

not her real name...



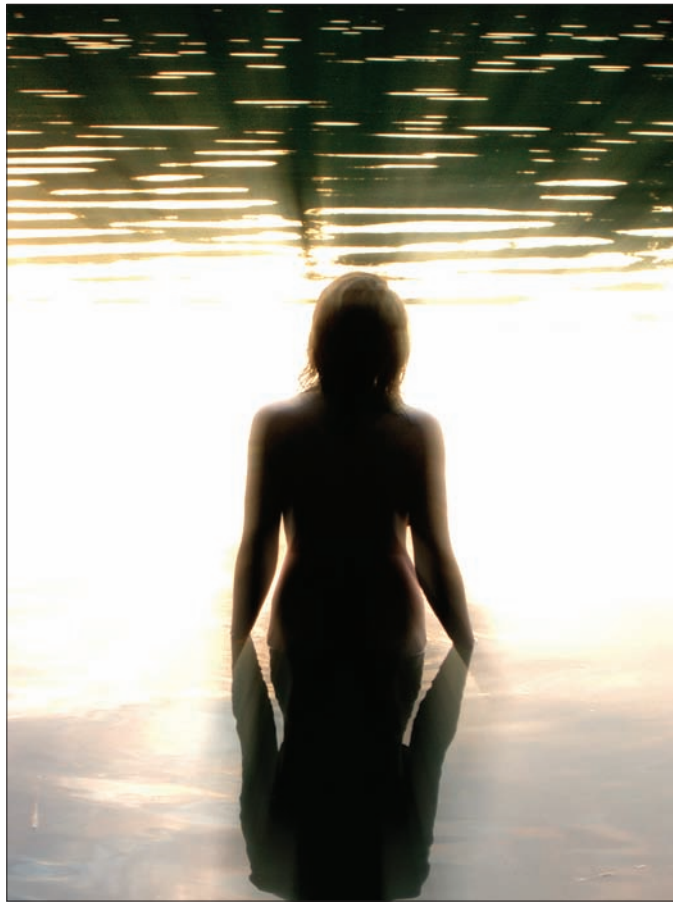
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REPORTING TRAFFICKING IN PERSONS
- A MEDIA HANDBOOK



not her real name...

REPORTING TRAFFICKING IN PERSONS A Media Handbook





Conceived, Produced and Published by:

HIV & Human Development Resource Network (HDRN)



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Printed by: Image, 9811116841, 65749684

FOREWORD



The AIDS epidemic is exceptional. Hence it requires an exceptional response.

The AIDS epidemic, over the past 25 years, has found some answers (though many questions still remain) for both prevention and care. These have to be worked upon, up-scaled and energized.

The AIDS epidemic, however, continues to grow, except in small pockets the world over. This is despite, some one would say, a very rapid response from all nations and their governments. Hence we need to keep innovating and finding new ways of addressing the AIDS epidemic.

In India, close to 4 in every 10 people living with HIV, are women. And the numbers can grow, if our response is either not adequate or not timely. The absence of spaces, opportunities and adequate capacities of women to negotiate safer practices and more empowered identities for themselves and their children lie at the heart of their vulnerability to not only trafficking, but also to HIV and AIDS. UNDP TAHA is a multi sectoral response to try and grapple with these twin issues of trafficking and HIV. We work on vulnerability reduction, prevention, rescue, repatriation, reintegration, care & support of trafficked and people living with HIV while also creating an environment of empowerment and capacity development through policy advocacy, leadership development, community participation and so on.

UNDP TAHA has been conceptualized within the Rights Based Framework. In its current phase, we are committed to developing models for a long term response to HIV. Our projects are implemented in partnership with those most vulnerable to HIV and those most affected by the epidemic. TAHA is cognizant of the fact that all trafficking makes the trafficked person vulnerable to sexual exploitation, and hence vulnerable to HIV. We firmly believe that all sex workers in India are not trafficked persons. We are also very mindful that sex workers' struggle for dignity and safety makes them a key partner and ally in our anti-trafficking activities. TAHA locates all its activities from the human development perspective.

Recognising the stellar role played by the media in catalyzing such a response, UNDP-TAHA has partnered with HIV and Human Development Resource Network (HDRN) to mainstream trafficking and HIV related concerns.

The publication aims to promote good media practices and favourably impact coverage of the many issues that surround trafficking and HIV. The media handbook also intends to demystify the subject, set out a roadmap for the media, and provide fresh inputs to them on reporting.

I would also take this opportunity to thank HDRN for producing the media handbook and I urge the media to use this resource for their personal learning, to be shared with fellow journalists and others, and to be used in reportage that will assure India of a new generation of long term responses to HIV.

Ms. Mona Mishra
Project Coordinator
UNDP-TAHA Project

Additional copies of this publication are available on the HIV and Human Development Resource Network (HDRN) website at www.hdrn.org.

HIV and Human Development Resource Network (HDRN)

The HIV and Human Development Resource Network (HDRN) is a regional not-for-profit, advocacy and leadership development organization. The organization was established with the support from The Indian Network for People Living with HIV and AIDS (INP+) and UNDP to offer a range of services particularly on advocacy and leadership to various stakeholders working in the areas of HIV, trafficking, mobility and sexuality with gender as a cross cutting issue.

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INTRODUCTION



Trafficking and HIV have both emerged as two of the fastest growing development challenges faced by the country today. Whilst the two social issues are huge challenges on their own, the linkages between them create even greater challenges that must be understood if the design of our responses is to facilitate the kind of change we seek.

Poverty and the lower social status of women in our society make them more vulnerable and susceptible to such exploitation, and also heighten their vulnerability to HIV. Those who become HIV positive as a result find themselves further ostracised and marginalised with even fewer options of regaining societal acceptance.

Media can play a critical role in the prevention and control of trafficking and HIV by increasing the knowledge and understanding among key stakeholders and people at large. The media can give a face to the issue, shape the debate and help determine the choices available. It has been observed that reporting on such issues is inadequate and quite often sensationalised. While we don't undermine the work that has been done already, there is still a need for continued, consistent and sensitive reporting on the issue and commitment from the media and the public which will be translated into action.

Through this publication, we intend to get the media on board while campaigning to put an end to trafficking in persons, changing the gender-poverty equation and social attitudes that prompt it, with the purpose of turning the media into an agent of social change. As a result, it is hoped that this will create an enabling environment for the survivors and PLWHA to be rehabilitated and re-integrated. The publication also aims to be a ready tool to facilitate more sagacious writing and reportage about trafficking in persons and the related issues including the linkages with the spread of HIV. And above all, to harness the power of the media to make reportage enabling for those vulnerable to trafficking as well as the survivors of trafficking and HIV and AIDS.

The media handbook includes two parts - the media guide and the media manual. The media guide is designed on one hand to bring the various facets of trafficking in persons, its extent and its effects to the notice of the media persons who would be reporting on these issues, on the other hand, the media manual delineates the role of the media when it comes to reporting about and countering trafficking.

We are sure that the media handbook will sensitize the media into better reporting about trafficking and HIV and inspire them to take a pro-active approach and become partners in countering the twin problem of trafficking and HIV.

HDRN acknowledges the support provided by UNDP – TAHA project, especially Ms. Mona Mishra, Project Manager and her team in helping us bring out this manual. HDRN would also like to thank Mr. R. Mohan for conceptualizing and Ms. Aparna S. Reddy for authoring the media handbook. We extend our thanks to Ms. Rebecca Khosla, Ms. Afsana Cherian, Ms. Saraswathi G. Rao and Ms. R. Mangathai for providing substantive contributions in preparing the kit and Mr. Ajay S. Kathait for administrative support, Mr. Pavitra D Tuladhar & Mr. Harish Bhardwaj for design. Photos are by Mr. Keshav Chaturvedi.

K K Abraham
President

HIV and Human Development Resource Network

■ This media handbook has been put together to serve as a background kit for media persons as they report on the complex issues related to Trafficking in Persons and HIV/AIDS in the Indian context.

■ In this document, we have decided to use the pronoun 'her' to describe the trafficked person, for the gender situation is one of the most crucial factors leading to trafficking in persons.

■ The word "Trafficking" signifies "Trafficking in Persons."

■ In the context of the UNDP-TAHA project, this media handbook focuses on trafficking in persons for the purposes of commercial sexual exploitation which makes her vulnerable to HIV and AIDS, though it acknowledges that human trafficking happens for other reasons as well, which are equally exploitative.



ELOQUENT SILENCE

"I WENT TO SEE HER

I WAITED AND WAITED...

FOR HOURS

BUT SHE DID NOT WANT TO TALK...

...they say a picture is worth a thousand words.

But sometimes, a picture can not speak at all."

PROLOGUE

” You are asking me about my village. My husband must still be living there. And my oldest daughter. I was married off when I was twelve. I still remember how it used to scare me each night when my mother-in-law will push me into the room to sleep with him.

That year, as the harvest time neared, he left for work with the other men. I felt relief. His best friend, who was almost a permanent guest at my home, came over one night. He forced himself on me. Few months later I realized I was pregnant. I told my sister. My husband had been away for months. “He will not accept you,” she could see my future.

I approached his friend. I did not know what else to do. He told me he would take me out to the nearby town. “There are doctors there.” I agreed. Did I have a choice? We took a train. Our destination took much longer to reach than I had anticipated. When we got off, it was getting dark. I still remember that twilight. He said he would take me to a relative’s house for night stay and to the doctor’s the next morning. By nightfall I would be back in my world. He left me with “his aunt”.

The next morning came. He never did. I waited for days, weeks. I decided I should just leave. But they would not let me. By now I knew where I was, a house of girls, where men like him came and went. They kept me confined till my daughter was born. They told me that he had sold me to the aunty and I will have to repay my price as well as the keep for me and my baby.

Today my home, my village is just a memory. Sometimes, I think about that night when he had forced himself on me. I wonder why it had hurt so much then.

You ask me, what I want. That someone would help me save my daughter.

Sarita
(...not her real name)

“MIGRATION IS A RIGHT, TRAFFICKING IS ALWAYS A VIOLATION”



“It indeed hurts...”

WHY THIS KIT?

Yes, it's true. The demand and the price a young virgin woman fetches in the market is really high.

Yes, trafficking in persons is the third most lucrative sector of organized crime after trafficking in arms and drugs.

Tens of thousands of women and children are reported missing every year in India. More and more of these children are trafficked into sex work and sexual abuse every day.

As traffickers become more adept at their job, coaxing, conning and coercing their prey into lives of displacement, despair and disease, India earns the dubious distinction of being a hotbed of trafficking in persons - a source, transit and destination simultaneously. The linkages with the after-effects of trafficking including exposure to HIV/AIDS, are even more alarming.

How can one counter the shrewd trafficker, prevent trafficking, rescue and rehabilitate those already affected? Changing mindsets, creating awareness, breaking myths and removing stigmas can be a good starting point.

For years, anti-trafficking organizations and individuals have worked on issues, conducted research, developed strategies and carried out interventions. Today, to be more effective in the war against trafficking, there is a pertinent need to share this accumulated knowledge, skills and experience on a global platform.

The media is needed on board.



"...don't let her go"

"MOBILITY IS TODAY'S REALITY,
BUT HOW OFTEN IS IT SAFE?"



contents

6. Prologue | 7. Preface | 10. Acronyms | 12. Introduction

THE MEDIA HANDBOOK

■ 22. The Media Guide

■ THE BIG PICTURE **25**

Trafficking in Persons

- An Overview

Understanding Linkages

■ COUNTERING TRAFFICKING **59**

Prevention, Rescue & Rehab

TAHA - a complete project

■ TRAFFICKING AND THE LAW **41**

The Global Scenario

The Indian Legal Scene



■ 76. The Media Manual

■ MEDIUM & THE MESSAGE 85

- Content analysis
- The framework
- Quantitative analysis
- Qualitative analysis
- Recommendations

■ NOT SENSATIONAL, JUST SENSITIVE 111

- The role of the media
- Getting the media on board
- Of ethics and news value
- Being sensitive

■ 147. Annexures

■ A story that tells all

- Web resources
- Further reading

ACRONYMS/ABBREVIATIONS

3x5: Three by Five

A

ABC:	Abstinence, Be faithful, Condom use.
AIDS:	Acquired Immuno Deficiency Syndrome
ANC:	Ante Natal Clinic
APAC:	AIDS Prevention and Control
ART:	Anti Retroviral Therapy
ARV:	Anti Retro Virals
ATSEC:	Action against Trafficking and Sexual Exploitation of Children
AZT:	Zidovodine

B

BB:	Blood Banks
BBC:	British Broadcasting Corporation
BSS:	Behavioral Surveillance Surveys
BSS:	Behavioral Sentinel Surveillance

C

CAA:	Children Affected by AIDS
CACT:	Campaign Against Child Trafficking
CBO:	Community Based Organization
CCA:	Community Convergence Action
CII:	Confederation of Indian Industries
CRC:	Convention on the Rights of a Child
CSA:	Child Sexual Abuse
CSE:	Child Sexual Exploitation
CSE:	Commercial Sexual Exploitation of Children
CSE&T:	Commercial Sexual Exploitation and Trafficking
CSW :	Commercial Sex Workers

D

DWCD:	Department for Women and Child Development
DWDCW:	Department of Women Development and Child Welfare

E

ELISA:	Enzyme-linked Immunosorbent Assay
--------	-----------------------------------

F

FHAC:	Family Health Awareness Campaign
FRU:	First Referral Units
FSW:	Female Sex Workers

G

GFATM:	Global Fund for AIDS, Tuberculosis and Malaria
GIPA:	Greater Involvement of People Living with and directly affected by HIV/AIDS
GNP+:	Global Network of People Living with HIV/AIDS
GO:	Government Organizations

H

HCV :	Hepatitis C Virus
HDR:	Human Development Rate
HIV:	Human Immuno-deficiency Virus
HRPC:	Human Rights Protection Cell

I

ICACT:	International Campaign Against Child Trafficking
ICCPR:	International Convention on Civil and Political Rights

ICMR :	Indian Council of Medical Research
IDUs:	Injecting Drug Use/Users
IEC:	Information, Education and Communication
INP+:	Indian Network for People Living with HIV/AIDS
IPC:	Indian Penal Code
ITPA:	Immoral Trafficking (Prevention) Act

J

JJ Act:	Juvenile Justice Act
---------	----------------------

M

M&E:	Monitoring and Evaluation
MSM:	Men who have Sex with Men

N

NACO:	National AIDS Control Organization
NACPI:	National AIDS Control Programme, Phase 1
NACPII:	National AIDS Control Programme, Phase 2
NACP III:	National AIDS Control Programme, Phase 3
NATSAP:	Network Against Trafficking for Commercial Sexual Exploitation

NCW:	National Commission for Women
NHRC:	National Human Rights Commission
NGO:	Non-Government Organization
NSS:	National Service Scheme

O

OVC:	Orphans and Vulnerable Children
------	---------------------------------

P

PLWHA:	People living with HIV/AIDS
PHC:	Primary Health Care
PLA:	Participatory Learning and Action
PMTCT:	Preventing Mother-to-Child Transmission
PPTCT:	Prevention of Parent-to-Child Transmission of HIV

R

RCH:	Reproductive and Child Health
RH:	Reproductive Health
RMP:	Rural Medical Practitioner

S

SACS:	State AIDS Control Society
SAEP:	School AIDS Education Programme
SMOs:	Social Marketing Organization
STD:	Sexually Transmitted Diseases
STI:	Sexually Transmitted Infections
STOP:	Stop Trafficking Oppression and Prostitution of Children and Women

T

TOT:	Training of Trainers
TIs:	Targeted Interventions
TRU:	Training Resource Unit

U

UNAIDS:	UN Joint Programme on HIV/AIDS
---------	--------------------------------

V

VCCTC:	Voluntary Confidential Counseling and Testing Centre
--------	--

HER STORY

BETRAYAL - S*A*L*E - NEWLIFE

Stripped MALE VULNERABILITY

s t r a n g e r

OPEN SPACES

gives pleasure gets pain

COMMUNITY

the journey the wages the journey the wages the journey the wages the journey the wages

the journey the wages the journey the wages

KNOWLEDGE

the journey the wages the journey the wages the journey the wages the journey the wages



the wages

es the journey the wages

MADE UP

the journey the wages the journey the wages the journey the wages the journey the wages the journey the wages



disease

OUTSIDER



INTRODUCTION

HER STORY

THE BETRAYAL

They let her go
Her mother, who carried her in her womb
Let her go
Her father, who had carried her home wrapped in a Blanket
On bleak winter nights
Let her go
The men, who saw her on the train
Scared and unsure
Let her go
The policeman, knew it all looked suspiciously
But
He too let her go.

A JOURNEY BEGINS

She had often stood at the edge and watched the road
Her brother had gone that way last season
And come back with those soiled notes
The road had stood for hope.

She had often seen the afternoon train
full of people, day after day
it headed to a world unknown to her
this distant land
this unknown enigma of a world
had often stood for fear.

Today, she took the road out of her village
And boarded the train
Where was she being taken to, she wondered.

A TOOL AGAINST TRAFFICKING

These are the times of non-stop breaking news. Journalists work under the pressures of deadlines and competition with their peers. Then, there is the hard political, economic news that jostles with the new genre of celebrity and sports reporting to fill the prime slots. Complicated issues like trafficking in persons often go unreported or under reported.

Even when reporting does take place, catching the finer nuances of a complex subject often gets sacrificed at the altar of catching audience attention, catering to readers' short attention spans, and fast approaching deadlines.

Unreported it may be, under control, it is not. Trafficking in persons is assuming serious proportions globally and specially in the Indian context. Even as it is an indicator of socio-economic and gender imbalances in society, its linkages with the HIV/AIDS epidemic, lack of proper rescue and rehabilitation apparatus, and the stigma associated with being trafficked and commercially sexually exploited, cry for attention and remedial action.

Yet the answer is simple. Awareness is the key to evolving an appropriate and rights based approach. Mass media that has today emerged as the

most potent opinion maker can play a pivotal role.

This information kit aims at bringing the various facets of trafficking in persons, its extent and its aftermath to the notice of the media person who is often pressed for time.

The handbook is divided into two segments – a Media Guide and a Media Manual. While the Media Guide compiles essential background information needed for sensitized reporting on Trafficking in Persons, the Media Manual discusses the role of the media in the context of trafficking and HIV/AIDS.

The Guide covers the issues related to trafficking in persons, its linkages, its prevention, the legal scenario and rescue and rehabilitation of survivors in their various aspects and brings forth the complexities of trafficking as well as its impact.

The Manual comprises a content analysis of the media in all its present day diversity and presents a discussion on the role of media, ethics, news values and on being sensitive to the nuances of the subject.

Prepared after discussions with stakeholders such as survivors of trafficking, CSOs, and journalists, it aims at the media persons who like their coverage of the issue of trafficking to be responsible and humane. Journalists face many challenges while covering such issues, from getting accurate information to interpreting it correctly to bolster the rights of the affected and help curb trafficking.

This handbook would not have been possible without the active support and inputs from the UNDP India Country Office, the UNDP-TAHA Project and the UNDP Regional Centre for Asia Pacific.

This contribution was only matched by the enthusiasm from CSOs, activists, survivors, PLWHA and friends from the media community who took time out from their busy schedules to help fill in the picture.

This handbook also benefited from the discussion during the UNDP-

- **Trafficking: Under-reported, unreported**
- **Reasons: Deadline pressures, skewed news criteria**
- **Need: Awareness and insight to report the complex trafficking issues**

TAHA Consultation and the first National Media Workshop on the subject in New Delhi.

Above all, the HDRN team was always there to provide support both on the technical and information front that was pivotal to this work.

The handbook aspires to enable a well-informed, sensitive, public exchange of ideas on trafficking in persons in India and its linkages with the spread of HIV/AIDS, to enroll the media in the fight against trafficking so that trafficked persons regain their right to live with dignity.

It aims at providing up-to-date information about various facets of trafficking in persons and hopes to stimulate discussions in newsrooms.

HER STORY ■

THE TRANSIT

Gingerly she steps off the train

It's a junction

A crisscrossing of railway lines

It's a junction

Where paths change

It's a junction

With milling multitudes who do not

belong there

Just like her.

A place full of strangers

Where she knows no one

A glimpse into her future

It's a transit point

For trains

For people

For each - a rite of passage

For her – a transit to hell.

LOST

Lost

In an alien world

An urban jungle

Not at all like her village

Those fields

That forest

Where she had scampered around

As a little girl

Safe.

TRAFFICKING IN PERSONS

SOME BASIC CONCEPTS & DEFINITIONS

HER STORY

BROTHEL

A world
We know it exists
Often in the hearts of the cities
where we live.
It's a business district
Commodities include women
Sold 24 X 7
Tallied as – so many rapes per
woman per day
Gross? Domestic? Product?

HER STORY

Why is her story not told
She is never seen hidden behind her
painted face
Wrapped in her mysteries
— untold

A TALE UNTOLD

To you and me
that world is forbidden
to you and me
those words are taboo
to you and me
those windows reveal nothing
during the day.
Many
Who visit this world
wearing darkness
Know those stories
But they never tell.

The customer will not tell
The accomplice will not tell
The victim is voiceless.

What is trafficking in persons?

An illegal trade in a commodity, is how a dictionary defines trafficking. Only here, that commodity is women and children. Trafficking in persons primarily means taking the victim with or without consent across or within borders for purposes of sex work, forced labor, marriages and bonded labor. For all practical purposes, trafficking in persons is the modern day incarnation of slavery.

Trafficking in Persons, some Definitions:

The United Nations Protocol

says: “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

(Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime.)

TRAFFICKING IS MODERN DAY SLAVERY

With or without through
consent
coercion
abduction
fraud
deception
abuse of power
abuse of position of vulnerability
for exploitation
sexual
and otherwise

The Trafficking in Persons Report 2005 of the U.S. Department of State emphasizes: The defining element of the definition of trafficking is the force, fraud or coercion exercised upon the person by another to perform or remain in service to the master.

It defines “severe forms of trafficking” as: Sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

.....

Global Alliances Trafficking in Women (GAATW) defines it as “All acts involved in the recruitment and/or transportation of a woman within and across national border for work or services by means of violence or threat of violence, abuse of authority or dominant position, debt-bondage, deception or other forms of coercion. Forced labor and slavery-like practices: The extracting of work or services from any women or the appropriation of legal identity and/or physical person of any women by means of violence or threat of violence, abuse of authority or dominant position, debt bondage, deception or other forms of coercion.”

.....

The International Organization for Migration (IOM) defines trafficking in women as “any illicit transporting of migrant women and/or trade in them for economy or any other personal gain.”

.....

The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution includes “All acts involved in the recruitment, transportation, forced movement, and/or across borders by fraudulent means, deception, coercion, direct and/or indirect threats, abuse of authority, for the purpose of placing a woman and/or child against her will or without her consent in exploitative and abusive situations such as forced prostitution, marriage, bonded labor, begging or organ trade, etc.”

Trafficking means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking. (*SAARC Convention*)

HER STORY ■

ARRIVAL

The madam peeps in from the slit in
the door
“After days in the dark unlit room
She is ready to be broken in.”
Or
Is she already broken in
She has gone through similar days
Many times since she has opened her
eyes.

CAPTIVITY

It was not the walls that kept her in
No chains, no locked doors
The man puffing a bidi
Sitting outside
Armed with the unseen power of the
male world
Could stop her with a look
In any case
Where could she have escaped to?

HER STORY

THE BREAKING IN

Tearing of tissues

Blood

It's a man's mythology

To him it means "rejuvenation".

But who will tell

The woman's thoughts

About the tearing of a soul

The "death" of innocence

The dangers of disease.

REALITY CHECK

Day break

Slowly

She regained consciousness

The first feeling

That of pain. It was acute.

Where did the pain stem from,

She got up to check

If she had bled that night too.

The pain.

It was not entirely physical.

Slowly

She came to her senses

Checked the cash box clinically

And told herself

"its just another day

wash face

put gloss

walk to the street".

Some related concepts:

Brothel: Any house, room, conveyance or place, or any portion of any house, room, conveyance or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes. (*ITPA*)

Child: A person who has not completed the age of sixteen years. (*ITPA*)

Anyone aged under 18. (Conventions of the Rights of a Child, SAARC Convention)

Commercial Sexual Exploitation of Children (CSEC): Commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes besides child sex tourism, child marriages and forced marriages. CSEC is a fundamental violation of human rights and children's rights. (*ECPAT*)

Child Sex Tourism (CST): The commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone aged under 18. It takes various forms, but generally it is about adult men who, in the course of traveling away from home, pay in cash or kind for sex with children. While some women engage in such violations, they represent less than five per cent of sexual offenders. (*ECPAT*)

Child Pornography: ". . . any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose." (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Article 2(c).

(Pornographic images of children are often copied multiple times and may remain in circulation for many years; the victim continues to be subjected to humiliation long after the image has been made. Secondly, those who 'consume' and/or possess pornographic depictions of children are arguably continuing to exploit these children. Such people, who are not necessarily pedophiles or preferential abusers.) (*ECPAT*)

Child Marriage: Child marriage involves the marriage of anyone below the age of 18. It is the marriage of a child to an adult or another child, and may be legally condoned by national laws. (*ECPAT*)

Corrective Institution: An institution in which persons, who are in need of correction, may be detained under ITPA, including a shelter where trials under may be kept in pursuance of the Act (*ITPA*)

Forced Marriage: Forced marriage involves the marriage of anyone against their will or of someone who is required to marry without their full and informed consent. (The critical issue with forced marriage is the question of consent of one or both parties, which may be altogether absent or given only under pressure and duress. Forced marriages may occur between children, a child and an adult, or adults.) (*ECPAT*)

Major: A person who has completed the age of 18 years. (*ITPA*)

Minor: A person who has completed the age of 16 years but has not completed the age of 18 years. (*ITPA*)

Pedophilia: Pedophilia is a clinical term for adults who are primarily sexually attracted to prepubertal children. The commonly cited Diagnostic and Statistical Manual of Mental Disorders describes pedophilia as “the act or fantasy of engaging in sexual activity with prepubertal children as a repeatedly preferred or exclusive method of achieving sexual excitement . . .” (*American Psychiatrists’ Association*)

Prostitution/Commercial Sexual Exploitation: The sexual exploitation or abuse of persons for commercial purposes. (*ITPA, SAARC Convention*)

(Previously in the Suppression of Immoral Traffic Act 1956 prostitution was defined as follows: ‘Prostitution means the act of a female offering her body for promiscuous sexual intercourse for hire, whether in money or in kind. The 1986 revision of the Immoral Traffic in Person (Prevention) Act the definition of prostitution was changed and defined as: ‘prostitution means sexual exploitation or abuse of persons for commercial purposes, and the expression “prostitute” shall be construed accordingly.’)

Prostitution of Children: “. . . the use of a child in sexual activities for remuneration or any other form of consideration.” (Optional Protocol to the

HER STORY ■

THEY WANT VIRGINS

Is it her purity
Is it her innocence
Is it her age?
Or
Is it the fact
That they believe.
That her purity
Will cleanse them
Of their impurities.

As the epidemic spreads
So the demand grows

The virus fuels a hunger for virgins.

THE BUSINESS

Its business as usual
A lethargic afternoon
Let me snatch a wink of sleep
Sleep makes you look better,
they say.

The clock on the wall ticks faster
during day
And painfully slow at night.
Somewhere along the way, her
body clock started dancing to a
different rhythm

Oh God! Its dusk already.
Switch on the lights
Switch off the mind.

Sitting in front of the mirror
Let me put on
Layer upon layer of the cheap
talcum
Let me paint my lips bright
Let me kohl the eyes
Put on the anklets that make that
seductive noise.
Let me turn myself into that
stranger
My own mirror image
But not me at all.

Now
I am but a body
Now
I am off to work.

■ HER STORY

FIRST LIGHT

The night breeze had pushed the window open

A ray of light wakes me up

The patch of sky outside the window beckons

The air inside the room chokes

It stinks of all those men.

Wash me

Clean me

Bathe me fresh

Teach me something else to do

Help me hold my head up

Once again.

THE SAVIOR WHO FAILED

The shrill siren

Stamping of boots

On rickety stairs

Doors being forced open.

We were herded together

Led out

Interrogated

Our ages ascertained by unwilling doctors

We were taken to police station, shelter home, Court.

They asked their questions

“What happened to you?” “How many times?”

What they wanted to know,

Not what we wanted to tell.

No one wanted to know what we wanted to tell.

Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Article 2(b). Child prostitution is the most commonly used term in relation to CSEC and its most clearly identifiable manifestation).

Protective Home: An institution in which persons who are in need of care and protection, may be kept under ITPA and where appropriate technically qualified persons, equipments and other facilities have been provided. It does not include a shelter where trials under may be kept in pursuance of the Act or a corrective institution. (*ITPA*)

A home established or recognized by a Government of a Member State for the reception, care, treatment and rehabilitation of rescued or arrested persons subjected to trafficking. (*SAARC Convention*)

Public Place: A place intended for use by, or accessible to, the public including any public conveyance. (*ITPA*)

Repatriation: Return to the country of origin of the person subjected to trafficking across international frontiers. (*SAARC Convention*)

Traffickers: Persons, agencies or institutions engaged in any form of trafficking. (*SAARC Convention*)

STATISTICS & BEYOND

The trade is illegal, the victims are voiceless, scared, stigmatized. The trafficker, dangerous and often part of organized crime. All this makes collection and collation of data regarding trafficking in persons a major stumbling block when it comes to developing combat strategies.

(Validated data is scarce as the issue is usually dealt with as a minor crime and clubbed with 'prostitution' and the data available from various non-governmental sources shows a lot of variation and is fraught with inconsistency.)

SOME OFT- QUOTED STATS:

4 million people a year are traded against their will to work in some form of servitude. The majority of them come from Southeast Asia, Eastern Europe and Latin America.. *(United Nations estimates)*

\$ 5 – 7 billion are generated by way of trafficking in persons around the world every year. *(United Nations estimates)*

30 million women and children were trafficked for sexual exploitation in Asia over the last 30 years. In comparison, 12 million Africans were sold as slaves to the New World between the 16th and 19th centuries. *(Centre for International Crime Prevention)*

600,000 to 800,000 (estimated) men, women, and children trafficked across international borders each year, approximately 80 per cent are women and girls and up to 50 per cent are minors. Majority of transnational victims are trafficked into commercial sexual exploitation. With a focus on transnational trafficking in persons, however, these data fail to include millions of victims around the world who are trafficked within their own national borders. *(Trafficking in Persons Report 2005)*

HER STORY ■

PEER EDUCATOR

Up the dingy staircase,
Along the way
She came.
She was different, a sex worker
though.
There was something about her
That made me comfortable
To reach out to her
For the first time there seemed no
mal-intention
For the first time, I felt like trusting
someone.
I felt like calling her 'sister'.
My desires had the heart to turn
into words
For the first time in years
I told someone
I would, if possible, like to be free.

THE RESCUE

When the will is broken down.
Stripped.
She went through it.
And she will do it to her daughter
For she is vulnerable, powerless.
So
Empower her
Arm her
Tell her to walk out
Rescue the soul
Rehabilitate the person

HER STORY

THE MALADY

The HIV/AIDS counselor near her
new home
Told her she was infected
But
It was not a medical problem
It was a disease of the society
That had got into her
... she smiled
she already knew that
she what had broken down
her security
her immunity.

COUNTERING TRAFFICKING

Her world let her down
Her world has to be changed
To
First never let her go
And then
To take her back with open arms

OUT OF IT

I am out of it now
That's a relief
But where am I now
Where am I headed
When that social asked me softly
– where did I come from –
How could I tell them about the
village that had abandoned me.
How could I tell them,
That the village that abandoned me
will not take me back
Where am I to go now –
Back?

INDIA HAS

- * 1 mn women and children in sex trade
- * 2-5 lakh children in sex trade
- * 200 girls/women enter sex trade every day
- * 80 % of them are trafficked

IN INDIA

70,000 – 1 million women and children are in the sex trade in India. Of these 30 per cent are below the age of 20, nearly 15 per cent began sex work when they were below 15 and 25 per cent entered between 15 and 18 years. (*NHRC Action Research*)

2 million (approx) child commercial sex workers between the age of 5 and 15 years and about 3.3 million between 15 and 18 years. They form 40% of the total population of commercial sex workers in India. 80% of these are found in the 5 metros, 71% of them are illiterate and 500,000 children are forced into this trade every year. (*www.cry.org*)

200 girls and women enter prostitution in India on a daily basis and 80 per cent are coerced into it. (*SOS 2001*)

5.7 million people live with HIV/AIDS in India. The country has the largest number of HIV infections in the world. (*UNAIDS 2005*)

300,000 to 500,000 children are reportedly doing sex work in India. (*NHRC Action Research*)

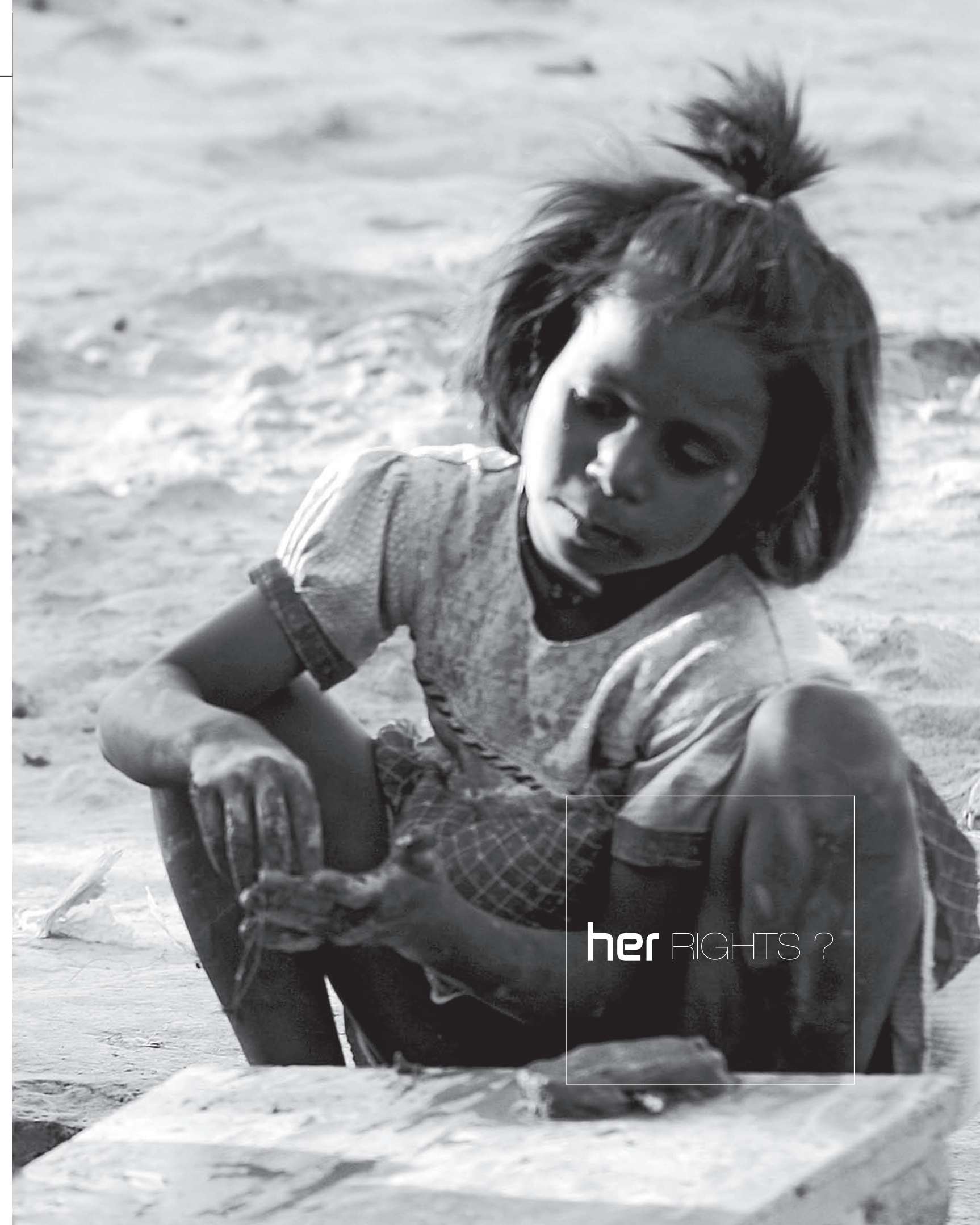
Rs 15,000 – Rs 40,000 is what a girl fetches on an average when sold to brothels. (*Human Rights Watch 1995*)

Rs 40,000 crore is what the commercial sex industry generates in India. Of this CSE of children amounts to Rs 11,000 crore. (*NHRC Action Research*)

40 per cent of the victims of CSE and trafficking in Maharashtra are below 18. (*UNICEF*)

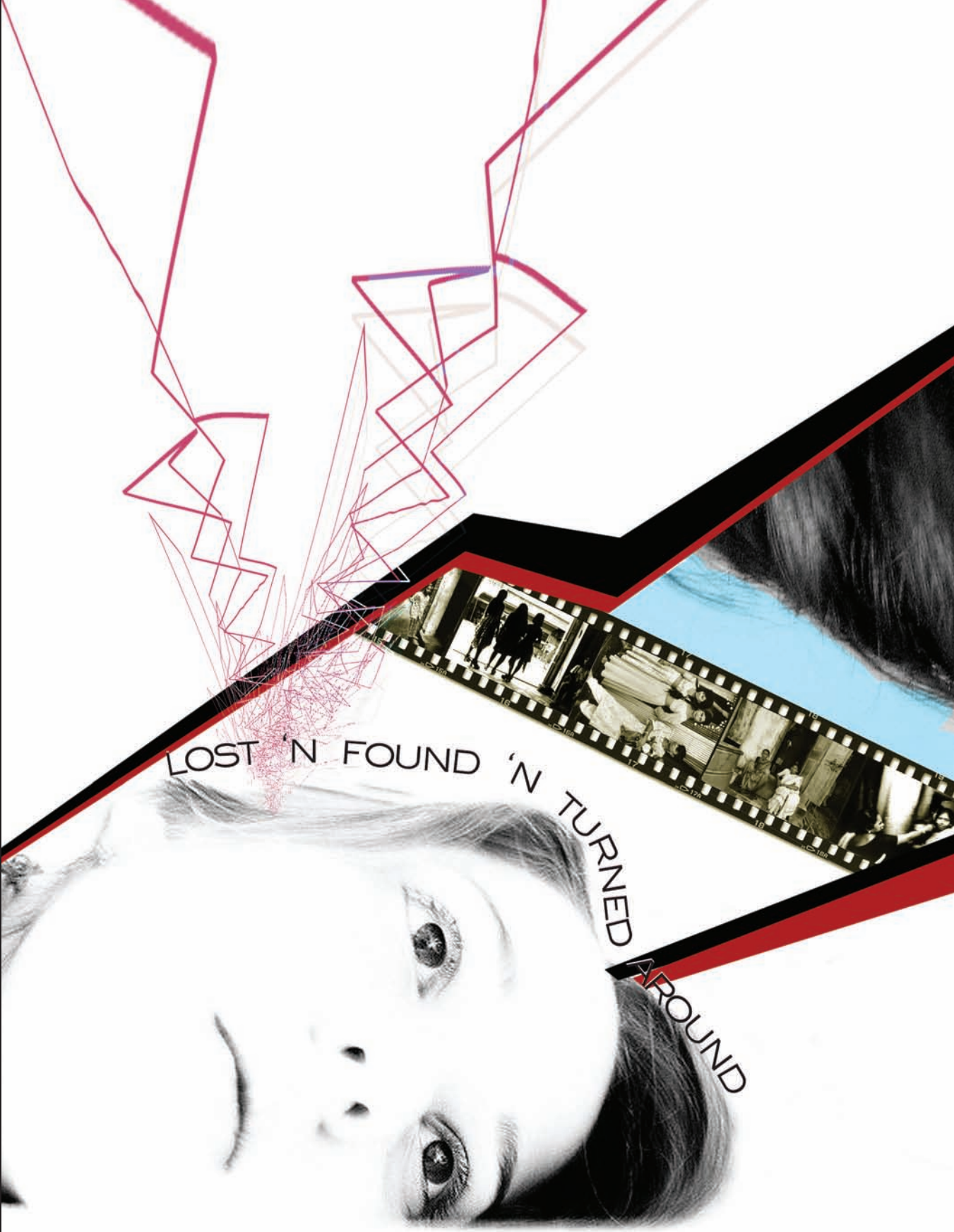
9,368 cases of trafficked women and children were reported in 1999 and the number of cases has been steadily rising since 1997. (*National Crime Records Bureau*)

10,000 girls (approx) are trafficked from Nepal and Bangladesh every year into India. (*UNDP 2002*)



her RIGHTS ?

THE MEDIA GUIDE



LOST 'N FOUND 'N TURNED AROUND





HOW
SAFE
IS **her**
WORLD?

THE BIG PICTURE

TRAFFICKING IN PERSONS – AN OVERVIEW

- A sheikh shops for an under-aged bride in the back lanes of Hyderabad, sometimes for a *muttah* or contract wedding.
- A client with HIV infection or an STI is ready to pay a heavy sum for a young virgin, believing that this will cure him of his disease.
- A young, underweight boy is picked up from the backyards of Rajasthan to be clandestinely shipped to the Middle East to be sold as a camel race jockey.
- A girl from Nepal, “agrees” to travel to Mumbai’s red light district to help feed her family.

The story of trafficking is set in a skewed milieu that encompasses many development related issues. Social inequality, migration, gender discrimination, gender related violence, poverty and human rights violations.

Today trafficking in persons is a growing global challenge. Hundreds of thousands of people are trafficked across international borders and millions more within their own countries through the use of force, fraud, or coercion, violent and direct or psychological, leading a person to involuntary servitude, debt bondage, or forced labor, and worse, to commercial sexual abuse.

A rapidly escalating inter-state and trans-border issue, today trafficking in humans for profit and exploitation is the largest illegal trade worldwide after drugs and arms trafficking. In this framework, India is a source, transit and destination point for trafficked women and children in the sub continent.

People are trafficked to be sold into forced or bonded labor and for commercial sexual exploitation. Given the context of the UNDP-TAHA project, we

focus on the latter in this section also because of its magnitude, its socio-psychological impact and its linkages with the AIDS epidemic, which is a key aim of this project. Trafficking and commercial sexual exploitation deprives women of their socio-political and human rights and makes them vulnerable to HIV. As per estimates, 90 percent of the trafficked women and girls end up in sex work, 84 per cent of HIV infections happen through unprotected sex, many of them in brothels.

The girls, who are more often than not trafficked into the red light areas, have been ‘broken in’ in both mind and spirit have little say in running their lives. By the time they are able to negotiate condom use, it’s often too late.

MIGRATION & TRAFFICKING

Human history is all about movement and migration. In some parts of India, three out of four households include a migrant. While intra country mobility is critical to livelihoods of many socially deprived groups and people from resource-poor areas, international migration has important local impacts, says a study carried out by experts at the Jawaharlal Nehru University, New Delhi.

Then why the focus on trafficking? – Because of the magnitude and its impact. Trafficking in persons is uniformly illegal and a complete violation of all human rights of those vulnerable to it, because the quantum of people being trafficked is enormous as is the socio-psychological impact. As they say, ‘migration is a right, trafficking is a violation.’

Migration does not occur in discrete steps. Instead, it is a process consisting of various stages – pre-departure, the journey, post arrival, re-integration – and each stage has its own vulnerability to trafficking.

Illegal migration, smuggling of migrants and trafficking in persons are distinct concepts. The UN Convention Against Transnational Crime, 2000, distinguishes a smuggled person from a trafficked person using the factor of coercion. Smuggling usually stands for illegal entry into a country and exploitation is not its foremost tenet. Trafficking on the other hand, does not necessarily mean border crossing but exploitation is its key element, says the Action Research by the National Human Rights Commission.

At the pre-departure stage, even before she leaves her home, a potential victim of trafficking is predisposed to being cheated and harassed. Middlemen, travel agents and recruiting agencies are one side of the picture, a trafficker in the garb of a relative or lover, is another. Often they have no access to information about the destination environment, about safe transit, about health issues including vulnerability to HIV/STIs.

The transit exposes them to a new set of exploiters. Difficulties with travel procedures, documents, regularization, exploitation by recruiters, an unknown

HOW IT HAPPENS

- Economic desperation
- Duped in search of livelihood
- False promises of marriage
- False promises of jobs
- Families selling off daughters
- Passive agreement from family members
- Lack of livelihood
- Unsafe migration

situation including a long waiting period in high risk environments, low social control, peer pressure, emotional and physical stress. Post arrival they face dehumanizing living and working conditions, exploitation by middlemen and employers, no access to health and social services, marginalization, discrimination and alienation, low social control, physical stress and invariably a high risk environment replete with drugs, human trafficking, sex work and men having sex with men.

MISSING PERSONS & TRAFFICKING

A large number of women and children are reported missing every year in India. Many of them remain untraced (NHRC's Action Research on Trafficking). The report showed an increasing trend of untraced persons. An average of 44,476 children are reported missing every year. Of these an average 11,008 remain untraced while, on an average 5,452 women remain untraced every year.

They neither return nor are ever located. However, during rescue operations carried out by the police in red-light areas, many children and women who are rescued turn out to be those who were reported missing elsewhere in the country.

THE WHAT

WHAT IS TRAFFICKING IN PERSONS?

A person is forced and coerced into moving away from her social set up. She could be lured through false promises often of employment or marriage into consent, sent away by a family tied down by poverty or circumstance, or physically abducted. Taken to an alien environment, she is then sold into forced labor, bondage or sex work.

SOCIAL ATTITUDES THAT FOSTER TRAFFICKING

- Stigma – kalank
- Lack of education and awareness about human rights
- Lack of control over many matters related to her
- Bondage
- No safe migration
- Bigad jayegi
- Shame and dishonor

Once removed from social setting, she loses her identity, her rights and herself confidence. Deprived of her freedom, she gets trapped in involuntary servitude leading to permanent physical and psychological harm, isolation from families and communities, reduced opportunities for personal development, and restricted movement. Easy availability of children, minor girls and young women in the country and direct and inexpensive rail and road routes have made trafficking easy. Simultaneously, the instances of partnership of organized crime with the police, lack of deterrents and widespread social indifference to the plight of trafficked women and girls, has made trafficking relatively risk-free.

Trafficked persons in India are subjected to conditions tantamount to slavery and to serious physical abuse. Held in debt bondage for years at a time, they are repeatedly raped to break their will and force them into submission. They are subjected to other forms of torture, to severe beatings, exposure to AIDS,

and arbitrary imprisonment. Many are young women from remote hill villages and poor border communities of Nepal. (Rape for Profit report/HDRN) This is called “breaking in”.

THE WHO

■ WHO IS SHE?

The most vulnerable sections of society turn up as the most susceptible to trafficking. Women, especially young women including the girl child are the target group for traffickers. Those from the underprivileged sections as well as the socially deprived lower castes are more vulnerable. Social biases, patriarchal values, lack of education and social oppression has already turned them voiceless and muted any awareness of rights. It is not that boys and men do not fall prey to trafficking but the magnitude is not on the same scale.

The vulnerable persons, mostly girls and children, are more vulnerable to trafficking because of unemployment, poverty, crime, discrimination, corruption, political conflict, and cultural acceptance of the practice.

Given the caste structure and the exploitative, inequitable economic scenario, women and girls from indigenous and ethnic minorities, dalits, tribals are more vulnerable to trafficking. A Delhi based NGO that works at the city’s red-light area in G B Road in Delhi reports that many at the brothels are from the Bedia, Nat, Kanjar, Mahar, Matang, Sansi, and Kolta communities. These are castes that have traditionally been associated with commercial sex work.

The trafficked persons are often wary of law enforcement and psychologically dependent on their traffickers. Child victims are denied access to education, which reinforces the cycle of poverty and illiteracy and its linkages with trafficking.

Probably more than a million women and children are employed in Indian brothels. Many of them trafficked in from neighboring countries specially Nepal and Bangladesh. According to Human Rights Watch (HRW), girls from Nepal comprise up to half of Mumbai’s brothel workers. Nearly one fifth of Mumbai’s brothel population is thought to be girls under the age of eighteen, and half of that population is likely to be infected with the human immunodeficiency virus (HIV).

THE WHY

■ THE PUSH & PULL FACTORS

Economic, social and gender issues turn up as the usual suspects. The push and pull factors work simultaneously to create the conditions for human trafficking. Gender and poverty issues are the top most push factors.

Migrating in search of better opportunity is an individual’s right. Yet, lack of awareness and education coupled with the issues of subordination of women

WHAT IF THE VICTIM CONSENTS?

Victims often consent to the initial stage of trafficking because they are misled or deceived by traffickers. Trafficking prosecutions are sometimes lost because the evidence needed to establish the true nature of the consent is not available. At the same time, constitutional and other human rights protections in many countries require that those accused of trafficking must be able to raise the possibility of consent as a defense. The U N protocol on trafficking in persons states that if any of the improper means set out in the definition (i.e. coercion, fraud, deception) have been used, any alleged consent to the subsequent exploitation is irrelevant. (UNODC)

CHILDREN AND CONSENT

Children under 18 cannot give valid consent, and any recruitment, transportation, transfer, harboring or receipt of children for the purpose of exploitation is a form of trafficking regardless of the means used. (UNODC)

in the Indian context, make them vulnerable to trafficking. They move out of the need to revolt against the patriarchal system as well as falling prey to it.

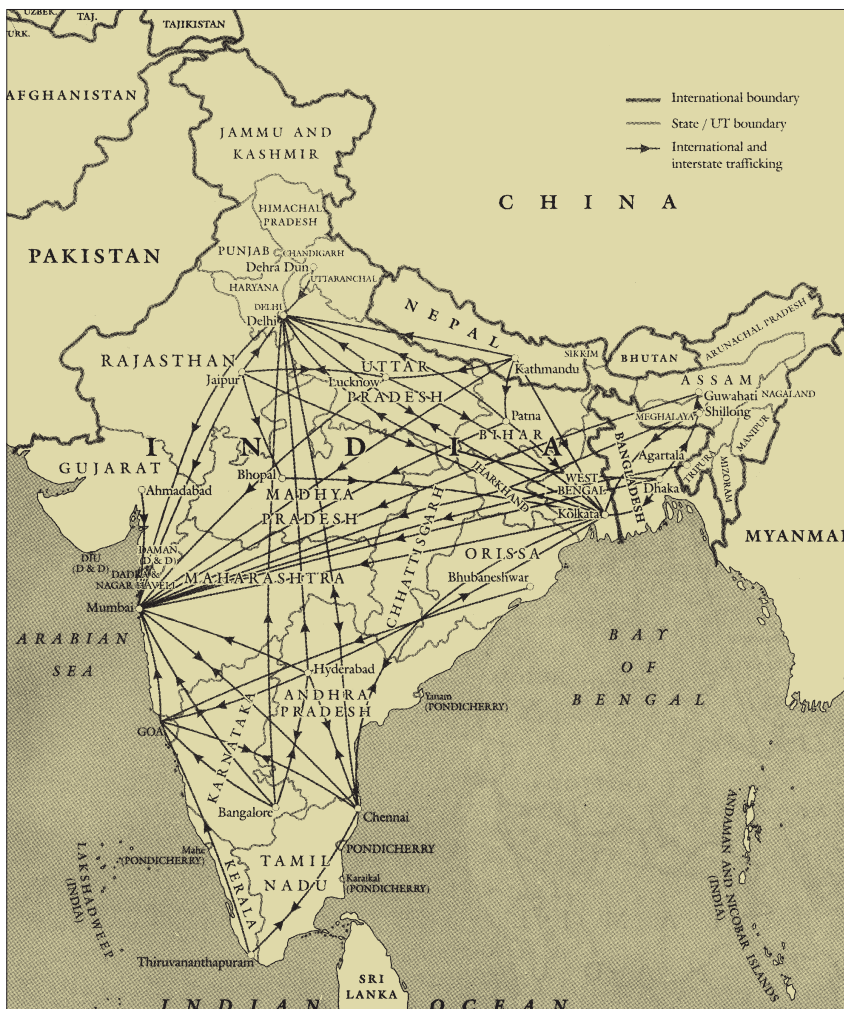
Weakening of the family structure, changing social and family scenario and above all the poverty situation create a web of deceit for the vulnerable sections.

Gender and poverty issues play their role in distress movement as well. People move in cases of famine, failed crops, conflict and natural disasters and women and children are the most vulnerable.

The pull factors are often the lure of a better life away from home. The situation at home is often so desperate that even the chance of underpaid work in the city pulls many towards it. The basic rural to urban migration provides the backdrop for trafficking. The glitz of cinema draws many to cities like Mumbai, Chennai and Hyderabad.

With the advent and importance of tourism in several parts of the country, sex tourism and related trafficking has also gone up. In Goa, the organized racketeers exploited innocent children, mostly boys, in several ways and for long periods. Sex tourists include both domestic and foreign tourists. The factors responsible for the growing phenomenon of child sex tourism include anonymity of the tourists, easy predatorship on the trafficked children, and lack of attention by law enforcement agencies, etc.

Growth of sex tourism, the entertainment industry, pornography in print, electronic and cyber media changing public attitudes towards sex and morality, all abet trafficking in persons, the younger the better.



Trafficking routes across India
Source: NHRC Report

THE WHEN & WHERE
OF ROUTES & ROUTINES

It's a simple rule – when the demand rises, the supply is stepped up. And if this demand and supply graph requires little investment and promises high returns then it is good business, even if it is illegal and immoral. The constant demand for younger people for sex work makes trafficking a lucrative sector for

organized crime. It is the biggest money spinner after trafficking in arms and drugs. A shrewd trafficker needs no investment. He just needs to coax or coerce the victim or her family into sending the girl with him.

The law and order ramifications of trafficking are few as commercial sexual exploitation, which are part of the huge global Narco-terrorist criminal network. The trafficker has little to fear.

The Action Research by the National Human Rights Commission identified specific source areas, demand destination and the transit routes that the traffickers follow. In India, Mumbai, Kolkata and Delhi are the major hubs of trafficking in persons with source areas spread all over as well as across the borders. (Map on previous page).

THE HOW

■ A REALITY CHECK

Physical abduction is no longer a preferred method of trafficking when it comes to netting the victims. False promises and sometimes convincing a family to sell its daughter for a pittance works better. Thanks to a total lack of awareness about the modus operandi of the traffickers, a girl can be lured or forced into trafficking at home or during the various stages of migration.

SOURCE: She can be lured out of her home following false promises. She can be trafficked with the connivance of relatives (parents who are aware of trafficking but helpless in the face of poverty) or with the connivance of other relatives. Girls are trafficked for sex work and boys for forced labor. The trafficker reaches out to the setting, scouts around and cons the victim right in their homes. The trafficker is not always a man; even women indulge in the trade for the sake of the profit it generates.

If already in the process of migration, she can be cheated and even raped, physically coerced and deceived while in transit. Even after arrival in an alien environment, sometimes along with her family, touts and pimps who scout around entry points such as railway stations, bus terminals in destination cities, can pick up or lure a girl into sex work, and boys into labor and even crime.

TRANSIT: For a trafficked person, the transit is often a tale of torture. What often starts with sexual abuse and/or domestic violence at home, leads them into an even more precarious situation where, once again, they have no rights and the environment has changed from familiar thus safe to confusing, unknown and unfamiliar.

The transit can also include rape, abuse, physical violence and confinement.

The village is usually the starting point for trafficking of women and children. The end point could be within the same state in which the village is located

or another state or even another country.

DESTINATION: Once trafficked and inducted into sex trade at the final destination, till the time they are rescued, they are physically and verbally abused, raped by several customers and suffer from ill health including tuberculosis, reproductive tract infections, sexually transmitted infections and HIV infection. As per a NACO study, a woman in a brothel gets five clients a day on an average. This works to 1800 clients a year.

The victim of trafficking is a complete stranger to the place where she is brought to and may not even know the language spoken there.

These exacerbate the vulnerability of the women/girl child for further exploitation. Therefore, trafficking of women and children has to be addressed in the specific context of the push factors in the concerned community where the exploiters take advantage of the helplessness of poor rural families.

Often, the rescue and post rescue phase includes being herded to a police station, then to a shelter home, repatriation, stigma and sometimes even a return to the red light area.

■ THE NEW SLAVE TRADE

In a slowing global economy, one sector is bucking the trend. Millions of individuals, the majority women and children, are the commodities in a multi-billion dollar global industry dominated by highly organized criminal groups. The “new slave trade”, is what the Nigerian President Olusegun Obasanjo called it at the 2001 World Conference against Racism in Lagos. Increasing economic hardship, particularly in developing and transitional countries, onerous obstacles to legal migration and serious armed conflict have coincided with a rise in the number of trafficking cases as well as a spreading of the problem to areas which were previously less affected.

CHILD RIGHTS

The Indian Constitution guarantees opportunity and civil rights to children. However, at the day to day level, the laws meant to protect the interests of children have been formulated from the point of view of adults and not children. Neither child-centered or child friendly or in tune with the CRC, they prefer the idea of well-being and welfare rather than rights. Child rights advocates are often face to face with the task of upholding child rights as a constructive social attitude.

Trafficking affects and implicates all regions and most countries of the world. While trafficking routes are constantly changing, one constant factor is the economic distinction between countries of origin and countries of destination, from a poorer country to a wealthier one. South and Southeast Asian women are trafficked to North America and other Southeast Asian countries. African women are trafficked to Western Europe. The breakup of the former Soviet Union and the resulting economic and political flux has led to a dramatic increase in the number of women trafficked from Central and Eastern Europe.

Trafficking also flourishes during and after protracted social conflict. The former Yugoslavia has become a primary trafficking destination as well as an important transit and processing centre for women from central and Eastern Europe. There is evidence to suggest that during the Kosovo crisis, women and girls were kidnapped by armed gangs or otherwise lured from the

refugee camps of Northern Albania. Several international organizations have reported that trafficking to and from Kosovo and other parts of the former Yugoslavia is now on the rise in response to a perceived demand for sex work from different sets of wealthy foreign workers.

Although the links between trafficking and racial bias are not immediately clear they are nonetheless undeniable. As former UN High Commissioner for Human Rights Mary Robinson said at the World conference against Racism, 2001, “in the case of trafficking into the global sex industry, we are talking about men from relatively prosperous countries paying for the sexual services of women and girls – and sometimes men and boys – from less wealthy countries. This is more than a labor rights issue or an issue of unequal development. It is a basic human rights issue because it involves such a massive and harmful form of discrimination”.

■ WORLDWIDE

As per the UNFPA, rough estimates suggest that between 700,000 to two million women are trafficked across international borders annually. Adding domestic trafficking would bring the total much higher, to perhaps four million persons per year. The problem is widespread. Although the greatest volume of trafficking occurs in Asia, it also exists in Africa and Latin America.

Trafficked migrants are vulnerable because of their irregular legal status, and may face deportation. They often cannot access legal assistance and medical care, and remain dependent on their agents and employers. Trafficking may also occur within countries, however, often spurred by commercial demand for young women in the sex trade.

According to the UNICEF, trafficking in children is a global problem affecting large numbers of children. Some estimates have as many as 1.2 million children being trafficked every year. There is a demand for trafficked children as cheap labor or for sexual exploitation. Children and their families are often unaware of the dangers of trafficking, believing that better employment and lives lie in other countries.

■ THE SUB CONTINENT

The Action Research of NHRC has brought to light that trafficking, though not reported from many places, is happening almost everywhere in the sub continent. The situation is worse in areas which are underdeveloped. It emerges from the study that trafficking of women and children from the North-Eastern states of India and bordering countries, in both directions, is a serious issue which has not drawn public attention. Pangsa and Dimapur in Nagaland and More in Manipur are the major transit and demand centers. According to the information collected during research, women and children from Assam and Bangladesh are trafficked to a place called More and from there, they are moved out to Myanmar and other

OF RAPE AND INSTANT GAINS

Maximum money is paid in the flesh trade for young virgins freshly trafficked in from their homes. Rape is their inevitable reality. It is the ‘breaking in’ of the trafficked girl, be it a minor or an adult, or even a child. It breaks her spirit as well. She is raped so many times that she stops counting. The persistent, inhuman torture turns her into an emotional, social and psychological zombie.

Even if she is rescued from this torture, she is apprehensive that anything good will come by. She has no confidence in herself and no trust in anyone else.

countries in South East Asia through the Golden Triangle (where Thailand, Myanmar and Laos converge).

Similarly, women and children from Assam (especially Jorhat), Nagaland (especially Mokokchung, Tuensang, Pangsa) and Bangladesh are trafficked through the Pangsa International Treat Tower and then moved to the Golden Triangle. Dimapur is a transit centre for people trafficked from Assam, especially upper Assam, Luming, Guwahati, etc. They are moved to a place called More or the international border at Tuensang and from there to the Golden Triangle.

The long drawn extremist activities as well as the ethnic clashes and conflicts between several groups in this region have made women and children in the entire region highly vulnerable. Lack of infrastructural development and livelihood options have exacerbated the situation.

The trafficking of Nepali girls to brothels in India is best documented among inter-country trafficking in the sub continent. Most Nepali women live with their children in the red-light areas of Mumbai. They do not visit their families back home very often. If and when they do, they keep their life in the flesh trade of Mumbai a complete secret.

This is in contrast with the trend seen earlier with Bangladeshi women and girls induced into sex work in Mumbai who initially moved to the metropolis as a whole family unit before getting involved in the city's flesh trade.

The trafficking of Bangladeshi girls to Mumbai is a comparatively recent trend. It has only flourished in the last eight years. Earlier, married adult women were trafficked from Bangladesh, but more recently, minors are being trafficked into Mumbai. A number of these girls visit their families in Bangladesh occasionally. Some of the women have their children living with other family members back home.

Sri Lanka is a source country for women and children who are trafficked internally and to the Middle East, Singapore, Hong Kong, and South Korea. Small numbers of women from Thailand, China, Russia, and other former Soviet states are trafficked to Sri Lanka for sexual exploitation while boys and girls are abused by pedophiles in the sex tourism industry. Trafficking takes place in areas controlled by both the government and the Liberation Tigers of Tamil Eelam (LTTE).

Women and girls are trafficked to Pakistan from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labor. Women trafficked from East Asian countries and Bangladesh to the Middle East often transit through Pakistan.

Bhutan is primarily a country of origin. Bhutanese women are often trafficked to neighboring Nepal, and children are trafficked through Nepal and India to Pakistan.

STIGMA AND DISCRIMINATION

This reflects in the ratio of repatriation to that of rescued girls. The male dominated society first turns the woman into an object, abuses her then punishes and stigmatizes her for being so abused.

In case the survivor is HIV positive, the discrimination worsens both socially and in the work environment. She is blamed for being a conduit for the infection. The fact that she is first a victim, is often forgotten. As it is, a trafficking survivor would find it hard to be absorbed in the mainstream work force. Being HIV positive makes these chances close to nil.

South Asia is considered a seething flash point in the context of trafficking in persons. Factors that contribute to trafficking are similar throughout the South Asian countries in varying degrees. Poverty, breakdown of traditional livelihoods, lack of education and skills for women and children, natural disasters, breakdown of families from war situations, low social status of women, and gender-discriminating practices, lead to the trafficking phenomenon. Inadequate legislation and meager enforcement of trafficking laws allow the trafficker's trade to thrive. Add to this the common superstition in the region that having sex with a virgin girl can rid a man of sexually transmitted disease fuels the demand for girls, the younger the better.

THE FUTURE

What would a future scenario for trafficking in persons be? Is the trend likely to scale down?

It is likely to only go up. After all trafficking in persons is an easy way to make good money. Without investing a penny, one can be rich overnight. Just sell a dream to uneducated, poverty-stricken people, lure them away from the safety of their homes. Once out in a strange place, they are nobody's babies. Just sell them for Rs 60,000 to Rs 80,000.

SOURCES

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THE BIG PICTURE

UNDERSTANDING LINKAGES

She is sold
Uneducated, not exposed to the ways of the world and kept within the four walls of her paternal home, a relative could easily fool her. And worse than that, her family pushed by the pressures of poverty, might have colluded.

Trafficking in persons is a complex phenomenon which is often a result of many cross cutting factors including gender disparity, poverty, lack of awareness, patriarchal attitudes and other socio-cultural inequities that makes victims powerless and choiceless – vulnerable to trafficking as also to HIV.

They say it's a simple demand and supply scenario that fosters an illegal trade in human beings. But it is an intricate interplay of the socio cultural aspects and economic deprivation that makes them vulnerable to being conned into being trafficked.

A girl oppressed in her own household might easily fall prey to a man who professes love and lures her away to a distant dreamland. Always taunted about her bearings, she is fascinated by the movies and vulnerable to being lured by a promised career in films.

The lack of a secure childhood and a stable home environment are among the factors that allow for trafficking of women. Gender discrimination and the inadequacy of the state in providing opportunities for education and economic independence for women makes the situation worse.

Once away from her social securities, she is nameless and friendless. She is deprived of her identity and confidence. Not just that, she has no choices in

her new environment. She often cannot even ask her client to use protection. A new life threatening linkage takes over her existence – that with STIs, HIV and stigma that perhaps may never allow her a home coming.

■ GENDER AND THE SOCIAL FABRIC

The feudal, patriarchal system rules the mind space in most parts of the country. It basically translates into oppression of women and children, leaving them completely unaware and unprepared for understanding or dealing with a phenomenon such as trafficking. Women, always told to be subordinate to men, find themselves at risk.

Attitudes to male and female sexuality are a crucial factor. A man's sexual urges are natural while a woman's sexuality is considered a matter of guilt and shame. In many cultures, 'going to a sex worker' is part of the rites of passage into manhood.

The fact that women are treated as objects also contributes towards creating a demand for commercial sex work. Traffickers earn their profits and justify their 'business' pointing at this demand. Its not just the looks or the age of the girl but also her docility and unquestioning attitude that fetches the right price.

Add to this the caste and class divides. More women from the lower castes, tribes and the dalit sections overlapping the poverty scenario find themselves trafficked.

Women and children trafficked are considered commodities that are essentially used and then reused. Particularly, in Asian cultures where women are deemed second-class citizens, women are considered cheap labor for the slave trade industry because the sale or removal of a woman from her environs is viewed as an insignificant loss to society.

Gender disparity and poor social status creates a situation that makes it worse for girls and women and increases their vulnerability to sexual exploitation and abuse. Most of the girls who enter sex work are trafficked into it.

■ THE ECONOMICS

Human migration is not a new phenomenon. For centuries, people have left their homes in search of better lives elsewhere. In the last decade, the process of globalization has enhanced the 'push-pull' factors which drive migrants' desires to seek more gainful employment abroad. This has caused an unprecedented amount of migration. Criminal networks which smuggle human beings for financial gain increasingly control the flow of migrants. Currently, economic instability appears to be the main reason for illegal

migration movement throughout the world. Trafficking is distinct from smuggling insofar as the trafficking of human beings involves the exploitation of the migrant, often for purposes of forced labor and sex work but the procurement for financial or material gain and selling of a person remains the main reason for trafficking.

People become victims of traffickers mainly due to inequitable resource allocation and absence of viable sources of income. Families have no assets and incomes are inadequate. Add to this the chronic poverty scenario and natural and man-made disasters from droughts and floods to war and terrorism. Women and children are compelled into contributing towards the family's subsistence. Faced with few options in their home milieu, they become vulnerable to trafficking either straight from home or as they migrate in search of work.

The sex industry not only provides direct economic benefits to those involved in the actual trafficking but it also benefits a large network that supports it.

■ DEMAND AND SUPPLY

Analyzed as a market, human trafficking includes both supply and demand forces. On the supply side, poverty, corruption, lack of education, and the eternal human yearning for improving one's life make people vulnerable to the lures of trafficking. We are, and must continue, making significant efforts to address these "push" factors.

At the same time, we cannot ignore the demand side of the equation. Market demand — especially from male sex buyers — creates a strong profit incentive for traffickers to entrap more victims, fueling trafficking in persons. It is critical that governments take action to fight commercial sexual exploitation. For example, where sex work flourishes, so does an environment that fuels trafficking in persons.

According to the Trafficking in Persons Report, 2005, of the estimated 600,000 to 800,000 people trafficked across international borders annually, eighty per cent of the victims are female, and up to fifty per cent are children. According to a 2003 study in the Journal of Trauma Practice, eighty-nine per cent of women engaged in sex work want to escape.

Recruitment of vulnerable persons comes in many forms. Traffickers take advantage of the poverty levels of many women and children in recruiting and luring victims into the traffic industry. For instance, women may enter voluntarily but be deceived as to the conditions under which they would be forced to work—forced to work twenty four hours a day, receiving little pay, not being able to leave, and being forced to endure physical abuse.

GENDER

- Discrimination at home
- Less food
- No education
- Value system that inculcates submission to male authority
- Docility
- Meekness
- Violence and abuse by fathers, brothers, uncles, husband

POVERTY

- No livelihood options
- Erratic income
- Debt
- Bondage
- Search for livelihood leading to migration

Traffickers threaten the trafficked persons claiming that their families will be murdered if she tries to escape or leave, forcing women to adhere to the demands of traffickers.

Second, women are also recruited through debt bondage. Parents, friends, or other close acquaintances may sell a child or woman for employment in return for cash.

However, these women and children rarely ever see any of the profits and are required to work until the debt is paid off. Most often it takes women and children years to pay off their debts because the accounts are fudged and extra expenses keep getting added to their debt, including cost of room and board, clothing, make-up, laundry, and medical supplies. Even if a child or woman pays the entirety of her debt, she often has no other choice but to stay because she lacks skills for any other kind of work.

Moreover, the increased prevalence of HIV/AIDS creates demand for fresh virgins in the sex trade, creating an impetus for trafficking.

■ TRAFFICKING & HIV/AIDS

With an estimated 5.7 million people living with HIV in India, there is an immediate need to address the root causes that heighten the vulnerability of women and girls to trafficking and HIV.

Nearly half the people living with HIV/AIDS in India are women and the number is expected to rise further, as a result of trafficking.

The two problems of trafficking and HIV are mediated by the same set of factors such as poverty, discrimination and unsafe mobility especially in the context of gender and human rights.

Though there is no automatic or direct correlation between trafficking and HIV/AIDS, once trafficked, a new and powerless situation in an alien city does increase the vulnerability of the trafficked woman or child to HIV/AIDS.

The susceptibility of a trafficked woman to HIV/AIDS is higher than that of a person who does sex work out of choice. A trafficked person has no choice, nobody to turn to and no voice. They are 'broken down' through repeated rape, torture and coercion. Condoms are out of question. They resist more, so more wear and tear makes them more at risk of STIs and HIV infection. By the time they can negotiate for a condom it is often too late.

According to a Delhi-based anti-trafficking NGO, most trafficked women in Delhi brothels are denied access to medical treatment. Women who are living with HIV have less access to health care as compared to men and

lesser free time to access whatever facilities are available. They also have fewer resources and money at their disposal and cannot afford medical care. Their clandestine and illegal migrant status makes them invisible and further reduces their access to health services particularly those that focus on HIV/AIDS. Illiteracy and low levels of awareness add to their vulnerability.

Often the trafficked persons are taken to brothels where they live in windowless rooms that are filthy, dark, and cramped. There is usually only enough room to sleep, which is virtually pointless as she is not able to sleep through the night or day because clients arrive at all hours. They are forced to receive scores of clients per day regardless of whether they are sick or menstruating. They will suffer from physical injuries including: those from physical abuse, skin irritations, headaches, fevers, all forms of sexually transmitted diseases, and HIV/AIDS.

SOURCES

Poverty & trafficking in human beings, *ECOSOC*
Ten states Baseline study, *UNDP*
Action Research in Trafficking in Persons, *NHRC*
The TIP, 2005 report
Human Rights Watch Report
World Conference against Racism
An overview of migration in India, *JNU*, New Delhi.
Thinking Through, Thinking Beyond Study, *Center for Feminist Legal Research*



PROTECT **her**

TRAFFICKING & THE LAW

THE GLOBAL SCENARIO

Trafficking in persons has merited a large body of covenants at the national, regional and international levels for over a century now. Laws, declarations, conventions and resolutions curbing and prohibiting trafficking have been enacted.

International conventions have often created the impetus for states that ratify it, to amend and upgrade their laws to combat trafficking and protect and rehabilitate survivors.

In case national laws do not measure up to the modern day challenges posed by trafficking and ensuing abuse, the courts of a country can always look up to the international covenants as long as they are not in conflict with domestic laws.

■ THE SUB-CONTINENT

South Asia has become a major hub of trafficking in persons. Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka – all members of the South Asian Association for Regional Cooperation (SAARC) are countries of origin, transit and destination.


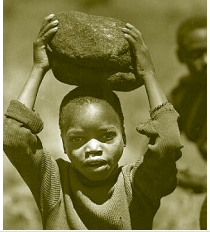






In accordance with the international covenants, the SAARC has given special emphasis to preventing and combating trafficking in women and children for sex work in the SAARC Declaration after the 11th SAARC summit held in Katmandu in 2002.

In the chapters on trafficking and law and in the legal context, the word “prostitute” is not changed to the politically correct phrase “sex worker”.

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002 - this convention was created with the objective to promote cooperation among SAARC member states to effectively deal with various aspects of prevention, interdiction and suppression of trafficking in women and children, repatriation and rehabilitation of victims of trafficking and preventing the use of women and children in international sex work networks particularly where the SAARC member countries are concerned.

A TIMELINE

Some international acts, Protocols, and Treaties, Declarations relating to the rights of victims of human trafficking

<p>1904</p> <p>International Agreement for Suppression of White Slave Traffic</p>		<p>1910</p> <p>International Agreement for Suppression of White Slave Traffic (amended)</p>	<p>1921</p> <p>International Convention for the Suppression of the Traffic of the Women and Children</p>	<p>1926</p> <p>Slavery Convention</p>	<p>1930</p> <p>International Labor Organization Forced Labor Convention, Article 1</p>	
<p>1933</p> <p>International Convention for Suppression of Traffic in Women of full age</p>	<p>1948</p> <p>Universal Declaration of Human Rights, Articles 4, 13 & 15</p>	<p>1949</p> <p>Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, Articles 1, 2, 19 & 20</p>		<p>1956</p> <p>Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices of Slavery</p>	<p>1957</p> <p>Abolition of Forced Labor Convention, ILO</p>	<p>1966</p> <p>International Covenant on Civil and Political Rights, Article 8 & 24</p>
	<p>1966</p> <p>International convention on Economic, Social and Cultural Rights, Article 10</p>		<p>1973</p> <p>Minimum Age Convention</p>	<p>1979</p> <p>Convention on Elimination of all forms of Discrimination against Women</p>	<p>平等! 现在!</p> <p>EQUALITY NOW</p> 	<p>1984</p> <p>United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment of Punishment</p>
<p>1985</p> <p>Tourism Bill of Rights and the Tourist Code</p>	<p>1989</p> <p>Convention on the Rights of the Child</p>	<p>1990</p> <p>Convention on Protection of Rights of Migrant Workers</p>	<p>1993</p> <p>World Conference on Human Rights, Vienna</p>		<p>1996</p> <p>World Congress against the Commercial Sexual Exploitation of Children</p>	<p>1997</p> <p>Oslo Conference</p>
<p>1998</p> <p>The ILO Convention 182 on the Worst Forms of Child Labour</p>		<p>1999</p> <p>Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women</p>	<p>2000</p> <p>The United Nations Convention against Transnational Organized Crime</p>	<p>2000</p> <p>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</p>	<p>2000</p> <p>Crime 2000</p>	
	<p>2000</p> <p>The optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography</p>	<p>2001</p> <p>Second World Congress against Commercial Sexual Exploitation of Children, Yokohama</p>		<p>2002</p> <p>Recommended Principles and Guidelines on Human Rights and Human Trafficking</p>	<p>2002</p> <p>The Honolulu Declaration</p>	<p>2002</p> <p>Brussels Declaration on Preventing and Combating Trafficking in Human Beings</p>

The convention is legally binding on its signatories. It is the first regional anti-trafficking treaty to emerge from Asia. The convention has been ratified by and large by most of SAARC member states.

SAARC Convention on Preventing & Combating Trafficking in Women & Children for Prostitution

“... NOTING with concern the increasing exploitation by traffickers of women and children from SAARC countries and their increasing use of these countries as sending, receiving and transit points; RECOGNISING in this regard the importance of establishing effective regional cooperation for preventing trafficking for prostitution and for investigation, detection, interdiction, prosecution and punishment of those responsible for such trafficking; EMPHASIZING the need to strengthen cooperation in providing assistance, rehabilitation and repatriation to victims of trafficking for prostitution;

■ ARTICLE II (SCOPE OF CONVENTION)

The purpose of this Convention is to promote cooperation amongst Member States so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination.

■ UNDER ARTICLE VI (MUTUAL LEGAL ASSISTANCE)

1. The State Parties to the Convention shall grant to each other the widest measure of mutual legal assistance in respect of investigations, inquiries, trials or other proceedings in the requesting State in respect of offences under this Convention.

Such assistance shall include:

- a) taking of evidence and obtaining of statements of persons;
- b) provision of information, documents and other records including criminal and judicial records;
- c) location of persons and objects including their identification;
- d) search and seizures;
- e) delivery of property including lending of exhibits;
- f) making detained persons and others available to give evidence or assist investigations;
- g) service of documents including documents seeking attendance of persons; and
- h) any other assistance consistent with the objectives of this Convention.

2. Requests for assistance shall be executed promptly in accordance with their national laws and in the manner requested by the Requesting State. In the event that the Requested State is not able to comply in whole or in part with a request for assistance or decides to postpone execution it shall promptly inform the Requesting State and shall give reasons for the same.

ARTICLE VII (EXTRADITION OR PROSECUTION)

1. The offences referred to in the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereinafter be concluded, between any of the Parties to the Convention.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the Requested State shall, if so permitted by its laws, consider this Convention as the basis for extradition in respect of the offences set forth in Article III.

3. Extradition shall be granted in accordance with the laws of the State to which the request is made.

4. The State Party in whose territory the alleged offender is present shall, if it does not extradite him or her, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution in accordance with the laws of that State.

5. In States where extradition of their nationals is not permitted under their law, nationals who have committed offences under the present Convention shall be prosecuted and punished by their courts.

■ ARTICLE VIII (MEASURES TO PREVENT AND INTERDICT TRAFFICKING IN WOMEN & CHILDREN)

3. The State Parties to the Convention shall establish a Regional Task Force consisting of officials of the Member States to facilitate implementation of the provisions of this Convention and to undertake periodic reviews.

4. The State Parties to the Convention may also, by mutual agreement, set up bilateral mechanisms to effectively implement the provisions of the Convention, including appropriate mechanisms for cooperation to interdict trafficking in women and children for prostitution.

5. The State Parties to the Convention shall exchange, on a regular basis, information in respect of agencies, institutions and individuals who are involved in trafficking in the region and also identify methods and routes used by the traffickers through land, water or air. The information so furnished shall include information of the offenders, their fingerprints, photographs, methods of operation, police records and records of conviction.

■ ARTICLE IX (CARE, TREATMENT, REHABILITATION & REPATRIATION OF THE VICTIMS)

The State Parties to the Convention shall work out modalities for repatriation of the victims to the country of origin.

Convention on Regional Arrangement for the Promotion of Child Welfare, 2002.

The convention aims at building regional arrangements among the SAARC members to encourage understanding and awareness about rights of and duties and responsibilities towards children in the region.

LAWS TO DEAL WITH TRAFFICKING IN SOUTH ASIA

All the south Asian countries have special laws that pertain to trafficking in persons besides the provisions made in their Constitution and the criminal procedure codes.

■ BANGLADESH

In Bangladesh, The Women and Children Repression Prevention Act 2000 recognizes the different motives for trafficking. The Suppression of Immoral Traffic Act of 1993 provides punishment for forcing girls into sex work and detaining girls below 18 in a place where sex work is carried out. The Emigration Ordinance 1982 provides for punishing recruiting agents

for overseas employment if they are found to have violated the ordinance or are guilty of any other misconduct. The Cruelty to Women (Deterrent Punishment) Ordinance 1983 increases the punishment to life imprisonment and death penalty for kidnapping, trafficking of women and children. And, The Children (Pledging of Labor) Act 1993 prohibits pledging into forced labor and employment of children under 15.

■ BHUTAN

Very little information is available on trafficking related laws in Bhutan. Several committees have been appointed on rights of Child, minimum age of employment and sexual exploitation. They have suggested that new laws be enacted in this regard.

■ MALDIVES

There are hardly any reports of trafficking in persons from the Maldives. Laws prevent employment of children under 14 but the law does not talk about trafficking in persons.

■ NEPAL

Article 20 of the Constitution of Nepal forbids the trafficking and sale of women and children and other forms of slavery. The Open Border Agreement 1950 between India and Nepal allows for free travel between the two countries. The Human Trafficking (Control) Act 1986 establishes territorial jurisdiction for offences committed outside Nepal.

■ PAKISTAN

Pakistan is a source country for smuggling of Pakistani children to the Middle East. Tenets of The Zina Hudood Ordinance 1979 covers selling, hiring, buying or disposal of any person for the “purpose of prostitution”. The Prevention and Control of Human Trafficking Ordinance 2002 has been promulgated to deal with all types of human trafficking.

■ SRI LANKA

Employment of children under the age of 12 is prohibited in the country though child labor is reportedly widespread and child exploitation is closely linked to pornography. The National Child Protection Authority Act 1998 aims at prevention of child abuse. The National Child Protection Authority established under this act is a landmark initiative in protecting the Rights of the Child.

CRIMES OF TRAFFICKING

Brothel based CSE

Non-brothel based CSE

Domestic sexual abuse

Call girl racket

CSE in massage/beauty parlors

CSE in bartending

CSE in pornography

Child sexual abuse

Pedophilia

Begging, adoption, organ trade

Domestic/bonded labor

TRAFFICKING & THE LAW

THE INDIAN LEGAL SCENE

Sex work is neither legal nor illegal in India. While sex work is legal, living on the earnings from prostitution, abetting sex work, soliciting in public places and putting minors and children into prostitution, is defined as illegal.

Many Indian laws proscribe the use of prostitution and work against trafficking in persons.

Article 23 (1) of the Constitution of India says: “Traffic in human beings and begar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.”

MAIN STATUTES:

The Immoral Trafficking (Prevention) Act.

The Juvenile Justice (Care and Protection of Children) Act.

The Immoral Traffic Prevention Act, 1956, is today the main Indian legislation that outlaws acts such as organized sex work, soliciting, and owning a brothel. It makes commercial sexual exploitation an illegal activity.

Juvenile Justice (Care and Protection of Children) Act, passed in consonance with the Convention on the Rights of the Child, concentrates on the restoration and protection of childhood. It covers commercial sexual abuse, sexual abuse and forced labor.

However, despite the constitutional provisions, the special laws and many sections of the Indian Penal Code, prostitution, trafficking and other forms of exploitation of children and women in violation of the above regulations continue to exist.

MAJOR LAWS GOVERNING TRAFFICKING IN PERSONS

CONSTITUTIONAL PROVISIONS

The Constitution of India has many provisions aimed at protecting women and children. These also work in favour of controlling trafficking in persons.

SOME OF THESE SUBSTANTIVE LAWS SAY:

ARTICLE 14 – RIGHT TO EQUALITY

Equality before law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

ARTICLE 15(3) – Special provisions may be made for women and children.

ARTICLE 21 – No person shall be deprived of his life or personal liberty except according to procedure established by law.

ARTICLE 23(1) – Right against Exploitation

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

ARTICLE 39 – Certain principles of policy to be followed by the State:

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

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

ARTICLE 42 – The State shall make provision for securing just and humane conditions of work.

THE IMMORAL TRAFFIC (PREVENTION) ACT

The statute was first enacted in 1956 as “The Suppression of Immoral Trafficking Act” or SITA in pursuance of the International Convention signed in New York on May 9, 1950. It aimed at curbing the sale, purchase and exploitation of women and children of both Indian and foreign origin. It was amended in 1978 and then in 1986 to emerge in its present form as ‘The Immoral Traffic (Prevention) Act’, also known as PITA.

As its title transformed using the word ‘prevention’ in place of ‘suppression’, the law aimed at becoming more stringent and effective and responsive to

the sex worker who was often a victim of trafficking. Supplemented by the Indian Penal Code, the Act prohibited trafficking in human beings and lay down stern punishments.

With sexual exploitation of women at its heart, the ITPA is particularly severe on CSE offences where children or minors were involved. The 1986 amendments allow the law to include the sexual exploitation of both the sexes for commercial purposes and make the punishments more severe. The amendment makes it mandatory for protective homes and corrective institutions to maintain proper records of inmates. And above all, the amended Act places the presumption of guilt on the accused in cases where children or minors were found to be sexually abused in a brothel.

JUVENILE JUSTICE

(CARE AND PROTECTION OF CHILDREN) ACT, 2000

This act consolidates and amends the law dealing with juveniles in conflict with law and children in need of care, protection and treatment by catering to their development needs.

SECTION 2(K)

“Juvenile” or “child”

Means a person who has not completed 18 years of age.

SECTION 2(D)

“Child in need of care and protection”

Means a child-

- (iv) Who has a parent or guardian and such parent and guardian is unfit or incapacitated to exercise control over the child.
- (v) who does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and run away child and whose parent cannot be found after reasonable inquiry,
- (vi) Who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal act,
- (vii) Who is found vulnerable and is likely to be inducted into drug abuse or trafficking,
- (viii) Who is being or is likely to be abused for unconscionable gains.



WHO IS PUNISHABLE?

Those maintaining a brothel (Section 3) or living off the earnings of a prostitute - traffickers, pimps, brothel keepers, exploiters (Section 4) or procuring or detaining a woman for the sake of prostitution (Sections 5 and 6) or who solicit or seduce for the purpose of prostitution (Section 8) or who carry on prostitution in the vicinity of public places (Section 7).

According to National Crime Research Bureau (NCRB) data, maximum cases are booked under Section 8 of the ITP Act against women sex workers compared to much fewer cases against brothel keepers, pimps and traffickers.

Interestingly, there is no punishment for the client under the Act. Under Section 15, police can conduct raids on brothels without a warrant based on the mere belief that an offense under the ITPA is being committed on the premises.

SECTION 20 provides a magistrate with powers to order the removal of a prostitute from any place within his jurisdiction, if he deems it necessary to the general interest of the public.

The Act also allows for designation of Special Police Officers to deal with cases of trafficking and CSE.

Some of the important sections of ITPA:

SECTION 3 – Punishment for keeping a brothel or allowing premises to be used as a brothel

Any person who keeps or manages or assists in keeping or managing a brothel may be punished with rigorous imprisonment for a period more than a year but not more than three years and a Rs 2000 fine on first conviction. On subsequent convictions, the term of imprisonment may be not less than two years and not more than five years with a similar fine.

SECTION 4 – Punishment for living on the earnings of prostitution

Persons over 18 years of age who live of the earnings of a prostitute including touts and pimps, may be punished with imprisonment extendable to two years or/with fine upto Rs 1,000. If the earnings relate to prostitution of a child or a minor, it can lead to imprisonment for seven to ten years.

SECTION 5 – Procuring, inducing or taking a person for prostitution

The Act acknowledges procurement, inducing or taking a child or a minor for prostitution an even more serious offence punishable with rigorous imprisonment for nine years to a life term.

SECTION 6 – Detaining a person in premises where prostitution is carried on

In case a child is found with a person in a brothel, this person can be presumed guilty of detaining the child. The offence is punishable with imprisonment.

SECTION 7 – Prostitution in or in the vicinity of public place

This section prohibits prostitution in or near a public place like a place of religious worship, educational institute, hotel, hospital, nursing home etc or any other public place notified thus by the commissioner of police or magistrate. Where prostitution involves a child or a minor, the imprisonment cannot be less than seven years or a life term or ten years and fine.

SECTION 8 – Seducing or soliciting for purpose of prostitution

In a public place, whoever tries to tempt any person, solicits or molests any person, or loiters or acts in such manner as to cause obstruction or annoyance to persons residing nearby, passing by or to offend against public decency, for the purpose of prostitution, shall be punishable with imprisonment and fine.

SECTION 9 – Seduction of a person in custody

Any person who having the custody, charge, care or any position of authority over any person causes, aids or abets seduction for prostitution, can be imprisoned for a term not less than seven years which may be for life or for a term which may extend to ten years and shall also be liable to fine.

SECTION 13(4) – Special police officer and advisory body

The Central Government may, for the purpose of investigating any offence under this Act or under any other law dealing with sexual exploitation of persons, appoint a number of police officers as trafficking police officers. They may have powers, and discharge all the functions under this Act in relation to the whole of India.

SECTION 29

Child Welfare Committee

The Act empowers the state governments to constitute Child Welfare Committees for every district or for a group of districts to discharge duties in relation to children in need of care and protection.

**SECTION 32(1)**

Production before Committee

(1) Any child in need of care and protection may be produced before the Committee by one of the following person:-

- (i) Any police officer or special juvenile police unit or a designated police officer;
- (ii) Any public servant;
- (iii) Child line, a registered voluntary organization or by such other voluntary organization or an agency as may be recognized by the State Government;
- (iv) Any social worker or a public spirited citizen authorized by the State Government; or
- (v) By the child himself.

SECTION 34

Children's home.

The State Government may establish and maintain either by itself or in association with the voluntary organizations, children's homes, in every district or group of district, for the reception of child in need of care.



SECTION 14 – Offences to be cognizable

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

SECTION 15 – Search without warrant

This section allows the special police officer to search without warrant any premises where he or she deems that an offence under this Act is being committed.

SECTION 37**SHELTER HOMES:**

The State Government may recognize reputed and capable voluntary organizations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required.

SALIENT FEATURES:

Juvenile Welfare Boards (JWB), consisting of two or more members one of whom should be a woman, to deal with matters relating to neglected juveniles.

Juvenile Court to deal with matters relating to delinquent juveniles with two honorary social workers to assist the court.

The JWB and Juvenile Court to function from Observation Homes and complete inquiries within three months.

A juvenile has to be produced before a JWB within 24 hours of being picked up. He/she shall not be detained in a police station or jail, not tried along with an adult, neither handcuffed nor sentenced to a life term or death.

The act also provides for setting up institutions such as juvenile homes, observation homes, special homes for delinquents and after-care homes – all with an accent on providing not just accommodation but also education, training, rehabilitation and facilities for developing character and training.

SECTION 16 – Rescue of person

Where a Magistrate has reason to believe that any person is living, or is carrying on, or is being made to carry on, prostitution in a brothel, he may direct a police officer not below the rank of a sub-inspector to enter such a brothel, and to remove such a person from there and produce her before him.

SECTION 18 – Closure of brothel and eviction of offenders from the premises

This section empowers the magistrate to shut down a brothel and evict offenders from its premises.

SECTION 19 – Application for being kept in a protective home or provided care and protection by court

A person who is carrying on, or is being made to carry on prostitution, may make an application, to the local magistrate for order that she may be kept in a protective home, or provided care and protection by the court.

SECTION 20 – Removal of prostitute from any place

This section confers power on the magistrate that he can remove a prostitute from any place within his jurisdiction.

SECTION 21 – Protective homes

The ITPA grants powers to the state government to establish protective homes for those affected by immoral trafficking. It also says that no person or authority other than the state government can set up or maintain a protective home except under a license issued by the state government.

SECTION 21A – Production of records

Those maintaining or running a protective home or a corrective institution shall produce records and other documents maintained by such a home or institution before a court whenever required.

SECTION 22A – Power to establish special Courts

The state government is given powers to establish special courts to try cases under ITPA.

SECTION 22AA – Power of Central Government to establish special courts

The central government too has been given power to establish special courts to try cases relating to the Act.

Both the courts have the power to carry out summary trials.

SECTION 23 – Power to make rules

The state government has been given power to make rules for carrying out the purposes of the Immoral Trafficking (Prevention) Act.

THE JUVENILE JUSTICE ACT

“The constitution of India envisages for Indian children a happy and healthy childhood, free of abuse and exploitation.”

The Constitution of India provides a comprehensive understanding of child rights. A fairly comprehensive legal regime exists for their implementation. India is also a signatory to several international legal instruments including the Convention of the Rights of the Child (CRC).

However, the reality of daily life for a large numbers of children is completely disconnected from this vision. Large numbers of children in India live in conditions of deprivation and in circumstances which can easily lead them to crime and to becoming victims of trafficking and subsequent abuse.

The Juvenile Justice (Care and Protection of Children) Act, 2000, aims at ensuring the care and protection of children, to provide for their development and rehabilitation, and most significantly, to reorient the law regarding juveniles according to the standards and rules prescribed by the United Nations. The law covers any child found vulnerable to trafficking.

The Juvenile Justice Act, 1986, was revised 14 years later and the government passed the Juvenile Justice (Care and Protection) Act, 2000.

Three years later, following much discussion and dissatisfaction with changes made to the law among civil society organizations and groups working with children’s issues, the government drafted more amendments in 2003. The

CRIMINAL LAW

Several sections of the Indian Penal Code make almost every activity in relation to trafficking in persons, a crime.

THE INDIAN PENAL CODE

The following acts are punishable under the Indian Penal Code.

SECTION 317

Exposure and abandonment of child under twelve years, by parent or person having care of it

Exposure and abandonment of the child under 12 years by parent or guardians.

SECTION 339

Wrongful restraint

Voluntarily obstructing a person to prevent that person from proceeding in any direction where he/she has a right to proceed.

SECTION 340

Wrongful confinement

Wrongfully restraining a person from proceeding beyond a certain limit.

SECTION 354

Assault or criminal force to woman with intent to outrage her modesty.

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

SECTION 366

Kidnapping, abducting or inducing woman to compel her marriage, etc
Sheltering girls with the view to prostitute them.

Who ever kidnaps or abducts any woman with the intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her. will, or in order that she may be forced or seduced to illicit intercourse, or knowing that this may be likely, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

SECTION 366A

Procuration of minor girl

Whoever, by any means whatsoever, induces any minor girl under the age of 18 years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

SECTION 366B

Importation of girl from foreign country. Whoever imports into India from any other country [or from the State of Jammu and Kashmir] any girl under the age of 21 years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

SECTION 367

Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc

Whoever kidnaps or abducts any person in order that such person may be

new draft has been placed before a Parliamentary Standing Committee which is currently reviewing the law.

Yet the JJ Act remains an important tool in the area of rescue and rehabilitation of affected children. The law has provisions for care, protection, treatment, education, vocational training, development and rehabilitation of children rescued from those procuring, inducing or taking persons for prostitution and detaining people in premises where prostitution is taking place. The Juvenile Welfare Board, stipulated by this law, is another important step in this direction.

The law also aims at laying down a legal framework for the Juvenile Justice system in the country and providing a special approach for protection and treatment of juveniles.

Since the JJ Act states that a child can be called neglected if he/she lives in a brothel, with a prostitute or is associated with any place used for prostitution..., it brings the minor sex worker under its purview.

There is a wide range of other relevant Acts that impact the trafficking scenario in India.

THE PROBATION OF OFFENDERS ACT, 1958

The Act empowers the court to release certain offenders after admonition and certain other on probation for good conduct.

INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986

The Act puts restriction on publishing and sending by post books, pamphlets etc. which contain what it defines as indecent representation of women.

CHILD MARRIAGE RESTRAINT ACT, 1929

The Act defines legal age for marriage as 18 years for girls and 21 years for boys and empowers the court to issue injunctions prohibiting child marriage.

THE BONDED LABOR SYSTEM (ABOLITION) ACT, 1976

An Act to provide for the abolition of bonded labor system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto

THE CHILD LABOR (PROHIBITION AND REGULATION) ACT, 1986

The act sets down appropriate conditions of work by children and prohibits employment of children in the specific occupations stated under it.

THE TRANSPLANTATION OF HUMAN ORGAN ACT, 1994

The Act aims to prevent commercial dealings in human organs and regularizing various aspects of transplantation of human organs.

THE INFORMATION TECHNOLOGY ACT, 2000

The Act penalizes the publication or transmission of lascivious or prurient material in electronic form. It extends throughout India and has extra-territorial jurisdiction as well.

STATE LEVEL MEASURES:

The Karnataka Devdasi (Prohibition) Act, 1982 & the Andhra Pradesh Devdasi (Prohibition of Dedication) Act 1989

The two acts render illegal the very system of dedication of a woman (with or without consent) for the ultimate purpose of engaging them in prostitution.

Goa's Children's Act 2003

The Act addresses several child rights issues. It gives the first ever legal definition of trafficking in Indian jurisprudence.

THE IMPLEMENTATION

THE JUDICIARY

Apart from the above legal instruments, there have been various directives of High Courts and the Supreme Court making provisions for administrative machinery and infrastructure to protect women, combat trafficking, rescue and rehabilitate victims. In the cases of Vishal Jeet and Gaurav Jain, courts gave landmark judgements.

In the Vishal Jeet vs Union of India case (AIR 1990 SC 1412), the Supreme Court directed that Advisory Committees be set up to eradicate Child prostitution, programs for care, protection, treatment, development and rehabilitation of children and girls rescued from brothels or from prostitution and make suggestions for amendment in existing laws for prevention of sexual exploitation of children. It also directed that all state governments must direct their law enforcing authorities to take appropriate steps against this evil.

The Gaurav Jain vs Union of India case (AIR 1997 SC 3021) followed a public interest litigation filed for setting up separate institutions for children of sex workers and child sex workers. The Supreme Court rejected the idea. The Mahajan Committee was set up to look into improving the conditions of sex workers and their children. The court also directed that Child Development and Day Care Centers be set up for children of sex workers and children associated with sex work, and advisory and monitoring committees be constituted at central and state level to provide de-institutional services and foster care for such children.

subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

SECTION 370

Buying or disposing of any person as a slave

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

SECTION 372

Selling minor for purposes of prostitution, etc

Whoever sells, lets to hire, or otherwise disposes of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine.

SECTION 373

Buying minor for purposes of prostitution, etc

Whoever buys, hires or otherwise obtains possession of any person under the age of 18 years with intent that such person shall at any age be employed or

used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, of knowing it to be likely that such person will at any age be employed or used for any purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

IPC: SEXUAL OFFENCES

SECTION 375

RAPE

A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:-

1. Against her will.
 2. Without her consent.
 3. With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.
 4. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
 5. With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.
 6. With or without her consent, when she is under sixteen years of age.
- Exception- Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

In consequence of the Gaurav Jain case the Union Government came up with a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children in 1998.

THE POLICE

The role of police in curbing trafficking in persons is a crucial one. Officers posted in big red light areas where procurement, sale and exploitation of minors and women actually takes place becomes pivotal in breaking the nexus.

Section 13 of the ITPA provides for a Special Police Officer in a specific area for the purpose of the Act. Only this officer can investigate a case under this Act and arrest the accused. Arrests made by a police officer not authorized to do so is illegal.

The police officer's duties include detection, prevention and investigation.

DETECTION:

He/she can act on specific information or take preventive custody of suspected minor girls under the JJ Act and take action after age determination tests. They can conduct raids if they get specific information from customers, NGOs working in the area or police informers about the presence of minor girls in red light areas. A criminal case can be recorded on the statement of a minor if found.

Under the JJ Act, police takes minors found during a raid on a brothel in protective custody, produces them before the Juvenile magistrates within 24 hours and for medical examination for age determination. The girl is kept in an observation home. Her statement against the brothel owners etc can lead to a criminal case. In case she is found to be a minor, a case can be registered on the doctor's report. Her statement is not needed.

PROSECUTION:

To steer successful prosecution of the culprits demands that the investigating officer must produce the rescued girl before the trial magistrate. Her statement under the CrPC is not sufficient. So the I.O. must keep a tab on the address of the girl if she is repatriated.

Leaving certain lacunae in investigation can lead to easy acquittal of the accused.

If the investigation is not done by a special police officer under ITPA, it makes for a technically bad case.

If there is no age proof, no charges can be framed under sections 372/373 of IPC.

Evidence that the accused is the owner of the brothel and was living off the earnings of sex work is a must.

There should be no contradictions in the statement, the FIR on the basis of which the case is registered.

A respectable person of the area or a woman should be included in the raid.

According to the National Crime Research Bureau's July 2003 report, 5691 cases were registered under ITPA, which was 35 per cent less than 2001. The report showed an increase in crimes under the ITPA in Haryana, Kerala, Manipur, Mizoram and Punjab, and a slight decrease in Maharashtra. Tamil Nadu has reported the highest numbers over the years followed by Karnataka, Andhra Pradesh and Maharashtra.

The NCRB data also showed that a gender wise analysis of conviction under anti-trafficking laws showed that of the 65,000 plus persons convicted, 87 per cent were women. Under ITPA, maximum cases were registered, charge sheeted and prosecuted were under Section 8 which deals with soliciting and impacts sex workers.

■ PREVENTION

The other duties of the police officer include prevention of trafficking in persons. The special police officer has to constantly work on:

IDENTIFICATION OF THE TRAFFICKERS.

Isolating red light areas so that entry of fresh minors should not be that easy.

IDENTIFICATION OF SOURCE AREAS.

Be in touch with other special officers, government officials and CSOs involved in rescue, repatriation and rehabilitation.

A recent meeting of senior police officers in Bangalore came up with the observations that the police at the station level continues to victimize and re-victimize women sex workers despite repeated instructions from the police headquarters. They felt that though there was sufficient scope under ITP Act and IPC to initiate action against the exploiters and traffickers, nothing has been done.

■ EVALUATING LAWS & IMPLEMENTATION

Legal perspectives determining anti-trafficking interventions may be broadly divided into two major frameworks – the crime prevention framework and the human rights framework, according to the Centre for Feminist Legal Research. “The crime prevention framework views the issue of trafficking as a problem of law and order involving international or local crime gangs, which necessitates ‘cleaning up’ operations.”

A review of the laws and provisions of various countries provides an impression of the growing awareness and recognition of the issues relating to trafficking across the world, says the Action Research on Trafficking in Women and Children of the NHRC.

Though the laws definitely need to be made more sensitive, much can still be achieved even if they are properly implemented in their present form itself, feels an NGO activist working towards total elimination of trafficking.

CURRENT SCENARIO

With trafficking in persons becoming a big concern globally and in India, the law perhaps needs more teeth to deal with the disturbing situation.

Minister of State for Human Resource Development Kanti Singh informed the Lok Sabha on December 14, 2005 that the Government was going to bring amendments in the ITPA to deal more firmly with the problem of commercial sexual exploitation of women and children.

The amendment, proposed by the Department of Women and Child Development (DWCD) provides for three-month imprisonment and a fine of Rs 30,000 for the patrons. The department also proposed to do away with Sections 8 and 20D of the Immoral Trafficking Prevention Act (ITPA), which make soliciting a punishable offence and provides for eviction of sex workers. The rationale for the proposed change is that most sex workers are victims of circumstances. Under the proposed law, traffickers would face harsher punishment—10 years rigorous imprisonment and confiscation of their properties.

This amendment, recently approved by the Union Cabinet, if passed by Parliament, would be a part of the government's fresh efforts to clear India's name as South Asia's key transit route of the global trade in humans.

Punishment for traffickers is proposed to be made stringent. Those convicted will face imprisonment up to ten years and shall be fined upto one lakh rupees. As in the case of the Money Laundering Act, the proposed law seeks to confiscate all the property of those guilty of trafficking. The new amendments also include a suggestion for setting up a central nodal agency like a Central Narcotics Bureau to curb human trafficking and increasing the age of minor from 16 to 18 years of age.

However, opinion is divided. Civil society organizations have expressed concern that penalization of clients could render sex workers jobless. Others feel that the proposal to end the punishing of sex workers who are found "soliciting", "loitering" and "offending public decency" is likely to encourage sex trade.

The National Commission for Women (NCW) has recommended that the age of majority of the child under the ITPA may be raised to 18 years and the Government should take up correctional measures besides measures to rehabilitate the women and children in sex work.

Many organizations working in this area feel that ITPA being a social welfare

REASONS FOR DISCREPANCY BETWEEN REPORTED CRIME AND ESTIMATED CRIME

- Women are afraid to report cases to police
- Stigma
- Ignorance about rights
- Inability of victims to approach police
- Political intervention
- Pressure to keep crime figures under control

(Source: NHRC report 2002-2003)

legislation should focus more on rescue and rehabilitation instead of punitive measures.

According to civil society organizations, the mere punishment of sex workers is a negative and counter-productive measure. It often results in police harassment and victimization of the affected themselves. They ask for a whole new chapter on rehabilitation including medical treatment, monitoring, follow-up action, education and imparting of skills to make them self-dependent. Besides this, the Home Ministry can allot the Border Security Force the infrastructure to combat trafficking in border areas and create special CBI-Police task force to check the involvement of the organized crime sector in trafficking of persons, they say.

Some of the latest government initiatives for tackling the problem include the Prevention of Immoral Trafficking and the Rehabilitation of Prostituted Person's Bill (1993) that recognizes the rights of sex workers and initiates the investigation in these matters.

The Government of India has also formulated a National Plan of Action to combat trafficking and commercial sexual exploitation of children and minors in 1998. It has been formulated by the joint efforts of the Department of Women and Child Development and the Ministry of Human Resource Development. A committee has been formed to look into the problems of trafficking and forced sex work and has brought together CSOs and other organizations, who work on the issues of trafficking.

In the year 2003, the government of Andhra Pradesh passed a Government order to address the issue of trafficking. An Anti-traffic campaign has been organized across the state at the district level as a pioneering initiative.

SOURCES:

The Constitution of India
The Indian Penal Code
Action Research on Trafficking in Women and Children, NHRC
National Crime Records Bureau report
ECPAT International

COUNTERING TRAFFICKING

PREVENTION, RESCUE & REHAB

THREE P'S

To fight trafficking
Prosecution
Protection
Prevention.

THREE R'S

A survivor-centered approach
requires
Rescue
Rehabilitation
Re-integration.

If trafficking in persons is a complex phenomenon, countering it requires a composite, multi-pronged response which encompasses both prevention at the very doorstep of those vulnerable to trafficking as well as rescuing the affected, restoring their well being, rehabilitating them and if they agree to it, working towards their re-integration and repatriation.

Trafficking is a violation of all human rights of a person. It becomes mandatory that their rehabilitation takes cognizance of their rights and choices. The focus today is on shifting from the welfare approach to a rights based approach in dealing with survivors of trafficking as well as those infected with HIV.

Whether it is to judge the susceptibility to trafficking, or planning strategies to combat it, one has to take into account many proxy indicators. From looking at missing persons' data, working on the demand side as well as on the hype about sex and the fear of HIV, opening up sensitization channels with the clients, middlemen and traffickers, all go hand in hand.

At the psychological level, working towards breaking the myths created by a lack of knowledge is equally pivotal in preventing trafficking and creating better acceptance levels in the society and allowing successful repatriation and rehabilitation. Stigma kills.

PREVENTION

Prevention of trafficking in the source areas requires a wide range of strategies. Educating and empowering the women and children, making them pointedly aware of the dangers of trafficking, acquainting them with profiles of probable traffickers and situations conducive to trafficking, spreading this awareness at the community level, all can go a long way in curbing trafficking in persons.

PREVENTION AT SOURCE

Some simple strategies that can help curb trafficking at source:

Information booths on trafficking and HIV in host communities

Providing information on safe migration procedures

Vigilant squads that prevent trafficking

Addressing issues of gender disparity

Mainstreaming HIV and trafficking issues in health services

But above all, the poverty scenario needs to be tackled. Reaching the benefits of economic growth to the source areas, creating work opportunities right in the source areas can put a stop to migration that is undertaken as distress relief.

Factors that create vulnerabilities for trafficking and HIV are the same, which means that interventions could simultaneously address both. However, currently, there is little integration between HIV and trafficking interventions. There are several interventions on HIV but they are often limited to giving information, condom supply and referrals for treatment of STIs. Very few of these address trafficking issues as part of the intervention.

In this context, it is important to look at empowerment of women and sensitization of men. Be it prevention of trafficking at source or rescue and rehabilitation of survivors, awareness generation, vigilance, and learning about safe migration, breaking the myths about trafficking, better enforcement of the law and better medical care, all are equally crucial.

SAFE MIGRATION

Migrating in search of better life, better opportunity is a matter of choice. Yet, if this migration can be made safe, the chances of getting trafficked reduce substantially.

Migration itself does not lead to trafficking but trafficking often happens in the process of migration. Yet trafficking is so clandestine that it is difficult

SOME OF THE STEPS THAT THE GOVERNMENT OF INDIA HAS TAKEN TO COMBAT TRAFFICKING IN PERSONS.

- Drawn up a National Plan of Action 1998.
- Constituted a central Advisory Committee to combat trafficking and to rescue and rehabilitate victims of trafficking and commercial sexual exploitation, and to activate legal and law enforcement systems to strengthen implementation of the ITPA
- Set up state advisory committees on trafficking, devolving authority to states and seeking to mobilize greater state resources in the fight against trafficking.
- Issued guidelines to states for effective implementation of the plan of action.
- Notified CBI officers of the level of inspector and above to investigate inter-state trafficking.
- Reviewing the legal framework.
- Resolved to implement the Global Code of Ethics for Tourism which prohibits exploitation of children for purpose of sex tourism.
- Spearheading active advocacy and research along with CSOs.
- At the level of prevention many employment schemes are targeted at combating poverty and economic distress in the source areas. E.g. the Swaran Jayanti Shahri Rozgar Yojna and the Swaran Jayanti Gramin Rozgar Yojna.
- SWADHAR is a scheme to provide shelter, counseling, medical assistance and vocational training to rescued victims among women in difficult circumstances.
- The DWCD has formulated a model grant-in-aid scheme to assist NGOs to combat trafficking in source areas, destination areas and for rescue and rehabilitation.

Source: DWCD

SOME CHALLENGES

TACKLING TRAFFICKING IN THE SUB CONTINENT:

Prevention: In the border areas, language proves to be a barrier to prevention efforts.

Rehabilitation: When it comes to the rights of the child, initiatives often do not take into account the choice the child wishes to exercise, i.e., in many cases she does not want to go back.

Rescue: A structured rescue program is required.

Repatriation: A problem exists with the repatriation of girls trafficked across national borders in the sub continent as they have similar features.

Re-integration: There is a lack of social acceptance of Trafficking survivors for reasons such as poverty and social pressures on the family, unmarried sisters etc.). An unstable family environment could lead to survivors being re-trafficked.

to intercept it on the way. There is no available profile of a trafficker. The trafficker could be a relative, a husband, a lover, even a female relative – a middleman or a middle-woman, a madam.

The laws have many loopholes. The trafficking routes within the country and across the porous borders keep changing. The push and pull factors have their own dynamics and migration, after all, is a right, a matter of informed choice.

Safe migration requires preparedness and community support. Safe migration is about making informed choices. Individual migrants and communities can be made aware of the possibilities and pitfalls of migration. They should be urged to make enquiries, get contacts in the new environment, get the right paperwork and information about what they need to do once they are in big cities. Safe migration automatically pre-empts trafficking.

■ RESCUE, REHAB & RIGHTS

Field research from nine countries shows the great harm suffered by people used in sex work, 89 per cent of people being used in sex work want to escape. Sixty to 75 per cent of women in sex work have been raped, 70 to 95 per cent have been physically assaulted, and 68 per cent met the clinical criteria for post-traumatic stress disorder. (TIP2005)

The UN Commission on the Status of Women has highlighted the need for more action as it asked for eliminating demand for trafficked women and girls. This was the first UN resolution focused on eliminating demand, and, importantly, it acknowledged the link between commercial sexual exploitation and trafficking.

International organizations, governments and civil society organizations have an important role to play in drying up the demand for trafficking in persons as well as in rescuing and rehabilitating its victims.

Of all the groups of trafficked persons, sex workers are one of the social groups least protected by laws, most harassed by law enforcement agencies and most discriminated against within their own communities. They report widespread and brutal harassment at the hands of the police. They stress that as long as soliciting and sex work remain criminal offences they will remain vulnerable to harassment.

Police conducts raids as per law, rounds up sex workers for soliciting etc. and often lands them in protective homes, especially in the case of children. These homes are often confining environments with a mandate to equip the inmates for restarting their lives. These women and children are often repatriated to their homes. However, the rescue, rehabilitation as well as the repatriation is conducted as per policy, as part of a welfare approach.

Activists are asking for a rights based approach when it comes to rehabilitation of the survivors of trafficking. A rescue need not be forced on a sex worker. Her opinion needs to be sought. Similarly, repatriation should be her choice.

Yet, medical treatment for her problems, teaching her skills and helping her cope with her psychological traumas, should be made available to her at her doorstep.

The general approach towards HIV too has been welfare oriented. Most interventions focus on behavior change and HIV prevention and providing care to those living with HIV. This needs to change with an equal emphasis on the human rights issues of PLWHA.

Additionally, a multi-sectoral approach needs to be developed involving different government ministries as well as the corporate sector to address trafficking and HIV/AIDS.

It has been recognized that both HIV/AIDS and trafficking are development issues that need an integrated response to reduce the dual vulnerabilities of women and girls. Though a lot is being done to address the issues of HIV and trafficking, there are still no integrated approaches that view the linkages between the two issues. Moreover, there have been limited attempts at the state level to mainstream HIV/AIDS and trafficking into government programs.

The approach to address both HIV/AIDS and trafficking in the state is largely welfare oriented without a rights based framework. Most initiatives target women and girls as beneficiaries.

It is important to understand the needs of trafficked survivors, including those living with HIV and AIDS, recognize the need for their collectivization in their healing, empowerment, rehabilitation and reintegration. Collaboration regarding rehabilitation can include information sharing about missing persons, sharing of resource persons for training, capacity building and sensitization, in working together on community and home based care in source areas where they are retreated and establishing trafficking survivors' networks.

DWCD should take the initiative. Cross-border trafficking cannot be prevented and dealt with, unless the law enforcement agencies network with the civil society on both sides of the border. Moreover, there is a need for setting up regional cooperation, and bringing in regional protocols.

SAPAT (South Asian Professionals Against Trafficking) and SAFAHT (South Asian Forum Against Human Trafficking), which have been set up under the initiative of UNIFEM, can be important instruments in this context.

Research shows that among the CSOs working in anti-trafficking, there is a lot of duplication of efforts and consequent wastage of resources and efforts.

IDEAL ROLE OF MEDIA IN REHAB

Media – both entertainment and news – an effective tool for communication

Bring to light the complexities involved in trafficking issues

Give **pro-active positive messages** – gender equality, CRC, rights based issues, accepting HIV etc

Create awareness

Government, CSOs and people take initiative towards checking trafficking and work towards safe migration, health issues and human rights
Ripple effect of awareness generation

Equal opportunity, reduction in trafficking, better re-integration and rehab.

SAFE MIGRATION

Safe migration requires preparedness both pre- and post-departure.

Pre-departure refers to the time when a migrant worker makes the decision to migrate, during recruitment and before leaving.

Post-departure, the journey or the transit

Post-arrival is when a migrant worker arrives in the host environment and begins to cope with this new world.

Re-integration – when a migrant worker returns to her roots either willingly or after deportation and begins to re-adjust.

In many cases, re-integration is often followed by migration once again.

At times unhealthy competition also causes duplication. Synergizing efforts and responses would be in the best interests of all concerned.

Specialization is called for, to improve professionalism. UN agencies have sponsored several research projects in the South Asia region, for a more comprehensive understanding of the dimensions of trafficking.

ACTUAL AND IDEAL SITUATIONS IN THE CASE OF SURVIVORS

POLICE

ACTUAL

Round up sex workers during raids, disrespect, forcefully take away their belongings, physical and verbal abuse, do not let them live with their children, asking survivors dirty questions, lack of compassion and cooperation.

IDEAL

More supportive, sensitive, gentle, facilitating counseling, ensuring proper medical examination and age verification, sympathetic behavior

GOVERNMENT SHELTER HOMES

ACTUAL

Victims mentally and physically tortured, even assaulted, exploited by power brokers, bad behavior of staff, lack of proper counseling, control on movement.

IDEAL

Protection, making survivors independent, safety, sympathetic attitude from staff, proper counseling and medicare.

CSO SHELTER HOMES

ACTUAL

Rude behavior, charitable attitude, fast restoration to avoid responsibility often leading to re-victimization.

IDEAL

Friendly, normal behavior, responsible attitude, family identification and sensitization before restoration, life skills training, job opportunity, leadership training, holistic re-integration.

■ COUNSELORS

ACTUAL

Judgmental, not sympathetic, try to motivate victims to benefit interests of the organization, traumatizing the survivor further by repeatedly making her remember the past.

IDEAL

Empathy, proper counseling to reduce her trauma, respecting the human rights of survivors, making her more aware about them, create trust and a sense of belonging, counseling her family

■ LAWYERS & JUDGES

ACTUAL

Violation of all human rights.

IDEAL

Quick legal support, give victim justice, give extreme/proper punishment to the culprit, compensation to victim, re-integration and socialization, evidence-based witness/trial, protect rights, decision making opportunities, choice.

■ DOCTORS

ACTUAL

Disrespect, do not take care of survivors.

IDEAL

Should respect the survivors like other citizens.

SOURCES:

Ten states study, UNDP

TIP 2005

COUNTERING TRAFFICKING

TAHA - A COMPLETE PROJECT

Adopting an innovative approach, the UNDP-TAHA project combines issues related to trafficking in persons with HIV/AIDS and provides a development response.

The Prevention of Trafficking, HIV and AIDS in Women and Girls or the UNDP- TAHA project was launched as a pioneering prevention and care project in August, 2005 in New Delhi. It was designed to address the increasing incidence of trafficking of women and children in India and their risks to HIV infections.

Developed as a comprehensive solution to mitigate the dual vulnerabilities to HIV and trafficking, it is also aimed at ensuring that the issues connected to trafficking and HIV/AIDS find a place in the mainstream planning processes and find sustainable responses.

ABOUT THE PROJECT

The UNDP-TAHA project emerged out of the experiences of the UNDP Regional HIV and Development Program in consultation with the National AIDS Control Organization (NACO), the Department of Women and Child Development (DWCD), a range of CSOs and the media, as a concrete response to the issues relating to trafficking and HIV.

Trafficking in persons is traditionally considered a crime issue and HIV/AIDS as a health problem. The UNDP-TAHA project is designed as a comprehensive development response to the twin problem.

Adopting an innovative approach, the project combines issues related to trafficking in persons with HIV/AIDS and provides a development response. It promotes integrated multi-sectoral solutions aimed at tackling the menace of trafficking on all fronts, at all levels.

TAHA OBJECTIVES

- * Prevention of trafficking, HIV/AIDS and unsafe mobility
- * Rights based survivor program for PLWHA and trafficked survivors
- * Advocacy for multi-sectoral and multi-level responses.

From promoting safe mobility to empowering women and children, the project aims at covering the ground in its entirety. It operates at the national, state, district and the panchayat level and looks at interventions at various points from prevention of trafficking to rehabilitation of survivors using a fresh methodology rooted in rights based, gender sensitive, composite programming aimed at all the related sectors – police, judiciary, government, CSOs and the PLWHA and the media. Its programs touch areas from knowledge generation, community based prevention, rights based rescue, working towards creating an enabling environment for repatriation, re-integration and rehabilitation as well as advocacy for improving policy and sustained development.

The project was launched with a sensitization cum orientation workshop on trafficking and HIV that was attended by policy makers, representatives of the central and state governments, UN representatives, eminent experts, national level CSOs and individuals from networks of trafficked survivors and people living with HIV/AIDS.

Planned for a duration of five years, the TAHA project will be implemented in two phases. The first phase of the project, February 2005 – January 2007, is being implemented in 11 states – Andhra Pradesh, Bihar, Delhi, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu, Uttar Pradesh and West Bengal. The states were selected on the basis of HIV prevalence, the situation of trafficking and population mobility, existing vulnerabilities and responses and the presence of DFID which is funding the initiative.

Learning from the results of the first phase, the project will be scaled up with additional resources for the next three years as part of the National AIDS Control Program Phase Three (NACP-III).

The TAHA project has three clear cut objectives – prevention of trafficking, HIV/AIDS and unsafe mobility; rights based survivor program for PLWHA and trafficked survivors, and advocacy for multi-sectoral and multi-level responses.

How does one work towards preventing trafficking and the spread of HIV, at the very source? The TAHA project plans to generate an enabling dialogue with the community, promote life skills and livelihood options for vulnerable communities, and work through grassroots organizations to promote safe mobility, awareness generation and sensitization.

A rights based approach to rescue and rehabilitation envisions an affected person asking for rescue, rehabilitation or re-integration. The TAHA project aims at enabling her thus through peer educators (persons who have come out of a similar situation and are now set to help others) and other activities. Creating psycho-social support, counseling, minimum standards of care and support, life skills to PLWHA and trafficked survivors, support networks, access to treatment and care and safe spaces, are some of them. Advocacy for creating a more enabling environment is the third goal of TAHA. It includes



leadership development, advocating for gender sensitive policies and laws on HIV/AIDS and trafficking, media campaigns, communication strategies and E-groups, partnerships, coalition and public hearings.

THE IMPLEMENTATION

The project will be implemented through a countrywide institutional arrangement, through nodal bodies and CSO partners. the TAHA national Project team is the apex body that works in coordination with the National Program Steering Committee comprising the leadership from NACO, DWCD and support from DFID, UN and national level CSOs and a technical resource group. The 11 states included in phase-I have created State Program Management Units (SPMUs) placed in the State AIDS Control Societies (SACSs) to coordinate the program at the state level.

The TAHA program plans to take this initiative to the district and village level as well to the policy making level with the help of five partners.

1) THE NEHRU YUVAK KENDRA SANGATHAN (NYKS) with 181,000 clubs and eight million youth volunteers countrywide, is one of the largest youth networks worldwide. it will reach the program to the vulnerable persons at their doorstep. From setting up surveillance groups, to maintaining registers for migration, missing persons, deaths, birth and marriage, to condom promotion to setting up information centers on safe mobility, NYKS' village level groups will take on the issue of trafficking and HIV at the very grassroots.

2) Trafficking and HIV issues will be part of the NATIONAL LEGAL LITERACY MISSION and other programs of the NATIONAL LEGAL SERVICE AGENCY (NALSA). It will work on sensitizing the judiciary and also create a legal working manual on trafficking and HIV related issues.

3) A partnership has been forged with NIS-SPARTA to train and sensitize 35,000 police personnel in five states.

4) THE PARTICIPATORY LEARNING AND ACTION (PLA) initiative is aimed at collecting data 'with' the community and building a rapport with a community leading to action. It is envisaged as the largest such exercise in India related to trafficking and HIV/AIDS.

5) The HIV and Human Development Resource Network (HDRN) implements Leadership for Results programme (L4R), media sensitization, development of manuals and CSR initiatives for the UNDP-TAHA projects.

THE UNDP-TAHA PROJECT

AIMS AT

- Reducing vulnerability by addressing underlying causes within a participatory, rights & gender sensitive framework.
- Social, economic & political empowerment of women and girls for prevention and protection.
- Multi-sectoral programming to address both demand and supply aspects of trafficking.
- Capacity development and information exchange.
- Evidence based planning, advocacy and implementation.
- Induction of trafficking and HIV within policies and programs for sustainability.
- Public-private partnerships
- Strengthening networks and alliances for supporting policy environment

TO

- Combat trafficking at source
- Ensuring safe mobility
- Ensuring rights based rescue, rehab & re-integration of trafficking survivors and PLWHA.
- Ensuring mainstreaming of trafficking and HIV issues.

TAHA POSITION PAPER

ON PROGRAMME IMPLEMENTATION (2005-2007)

Supported by NACO, DWCD and DFID: Implemented in partnership with more than 70 local and national partners in 11 states of India.

UNGASS Political Declaration: “We, heads of State and Government and representatives of States and Governments participating in the comprehensive review of the progress achieved in realizing the targets set out in the Declaration of Commitment on HIV/AIDS on 31 May and 1 June 2006 and the High-Level Meeting on 2 June 2006;

(SECTION 31) Commit to strengthening legal, policy, administrative and other measures for the promotion and protection of women’s full enjoyment of all human rights and reduction of their vulnerability to HIV/AIDS through the elimination of all forms of discrimination, as well as all types of sexual exploitation of women, girls and boys, including for commercial reasons, and all forms of violence against women and girls, including harmful traditional and customary practices, abuse, rape and other forms of sexual violence, battering and trafficking in women and girls;”

All of us in the UN system are committed to making the UNGASS declaration a reality.

Relevant Millennium Development Goal (MDG): Goal 6 – Combat HIV/AIDS, malaria and other diseases

Relevant India Development Goal (10th 5 year Plan): All HIV/AIDS related targets within the Tenth Plan Period. 80% awareness among the general population in rural areas. Achieving zero level increase of HIV/AIDS prevalence by 2007.

■ FRAME OF REFERENCE OF THE TAHA PROJECT:

1. This project situates trafficking within the 'HIV & safe mobility' framework.
2. TAHA is mindful that while Safe Migration is a right, Trafficking is a violation of rights.
3. TAHA has been conceptualised within the Rights Based Framework.
4. In its current phase, TAHA is committed to developing models for a long term response to HIV.
5. TAHA is implemented in partnership with those most vulnerable to HIV and those most affected by the epidemic.
6. TAHA is cognisant of the fact that all trafficking makes the trafficked person vulnerable to sexual exploitation, and hence vulnerable to HIV.
7. TAHA firmly believes that all sex workers in India are not trafficked persons.
8. TAHA firmly believes that sex workers' struggle for dignity and safety makes them a key partner and ally in our anti-trafficking activities.
9. TAHA locates all its activities from the human development perspective.
10. TAHA is providing its partners a space to learn about and implement the next generation of HIV interventions and strategies.

■ KEY STRATEGIES OF TAHA:

- a. TAHA addresses intersecting, underlying development related causes of HIV and trafficking.
- b. TAHA will bring together a range of sectors into a partnership towards one goal. Partners range from the police and judiciary, from youth organisations to PLWHA networks, media and panchayat leaders, members of parliament and legislature to sex workers groups, among others.
- c. Addressing issues of gender and economic disempowerment are key strategies of TAHA.
- d. TAHA works towards strengthening an enabling policy environment that addresses the underlying vulnerabilities to trafficking and HIV.
- e. TAHA is strengthening existing govt and non govt structures and systems in order for them to respond to HIV and trafficking in a more comprehensive way.

LOG FRAME & ACTIVITY PLAN OF TAHA

31 MARCH 2006 - 31 MARCH 2007

GOAL	INDICATORS
Contribute to the creation of an enabling environment for reducing incidence of trafficking and related HIV infections among women and children in India	<ul style="list-style-type: none"> ■ Trafficking & HIV issues mainstreamed in Govt and CSO strategies ■ Responsive systems created for reduction in incidence of trafficking and ■ HIV in women and children
PURPOSE	
Reducing vulnerabilities to trafficking and HIV among women and children in selected districts of 11 States of Bihar, WB, UP, Kerala, Maharashtra, TN, MP, AP, Delhi, Gujarat, Orissa)	<ul style="list-style-type: none"> ■ Trafficking & HIV vulnerability reduction plan developed in at least 5 project states ■ Increased livelihood opportunities for women in the project areas ■ Increased visibility about HIV and trafficking related issues in the media ■ Increased visibility of trafficked survivors and those affected by HIV among them
<ul style="list-style-type: none"> ■ OUTPUT 1 - Improved systems and support mechanisms at different levels of governance for both prevention of trafficking as well as care/support services for those already trafficked and those trafficked who are living with HIV. 	<ul style="list-style-type: none"> ■ No. of sustainable partnerships at different levels ■ Operationalisation of model service delivery points (including care and support services) in at least 5 states ■ No. of functional community based surveillance groups established ■ No. of innovative breakthroughs (both L4R related and otherwise) at various levels ■ No. of PLHA and trafficked survivors' groups strengthened
<ul style="list-style-type: none"> ■ OUTPUT 2 - Increased access to a range of relevant and accurate information about trafficking, HIV and available services 	<ul style="list-style-type: none"> ■ Data & Knowledge generated on trafficking & HIV related issues ■ Information Centers established at different levels ■ No. of person accessing service/information delivery points ■ Participatory Gender & Rights Based Methodologies operationalized through 6 AR/OR projects on trafficking and HIV/AIDS
<ul style="list-style-type: none"> ■ OUTPUT 3 - Increased access to livelihood options for vulnerable/trafficked 	<ul style="list-style-type: none"> ■ No. of vulnerable/trafficked provided with livelihoods opportunities

ACTIVITIES FOR OUTPUT - 1

Improved systems and support mechanisms at different levels of governance for both prevention of trafficking as well as care/support services for those already trafficked and those trafficked who are living with HIV

Formation & Operationalisation of anti-trafficking cell in at least 3 states	DWCD		
Women & Child desk in police stations in at least one state	DWCD		
Capacities building of Short Stay/SWADHAR Homes for enhanced care and support service	DWCD	NGOs	
Strengthening GIPA initiatives & trafficking survivors' groups	INP+	HDRN	NGOs
Activation/strengthen surveillance committees/block & district coordination committees in all states	NYKS	NGOs	
Report on migration, trafficked and missing persons in selected districts in 10 states	NYKS	NGOs	
Increasing community preparedness to accept and help in reintegration of trafficked survivors and HIV+ (stigma reduction)	NGOs	NYKS	
Setting up state level help lines in at least 5 states	NGOs		
Formulating surveillance teams at brothels to stop minors girls	NGOs		
Model project on safe migration using ICT in two states	NGOs		
Innovative interventions in partnership with local charities & communities - e.g. marriage fund, grain bank, etc	NGOs		
Providing relevant and sufficient psycho-social support to trafficked persons and those among them who are HIV positive	NGOs	SPMU	
Model interventions for trafficked's children in terms of their enrolment in schools, recreational activities, information building on trafficking and HIV, resources mobilization for their children's education, mobilizing them into advocacy group to voice their own and mother's concern.	NGOs	NYKS	NGOs
Advocacy workshops/meetings with Parliamentary Standing Committees, Young M.Ps/M.L.A.s etc.	NALSA	NYKS	
Organize nation wide advocacy/awareness campaigns (e.g. signature, wall/slogan writing etc.) in all the project states involving concerned stakeholders - (not just during world AIDS Day)	NALSA		
Sensitize and equip more than 5000 judicial officers in all project states at different levels	NALSA		
Strengthening 300 women and children protection units under district judge in all project states	NALSA		
Sensitization/training cum advocacy workshops with 30, 000 police in 5 states	NIS		
Mainstreaming HIV and trafficking in extension programmes of universities, judicial academies, law schools and media schools, etc	NALSA	TAHA	
State Project plans developed in at least five states, in conjunction with the national plan	TRT+ SPMU	TAHA	
Leadership for Results(L4R) At least 8-10 break through initiatives achieved in each state with a main focus on HIV & Trafficking; Small groups formed at the state level to focus on prevention, care, stigma & discrimination related issues and rehabilitation of persons trafficked and living with HIV/AIDS; Documentation & Compilation of break through initiatives; Creation of multiplier effect at the district levels.	HDRN	TAHA	
Curriculum modification of govt training institutes to include trafficking and HIV at different levels	TAHA		
Review of the National level policies, legislation and plan of action for mainstreaming and advocacy	TAHA		
Review of the National level policies, legislation and plan of action for mainstreaming and advocacy	TAHA		
National level consultation for mainstreaming HIV/AIDS and trafficking in different polices/ programmes	TAHA		
Regional country workshops on cross- border trafficking /networking /coordination/ exchange programme	UNDP		
National meeting to disseminate findings and results/next steps	UNDP		

ACTIVITIES FOR OUTPUT - 2

Increased access to a range of relevant and accurate information about trafficking, HIV and avai

Collate relevant trafficking/HIV related service directory at the state and dist levels.	SPMU		
Participatory action research on mapping of trafficking, cause etc. in four project states	RCPLA		
Creation/update of National/State Resource Centre/Clearing House	TAHA		
Creation/strengthening of Cluster Resource Centres in project states	NYKS	NGOs	
Creation of web based resource centre on trafficking & HIV	TAHA	HDRN	
Development of communication strategy/tools for different stakeholders	TAHA		
Implementation of the above communication strategy - will include TV spots, a multimedia tool, street newspaper, TAHA newsletter etc	HDRN		
On-line training and orientation made available to a range of stakeholders.	HDRN		
Intensive work with the print and electronic media	HDRN		
Toolkits, Media awareness training packages, advocacy packs for Corporates, films and posters developed and disseminated.	HDRN		
Enhancing corporate social responsibility through advocacy and technical support to various corporation in prevention and rehabilitation initiative	HDRN		
Establishing 1500 model information centers on safe migration, condom promotion, & referral services	NYKS		
Strengthening/developing at least one model comprehensive service delivery point in 5 project states	NGOs		
Model interventions using specific BCC tools (e.g. peer education strategy) for highly vulnerable groups like sex workers and their clients	SPMU	SACS	NGOs
Increase vulnerable group's access to services (health care, education, PDS system, water and sanitation services, health and life insurance, IAY, SGSY, Pension) etc	SPMU	NGOs	

ACTIVITIES FOR OUTPUT - 3

Increased access to livelihood options for vulnerable/trafficked

Develop and implement strategies for bringing govt employment schemes to women and families in need of employment	SPMU	NYKS	NGOs
Develop and implement direct referral mechanisms for women and families in need of financial assistance, to access credit and thrift facilities, micro enterprise capacities and existing mechanisms among NGOs and GOs	NGOs	DWCD	
Models of innovative, both non-skill and skill intensive income generating programmes in selected sites - e.g. recycling paper, multipurpose rickshaw with a WLL phone, HIV messages, with the owner trained in counseling, information dissemination etc, labour bank, tourism, hospitality industry, and other local trades	NGOs	NYKS	HDRN CSR Initiative

TAHA PARTNERS



National AIDS Control Society (NACO)

Nodal organisation for formulation of policy and implementation of programs for prevention and control of HIV/AIDS.

<http://www.nacoonline.org>



Department of Women and Child Development (DWCD)

A part of the Ministry of Human Resource Development, DWCD was set up to give the much needed impetus to the holistic development of women and children in India.

<http://wcd.nic.in>

NEHRU YUVA KENDRA SANGATHAN

Nehru Yuva Kendra Sangathan (NYKS)

The objectives of NYKS, an autonomous body of the Ministry of Youth Affairs and Sports, includes utilization of its large network of youth clubs for development and promotion of programmes in priority sectors such as employment generation, literacy, family welfare, environment conservation, national integration, gender equality and women's empowerment.

<http://www.nyks.org>



NIS-SPARTA

NIS Sparta Ltd., one of Asia's largest performance enhancement solutions provider, offers a range of performance enhancement training and learning solutions aimed at increasing an organisation's productivity and performance.

<http://nissparta.com/index.htm>



Resource Centres for Participatory Learning and Action (RCPLA)

The RCPLA network is an alliance of seventeen different organisations from around the world, that strives to promote the empowerment of the disadvantaged through participation in their own development.

<http://www.rcpla.org/index.html>



Shakti Vahini

Shakti Vahini is an NGO active in the development sector specialising in human rights, women and child issues, and human trafficking.

<http://www.shaktivahini.org>

National Legal Services Authority

National Legal Services Authority (NALSA)

National Legal Services Authority is the apex body constituted to lay down policies and principles for making legal services available to eligible persons, including victims of human trafficking, and to frame the most effective and economical schemes for legal services. It also disburses funds and grants to State Legal Services Authorities and NGOs for implementing legal aid schemes and programmes.

<http://causelists.nic.in/nalsa>

State AIDS Control Society (SACS)

State-level organisations entrusted with the task of implementing the National AIDS Control Programme in India.

<http://www.nacoonline.org/states.htm>



HIV and Human Development Resource Network (HDRN)

HDRN is a not for profit organization supported by the UNDP Regional HIV and Development Programme and the Indian Network for People Living with HIV/AIDS (INP+) to provide a range of 'state of the art' programmatic and technical services and support to development agencies.

<http://www.hdrn.org>

UNDP- TAHA Project

Final list of selected organizations

■ UTTAR PRADESH

1. Gorakhpur Environmental Action Group
(4 districts)
2. BETI Foundation
(6 districts)
3. Self Employed Women Association(SEWA)
(3 districts)

■ UTTAR PRADESH/DELHI

1. Shaktivahini
(2 districts | two states)

■ MAHARASHTRA/BIHAR/MADHYA PRADESH

1. Development Alternative (DA)
(21 districts in three states)

■ WEST BIHAR/UTTAR PRADESH/BIHAR

1. PLUS

■ DELHI

1. Mamta Health Institute for Mother and Child
(3 districts)
2. STOP
3. Anchal Charitable Trust

■ WEST BENGAL

1. WIF (ATSEC-WB)
2. Durbar Mahila Samanwaya Committee
3. OFFER

■ MAHARASHTRA

1. Saheli (a network of CSW)
2. Prerna
3. Priyadarshini Gramin & Adivasi Seva Bhai Sansthan
4. Rashtrasant Tukdoji Maharaj Tantra
kshikshan Sanstha

■ BIHAR

1. Bihar Gramin Jagrota Abhiyan Samiti
2. Jan Jagran Sansthan
3. Sewa Sankalp Evam Vikas Samiti

■ MADHYA PRADESH

1. CECOEDECON
2. Arambh

■ ANDHRA PRADESH

1. Association for Rural development and action re
search (ARDAR) for 3 districts
2. SEEDS
3. LMSSS
4. SNIRD
5. BDS



40 thousand **MONEY** 10 rupeesX24X365XPainXTortureXAbuse



betrayal lured crime 21st century slaves
bondage violation pain
bondage violation pain
bondage violation pain
bondage violation pain

THE MEDIA MANUAL



Medium is the message

-Marshal McLuhan



HAVE YOU SEEN THIS CHILD?
THE CHILD IS MISSING.
HER PARENTS ARE ANXIOUS.
KINDLY HELP THEM TO TRACE...

**CHANGE HER
WORLD**

HER WORLD LET HER DOWN
HER WORLD HAS TO BE
CHANGED
TO
FIRST NEVER LET HER GO
AND THEN
TO TAKE HER BACK WITH
OPEN ARMS



The night breeze had pushed the window open

A ray of light wakes me up

The patch of sky outside the window beckons

The air inside the room chokes

It stinks of all those men,

Wash me

Clean me

Bathe me fresh

Teach me something else to do

Help me hold my head up once again.

FIRST LIGHT

“not *her* real name...”

Each time we read this line in a newspaper article or hear it on the electronic media, it catches our attention. But does it ever bother us? Does it make us uncomfortable? Why would a person not want to be known by her real name, want to hide herself from the world? Why would a media person mandated to tell the truth, agree to do so? Has she done anything wrong, or, could she be the wronged one? Somewhere in our hearts, don't we really want to know why?

Its time to break the taboos, comprehend the wider picture and tell the big story while maintaining her dignity, her right to remain silent, her choice to remain anonymous.

HOW MANY OF THEM COULD BE SCARRED
EMOTIONALLY AND MEDICALLY BY NOW?

THE QUESTIONS
ARE MANY.

Its time to look for the answers and to reconstruct the big picture that allow all this to happen.

This media manual delineates the role of the media when it comes to reporting about and countering trafficking and the HIV/IDS epidemic.

The aim of the manual is dual – to sensitize the media into better reporting about trafficking and HIV/AIDS and urging them to take a pro-active approach and become partners in countering the twin problems.

The media manual aspires to be a ready tool to facilitate more sagacious writing and reportage about trafficking in persons and the related

issues including the linkages with the spread of HIV/AIDS.

The attempt is to get the media on board while campaigning for an end to trafficking in persons, changing the gender-poverty equation and social attitudes that prompt it as well as to turn the media into a agent of social change that will allow for the survivors and PLWHA to be rehabilitated and re-integrated in their environments.

And above all, to harness the power of the media as an agent of social change, to empower those affected by trafficking and HIV/AIDS, and to make reportage enabling for those vulnerable to trafficking as well as the survivors.

It is not that the media professionals do not care or are not equipped to present sensitive, eye-opening stories to their audiences, yet some ready-to-use material can be handy in the unrelenting race to the deadline.

As is often the case, the nuances of a scenario as complicated as trafficking in persons and its linkages with HIV/AIDS, go unreported or under-reported. Yet these very complexities offer scope for reporting of all genres - from crime reporting to women's issues, to investigative journalism and discussions on policy issues that merit editorial comment as well.

Therefore, the need to communicate with the communicator.



The Written Word

LOADS OF INFO BUT NOT MUCH PRESS

ELECTRONIC MEDIA

NOT MUCH COVERAGE NO CONNECTIONS

LOADS OF INFO BUT NOT MUCH PRESS

NEWS & INFOTAINMENT

NO FOLLOW UPS

INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY INTERNET PORNOGRAPHY

SEX

MAXIMUM PLAY M.I.S.S.I.N.G.L.I.N.K.A.G.E.S

THE MOVIES

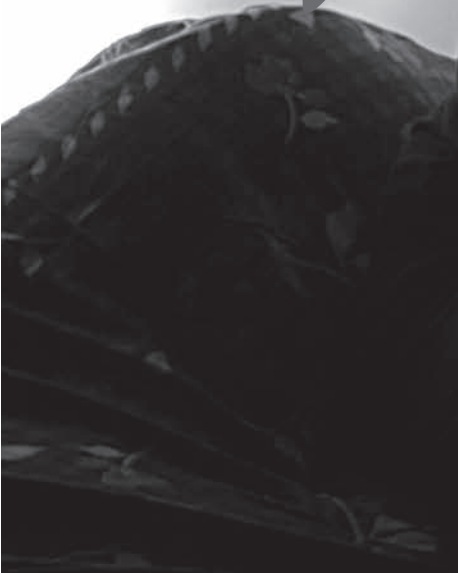
LOADS OF INFO BUT NOT MUCH PRESS

NO FOLLOW UPS

ELECTRONIC MEDIA

NEWS & INFOTAINMENT NEWS & INFOTAINMENT NEWS & INFOTAINMENT NEWS & INFOTAINMENT NEWS & INFOTAINMENT NEWS & INFOTAINMENT NEWS & INFOTAINMENT NEWS & INFOTAINMENT NEWS & INFOTAINMENT NEWS & INFOTAINMENT

SEX NETWORK GETS MAXIMUM PLAY



THE MEDIUM & THE MESSAGE

CONTENT ANALYSIS

■ MARCH 3, 2006 WORLD SEX WORKERS' DAY.

Sex work is easily associated with both trafficking in persons and HIV/AIDS.

A seminar is held in the capital attended by the Minister for Women and Child Development.

Sex workers go and meet her in the DWCD.

Net coverage in the national press in New Delhi – one picture of the minister hugging a sex worker in one leading daily and no accompanying report.

Was it so just because the US President George W Bush was in town that day? Or was it general apathy.

Content is at the center of the relationship between the media industry and the media audiences. Content analysis forms a crucial aspect of this media handbook as it tries to understand the media and why it responds in the way it does. It is best used as part of the research approach that examines the media's perceptions of the trafficking scenario and the bottlenecks it comes up against when it sets out to produce stories on the subject.

This content analysis covers media in all its diverse forms that are the top opinion makers of the day. The content analysis includes both form and content of the reportage on trafficking in persons to build the larger picture

of the media's response to trafficking related issues or the lack or inadequacies of the same. It dwells on the nature of the stories, their treatment, tenor and sensitivity among other things.

■ REPRESENTATION / RE-PRESENTATION AND 'REALITY'

An appreciation of how and why we should analyze media content is important for a number of key reasons. First, media content is a powerful means of understanding the society it covers. For example, how are the vulnerable sections represented in a media setting? How do the media construct the connections between the various aspects of the problem?

Second, while media content does not equate with social reality, it is essential to examine 'how' media content represents, or more accurately re-presents, the realities involved in social, economic and political relations.

Given the apparent shrinkage of media content of a more critical nature – owing in no small part to the growing commercialization and conglomeration, the issue is particularly germane. Whose version of 'reality' do we mainly see or hear about in a media setting? Does the predominance of a hegemonic discourse about class, ethnicity and gender have a bearing on what the audiences believe about their social world?

In this regard it was essential to ask some critical questions when covering a situation as wide-spanning and complicated as trafficking in persons and the spread of HIV/AIDS.

What does the media content tell us about the unequal relationships of power in this scenario?

What discourses or ethics and standards are employed in order to tell the story?

What aspects of the problem do they highlight?

What aspects do they ignore?

How do particular forms of media content shape/reflect public opinion and public policy?

How and why have particular forms of media representation about the scenario changed over time?

OBJECTIVES OF THE MEDIA CONTENT ANALYSIS

- Trends in coverage
- Evaluation of content
- Input for TAHA / advocacy strategy

Analyzing media content has always been contentious. To start with, the audience itself is a rather un-definable quantity. And if audiences are active agents in the construction of meaning why bother to analyze content? But the influence and power of media matter. They matter because they shape public beliefs and behavior.

While the news media often represents the ‘social reality’, media in general is known to re-present a ‘hyper-reality’ for its audiences. Yet the very selection of subjects and sources, tailors the content in insidious ways.

Content analysis is typically used to identify the intentions and other characteristics of the communicators, detect the existence of any latent propaganda or ideology, even the total lack of it, reflect cultural patterns of groups, reveal the foci of organizations and describe trends in communication content.

Two types of content analysis - quantitative and qualitative – are used within the field of media research. Both have proved themselves popular as tools for research and for understanding the mind of the communicator.

■ THE METHODOLOGY

This study, done for the UNDP-TAHA project, aims at unraveling the trends in media coverage of issues related to trafficking in persons and its connections with the spread of HIV/AIDS.

It was decided to keep the scope of the study limited to drawing inferences which could guide the project managers in designing strategies for advocacy and sensitization.

The study, though not exhaustive, has chosen a sample size that could give a fair idea of the media’s approach to the subject of trafficking. We set out to find trends in media coverage of trafficking related issues and chose a sample size and time frame so that patterns and trends in reportage could become discernible.

From these emerging patterns and trends we have drawn inferences which could provide inputs into developing an enabling media strategy.

A random selection of 120 write ups from the print medium including English language newspapers and magazines spanning the new millennium was chosen.

Keeping in mind the changing face of the media in the country, the print medium was supplemented by a representative sample of some of the leading television channels and major news related Indian portals on the Internet.

METHODOLOGY

- Random sample
- Quantitative
- Dateline analysis
- Timeline
- Media Organizations
- Qualitative analysis - Semiotic/
language analysis
- Discourse analysis
- Frame analysis
- Narrative analysis

The basic idea was to develop a foundation for better synergy between the civil society organizations and the media in order to enable the latter to produce more layered and more representative picture of the highly nuanced trafficking scenario.

The data for this study were collected primarily from internet/electronic archives - with some hardcopy reports collected from places which have newspaper clippings on trafficking issues. **The study restricts itself to English language publications.**

First, the data was classified on the basis of type of media organization, which produced it (national or regional, based on its circulation and reach and popular perception about it).

Our primary area of interest was in content.

In analyzing the data for each media sector, the study sought insight from experts by interviewing media professionals.

Major sources are cited within the narrative. The complete raw data used in the report are also available with HDRN, though does not form part of the report.

For the original content analysis research conducted by HDRN, the following methodology was used.

■ CONTENT ANALYSIS METHODOLOGY

SAMPLING AND INCLUSION:

There are two distinct categories of media that were studied - Text-based print media and Internet news sites.

The study also cursorily studied the coverage in electronic and entertainment media, viz. television and cinema

CLASSIFICATION OF PUBLICATIONS:

NATIONAL MEDIA: Published from more than one metropolitan city

REGIONAL MEDIA: Published primarily from non-metropolitan cities and circulation and influence restricted to one or more states.

Care was taken to ensure geographical diversity.

SAMPLE SELECTION

- Text based media – Print and Internet
- Electronic/entertainment media, briefly
- Predominantly English
- Sample size – 120 published items
- Time Period – from January 2002 to March 10,2006

NATIONAL MEDIA

Times of India
Hindustan Times
Outlook
The Hindu
The Indian Express

REGIONAL MEDIA

Central Chronicle
Daily Excelsior
Daily News and Analysis
Deccan Chronicle
Deccan Herald
MP Chronicle
Midday (Mumbai)
Rajasthan Patrika
The Tribune
The Telegraph
Various editions of The New Indian Express

PERIOD OF STUDY:

Randomly we chose a period so as to provide a broader look at news coverage. The cut off date was March 10, 2006. The samples roughly spanned the new millennium.

STORY SELECTION:

All media output - with or without bylines

INTERNET NEWS SITES:

In order to select the Internet news sites, we looked at leading pure-play internet sites (which do not have offline presence)

INTERNET SITES

Oneworldsouthasia.com
Indiatogether.com
Sify.com
Rediff.com
Webndia123.com
news.bbc.co.uk
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■ DATA ANALYSIS:

For this report, the individual news story is the unit of analysis.

■ QUANTITATIVE ANALYSIS

Quantitative analysis is the more traditional and scientific way of doing media content analysis. Studying a set number of publications and other media over a set time to reveal the amount of coverage. It can be an effective research tool but while studying the coverage of trafficking in persons a quantitative analysis of media content one came face to face with several bottlenecks.

To start with, the issue was not being covered to any great extent in the Indian media. Trafficking in persons has started showing up on the media radar very recently. We did not find enough coverage of the issue in any of the media, print and electronic, to do a dependable 'what appeared where and when' analysis.

Another traditional mode of selecting the content to be analyzed from a particular area or state, or over a particular timeframe, all came up with very few and rather scattered results, that were not enough to form the backbone of a content analysis that could become the basis for a defining or devising the role of media in the fight against trafficking.

A timeline analysis revealed that the number of stories being written about trafficking in persons had gone up drastically only over the past one year and a half years compared to the two previous years.

Partially, the problem stems from the fact that the trafficking scenario stretches over many regular beats in a newsroom. It's a crime issue, a health issue and an economic issue as well. But, at the same time it's not a 'hot' issue. Despite its magnitude, trafficking in persons is not yet on the political, corporate or media agenda. Looking for coverage of trafficking related issues in any of the regular beats too did not yield enough numbers that would help reach any well-supplemented conclusion.

This was one reason that was responsible for choosing the methodology for collating the data for this analysis. A random approach. To collect news reports linked with as many issues as possible that are a part of the larger picture regarding trafficking in persons in India, from the English language press countrywide.

The sample, though random, adhered to two norms. First it went backwards from the cut off date of March 10, 2006 to get over a hundred media reports from the print medium. And secondly, we tried to cover all the regions in a replication of the major transit routes of trafficking in persons in the country.

Trafficking in persons has started showing up on the media radar very recently.

The number of stories being written about trafficking in persons had gone up drastically only over the past one year and a half years compared to the two previous years.

The problem stems from the fact that the trafficking scenario stretches over many regular beats in a newsroom. It's a crime issue, a health issue and an economic issue as well. But, at the same time it's not a 'hot' issue.

The four metros had generated 39 per cent of total of total stories.

Delhi topped the metros list, followed by Mumbai and Kolkata.

The non-metro cities and state capitals accounted for 8 per cent of the datelines while foreign datelines made up 5 per cent of the stories.

This translated into studying the media response in and around the four metros and the states they are located in and other emerging hubs of trafficking – Andhra Pradesh, Karnataka, Bihar and U.P. among other places.

Once again, in keeping with the ambit of the TAHA project, our focus was on people trafficked into sex work and linkages of this phenomenon with the spread of HIV/AIDS. For instance, reports on child trafficking for labor exploitation have not been included in the sample.

■ DATELINE ANALYSIS

As a starting point for this study, the content analysis project began with sorting the stories by their place of origin, the dateline. The four metros had generated 39 per cent of the total stories.

Over 28 per cent of the stories comprising articles and guest columns were not considered for the dateline analysis. Many of them were printed undated. Others were countrywide representations with multiple datelines, making the dateline immaterial.

Of datelined articles, 55 per cent of the stories were based in the four metros. More than half of these stories germinated in the national capital. Delhi topped the metros list. The capital also generated the largest number of stories from any one city comprising 22.5 per cent of the total, nearly one fifth of the lot.

Mumbai and Kolkata followed with 11 per cent and 9 per cent of the datelined stories. The bulk of these stories came from Delhi, Mumbai and Kolkata.

The non-metro cities and state capitals accounted for 8 per cent of the datelines while foreign datelines made up 5 per cent of the stories.

At the other end of the spectrum, the interior areas, which could be deemed as the source areas for trafficking in persons, comprised 32 per cent of the datelines from all over the country.

A zone wise analysis showed that 37 per cent of the stories emanated from the northern region, 26 from the East, 13 from the West and 10 from the South.

■ INFERENCE

Delhi, Mumbai and Kolkata are home to G B Road, Kamathipura and Sonagachi, three widely studied and biggest red light districts and destination areas for trafficked persons in the country. This perhaps reflects in the fact that these cities have generated a lion's share of the stories.

The national capital is home to the top end CSOs, the UN agencies as well

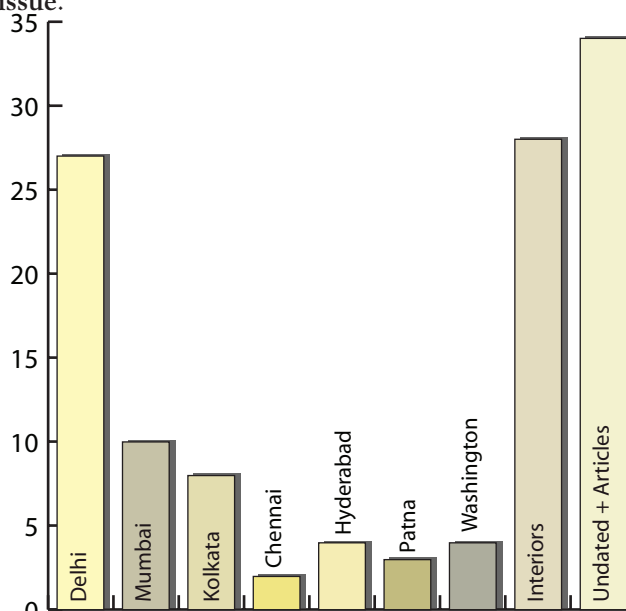
the government departments. As in any other field of reporting, Delhi is the news hub, where major policy announcements are made and news generating events such as seminars, workshops and press meets relating to the subject held.

The above trends indicate that **there is need to focus on cities other than the metros to generate more coverage of the issue.**

Dateline Analysis

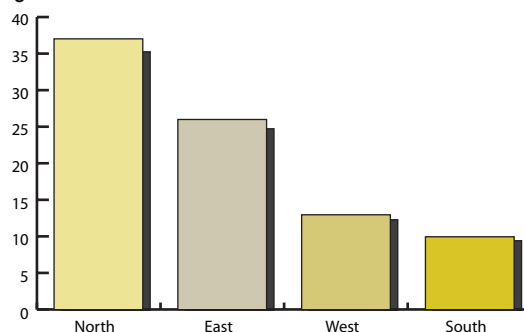
Stories segregated according to datelines

Dateline	No. of stories
Delhi	27
Mumbai	10
Kolkata	8
Chennai	2
Hyderabad	4
Patna	3
Washington	4
Interiors	28
Undated + articles	34



Region-wise

North	37
East	26
West	13
South	10



THE MEDIA ORGANIZATIONS

The next step was segregation of the data along organizational lines. Which media organization, which publication had printed how many stories about trafficking related issues over the given time?

Most of the news items emanated from the metropolitan papers, also known as the national press. Dailies and editions from north India carried more stories than their southern counterparts.

English language current affairs magazines carried few articles on trafficking related subjects with the exception of the Outlook magazine that had carried more than 15 pieces on the subject over the years.

Television news channels had sporadic coverage while the Internet based Indian news sites had a good number of stories on trafficking related subjects.

INFERENCE

The data regarding media organizations corroborated the findings of the dateline analysis. The big newspapers published from the big cities carried more articles than the smaller papers.

The above trends indicate the scope for targeting the state level and local media besides the national press. The CSOs need to get stories into the newspapers published from different non-metro state capitals and smaller towns.

MEDIA ORGANIZATIONS

Stories connected with trafficking in persons in the main English dailies (since January 2004) and other media.

Publication	No. of stories
National Dailies	40 %
Regional	22.6 %
Periodicals	13.3%
Internet	11.6%
Electronic	12.5%

TIMELINE ANALYSIS

It was decided to undertake a month-wise time line analysis of the sample. The time frame chosen was more than 26 months starting from January 1, 2004 to the cut off date of March 10, 2006.

August 25, 2004 is an interesting date that outshines all else on the recent timeline of the coverage of trafficking related issues in India. This was the first time in the history of the nation that a major research was conducted in the area of trafficking in persons.

Conducted by the National Human Rights Commission with the help of UNIFEM and other agencies, the voluminous study provided empirical evidence about trafficking in persons in all its aspects.

Media coverage of trafficking related issues can be divided into two time zones – before the NHRC Action Research and after the seminal study was made public.

Out of 120 reports studied, 92 stories or 76 per cent were filed after the release of the NHRC's Action Research. Of these reports 9 were based directly on

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the report and many more quoted from it and other related surveys and studies. The timeline analysis also showed that while the sample comprised 55 stories from the year 2005, the first two and a half months of 2006 had seen 38 reports on related subjects, a clear jump in the quantum of reportage over the past two years.

INFERENCE

The media thrives on empirical evidence. A complicated issue like trafficking in persons and its linkages has to be demystified to the communicators if one is looking forward to mainstreaming the issue in the mainstream media.

Seminal research work often has the capacity of changing the way people think, through first changing the way the mass media look at a subject. NHRC's Action Research is one such work. The multifold increase in the media attention to the issue of trafficking shows just that.

TIMELINE ANALYSIS

The number of stories printed month wise till March 10, 2006

month	No. of stories
First ten days of March '06	9
February '06	13
January '06	16
December '05	2
November '05	12
October '05	4
September '05	4
August '05	4
July '05	4
June '05	3
May '05	5
April '05	8
March '05	none
February '05	1
January '05	none
August '04 – NHRC Action Research released	
Samples till August '04 since 2002	30

Some pointers from the quantitative analysis

Despite its extent, trafficking in persons was not often covered by the media.

Despite being a subject that has its roots in the impoverished heartland of

INFERENCES FROM THE QUANTITATIVE ANALYSIS

- Events, seminars & workshops and police raids generated 43 % of the stories that were 'hard news'.
- 21 % were features, of which three-fourth germinated from the NHRC report.
- Police was the most quoted source, followed by CSOs and studies.
- 34 % of the stories focused on sex workers.
- 22 % talked about trafficking directly or indirectly.
- 8 % talked about rehab.

the country, trafficking in persons often gets reported from the destination points that coincide with the big metropolitan cities that are also the media hubs of the country.

Despite the wide range of areas of life that trafficking in persons is always known to impact, availability of well-researched documents and literature about the subject helps generate good coverage.

And that, journalists seem to appreciate, evidence based research made available in an easy-to-understand package. Such research de-mystifies the complicated subject for the journalists as well as provides them with the facts and figures that can form the basis of a well-informed story.

SOME QUESTIONS ASKED AS PART OF THE SEMIOTIC ANALYSIS

What feelings does the report generate about these subjects
– charity, passive victims, pity, helplessness, hopelessness?

How are the vulnerable people
- children and women - used as potent sources of imagery?

Are there any linkages – to poverty, gender imbalances, HIV/AIDS - referred to or hinted?

Are any larger questions asked
– globalization, widening economic divide?

Who are the villains? Are they often the small fish?

Are there any false heroes being created?

Is the vulnerable person represented as backward and incompetent
– loaded with ‘primitivism’ cultural and otherwise, in other words
– dehumanized and thus disempowered?

QUALITATIVE ANALYSIS

The empirical data, however, was not sufficient to lead to a satisfactory and broad-based conclusion. So after a ‘random’ selection of media reports we opted for a qualitative analysis that focused on the discourse that the reports carried. We isolated various elements that comprised the media text, collated and compared them.

Broadly we divided our analysis into four well-established content analysis categories • Semiotic analysis that examines the message • Discourse analysis that studies how unequal power equations are reproduced in the report • Frame analysis that deals with interpreting the frameworks within which a story is told to the audiences, and • Narrative Analysis that looks into the narrative structure of the individual media text.

These four guiding principles were used in combination with each other. The media texts were read as a whole, examining the latent as well as the manifest elements, and looking at others elements like sourcing, headlining etc. to reach the following conclusions.

The key areas of study included studying the presentation and tone and texture analysis of the headlines and the text of the stories. It covers the headlines and placement of the stories along with their classification according to the sources used, subjects covered, the kind of story, the focus of these stories, the tone and language of the stories and the trends all these reveal.

FINDINGS

The findings of the quantitative analysis threw light on many aspects of the content of the stories that formed a part of the sample and revealed some changing trends in the media’s coverage of trafficking and related issues.

■ TYPE OF STORIES

NEWS

Of the 120 stories analyzed, 43 were news stories. Most of them ran into an average of four paragraphs.

Many of these, 21 stories or nearly 18 per cent of the sample, were based on police informing the press about raids carried out to 'bust flesh trade rackets'. These stories were brief and written in the regular crime beat style. They did not go into exploring the reasons behind why certain regions, the border areas of West Bengal, North Bihar, interiors of Orissa or the highways running through Haryana reported so many such cases.

The other stories being reported were event based or germinated out of seminars, conferences and reports. Interestingly, about 8 per cent of the news stories reported about the U.S. reaction to human trafficking in India.

A timeline analysis of the news stories showed a shift from the 'police raid' genre to report based statistics centered stories over the past two years and of late to an increase in coverage of related events.

FEATURES

There were 25 features or soft stories. Of these 18 germinated after the mid-2004 NHRC Action Research.

ARTICLES

Articles and opinion pieces were 19 in number. These included OP-ED and opinion pieces as well as magazine write-ups. Of these five were umbrella pieces – some emotive, some indifferent, others cursory. Many of these pieces were more focused. Written by experts and journalists, they talked about issues ranging from religion and AIDS to migration, law and enforcement, privacy, missing persons, cross border issues, stigma, juvenile justice, Arabs and muttah marriages in Hyderabad, child sex tourism and other specific area related problems.

ANALYSIS OR PERSPECTIVE PIECES

Perspective or analytical pieces that incorporated background information on various aspects were much fewer – 7 in number. While critiques were totally missing, only one piece was tongue in cheek. The only voices to be heard were from activists and sex workers about the proposed legal reforms. But they were reported mostly from events and seminars, many of them around the World Sex Workers' day in March this year. A rare treat was

SOME QUESTIONS ASKED AS PART OF THE DISCOURSE ANALYSIS

Does the story question or challenge existing power relations?

Does the report work towards reducing the invisibility of the unheard voices?

Is there any reluctance about covering the issues? Why?

Is it 'low entertainment value,' not news-worthy? How does this translate into the treatment?

Is it alarmist – shocking and dramatic? Does it fix the responsibility correctly.

Is the victim held culpable? (Eg. Sex worker is responsible for spreading HIV infection)

Are the real reasons portrayed as 'an accidental evil' (poverty, gender situation) and actual structural imbalances responsible for the problems, underplayed?

SOME QUESTIONS ASKED AS PART OF THE FRAME ANALYSIS

How a story is framed? (An individual's story or the big picture or both)

Is the story a case study? Is the case study illustrative and explanative to a structured text? Or is it a stand alone story of an individual person, event or incident? (One of the net results of individualization and biographical treatment of stories about vulnerable people and survivors).

Is it emotive? Does it generate pathos? Or does it move the reader to action? (Specially television stories when the crew enters people's homes and tells a heart-rending tale over and over again for hours till it gets cold the next day.)

Is it an event oriented report? (Generated as result of the focus on the issue for that special day when information is more available than on a regular day).

Or is it a thematic report? (An ideal frame – which uses case studies and events to depict a public issue with concrete instances).

Are there any follow ups? (The deficit of this third type of framing of the story often reflects that the media is not really concerned about the issue but with the ratings it can generate).

The Hindustan Times' January 22, 2006 full page Sunday supplement on Child sex tourism which was a collage of crisp articles including a pedophile's profile, the diary of a victim, statistics, incidents and routes and hubs.

INTERVIEWS

Only 8 stories were based on interviews. The interviewees included UN-connected civil society activists, officials from NACO and the police department and a few from the US embassy establishment in various parts of the country.

STINGS

There were five sting operations reports. These mostly centered around rescuing sex workers and trafficked persons. Some of them were carried out by journalists with or without the support of the media houses they worked for.

FOLLOW UPS

One can only wish for more follow ups. With so many stories about raids and stings, only six follow-ups on the original news breaks were found.

■ ABOUT THE STORY

HEADLINES

Headlining is the art of getting a story into a reader's vision, of catching her eye. Yet, many times, this compulsion or the sheer love of words makes the headline writer go overboard. Many of the headlines were as staid as the stories reporting raids and rescues. But the fine line between sensationalizing, misrepresenting and highlighting and accenting a story came into play when the sub-editor got creative. Some examples for a closer look:

Unruly Draupadi pays with her life.

A story about a trafficked woman killed in Haryana for refusing to sleep with the brothers of the spouse. Is she truly an 'unruly Draupadi.'

Safe for some, unsafe for all

The story is about falling incidence of HIV/AIDS among sex workers in Sonagachi. The headline seems comparatively alarmist and obscurantist.

Green signal to red light?

An interesting headline for a rather controversial piece that provoked heated debate in Maharashtra.

Child, Sex, Tourism

An interesting, crisp, say-it-all and lead-one-to-read-on example.

PRESENTATION

Stories on trafficking are often buried in the inside pages of a newspaper. Exceptions - an occasional front page bottom spread or an op-ed piece.

The stories which did make it to more attractive slots were generated around the time when dance bars were shut down in Mumbai. Recently stories centered on child sex tourism have caught the eye of the media.

Stories about trafficking and sex trade shy away from pictures. Of the 120 stories looked into, only 12 carried pictures. Eight of these were generated during events and conferences. Two were of actresses essaying roles of sex workers while two were of interviewees from the officialdom.

A high percentage of stories that mostly talked about raids and rescues were carried as briefs or single or small double column items, mostly on the local pages.

However, for television a raid on a brothel, a rescue operation, a protest by sex workers are all 'juicy' stuff. It often made the grade of a good sheet-anchor story in many top notch television channels. Yet, the eagerness of the television correspondent to telecast a rescue Op. live often treads on the issues of privacy and stigma for the vulnerable people. Civil society organizations and the affected people both are a little wary of having the media around during an operation. So the stories of raids and rescues do not make it to the 'breaking news' category as often as they could.

TONE

The tenor of a story about trafficking, AIDS or sex work varies from indifferent and cold to the extremes of biases against the affected on one end to a patronizing attitude on the other. What often gets sidelined is the need to take care that the story remains positive and enabling to those vulnerable to trafficking in persons and HIV/AIDS.

The stories could be characterized as 'Positive and enabling' or 'negative and discomfoting' or just 'indifferent'.

SOME QUESTIONS ASKED AS PART OF THE NARRATIVE ANALYSIS

Does the story rely on individual or structural explanations?

Is there any progression or development in the understanding of the subject displayed in regular reporting by a particular media?

Do the reports stick to stereotypes or do they adapt to newer, more open thinking?

Does the report talk about global topics with local meanings?

Does it embody a patronizing or an us-and-them approach?

Or does it or not fathom the nuances and the vastness of the problem?

Out of the entire sample barely 6 could be called positive or enabling to the vulnerable sections. However, even out of these, just one could be called a well-informed, well rounded discourse. A story published in the Deccan Herald in its March 6, 2006 edition headlined “Devdasi turned anti-AIDS crusader” works towards bringing HIV/AIDS into the open and provides an example of a devdasi turning into a peer educator, for others affected by trafficking and going through a similar life.

Most of the stories took on a rather indifferent tenor. As most of them originated from the police control room and the available statistics as part of reports and other literature and very few taking into account the points of view of the real, affected people, this was almost expected. These stories talk of police raids and rescues, report on events or even policy issues connected with the subject, but more often than not do go beyond the regular beat story, be it health, crime, enforcement or policy matters.

Some of the stories took on negative and discomfoting overtones. This mostly came through in the use of language and certain social attitudes that seep through the writing. Most often, the hurting usages seem rather unintentional but, nevertheless, potent enough to cause harm. A story from Behrampore talking about the trafficking of a girl after being conned by the brother of a local political starts: “An unwed mother...” has accused....

GENRE

Why were these stories written? Where was the information collected from? An analysis of the genre of the stories revealed the raids and rescue operations formed the largest chunk among the various genres of reporting on the subject.

Coverage of events like seminars and workshops and the marking of many related ‘days’ generated the second largest number of stories and maximum pictorial coverage.

Association of celebrities who attended these functions helped generate media coverage. Additionally, international events got better coverage than the local or national level ones.

Visits to red light areas were another favourite with media people. The stories which came across as the most humane often came out of these visits.

Interviews, especially from the CSO sector were few and far between.

CONTENT

The core content analysis consists of knowing what the stories contain in terms of issues covered. Combine this with sources used, slants taken and

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linkages and nuances deciphered, and one has discerned exactly the media debate is headed. Which are the areas that need immediate focus as far as sensitization is concerned.

■ TRAFFICKING ISSUES WHAT GETS COVERED?

In any beat, in any field of interest, there are some subjects that are favorites. In the trafficking scenario, some of the subjects worked better at catching media attention.

Here are the subjects in descending order of interest out of the sample.

- 41** focused on sex workers.
- 26** talked about trafficking in persons either directly or indirectly.
- 15** stories talked about government agencies. Of these 12 talked about enforcement.
- 10** stories discussed rehabilitation.
- 08** discussed the legal aspect of the problem but mostly focused on sex work. In recent times the debate was on the legal reform.
- 07** stories looked at HIV/AIDS in the context of trafficking in persons, that too only of late.
- 06** listed or hinted routes of trafficking, 6 talked about gender linkages.
- 05** talked about Child sex tourism and another, 5 about economics and poverty, 5 about the linkages between trafficking and HIV and another 5 about exposure through media.
- 04** stories discussed the crime scenario of trafficking in persons.
- 03** discussed missing persons.
- 02** talked about migration, 2 about human rights, 2 about stigma and 2 presented an overview of the situation.
- 01** each looked at push and pull factors, devdasis, conflict areas, internet pornography and the impact of globalization.

The sample found no stories on the health concerns of trafficked persons or of sex workers or of survivors.

■ SOURCES

Sourcing a story establishes the authenticity of the facts being put forth in a report. This sample was also analyzed for sourcing.

Police was the source for the largest number of stories – a quarter of the whole. This was followed by Civil Society Organizations. Twenty-two per cent of the stories quoted CSOs as source.

In consonance with results of the quantitative analysis, a look into the sourcing of the stories revealed that 13 per cent (16 reports) used the NHRC Action Research and its accompanying survey and the ISS study. The US state department report also generated 3 per cent of the reports.

While 10 per cent of the stories went without any sourcing, only one third of this number, 3 per cent of the whole sample, used multiple sources to present a fuller story from a multiplicity of perspectives.

THE LINKAGES

The linkages of trafficking in persons are the one crucial factor that needs illumination through the media but are often ignored. Whether it is the gender scenario, the poverty situation, the HIV connection or the various aspects of the problem.

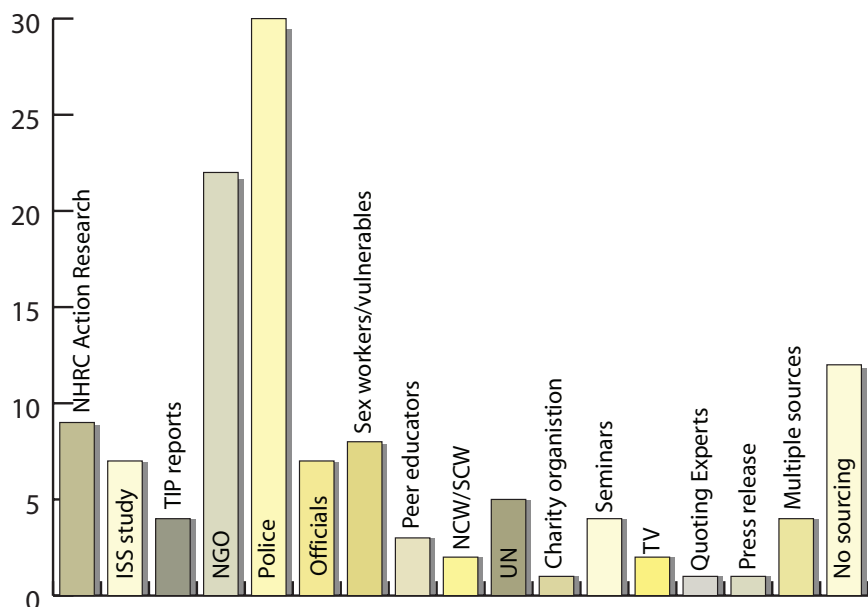
Only 38 per cent of the entire sample established or hinted at some kind of a wider picture as it established the linkages between trafficking in persons and many other socio-economic issues.

Though ten per cent of the stories touched on HIV/AIDS, less than half made any connection that being trafficked increases the vulnerability to the disease.

Most of the stories that connect the epidemic with the trafficking scenario are rather recent in origin. This perhaps reflects the recent impetus on the issue at both the international and national level.

SOURCES USED	
Source	No. of stories
NHRC Action Research	9
ISS study	7
TIP reports	4
NGO	22
Police	30
Officials	7
Sex workers/vulnerables	8
Peer educators	3
NCW/SCW	2
UN	5
Charity organisation	1
Seminars	4
TV	2
Quoting Experts	1
Press release	1
Multiple sources	4
No sourcing	12

Five per cent of the stories indicated the common routes followed by traffickers.



While another five per cent explored the gender scenario only about four per cent made any connections with poverty and the economic situation.

Barely one story made a connection with globalization and its impact.

SEMIOTIC / LINGUISTIC

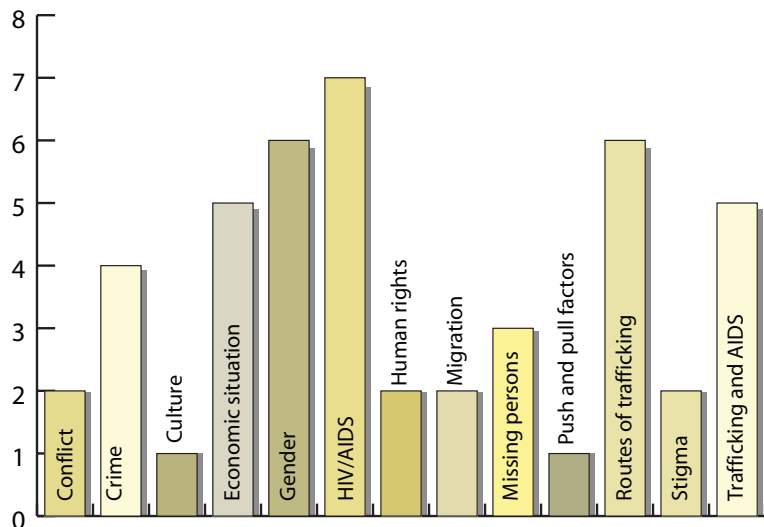
Language is an established carrier of values and attitudes. When used in a medium of mass communication, the language used in a story not just reflects attitudes but even shapes some.

A large number of reports in the sample had a rather indifferent usage. Not going beyond the regular journalese of a beat story these usually covered the regular raids and rescue reports from the police files. A journalist's basic training for objective writing and balanced reporting, perhaps contributed to this. However, in many cases this same training could not stop negative images and attitudes from seeping into the story.

Very few stories qualified to the distinction of being called positive and enabling.

Very few stories, 5 per cent, identified heroes, those who were brave enough to escape, help others escape or help with the rehabilitation. It would be possible to find a positive story only if one carries out a follow up of an incident of rescue or rehabilitation. However, the genre analysis has already shown that follow ups were few and far between. This perhaps reflected in the dearth of heroes. In any case most of the heroes came from among the ranks of administrators and much fewer from among the survivors.

Area	No. of stories
Conflict	2
Crime	4
Culture	1
Economic situation	5
Gender	6
HIV/AIDS	7
Human rights	2
Migration	2
Missing persons	3
Push and pull factors	1
Routes of trafficking	6
Stigma	2
Trafficking and AIDS	5



**EXAMPLES OF
INSENSITIVE LANGUAGE:**

unruly draupadi
 unwed mother
 full blown AIDS
 underbelly of society
 learn bawdy lessons
 hapless girl
 hapless creature
 lower strata of society

In comparisons, about three per cent, identified villains but they were mostly at the level of ‘individual perpetrators’ – husband, sub inspector, suspended judge, ‘lower rung policemen.’

Nearly 7 per cent of the stories were very direct in identifying the vulnerable people and survivors as ‘victims’.

Some stories displayed a patronizing ‘us vs. them’ approach while one story boldly and passionately listed the author’s patronizing approach and went on to say that a field visit changed the attitude of the writer forever.

Some of the stories, three per cent, could easily be called alarmist while 23 stories or 19 per cent of the total, could be definitely booked for insensitive language. Some examples: ‘unruly draupadi’, ‘unwed mother’, ‘many are infected by their husbands who visit sex workers’, ‘full blown AIDS’, ‘sex-work called ‘underbelly of society’, actress to play sex worker to ‘learn bawdy lessons,’ numerous dehumanizing usages like ‘hapless girl’, ‘hapless victim’, ‘hapless creature’ coming from ‘lower strata of society’

■ STIGMA

Few reports bolstered the stigma attached to trafficking and sex work and AIDS even as they set out report or even do good. A report from Kolkata talked of HIV infections falling in Sonagachi but said the community was at risk. Another story done after a devdasi who had turned peer educator, died of AIDS, went on to tell the readers about how to identify a devdasi on the roads or in a red light area.

14 stories, nearly 12 per cent of the sample, did not shy away from using the names of survivors or sources among sex workers, or of trafficked girls. Of these 65 per cent used single names while only 5 stories used surnames for the girls. However, the names of the males mentioned in the stories were always mentioned along with surnames. It is said that using first name falls short of writing etiquettes and reflects a patronizing attitude on part of the writer. Yet, it is also true that most of the girls in the trafficking and sex work scenario often have an assumed single name only.

In her column Telescope published in the Indian Express on January 23, 2006, eminent media analyst Shailaja Bajpai even pointed out the tendency to expose faces, names and even addresses of the survivors specially on part of the television news channels. In a follow up of an NDTV story ‘complete with names and addresses’ she says, ‘the girls have to suffer because of careless media exposure,’ and asks ‘then why mask the face?’

Only 4 stories, three per cent of the total, used phrases like ‘not her real name’ or ‘name changed’ as part of the story.

■ FRAME ANALYSIS

A look at the framework that the reporter devises to tell the facts he has collected, reflects the importance the subject holds.

A frame analysis of the current sample revealed that nearly a quarter of the stories restricted themselves to reporting about a single case study. Of these too, barely four stories were used in an illustrative manner to illuminate a larger point but most were reported as if they were stray, unconnected cases with no common causes and no wider implications.

About 5 per cent of the stories were thematic. They chose a problem and used numerous case studies to substantiate the line of argument. These were the best of stories, unless the very argument they gave was faulted. Some examples: “A devdasi, dies of AIDS. She was a peer educator. The story however, unsourced for the large part chooses to go into a cursory brush with the archaic devdasi culture and even into how to recognize one of the roads”. “Another story takes a very logical route to argue that the problems of trafficking should not be clubbed with the rights of sex workers to find a solution to the latter”.

The structural stories that were based on statistics, events, policy matters and legal debates comprised 15 per cent of the total number of stories. Of these nearly three quarters focused on local issues while only one quarter saw the problem in a wider perspective.

■ DISCOURSE ANALYSIS

The indifference, understanding and involvement of the reporter shows up in the story he writes. Is the story straight forward? Is it confined to an event or incident? Or is it layered, well balanced and well rounded? Does it deal with the subject at the individual level or at a structural, thematic level?

Of the current sample, as shown earlier, 18 per cent of the stories reported about raids, events and trafficking incidents. They mostly drew from case studies. Most of these stories dealt with a single person’s story and did not make any connections with the wider reality. A senior police official is quoted as saying in one such story – “After all it’s a global phenomenon, not just confined to Patna station”.

About four stories including feature write ups, used case studies as illustrations for the theme of the story. Thematic stories, 5 per cent of the total, were the most interesting to read. They retained their focus unlike the umbrella stories and wove the case studies and the narrative to drive a point home.

15 per cent of the stories structurally talked about the larger issues involved. Of these 11 pieces talked of local and regional issues while 7 were umbrella

pieces that covered a wider ambit of issues. Many, however, continued to be rather cursory or indifferent as they relied on data rather than interviews with the affected people.

■ NARRATIVE ANALYSIS

After analyzing the reports for content, language and presentation and nuances, we put the data to the last litmus test. We tried to place the stories in the larger context of why they were being written after all.

Some interesting indicators that jumped out of the facts and figures:

As mentioned earlier sex workers and police raids are the most reported contexts when one talks of media coverage of trafficking in persons.

Dance bar girls were another preferred subject. The run up to their closure last year was well documented. This one section which saw a small number of follow up stories as well.

The sex workers' day generated five stories in the capital that touched on HIV/AIDS and on legal reforms.

Child sex tourism was another context which led to 8 stories.

A UNDP-TAHA workshop held in Lucknow recently generated more than a dozen stories in the local press. For once, most of these directly talked about the linkages between trafficking and HIV. Other stories being generated by various UN organizations also get some play, but mostly at the event reporting level.

Interestingly 12 reports were produced following reports, interviews, concerns and events connected with the U.S. The impact of U.S. policy on reporting was clear at one level.

■ OF TRAFFICKING AND HIV/AIDS LINKAGES

The TAHA project focuses on dual vulnerabilities to trafficking in persons and HIV/AIDS. However, the content analysis could find little to illustrate that the media talked about these linkages. Of the hundred plus media pieces studied, barely 7 talked of these linkages.

Coverage of HIV/AIDS has been the subject of a couple of media content analyses. But even these hardly talk of the linkages between HIV spread and trafficking in persons. The HIV/AIDS epidemic in India is a quarter-century old. A content analysis of coverage of HIV/AIDS by UNDP India and Population Fund of India under the leadership of eminent journalist Usha Rai found that contrary to common perception, there were many more stories

appearing on HIV/AIDS today and most reporters were found to be accurate and well informed. Though, a few bad stories did cause enough damage.

The research studied the media in three states – Karnataka, Punjab and Uttar Pradesh – for a month. They found that the press was better informed and more vigorous in reporting the issue in Karnataka.

The fact that there has been a lot of intervention in Karnataka on HIV/AIDS by NACO, the state government and a range of NGOs and activists, is probably why there was more responsible reporting.

A cause for concern was the number of advertisements and stories about ‘miracle cures’. In U.P. where the Hindi press covered the issue more the reportage was of poor quality with more sensational stories.

In Punjab, The Tribune, had carried some excellent reports but the language press – Punjabi, Hindi and Urdu, carried fewer stories where few voices of affected people were heard.

Another recent media manual on HIV/AIDS prepared by the Thomson Foundation under the EU-India media initiative on HIV/AIDS under the leadership of media personalities, Savyasaachi Jain and Mimmy Jain says HIV/AIDS has definitely arrived on the Indian media map.

The amount of coverage has grown over the years and it peaks during high-profile events. Statistics, controversies, positive stories, worrying developments, heart-rending reports – thus far, the last year has seen all of them.

However, the view persists that the coverage, especially in the news media, leaves a lot to be desired. Adjectives such as inadequate, ill-informed, insensitive, sensationalist, stigmatizing and unethical continue to be applied to media coverage.

■ WHAT WAS MISSING

Analyzing the sample and the contexts in which most of the stories were written, certain areas connected to the trafficking scenario, its prevention and surviving it were conspicuous by their absence.

Post rescue, the survivors face many problems during the rehabilitation and re-integration process. The media did not touch on these.

Development journalism, as taught to a trainee journalist, goads him into investigating the changing face of the society, into how the development processes or the absence of the same creates trends and even cross cutting phenomenon like trafficking in persons. This mandate of the media to be ‘the fourth estate’ was missing in the trafficking context.

Analyzing the sample and the contexts in which most of the stories were written, certain areas connected to the trafficking scenario, its prevention and surviving it were conspicuous by their absence.

Post rescue, the survivors face many problems during the rehabilitation and re-integration process. The media did not touch on these.

There were no awareness campaigns and co-projects with the media and few serialized articles that would perhaps explain the complexity of the phenomenon in the mainstream press. Specialized agencies like the Women's Feature Service and women's publications like Manushi covered the subject but how many times is their writing picked up by the mainstream press.

The internet is rather replete with information about the subject from various UN and civil society sources but this does not get reflected in the media coverage of the subject.

RECOMMENDATIONS

1. Publications from state capitals (both English and regional language) could be sensitized on trafficking and HIV issues for wider coverage.
2. Field visits to trafficking source and destination areas could be organized for media professionals from the national and regional press alike, to enable them to write stories that newspaper gatekeepers find 'saleable'.
3. Leaders could be trained from among the trafficking survivors so that they could give interviews to the media in a competent manner. This would generate news coverage.
4. Civil Society Organizations could identify informed spokespersons to address the media on a regular basis. These spokespersons can be sensitized to the needs of the media like deadline pressures and the hunt for new angles and news pegs.
5. Research on trafficking and HIV issues should be made available in a media-friendly format to the media professionals. This will not only provide story ideas but also lead to more nuanced, balanced and sensitive coverage.
6. As the government continues to be a major credible source for newspersons, officials and policy makers connected with anti-initiatives trafficking, be encouraged to interact with media in a sustained manner.
7. Since events and seminars tend to catch the media's attention, a systematic and professional approach to press relations by event organizers could prove effective.
8. In depth coverage of the issues connected with trafficking in persons and HIV/AIDS can be facilitated by instituting media fellowships and awards.
9. Producers of niche television programs devoted to crime, gender issues, health and talk shows, FM radio jockeys, editors of crime magazines could also be sensitized.

SOME RECOMMENDATIONS

- To focus on state level publications (English and regional language).
- To organize field visits for journalists.
- To train spokespersons among stakeholders for media interaction.
- To reckon media needs while organizing events.

SOME FILMY STEROTYPES:

A rape victim has no hope left in life.

Conveniently, most feature films have the wronged woman dead at the end of the three hour saga.

A wronged woman can at best look forward to revenge. A sex worker – can she ever be accepted back in society.

Bhumika, Tamanna, Dalal, Sardari Begum, Market, Pinjar are some of the other films that have dealt with the subject though the dancing prostitutes are an integral part of many a film.

Many actress have played the role a prostitute. In fact it's a coveted trophy for her.

The past few months also saw a spate of films on the subject.

Sushmita Sen in Kalpana Lajmi's Chingaari essays the role of a village prostitute who rises to take revenge on the high priest who has been exploiting her all this while.

Kalyug, is a a film about internet pornography and trafficking of a girl from the disaster hit Gujarat.

Rani Mukherjee in Mangal Pande was shown as being sold into prostitution. She dreams of getting away but with the aid of a lover.

And Neha Dhupia has become an icon after her rendition of the title role in Julie. Reportedly her posters are replacing those of Meena Kumari on the walls of brothels.

HIV/AIDS has been the subject of even fewer films. Some recent films have dealt with the subject but not one has ever made the connection between trafficking and AIDS.

THE MOVIES

Remember the Sanjiv Kumar, Sharmila Tagore starrer 'Mausam' from the Eighties. If ever a film told the whole story of trafficking in all its aspects, this was one. In being non judgemental of every character but the trafficker, the movie was ahead of its time.

The Indian film industry churns out hundreds of films every year. As it claims to reflect 'real life' it reinforces many myths and social attitudes. Not so often, but it also challenges many of them in its vastly popular commercial cinema.

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BREAKTHROUGH INDIAN FILM REACHES MILLIONS WITH HIV/AIDS MESSAGE

New Delhi (India), September 11, 2004: "Phir Milenge," a Hindi feature film directed by a leading actress/director of Indian Cinema, Revathy, has set a new trend in Indian entertainment industry as the first full length Bollywood feature film on HIV/AIDS.

Hailed as a breakthrough, "Phir Milenge," (See You Again) features three top stars of Bollywood, which is the

world's largest producer of films. The stars playing the lead characters - Salman Khan, Shilpa Shetty and Abhishek Bacchan - have millions of followers across India and the rest of the region. The film has been released across the country and has received wide critical acclaim.

The director, Revathy, was an active participant of UNDP's Leadership for Results (L4R)

Programme for People Living with HIV/AIDS in Kochi, Kerala, India in September last year. She has also participated in a similar Leadership programme for Rotarians of Chennai, capital of the South Indian State of Tamil Nadu, organised by UNDP in June this year, in partnership with Rotary Club of Madras Central. Yet another film-star participant of the PLWHA Leadership

Programme in Kochi, Mohan Lal, is slated to do the lead role in another Hindi film on HIV/AIDS to be directed by noted Bollywood director, Priyadarshan.

The co-producer of the movie, "Sahara Manoranjan" is part of the Sahara India Group, which was a partner of UNDP in its "Celebration of Life" campaign against HIV-related stigma and discrimination.

KALYUG exposes porn trade

November 19, 2005

Kalyug, directed by Mohit Suri, "is a fiction of fact," says producer Mahesh Bhatt, of Vishesh Films.

Raw, stark, shocking and deeply disturbing, the film explores the murky underbelly of international crime — pornography — and its international nexus. The characters have been taken from real life, interwoven with fiction.

Says Mohit, "Everything has been meticulously researched from journalistic data — from the PBS documentary American Porn, India Today's article on desi porn and Times of India's articles on honeymoon couples.

Pornography is a \$56 billion industry today, with big companies and hotels profiting from it."

What fuels sex trade?

Kalyug was initially titled Blue Film. Says Mohit, "No newcomer wanted to play a role in it, as it hinted at being a sleazy film, which it is not." Says Mahesh, "I got the idea of making Kalyug after reading the India Today article on a honeymooning couple, whose lovemaking scenes were recorded in a hotel and distributed throughout the world. People all over the world want to see reality sex, not fictional sex.

By: Upala KBR

NEHA DHUPIA is flesh trade icon!

New Delhi, January 4
Neha Dhupia's body of work is finally getting recognised. After trading sex for money in Julie, she has replaced the legendary Meena Kumari as reel life idol for Delhi's prostitutes.

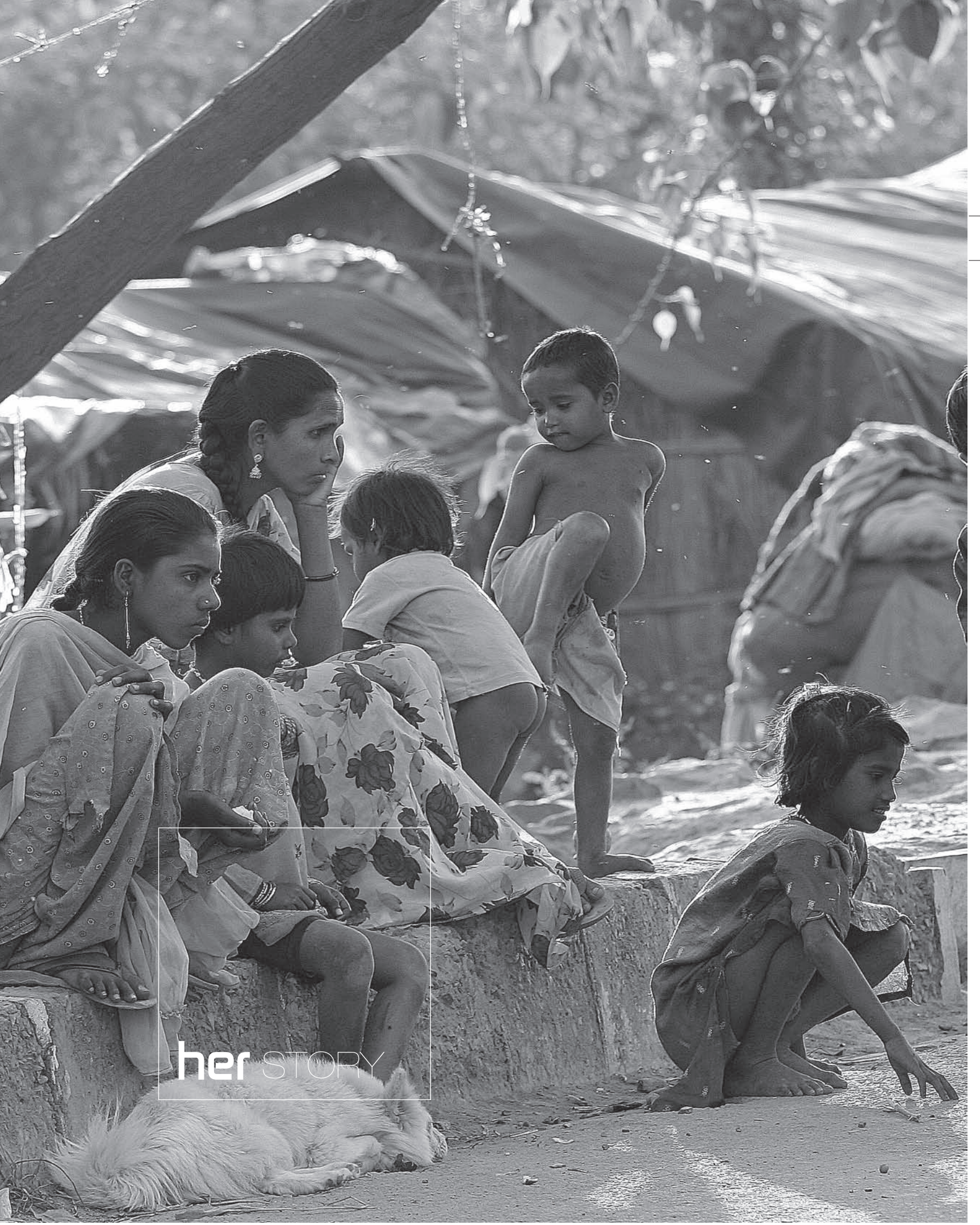
The former Miss India has certainly become a force to reckon with in the world's oldest profession. Her pictures are plastered across every brothel on GB Road, the capital's red light area. Meena Kumari, who once ruled the roost with her memorable performance in Pakeezah, is now a distant second in the popularity charts.

Most young sex workers have glazed posters from Julie on their walls and in the balconies. Others have

got framed Neha Dhupia snapshots displayed reverentially on racks.

Shamim, a 29-year-old sex worker, insists that times have changed. "Only those who have been around for the last forty or fifty years are still fond of Meenaji. They like listening to her songs and see her films over and over again. According to them, they used to dance to the tunes from her films when mujras were in vogue. But today no one comes here to see us dance. Mujras are history and so is Meenaji. Her poster has therefore lost relevance. Young girls can no longer relate to her; only the oldest residents of GB Road continue to care for Meenaji," she says.

HTTAbloid.com



her STORY

NOT SENSATIONAL, JUST SENSITIVE

As the speed of delivering news becomes faster, the modern day mass media have lesser and lesser space for subjects other than the mainstream breaking news.

The news media reach such a large population today and touch each and every segment, be it rich or poor, rural or urban, young or old, man or woman, the common people, specialists and the policy makers. Often, news is the primary source of information to people on many subjects. This puts the media in a position of responsibility. Specially since they can be instrumental in raising public awareness on issues such as trafficking and HIV/AIDS.

THE FIGHT

Is on many fronts.

The task, (as the Trafficking in Persons Report, TIP 2005, puts it), multifold.

- to illuminate the problem,
- provide a help line to those vulnerable and
- shame the perpetrators.

The awareness thus generated can go a long way in sensitizing the wider audience to the issues of trafficking in persons, its linkages with everyday socio-economics and gender issues as well as its impact on those vulnerable and survivors.

But even as their reach continues to expand and the speed of delivering news becomes faster, the modern day mass media have lesser and lesser space for subjects other than the mainstream breaking news.

On the other side, the more complex a social phenomenon, the more time, understanding and sensitivity it demands of the reporter. When faced with

issues like trafficking in person, often its not even about reporting all sides of an issue or balancing the story. It's about taking sides.

In a social set up where the very victim of a violation – rape or trafficking or an HIV infection – is stigmatized and held responsible for bringing it upon him/herself, is it so wrong to take the side the wronged.

Reporting about trafficking must go beyond just eye-witness accounts of raids on red light areas or major events. The CSOs must lead the media onto the bigger picture, the why's and wherefors of the trafficking story.

The many fronts on which the battle against trafficking is to be fought have to be highlighted to the media so that it's armed and ready to join the fight. It needs to equip itself with – the right attitude, empathy, the right perspective and the commitment to take trafficking head on.

Among the media circles it is said that just talking about oneself, or to a camera, itself relieves stress and empowers the disadvantaged person. On the contrary reliving the past, if not properly prepared through counseling can be traumatic.

■ THE ROLE OF THE MEDIA

Millions of readers and television viewers depend on the media to shape their views. Daily news coverage, in-depth reporting, or infotainment – all genres offer scope to the media to play a constructive role.

As has often been said, media is an 'essential part of the solution.'

'Awareness is the Key' and mass media can be the great tool for spreading this awareness both at the level of preventing trafficking from happening as well as towards re-shaping attitudes when it comes to rehabilitation of survivors of trafficking and PLWHA.

A community not aware of the ways of the trafficker allows its daughters to be taken away. A vulnerable person not aware of the facts about trafficking becomes an easy prey. Once at the destination, unaware of her rights to even ask for protection she succumbs to abuse and disease. And in the grip of stigma in her parent society, she is unable to ever come back.

ILLUMINATE THE PROBLEM

- Provide a help line to those vulnerable
- Shame the perpetrators
- Generate awareness
- Critique the initiatives, the implementation
- Help mainstream the issues
- Generate sensitivity to the problems of survivors, PLWHA
- Help abolish trafficking
- Help control spread of HIV/AIDS

ROLE OF MEDIA

The media plays an indispensable role in educating people about the many manifestations of global human trafficking, presenting the problem in human terms and in all its painful detail.

Yet media coverage is weak in many parts of the world. Some news media outlets are not yet aware of the trafficking phenomenon, or confuse it with other issues such as illegal migration and alien smuggling.

The media's role is most effective when it:

- **Illuminates the problem.** By writing an article or airing a segment focusing on trafficking in persons, media not only educates the public but also shines a light on an issue typically shrouded in darkness. We know of many cases, particularly in corrupt systems, in which scrutiny by international media has made the difference between a trafficker's release or imprisonment.
- **Provides a help line.** When the media prints or airs news on trafficking, it is beneficial to include a local anti-trafficking help line number and other assistance sources, for potential victims and community members who may want to get involved.
- **Shames the perpetrators.** Identify traffickers and protect victims. Press accounts tend to focus on victims. It is ethical and respectful for the media to protect victims by altering details of identity and personal story. Identify and photograph traffickers — they deserve the limelight.

(Source: TIP 2005)

The twin problems of trafficking and HIV/AIDS thrive in a set up ruled by ignorance, uniformed biases and jaded attitudes.

In a country still grappling with illiteracy, the word written in a newspaper sometimes read aloud in a village chaupal is often considered a gospel. Information passed on a radio or the images broadcast through television that today reaches far and wide, cross many more barriers.

Millions of readers and television viewers depend on the media to shape their views. Daily news coverage, in-depth reporting, or infotainment – all genres offer scope to the media to play a constructive role. According to some surveys, television news channels are the single most potent opinion makers in the country today.

In this context, the responsibility of the mass media redoubles. It needs to not just provide more coverage to issues like trafficking, but to be understanding and responsive to the needs of those vulnerable to and affected by trafficking and HIV/AIDS.

Sensitive, well researched and conscientious reporting can make a definite difference to the quality of the lives of those vulnerable to trafficking and HIV/AIDS in very tangible ways, activists working in the area feel. Yet, at the same time, one careless comment, an error of judgment while reporting on sensitive subjects like trafficking, sexual abuse and HIV/AIDS can play havoc with the lives of those affected.

The media has a role in generating public awareness about trafficking in persons and HIV/AIDS which can lead to constructive action and change of attitude among the vulnerable sections, communities, the legal, health-care and justice systems. The media can even influence the language people use while dealing with those affected.

Yet, the subject of trafficking in person gets little coverage. And even when it does the reportage does little to shed light on the problems, its causes and effects. It is not that one does not see some well-rounded reports on the issue but they are few and far between. The style and genre of these reports also leaves those working on the issue, asking for more sensitivity and understanding. They often worry about the fact that the issue can so easily be sensationalized. That the dignity of those vulnerable to trafficking and HIV/AIDS, can so easily be offended. Worse still, the callous reports can so easily jeopardize their lives.

In this context, media issues like developing a code of ethics and guidelines for more sensitive reporting have hardly been given a thought. In fact, the survivors demand not just a politically correct attitude from the media but a more humane reaction. The demand is for a pro-active approach that can help break stereotypes and impervious social prejudices and attitudes, far beyond the objectivity and balance that the media professional swear by.

Journalists are not spokespersons for private, government or non-governmental organizations. They are not educators. But, as the trafficking situation becomes a menace at the global, sub continental, national and even the local level, it merits the attention of the watchdogs of civil society - for when the media care and focus on an issue, the world cares.

Trafficking, though a heinous human rights violation, a worldwide crime and a social, economic and health concern, receives little attention when it comes to policy and politics at the national level. The media can ensure this by simply being more receptive to the subject.

The media can enable one to take a critical look at situations and stances, and thus help in protecting those who are vulnerable and generate empathy for those affected.

Trafficking in persons and HIV/AIDS touch many areas - from the social structure, cultural attitudes and taboos, gender ethos, the poverty scenario, economic inequities, rural urban divide, foreign affairs, health, crime, politics and human rights. It merits media attention in all these spheres and even drawing connections between all these to present a complete picture.

Only a half of the adult population has ever heard of HIV/AIDS in Uttar Pradesh, that ranks the state amongst the lowest in the country for HIV/AIDS awareness.

The situation is not very different in most other parts of the country. The need to increase awareness is critical for the successful implementation of the HIV/AIDS strategy in the source areas, the interiors. Given low levels of literacy, low awareness on HIV and limited reach of electronic and print media, current programs face considerable challenges.

In all, the media can help mainstream the issues of trafficking and its linkages with the spread of HIV/AIDS in the national agenda, to bring the magnitude and the heinousness of trafficking in persons to the notice of both the policy makers and the masses, and to effect changes in attitudes that will ensure both combating and containing the twin menace.

CHANGING MINDSETS AND ATTITUDES

This is the primary role of the mass media in the context of trafficking in persons and HIV/AIDS. The change has to be carried out among the media and through the media.

The media have a role at the national, regional and local levels to create awareness about the why's and wherefors of trafficking, to illuminate the linkages with HIV/AIDS and the causal factors of the gender-poverty dynamics. They must be alert to the needs of trafficking survivors and PLWHA.

ROLE OF THE MEDIA

The media has a large role to play in mobilizing public support and involvement to help prevent and combat trafficking. Due to its reach and ability to mould public opinion, it is a powerful tool of social change. Investigative journalism on trafficking needs to be promoted. However, media publicity should take into consideration the rights approach and ensure that there is no violation of the rights of the victims and survivors. So, there is a need to develop minimum standards for the media.

... Moreover, there is a need for linking media persons across the borders so that they can work on a common platform, especially with respect to preventing trafficking. Multilateral agencies could help in establishing and facilitating this link.

Source: 'Trafficking in women and children', Action Research by NHRC

THE MEDIA: SOME GOALS

Just reporting sensitively about the trafficking and HIV/AIDS scenario makes the mass media a key player in the fight against the dual threat. When reporting about the related issues the media must:

- Recognize the linkages between various push factors and trafficking like male domination, patriarchy, poverty
- Change mindsets
- Work on cultural taboos that are detrimental to the well being of the survivors
- Sensitize the woman and others on gender issues
- Empower her to take her own decisions, to choose
- Involve the male – the pimp and the client who fuel demand and male members of family
- Sensitize gate keepers like parents, panchayat members, and school teachers
- Sensitize opinion leaders – politicians, judiciary
- Create impetus for group power for the women through networking

ONCE SENSITIZED, A REPORTER WILL WORK TOWARDS:

- Exposing the harsh realities of the lives of those vulnerable to trafficking.
- Tracing the why's and wherefors of trafficking and working towards creating awareness to prevent it from taking place.
- Evaluating the situation, globally, nationally, locally.
- Abolition of trafficking in persons.
- Understanding the linkages between the larger socio-economic-gender milieu and trafficking.
- Understanding the linkages between trafficking and the spread of HIV/AIDS
- Understanding rescue.
- Dealing carefully with the survivors. More so, those who have been infected with HIV.
- Reporting on law enforcement and judicial processes and drawing attention to the lacunae in them
- Understanding and facilitating (as far as possible) rehabilitation and repatriation – keeping in mind what the survivors want.
- Changing attitudes in the society at large to facilitate re-absorption of the survivors.

The issue needs also to be tackled at various levels of the media – from the Delhi based national press that holds court among the policy makers to local and vernacular press that reach out to the reading public among vulnerable sections.

Once a journalist is made aware of the extent and impact of trafficking in persons and its related issue can be part of many beats and many levels of reporting, feature writing, editorials and comment.

The electronic media and radio also have an important role as they are becoming the crucial factors in shaping public opinion in the country.

Some have argued that the increase in media coverage of the rampant sex industry in Southeast Asia has actually led to an increase in sex tourism. Therefore, one of the dangers of humanitarian efforts in combating the human trafficking in Southeast Asia is the possibility of attracting rather than deterring sex tourists.

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KNOWING **her**

GETTING THE MEDIA ON BOARD

ften there is a communication gap between the perceptions of the journalist and the activist. Interviews with a number of media persons and activist showed the gaps that existed between the expectations of both the sides. The process was taken forward at a national media workshop where media persons with substantial experience in media and development journalism provided insight into bridging the gap.

The need was felt to delineate a novel interactive approach to tearing the walls of mis-communication between activists and the communicators so that the issues affecting those vulnerable to trafficking and HIV/AIDS are presented in a sensitive way.

■ DIFFERENT STROKES

If the activist is looking for sensitivity and the survivor for empathy, the media is looking for news value. The clash often becomes evident when media people slight the role of the CSOs in combating trafficking and even in facilitating stories and the CSOs avoid taking the media on board. Some of the journalists believe that there is no need for interfacing with the civil society activists in order to cover the issues of trafficking. But the survivors of trafficking and PLWHA do not easily open up to all. They are especially wary of cameras and microphones. For, a single irresponsible story can ruin their chances of re-integration for ever. Sometimes it can even affect the community they belong to.

On the other hand, the carelessness shown by the media has by now convinced many civil society organizations to stay away from the media if they want to retain the trust of the people for whose betterment they are working for the betterment of.

However this communication gap can undermine the pro-active role the media can play in taking the fight against trafficking to the very doorstep of the vulnerable.

The need is to sensitize the media about the multi-faceted and sensitive nature of the subject. Trafficking and HIV/AIDS both are embroiled in stigma and stereotypes.

The multi-faceted nature of trafficking is to be understood in all its aspects. And above all, what needs to be understood is the fact the trafficking related issues “represent the intersection points between trafficking and other phenomenon, occurring at various junctures of the trafficking process. Most of the approaches have overlapping elements. For instance, an approach will generally bring a gender or labor perspective to the problem. At the same time, the problem will be also be discussed within the framework of human rights. This is the most inclusive, covering the maximum range of issues raised by trafficking.” (NHRC Action Research)

Besides, this dialogue with the seasoned journalists, an important step forward can be catching them young. This can be achieved by sensitizing journalism students in various universities and institutes about issues related to trafficking persons and HIV/AIDS. So that, by the time they step out into the field they are already alert to social phenomenon that lead to or are a result of trafficking in persons.

CSO PLACE THEIR DEMANDS

Activists and CSOs working in the field feel, trafficking is not an issue for the media; all they want is to go to red light areas and get a ‘juicy,’ dramatic story by the end of the day. It is not that there are no exceptions, but journalists only want readymade, sob stories. Whatever, the media do, they must be doing to the best of their capacity and information, but it often sends out confusing statements, feels a CSO who is actively involved in rescue operations in the capital and has often turned down requests from media people for coverage of rescue operations.

The news media works with the immediate. They want to focus on rape, violation and torture, on crime and punishment, on alarmist statistics, not on issues and positive stories. Those have no news value, they say. They want to write about the girls and women, why never about the trafficker or the clients, they ask.

One major issue is showing the faces of victims and revealing their identities. Media persons say this puts a face to a cause. It evokes compassion in the viewer to help them. The activists counter – this is just catering to voyeurism. The media knows this and caters to it. What they do not realize is that the stigma is bigger than the story.

WHAT ACTIVISTS CAN DO FOR BETTER MEDIA SUPPORT

The information being provide should be concise and relevant.

It should be written in a reader friendly manner for maximum coverage.

Provide well sourced data. Follow it up with your interpretation of the same while leaving scope for the media to interpret it on their own.

Avoid jargon.

Avoid acronyms and explain fully when using them.

Always put easy to access contacts alongside the information for any clarification.

In case of misinformation or misrepresentation of facts, write to the media as ‘Letters to the Editor.’

Provide feedback to the media on the matter being printed.

“The media can definitely do more than it is currently doing to stem trafficking in persons as well as the spread of HIV/AIDS. I don't think they have been creative enough about it.”
- An Activist

The survivors want media people to produce sensible and sensitive work that shows social commitment. Only if this gets reflected in their reportage, can the media fulfill its role in creating proper awareness and sensitivity among its audiences. Media can really help change the taste of the readers and television audiences, activists feel.

WHAT JOURNALISTS FEEL

“Yes it is right that objectivity is a basic tenet of journalism. But in scenarios like trafficking, I can be comfortable with siding with the affected, with being involved with my subject,” feels a news editor with a leading television news channel. It's true that many television journalists flout the ethics of reporting about such subjects in their enthusiasm to produce a 'hot story' but they really need to be careful for a single careless report can jeopardize the life of a person.

“However, it sometimes becomes difficult to grasp the viewpoint of the CSOs from their presentations and press releases. I would rather be briefed about the data and viewpoints in a simpler language with lesser jargon,” he said.

A senior editor with a feature service, said, “When we talk about trafficking in persons, we just look at the product – the domestic help, the underpaid child working in a factory, an underage sex worker. I see trafficking as a journey. They all have stories to tell.”

“The need is to look at source areas. For example the conflict ridden areas from where women and children are actually transported out – and destination areas like Haryana where a woman is but an object. I learnt about the issues related to trafficking at a seminar about HIV/AIDS. I also got interested in the pros and cons of the debate over legalizing prostitution and its fallouts.”

“The discussion around 'the right to do sex work' is a now becoming a debate but the media still looks at it disjointedly. Low sex ratio, reports about migrants, diplomacy issues, globalization – all are areas that impact the trafficking scenario but linkages are hardly ever brought out in the mainstream media. Net result – the crime reporter does not cover trafficking as part of his beat, women's issues writers do not focus on it, the health reporter does not connect the spread of HIV to the trafficking scenario, nor does the writer on issues of poverty and development.

“The media can definitely do more than it is currently doing to stem trafficking in persons as well as the spread of HIV/AIDS. I don't think they have been creative enough about it. Of course there are problems when one is working

on a subject like this. There is no authentic data which itself is not so easily available, too many sources that often have major discrepancies in the statistics and a multiplicity of perspectives are dished out. Out of experience I feel, local level and national level CSOs and the UN agencies prove to be the best sources.

“For the media to be taken on board, one needs close interaction between the media professionals and the CSOs through workshops and regular briefings etc.”, she felt.

Producer of a popular crime-beat program on a Hindi News channel said, “Over nearly a year of broadcasting, has carried 15-20 stories on trafficking related issues.” He covers raids in his program and says he gets tips mostly from police sources. Sometimes rescued girls also talk. He says he is objective and takes the police version while sourcing it to the police. The program is careful when it comes to being judgmental. Instead of ‘calling some one an offender, we call them an accused,’ he says.

He also tells his reporters to not to shoot the faces of the victims or anything that may identify them. He briefs his camera teams to go for profile shots or Over-the-shoulder (OTS) shots. The technique of using mosaic on the faces during the process of editing such footage also requires special care. The mosaic should be chosen carefully so that it perfectly masks the face.

When asked if they had ever tracked trafficking down to source areas, he says he is very careful when doing this. A ‘mohalla’ can get stigmatized and it can affect the lives of people living there. Also he says that locals even turn hostile to television teams trying to shoot such stories in their residential areas.

He talks of the busting of the sex racket in NOIDA last year. His team covered the raids and carried the story in detail, nearly eight minutes. Yet, when they went to the residential areas to cover the milieu, the residents were hostile and it was difficult to get the footage, which they captured by clandestinely keeping their cameras on as the crowds protested.

Do you have sources apart from the police? He said they only go into covering the background of a case after a tip off.

When asked if he has any viewer response to these stories or, like in other matters of crime coverage, has anyone ever written to them providing a tip for a rescue etc, he said people are not willing to talk about these issues. The emphasis in many television stories on sex work and even television representations of the sex trade in entertainment programming often hold the sex worker as the ‘evil’ one.

A feature writer and film expert with a national daily, talked about how movies are crucial in shaping the attitudes of the masses. The ‘virgin prostitute’ is a

DO'S & DON'TS

SOME DON'TS

When you want to do such a story
– be a little more human.

Do not treat the survivor as an
object.

Refrain from treating them as
'victims' as well.

Try and avoid taking pictures of faces
of the survivors.

Try not to ask questions to victims
that violate their dignity. (How many
times were you raped? How many
clients a day?)

Try not to take them (on a mental
recap of their actual journey) to the
brothel.

Try not being patronizing,
compassionate or even sympathetic.
Do not distort facts to sensationalize
even with blurbs, captions and
visuals.

Avoid tabloid like, sensational
headlines.

Avoid a them vs. us attitude.

Be objective. There is no need for a
trial by media.

DO'S & DON'TS

SOME DO'S

Tell the truth.

Be accurate and objective and, above all, fair.

Use masking techniques to avoid revealing the identities of the victims.

The victims can do with some empathy from the journalists. Try to feel what they feel.

Do not expose them, but take up their cause.

Delve on the reasons behind trafficking.

Be investigative. Help track down perpetrators.

Visit source areas and see the reality in all its complexity.

Highlight the problems the survivors face, not their trauma.

Cover the story at court – focusing on the law, its lacunae, its enforcement, delays, etc.

Choose your words carefully.

myth created by the commercial cinema. Since the roles of sex workers are so popular among the masses, she has to be given social acceptance. Two ways of doing it – establish that she just sings and dances and is otherwise ‘pure’ or in case she wants to re-join the mainstream of society, just make her die ‘while doing a good deed’ during the climax of the movie.

He said actresses like to play the sex worker. Of late Sushmita Sen in Kalpana Lajmi’s Chingaari, Rani Mukherjee in Mangal Pande – being sold into the prostitution, dreams of getting away and Neha Dhupia in Julie are replacing the Meena Kumari of Pakeezah, and Sharmila Tagore of Mausam and Rekha of Umrao Jaan. Add to this the vindictive Manisha Koirala in Market, Kareena Kapoor in Chameli, a more layered story than many others. Sex work has come out of the imaginary grandeur of the Kothas to the streets of Mumbai to the sex rackets of the Middle-East and porn shops of Eastern Europe, he said.

The subject of HIV/AIDS though being covered more extensively by the news media has been the subject of movies. Features like ‘Phir Milenge’ can be counted on fingers. And, of course, there has never been a feature film connecting sex work – trafficking and HIV.

However, the stark reality of the life of a trafficked person never leaves a journalist who makes the effort to see it, untouched. A Special Correspondent with a leading newspaper said she had visited the GB Road area while doing some stories on child sex workers. “It was the first time I had gone to such an area. I could not sleep for days. I came across a wall. I did not have any answers to the questions they raised. I felt I was just lucky not to be in their situation.”



AND

SCHOOL BUS

REPORTING
ABOUT **her**

OF ETHICS & NEWS VALUE

Trafficking in persons is a complex phenomenon. When working on an article about trafficking in persons and HIV/AIDS, the larger issues of ethics of reporting about those vulnerable to and affected by trafficking, its survivors and those infected with HIV/AIDS come into play.

For a conscientious media professional, the tussle often is between watching out against slanting if not sensationalizing the facts and figures in the battle for airtime and newspaper column space and presenting a well rounded, sensitive story to the viewers and readers that will make it to the pages.

In the present day media scenario where scores of television channels are 'breaking news' 24X7, compete with each other and the Internet's instant updating to capture the fickle attention of easily bored audiences, and the print media compete with the electronic, to retain their constituency, to be crisp and quick often becomes more important than being well-researched and well-rounded.

The way-out perhaps lies in focusing not just on the news value of stories but on values of reporting, not just on the hard news breaks but on soft and human interest stories.

The way-out perhaps lies in focusing not just on the news value of stories but on values of reporting, not just on the hard news breaks but on soft and human interest stories.

The issue of trafficking in persons stems from the everyday socio-economic-political settings. However, it is often not 'hot' enough to be 'touched' by the media. When reporting about such multi-dimensional issues, the two major challenges often faced include the opposing dynamics of:

- a) Ensuring that the story gets into print or finds a place in the bulletin,
- b) That it projects the correct perspective or 'angle' on the facts its putting out.

In this scenario, the questions regarding the ethics of reporting and the news value of the story come into play. While the first has been a big concern with

the activists and civil society organizations, the survivors and PLWHA, the news value of a story is what gets a story its space in the media and is often the concern of the media person.

The need is for a discussion on evolving some basic guidelines regarding the day to day technical problems faced by the media professionals while reporting on issues related to Trafficking and HIV/AIDS through the modern day media – not just print, but also electronic and the web, as the visual media, because of its very nature, need to exercise extra caution.

Overall, with trafficking increasing multifold in its magnitude, its impact and its association with the HIV/AIDS epidemic, it is imperative to debate the various aspects that can make the reportage on the subject more meaningful.

■ ETHICS OF REPORTING ABOUT TRAFFICKING IN PERSONS

Covering trafficking in persons demands tremendous sensitivity and understanding from a reporter. Sometimes the enthusiasm to tell a story can affect the lives of the subjects in an irreparable way. The media have as much power to harm a survivor as they have to alter the course of her journey for the better.

As such, there are no established norms and guidelines for reporting on issues relating to trafficking in persons. Most newspapers and news channels rely on the ethics and perceptions of individual reporters and gatekeepers to ensure sensitivity in their coverage.

Telling the truth is the media's mandate. But ensuring authenticity of sources and the information received is equally important. Telling the complete story with the social, emotional, medical, legal, economic aspects, in context is even more crucial.

Identities of survivors and victims and even of their family or those working with them should be revealed only if they agree. It would be advisable to inform them about the possible fallouts of a revealed identity, even if they agree.

One has to be especially careful while reporting the lives of individuals as compared to reporting on policy matters. In an age of live television news, the challenge is to tell the story without affecting the dignity of the affected. Maintaining confidentiality of sources and the privacy of the affected is a must as one casual, careless comment can jeopardize the life of a person, a family and even affect further rescues and rehabilitation efforts.

In the age of sting operations, hidden cameras etc. should be strictly avoided. In fact, tape reorders should also be used only with the prior permission of the interviewee. Though decoys are deployed regularly to elicit information

The need is for a discussion on evolving some basic guidelines regarding the day to day technical problems faced by the media professionals while reporting on issues related to Trafficking and HIV/AIDS through the modern day media – not just print, but also electronic and the web, as the visual media, because of its very nature, need to exercise extra caution.

Reporting on policy changes, initiatives for rehabilitation, problems faced by survivors, the process of justice, all should make the story whole and well rounded. It would be appropriate to be sensitive to the perspective of the victim.

about trafficking, its better to clearly identify yourself as a media person when talking to survivors.

The trauma of child victims is much worse. They often do not know that they have the right to refuse to talk or that they have the right to be heard. Expose them only if it is imperative and no harm will come their way.

Reporting on policy changes, initiatives for rehabilitation, problems faced by survivors, the process of justice, all should make the story whole and well rounded. It would be appropriate to be sensitive to the perspective of the victim.

If the survivors are infected with HIV, one would have to be doubly sensitive to their problems and trauma. One could perhaps ask someone working with HIV positive people to whet the questions.

Even if it takes effort and time to gain the trust of the survivors, its imperative to ensure that they should be at the centre of this dialogue. Their voice must be reached to the policy makers. And here media has a positive role.

When using statistics, it's important to make sure that one understands precisely what they mean, look for authentic sources and reliable information, look of discrepancies, they sometime reveal a lot and provide dates for the data. Statistics can often create an alarmist expression when used out of context.

A journalist always needs to balance the story, present all sides of the picture, however, when covering issues like trafficking and HIV/AIDS, the two sides of the story might not necessarily be equal. The debate that a journalist has to be objective and neutral can find a counter in such scenarios where advocacy can make a life and death difference to thousands of people. A reporter can consider the option of giving less or more weight to one party and explaining why he needs to do so.

Avoid using language that reinforces stigmas and stereotypes detrimental to the affected and respect the cultural values and norms of the interviewee.

Also, there is need to focus on positive stories of successful rehabilitation and repatriation. As such, struggle to be re-integrated, promises to be a fabulous story to tell.

As far as possible, the effort should be to empower the survivor in her battle to live on.

■ ETHICS OF REPORTING ABOUT HIV/AIDS

Reporting about HIV/AIDS in the context of trafficking in persons requires an extra dimension of ethics. When covering the HIV epidemic, accurate,

unbiased reporting of breakthroughs in the fields of scientific research and medicine as well as the health scenario find a place alongside the usual basics of human rights, right to dignity as well as the right to silence.

A media content analysis and study carried out by UNDP India and PFI said while journalists need to highlight the HIV/AIDS situation and methods to tackle it, the manner in which it is done should not heighten the fear and stigma associated with it.

Once again empathy with the PLWHA remains the over-riding concern. Patronizing attitudes and sympathy need to be replaced by understanding the concerns of the PLWHA. The 'doom and despair' style must yield to a focus on the fact that 'there is life after AIDS'.

HIV/AIDS is an epidemic but it's more than just a medical condition. It's a social malaise. It needs to be countered on many fronts. Stigma is a part of the malady. The media should be extra careful that the reportage does not scar a person, a family or a community even as they report about AIDS.

The linkages between trafficking and HIV/AIDS create double jeopardy. A sex worker is first trafficked into her situation against her will, gets an HIV infection due to lack of awareness or lack of choice, has little access to health facilities and few options of ever getting out of her situation and yet is blamed for being a conduit for the disease, stigmatized for being trafficked and for getting infected as well.

It's the mediaperson's responsibility to present the correct perspective on such situations, deal with them with care and understanding, and write in a fashion that is not detrimental to the affected person but is instead helpful and empowering to them.

Accurate and ethical reporting of the HIV/AIDS scenario requires a media professional to report on a health issue with a human rights perspective while maintaining the dignity of those vulnerable to and infected by HIV.

Once trafficked into CSE, a girl constantly lives in the fear of catching an HIV infection, in case she is aware of what it means. So does the customer who visits her but out of belief or ignorance insists on unprotected sex. Here the role of the media to break the myths and stereotypes about the spread and the science of the disease assumes an ever greater role.

VISUAL MEDIA – POWER & RESTRAINT

The visual media – particularly the television channels - can be the most potent conduit of information and opinion making. The combination of word, image and sound makes them many times more influential than just the written word. Their impact cuts across the literacy barrier and their speed and immediacy adds crispness and impact.

But the multitudes of news channels today are clamoring for audience attention. In the grip of the demand to deliver round-the-clock newsbreaks, they are often forced to disregard research and backgrounding. Even perspective is sometimes sacrificed at the alter of television ratings points or TRPs.

■ OF TWISTING THE TALE FOR TRPS

Television has as much potential to twist the facts as it has to present the truth. Simple juxtaposition of images on an editing table can sometimes create a more fetching story, but one has to watch out for the influence these images have on the viewers and more so on the lives of the people they portray.

Trafficking in persons can make a good television story but it has to consciously steer clear of sensationalism. It has to be treated with extreme cautions, paying heed to the anxieties of those who might be affected. Besides, there can be no compromise on the dignity of the subjects.

The television correspondent has to be extra cautious in the visual treatment and refrain from painting a picture of despair and doom specially when it comes to trafficking survivors and PLWHA. A well rounded story is a must.

■ REAL LIFE DRAMAS

Dramatization of actual, real life situations is a good tool for a media person looking for projecting a story in its nuances and yet wanting to hide the identity of the key players. A 90 second news story might be too short a duration for such treatment but the longer formats of broadcasting from, reality programs, news based programs, discussions and documentaries can use dramatization of the lives of those vulnerable to trafficking very effectively.

Constantly highlighting that this is a dramatization, a reconstruction of someone's harsh reality is a good attention catcher. It is known to make the audience stay away from that 'remote control' as well as arouse their curiosity to know more about the real life drama which is being enacted.

■ NO FACES PLEASE

The trafficking and HIV/AIDS scenario is characterized by the stigma attached to the very people who are wronged by it. And any carelessness on part of the media in projecting them can sometimes lead to further persecution in a society that holds the quarry responsible for the kill in a jungle marked by stigma and subjugation.

Total care has to be taken to protect the identities of the persons who decide to step out and tell their stories. Practicing the norms of not revealing their

identities can go a long way in encouraging more people to come out into the open.

A correspondent must take the consent of the individual before putting them on screen, be it a victim, a peer educator or an activist. The subject must be made fully aware of the implication of their consent. Even if the consent is given, the visual treatment of the subjects should be sensitive and prudent.

A raid on a brothel is a good breaking story for any television channel. Activists and CSOs often say that television professionals are forever asking to be allowed to accompany a police party or CSOs during rescue raids. But this live broadcast has to be sensitive. Showing close ups of those being rescued violates all norms of ethical reporting.

Often there is no time for taking consent or using the special effects like mosaics to mask the identities of the subjects. The correspondents and the camerapersons have to think on their feet. They should perhaps plan in advance about shooting techniques and requirements. Silhouettes, profiles, shooting against the light, dimming the lighting, using filters, not shooting the faces – can be a matter of style as well as a sensitive way of covering such a story.

■ A PICTURE WORTH A THOUSAND WORDS

The same rules apply to the print medium as well when it comes to visual representations. Silhouettes, profiles, special lighting, masks, all work not just to hide the identity of the affected and save them from further hounding but also to make the picture stand out

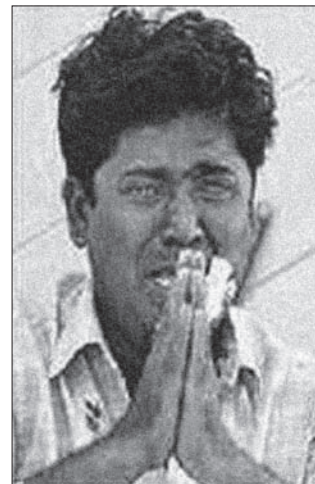
While the images broadcast over a television channel are fleeting and can be missed for many reasons, the printed image has shelf value and lasting impact. Remember the NICK UT's award-winning Vietnam War picture of the napalm girl or, closer home, the unforgettable picture of Qutubuddin Ansari pleading for his life during Gujarat Riots.

The same set of ethics also applies to outdoor media like posters and banners as well as to publicity materials like brochures and handouts, advertisement and promotional campaigns.

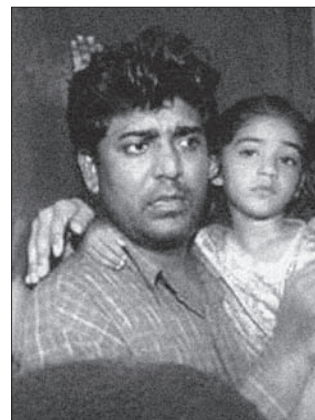
■ NOT HER REAL NAME

In this warped scenario, the identity of the subject can be protected simply by changing the name and saying so clearly in the copy.

All the above measures to cover the identity of the vulnerable lot, the survivors and the PLWHA can be stylized in a bid to draw attention to their story.



Qutubuddin Ansari, the traumatic face of Gujarat Riots: "I am tired of being pursued. All I want is return to anonymity, and a normal life".



Pointing out that a certain person's identity is being withheld can be a good tactic for drawing attention to 'why' this needs to be done. Use of simple words like 'not her real name', or 'identity withheld at the request of a person' can whet the appetite of the reader to know more about the subject. It can also make a story stand out and work towards generating the ratings for the media organization.

It's all a question of being savvy and sensitive.

■ THE LANGUAGE

There is need to evolve a more friendly and humane language when talking of trafficking, the trafficked person and also when talking about those infected with HIV/AIDS.

Sometimes, it's not even about being politically correct but about being humane. Words with negative associations, sensational overtones, alarmist associations, dramatization and pity are best avoided.

The language to be used while reporting on issues connected with trafficking in persons needs to be constructive and should steer clear of stereotypes.

The very language used while writing a story should be empowering to the subject.

It will be advantageous to be familiar with language appropriate for reporting on HIV/AIDS as many survivors of trafficking are also likely to suffer from the syndrome.

Stigma kills. Give your copy a re-think. Is there any usage in your copy that can bolster or create stigma for the subject or prejudice in the mind of the reader.

Using the word 'victim' assumes their helplessness when it comes to taking their own decisions. Using terms such as 'vulnerable to trafficking', 'affected by trafficking', 'vulnerable to HIV/AIDS', 'infected by HIV' seems more sensitive.

Try 'sex worker' in place of 'prostitute' though even the laws and the Constitution use the word.

Try 'Commercial Sexual Exploitation or CSE' in place of 'prostitution'.

Try 'People Living With HIV/AIDS or PLWHA' in the place of 'AIDS victim'.

Try 'Survivor' for those who have been rescued.

(A list of appropriate usages is enclosed as an annexure)

Kim Phuc: Then and Now



The living symbol of the suffering of innocent war victims has become one of the world's most fervent activists campaigning for peace, non-violence, tolerance, dialogue and mutual aid.



■ TRANSLATING PERSPECTIVE INTO COPY

It's a crime, often large-scale and organized. It's an international issue. It's a human rights violation. It needs a legal perspective. It needs to be connected with the socio-economic-political picture. It has health implication – both physical and psychological. It has a place in the HIV/AIDS scenario.

Trafficking in persons if ever reported, gets covered as a crime story or at most as a women's issue. The need is to integrate the many perspectives on the situation into the copy.

Reporters can take an alternative approach that truly puts perspective into their story.

This can be achieved by:

Positioning the story from the perspective of the affected and not just focus on the trafficked person but also on the trafficker etc.

Being non-judgmental. Sometimes the trafficker too is, or has been, a victim of circumstances.

Expose violations in a sensitive way and examine ethical issues.

Retain human interest while maintaining the dignity and confidentiality of the affected.

Focus on biased behavior and male responsibility to expose the nature of exploitation of the affected.

Telling the story in a way that raises the self esteem of the people, empowers them and informs others about the issues.

■ INCORPORATING NEWS VALUE

SELLING THE STORY

Once a journalist is geared to present a sensitized report on issues related to trafficking in persons and its linkages, how does he/she ensure that the story sees 'the light of day', gets its due play on air, in the newspaper pages.

Selling story ideas to the gate keepers such as chief reporters, chiefs of bureau and news editors in a media organization when it comes to covering issues like trafficking in persons is often a difficult proposition. There is always a crunch for space in a newspaper and airtime. The preference always goes to hard news. Subjects such as these are considered 'soft'.

Why not try a 'soft' or 'delayed' lead? When covering issues such as trafficking and HIV/AIDS, often the time element is not critical and the basic facts are known. However, the context and the nuances are still missing, making the big story seem rather hazy. In such a scenario, a build up that puts an illustrative anecdote, a factoid, background, context, a gray area of discussion or a fresh way of looking at existing facts, can precede the central information being given.

WHAT IS A SOFT STORY?

Journalists are trained to write straight. Bare facts reported in the ubiquitous 'inverted pyramid' style as hard news that is current and fast. With so much competition among the media – between the electronic and print and within these two categories as well – it's often a race between the quick and dead. Hard news sells. It gets the ratings. But often it is forced to leave out the detail and the human interest.

Why not try a 'soft' or 'delayed' lead? When covering issues such as trafficking and HIV/AIDS, often the time element is not critical and the basic facts are known. However, the context and the nuances are still missing, making the big story seem rather hazy. In such a scenario, a build up that puts an illustrative anecdote, a factoid, background, context, a gray area of discussion or a fresh way of looking at existing facts, can precede the central information being given.

To make the 'soft' story interesting, one needs to package it creatively to sell it to the editor. One can try out:

Making the story in depth and compelling.

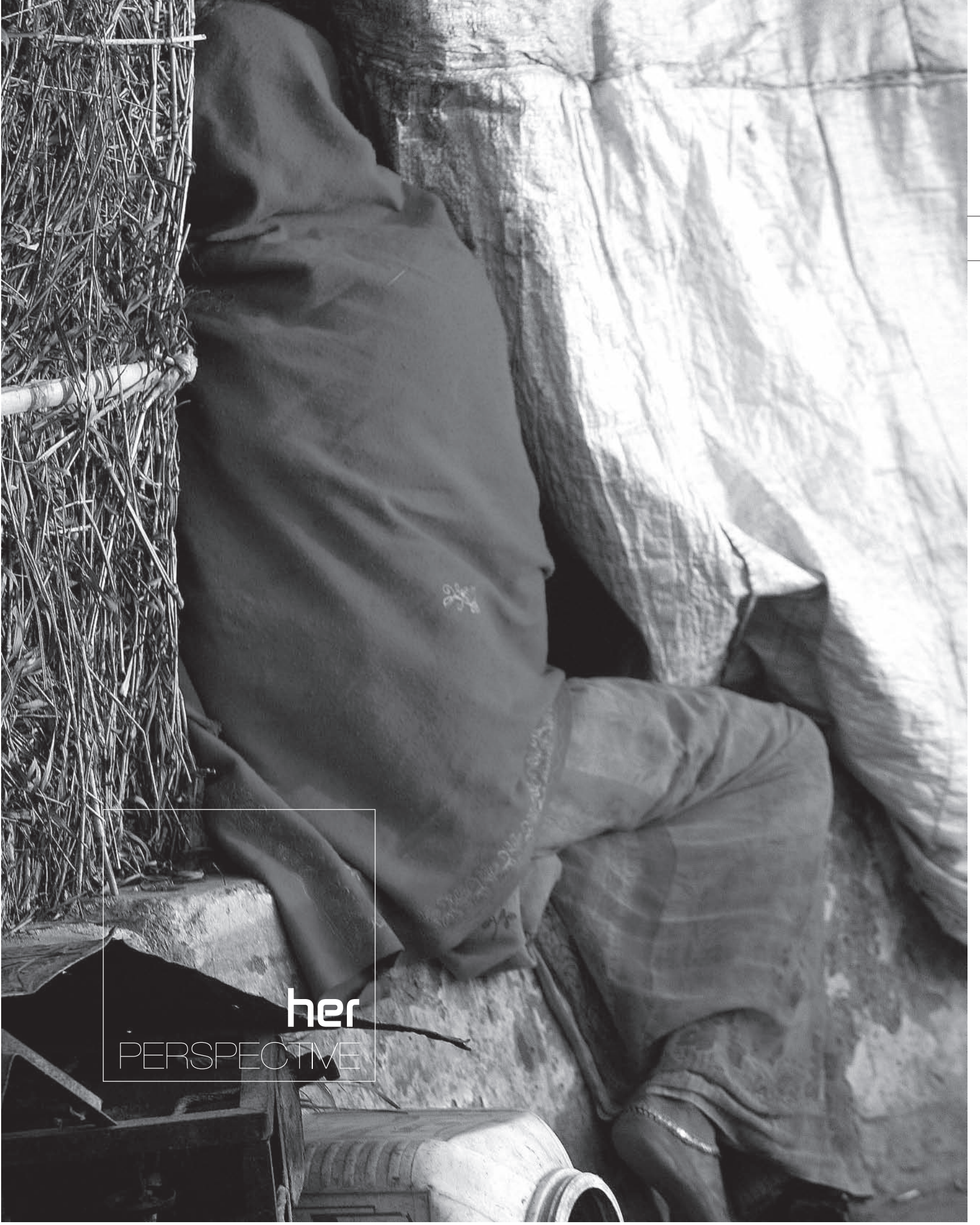
Finding a news peg, (global convention on the subject, release of some related report or book etc.)

Timing it well. (Link the story to some related event, some special day, to talk about the related issues.)

Using a hard news peg, (eg. Cabinet approves amendments in a nodal law) to go in depth into issues.

Alternatively, one can try to make report news worthy by incorporating new studies, data or developments in the field. Or just find a new news angle.

Be smart. Plan the story for a day that is relatively not so news heavy. It's true; the newspaper does not go blank and the tube needs images to show 24x7.



her
PERSPECTIVE

BEING SENSITIVE

This, the last section of the media manual, lists some leads and story ideas that can be followed up at the national, regional, state and local levels to contribute towards creating an informed debate about trafficking in persons and its linkages with HIV/AIDS.

Media professionals can follow these leads and story ideas and with the help of the background material collated in the accompanying Media Guide, can create stories that will not only interest the audience but also impact the trafficking and the HIV/AIDS scenario in a positive way.

TYPES OF SOURCES

Human interest: Survivors including PLHWA, their families and care givers, human rights advocates.

Social: Community leaders in source as well as destination areas.

Economic: Analysts, corporates

Government and Judiciary:
Bureaucrats, judges, lawyers, law enforcers, legal rights advocates.

Health: Care providers for HIV and other medical conditions as well as for psychological trauma.

Besides, the Internet and libraries.

SOME LEADS / TREATMENTS THE HARD STORY

The hard story is the reigning genre of writing in the news media. This style can be used to focus attention straight on the harsh realities of the trafficking and HIV/AIDS scenario. Statistics, latest research and trends and events like important days can all be reported in a straight forward fashion for maximum impact. The important thing here is to present the statistics in the correct but non-alarmist vein.

The same direct approach works when reporting actions such as raids on a brothel, rescue operations etc. Today, when sting operations are in vogue, such pro-active journalism by media persons in accompanying and sometimes even leading to rescue of sex workers etc, can make a juicy report and extremely coveted television news report. Yet the activists working in the field are wary of the media professionals.

Sensitivity towards protecting the identity of the survivors is important. Watching out for voyeuristic language and presentation and moving with the premise that the sex worker is a 'victim' not the person responsible for her state, can take the reportage in the right direction. Being aware of the

concerned laws, can help the media professional evaluate the role being played by the police, the judiciary and the CSOs in such scenarios.

SOFT LEADS

Being matter of fact while reporting issues of trafficking in persons and HIV/AIDS can sometimes miss out on the human tragedy involved in such scenarios. Writing with a softer touch can help bring out the human face of the larger picture where epidemics and displacement becomes mere numbers.

HUMAN INTEREST

Here relating a single person's life and vulnerability in a 'softer' style can evoke a better response. Though 'human interest' is a term now passé in the lexicons of journalism, stirring up this is exactly what the media can contribute with in the war against trafficking and HIV/AIDS.

DELAYED LEAD

Give the story a good build up. The event, the data, the harsh reality, can sometimes come later. E.g. recreating the very journey of a person through the rites of passage of trafficking can help demystify it.

ANECDOTAL

Simply explaining the depth, variations and extent of a story through anecdotes, case studies and profiles of people is a time-tested, crisp style of presenting a complex problem to readers and audiences. It can work while reporting about trafficking and HIV/AIDS scenario as well.

THE ELECTRONIC MEDIA

The human trafficking scenario yields itself to all kinds of interesting television. From news coverage to analysis, discussion programs, documentaries, features as well as investigative work.

STORY IDEAS

Trafficking in persons is a multi-faceted, complex phenomenon. It has intricate linkages with social realities and economic inequities. It thrives among age-old cultural practices and prejudices and new age push and pull factors. It has linkages with health and crime scenarios, its international national and local level ramifications and its own demand and supply dynamics. It's a global issue that touches the fabric of life in the country as its linkages with the HIV/AIDS epidemic have come to the fore.

These complexities offer scope for reporting of all genres. However, much about the issues related to trafficking in persons goes unreported, even as television channels and new age print journalists 'hanker for masala'.

With all its complexities, connotations and gray areas, the trafficking scenario can lend itself to many forms of public discussion through the media. From

hard news to soft stories, from women's issues to the health beat, editorials and Op-Ed pieces on policy issues and legal frameworks, from crime and court reporting to investigative coverage, sting operations and feature writing, from breaking news to documentaries and dramas.

■ SOME LEADS TO FOLLOW:

■ TRACKING TRAFFICKING

The most challenging and perhaps the most rewarding story to be done in source areas.

Following not just the vulnerable groups but also their circumstances.

Following the traffickers

Trafficking routes.

Tracing the changing trends

Mapping the transits

Presenting the milieu

Profiling a source area

Talking about social and cultural attitudes that lead to trafficking as well as impact rehabilitation

Gender disparities

Child Rights issues

Economic compulsions and poverty scenario

The demand and supply graphs of trafficking in persons

The push and pull factors that lead to trafficking

Trafficking and conflict zones

Trafficking and natural disasters

Migration, trafficking and safe migration

■ STATISTICS

Using numbers for their shock impact while steering clear of being alarmist

Highlighting the human face of the numbers

Relating them to the highly nuanced trafficking and HIV/AIDS situation

■ GRAY AREAS

Living life in the red light area – choice and lack of it

Consent

Stigma

Child rights

Trafficking and HIV/AIDS – welfare approach vs. the rights based approach

■ MORE LEADS TO FOLLOW...

■ HEALTH BEAT

The linkages of trafficking with the AIDS epidemic.

Good health for a trafficked person - a matter of choice, access and availability

Prevention and care modules

■ CRIME & COURT

Trafficking – how punishable

Lacunae in the law

Legislation and policies to protect migrant workers and PLWHA

The loopholes in enforcement and role of police

The judicial activism or the lack of it

The court room – a trafficked person is asked inappropriate questions, made to re-live her trauma

■ RESCUE & REHABILITATION

Rescue her only if she asks for it – rights based approach

Conditions in shelter homes

Children's homes

Social, psychological problems of rehabilitation

How empowering is the rehabilitation for the survivors

■ RE-INTEGRATION & REPATRIATION

Socio-cultural factors that go against re-integration

Inter-country issues – bottlenecks in repatriation

Repatriation: A matter of choice

■ POLICY ISSUES

Reframing the laws

Calling for mainstreaming trafficking in persons and HIV/AIDS in the national policy

Focus on the issues of trafficking and HIV/AIDS

Translating such impetus into actual initiatives at ground level

Redefining a rights based approach

■ REVIEWING WORK DONE BY CSO

At the national, international, regional and local levels

Understanding and evaluating if a program is less effective and truly empowers the vulnerable sections and breaks myths and stereotypes

■ SURVIVORS

In the case of stories about survivors, the media can talk about:

RIGHTS OF SURVIVORS

Care and support of survivors/PLWHA

Rescue and restoration/rehabilitation/repatriation

Health care and the issue of HIV

Promoting a rights based approach

Shelter homes

Role of the community and administration

Role of police, health and judiciary

POSITIVE STORIES

The journey to empowerment

About survivors managing to survive.

A new type of leadership - The impact of peer educators

The stories of achievers – individual, group, organizational and community level breakthroughs

The unsung heroes and heroines who represent the values of new rights based leadership

The role of women in fighting trafficking and the HIV epidemic

Men as champions of gender equality

Best practices – of learning skills and GIPA

Micro finance, micro credit and self help groups

PLWHA celebrating life

Effective prevention and care modules for PLWHA

■ SOME STEREOTYPES THAT NEED BREAKING

The virgins and AIDS myth

The stigma attached to a rape victim

The shame and stigma that keeps a person trafficked into sex work quiet

Breaking the silence and denial surrounding HIV/AIDS

Bringing the culturally sensitive causes of trafficking and HIV into public domain

TYPES OF SOURCES

When going about doing these stories one can tap numerous sources for information at various levels.

In terms of facts and figures, Trafficking in persons as well as the HIV/AIDS scenario shows up many discrepancies. The stigma attached to the two situations often keeps the vulnerable and affected sections away from revealing their real stories. Yet some reports and international organizations are working hard on collating such data.

The UNDP-TAHA project has recently embarked on a grassroots level program aimed at collating information 'with' the vulnerable sections at the center of the project. A list of web-resources including many UN agencies involved with tackling this multi-dimensional problem is attached to this media kit.

Government departments and agencies like DWCD and NACO are often authentic sources of information when it comes to programs and their implementation.

Civil Society Organizations working at international, national and grassroots level are a solid source of information, leads and breakthroughs. These activists, who often work closely with trafficked persons and survivors over long durations, earn their trust. The trafficked person is often wary of talking to strangers. Going along with the local CSOs can help provide greater insight into the lives of the subjects.

The ultimate source for a good story, obviously, would be the affected person, the survivor, the PLWHA. The basic principle is to earn their trust, make them open up to tell their story without hurting their sentiments and their sense of dignity.

Being able to tell one's story is considered therapeutic in the parlance of psychology. Yet, care must be taken to not lead the survivor into re-living their traumas if it is affecting them adversely. Care also must be taken to explain to the implication of their story being made public and their identity concealed with extra caution.

Once face to face with a survivor, a journalist needs to work with empathy. Avoiding a 'them vs. us' approach, the effort should be to put oneself in their position.

The endeavor, above all, should be an empowering experience to the person, a bid to break her shackles of shame and anguish.

MINISTRY OF WOMEN & CHILD DEVELOPMENT

Nodal Office Coordinating anti-trafficking initiatives in India at the national level.

-Headed by a Minister

-Secretary, Ministry of Women & Child Development, is also the chairperson of anti-trafficking central advisory committee

-A joint secretary level official deals with trafficking issues

-Under the Ministry are two stationary bodies

National Commission for women

Central Social Welfare Board

At the state level there are state social welfare Advisory Boards.

Other Sources - Law enforcement and Police officers, courts and judicial officers, National Crime Record Bureau, Anti-Trafficking CSOs, NGOs, UN Agencies.

■ FACE TO FACE

The ultimate source of information regarding trafficking as well as living with HIV/AIDS is the affected person. However, these people are not so easy to approach. Often their experiences have led them to stop trusting anyone. So, to gain their trust and to get their story in all its dimensions is a challenge to any journalist.

■ SELECTING THE SUBJECT

When selecting a subject – a vulnerable person, a trafficked person, a survivor or a PLWHA – for an interview, the starting point can be to check if she is willing to speak. It is her right to know that she has a right to silence.

If she agrees, the ramifications of her decision must be explained clearly. Her consent should be sought in case she wants to hide her identity. In case of children, this process becomes even more complicated and the sensitivity of the journalist becomes even more crucial.

It is important also to collect information about the socio-economic background of the person, her journey, her current situation and her health status to be able to frame the questions sensitively.

■ RAPPORT IS A MUST

The media person must remember that he or she is face to face with a person whose rights and sensibilities have been violated over and over.

They will open up only if the media person can build a rapport. A few ways of achieving this connection:

- Go along with an activist or CSO they trust.

- Go along with a peer educator.

- Pay one or more primary visits and introduce yourself to them, tell them why they should talk to you.

- Familiarize with their environment, their concerns and their cultural background. This helps frame questions that will not affront their sense of dignity.

- In case of children and minor, sit with the adults, guardians, parents (in case of children of sex workers, PLWHA) they trust. Convince them about your motifs.

- Tell them that without their consent, nothing will get out.

■ THE INTERVIEW

Best quotes and bites come if the subject of the interview is relaxed and at ease. This works especially in cases of trafficked persons and those infected with HIV.

Their social background, fraught with gender inequities have taught them suffering in silence, the trafficking and after has 'broken them in' and a possible HIV infection has added to the hopelessness. The interviewer has to break a number of barriers if he or she wants to know the real story.

It's often best to keep the interview as informal as possible. Make the interviewee comfortable and relaxed by talking to them in a casual, natural style.

While in some cases it might be helpful to talk to the subject in their own environment in other cases the person might talk more freely if she is taken out of her immediate surroundings. This decision has to be taken depending on the situation at hand.

Once a rapport is established, the subject should be asked to narrate her story. The questions can facilitate and steer her into telling her about the different aspects of her life but should not be leading.

Care must be taken that the interviewer is not foisting his or her pre-conceived notions on the interviewee. Facial expression tell more than words.

Attention must be paid to carefully reading her mind. If she is getting uncomfortable, the situation should be treated with tenderness.

A QUESTIONNAIRE

■ THE SOCIO-CULTURAL MILIEU

- Do you remember your village?
- Who all are there at home?
- How would you describe your parents and other members of your family?
- Did you like being with them?
- What did you like/dislike about them / about home?
- Do you remember growing up with your brothers and sisters?
- Did you go to school? Till which grade? / Did you want go to school? Why?
- Did you like your school? What is the most important lesson you learnt in school?
- If drop out, why?
- Do you think schooling and education can help a person in life?
- Do you remember your teachers and friends?
- What did you do on festivals when you were with your family?
- What cultural tradition or rituals are important to you today?
- Is religion important?
- Understanding her self worth and psychological profile

- What is your general feeling about yourself?
- Did you feel cared for as a child?
- What was the best and the worst time of life for you?
- Which one event will you call life changing?
- How do you think the society perceives you?
- How do you think you close relatives (will) see you?
- Do you have good friends now?
- How different is it from your home environment?
- Is living in a community important to you?
- How do you support each other?
- Who are the heroes, heroines' guides and helpers in your life?
- Tell me about some special people in your life?
- Tell me about your struggles, your losses and wins?
- Do you feel comfortable talking about sexual relations?
- Do you think about love relationships?
- How would you describe love?
- What does intimacy mean to you?
- What does marriage mean to you?
- What happens if things do not work out? How do you handle disappointments?

PRESENT STATUS: ECONOMIC

- Do you feel economically secure?
(more pointed questions if she is comfortable – where do you keep your money, how much income etc)

- How much income your family has and what is the mode of earning in the family?
- Do you have all the goods you desire?
- Do you think there are other ways of earning a living?
- Will you like to try out something else?
- What do you think about your economic status and quality of life?
- What is your expectation about economic security and employment?

■ PHYSICAL

- Are you all right with your housing conditions?
- Are you free to move around and go out?
- Do you think this environment is 'alright' for your children?

■ HEALTH

- Are you suffering from any medical problem?
- Do you have access to health care services?
- Are such services affordable?
- Do you know about safe sex?
- Are condoms easily available to you?
- Do your customers agree to use one?
- Are you satisfied with the quality of food you eat?
- What is the source of water?
- How about sanitation?
- Do you think that you suffer from psychological disorders?

- How do you entertain yourself?

■ THE FUTURE

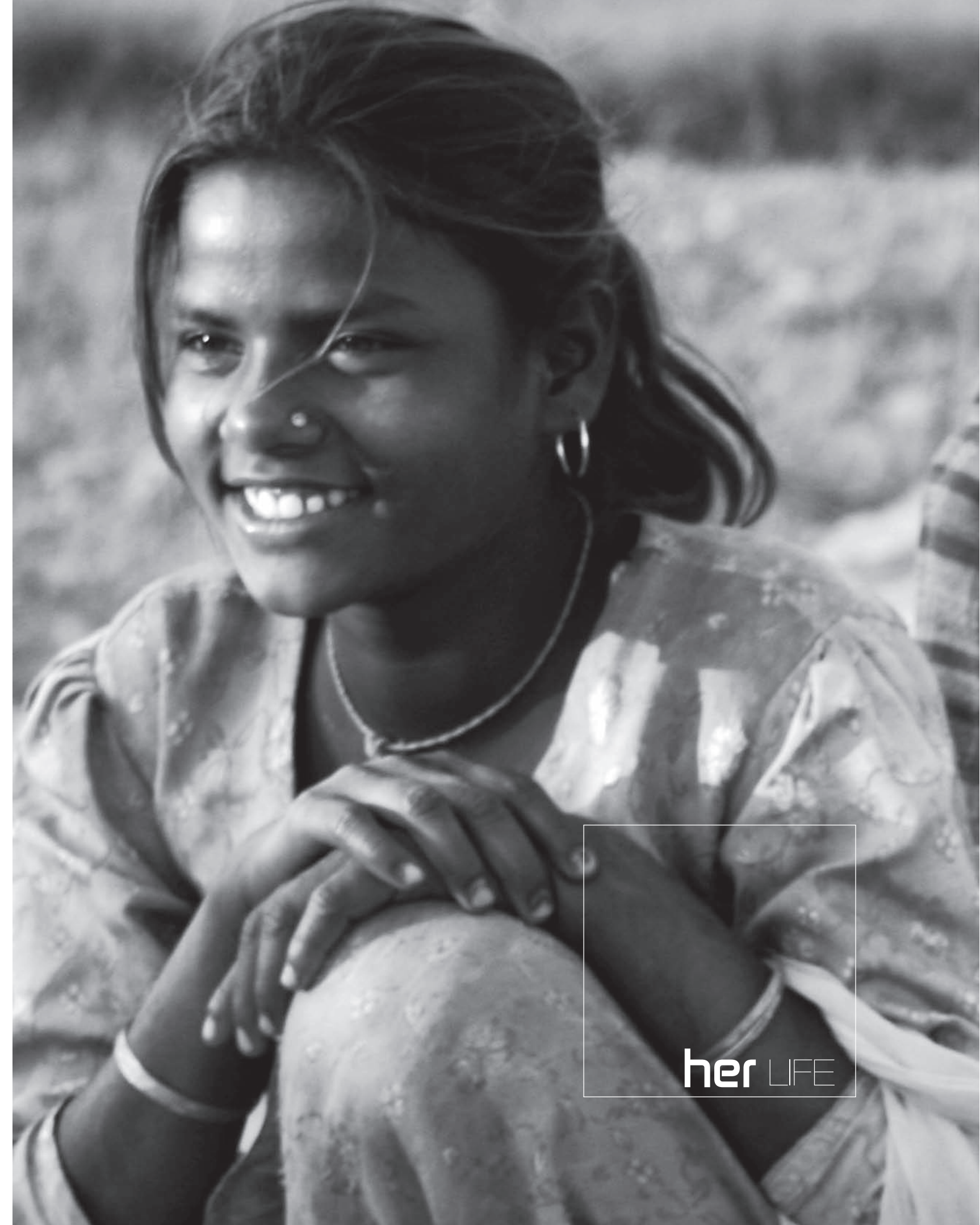
- What did you desire for yourself as a child?
- Did you achieve any of those?
- What future prospects do you see for yourself at present?
- What would an ideal future scenario be for you?
- What do you think will be an ideal future scenario for your children?
- Do you think that you will be able to achieve these? How?
- Are you active in any organizations/groups?
- What is your biggest worry?
- Do you think that this can be solved?
- Do you think that you have a happy, fulfilled life?
- Do you expect a happy life in future?
- What gives you the most hope?

SOURCES

TIP 2005

History of Human trafficking, traffickinginpersons.com

Action Research, NHRC



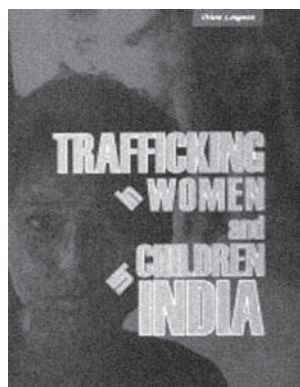
her LIFE

ANNEXURES



THE NATIONAL HUMAN RIGHTS COMMISSION'S ACTION RESEARCH ON TRAFFICKING IN WOMEN AND CHILDREN IN INDIA 2002-2003

Findings and Conclusions (abridged)



The National Human Rights Commission conducted an action oriented research on Trafficking in Women and Children with the aim of understanding the trends and patterns of trafficking, studying the demand situations and the vulnerability factors, and looking into the response by the various concerned agencies. The report explored new vistas and made an effort to demystify the world of trafficking and the existing response scenario by analyzing data collected through case studies and thousands of interviews including those of traffickers and clients and the qualitative inputs from many focus group comprising judicial officers, police officers, other government officials, NGOs, social activists, lawyers, academicians, media personnel, etc.

The study validated certain beliefs, negated others and created a database for initiating appropriate intervention programs. It confirmed that among the trafficked persons, majority are girl children and negated the popular conception that the clientele who visit the brothels or abuse trafficked girls are men who live away from their families.

The study shows that among the respondents, 45.5 per cent are married and, among them, 72.9 per cent are living with their spouses. The study segregated the issues of trafficking from that of commercial sexual exploitation. The common perception, that the rescued survivors and those who are still in brothels are 'prostitutes' who indulge in soliciting and make profits in this 'trade', has been trashed by uncovering the reality of the situation. These hapless women and children are victims of grave human rights violations, having been trafficked by vested interests by lure, deceit, compulsion, threat, coercion and, thereafter, pushed into the world of commercial sexual exploitation or other types of bondage.

According to the study, the exploitation of women and children takes place not only before trafficking, but also during trafficking and after trafficking. Vulnerability situations and gender discrimination, which prevail in society, have not only been promoting and facilitating trafficking but have also been perpetuating it. The rights of the trafficked persons are violated with impunity. They are subjected to physical and emotional harm.

from sexual assault to economic deprivation, and violation of human dignity.

The post-trafficking scenario finds the victim at the end of the tunnel, with almost no hope of survival. She is subjected to different types of conceivable and inconceivable acts of perversion and exploitation. The strong nexus of vested interests ensures that the victim is caught in spiraling debt bondage, which is one of the many strategies adopted by them to keep the girl in constant servitude.

This study is unique in that the responses by several agencies, including the judiciary, have been looked into. Analysis of several judgments demonstrated that more often than not, the trafficked victims are the ones who are convicted and fined. The study clearly brought out the fact that law enforcement, in most places, violates the rights of victims. It is a common practice to arrest, charge sheet, prosecute and convict the trafficked victims.

It showed that human rights violations are rampant during the rescue and post-rescue efforts. Hence, there is a need for radical change in the law enforcement practice and methods.

The response by government departments and agencies, and non-government agencies also emphasized the need for radical improvement in many respects.

The present approach, which victimizes the victim further, has to be immediately substituted by a firm commitment to protect the human rights of these victims and, at the same time, ensure stringent action against the traffickers and other exploiters.

Trafficking of women and children is not a localized issue and so, it can be safely presumed that the study represents the national status though it was carried out

only in 12 states of India. There may be a few instances of trafficking within a community, but trafficking is largely a borderless crime, transgressing the boundaries of police stations, districts and states.

The study has brought out the serious dimensions of inter-district, inter-state and international trafficking. Under the existing system of jurisprudence, the prosecution has to prove the case against the offenders beyond reasonable doubt. This puts a lot of pressure on the victims to convincingly present their case and substantiate the same during the cross-examinations. Absence of victim protection programs, lengthy court proceedings, heavy backlog of cases pending trial and a host of issues of implementation create a situation where it is the victim who often gets victimized.

Taking cue from such rampant human rights violations, this study has come up with certain suggestions for the amendment of ITPA as well as for changes required in law enforcement and justice delivery. The data from the 561 survivors (rescued victims interviewed) shows that more than half are from the socially deprived sections of society. The majority of them come from dysfunctional families.

The fact that 56 per cent of the survivors have been rescued by the police shows that even in the present situation, law enforcement agencies play an important role in the rescue of such victims. Some 38 per cent of the survivors have been rescued by NGOs, despite the fact that in most of the states, NGOs have not been officially notified by the Advisory Body (Section 13(3)(b) ITPA).

There is an essential requirement for a partnership of police with appropriate NGOs in the rescue operations and post-rescue activities. Such combined initiatives have delivered commendable results, which

have been presented in several case studies and have been forged and facilitated by the intervention of the High Courts of Delhi and Mumbai.

Among the survivors, 20.7 per cent are children below 18 years and the majority of them were trafficked at a very young age. The high level of exploitation and vulnerability of children is obvious. Among the survivors who were interviewed, 17.5 per cent had been rescued once earlier, 1.8 per cent twice before, and 6.6 per cent were rescued more than two times. This data shows the extent of re-trafficking.

Moreover, 57.5 per cent of them had been arrested by the police earlier. This means that the victims have been criminalized. Having not been rehabilitated, they had no option but to return to brothels. The data shows a high percentage of return to brothels of those who were 'rescued' or 'arrested' earlier. This exposes the glaring deficiencies in the existing system of law enforcement, justice delivery and rehabilitation programs.

The survivors had to face an average of seven clients per day and most of them had no say in deciding the number. They had no choice with regard to use of condoms or any other safe sex practices. As regards health issues, 32.3 per cent of the respondents had been suffering from one or other ailment, and among them, 8.3 per cent were suffering from HIV, 30 per cent from STDs and 17 per cent from other gynecological problems. This revelation is despite the fact that many of them were not willing to speak about their health status, mostly out of fear or stigma.

The conditions in the rescue homes left much to be desired. Though the satisfaction level was almost 50 per cent, the issues of further human rights violations of the rescued persons and the social stigma imposed on them almost negated the efforts to mainstream them. The data analysis from

the 929 trafficked women and children, who continue to be victims of CSE, further confirms the level and extent of exploitation and abuse unleashed on them.

This data shows that 2.9 per cent of them are from Nepal and 1.1 per cent from Bangladesh. Of the rescued survivors, 1.8 per cent indicated they were from Bangladesh, 4.5 per cent from Nepal and 0.2 per cent from Pakistan. These figures prove the existence of trans-border trafficking for commercial sexual exploitation. This, clubbed with the observations from the intervention centers in the transit routes, shows that the actual number of women and girls trafficked across the border would be very high. Data collected from the shelter home in Kolkata supported the fact that the number of women and children trafficked from Bangladesh and Nepal is increasing every year.

Among the interviewed survivors and victims, a vast majority were those trafficked within the country. This highlights the seriousness of the problem of inter-state and even intra-state trafficking in India.

This is equally applicable to women and children trafficked not only for commercial sexual exploitation but also for other types of exploitation such as labour and other forms of servitude. The mapping of trafficking patterns shows that in many states like Andhra Pradesh, Karnataka, Tamil Nadu, Maharashtra, Rajasthan, Uttar Pradesh, Bihar and West Bengal, there is a very high rate of inter-district trafficking within the state. Delhi and Goa, on the other hand, have high levels of trafficking from other states. Among the 'source' states, Andhra Pradesh tops the list.

The study finds a need for the concerned 'source' states to take strict action against traffickers and recruiters. They also need to initiate necessary steps to prevent trafficking

whereas the 'demand' states have to arrest the demand for trafficked women and children. However, such efforts cannot be successful if they are done in isolation. The responses at the demand areas, the supply areas and the transit areas have to be coordinated so that the push and pull factors are dealt with simultaneously.

The study has brought to light that trafficking, though not reported from many places, is happening almost everywhere. The situation is worse in areas which are underdeveloped. It emerges from the study that trafficking of women and children from the North-Eastern states of India and bordering countries, in both directions, is a serious issue which has not drawn public attention. Pangsa and Dimapur in Nagaland and More in Manipur are the major transit and demand centres. The long drawn extremist activities as well as the ethnic clashes and conflicts between several groups in this region have made women and children in the entire region highly vulnerable. Lack of infrastructural development and livelihood options have exacerbated the situation.

More than 60 per cent of the victims of CSE were also victims of child marriage. Figures show that a vast majority of the victims of CSE are those who have been subjected to sexual assault as children. 45.6 per cent had their first sexual experience while they were under 16 and 27.7 per cent when they were in the 16-17 age group.

The extreme vulnerability of children and a high demand for them for commercial sexual exploitation is established by the fact that 22.9 per cent had been pushed into brothels even while they were less than 16 and 21.4 per cent while they were in the 16-17 age group. Among the victims of CSE, 10 per cent stated that they are victims of re-trafficking.

The data from the victims and survivors indicates that almost 50 per cent of the

traffickers are females but it doesn't reveal the larger dimensions and networks of traffickers. The fact that 68 per cent of the victims in brothels were lured with promise of jobs and 16.8 per cent by promise of marriage makes it clear that deception is by far the most frequent means used by the traffickers to ensnare their victims. Based on the information from the victims, it emerges that a total of 1,092 traffickers were involved in trafficking 437 respondents. This shows the networking and organized linkage among traffickers.

The study has made a profile of the needs of survivors. Dignity, self-esteem and the need to belong, emerge as the most important requirements. Psycho-social support services are, therefore, essential. Survivors and victims require care and attention, especially with respect to life-threatening diseases, shelter and livelihood options.

According to the study, the entire population can be broadly categorized into three groups: Group 1: Newly-inducted women and children who desperately want to be rescued; Group 2: Old women who have no options whatsoever before them; Group 3: Middle-aged women who are almost reconciled to continuing in the brothels because of many reasons, including lack of livelihood options.

The strategies in addressing the problems and sufferings of these three categories cannot be similar. The first category is craving for rescue. However, they are much in demand, and bring maximum returns to the exploiters, who keep a watchful eye on them. So they are mostly hidden and produced only on 'customer-demand'. Even if it is a challenge to the law enforcement agencies, their rescue should be a priority.

The case of the elderly persons, most of whom do not have any clientele, is no different because they also want to be appropriately

rehabilitated. The middle-aged group would include a few who are willing to continue, despite odds, because of the fact that they have no other livelihood options.

The study mapped the vulnerability factors that caused the trafficking of these victims and survivors. Whereas the pull factors appear to be the dominant cause of trafficking, the push factors not only contribute but at times, exacerbate the situation. It is the economically backward and socially discriminated, especially those below the poverty line and those belonging to the ST, SC, OBC, and other deprived sections of society, who are the most vulnerable. Among them, children constitute the largest contingent. Further, girl children and handicapped children are extremely vulnerable. The status of the girl child, who is more often regarded as a liability, the gender discrimination prevalent in the social milieu, and different forms of violence against women like infanticide, female foeticide, etc., adds to the vulnerability.

This is further accentuated during periods of acute economic distress, for example, drought, flood, food shortage, etc. The debt crisis due to economic deprivation as well as the collapse of social security systems spurs migration, which also eventually contributes to trafficking.

Whereas for many of the trafficked girls, the end point is the brothel, for boys it can be a workplace where their helplessness can be exploited by putting them to hard labor on nominal or no wages, and bad work conditions.

In many cases, involvement of family members in trafficking creates a very difficult situation. The study shows that even women (sometimes related to the girl child) are involved in trafficking. However, the men involved in trafficking are the main

beneficiaries. They provide the muscle power and work out the strategies for the most profitable disposal of their 'merchandise'.

From home to the destination point, the child passes through many a hand. There is a chain of traffickers who exploit the children en route and instill fear in their minds through threats and punishments so that the child becomes submissive and accepts all orders. The clientele who visit the victims in the brothels are from different walks of life. Most of the clients look for girls who are young virgins and would withstand all types of perversions in silence. Among the respondents, 9.8 per cent stated that their clients were students. The strategies for action against the clientele have to be oriented according to the type of the client.

Places where the demand comes from are mostly urban, and supply areas are mostly rural or semi-urban. However, a percentage of the supply is from within the exploitative surroundings, as is the case of the children of trafficked victims and children of women in brothels.

The brothel atmosphere, as revealed by the victims and survivors, shows extreme levels of exploitation. The trafficked persons have no say over the timings, the number of clients or the type of clients. They have to surrender to the whims of the clients even in matters of safe sex, like the use of condoms.

The money earned by the victims inevitably goes to the brothel owner and it is upto the latter to decide the mode and timing of sharing it. Often, the victims have to take loans from the brothel owner for various personal expenses. The high rates of interest and the spiralling dues exacerbate the debt bondage of the victim.

In order to understand the dynamics of the demand angle, 582 clients were interviewed. They varied from teenagers

to septuagenarians. Of the married clients (45.5 per cent of the total) 44.7 per cent were living with their spouses and 54.3 per cent had wives who were below 35 years. Among the clientele, 82.6 per cent had never come across any police interference in the brothels. The emerging scenario is one where the clientele is free to indulge in unlimited and unchecked exploitation of the trafficked victims, the study shows.

A total of 412 brothel owners were interviewed. As many as 67.2 per cent of the respondents stated that they were victims of CSE before becoming brothel owners and 11.4 per cent had inherited brothel ownership. This confirms that lack of livelihood options is an underlying factor in perpetuating the exploitative world of trafficking. The nexus of the exploiters has been brought out in the research, with 75.7 per cent of the brothel owners having direct dealings with traffickers supplying women and children. At the time of interview, 393 brothel owners stated that they had 2,702 victims of CSE with them, making an average of seven trafficked victims per brothel owner. Shockingly, 82 brothel owners admitted that they have girls below 16 years in their brothels.

The study proves that trafficking is a low-risk and high-profit venture. A well established trafficker with many links may easily have an extremely profitable and safe business of trading in women and children, with an income running into several lakhs a year. As far as the trafficked persons are concerned, their earnings are a pittance compared to those of their exploiters.

The failure of the law in arresting exploitation in the brothels has emerged clearly. This stems from the fact that 34.5 per cent of the interviewed brothel owners had never faced any police action during the preceding one year and 53.4 per cent of them had avoided arrest or police action

by bribing the concerned police officials. Besides, 29.1 per cent of the respondents stated that police officials had a share in their income.

The health parameters indicate that the chances of trafficked victims contracting diseases, especially HIV/AIDS, are very high. It has also come up in the study that the linkage between trafficking and HIV/AIDS is a domain which has not been seriously addressed. In fact, the medical and health issues of trafficked victims remain shrouded in mystery, never properly attended to.

Of late, certain efforts have been made to attend to psycho-social issues, but the medical and medico-legal issues have been, by and large, neglected. Added to the health problems is the extreme level of exploitation of girl children living in the brothels.

Among the interviewed brothel owners, 56.8 per cent stated that women/girls in their brothels had their children living with them. As stated by them, 285 girl children, all below 18 years of age, were found to be staying with their mothers in the brothels, on the day of interview. The vulnerability of these children to exploitation is obvious.

In the course of this study, 160 traffickers across the country were interviewed. However, most of the traffickers, who were identified after painstaking efforts, chose to remain anonymous. There were almost an equal number of males and females. The interviews did throw light on their nexus and networking with master traffickers, who are mostly males. These linkages and networking were established from the fact that the majority of the traffickers were intimately related to the world of commercial sexual exploitation as brokers, pimps or brothel owners.

Most of the interviewed traffickers were young, with 25 per cent in the 18–30 age group and

37.5 per cent in their thirties. Though the traffickers adopted different modus operandi, 51.9 per cent lured the victims by offering a job and 16.3 per cent lured them by false promises of marriage. The high demand for girl children in commercial sexual exploitation was confirmed by the traffickers.

Almost 50 per cent of the traffickers focus on rural areas for recruitment. Targets are decided based on the vulnerability factors, which include a combination of lack of livelihood options and opportunities, ignorance, mostly arising out of illiteracy, social and gender discrimination, etc. The unbelievable assets that the traffickers generate were brought to light in several cases.

The study has also shown that so far there are no instances of forfeiting or confiscating the illegal wealth amassed by traffickers. Since this study takes into consideration trafficking for exploitation of any kind, an effort was made to identify children, both male and female, who were rescued after being trafficked predominantly for purposes which were not sex-based. They were used for domestic labour, industrial labour, agricultural labour and in the entertainment industry (viz. circus, camel jockeying, etc.). They were also used for illegal adoptions, illegal organ transplants, false marriages, etc.

Among the 510 children who were interviewed, 14.7 per cent were in the 6–10 age group, 21 per cent were in the 11–12 age group, 27.6 per cent were in the 13–14 age group and only the rest were 15 years and above. These children had to leave their studies at a very young age and this is an important factor in their becoming vulnerable to traffickers. Of the children who were interviewed, 34.3 per cent could not continue studies due to poverty and 27.9 per cent had to quit studies to earn for the family. Among the respondents, 39.6 per cent hold their family members or relatives responsible for trafficking them.

A large majority (74.5 per cent) were trafficked by the lure of jobs. The level of exploitation gets further exacerbated by the fact that at the time of trafficking, 37.8 per cent was less than 11 years old and 41.7 per cent were in the 11–14 age group.

A majority of the victims trafficked for labour and servitude were children from marginalised sections of society. Trafficking of children, even for non-sex-based purposes, emerges as an organised affair, with the traffickers often indulging in mass trafficking, as explained by 50 per cent of the respondents who were trafficked in large groups.

Besides the linkages of the traffickers with the source areas, the vulnerability of the victims and lack of attention by the government agencies, the culture of silence prevalent in the community has also been a factor which helped the traffickers to indulge in trafficking of children for non-sex-based purposes. The study also shows that even these children are subjected to high levels of exploitation.

Out of the respondents, 39 per cent reported about physical abuse, 11.8 per cent about verbal abuse, 12.4 per cent about sexual abuse, and 36.2 per cent about a combination of these abuses. The fact that 69.8 per cent of the respondents had no freedom to move and 81.2 per cent had to work for more than 11 hours every day explains the levels of exploitation.

It is in this context that 30.4 per cent of the respondents tried to run away but did not succeed. Similarly, 33.8 per cent of these children were suffering from one ailment or the other. The study has shown that trafficking of children for labor and servitude is also a 'business' with high profit and low risk.

The research has also brought out the linkage between migration and trafficking. Whereas trafficking is never consensual, migration has

an element of consent. Consent could have been obtained before or during trafficking, by deception, lure, cheating, coercion, force, threats etc. on the victim by the trafficker or anybody acting on his/her behalf.

However, trafficking could be a follow-on from migration. Exploitation is an essential ingredient of trafficking whereas there could be exploitation in migration also, though not essentially.

Trafficking also takes place under the façade of migration. Research has brought out the fact that maximum trafficking takes place from those places where vulnerability factors are high. Even within a state, those districts with high levels of illiteracy, exposure to natural or man made calamities, social and economic exploitation, etc., are more vulnerable to trafficking.

While exploring the links between migration and trafficking, it has emerged from the field study that restrictions on women's migration, coupled with lack of protective measures increases their vulnerability to trafficking. If the restrictions are focused only on migration of women, but do not address the scope for their exploitation, they become counter-productive. Therefore, migration has to be understood and addressed from a human rights perspective, if trafficking is to be prevented. As the literature shows, there is a strong linkage of migration with gender, development and good governance, besides human rights.

Trafficking is linked to smuggling of human beings. Whereas the latter is considered an immigration issue, the former is a violation of human rights. The exploitation and violence that the victim is subjected to, in some form or the other, continues during the entire trafficking process and the post-trafficking scenario. This distinguishes it from smuggling. Whereas smuggling is essentially a trans-border phenomenon,

trafficking can be national or international. Safe migration, prevention of trafficking and containment of HIV/AIDS are central to the development and security of persons and the region. These are parameters having a direct bearing on public safety and, therefore, on national security. The situation calls for strategies that recognize people's rights to move with informed choice and prevent trafficking as well as HIV/AIDS.

With the advent and importance of tourism in several parts of the country, sex tourism and related trafficking has also gone up. In Goa, the organized racketeers exploited innocent children, mostly boys, in several ways and for long periods. Sex tourists include both domestic and foreign tourists. The factors responsible for the growing phenomenon of child sex tourism include anonymity of the tourists, easy predatorship on the trafficked children and lack of attention by law enforcement agencies etc. Technological advancements, especially in the IT sector, have been capitalized by pedophiles who form a major constituent of sex tourists.

Goa has made a good beginning in addressing the issues. The Goa Children's Act, 2003 is a state legislation which, for the first time, deals with the issue of sex tourism. There is a need for such legislation in other states where tourism and trafficking are linked. However, the enforcement of the law is more important than the law itself.

The report also looks at certain cultural and social practices in several parts of the country like the devadasi system, reported from different states or certain localised areas, and community sanctioned customs like nath uthrai, which exists in certain places in Rajasthan. Sometimes, the induction of girls into commercial sexual exploitation is legitimized by conducting some 'religious ceremonies'. Girls are bought and sold like any other commodity and carry a price

tag depending on their age and looks. Girl children are highly vulnerable to exploitation in these communities, mostly because the community itself ratifies the exploitation under the façade of customary practices.

In this research an effort has been made to understand the linkages between 'missing persons' and trafficked persons. Collecting the data on missing women and children was difficult because in most of the states, the records were incomplete. The analysis of data for a six-year period (1996–2001) shows that on an average, every year, 22,480 women were reported missing in this country. Among them, on an average, 5,452 continued to remain missing.

Similarly, during the same period, on an average, an annual number of 44,476 children (male and female) were reported missing, out of which 11,008 children remained untraced every year. This alarming data raises several questions . where, why and how have these children gone missing? Hence, during research, efforts were undertaken in different parts of the country to verify whether the persons rescued from the brothels have been reported to be missing in their hometowns.

The efforts were revealing. Despite the fact that the women and children were trafficked, their parents or guardians reported to the police that the person concerned was missing. More often, these parents were unaware of the fact that their children had been trafficked. Then the enquiries remained haphazard and did not lead to the rescue of the person even as the girl was already being exploited in some brothel in a distant place, usually in a different state.

Listing and evaluating international, regional and national laws regarding trafficking in women and children, the report points out that usually there are serious distortions in implementation. Despite ITPA being

a social legislation, no role has so far been envisaged for DWCD in monitoring the law enforcement process. Though police is a state subject, considering the interstate and transnational nature of trafficking, if the law enforcement and justice delivery mechanisms are carefully monitored by the DWCD, it would be a great and effective initiative in the protection of women's and children's rights. The research has brought out several points on which the ITPA needs to be amended, the study says.

Regarding government response to the problem, it says that on the whole, the initiatives have been ad-hoc and disjointed, and rarely comprehensive or integrated on a national level. Despite the fact that CBI has been notified by DWCD in 2002, authorising them to investigate the crimes under ITPA, till March 2004, no case has been taken over by CBI nor handed over to CBI by state governments.

The 'Swadhar Scheme' and the 'Grant-in-Aid Scheme' by the DWCD have been recently extended to cover the rehabilitation of survivors. However the focus of Swadhar is providing shelter based rehabilitation. This institution-focused approach has its thrust on repatriation rather than reintegration. The implementation of these schemes has been half-hearted having no linkages with the existing homes or with the other developmental schemes of the government.

More importantly, the HIV linkage to trafficking has not been addressed. Such problems and challenges call for an integrated rehabilitation scheme with adequate linkages to all issues concerned. The partnership between the government and NGOs, which has been institutionalized in Andhra Pradesh, Tamil Nadu and Maharashtra, are good examples. Same is the case of involving PRIs in Tamil Nadu and West Bengal. The Goa Children's Act 2003 is a comprehensive legislation addressing

the various issues in a holistic manner. The National Plan of Action (NPA) of the Government of India is, no doubt, a comprehensive document, which takes into consideration an integrated approach in preventing and combating trafficking of women and children, the report says.

The findings of the research substantiate the need for immediate implementation of the activities envisaged under the NPA and the plans of action drafted by several state governments. While validating the NPA, this research brings to focus the need for a human rights approach in addressing the issues concerned and, in this respect, calls for appropriate changes in the NPA.

The research shows that the situations with respect to the implementation of the law leave much to be desired. More than the law, it is law enforcement and justice delivery which are problematic.

Police officers interviewed for this study have themselves stated that almost 60 per cent of the crimes are not reported. Many of the reported crimes are not registered. The all-India pattern of law enforcement thus shows that the rights of the trafficked victims are being violated with impunity. The situation gets further confounded when these victims are the ones who get convicted. As per the Indian legal system, the court has got judicial discretion to drop the charge by discharging or acquitting the case if there is even reasonable doubt that innocent persons have been prosecuted.

The court also has powers to refer back the matter to the police for further investigation if it is perfunctory or incomplete. The court also has powers to frame the charges under different sections of law than those mentioned in the police report. Despite these provisions, the research revealed, the victims who are charged with soliciting are the ones who are getting convicted.

Therefore, the scenario of victimization of the trafficked persons in the process of justice delivery exacerbates the violations of the rights of the very victims.

This research has shown that trafficking in women and children, despite being the ultimate violation of human rights, is given least priority by most police agencies and, therefore, there is no monitoring of the data, except in rare instances. This is one of the reasons for lack of control and supervision, which results in the perpetuation of violation of rights. In some places, certain police officials are regularly paid by the brothel keepers and, therefore, the 'business' is profitable for them too.

Occasionally, when brothels are raided and women and girl children rescued, police finds it difficult to secure a place where they can be safely kept. Rescue homes/children's homes run by the welfare department are often crowded and the facilities provided by them are far from adequate even in terms of food and water. In certain places, homes are simply not available and, therefore, the police was found reluctant to carry out rescue. The study has brought out several instances of rescued persons being re-trafficked for want of proper repatriation and rehabilitation.

Restoration of the child is not always possible and may not even be desirable. What is needed is rehabilitation, which can be effectively ensured through collaboration with appropriate NGOs. If the persons are required in court proceedings, they would be called back even after rehabilitation. The study has brought out the difficulties in this process and has identified ways and means, which may be of least inconvenience to the survivor. The order of the Delhi High Court (2004) for videoconferencing and the order of the Supreme Court (2004) laying down the guidelines for victim protection during court trials are relevant in this context.

Ascertaining the correct age of inmates of a brothel during rescue operations is a problem. Medical professionals have a large role to play in the delivery of justice. Even here, the issues are many. Female doctors are usually not available. Secondly, there is a lot of confusion and contradiction in age assessment. Case studies from Mumbai have shown how persons assessed to be 'adults' by the doctor have been later held to be 'children' by the medical board after NGOs appealed for reassessment.

The research points out that in the brothels, no measures are taken to protect the trafficked victim from STD and HIV/AIDS. The customers are not careful about taking preventive measures for themselves or for the children/women they exploit. In fact, some of them consciously opt for unsafe sexual practices due to certain misconceptions, including the myth that they will be able to get rid of their diseases by having sexual intercourse with a child.

One of the distortions in the present day response scenario is that the issues of children tend to get neglected or ignored as they are clubbed with the issues of women. Though there are many common points, the fact that children are highly vulnerable and are the most exploited section, demands higher priority for them.

One important problem that the research has brought to light is that of children born in brothels. Obviously, they cannot but be affected by the vicious atmosphere of the brothel. They are ready material for trafficking. It is, therefore, imperative that a plan, to ensure a proper atmosphere for their growth, is implemented at the earliest. The rehabilitative scenario presents a very dismal picture. More often than not, the efforts are disjointed and ad-hoc. There are no institutionalized mechanisms in most of the states. The counseling and vocational training imparted in the 'Homes' are

usually dictated by the availability or otherwise of facilities and resources in the homes and not by the best interests of the trafficked person.

Once rehabilitated, it would be better and essential that the district administration ensures regular monitoring to see that there is no re-trafficking. The programs of empowerment and livelihood options should extend to non-rescued trafficked persons too. There is a need to provide them access and awareness to such facilities through help lines, help kiosks, public awareness campaigns, etc. The government, along with NGOs and corporates, should also take steps to ensure marketability of the products so that the rehabilitation programs are sustainable.

The study brings out several good practice models. But these initiatives are ad hoc in nature and mostly individual-oriented. Therefore, their sustenance and continuation depends on their institutionalization.

This study points to the steps and initiatives required in this direction. High Court interventions have shown the way. This has to be followed up by the administration. There is an urgent need to coordinate and dovetail the functioning of various departments of the government in delivering justice to the trafficked persons and also in preventing trafficking.

The role of community is an important aspect in addressing social issues. Accordingly, there is a need for institutionalizing the existing networks within the country and across the borders. The 'business' in women and children generates enormous profits. The demand for the services of the victims has been expanding rapidly with increasing urban incomes. As a consequence, the number of places other than brothels in urban areas, especially in metropolitan towns, where these 'services' are made available, is on the increase.

The report has highlighted the harm that trafficking has caused to the individual and the community. Considering the violation of rights and untold miseries that the trafficked victims have to face before, during and after trafficking, the victimization that results from distortions in law enforcement and justice delivery, it has been well acknowledged that prevention is the best strategy.

The study has also stressed on the need for an integrated approach involving all the three components: prevention, protection and prosecution, in effectively addressing trafficking.

Since trafficking is an organized crime, involving a multiplicity of actors linked together in a chain, professional methods of dealing with them are called for. Certainty and stringency of punishment of the exploiters, without any delay whatsoever, is the essential requirement for preventing trafficking. Simultaneously, the victims need to be rescued and rehabilitated.

The data collected from the victims of CSE and survivors indicate that large numbers of women and children are trafficked from Nepal, Bangladesh and Pakistan. The response scenario with respect to trans-border trafficking has encountered more challenges and problems than that relating to trafficking within the country. The nationality of the trafficked person often becomes a serious issue.

Another issue with respect to trans-border trafficking is that of the procedures of repatriation. Several trafficked children are languishing in rescue homes waiting for repatriation to Bangladesh. In fact, many of them are confined to rescue homes for more than a decade despite the fact that they had to suffer exploitation in brothels for only a few months. The problems, challenges and violations of trans-border victims are aggravated because the host country usually refuses to acknowledge the nationality of the person.

The study shows that appropriate governmental systems are yet to take shape and become functional. This is an area that needs immediate attention. The Joint Task Force envisaged under the SAARC Convention has not been formed (as of January 2004) because all members of SAARC have not yet ratified the Convention itself.

Trans-border bilateral arrangements are immediately called for to address these issues. It is high time that the concerned government agencies took initiative in this regard.

The situation in the country presents a picture of lack of cohesion and coordination. Whether it is intra-state trafficking, inter-state trafficking or trans-border trafficking, the agencies involved in rescue do not seem to have any coordination with the agencies concerned with rehabilitation.

The issue of missing women and children has been seen in isolation and was never seen in correlation with trafficking. There is no common platform linking up prevention strategies between source and destination areas. The absence of a national coordinating/monitoring agency has been a serious impediment in justice delivery and protection of human rights.

The intervention by the High Court of Delhi has made it clear that without a coordinating agency, such activities will not be able to result in justice. Therefore, in order to ensure the best interests of the victims, to bring about effective coordination at the national level and to coordinate preventive strategies, programs and policies, there is a need for a national nodal agency like the Narcotics Control Bureau to combat trafficking. This action-oriented research has set the process in motion by prompting the creation of two nodal officers in each state, one representing the police department and the other representing the welfare department.

It has also highlighted the role of the NGOs which are genuinely working in this field, the National Commission for Women and the DWCD and other ministries.

There is a dire need for genuine and concerned NGOs to work on anti-trafficking in the rural areas, especially in the source and transit areas, it adds.

This study has brought to light the power relationships that operate in the world of trafficking. Whether it is trafficking of males or females, there is an overt and explicit demonstration of subordination of the vulnerable by the powerful. This power could be due to the exploiter's position of authority, economic well-being, social 'status', or sheer manifestation of a criminal mind.

In the case of trafficking of children for labor and servitude, it is the ignorance and innocence of the children that is mostly exploited. As regards trafficking for commercial sexual exploitation, the power equations have the additional dimensions of gender bias, female discrimination and the culture of patriarchy. For most of the victims, it is a crude manifestation and demonstration of male authority and power, whether of the traffickers or the clients.

Therefore, the bottomline in trafficking is the exploitation of the powerless by those in power or those who can command power, even temporarily. No doubt, the connivance and complexity of the authorities exacerbate the situation. The shifting of commercial sexual exploitation from brothels to non-brothel-based situations has been observed in almost all the states where the research was carried out. The latter manifests itself under the façade of massage parlors,

friendship clubs, etc. These emerging trends are visible not only in the projections in certain segments of the media but also in the form of Internet pornography. These activities create demand for sex, which is instrumental in perpetuating trafficking of women and children.

This project has promoted and facilitated several action programs and field research. This shows that the world of anti-trafficking or counter trafficking is relatively new with not many genuine takers. On the one hand, trafficking of women and children is the ultimate violation of human rights, but on the other hand, the response of the government and non-governmental sector is more or less ad hoc, individual-oriented, and seldom institutionalized.

It is to be remembered that women and children trafficked for commercial sexual exploitation are victims of continuous sexual assault and extreme perversions.

The study shows that post-rescue programs lack the essence of empowerment. The welfare approach, which is commonplace, has to be replaced by a rights-based approach, where the survivors, the victims as well as prospective victims (the vulnerable ones) should be involved not only in developing strategies but also in implementing them.

A participatory and holistic approach can be in the best interests of the victim, survivor and all concerned. In this context, the action programs of this NHRC-sponsored research have been instrumental in kindling appropriate response mechanisms in various quarters, and in the process, ensured that the entire approach is based on a human rights paradigm.

THE HIGHLIGHTS OF THE FINDINGS OF THE FIELD RESEARCH ARE GIVEN BELOW:

464 Victims of commercial sexual exploitation interviewed

Age group:

13-15—1.9%;
16-17 – 2.8%;
18-21—14.7%,
22-35—68.5%

Starting life in brothels:

44.3% when <18 years;
22.9% when <16 years

Age at marriage:

60.6% were married as children

First sexual experience:

73.3% when <18 years;
45.6% when <16 years

Age at the commencement of brothel life:

22.9% when they were less than 16 years,
44.3% when they were less than 18 years

Gender of trafficker

51.9% stated that their traffickers were males
The rest said that the traffickers were females

Modus operandi adopted by traffickers:

68% were lured by promises of jobs and 16.8% by promises of marriage
70% of the victims were from deprived sections of society. A total of 1,092, traffickers were involved in trafficking 437 respondents. This shows the nexus among traffickers

Savings:

61.3% had no savings despite being exploited in brothels for several years

Re-trafficking

10% of the respondents were subjects of re-trafficking

Victimization of victims

72.5% had been convicted earlier on charges of soliciting.

561 Survivors of commercial sexual exploitation interviewed

Profile

20.7% were children below 18;

Mostly from West Bengal, Maharashtra and Tamil Nadu

61.7% were already being exploited in brothels before the age of 18

51.7% were from deprived sections of society

Age at first sexual experience:

41.35% at 7-15 years of age

Age of entry into CSE:

61.7% when they were less than 18 years of age

24.2% had been rescued earlier and were victims of re-trafficking

57.9% were arrested by the police earlier

15.4% had to bribe the police for release

40.9% were released by brothel owners

75% were trafficked by two or more persons

Average number of clients

Seven per day

10% of customers were students

Main modus operandi of trafficking:

62.4% were trafficked by lure or deception

Family members accepting payment from traffickers:

18.3%

.....

Health factor:

32.3% had health problems, and among them 8.3% had HIV, 30.4% had STDs and 17% had other gynaecological problems

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852 Clients interviewed

Age:

16-25 years - 26.6%,

26-30 years - 26.5%

Less than 18 years: 14 respondents

Youngest client interviewed was 16 years

45.5% were married and 72.9% of them were living with their spouses 82.3% of the married clientele had wives below 35 years of age

85% were local residents

93.8% were frequent visitors to brothels

First sexual experience: 7.6% when they were 10-15 years, 33% were when they were 16-18 years

34.2% had first sexual experience at home, 35.7% in brothels

.....

Preference patterns in brothels:

39.2% prefer young girls, 29.9% go for looks and body shape

.....

Reasons for preference for young girls:

53.3% feel they are more submissive to exploitation,

33.8% due to fear of AIDS and other diseases

Only 67.9% use condoms and 32.1% do not go for safe sex measures

26.5% take the victims of CSE to their homes

26.5% never encountered police in brothel – explains poor law enforcement against abusers.

Regression analysis shows that police inaction is a significant factor that prompts clients to visit brothels frequently.

412 Brothel Owners interviewed

67.2% were victims of CSE before becoming brothel owners (BO)

11.4% had inherited the brothel

At the time of interview 393 BOs had a total of 2,702 victims of CSE in their brothels, that is, an average of seven victims of CSE per brothel

At the time of interview, 860 children were being exploited in the brothels. They are awaiting rescue

198 brothels had 615 girls who were 17-18 years of age

82 brothels had 245 girls who were less than 16 years of age

The highest demand is for virgins

Clients include 21.8% students and 53.4% businessmen, as stated by the BOs

Linkage with traffickers:

75.7% have direct dealings with traffickers and others use conduits

73.8% said that customers have specific demands and supply is made by them based on demand

High profit confirmed:

Maximum earnings are made from children in CSE

34.5% had not faced any police action – speaks about poor law enforcement/nexus

53.4% stated that they avoid arrest or police action by bribing the concerned police officials

160 Traffickers interviewed

There were both male and female traffickers (among the respondents, the ratio was approximately 50-50)

37.5% of the traffickers were in their thirties, and 23.1% were in the age group of 18-30 years

90% were Indians; 10% were Nepalese

Modus operandi of traffickers:

51.9% lured their victims with promises of jobs or money, 16.3% with false promises of marriage

Money spent on trafficking the victims: 26.3% of the respondents spent less than Rs.

5,000 per trafficked person

57.5% stated that the money is arranged by brothel owners/pimps

60.6% said that they gave money to the families of the trafficked victims.

510 Rescued children, trafficked into labour, interviewed

Age group:

6-10 years – 14.7%;

11-12 years – 21%;

13-14 years – 27.6%;

15-18 years – the remaining children

Reasons for leaving studies:

34.2% due to poverty/no means;

27.9% to earn for the family,

18.3% because of physical abuse by family members

Age at the time of trafficking:

37.8% were 10 years or less,

41.7% were in the 11-14 age group

Trafficking en masse:

50% of the victims were trafficked in groups

Modus operandi of traffickers: 74.5% were lured by promises of jobs

Trafficking:

39.6% held family members or relatives responsible

Exploitation at workplace:

39% were physically abused,

11.8% verbally,

12.4% sexually,

36.2% were victims of multiple abuse and

only 0.6% had no complaints

69.8% had no freedom to move

30.4% tried to run away but failed

33.8% had health problems

54 respondents suffered permanent physical disability due to exploitation

TRAFFICKING IN PERSONS REPORT 2005

Released by the U S State Department's Office to Monitor and Combat Trafficking in Persons June 3, 2005, the annual report includes countries "determined to be countries of origin, transit or destination for a significant number of victims of severe forms of trafficking. "

The narrative contains an assessment of the various governments' compliance with the minimum standards for the elimination of trafficking as laid out in the Trafficking Victims Protection Act 2000 (TVPA), and includes suggestions for actions to combat trafficking.

Secretary of State Condoleezza Rice has been quoted as saying: "This fifth annual Trafficking in Persons Report, along with the \$82 million* in anti-trafficking assistance our nation provided to foreign governments and non-government organizations last year, demonstrates our strong commitment to this cause."

It present a global scenario on trafficking in persons, classifies countries into three tiers based on their evaluation of trafficking in persons going on there. The report includes country narratives presenting a picture of the trafficking in persons scenario as well as the government efforts to enforce laws

against trafficking, protect victims and prevent trafficking. Each narrative explains the basis for rating a country as Tier-I, Tier-II, Tier-II Watch List or Tier-III.

India is on the Tier-II watch list along with China and Russia among other countries. In the south Asian region, Nepal is on Tier-III and Afghanistan, Bangladesh, Pakistan and Sri Lanka are on Tier-II.. Here is the country narrative on India.

TIP REPORT - INDIA COUNTRY NARRATIVE

INDIA (TIER 2 – WATCH LIST)

India is a source, transit, and destination country for women, men, and children trafficked for the purposes of sexual and labor exploitation. Indian men and women are trafficked into situations of involuntary servitude in countries in the Middle East and children may be forced to work as beggars or camel jockeys. Bangladeshi women and children are trafficked to India or trafficked through India en route to Pakistan and the Middle East for purposes of sexual exploitation, domestic servitude, and forced labor. Nepalese women and girls are

trafficked to India for sexual exploitation, domestic servitude, and forced labor. India is also a growing destination for sex tourists from Europe, the United States, and other Western countries.

Internal trafficking of women, men, and children for the purposes of sexual exploitation, domestic servitude, bonded labor, and indentured servitude is widespread. Numerous studies show that the vast majority of females in the Indian commercial sex industry are currently victims of sexual servitude or were originally trafficked into the sex trade. India is also home to millions of victims of forced or bonded labor.

The Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The quality and magnitude of the government's anti-trafficking response, particularly in the law enforcement area, are seriously insufficient relative to India's huge trafficking in persons problem. Some important improvements were observed in the efforts of the new government that came into power in June 2004.

The Congress-led government has made efforts to consolidate and coordinate central government anti-trafficking efforts through the empowerment of the Secretary for Women and Child Development, who serves as the government's "nodal officer" for anti-trafficking programs and policies. Modest but uneven improvements in anti-trafficking law enforcement efforts were seen in some localities, most notably the cities of Mumbai and Chennai and the states of Maharashtra and Tamil Nadu. The use of fast-track courts was the key to greater prosecutions and convictions in Tamil Nadu while sustaining a high number of trafficking convictions in New Delhi. The March 2005 order by the Home Minister of Maharashtra state to close down "dance bars" — many of which served as prostitution and trafficking outlets — may

check a new trend of traffickers favoring this more sophisticated and concealed format for selling victims trafficked for the purpose of sexual exploitation over more blatant brothel-based trafficking.

India is placed on Tier 2 Watch List for a second consecutive year for its inability to show evidence of increased efforts to address trafficking in persons, particularly its lack of progress in forming a national law enforcement response to inter-state and transnational trafficking crimes.

The government also lacked a meaningful response to the significant problem of trafficking-related complicity of law enforcement officials. The central government needs to designate and empower a national law enforcement entity to carry out investigations and law enforcement operations against trafficking crimes with nation-wide jurisdiction. This major deficiency was highlighted by state-level law enforcement officials who, at a 2004 conference, pointed to the difficulty in investigating trafficking crimes across state lines and coordinating with other states' police forces in accounting for the low level of trafficking-related prosecutions and convictions in India.

PROSECUTION

Overall, Indian anti-trafficking law enforcement efforts remained weak, though notable progress was seen in particular localities. Comprehensive statistics on trafficking-related investigations, prosecutions, convictions, and sentences were not available, though statistics obtained from several key cities and states showed 195 prosecutions and 82 convictions obtained for offenses related to trafficking for sexual exploitation in 2004. An estimated 2,058 prosecutions and 1,051 convictions for child labor offenses were obtained in 2004 throughout India.

India has adequate laws to address trafficking for sexual exploitation of adults and children. The Immoral Trafficking Prevention Act (ITPA) criminalizes the offenses of selling, procuring, and exploiting any person for commercial sex as well as profiting from prostitution. However, Section 8 of the ITPA also criminalizes the act of solicitation for prostitution, which has been used in the past to arrest and punish women and girls who are victims of trafficking. The Inter-Ministerial Committee on Trafficking in Persons has drafted revisions to the ITPA, in consultation with civil society groups, and has submitted these revisions to Parliament for consideration. The revisions would eliminate Section 8, thereby affording victims of trafficking greater protections.

The Juvenile Justice Act of 1986, amended in 2001, provides modest criminal penalties for sexual offenses committed against minors, including the prostitution of children, but provides strong protections for child victims of trafficking through the oversight of Child Welfare Committees in each state and mandatory care provided in state-approved protection homes.

Indian laws against trafficking for labor purposes, however, are inadequate as they do not offer sufficient criminal penalties for those who are responsible for forced or bonded labor, child labor, and domestic servitude. The Child Labor Act of 1986 has adequate provisions for the freeing and rehabilitation of children found in forced labor conditions, but carries provisions for criminal sentences of a maximum of only three years. Moreover, the enforcement mechanism for this Act appears insufficient – giving the mandate to local Magistrates who are overburdened and ill-trained to carry out the law’s requirements. Similarly, the Abolition of Bonded Labor Act of 1976 provides adequate protections for victims of bonded labor but carries only a maximum

sentence of three years’ imprisonment. Few prison sentences have been handed down under this Act. Moreover, the enforcement of this Act is left in the hands of local magistrates who are over-worked and ill-trained to enforce the Act fully and who are charged with the competing mandate of collecting state taxes from the businesses that employ bonded laborers.

Endemic corruption among law enforcement officials impedes Indian efforts to effectively combat trafficking in persons crimes. Many low-level border guards accept bribes or turn a blind eye to cross-border trafficking. Some police officers have been implicated in tipping off brothels to impending raids and profiting from the proceeds of brothels that enslave trafficking victims. As noted, efforts to curb this trafficking-related corruption have been minimal, usually amounting to officers’ transfers or, at best, forced retirement. During the reporting period only two cases of ongoing prosecutions of law enforcement officers for complicity in trafficking were noted. There are also, however, committed police in Chennai, Mumbai, and New Delhi who have worked actively with NGOs to target traffickers and to safeguard victims after their rescue.

In 2004, courts in Mumbai prosecuted 53 persons for trafficking-related offenses, handing down 11 convictions. While this is an increase over 2003, the level of prosecution remains inadequate relative to Mumbai’s role as the largest center for sex trafficking in India. Mumbai lacks special “fast-track” courts for trafficking crimes; consequently, trafficking prosecutions can take as long as eight years, often resulting in acquittals due to lost evidence and unavailable witnesses.

PROTECTION

The central government continues to show inadequate and uneven efforts to

protect victims of trafficking, challenged by the decentralized nature of Indian Government social support programs and limited resources. The Department of Women and Child Development (DWCD) – the central government’s nodal anti-trafficking office – improved coordination of support services delivery through greater coordination with states’ departments of women and child development and civil society organizations. Government-run shelters in some localities, like Mumbai, improved significantly over the last year. Other areas lack government-provided shelters dedicated for trafficking victims. During the reporting period, efforts by state governments to develop formal referral systems — through which police regularly refer victims of trafficking to qualified NGO service providers — improved in some areas, but remained woefully inadequate in other localities. In New Delhi, an innovative program was launched, requiring police to provide trafficking victims with counseling from a qualified NGO within 24 hours. This assured level of protection has led to greater victim cooperation with police in investigating and prosecuting traffickers.

In Mumbai, the state-run “Deonar” home for underage trafficking victims has improved its collaboration with U.S. Government-funded NGOs and, as a result, improved the level of care provided to victims it shelters. Police in Mumbai have adopted policies that show greater care for trafficking victims; the police commissioner has instructed police not to arrest women involved in prostitution for solicitation under India’s anti-trafficking and anti-prostitution law — a punishment that often re-victimized trafficking victims in the past.

PREVENTION

In 2004, the new central government made significant progress in improving a coordinated approach to preventing trafficking in persons. A newly installed Secretary for Women and Child Development was designated the nodal officer to coordinate and oversee all anti-trafficking programs and policies. Since her appointment in mid-2004, the Secretary has reinvigorated the National Central Advisory Committee on Trafficking Persons, including civil society organizations and state-level agencies in frank and productive consultations. Under the Secretary’s leadership, the Committee has introduced much-needed revisions to the ITPA and has begun drafting changes to the 1998 national plan of action on trafficking.

Through the Committee, the government coordinated more closely with NGOs, on which it relies for the bulk of anti-trafficking prevention activity in India. The Secretary and her staff have traveled widely, training hundreds of state and police officials in over 20 training sessions.

In late 2004, India’s National Human Rights Commission released a lengthy two-year assessment of the trafficking situation in India, including recommended actions for the government to take in preventing future trafficking. The Human Rights Commission also undertook a study of the sex tourism phenomenon in Goa, a popular international tourist destination. The National Commission for Women joined with the Maharashtra State Commission for Women in holding a workshop on sex tourism in that state.

TRAFFICKING & HIV IN INDIA

Exploring vulnerabilities and responses in 10 Indian states UNDP, 2005. The United Nations Development Programme recently conducted a baseline study in ten Indian states to study the trafficking and vulnerability patterns. The aim was to identify the gaps and needs in current programming as well as list the innovative responses and work towards mainstreaming the inter-related issues of trafficking and HIV/AIDS. “It is meant to serve as a base document to plan ahead any intervention deemed necessary and possible to address the dual vulnerability of women and girls to trafficking and related HIV.”

RAJASTHAN

With a low sex ratio, trafficking of women is not a new phenomenon in the state. Flesh trade among certain marginalized communities can be traced to the fact that they were traditionally engaged in providing recreation (folk plays, and folk dance) and to traditional practices like nata. They also served as menials to the Rajput princes, sardars and jagirdars. In many of these communities sex work has social sanction.

Low industrialization, frequent droughts, widespread poverty make Rajasthan particularly vulnerable to trafficking. The geographical size and location of the state which shares its borders with Pakistan and five other Indian states contribute to the

emergence of trafficking. There are several trafficking hubs along the six national highways that criss-cross the state especially along the borders. The study indicates that HIV is prevalent in almost all districts of the state. In recent years it has spread from urban to rural areas and from high-risk populations to the general population. Rajasthan is termed as low prevalence but a high priority state and the threat of HIV/AIDS is potentially catastrophic.

An opportunity for intervention and working towards a permanent solution may require a dialogue with caste panchayats and senior women some of whom used to be sex-workers and have been rehabilitated.

ANDHRA PRADESH

Andhra Pradesh can be geographically divided into three regions. Coastal Andhra witnesses frequent cyclones. In addition, processes of industrialization and globalization are not only destroying the coastal environment but have also disturbed traditional livelihood patterns. The Rayalseema region is characterized by frequent droughts and militant movements and civic disturbances characterize the third region, Telangana, stunting development efforts.

In all the three regions, the impact on sustainable livelihoods is telling and this is forcing people to migrate in search of greener pastures.

Andhra Pradesh has emerged as the second largest state for trafficking of women and children for sexual exploitation. It also serves as a transit and destination state for trafficking. Women and children from other states such as Karnataka, Orissa and Maharashtra are trafficked through Andhra Pradesh to cities like Delhi and Mumbai. The state is also a source for international trafficking of young girls to the Middle East.

A large number of girls, especially from the old city of Hyderabad are trafficked in the name of 'muttah' or contract marriage to Sheikhs and are sexually exploited and/or forced into sex work. Girls are also procured in the name of marriages to Sheikhs, wherein a formal wedding takes place on the telephone and they are taken to cities like Mumbai and Pune and sold off to brothels. A disturbing trend that is being observed is the involvement of the immediate family in the trafficking process.

Many communities like Dommara, Bogum, Kalavanthulu, Erukulla sanis have traditionally practiced sex work. Religious rituals and practices such as Devadasi, Jogini, Mathamma, Thymmas and Basavi are also known to fuel trafficking. Nizamabad, Chittor and Mahboobnagar districts have a number of villages where such rituals are still practiced.

The state has a semi feudal political-economic structure with rampant discrimination along caste lines. The profile of trafficked victims reveals that more than 85% are from the Scheduled Caste/Scheduled Tribes categories.

Andhra Pradesh is now one of the high HIV prevalence states in the country, second only to Maharashtra in the number of known HIV cases. It is the first in the country to bring out a policy in 2003 to address trafficking of women and children for the purposes of sexual exploitation that states the need for

a multi-sectoral approach to address the issue of trafficking. It acknowledges the link between trafficking and HIV. HIV/AIDS interventions in Andhra Pradesh are rights-based. At least three sex workers' unions have been registered that are campaigning for sexual rights and the right to work.

KARNATAKA

Karnataka is one of India's fastest growing states. But the incidence of poverty, caste and gender disparities is higher than the national average. Structural reforms undertaken by the state in the last decade have resulted in vicious cycles of debt and poverty for marginal farmers and local artisans. Consecutive years of drought have only added to the misery of the rural poor leading to suicide by hundreds of farmers and large-scale migration of people from villages to cities. These people who move out in distress situations, unprepared and uninformed about the conditions during their journeys and in the host destination are vulnerable to various forms of exploitation, trafficking and HIV/AIDS.

A survey indicates that 2, 50,000 women are trafficked for sex work in Karnataka each year. The worst affected are the dalit women and children. The age old customs of dedicating daughters to the goddess Yellama as devdasi has also contributed towards trafficking. The state has source areas where trafficking and destination points vary according to railway lines and distance. For instance, women and girls from Belgaum-Dharwad, the Devadasi belt of Jamkhandi, Mudhole, Navalgund, and Ramdurg are mostly trafficked to Bombay and Goa. Women and girls from Mandya and Mysore regions are trafficked to Bangalore.

The women who are trafficked from Gulbarga, Bidar, and Raichur follow the South Western Railway route. Athani and Adoni have become large brothel areas.

After the closure of the mines, the Kolar-Bangarapet-Bangalore route has become a trafficking route

The linkages between trafficking and HIV/AIDS have been largely ignored by the different stakeholders as is evidenced by the responses in the state that deal with the two issues separately ignoring the possible inter-connections.

MUMBAI/ MAHARASHTRA

Maharashtra is one of the earliest states to be affected by HIV/AIDS in India and one of the first to be considered high prevalence. The first AIDS case in the state was detected in Mumbai in May 1986. Through mid-2003, 21% of the country's reported cases of HIV/AIDS were from Maharashtra. The epidemic was initially more visible within vulnerable groups like sex workers and their clients.

The overall development indicators for the state are encouraging. Per capita state domestic product was 40 per cent higher than the India average. The status of women as compared to men, in general, is better than most other states. However, the state is witnessing a declining sex ratio. The National Crimes Records Bureau ranks Maharashtra high in terms of the number of crimes against women.

The state witnesses large-scale migration and trafficking of women from the neighboring countries of Nepal and Bangladesh. Maharashtra accounts for close to 50 per cent of all reported HIV/AIDS cases in India. It is estimated that there are 3000 new HIV infections daily in Maharashtra.

The districts of Sangli, Satara and Kolhapur are in close proximity to the Devadasi belt of Karnataka state. Sangli is one of the few districts in the state where targeted interventions with sex

workers started very early. There have been some successful partnerships between NGOs and the corporate/private sector for mainstreaming/integrating HIV/AIDS and trafficking into programs.

In Mumbai there is a definite rise in the number of raids on brothels, bars and other such places where organized prostitution is carried out and particularly where minors are engaged in sex work.. A positive change is that the minors are not handed over indiscreetly now which has resulted in curbing re-trafficking. The work on both HIV/AIDS and trafficking is largely welfare oriented will little or no emphasis on the human rights perspective.

Some voluntary sector agencies like Perna and CCDT engaged in anti trafficking work do have a rights based approach and also care and support services but largely the approach of NGOs is also welfare oriented.

There are multiplicities of approaches regarding trafficking in the state. Some NGOs like Sangram believe in the active participation of brothel keepers in the programs, deny the presence of trafficking, demand for decriminalization of sex work and do not see the need for rehabilitation.

UTTAR PRADESH

Uttar Pradesh shares an international border with Nepal and is a major transit area for girls trafficked from there. Girls and women from Bangladesh and other parts of India are also trafficked through the state. The state serves as a transit point primarily because trafficking is rampant in the adjoining states of Rajasthan, Bihar and Madhya Pradesh.

Trafficking is rampant in many districts of the state bordering Nepal like Pilibhit, Lakhimpur, Bahraich, Shrawasti, Balrampur, Siddhrath Nagar, Maharaj Ganj, Gorakhpur and Kushinagar. There are other districts like

Meerut, Agra, Varanasi and Kanpur which serve as destination or transit points for girls being trafficked to places like Delhi, Kolkata, Mumbai or Chennai. All these districts are marked by poverty, marginalization and exploitation of women. Poverty prompts distress migration that in the absence of services and information makes women vulnerable to exploitation and trafficking.

Uneven development in the state prompting migration, an expanding sex industry, presence of a large informal sector, demand by employers and enterprises for women and children as cheap labor, poor socioeconomic status of women and widespread poverty in the state are the major factors that drive trafficking in the state. In addition, a long porous border and easy passage through east-west highways makes the state an important transit zone for trafficking.

UP also witnesses trafficking of children for child labor in the carpet industries of Bhadohi and Mirzapur, sari weaving in Varanasi and Mubarakpur (Mau), lock industries in Aligarh, bangle industries in Firozabad and sport-goods industries in Meerut.

The National AIDS Control Organisation has categorized Uttar Pradesh as one of the country's low prevalence states for HIV. However, the presence of a significant number of vulnerable sites and populations in almost all districts, and sentinel surveillance centres reporting HIV cases from all parts of the state mean that Uttar Pradesh could witness a rapid growth of the epidemic in the near future.

There is extreme poverty in the state, with 80 per cent of rural households not in a position to pay the minimal cost of treatment for HIV/AIDS even with one HIV positive person in the family.

Awareness of condoms in Uttar Pradesh is very high at 81 per cent. However, the actual use of

condoms in the state is estimated at 12 per cent in urban areas and 3 per cent in rural areas.

There is a huge stigma, discrimination and human rights violation of PLWHA in the state.

Since 1993, the State has established 12 police stations (Mahila Thanas) for women in large towns and cities that specifically deal with offences against women and help women in distress. It is worth noting that none of the Mahila Thanas has registered any case under ITPA and the Juvenile Justice Act.

The need to increase awareness is critical for the successful implementation of the HIV/AIDS Strategy in Uttar Pradesh. Given low levels of literacy, low awareness on HIV and limited reach of electronic and print media, current programs in the state face considerable challenges. In addition, with a large and diverse population spread over 112,568 rural and 704 urban settlements, reaching out to all corners of the state requires innovative strategies for outreach, content of messaging, and the means of dissemination.

TAMIL NADU

Despite many positive socio-economic indicators in the state, the poor status of women is underscored by the fact that 38.9 per cent of women in the state are not involved in decision-making within the family regarding healthcare. A Risk Behavior Sentinel Study for Tamil Nadu by the AIDS Prevention and Control Project (APAC) in 2003 shows that a large number of women in sex work were from smaller towns and villages. Most were married but not living with their husbands, and were single-handedly supporting their children...

Rural Tamil Nadu with its high migrant population is the source for most of these

women and children who are drawn to urban centers like Dharmapuri and Tirunelveli, North Arcot and Kanyakumari.

These are also high HIV prevalence areas in the state. Chennai is a source, destination and transit point for trafficked women and children. A survey conducted among 200 women by the National Commission for Women (NCW) on Child Prostitution in Tamil Nadu, in 1997 revealed that over 90 per cent of them were from rural areas, nearly 50 per cent had run away from home due to sexual abuse within the family, 30 per cent had been 'lured' into sex work before they were 18 years old, and that 50 per cent were trafficked after being deserted by their husband/lover or family.

There is a large percentage of Tamil women in the red light areas of Mumbai, Delhi and Kolkata. Chennai is the destination point for women trafficked from Kerala, Andhra Pradesh and Karnataka. Most women are trafficked after being given promises of contract jobs as domestic servants in various Tamil speaking countries.

According to the Sentinel Surveillance for HIV conducted by the Tamil Nadu State AIDS Control Society (TNSACS) in 2003, the state is experiencing a 'concentrated epidemic'. Apart from illiteracy, other factors that increase vulnerability to HIV across Tamil Nadu include trafficking, migration in search of livelihood from rural to urban centers, low awareness of risk factors and gender disparity resulting in poor social status of women.

There are several interventions on HIV implemented by NGOs in the state. All these are mostly limited to giving information, condom supply and referrals for treatment of STIs and RTIs. Only very few of these address trafficking issues as part of the intervention.

DELHI

The Human development indicators for Delhi show the relative gender disparity in the state. A large number of men migrate to the state from nearby towns and villages looking for livelihood opportunities.

Although Delhi has low prevalence for HIV, it is highly vulnerable. There is a large shifting population, a large number of people on the move including migrant workers, truckers and street children. Delhi is both a transit and destination point for trafficked women and girls from other Indian states and other South Asian countries like Nepal and Bangladesh. Most of the women and children are trafficked for sexual exploitation and/or sex work.

There are a large number of street children in Delhi, most have been trafficked, abducted, kidnapped, sold, lured away from their homes and are vulnerable to sexual exploitation, drug use and crime. Many of them, both boys and girls, are pushed into sex work, which increases their vulnerability to HIV/AIDS. Unsafe migration and lack of informed choices are responsible for making them vulnerable to HIV.

A study indicates that there are 35,000 female sex workers operating in Delhi of which 5,000 are in the brothels at GB Road.

The Delhi State AIDS Control Society (DSACS), set up in November 1998, presently reports about 22,000 People Living with HIV in Delhi with over 85 per cent getting the infection through heterosexual intercourse.

According to DSACS, more than 50,000 female sex workers are tested for HIV in Delhi every year. The high risk and bridge groups in Delhi comprise of female sex workers, MSM and Eunuchs, IDUs, truckers, migrant workers, and street children.

The majority of trafficked women in Delhi are under 25. DSACS reports that girls from Delhi are trafficked to Dehradun, Mathura and neighboring districts in Uttar Pradesh, Haryana and Punjab. Sex Tourism results in girls being trafficked from Delhi to cities like Agra and Jaipur.

It is important to link unsafe migration and trafficking of women and children to sexual abuse and HIV/AIDS. Since Delhi is an important transit as well as destination point for trafficked women and children it is imperative that these links be studied and appropriate interventions put in place.

ORISSA

Given its poor development indicators, Orissa is considered among the most backward states of India. Awareness on HIV/AIDS is low, particularly among women in rural areas, poor women, and women who are illiterate. Primarily an agrarian economy with glaring disparity between rural and urban areas, the state is prone to disasters like cyclones, floods.

Trafficking is rampant in Orissa. Women and young girls are trafficked mostly for sex work and sometimes for domestic and other forms of labour. The reasons for widespread trafficking in the state include the poor socio-economic status of women, low levels of literacy, a booming tourism industry and extreme poverty.

According to estimates of the Orissa State AIDS Control Society (OSACS), the state has nearly 2,000 PLWHA, which results in a 0.01% prevalence rate. However, voluntary organizations working on HIV/AIDS report that the number of PLWHA in the state is increasingly rapidly.

Orissa Patita Udhar Samiti, is the only organization in the state, which is engaged in the rehabilitation of sex workers.

The organization has been working with sex workers in the Malisahi slum in Bhubaneswar.

In the absence of any state level policy addressing HIV/AIDS, Orissa follows the National AIDS Prevention and Control Policy, which is implemented through the Orissa State AIDS Control Society (OSACS).

WEST BENGAL

The state has good socio-economic indicators for women, including in rural areas, the patriarchal culture of the state results in the oppression of women, especially in rural areas.

There are an estimated one million children below the age of 16 in the state's brothels. A large number of children are trafficked from West Bengal to other states in the country and across International borders.

In West Bengal, the first case of HIV was detected in 1986. The number of cases has steadily increased over the years. Awareness levels are low on the need for testing and about testing facilities in the state. The number of PLWHA is 5849 (Annual Action Plan, West Bengal State AIDS Control Society, WBSACS, 2004-2005)

West Bengal is a transit, source and destination state for cross border trafficking and illegal and unsafe migration from neighbour countries. It shares thousands of miles of porous border with Bangladesh, Nepal and Bhutan. Around 10000 to 15000 women and girls are trafficked from Bangladesh to West Bengal and then to Pakistan and the Middle East. From Nepal between 5,000 and 10,000 women and girls are trafficked to India for Commercial Sexual Exploitation.

PLWHA face immense stigma and discrimination in the state. They are

sometimes made into outcastes in their own villages and services are often denied to them.

Many industrial areas, district and sub divisional towns in West Bengal have their own red light areas where women are trafficked into sex trade from other states. In West Bengal there are traditional groups like 'Nachini'. Sex workers are also in demand in Kolkata and Siliguri. Resorts and roadside dhabas supply women and girls to clients.

In West Bengal, inter district and inter state trafficking is quite high. Murshidabad tops the list for inter district trafficking followed by Midnapur, Nadia, Birbhum, Burdwan, Malda, South and North Dinajpur districts.

BIHAR

Extreme poverty and poor development indicators are factors fuelling trafficking in the state. In addition, a caste-based structure that is discriminatory against landless laborers forces them to migrate to other states like Haryana, Delhi, Maharashtra and Rajasthan. Such distress migration in the absence of adequate services and information makes these migrants vulnerable to exploitation and trafficking.

A Report by Bhoomika Vihar published in February 2004 shows that a very high percentage of trafficked girls in the Kosi-Mahananda district of Bihar belong to Scheduled Castes, Other Backward Castes or are Muslims. The three minorities account for more than 95% of all trafficked girls in the region. This indicates how the situation

for women and girls is further stratified according to religion and caste in the state.

In certain districts like Gaya and Muzaffarpur, the tradition of 'dancing girls' has become one of the significant entry points for sex work and trafficking. There is an increasing trend of luring women and girls in the name of marriage into trafficking networks.

Women from impoverished backgrounds and backward castes are trafficked from Bihar to other states. A large number of trafficked Nepali and Bangladeshi women pass through the state. Women and girls are trafficked primarily for the purposes of sex work. A significant number of girls from tribal areas of Jharkhand are lured into an exploitative and unorganized domestic labor market.

A survey reveals that more than 85 per cent of the victims were below the age of 18 and that almost half of them belonged to Dalit castes.

Bihar's vast international borders make trafficking surveillance difficult at the numerous crossover points with Nepal and Bangladesh. The National AIDS Control organization (NACO) characterizes Bihar as a low prevalence state.

The factors that contribute to the spread of HIV/AIDS across Bihar are migration and mobility of labor in search of livelihood options, low literacy levels leading to low awareness, gender disparity and absence of information and services, particularly health services.

ANNEXURE

TRAFFICKING & HIV/AIDS: THE POWER OF LANGUAGE

Language to avoid	Recommended Language
Commercial sex work	Sex work
Developing countries	Low- or middle-income countries
Direct sex workers, street walkers	Brothel-based sex workers
Fight against AIDS	Response to AIDS
High(er) risk groups	Key populations at higher risk
HIV/AIDS	HIV and AIDS HIV disease or AIDS
AIDS - scourge, plague, HIV/AIDS epidemic	AIDS epidemic
HIV/AIDS prevalence	HIV prevalence
HIV/AIDS prevention	HIV prevention
HIV/AIDS testing	HIV testing
Indirect sex workers	Non-brothel-based sex workers
Drug abuser, drug addict, Intravenous drug user	Injecting drug user
Most vulnerable to infection	Most likely to be exposed to HIV
People living with HIV/AIDS	People living with HIV and AIDS
Prevalence rates	Prevalence
Risky sex	Unprotected sex
Sharing (needles, syringes, etc.) equipment	Using contaminated injecting equipment (if referring to HIV transmission) Using non-sterile injecting equipment (talking about risk of exposure to HIV)
Vulnerable groups	Most likely to be exposed to HIV
AIDS Test	HIV test
To Catch AIDS	To become infected with HIV

AIDS sufferer, AIDS victim, Innocent victim	HIV positive person
Promiscuous	Having multiple partners
To die of AIDS	To die of a (specific) illness, such as tuberculosis or cancer. To die of an AIDS-related illness
Safe sex	Safer sex
Trafficked victim	Trafficked person
People smuggling/ trading	Human Trafficking
A person saved from trafficking, sex trade, slavery	Trafficked survivor
International/ national pimping	Sex tourism

Usage of commonly used terminology

AIDS is what people die of; HIV is what they are infected with

Contaminated and unclean - drug injecting equipment was 'contaminated' if it caused infection, 'unclean' if it did not cause infection.

'Feminization' of the pandemic - Now often used by UNAIDS and others to indicate that the number of women infected has equalled, or surpassed, the figure for men.

'Fight' and other combatant language e.g., struggle, battle, campaign, war—avoid using such words, unless in a direct quotation or the context of the text (possibly a poster or very short publication designed to have high-impact) makes it appropriate. Alternatives include: response, measures against, initiative, action, and programme.

Gay men - use men who have sex with men unless individuals or

groups specifically self-identify as gay. The broader community of men and women and transsexuals should be described as Lesbian, Gay, Bisexual and Transgendered—the acronym LGBT is often used of groups, but UNAIDS general preference is to spell out all terms in full.

PLHIV - spell out in full 'people living with HIV'

Risk - Avoid using 'persons' or 'groups at risk'. Behaviours, not memberships, expose individuals to the possibility of infection.

ABC: Prevention strategies - abstain from penetrative sexual intercourse (also used to indicate delay of sexual debut); be faithful (reduce the number of partners or have sexual relations with only one partner); condomise (use condoms consistently and correctly).

AIDS Virus - Since AIDS is a syndrome, it is incorrect to refer to it

as the 'AIDS virus' HIV (the human immunodeficiency virus) is what ultimately causes AIDS (acquired immunodeficiency syndrome).

Describing AIDS - AIDS is often referred to as a 'deadly, incurable disease', but this creates a lot of fear and only serves to increase stigma and discrimination. It has also been referred to as a 'manageable, chronic illness, much like hypertension or diabetes', but this may lead people to believe that it is not as serious as they thought. It is preferable to use the following description: AIDS, the acquired immunodeficiency syndrome, is a fatal disease caused by HIV, the human

immunodeficiency virus. HIV destroys the body's ability to fight off infection and disease, which can ultimately lead to death. Currently, medication can slow down replication of the virus, but it does not cure AIDS.

Epidemic - A disease that spreads rapidly through a demographic segment of the human population, such as everyone in a given geographic area; a military base, or similar population unit; or everyone of a certain age or sex, such as the children or women of a region. Epidemic diseases can be spread from person to person or from a contaminated source such as food or water.

TRAFFICKING, HIV/AIDS & GENDER RELATED WEB RESOURCES

This is the knowledge-bank of the website where you can find resources on issues related to trafficking.

TRAFFICKING

1. Is Trafficking in Human Beings Demand Driven?

A Multi-Country Pilot Study Prepared for IOM

[http://www.traffickingandhiv.org/Resource Center/Trafficking/Is trafficking demand driven.pdf](http://www.traffickingandhiv.org/Resource%20Center/Trafficking/Is%20trafficking%20demand%20driven.pdf)

2. Trafficking - a demand led problem?

Review of Evidence and Debates

[http://www.traffickingandhiv.org/Resource Center/Trafficking/Trafficking - a demand led problem.pdf](http://www.traffickingandhiv.org/Resource%20Center/Trafficking/Trafficking%20-%20a%20demand%20led%20problem.pdf)

3. Combating Child Trafficking

A handbook that addresses some of the key measures that parliamentarians can take to end child trafficking. It outlines specific steps - including laws, policies and advocacy efforts - which parliamentarians around the world are taking to make children safer from this scourge.

[http://www.traffickingandhiv.org/Resource Center/Trafficking/Combating child trafficking.pdf](http://www.traffickingandhiv.org/Resource%20Center/Trafficking/Combating%20child%20trafficking.pdf)

4. Kids as Commodities?

Child trafficking and what to do about it

[http://www.traffickingandhiv.org/Resource Center/Trafficking/Kids as commodity.pdf](http://www.traffickingandhiv.org/Resource%20Center/Trafficking/Kids%20as%20commodity.pdf)

5. Protocol for Identification and Assistance to Trafficked Persons and Training Kit

[http://www.traffickingandhiv.org/Resource Center/Trafficking/ Protocoltraffickedpersonskit2005.pdf](http://www.traffickingandhiv.org/Resource%20Center/Trafficking/Protocoltraffickedpersonskit2005.pdf)

6. Migration, Trafficking and Sites of Work: Rights and Vulnerabilities

A Pilot Study: Report of Initial Findings in Rajasthan and Gujarat

[http://www.traffickingandhiv.org/Resource Center/Trafficking/Migration, Trafficking and Sites of Work.pdf](http://www.traffickingandhiv.org/Resource%20Center/Trafficking/Migration,%20Trafficking%20and%20Sites%20of%20Work.pdf)

7. Recovering Childhoods

Combating Child Trafficking in Northern India

[http://www.traffickingandhiv.org/Resource Center/Trafficking/Recovering Childhood.pdf](http://www.traffickingandhiv.org/Resource%20Center/Trafficking/Recovering%20Childhood.pdf)

8. Health Consequences of Trafficking of Women and Girls in Southeast Asia

[http://www.traffickingandhiv.org/Resource Center/Trafficking/Health%20consequences of trafficking.pdf](http://www.traffickingandhiv.org/Resource%20Center/Trafficking/Health%20consequences%20of%20trafficking.pdf)

9. Combating Trafficking of Women and Children in South Asia

Regional synthesis paper for Bangladesh, India and Nepal

Asian Development Bank, April 2003

At the regional and sub-regional level there is potential to integrate trafficking concerns into projects that are implemented in more than one country.

[http://www.traffickingandhiv.org/Resource Center/adb_2003__trafficking_south.pdf](http://www.traffickingandhiv.org/Resource%20Center/adb_2003__trafficking_south.pdf)

10. Factsheet Trafficking

Zonta International

[http://www.traffickingandhiv.org/Resource Center/traffickfacts.pdf](http://www.traffickingandhiv.org/Resource%20Center/traffickfacts.pdf) Statistics, conventions and service projects

11. Trafficking in India Report - 2004

Shakti Vahini

Based on information sourced from field visits, experiences of NGOs, studies and reports and court documents.

[http://www.traffickingandhiv.org/Resource Center/shakti_vahini_2004_trafficking_report_india.pdf](http://www.traffickingandhiv.org/Resource%20Center/shakti_vahini_2004_trafficking_report_india.pdf)

12. Human Traffic, Human Rights: Redefining Victim Protection

Anti-Slavery International, 2002

Report based on research conducted in ten countries. Often 'protection' still means repression of victim's rights. Victim protection needs to be redefined and reworked to enable supporting and empowering of the victims.

<http://www.traffickingandhiv.org/Resource Center/Hum Traff Hum Rights, redef vic protec final full.pdf>

13. Prevention of Trafficking and the Care and Support of Trafficked Persons

In the context of an emerging HIV/AIDS epidemic in Nepal

The Asia Foundation and Population Council, 2001 Policy analysis and documentation of current intervention models.

http://www.traffickingandhiv.org/Resource Center/af_pop_council_2001__preven.pdf

14. UN Convention 2000

Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime.

<http://www.traffickingandhiv.org/Resource Center/UN convention.pdf>

15. NHRC Report on Trafficking among women and children in India (2002-2003)

The National Human Rights Commission commissioned this study check the disturbing trend in the reported alarming rise in trafficking among women and children in India.

<http://www.traffickingandhiv.org/Resource Center/NHRC Report.pdf>

16. Rape for Profit

Trafficking of Nepali Girls and Women to India's Brothels.

<http://www.traffickingandhiv.org/Resource Center/Rape for Profit.pdf>

17. Human Rights and Trafficking in Persons: A Handbook

The handbook provides conceptual clarity on human rights and trafficking in persons and shows how to develop strategies to combat trafficking from the human rights perspective. It also acts as a resource tool, and guide to international instruments and other materials relevant to trafficking.

<http://www.traffickingandhiv.org/Resource Center/Human Rights and Trafficking in Person A handbbok.pdf>

18. Recommended Principles and Guidelines on Human Rights and Human Trafficking

Recommended principles and guidelines on human rights and human trafficking have been developed by the Office of the High Commissioner of Human Rights (OHCHR) with the purpose to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions.

<http://www.traffickingandhiv.org/Resource Center/Combating 0human trafficking in Asia.pdf>

19. Combating Human Trafficking in Asia

A resource guide to international and regional legal instruments, political commitments and recommended practices.

<http://www.traffickingandhiv.org/Resource Center/Combating human trafficking in Asia.pdf>

20. Trafficking in Persons: A Gender and Rights Perspective: Briefing Kit

The United Nations Development Fund for Women (UNIFEM-East and Southeast Asia Regional Office, Bangkok) and the United Nations Inter-agency Project on Human Trafficking in the Mekong Sub-region developed this briefing kit as an invitation to all practitioners addressing the issue to revisit and rethink their efforts from a gender and rights perspective.

<http://www.traffickingandhiv.org/Resource Center/Trafficking in persons - a briefing kit.pdf>

21. Trafficking of Women and Children in India: Challenges and Responses

<http://www.traffickingandhiv.org/Resource Center/Trafficking in women and children in India.pdf>

22. Trafficking in Women and Children

UNIFEM Gender Fact Sheet

http://www.traffickingandhiv.org/Resource Center/trafficking_in_women_and_children.pdf

HIV PREVENTION

1. Understanding power and creating spaces - CARE India 2005

Understanding Power and creating spaces: Sex Workers' Voices in HIV Prevention

<http://www.traffickingandhiv.org/Resource Center/HIV Prevention/Understanding power and creating spaces - CARE India 2005.pdf>

2. Risk, Morality and Blame – CHANGE 2004

Risk, Morality, and Blame: A Critical Analysis of Government and Donor Responses to HIV Infections Among Sex Workers in India

<http://www.traffickingandhiv.org/Resource Center/HIV Prevention/Risk, mortality and blame.pdf>

3. Behavioural Surveillance Survey in Maharashtra – FHI

Preparatory Study conducted by ORG Center for Social Research (ORG CSR) with technical assistance from Family Health International

<http://www.traffickingandhiv.org/Resource Center/HIV Prevention/Behavioural Surveillance Survey Maharashtra -FHI.pdf>

4. Women and AIDS

An extract from the UNAIDS: AIDS epidemic update: December 2004.

<http://www.traffickingandhiv.org/Resource Center/Women and AIDS - UNAIDS.pdf>

SEX WORKERS

1. Research for Sex Work

Research for Sex Work is a newsletter designed for researchers, sex workers, public health workers and others who professionally have to do with HIV/AIDS prevention and/or sex work

http://www.traffickingandhiv.org/Resource Center/Sex Workers/research_for_sex_work_no_3_.pdf

2. Sex work and the Cost of Safe Sex

The Compensating Differential for Condom Use in Calcutta.

<http://www.traffickingandhiv.org/Resource Center/Sex workers and the cost of safe sex.pdf>

CHILD PORNOGRAPHY

Child Pornography

<http://www.traffickingandhiv.org/Resource Center/Child Pornography/CSEC Conference - 2001.pdf>





her TRIUMPH



EPILOGUE

Kamla didi

Peer educator, Sonagachi, at a seminar in New Delhi:

"I am kamla.

I am a sex worker.

I go and talk to sex workers about health issues.

They are illiterate. I sometimes use flip charts to explain the issues to them
I initially provided them with some medical treatment and also condoms right at their doorstep.

You know when a sex worker produced a condom for the customer to use, the customer usually
thought that she was not healthy, I mean was infected.

As I worked with the others in Sonagachi, we started a cooperative. It was not easy. Who will give
a loan to a sex worker? They wanted character certificates from us. But we managed.

We formed a cultural troupe – Komal Gandhar. We used to sing and dance behind closed doors.
Now we sang about our problems, our feelings and our victories.

We wanted to put our children in schools. They would insist on the father's name.
Our children were introverted. How would they call their friends over to their homes?

Today, this is changing.

We have come out of Sonagachi.

We are networking with sex workers around the country, working on the future of their children
and also with dalit women. How is their plight different from ours?

Today, we ask for our rights.

If an HIV program or any other welfare program has to be successful, we ask all sex workers, all
those vulnerable to trafficking and HIV/AIDS to become one ■



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social entrepreneurship redefined