ensuring their access to and participation in education. Along with this there is a need to support awareness raising, advocacy and social mobilization among the public at large about the scope, nature and impact of trafficking of children for the purposes of commercial sexual exploitation and the need for action to limit tolerance of this harm. (NHRC, 1999).

vii. The Girl Child Protection Schemes.

222. Legal awareness is also primarily important so that those most at risk understand their entitlements to protection from criminal acts, and the community as a whole is aware of the criminal nature of trafficking and their implications in supporting individuals who seek to take punitive measures against perpetrators.

223. In the States of Tamilnadu, A.P., Kerala, M.P. West Bengal government schemes for child protection are described and discussed both for prevention, protection and development (at Appendix I). The ICDS scheme of DWCD is also an interesting model wherein the special problems for CSWs are implemented through location-specific program strategies in red light areas. NGO programs, such as the night school program that shows shifts in interactional matrix are that of Prena, (Maharashtra), Prajwalla (A.P.) Sanlaap (Kolkata), Rise (A.P.) and are crucial responses to children of women trafficking victims. (See Appendix I for models and cases).

224. The example of Sthree in Andhra Pradesh provides an example wherein 120 Kms of the road is being policed by SHGs. Cultural mediums generating awareness in the community so as to holistically deal with this issue of stemming girl-child trafficking, apprehending traffickers and obstructing highway prostitution or rehabilitating them is utilized by Sthree is recorded in a later section. Law enforcement and community leadership also plays a vital role to prosecute traffickers demonstrating that they will be at risk if they continue to operate in their community.

225. Vigorous monitoring, anti-vigilance and anti-trafficking squads within communities are essential to effective programming. Cultural mediums have been used by several NGOs in various parts of India (Gudia in U.P) to allow victims to express concerns about children through songs, street plays etc. Rise in Tirupathi uses victim theatre wherein children of Mathas (similar to Devadasis) raise awareness in the high risk communities. The effectiveness of prevention programming within communities is not clear as there is limited monitoring of existing activities. Monitoring prevention activities within poor communities that includes data collection and situational analysis to pattern trends as a basis for programming. For example, Action Aid in western Orissa on the basis of a micro study of migration from Bolangir (noted that approximately one lakh workers, migrate each year to the brick kilns of Hyderabad, It identified several trends including socio economic background of migrant families, food security issues, patterns of migration, situation in destination work places. This led to delineating lean season

periods wherein livelihood options were unavailable that led to distress migration. It is expected that DFID /ActionAid will undertake a longer-term source area prevention program during those periods so as to stem the phenomenon of distress migration.

viii. Conclusion

226. A lack of adequate and integrated understanding of the issues related to migration and trafficking in the design and implementation of prevention programming is reducing effectiveness particularly for different age groups and occupational groups.

227. Initiatives are most effective when they feed into and build upon ongoing interventions based on a victim or community based approach. Social mobilization and group formation enhances effective targeting mechanisms that identify the most vulnerable at low cost. Involvement of civil society organizations and community participation is necessary to create and sustain enabling environments.

228. Promoting enabling environments also entails interdepartmental and multi-sectoral cooperation. ADB programming can be used to promote anti-trafficking approaches which reach into sectors and related ministries which have yet to be sensitized to the potential for poverty programming to combat trafficking (e.g. the highways sector, railways etc.).

2. Interceptions and Rescue

229. If victims are rescued before they have been exploited too severely the probability of being accepted back into their communities is much higher – if that is the choice of the victim. This tactic also means the traffickers can be identified and cases pursued immediately. STOP in New Delhi, Odanadi in Mysore, Sanlaap in Kolkata provide instances that due to the covert /dangerous clandestine nature of operations, the earlier the victim is rescued, the better possibilities are possible for reintegration from a psychological point of view.

230. The Government has an extensive network of Short Stay Homes and homes set up under the Juvenile Justice Act for protection and rehabilitation of the victims of prostitution. The DWCD, under section 21 of Prevention of Immoral Trafficking Act (PITA), has established Protective Homes for girls and women detained under this act. Currently there are 80 such homes that provide custodial care, education, vocational training and rehabilitation including arranging marriages for the inmates. A network of short stay homes is also in place under the sponsorship of the DWCD.(state and central level). Juvenile Homes under the Juvenile Justice Act have been established for the protection and rehabilitation of victims. (in the states too). Medical services and counseling are made available at these homes (approximately 360 are available). The Central Social Welfare Board also provides financial assistance to NGOs to run development and care centers for the children of VCSE who are extremely vulnerable to sexual exploitation.

231. The quality of these rescue homes are a crucial and very significant factor which determines the effectiveness of the strategy. There have been a few efforts taken up to monitor the quality of these homes. For instance, the Mumbai High Court has set up a special committee of the voluntary sector representatives, scholars and human rights lawyers to supervise the functioning of all state run residential institutions for children in the state of Maharashtra. This is said to have made a great difference in the management of the institutions.⁴⁸

232. NGOs have played a significant role in rehabilitation of victims of trafficking. However, the biggest challenge – is the timing and mechanisms by which victims can be returned to their

⁴⁸ Prerana, 2002 Op. Cit.

family if appropriate while avoiding further victimization. NGOs realize that unless there are adequate 'back-up' systems, simply rescuing the victims through 'raids' by the police can actually drive the victims further into bondage or discrimination. STOP (New Delhi) has undertaken direct rescue, repatriation and rehabilitation of trafficked women and children for several years with great success, often in collaboration with Maiti Nepal and BNWLA / ATSEC networks in Bangladesh. SANLAAP (Calcutta) has also been actively involved in rescue & repatriation. Figures in the case of rescue of women & children from Nepal and Bangladesh by STOP/ SANLAAP have been recorded in the cross border section. DBMS of Calcutta is involved with rehabilitation of organized sex workers and preventing entry and facilitating exit of minor girls. NACSET have started residential institutions for the children of CSW's in the districts of Ahmednagar, Latur, Pune, Solapur in Maharashtra.

233. The Joint Women's Program is in the process of preparing a draft rescue and repatriation policy (cross border/internal) to be submitted to the Government of India. A meeting is being convened of NGOs, police, other stake holders on the Nepal, U,P, Bihar sides of the border (as well as on the other side). The main objective being to evolve a common policy for rescue and repatriation so that a holistic perception of victim rehabilitation is taken into account for programming. Three major issues are being addressed:

- (i) Certain NGOs are dealing with new entrants from Nepal to India while other NGOs are repatriating them. Facilitation is required to map this process with the multi stakeholders to focus effectively on appropriate geographic areas and issues involved.
- (ii) Link police and NGOs on borders to stakeholders in source areas. This would help a holistic program evolve wherein the rescued victim would have to be accountably rehabilitated at source area or otherwise by the State government (with NGO support). Otherwise transitory measures have to be found in the interim period.
- (iii) To prevent police from being part of the trafficking nexus this would involve a review of the Police Act to improve their functioning and mandates. Also implement the National Police Committee recommendations to improve working conditions.

a. Legislative Framework

234. A review of the legislative framework in India has been prepared as a separate report under the RETA.

b. Enforcement

235. In Tamilnadu/Kerala a district level crimes against women cell exists while most State Governments have crimes against women cells in urban metropolis and at Police Headquarters'. In fact, senior female police officers (with whom discussion was held) felt that the issue gets downgraded when it is not taken up systematically across the board by the police horizontally from the highest echelons to the lowest rungs. Setting up women's cells (they felt) isolates and ghettoizing the issue, rather than mainstreaming it.

236. Discussions with Home Ministry, NCRB, CBI, DGPs of 3 states (Kerala, MP, Tamilnadu), senior officials dealing with Women's Cells/gender sensitization indicate problems in the state of policing in this area as follows:

- (i) The concept of the federal offence like the FBI (U.S.) where the investigation could go beyond state limits is not available in India. In the case of India, where

law, order, crime are state subjects, except for some aspects on anti-corruption, even the CBI had several challenges in taking up such investigations to a positive conclusion. This includes permission from the state governments, long judicial process and several other obstacles to rapid prosecution that was necessary in crimes such as trafficking in women and children for exploitation.

- (ii) The working and living conditions of the constabulary have worsened due to the non-implementation of the National Police Commission recommendations of 1978/79 in spirit. The implication being that the grassroots police personnel (living on 180 rupees for housing benefits) often live in slums, rural areas with potential actors in the trafficking network. Governments should be urged (where relevant), and supported (management of governance component) to improve the conditions of the constabulary.
- (iii) Lack of per capita time for the constable or sub inspector at the grassroots (i.e. police constable per thousand is low) due to other law/order priorities. Special police squads are required in the area of trafficking. In Tamilnadu, recently a racket involving professionals, using technology such as internet etc. was linked to a multi-crore rupees racket on trafficking of women in late 2001. This indicates the requirement for sophisticated type of policing and innovative investigation in this area.
- (iv) The crime syndicates are globally organized both vertically, cyclic and are linked to larger gangs in metropolis areas (the operations in Ananthpur was testified as being managed at state, regional level leading to Mumbai red light area by international gangs). Mobile phones, representatives in railway/bus stations helped in changing routes/destinations depending on the chances of pursuit. Community based anti-trafficking vigilance committees and social mobilization into women's groups seems the best antidote to build resistance against these gangs. This could also linked directly to the enforcement agencies.
- (v) Gender sensitization at all levels are taken up in some states so as to minimize the risk of the enforcement personnel's empathy with the aggressors /traffickers.
- (vi) A manual for sensitizing the police force is being prepared in collaboration with UNICEF India Country Office. The Department of Women and Child Development, in partnership with UNICEF, is in the process of preparing the manual for the sensitization of the district and taluq level judiciary, under the aegis of the National Human Rights Commission, on the subject of trafficking of women and children for commercial sexual exploitation. A committee has been constituted under the Chairpersonship of Member, NHRC in charge of the issue. The Committee has entrusted the task to the National Law School of India University. The manual would assist the judges of the taluka and district level to implement the ITPA more effectively. Tamilnadu state has undertaken sensitizing of 20,000 police personnel of difficult levels systematically on gender issues with the support of women's studies centers.
- (vii) Highway patrol squads are found in A.P. / Maharashtra highways, which could be effectively used to combat trafficking.

3. Reintegration and Rehabilitation

237. In terms of rehabilitation and reintegration programming in India, the picture is currently mixed. While source area prevention seems to have a lion's share of resources (one source estimates 80% of resources), rehabilitation activities have barely touched the tip of the iceberg. Sustainable rehabilitation also seems very difficult and scarce, especially economic alternatives on a viable and large-scale basis.

238. Once a victim or survivor of trafficking has been rescued, they are faced with a new set of challenges. In many cases return to their places of origin is difficult if not impossible. Social stigma from their families and communities is enormous, especially for CSWs. Many survivors chose to leave their communities anyway, and have little desire to return unless the causes for their exclusion or estrangement have been resolved – for example abuse within the home, conditions of poverty with no livelihood choices. The Gudia program in Uttar Pradesh has innovative strategies utilizing cultural medium and tools to integrate victims in the mainstream. Initiatives such as these aim at sensitizing the general public and thereby creating an enabling environment for the rehabilitation of CSW's.

239. The work of those organizations involved in assisting survivors to reintegration (or integrate) into a different way of life is complex. There are immediate short-term issues that need to be addressed as well as creating a longer-term view of life for the survivor with greater choices and little or no temptation to return to the place where they were exploited. Although it should be noted that sometimes, despite living under extremely exploitative circumstances, some survivors, after assessing their options, still choose to return. This appears to be especially the case for women who have been working in brothels who find the option of a restricted married life – even if that is available to them – too confining. Once they became used to their working and living conditions in the brothel, some find these circumstances more empowering and tolerable. Similarly when survivors experience extreme stigmatization, their options for survival are very limited and the psychological burden very strong, and hence choose to return to their previous work. Several case-studies by APAC in Tamilnadu state indicate that after several years of being trafficked, women did not want to take back the responsibility of running homes, paying electricity bills or school fees or other routine responsibilities. They could have short-term gains in terms of a more luxurious life style of eating “biryani”, liquor, and frequenting movies buying luxuries not always possible in their prior poverty circumstances.

240. There are differing responses to these circumstances from organizations working from different ideological foundations. Some organizations consider that commercial sex worker of any kind is immoral and at any cost women should be protected from returning. Others take a rights-based approach that recognizes that any individual has the right to choose to be a commercial sex worker. This does not mean that these organizations condone the harm that is done to many survivors, or that prostitution represents an extreme form of exploitation of women as sexual objects.

241. **Sthree** (Ananthpur) runs ad hoc rehabilitation homes that became a necessity, as many victims need a transitory space to cope, to be counseled, to be protected and or start anew the integration process. **Abhaya** in Trivandrum has also provided shelter homes for rehabilitation and skills in a complex outside Trivandrum; **Ashramalayas**, in Sagar (Madhya Pradesh) provide Bhedia children an opportunity for holistic rehabilitation. **Samaskar** in Nizamabad, **Help** in Ongole, **Rise** in Tirupathi (all A.P States) provide vibrant examples of NGO initiatives in setting up rehabilitation homes. The new scheme of DWCD, Swadhar would seem the ideal model for such rehabilitation process too.

242. Success of rehabilitation program strategies levels varies for example between trafficked CSW and those with traditional sanctions (such as Devadasis, Joginis). The traditional CSW i.e. the Devadasis often conclude practice around 35 years of age as they have a community of their peers with arrangements for a semblance of re-integration into the community. In the CSW cases, relapse is very high as sustainable livelihood programming is neither available on a large-scale nor is accessible to them (i.e. other alternatives both socially or and economically).

An indicative reason could be comparative levels of earnings between these categories of victims. The highway victims are however the most difficult to rehabilitate.

4. Conclusions

243. There is the need for several effective models of recovery, repatriation and reintegration that prioritize the preference, interest and rights of women and children affected by trafficking. There are few pilots at the state level. DWCD's new program to specifically address trafficking of women called the Swadhar, for Women in special circumstances could prove to be innovative process oriented program with civil society partnerships.

244. There is a dearth of good NGO pilots on holistic rehabilitation, reintegration and work in source areas with a few exceptions, such as Samskar, Sthree etc. Rehabilitation requires higher level of higher funding.

245. According to most NGOs working in the area there are little or no support mechanisms that exist for women-safe shelters, access to skills, livelihood, credit, legal aid, help-lines etc.

246. A status report on the 80 government run homes would be useful if it included an assessment of the quality of services provided and the relevance to the needs of migrant, trafficked and vulnerable women and children.

247. In terms of livelihood and micro-finance schemes for the CSWs the major trends are the following:

- (i) Alternate employment generation that yields less than 2000-3000 Rs. a month for the average CSW is not a viable income. They often lapse back into the trade which is more lucrative.(their lifestyles have also undergone changes);
- (ii) Many of the enterprises planned for them do not have technical support or forward and backward linkages. As viable enterprises they often fail;
- (iii) Those enterprises that have public contact are also challenging as clients / men often coerce women or stigmatize them, trying to force them back into the trade (women specify segregated assembly sheds or cooperatives and in such enterprises were NGOs could market products as viable in the first stage. In Tiruchur, certain experiences at café's / food booths faced such problems. On the other hand a new experiment at pizza parlors with Amul dairy's support in several parts of India with NGO's for CSWs have begun;
- (iv) Wherever mixed SHGs are set up with other poor women from the community are linked to CSW, there seems to be problems due to social stigma (In the Working Women's Forum, Karnataka, this has been addressed through stages of integration built through social mobilization and gender solidarity);
- (v) Social and community mobilization built resistance; provided adequate protection in groups and also minimized risks for individual entrepreneurs; and, Similarly, micro finance through financial institutions such as SIDBI, NABARD, RMK need to target VCSE through a quota for loaning through NGOs/women's co-operatives etc.

248. Urban & rural development programs of the ADB need to, build in targeting for these groups in their programs (for e.g.: the Kerala Sustainable Urban Development & Poverty Reduction Program could build in a livelihood programming linking the Women's Development Corporation, Kudumbshree program through SHGs as part of the vulnerable group component).

5. Partnership and Coordination Among Multi-Stakeholders

249. There is a wide variety of civil society organizations, government departments, INGOs and donors implementing and funding programming to combat trafficking. In order to improve collaboration and cooperation between stakeholders and to ensure that there is no overlapping or replication of programming attempts are being made by DWCD to identify different actors/stakeholders.

250. There are also many organizations that work on issues such as gender equality and women's empowerment who have made contributions to combating trafficking even though they do not identify themselves as undertaking specific anti-trafficking programming.

251. Similarly community-based organizations involved in social mobilization and activities such as legal and human rights awareness make contributions to combating trafficking.

252. Micro finance institutions have been urged to bring into their ambit VCSE as special targets for services.

253. One of the constraints of people working on anti-trafficking initiatives are confronted is that the many different forms of commercial sexual exploitation makes this complex and difficult. Even when NGOs can identify whether full time, part-time or seasonally, reaching VCSE may be logistically difficult (if they are spread throughout villages along the highway), or politically difficult (if they do not want to be reached and therefore labeled, or where pimps and goondas threaten the life of NGO staff. This illustrates the necessity for the state and the civil society organizations to work in a collaborative fashion in order to overcome such constraints. Several NGO networks are currently active in India. These include: ATSEC India (which is allied with ATSEC Bangladesh and Nepal), NATSEC, SAFAT, National Network on Trafficking / Prostitution and Preventive Action, SAARC People's Forum etc., NATSAP and or State level networks.

C. Conclusions

254. The constraints on networking include: disparate and insular functioning; lack of coordinated activity and duplication of work; ideological divisions; ad hoc programming; limited strategic interventions; and a lack of conceptual clarity, particularly between trafficking and migration.

255. As in Nepal and Bangladesh, however, there is potential to use certain networks as platforms for more integrated programming, particularly reaching out at a regional level.

VI. RECOMMENDATIONS

256. Improve data collection concerning cross-border flows through strengthening of national crime data systems to increase their accountability and capacity to monitor cross-border flows. All South Asian governments should also reach consensus on standardized format for collection and sharing of data between countries, which will not only improve the understanding of nature and magnitudes of trafficking but also facilitate tracking of missing persons, implementing effective rescue and repatriation procedures and increasing prosecution of perpetrators.

257. Analysis of trafficking must be informed by migration trends, policies and outcomes in the region. Trafficking networks exploit migration policies to increase vulnerability among their victims to coercion and control. “Traffickers fish in the stream of migration”,⁴⁹ hence programming which informs migrants of trafficking risks, and provides supports for secure and orderly migration can have a significant impact on trafficking trends.

258. Strengthening the privatization and economic reform process in India must be supported by human capital and social sector investments so as to accelerate a sustainable economic growth path and efficiency gains, as proposed by ADB. Those most vulnerable to livelihood loss through economic change require the most investments in human capital to mainstream them into the growth path. This vulnerable segment of the population also forms the largest pool of labor for trafficking activities.

A. Demand Related Issues

259. Strengthening labor standards, particularly those applying to worst forms of child labor – ADB can work with private sector partners as well as governments to prevent the use of trafficked labor e.g. raising issues in policy dialogue; linkages with Labor Standards work in South Asia with ILO. Sectors that could be targeted include: road transport; factories employing low or unskilled labor force; construction, mining, etc.

260. Increase awareness among local level governance structures (e.g. PRI, religious groups etc.) to organize and support those seeking to eradicate exploitative labor practices in domestic work, CSW etc.

B. Prevention Strategies

261. Impact of overall efforts can be increased if large poverty reduction programs – pro-poor programming – targeted more effectively those most at risk to being trafficked. Targeting needs to incorporate factors such as: agro-climatic zones prone to natural disasters (floods, cyclones) and periods of low productivity (drought, hilly areas etc.); social stresses such as civil conflict leading to social disintegration; conflict associated with competition over scarce resources etc.

262. It is feasible for agencies such as ADB to create space in their projects for links with anti-trafficking stakeholders without using funds from loans. Initial design features can seek out entry points for NGO partners to identify who is most at risk for trafficking and ensure that the most vulnerable participate in the benefits of the project. Platforms from which anti-trafficking activities can take place can also be identified and used by specialized NGOs for example: in urban infrastructure development projects, during social mobilization activities trafficking awareness sessions and information on safe migration can be incorporated.

⁴⁹ Coomaraswamy, Radhika. 2001. *Addendum Report to the Human Rights Commission regarding Mission to Bangladesh, Nepal and India on the issue of trafficking of women and children (October-November 2000)*.

263. ADB should undertake more careful analysis of the impact of the construction phases of their projects – e.g. arrival of large gangs of labor can increase cases of trafficking in the area; building codes of conduct into contracting procedures with contractors covering issues such as use of child CSWs etc. Understanding of the links between increased road traffic and the demand for CSWs along the road – can link with projects combating HIV/AIDs among truck drivers (e.g. Healthy Highways) and encourage these programs to incorporate anti-trafficking messages and mechanisms such as surveillance groups, help lines, shelters, day care for children.

264. Overall targeting of pro-poor programming of government and agencies such as ADB should build in a greater understanding of the links between poverty and migration and vulnerabilities to trafficking.

C. Interception / Rescue Strategies

265. Implementation of SAARC convention, including review and existing structures and operational obstacles to safe and rapid rescue and repatriation of victims; strengthening of government and NGO institutional base required to effectively rescue and repatriate victims; creation of standards and codes of conduct in the operation and management of rescue and repatriation measures; etc.

266. Along with other social awareness and social vigilance efforts, support to inform migrants and those already mobile of dangers of trafficking and provide institutional arrangements necessary to support vulnerable migrants and trafficked victims at points such as border crossings would also assist in prevention.

267. Strengthen capacity of police and other enforcement agencies in border districts and high supply areas to limit trafficking activities.

D. Reintegration / Rehabilitation Strategies

268. A primary requirement for long-term rehabilitation, and to prevent re-entry into CSW, is to have an alternative source of income along with acquisition of skills and basic capacity building (education). As financial institutions and other organizations providing micro-finance and other livelihood supports do not usually target trafficking survivors, information and frameworks to assist this type of targeting need to be developed and passed on to these institutions so they may facilitate more effective reintegration. For example, providing seed money to initiate enterprises with trafficking survivors is required to demonstrate they can run alternative businesses.

269. Urban development projects often cover areas where trafficking survivors are part of the targeted vulnerable group. The specific needs of these survivors must to be incorporated into projects to ensure they benefit .

E. Recommendations to ADB

1. Relevance of Trafficking to ADB

270. Previous sections of this paper have demonstrated how a complex range of factors influences the dynamics of trafficking. In recent years ADB has developed and adopted an array of policies that provide both the mandate and instruments to engage more effectively in addressing many of these issues:

- *Policy on Gender and Development* provides guidance and measures to adapt operational designs to improve the status of women and girls and in so doing,

amongst many other benefits, build their resistance to the risks of being trafficked;

- *Social Protection Strategy* sets out specific considerations that may need to be built into ADB operations to ensure that vulnerable groups can be protected from factors that cause and sustain their poverty - and their risks to being trafficked. The Strategy also identified how labor markets can also be used to strengthen social protection through implementation of Core Labor Standards, which will have additional impacts on the demand for trafficked labor;
- Guidelines contained in *Promoting Good Governance, ADB's Medium Term Agenda and Action Plan*, October 2000 provide opportunities to improve the effectiveness of anti-trafficking initiatives as well as other programs to combat poverty;
- *Policy on Involuntary Resettlement* and accompanying guidelines such as the *Handbook on Resettlement*⁵⁰ that provides guidance on limiting vulnerabilities and risks of those living in and around project areas as well as stressing the importance of building or maintaining social capital to limit risks, such as trafficking; and
- *Handbook on Poverty and Social Analysis*⁵¹ all provide guidance on ensuring that project impacts do not increase vulnerability to being trafficked and identifying opportunities to prevent, minimize and mitigate development induced risks.

271. However, if ADB is to make a contribution to combating trafficking specific measures have to be taken within its operations. The following sections outline where the links exist between ADB operations of different kinds (Poverty Partnership Agreements, Country Strategy and Program (CSP) development, project preparation, policy dialogue etc.) and potential entry points to address trafficking. Factors to be taken into account in basic analysis, where partnerships with other organizations can provide technical expertise required incorporating trafficking concerns into other operations, and some suggestions of further actions that could be taken to demonstrate leadership and commitment to addressing these issues are also provided. The sections follow the cycle of operations from the preparation of the Country Poverty Analysis and Poverty Partnership Agreement, country programming exercise, and project-level poverty and social analysis. There are also guidelines for different sectors and areas of policy dialogue appropriate for Bangladesh. Overall, ADB operations have the potential to address trafficking in the following five key ways:

- (i) **Target those most vulnerable to trafficking** – in many cases a sub-group within those targeted for poverty reduction as relative and absolute poor. Ensuring that this sub-group have their basic needs met to limit migration or mobility under stressful and hence most vulnerable situations – for example for families who send away children / girls who then end up being trafficked.
- (ii) **Assess the impacts of ADB operations** - - ensure that ADB supported activities do not push people into migration and hence vulnerability to trafficking. As identified in the ADB *Handbook on Poverty and Social Analysis* and *Handbook on Resettlement*, ADB operations have opportunities to prevent, minimize and mitigate development-induced. Clear links can be made between involuntary displacement and its associated risks of being trafficked once moving.

⁵⁰ ADB, 1998, *Handbook on Resettlement: A Guide to Good Practice*

⁵¹ ADB 2001, *Handbook on Poverty and Social Analysis – A Working Document*,

- (iii) **Emergency loans and assistance in post-conflict reconstruction** - these activities usually take place among mobile populations, such as refugees or in areas where communities are returning from involuntary displacement. It is important that ADB activities provide adequate scope to rebuild social and human capital through community-based activities to ensure that physical and social dislocation does not lead to vulnerability to trafficking, especially for women and girls, in already high-risk situations. Disaster early warning mechanisms can also incorporate anti-trafficking and safe-migration messages as communities and individuals plan for possible displacement.
- (iv) **Encourage safe migration** – reduce the risk of being trafficked of those already mobile through various policy or social protection measures:
 - Access by migrants to basic needs e.g. urban improvement schemes take special measures to identify specific needs of migrant communities where social and community networks do not exist.
 - Social protection measures extended to migrants (e.g. insurance schemes, social security schemes). This is challenging as migrants generally work in the informal sector and many are squatters without official residence status.
 - Governance strengthened to ensure entitlements to protection from criminal activities extended to those migrants most vulnerable to being trafficked; specific activities to increase community and government accountability to protect children, women, labor force etc.
- (v) **Stem demand for trafficked labor**
 - Core labor standards implemented and monitored in partnership with private sector, ILO etc. particularly among small and medium enterprises (SMEs) and in the informal sector.
 - Encourage activities with indirect impacts in key areas of demand, for example monitoring effects on demand for CSW along highways of changed behavior of transport workers through implementation of safety standards such as reduced driving time, days away from home etc. These kinds of activities also have links with HIV/AIDS prevention activities.

F. Recommendation

272. The Country Poverty Analysis, development of the CSP and other analyses undertaken during the programming exercises and the project preparation process consider the potential to address, both directly and indirectly, trafficking issues. While all outcomes of ADB operations that contribute to reducing poverty can be **indirectly** linked to reducing vulnerability to being trafficked, there is ample scope to incorporate specific measures that can have more **direct** impact on reducing risks. The practical approaches adopted by ADB in the *Handbook on Poverty and Social Analysis* to guide the implementation of the Poverty Reduction Strategy provides ideas and *Handbook on Resettlement* provide guidance for identifying opportunities to incorporate trafficking concerns and entry points. Appendix VII provides additional guidelines and information on links between trafficking and ADB operations, including tables that identify where links to combating trafficking can be identified based on the approach to poverty reduction set out in the *Handbook on Poverty and Social Analysis* and *Handbook on Resettlement*.

273. Furthermore, if mainstreaming trafficking concerns into ADB's operations is to be successful, it will also be necessary for staff with appropriate expertise to assist in preparing

analysis of vulnerable groups and specific risks as well as designing specific components that directly or indirectly address trafficking concerns to provide leadership and take up these issues - these would include social development, social protection and poverty reduction specialists.

274. The legal implications of strengthening codes of conduct and other contractual arrangements with ADB-financed contractors and suppliers also need to be investigated by Office of General Council (OGC) staff. These mechanisms could be used to curb the use of trafficked or child labor. Monitoring indicators also have to be developed and assessed over the time and there is potential to link with the work already underway by ILO. Support from the Project Coordination and Procurement Division (COPP) will also be required if these approaches to limiting and monitoring the demand for trafficked labor are to be effectively implemented in ADB operations. Specific technical support and guidelines will be needed if these areas are to be fully effective. There is increasing interest among many experts to understand how these and similar mechanisms can be used to address trafficking as several ADB member countries have already put in place legislation or conditionality in their development assistance policies related to child labor and trafficking issues. For example under the United States Government's *Victims of Trafficking and Violence Protection Act of 2000*,⁵² beginning in January 2003, the President may authorize the suspension of non-humanitarian, non-trade-related assistance to any country that does not meet certain minimum standards for the elimination of trafficking and is not making significant efforts to bring itself into compliance with these standards.⁵³ These efforts include curbing the use of trafficked labor.

275. The following provides a brief overview of steps that can be taken to mainstream trafficking concerns into ADB's operations:

⁵² Pub. L. No. 106-386, 114 Stat. 1464.

⁵³ See additional discussion of this mechanism in the RETA 5948 Legal Frameworks Report, 2002 page 12

Steps for mainstreaming trafficking into ADB operations:

- Where possible, flag the issue of trafficking in subregional strategies (e.g. Subregional Cooperation Strategy and Program - SCSP) and country analysis and strategies (e.g. country poverty analysis, CSP and CSP updates and country gender analysis and strategy);
- Include the analysis of groups that are particularly vulnerable to trafficking in IPSEA and PSA. In particular, include mobile population into the analysis as well as women and children;
- Develop project designs that would directly and indirectly combat and reduce human trafficking;
- Identify and work with partners (e.g. Ministries, NGOs, private sector including contractors, donors etc.) to develop and implement anti-trafficking project components;
- Where non-lending products and services (e.g. TAs and sector and thematic works) provide opportunities, consider addressing trafficking and
- Raise awareness among relevant ADB staff including dissemination of findings of the reports produced on the RETA through various means such as: a) publication, external website, and relevant committees and networks; b) developing pilot projects with the initiatives of Regional Departments in collaboration with RSPR; and c) developing guidelines and good practices on contractors' codes of conduct and loan covenants in collaboration with COPP and OGC.

276. Entry points for anti-trafficking activities can be identified in the range of ADB operations in India, including: sector and thematic studies; advisory Technical Assistance for capacity building of selected government institutions; regional level Technical Assistance activities such as the Labor Standards RETA; and through loans to key sectors. In India these sectors are:

- Energy;
- Transport, and,
- Telecommunications.

277. To illustrate how trafficking concerns can be integrated into the preparation and design of projects, the following issues might be considered for the roads and road transport sub-sector:⁵⁴

- Demand side: Roads are the frequent sites for CSW and hence demand for trafficked victims with truck drivers as the prime customers. Privatization and regulation of this sector which takes into account working conditions and safety standards could also incorporate awareness messages concerning various trafficking concerns, for example the harm caused to child CSWs that have been trafficked; dispel myths about child CSWs 'curing' HIV/AIDs, and other measures to change the behaviors of clients. HIV/AIDs prevention programming has also explored behavior change education to control the spread of the disease among this high-risk group.

⁵⁴ Additional guidelines for entry points in other sectors of ADB's operations are included in Appendix 7

- Supply side: Short-term impacts of road construction may involve the involuntary resettlement of residents and businesses along the road side. ADB's involuntary resettlement policy makes provision for compensation and resettlement of these affected groups. However, in many cases children are employed in the squatter teashops and dhabas along the roadside, and may be concealed from project staff when surveys are carried out. These children are in a high-risk category for trafficking when they move from the road site and may become influenced by others that CSW is the only option for survival. Resettlement plans should take extra care to ensure that these high-risk groups are included in their planning and have easy access to support and resettlement options.
- Girls may also be coerced into CSW as the construction crews arrive in a particular area. Other ADB projects have introduced codes of conduct for contractors providing labor for such projects, which could be applied in India and incorporate clauses to discourage the use of child prostitutes, address health concerns and generally raise awareness of the impacts of trafficking on the surrounding community.
- Base line studies concerning the social impacts of road construction should also incorporate indicators of changing patterns of migration and disappearances with in affected communities. Local community leaders in can be encouraged to set up surveillance groups to gather this information and at the same time link with NGOs in the area providing trafficking awareness programming. Similarly, local law enforcement officers and police can be used along the highway corridor to provide additional information and participate in community surveillance groups.

278. The ADB is also developing new initiatives to address social dimensions of poverty reduction at the state level in India in selected sectors/areas, particularly through links with other donors. The strategy is to improve incomes and reduce poverty by promoting a higher sustainable economic growth path and efficiency gains. In parallel, ADB will integrate social concerns within state-focused operations. ADB will help achieve these aims by supporting the development of:

- Urban infrastructure including provision for housing finance to upgrade slums; provision of low income housing and sanitation, water supply, solid waste management etc.;
- Sustainable financing for social services, and
- A social safety net.

279. ADB also strongly supports gender and the empowerment of women as a key facet of poverty reduction. As the work to combat trafficking has demonstrated, gender-based exclusion from development resources and basic needs creates great vulnerability for women and girls to being caught up in trafficking. These same factors also perpetuate the conditions that limit their life options and increase their difficulty to move out of poverty. Empowering women through economic and human capital investments can also facilitate their participation in shaping governance mechanisms to protect women and children from trafficking (e.g. police protection and prosecution of traffickers). All ADB project planning and policy dialogue can benefit from the good practices identified in the India Country Paper which provides details on operational mechanisms for programming which has proven successful in addressing trafficking concerns. These examples can be used to identify where linking with government (national and state) and NGO partners can be built into projects. Such partnering might require the creation of space and entry points within an ADB project, for example by providing access to those involved in resettlement planning for anti-trafficking NGOs to build awareness regarding trafficking risks.

VII. CASE STUDIES

A. Innovative Program Models (Government – Civil Society Partnership)

280. Given below are three innovative multi-stake holder programs sponsored by the State in close partnership with NGOs (that have been responsible in these programs for targeting the poorest, vulnerable through social mobilization and training for sustainable programming). Separation of tasks and functional division wherein strengths lie, have led to the success of these programs that have multi-stake holder linkages. Additional case studies are provided in the Appendix to this Country Paper.

1. The Tripartite Program Model

a. Trafficking and HIV/AIDS

281. The trafficking sector and the HIV/AIDS prevention sector have followed very different tracks. On the one hand HIV/AIDS prevention work in brothels may be disrupted if anti – trafficking efforts take place here because the HIV/AIDS prevention workers may be blamed for the latter. However, women who are trafficked are more vulnerable to HIV/AIDS because they have fewer choices. HIV/AIDS prevention workers have been accused of somehow providing legitimacy to the pimps and brokers involved in trafficking when they access women through these mediators. However, HIV/AIDS prevention and anti-trafficking efforts have scope to find a common ground to work on while also achieving their respective objectives.

282. The APAC structures in Tamilnadu provide an interesting response linking HIV AIDS with the trafficking of women and children. The nature of its mechanism (NGO) with light co-ordination and linkage with 12 other NGOs in various parts of Tamilnadu generated preparatory activities such as ethnographic studies (demand and supply factors), proactive civil society partnerships with those who could provide long term employment / source are issues.

283. The APAC- NACO model is a very effective model of programming for VCSE utilizing multi-stake holders at different levels i.e. the Government agency (NACO), civil society coordinating agency (VHAI) and the beneficiaries through several CBOs. The synergy from the model radiates to allow holistic programming such as qualitative ethnographic studies to micro credit programming (by several of its rural CBO partners). The other State Management Agencies of NACO are generally built on such a model though not as effective as this particular arrangement. The health department of the Government of Tamilnadu is also closely aligned to the APAC program that has gone beyond a mere contraception distribution program for HIV AIDS, but addresses livelihood issues as well.

b. The Tamilnadu Women's Development Project

284. In 1988, the International Fund for Agricultural Development (IFAD), GOI (WCD) and the Tamilnadu Women's Development Corporation developed this project in Tamilnadu. The tripartite arrangement consisted of Governments, banks / extension officers NGOs (a federation of 70 NGOs). Termed as peoples sector intervention in banking and governance, in this project the CBOs identified, mobilized / trained poor women; while the banks provided loans (staff where on deputation from these institutions) and agriculture extension services participated. The government agency allowed space by coordinating the various agencies /monitoring, resource mobilization in a loose umbrella type frame. This was adopted as a model for the larger Swa Shakti Project of the Government of India (funded by the World Bank). The strengths of this project for VCSE source area programming through women's' groups through micro

enterprise activities, savings, other linkages as a care/support system. Economic activities are often viable and have escort services provided by banks/ agriculture and extension departments that could provide viable enterprises.

c. Mahila Samakhya

285. In the late 80s, the Mahila Samakhya Program was initiated by the Education Department. It was a specialized component program for Women's education and empowerment through process-oriented methodology. (Utilizing CBOs / NGOs as the main decision makers implementers of the program). Three states of India (Karnataka, Gujarat etc.) have this program. The lessons from this program for programs of VCSE are mobilization of women through a self learning participatory process that inculcates decision making abilities and builds resistance.

d. Conclusion

286. It is critical for ADB to strengthen the States efforts through supporting their coordinating efforts with civil society and other stakeholders/ donors to enhance programming strategies to prevent trafficking on the ground. (some examples of process oriented innovative models with multi-stake holders have been described in the preceding section).

2. Social Mobilization & Livelihood Programs

287. This section describes the issues, nature and different types of NGO responses to build resistance of women to risks of being trafficked through SHGs / women's groups and to access employment alternatives for trafficked victims (of different types). Sthree and Samskar in Andhra Pradesh dealing with VCSE both in the urban brothels, highway victims and Jogins are described here. Samaskar's strategy is to provide land as a productive resource to the most vulnerable and bonded (based on historical structural inequities). The Working Women's Forum's effort in Karnataka to organize Devadasi through social mobilization and micro – finance is detailed here especially efforts at building resistance of victims and providing micro-insurance strategies. The issue of social capital formation, participation in decision making are highlighted along with micro-finance as a tool for reduction of transaction costs.

a. STHREE: Community Mobilization for Prevention, Vigilance and Rehabilitation

288. Sthree works in Cuddapah and Ananthapur districts of A.P. There are around 146 focus areas in the two districts that have been identified by Sthree. In Ananthapur, it works with 877 highway and local CSWs. In Cuddapah it works with 415 victims. In Ananthapur, out of the total, 240 are minors and 33 are child victims. In Cuddapah, 87 are minors and 13 are child prostitutes. Sthree has been involved in rehabilitation of some of the girls rescued from Bombay/Delhi/Poona and in facilitation of formation of SHGs.

289. In both areas, a total of 30 micro credit groups have been formed. Pattas/deeds for house sites have also been procured by the organization for the victims. Anti trafficking vigilance committees, counseling center for HIV/AIDS, capacity building, skill training, income generation schemes along with street theatre are some of their program activities.

i. Organization of Trafficking Activities

290. In the Khadri region that is the main trafficking belt in the Ananthpur district, children are sold to brothels. It is said that the enforcement agencies are abetting in these activities.

291. In Cuddapa, the district authorities have been very helpful and supportive of the NGO. Here, several VCSEs of different age groups and have been organized by STHREE at

Penugunda. Many of them had been lured into the profession with promises of better job opportunities. Most of the girls were from extremely poor households who were unemployed for six months in a year.

292. Most of the girls wanted to escape but had been forcefully detained by the traffickers. Many of girls who were trafficked belonged to the 'lower castes' categories. In most cases the vulnerability of the girls to being trafficked was because of the family trafficker nexus wherein the family members helped the trafficker. Also there was the acceptable tradition among some of the ST groups of selling off girls on a contract basis. (Sugalis).

293. Sthree started work in the community by making use of cultural mediums to sensitize the community. The cultural programs focused on the issues of dowry, lack of preference for the girl child, violence against women and vulnerability of migrants to trafficking.

294. With persistent efforts by Sthree and the local police there has been a drastic reduction in the trafficking activities.

295. In Puttaparthi Mandal, 7 groups were formed in the year 1999 of local and highway sex workers from this mandal. Five of these groups were eligible for revolving funds and loans and in October 2000, were sanctioned loans through the DRDA/NABARD linkages. However, when the concerned VDO and APO from DRDA office went to interview these candidates, a major confrontation broke out publicly because of stigmatization of these women. Sthree asked for a probe into the incident; A demonstration and rally were also staged. Signed petitions were sent to the District authorities, Collector, PD, DRDA (the Superintendent of Police) were apprised of the situation. As this issue came under the revenue department, the Police could not interfere. The SHGs have suffered as they have not been able to access funds and now have been told by the DRDA office that their loans will only be looked into the by NABARD linkage scheme for the year 2001-2002.

296. In the Gandlapenta mandal and Kedla Nullagowla Pallitendu, the Scheduled Tribe artisan's crafts/mirror work, embroidery has been revived by Sthree. They have obtained 12 machines from the government scheme i.e. the SHGs in the village.

297. Out of 13 SHG groups in Cuddapah, six have been successful. The other six SHGs, due to internal politics are busy reorganizing themselves. In the next three years, Sthree will focus on the quality of SHGs.

- (i) In Puttaparthi mandal in late 2001, when these women were in the DWCRA groups, the BDO wanted to revamp and dismantle five groups, as she could not accept these women as part of the normal groups;
- (ii) In the Khadri region, six SHGs have been formed in six months; and,
- (iii) Highway sex workers are being organized in the last one and a half / two years and will form a SHG soon.

298. The type of thrift/savings/loans activities taken up from the Cuddapah DRDA/ST Corporation is as follows:

- The loan size is 12,000-20,000 rupees (three Sthree members have procured it while four members have procured Rs.18,000);
- Repayment is still ongoing;
- Rehabilitation loans are 10,000-20,000 rupees/individual loans. The first members applied in 1999 and received it in the end of 2000/beginning 2001;
- The Scheduled Tribe Corporation of AP is also about to provide four more loans out of ten individual proposals; and,

- A grant for 30 women from CRS, (a funding agency) i.e. 3,000 rupees each for sheep, petty shop, cows, buffaloes have been provided. Most of them have invested it into the bank as fixed term deposits. One or two victims have used it for consumption purposes.

299. Loan amounts: In Cuddapah, the amounts of loans have not been sufficient, as CSWs require higher amount of funds. This is related to the fact that some of the women had been sent to Gulf/Quwait for labor work. When the girls were sent back from these areas (not sexual exploitation), as illegal migrants, this group was mixed in the SHGs with the CSWs. The former did not want to be clubbed with the latter. This created special problems wherein victims of different types of trafficking could no participate in the same SHG group.

300. Rapid testing for AIDS was not available in the district hospital and initially no tests or blood screening in Anantpur was allowed by authorities for VCSE. The first batch of testing for six highway girls was taken up by STHREE pressurizing the local district hospital authorities.

301. An anti-trafficking committee with three people in each village has been set up in Chinnabidiki and Peddabidiki areas. In Ananthapur district, girls were even sent to Kerala. 120 kms. of the highway is being monitored for trafficking. Along this route, groups/ SHGs are already being located by STHREE. 10 girls from different areas are building a network of faith. SHGs of trafficked victims on highways are being formed. (This group is addicted to a good life i.e. good food/drinks. The interventions for resistance also need to be more rigorous).

ii. Legal Action

302. In many of the mandals the NGO has filed trafficking cases in the district court. One particular case is of Pirama where the landlord harassed her and did not want her to work with the NGO so that she remained a lifelong victim. When she wanted to end the relationship, she was abused and beaten. She committed suicide. STHREE helped to put the landlord behind the bars.

303. Funds are very limited for prevention activities according to STHREE. They felt that 80% is provided for prevention activities and only 20% for rehabilitation which is too low as the latter is more difficult than the prevention area.

d. SAMSKAR : Reversing Traditional Inequities Through Land Based Rehabilitation - Andhra Pradesh

i. Origin

304. As a ramification of the old devadasi cult, Jogini customs came into being in the rural areas of Telangana in Andhra Pradesh. Although it is not known when this happened, it can be presumed to have emerged as a consequence of the pauperization of the lowest caste.

305. The family of the prospective Jogini is driven to follow this 'custom' due to compelling poverty. The prospective Jogins-to-be are 'identified' by the village landlord when they are very young. Once a girl is identified in this manner, she and her family are subjected to tremendous pressure to succumb to the landlord's wishes and fancies.

306. The condition of the Jogini is comparable to that of a slave or a bonded laborer who is considered as having no legal or human rights per se. The Joginis are thus not just ill treated by the landlords but by the whole village that looks upon these girls as 'objects' of entertainment and exploitation. Therefore, these women are caught in a vicious cycle of torture and oppression that is reiterated by societies stereotypical attitudes and discriminatory practices on the basis of caste, class and gender. The initial step undertaken by Samskar was to conduct a participatory survey on the socio economic conditions of Joginis. The organization then

proceeded to establish a center in the strategic location of 'Vani' where there is a high prevalence of the Jogini system. (in Nizamabad District).

307. Awareness camps held at the village level were used as entry point activities. With constant perseverance, the project was successful in winning the confidence of the locality, through confronting the oppressive elements in the village was a major challenge. The program has been successfully implementing a literacy program (Samskar Ashram Vidyalaya) and a counseling center. It also arranges for loans for women to start their own income generating activities. In addition to this, Samskar has also started a project in 1999 to reach out to children at risk.

308. A highlight of the program is that it effectively collaborates with the state government in implementing its projects.

ii. Achievements

309. As a result of its persistent and dedicated efforts, 1000 acres of land has been redistributed to 900 Jogins in Niazmahad.

- Dancing by Jogins before the funeral pyre has now been completely stopped in Nizamabad.
- Children are being educated for higher opportunities including girl children.
- Resistance has been built through community-based interventions including local leadership building.
- Samskar has been successful in rehabilitation of the Joginis to live respectable lives and gain back their lost identity.
- An attitudinal change has been brought about in the villages Girls now are being respected and treated as human beings with social, economical and political rights of their own.

c. Devadasis: Micro Finance and Social Mobilization Strategy - Karnataka

310. This case-study of the Devadasi rehabilitation strategy (a phenomenon in Karnataka (Bellary, Belgaum and other districts and in some parts of Andhra Pradesh) is to demonstrate the following.

- (i) The role of social mobilization & group formation in long term rehabilitation ventures strategies to provide resistance, & sustainability are highlighted;
- (ii) The role of livelihoods is creating economic alternatives to VCSE;
- (iii) The integration possibilities for such psychologically damaged VCSE into mainstream systems; and,
- (iv) The possibilities of social protection packages that can provide holistic strategies for most vulnerable groups such as these.

i. Origin

311. The Working Women's Forum (India) is a Cooperative / NGO / Trade Union. It has over 6,00,000 poor women members in South India having provided 60 crore rupees in petty loans (600-800 Rs.) over a 20 year period through 14 locations in South India to 221 types of occupational in 1003 slums and 2180 villages (its banking arm is the Indian Cooperative Network for Women).

ii. Basic Data

312. Most of the ex-devadasis / Hulgama practitioners from the Working Women's Forum (WWF) were from S.C. & S.T castes (Chellavari, majaru, Bedra, Valmiki castes) and are between 30-50 years of age. After much discussion, it was clear that they were dedicated as girls at an early age from families that had large family sizes, often female headed (most mothers were also devadasis and unable by customary practice to marry a man). For as less a lump sum payment of 2000 / 3000 Rs, attractive girls of large families were provided early to patrons. Patrons did not provide monthly payment but lump sum sometimes, kind payments and so forth. In effect women members agreed that it was a coping mechanism of low caste, poor families with very little land or access to other resources, skills, education.

iii. Economic Resources

313. Currently, most of the Devadasis belong to neighborhood loan groups of the WWF and engage in vegetable selling, construction work, tailoring, worker at cotton milk, leaf plate making, cooler or wage work on land (i.e. weeding, harvest post harvest activities) petty shop keeping. Interestingly as the Devadasi practice did not provide enough to survive (as patrons were limited i.e. 1-3 in their life time, and contributions average to low), they had to turn to other forms of employment to dovetail their economic situations. These skills therefore were useful in engaging in micro-enterprise with WWF loans in groups.

d. WWF Loan Program

314. The average loans were between Rs. 600 – 1000/-. Many of the 100 devadasis from Bellary district were second time loanees.

315. While the first loans have supported women from coming out of debt, the second loans have helped buy a few productive inputs for business. The group mechanism has built a new sense of confidence and self esteem with the dignity to discard the customary practice due to solidarity. The challenge of course remains the integration of the Devadasis into mainstream groups of the WWF (micro-entrepreneurs), which they wish to be part of. Particularly, the community has begun to respect them due to an institutional framework of organizational protection. Their children are being educated, especially girls, to support their mobility into other occupations. Most Devadasis from the age of 30 / 35 years onwards were mainly out of the practice as they are considered to old to attract patrons. The WWF has provided loans and other support programs to 100 devadasis in these areas.

i. Social Protection Strategy

316. Schemes such as savings and micro-insurance have been initiated. Social protection strategies like micro-insurance for life, health and disability apart from pension and fixed deposit schemes are all on going. The insurance schemes are poor and women friendly with premium sizes, modest at Rs. 25/- per annum for life and disability insurance and Rs.70/- per annum for health insurance. Affordability, accessibility and sustainability of these services are key factors. The awareness and training generated to poor women by the WWF and its credit arm, the Indian Cooperative Network of Women are also useful in the overall empowerment strategy. But it is the social and legal protection that challenges the system of dedication of the community and relapse into this customary practice, that is to the credit of the organization which also organizes mass and group awareness meeting, gender and worker training systematically.

3. Pro Poor Advocacy Levels and Tools

317. Pro poor advocacy is a key to generating a demand for the vital poverty reduction resources in remote and resource poor areas. The examples of The Independent Commission For Peoples Rights and Development (ICPRD), —(linking poverty reduction to livelihood/micro finance and gender for social capital formation) and Joint Women’s Program (JWP) who has focused in on advocacy to combat trafficking of women and children from micro to macro level a holistic fashion are briefly highlighted.

318. The ICPRD (New Delhi) has innovated pro-poor advocacy training and pro-poor watch in the poorest states of India. (Training 200 small NGOs in Jarkhand, Bihar, Orissa, M.P, and W. Bengal). The output being to provide local trainers and NGOS perception of local advocacy issues with varied agencies, (State, Banks, Police), internalize the social mobilization process, independently evaluate poverty reduction programs, strengthen the micro finance/livelihood capabilities of the poor through strong SHGs (i.e. credit plus) apart from absorbing advocacy techniques for coalition and network building. Interface with financial institutions i.e. reversing the local information gap is a crucial part of this exercise. In fact, an apex NGO federation such as ICPRD is involved in building alliances at different levels in the process of social capital formation, starting from the micro through meso to the macro level. The crucial input being to generate a demand for poverty reduction resources from the government at the local level by the poor (the NGOs/ CBOs performing the intermediation/facilitation role).

319. The Joint Women’s Programs (New Delhi) advocacy techniques radiates from the micro to the macro level. They have formed alliances with grass roots organizations, the NGOs, Government functionaries, SP, DM, BDO. School teachers, primary health workers, local police, panchayat members to act as watch-dog committees to monitor disappearance of children, sensitization of parents on issues related to sale of children. In 1981, JWP first conducted research on “The Devadasi system in North Karnataka”. It brought into focus several concerns regarding the vulnerability of children and the compelling conditions, which trapped them in a vicious cycle of prostitution and exploitation. This led to their representation on various State and Central Government committees and supported changes in policy.

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