



# **TRAFFICKING OF MINOR GIRLS FOR COMMERCIAL SEXUAL EXPLOITATION IN INDIA: A SYNTHESIS OF AVAILABLE EVIDENCE**

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# Chapter 1

## Introduction

Globally, the number of adults and children who are trafficked for forced labour, bonded labour or commercial sexual exploitation (CSE) is estimated to be about 12 million (U.S. Department of State [USDOS], 2010). The recent global report on human trafficking by the United Nations Office on Drugs and Crime (UNODC) shows that 76 percent of all detected victims of trafficking in 2009 were women and minor girls (UNODC, 2012). The report states that the share of minor girls had increased from 13 percent in 2006 to 17 percent in 2009, while the share of adult women had declined from 67 percent in 2006 to 59 percent in 2009. It further shows that trafficking for sexual exploitation is the most prevalent form of exploitation and accounted for 57–62 percent of the detected victims of trafficking from 2007 to 2010 (UNODC, 2012).<sup>1</sup> Moreover, a review article synthesising evidence from different studies across a number of countries indicates that 20–40 percent of females engaged in commercial sex (CS) entered this field as adolescents at a median age of 16 years (Silverman, 2011).

Several South Asian countries, including India, are among the countries known for extensive trafficking of minor girls (under 18 years) for CSE. Though India has made several commitments towards eliminating human trafficking and has ratified a number of international treaties, trafficking of women and minor girls for CSE continues to be widespread. Both the Indian Penal Code (IPC), 1860, and the Immoral Traffic (Prevention) Act (ITPA), 1956, have provisions for the prevention and combating of trafficking, but there are critical gaps in their implementation. India has been identified as a source, destination and transit location for trafficking of women and minor girls for CSE and forced labour (USDOS, 2012). In 2011, it was ranked seventh out of 196 countries in the Trafficking Index<sup>2</sup> in terms of risk for trafficking, where it was grouped with countries that were identified as being at extreme risk for trafficking (Warhurst et al., 2011). Most of the trafficking in India occurs across states (interstate) or locations within a state (intrastate). Trafficking across international borders occurs to only a small extent in India (Asian Development Bank, 2003a). Accurate data on trafficking for sexual exploitation in general and of minor girls in particular are not available, and estimates on its magnitude vary. The Government of India reports that approximately 3 million women and minor girls are in CS in the country and minor girls constitute 40 percent of this number (Ministry of Women and Child Development [MOWCD] and UNODC, 2008).

Understanding factors that place minor girls at risk of being trafficked for CSE and the consequences of trafficking for their health and life-course trajectories is limited by the scattered evidence that is available on these issues. The role of various stakeholders in trafficking, namely, families, traffickers and brothel owners, and the role of law enforcement agencies in preventing it are also poorly understood. Further, adequate data consolidating the responses of the government and non-governmental organisations (NGOs) to issues related to CSE of minor girls are lacking. There is a need, therefore, to consolidate this scattered body of evidence on trafficking of minor girls for CSE in India and identify research and programme gaps.

The objective of this report is to present a synthesis of available evidence on the trafficking of girls for CSE in India, particularly those in the ages of 10–17 years. It specifically sheds light on:

- The magnitude of trafficking of minor girls for CSE; their perspectives and experiences; the factors that place them at risk of CSE; and the consequences for them;
- The perspectives and experiences of traffickers and brothel owners and the CSE business model; and
- The extent to which laws, policies and programmes in India have helped in preventing trafficking of minor girls for CSE.

<sup>1</sup> Sex-disaggregated data are not available.

<sup>2</sup> The Trafficking Index measures the risk of exposure to trafficking based on the prevalence of trafficking as well as government compliance with anti-trafficking policies and/or inaction.

## Definition of trafficking

India became a signatory in 2002 to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and has adopted its definition of trafficking (MOWCD and UNODC, 2008). The UN protocol, also known as the Palermo Trafficking Protocol, defines trafficking as follows:

- a. *The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 should include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*
- b. *The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.*
- c. *The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.*
- d. *“Child” shall mean any person under eighteen years of age (United Nations, 2000).*

While this is the most well-known and widely adopted definition of trafficking, representing a broad international consensus (Megumi, 2009), it has been found to be too broad-based and lacking in definitional clarity. There has been debate, for example, on whether the focus of trafficking must be on the movement of the trafficked victims, both within and outside the country, and the process of recruitment or whether the focus should be on only the exploitation that occurs at the end (International Labour Organization [ILO], 2009).

In this report, however, the UN definition of trafficking has guided the review of the literature and selection of materials. Moreover, given the focus of this study on the trafficking of minor girls for CSE, we extended this definition to consider any engagement of minor girls in CS as trafficking, regardless of whether or not they had experienced any mobility/migration.

## Methodology

In preparing this report, we have reviewed qualitative and quantitative and published and unpublished studies from 1990 and onwards. We have also reviewed the policies, laws and programmes that aim to prevent trafficking, including national policy and legal documents that directly or indirectly address trafficking. Finally, in order to assess the extent of trafficking, we have collated prevalence figures from different sources, such as the National Crime Records Bureau (NCRB), NGOs, regional reports and small-scale studies conducted across India.

Two large-scale studies on trafficking of women and minor girls for CS were published in 2004, covering most of the Indian states and union territories. One was the National Human Rights Commission report (NHRC) (Sen and Nair, 2004), and the other was the *Gram Niyojan Kendra* report with support from the Department of Women and Child Development (Mukherjee and Mukherjee, 2004). Both these studies have collected data from multiple sources, such as women and minor girls currently in the commercial sex industry, those rescued from CSE and key stakeholders involved in CSE (traffickers, brothel owners and clients). Data have been also obtained from police personnel, other government officials and NGO representatives. In this report, we have relied to a considerable extent on the insights of these studies. Unfortunately, neither study consistently presents disaggregated data on minor girls and adult women. Therefore, where information on minor girls was not available, we have described the situation of both women and minor girls in CS. In addition to synthesising findings from these studies, we have also referred to other small-scale studies and assessments conducted in various parts of the country.

We acknowledge that evidence on trafficking of minor girls for CSE in India is relatively sparse as are evaluations of the effectiveness of programmes and policies in preventing such trafficking. Much of the evidence is based on recollections of trafficking experiences of adult women in CS. The data are therefore limited for drawing causal inferences, and findings are typically not representative of the state or country, particularly since many studies focus on relatively small geographic areas.

## Structure of the report

This report consists of nine chapters, including the introductory chapter. Chapter 2 describes laws, policies and programmes to prevent trafficking of minor girls for CSE. Chapter 3 presents available evidence on the magnitude of such trafficking in India. Chapter 4 reviews factors that place minor girls at risk of trafficking, and Chapter 5 describes the consequences of trafficking for the health of minor girls. Chapter 6 throws light on the trafficking process, the life of minor girls in brothels and their rescue and rehabilitation experiences. Chapter 7 describes what is known about the demand for minor girls for CSE and the perspectives of traffickers and others profiting from such trafficking. Chapter 8 discusses challenges in the enforcement of laws and implementation of schemes to combat trafficking. Chapter 9 summarises the main findings of this review and recommends action to prevent trafficking of minor girls for CSE.

## Chapter 2

# Laws, policies and programmes to eliminate trafficking of minor girls for commercial sexual exploitation

A series of international human rights treaties and conventions reinforce global concerns on the trafficking of women and minor girls for CSE. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, the Convention on the Rights of the Child (CRC), 1989, and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography are global instruments that focus on the rights of women and minor girls in general. There are two international instruments that deal exclusively with trafficking (Office of the High Commissioner for Human Rights [OHCHR], n.d.). They are:

- The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Trafficking Protocol) (United Nations, 2000);
- The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (South Asian Association for Regional Cooperation [SAARC], 2002).

While the Palermo Trafficking Protocol addresses trafficking as a form of organised crime, the concerns of the SAARC Convention are limited to prostitution but are located within a broad human rights framework. It emphasises, among other concerns, the need to strengthen cooperation between countries in providing assistance for rehabilitation and repatriation of women and minor girls in CS (Manohar, 2002). India has signed or ratified all of these international conventions and instruments.

The right against exploitation that prohibits trafficking of human beings and exploitation of children is enshrined in the Fundamental Rights of the Constitution of India. The Constitution guarantees the right to equality and freedom to all citizens and thus perceives trafficking as a violation of these rights. Article 23 of the Constitution prohibits trafficking in human beings, and Article 24 prohibits the employment of children under the age of 14 years in factories, mines or other hazardous jobs. These constitutional safeguards have been implemented through legislation at the national and state levels. Therefore, there are many laws and policies that have a direct bearing on trafficking of minor girls for CSE. These are discussed in the following sections of this chapter.

## Laws relating to trafficking of minor girls for CSE

India has an array of laws that prohibits trafficking of minor girls for CSE. The IPC has long recognised the prevalence of such trafficking and lists more than 20 offences that constitute crimes related to the trafficking of minors for CSE. It has called for the protection of girls and for the imposition of criminal penalties for trafficking-related offences such as kidnapping, abducting or inducing women and girls for purposes of slavery, labour or marriage (Section 366), procurement of minor girls (Section 366-A), importation of girls from a foreign country (Section 366-B), selling minors for purposes of prostitution (Section 372), buying minors for purposes of prostitution (Section 373), wrongful restraint of women and girls (Section 339) and wrongful confinement of women and girls (Section 340). Under the IPC, for example, buying and selling of minors for CSE and kidnapping women and girls and forcing them to have intercourse are crimes inviting imprisonment up to 10 years. The Criminal Law (Amendment) Bill, 2013, has amended several provisions of the IPC relating to sexual offences. It criminalises human trafficking and expressly uses the term “exploitation” rather than “prostitution”. The amendment excludes the consent of the victim obtained by inducement as a factor in absolving the trafficker of liability. Furthermore, traffickers of minors will invite stringent punishment, such as rigorous imprisonment for a term of at least ten years, which may even extend to life (Ministry of Law and Justice, 2013).

The ITPA, 1956, initially enacted as the Suppression of Immoral Traffic in Women and Girls Act, 1956, is the most important legislative instrument for the prevention and combating of trafficking. Its focus is on three Ps: Prevention of trafficking, Prosecution of traffickers and Protection of victims. The Act contains provisions to punish persons who facilitate CSE, such as those who own or manage brothels and/or live off the earnings of a woman or girl in CS. It also provides welfare measures toward rehabilitation of those in CS. The Act states that a child is a person under 16 years of age and a minor is one who is in the ages of 16–18 years. Procuring, inducing or taking a child or minor for purposes of prostitution will invite rigorous punishment, such as imprisonment for seven or more years, which may extend to life (Bajpai, 2010; Gupta and Sinha, 2007). Thus, the emphasis is on the punishment of clients, pimps, brothel owners and other abettors engaged in trafficking. But, the inclusion of persons among those liable for prosecution “...who knowingly live, wholly or in part, on the earnings of prostitution” is ambiguous and has resulted in the victimisation of women or minor girls in CSE. The ITPA permits states to appoint Special Police Officers (SPOs) to deal with offences, set up protective homes and establish courts for providing speedy trials (Ministry of Home Affairs, 2009).

The Protection of Children from Sexual Offences Act, 2012, is of particular relevance for the prevention of trafficking of minor girls for CSE (Ministry of Law and Justice, 2012). Under this Act, any person who commits penetrative sexual assault on a child is liable for imprisonment for seven years, which may extend to life, along with a fine. Penetrative sexual assault committed by persons in authority is liable for even more rigorous punishment. Sexual assault that involves physical contact but without penetration, various forms of sexual harassment and use of children for pornographic purposes are offences attracting criminal penalties. The Act also contains a provision for the punishment of any person who abets these offences, that is, instigates any person to commit such offences, engages in conspiracy with one or more persons for committing such offences or intentionally aids in committing such offences. It further explains that “whoever employs, harbours, receives or transports a child by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under the Act is said to aid the doing of the act”. It calls for establishment of special courts for speedy trial of offences specified in the Act.

Apart from the ITPA, provisions in the Juvenile Justice (Care and Protection of Children) Act, (JJA), 2000, and the Prohibition of Child Marriage Act, 2006, can be invoked to protect children. The JJA, passed in compliance with the Convention on the Rights of the Child (CRC), consolidated the laws relating to juveniles in conflict with the law and children in need of care and protection. The Act identifies children as all persons who are under 18 years of age. It stipulates that state governments are required to constitute Child Protection Units and appoint police officers as Child Welfare Officers to ensure effective implementation of the Act. It ensures the protection of vulnerable children through a framework that lays out the requirements for care, protection, education, vocational training and rehabilitation of the children. Children “in need of care and protection” as identified by the Act include those who are being or are likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts or who are found to be vulnerable and likely to be inducted into drug abuse or trafficking (Ministry of Law, Justice and Company Affairs, 2000). The Prohibition of Child Marriage Act, 2006, also addresses the issue of child trafficking by making involvement in the promotion of child marriage a punishable offence and by making a child marriage null and void if the child is married through an act of trafficking. The Act stipulates that if a minor girl is forced or deceived into marriage or if after marriage, she is sold or trafficked or used for immoral purposes, her marriage will be null and void (Ministry of Law and Justice, 2007).

At the level of the states, the Karnataka *Devadasi* (Prohibition of Dedication) Act, 1982, (Government of Karnataka, 1982), the Andhra Pradesh *Devadasi* (Prohibition of Dedication) Act, 1988, (Government of Andhra Pradesh, 1988) and the Goa *Children’s Act*, 2003, (Government of Goa, 2003) are among the prominent laws. The Goa Children’s Act was the first Act in India that sought to protect child rights, with a focus on trafficking. It is applicable only in Goa and directs attention to the several facets of child sexual abuse, including abuse related to sex tourism. It states that the responsibility for preventing child trafficking in the form of sale and procurement of children lies also on establishments offering boarding and lodging such as hotels and guesthouses. Any form of soliciting is prohibited, including hosting websites, taking objectionable photographs, providing materials, guiding tourists or any other mechanism that may lead to the abuse of a child. It also calls on the state to ensure that children in CSE are removed from the place of exploitation and are reintegrated into society. Sensitisation of police officers in handling



children in CSE and establishment of children friendly courts are other requirements specified in the Act (Bajpai, 2010).

There are several other laws that are not specifically intended to prevent trafficking of minor girls, but the protection they offer from other forms of abuse have an impact on trafficking. These include the Bonded Labour System (Abolition) Act, 1976, and the Child Labour (Prohibition and Regulation) Act, 1986. The Bonded Labour System (Abolition) Act, 1976, provides for the abolition of the system of bonded labour and prescribes rehabilitation of released labourers (Ministry of Labour, 1976). The Child Labour (Prohibition and Regulation) Act, 1986, seeks to prevent engagement of child labourers, that is, those who have not completed 14 years of age (Ministry of Labour, 1986). While these Acts offer protection to children, they do not directly address trafficking of minor girls for CSE, per se.

## **Policies and schemes relating to trafficking of minor girls for CSE**

There are numerous policies and programmes that have relevance for the prevention of trafficking of minor girls for CSE. The Ministry of Women and Child Development (MOWCD) has been responsible for many but not all of the policies and national programmes intended to stop such trafficking. Most of these policies were introduced in the last decade, that is, 2000–10.

First, the National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, 1998, delineates strategies to combat trafficking and CSE of women and children and to reintegrate women and children who were in CS into mainstream community life (Department of Women and Child Development and Ministry of Human Resource Development, 1998). The Plan of Action seeks to achieve this by economic empowerment of women through training, income generation, microcredit opportunities and support services; establishment of State Advisory Committees on trafficking; and collaboration with NGOs to raise awareness and create sensitivity among government officials, including police personnel and members of the judiciary and civil society.

Second, the National Plan of Action for Children, 2005, focuses on protecting the rights of children (those under 18 years). It specifically acknowledges the need to protect children, both girls and boys, from all forms of sexual abuse and exploitation. The central concerns of this initiative are child pornography and child trafficking for sexual purposes, marriage, labour, adoption, sports and entertainment, organ trade, begging and drug peddling (Ministry of Human Resource Development, 2005). The strategies articulated in this Plan of Action to protect children include improving literacy and school attendance and empowering girls economically through skill development. The Plan of Action also outlines strategies to provide livelihood options for adults, since poverty is a driving factor that places women and children at risk of being trafficked. Further, it calls for programmes for children rescued from CSE that would provide basic needs, such as shelter, food, clothing and healthcare, and also support services, such as counselling, education, training and skill development. Finally, it recognizes the need for efforts to sensitise personnel of the police, judiciary, media and medical authorities about the specialised needs of trafficked victims.

Third, the National Policy for Empowerment of Women, 2001, notes that a special emphasis will be laid on programmes and measures to deal with trafficking in women and minor girls. It states that all forms of discrimination against the minor girl and violation of her rights, including child marriage, child abuse and child prostitution, shall be eliminated by taking strong measures, both preventive and punitive, within and outside the family (MOWCD, 2001).

Fourth, the protocol for Pre-rescue, Rescue and Post-Rescue Operations of Child Victims of Trafficking for the Purpose of Commercial Sexual Exploitation covers practical considerations for helping minor girls who have fallen prey to trafficking. It provides guidelines for enforcement agencies and NGOs involved in the rescue of victims from their places of exploitation. It highlights the medical and legal provisions to be followed in such cases and the rehabilitative measures that are to be provided to the victims (Ministry of Labour and Employment, 2008).

Fifth, the Ministry of Labour and Employment has also formulated the protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour. The protocol is a multipronged strategy that facilitates smooth repatriation of trafficked children and prevents their re-entering exploitative labour (Ministry of Labour and Employment, 2008).

Over and above these policies and protocols, a Supreme Court order of 2009 mandates that each state government should establish a State Advisory Committee for Preventing and Combating Trafficking of Women and Children for



Commercial Sexual Exploitation (Ministry of Home Affairs, 2009). Training manuals have been prepared to raise awareness among police personnel and other authorities about trafficking and their responsibilities toward its prevention. The manuals also provide guidelines for support of victims and prosecution of perpetrators (UNODC, 2007; 2008). Standard operating procedures have been developed by the Ministry of Home Affairs together with UNODC to be followed in investigating trafficking-related crimes, including trafficking of minor girls (Ministry of Home Affairs, 2009). These standard operating procedures recognise the extreme vulnerability of children and guide those engaged in rescue and rehabilitation efforts about the rights of minors, the basic do's and don'ts in the process of their rescue and ways of dealing with them sensitively (UNODC, 2007).

The MOWCD has instituted two key programmes to prevent trafficking and to support its victims—the *Ujjawala* and *Swadhar* schemes. The *Ujjawala* scheme, launched in 2007, focuses exclusively on the prevention of trafficking and on rescue, rehabilitation, reintegration and repatriation of victims of trafficking for CSE. The scheme aims to mobilise communities and adolescents and generate awareness among them about trafficking. It also seeks to facilitate the rescue of victims; meet their basic needs for shelter, food and clothing; provide them such services as medical treatment, legal aid and vocational training; reintegrate them into their family and society; and repatriate those from other countries to their country of origin (MOWCD, 2007; MOWCD and UNODC, 2008). *Swadhar*—a Scheme for Women in Difficult Circumstances, 2002—provides basic needs of shelter, food, care and clothing to women and minor girls who are without social and economic support. Its goal is to educate or build skills of residents in the centres where they are housed as well as support them in accessing health, legal and other services. The scheme thus caters to a variety of women and minor girls—widows who have been deserted by their families, released prisoners who have no family support, survivors of natural disasters rendered homeless or without support and trafficked women and minor girls. The scheme provides financial support for rent or construction of homes along with services providing counselling, training, skill building and other services for their rehabilitation (MOWCD and UNODC, 2008).

A project supported by the MOWCD to help children in distress is the Child Line India Foundation, which provides a 24-hour toll-free telephone outreach service (MOWCD and UNODC, 2008). It provides referral services to children in emergency situations and undertakes activities to sensitise various stakeholders on trafficking (MOWCD and UNODC, 2008). Similarly, the Integrated Child Protection Scheme, introduced in 2009–10, seeks to improve the wellbeing of children in difficult circumstances and to reduce their vulnerability to any kind of harm or harmful situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children (Press Information Bureau, 2010). The scheme seeks to raise public awareness about child rights and protection, improve the quality of child-protection services, facilitate better access to child-protection services and enforce accountability for child protection. In 2007, protection of children was further consolidated by the setting up of the National Commission for the Protection of Child Rights to monitor the implementation of child rights in the country (National Commission for the Protection of Child Rights, n.d.).

Databases on human trafficking containing information on trafficked victims and traffickers are unique ways of highlighting the issue of trafficking, although these are not directly related to the prevention, care and support of trafficked CSE victims (MOWCD and UNODC, 2008; George, Vindhya and Ray, 2010). Track Child is a National Tracking system initiated by MOWCD to track missing and vulnerable children (MOWCD, n.d.). It keeps track of children in every childcare institute (observation homes, short-stay homes, shelter homes, etc.) in the country. It collates information about children declared as missing. It also provides information relevant to missing children, such as emergency helpline numbers, lists of childcare institutes, government-run homes and observation homes, and information on laws and policies.

There are several other schemes that seek to address the factors that place minor girls at risk of trafficking for CSE, such as the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (*Sabla* scheme) introduced in 2010 (MOWCD, 2010) and the *Kishori Shakti Yojana* (KSY) initiated in 2000–01 that is implemented through the Integrated Child Development Services (ICDS) structure. The *Sabla* scheme focuses on both empowerment of adolescent girls in the ages 11–18 years and improvement of their health status by providing them nutritional supplementation. It offers a package of interventions including literacy and numeracy skills training, life skills education, vocational skills training, public resources guidance, health check-ups, referral services and nutritional supplementation. The scheme calls for the formation of *kishorisamooch* (girls' groups) where out-of-school adolescents meet often (two hours a day, three days a week) and in-school girls meet once or twice every month.

Several cash transfer schemes have been proposed or implemented that focus on improving the status of minor girls (see for a detailed review, Sekher, 2010). A programme with national coverage is the *Balika Samridhi Yojana*, which is an investment scheme launched in 1997 to improve the status of girl children by providing monetary incentives on their reaching specified milestones, such as completing schooling and delaying marriage till they are 18 years of age or above. Yet another scheme introduced on a pilot basis in 2008 is the *Dhanalakshmi* Conditional Cash Transfer for Girl Child with Insurance Cover scheme (Sekher, 2010). Under this scheme, cash transfers are made to the family of the girl child (preferably the mother) on fulfilling certain conditionalities related to birth registration, immunisation, school enrolment and retention in school up to Class 8 and delaying the marriage of the girl child till the age of 18 or above. Programmes are also implemented by the Department of Education to address gender disparity in educational attainment, for example, the Kasturba Gandhi *Balika Vidyalaya* (KGBV), *Mahila Samakhya*, the National Programme for Education of Girls at the Elementary Level (NPEGEL) and the National Scheme of Incentive to Girls for Secondary Education (NSIGSE).

The Twelfth Five Year Plan, 2012–17, acknowledges that trafficking of women and minor girls remains a huge problem in India and is a gross violation of human rights (Planning Commission, 2013a). It states that, “Trafficking for commercial sexual exploitation is one of the worst forms of crimes against women and children as it exposes them to a life of humiliation and sexual abuse”, and it reiterates the need to implement the policies and schemes outlined above to eliminate the practice. It advocates intensification of efforts to prevent trafficking for CSE and to address the rehabilitation needs of those trafficked into CS, notably minor girls, through skills training for alternative livelihood opportunities. It also calls for mainstreaming of children of women in CS. It advocates engaging locally elected representatives (*panchayat* members) to enforce the registration of births, deaths, marriages and migration, because such records act as a monitoring mechanism to help prevent trafficking. It recommends appropriate amendments to the ITPA such that trafficking and sexual exploitation are clearly defined, and it makes provisions for taking forward the Protection of Children from Sexual Offences Act that was passed in 2012 by parliament. It also seeks to support children in danger, including those at risk of trafficking, by strengthening and expanding Child Line services in all districts.

## State government initiatives

State and union territory governments have also established their own programmes and schemes to address trafficking that are based on the National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Girls. These programmes focus on awareness raising, income generation, the provision of medical and other support and the training of law enforcement officials (Everly, 2011). In Tamil Nadu, for example, Village Watchdog Committees have been formed to help address trafficking problems. Members of these committees include, among others, village officials and representatives of NGOs and self-help groups (SHGs) (MOWCD and UNODC, 2008).

The Department of Social Welfare, Government of Bihar, has established the ASTITVA-BIHAR State Plan of Action to combat trafficking through an integrated approach. ASTITVA-BIHAR recognises that trafficking is a serious problem in the state and that the majority of victims of trafficking are girls under 18 years of age (Government of Bihar, n.d.). It recognises, moreover, the need for an integrated approach involving the education, rural development, social welfare and health sectors as well as proactive involvement of the judiciary and police. Rescue, rehabilitation and repatriation have constituted the main strategy of this State Plan of Action. It has instituted helplines and short-stay homes to provide support to women in distress, and these operate in almost every district (MOWCD and UNODC, 2008). It has also established Anti-Human Trafficking Co-ordination Committees at the state and district levels. The State Plan of Action includes provisions to prevent trafficking at transit points and to check cross-border trafficking.

The Government of Andhra Pradesh established a similar action plan (2003). Prevention activities encompass public awareness programmes, formation of community vigilance groups at *panchayat* level and provision of shelters for children at risk, such as street children. At the same time, an anti-trafficking squad in each district covers hotspots and major transit points to conduct rescue operations as required and also to provide shelter and support facilities for rescued women and minor girls. District committees are tasked with providing skill building and employment to rescued women and minor girls as well as other suitable services, including health services and opportunities for education. District committees, chaired by the District Collector, are responsible for implementing the action plan (Government of Andhra Pradesh, 2003).

Again, the Government of Goa has formulated an action plan to combat trafficking in human beings that aims at protection, prevention, rescue and prosecution (MOWCD and UNODC, 2008). As in other states, the state government runs schemes that offer shelter, rehabilitation services, medical services, counselling and capacity-building programmes for rescued victims (MOWCD and UNODC, 2008).

Most other states have also constituted anti-trafficking units and have shelter homes for the rehabilitation of trafficked victims.

Several international organisations, including UNODC, the United Nations Development Fund for Women (UNIFEM), the United Nations Children's Fund (UNICEF) and the International Organisation for Migration (IOM) have undertaken initiatives to prevent and combat trafficking. UNODC together with the Ministry of Home Affairs, for example, has focused on strengthening the law enforcement response to trafficking through training and capacity building. UNICEF has supported anti-trafficking activities in several states as well as across borders (Bangladesh) (MOWCD and UNODC, 2008).

## NGO initiatives

The initiatives of civil society organisations against human trafficking have been substantial. Many of the organisations working on trafficking issues are not exclusively associated with anti-trafficking, but address it as part of their activities to prevent HIV, promote public health and protect human rights. However, there are several NGOs and networks of NGOs that focus on trafficking only. Most of these NGOs work on prevention, and relatively few work on prosecution of offenders, perhaps because of the indifferent response from the authorities whose cooperation is necessary.

The number of NGOs working on trafficking issues, however, varies by region. There are many more NGOs located in Delhi, for example, than in Chhattisgarh or Bihar. Several of these NGOs have played a key role in influencing anti-trafficking legislation to provide more protection to women and minor girls.

NGO interventions to prevent trafficking have directed their efforts in places that are the origin, transit or destination of trafficked individuals. Activities include awareness raising and social mobilisation, community networking and surveillance, capacity building and training, and empowerment through formal and informal education, income generation and job training. To raise awareness and sensitise communities, NGOs have held rallies, seminars, street theatre performances and prevention camps. They have established community support groups and peer education programmes and hosted television and radio programmes. Some have also tried to reach influential adults in the community, for example, establishment of inter-religious Priests Forums that bring priests together to denounce trafficking, and forums that raised awareness of trafficking among representatives from *gram panchayats*, schools and government-run hostels (MOWCD and UNODC, 2008). Life skills education for minor girls in trafficking-prone areas and skill building and economic empowerment activities that offer women and minor girls alternative means of income generation have also been undertaken (see, for example, *Apne Aap Women Worldwide*, 2013)

Capacity-building programmes help to create conditions that reduce the risk of trafficking, to strengthen the capabilities of those rescued and to inform the activities of those in the work of prevention of trafficking. A variety of activities fall under capacity building (Hameed et al., 2010). Efforts have been made to train lawyers, NGO staff and police and government functionaries and also to sensitise them on the various aspects of child trafficking. Training materials related to human trafficking have been developed for prosecutors and others engaged in law enforcement (Gupta and Sinha 2007; MOWCD and UNODC, 2008)

With regard to rescue, the ITPA requires civil society organisation representatives to be present during police rescue operations. A number of NGOs work on supporting authorities to conduct raids and subsequent rescuing of children in CSE, such as the pan-Indian ATSEC network, *Prajwala* in Hyderabad, *Prerana* in Mumbai, *Saarthak* and *STOP* in Delhi and *Sanlaap* in West Bengal (MOWCD and UNODC, 2008). Most of these establish and use networks to identify children in brothels, further to which they conduct raids with the police and rescue the children. Raids on brothels are a challenge for NGOs because of safety issues and likelihood of leaks of impending raids to brothel owners. NGOs, however, have succeeded in working with police personnel who have been sensitised to the issues in trafficking. NGOs also help rescued minor girls to secure their belongings from the brothel, keep traffickers away and ensure that procedures at the police station are properly followed so that they do not further disadvantage them. Legal aid in trafficking cases is also offered by several NGOs (for example, *Apne Aap Women Worldwide*,

STOP, Save the Children India, Haq Centre for Child rights) (Hameed et al., 2010). Collectivisation of sex workers to curb trafficking by constituting vigilance committees from amongst themselves or self-regulatory boards has also been successfully attempted. The Durbar *Mahila Samanwaya* Committee (DMSC), a sex workers' union in Kolkata, for example, has a self-regulatory body to rescue minors or women trafficked into brothels, as they are insiders and are able to understand the situation better. One study, which uses programme monitoring data, has shown that the institutionalisation of self-regulatory bodies has contributed to a decline of over 90 percent in the proportion of minors in CSE in the Sonagachi area (Jana et al., 2013). Despite these efforts, evidence shows that minor girls continue to work in brothels (George, Vindhya and Ray, 2010).

With regard to protection of rescued girls, several NGOs run shelter homes in partnership with the government where rescued trafficked minor girls can stay. Some shelter homes are exclusively for children, while others cater to both women and minor girls. Rehabilitation and reintegration are key activities undertaken in the shelter homes, where they are given opportunities to build peer networks and develop self-confidence. These NGOs provide vocational training to create skills for alternative forms of employment, offer job placements or provide seed money to start a small business. Counselling and health services form a part of the rehabilitative measures offered to rescued minor girls. They also assess the willingness and capacity of families of trafficked minor girls to take them back and provide counselling to family members, as required. They assist minor girls who cannot be reintegrated with their families to find permanent shelter. The focus is on equipping women and minor girls for livelihoods outside of CS and reintegrating minor girls into their families and communities. Where reintegration is not possible, efforts are made to integrate them into life outside the shelter. Several NGOs (for example, *Apne Aap Women Worldwide*, *Prajwala*, STOP, *Sanlaap*) have succeeded in training girls and placing them in careers. They are given training, for example, to become beauticians and mobile phone repairers, or to join as hospital nursing staff. Many NGOs also focus on reintegrating girls into their home villages (for example, *Sanlaap*, STOP) (Hameed et al., 2010). Unfortunately, the effectiveness of these interventions in preventing re-trafficking or rehabilitating women and minor girls cannot be ascertained. The quality of care that women and minor girls receive once rescued also remains poorly understood (Kaufman and Crawford, 2011).

Among prosecution activities, NGOs have focused on identifying traffickers at transit points along the Nepal border as well as at interstate borders. Volunteers work with local police and informers to identify traffickers or identify them through interviews with migrants who fit the profile of victims (Hameed et al., 2010).

Unfortunately, there has been an absence of standard programme monitoring and evaluation mechanisms (Samarasinghe and Burton, 2007), and very few NGOs have published reports containing details of their activities or successes and challenges that they had experienced (Hameed et al., 2010).

## Chapter 3

# Trafficking of minor girls for commercial sexual exploitation in India: Magnitude and pattern of trafficking

### Magnitude of trafficking of minor girls for CSE

Assessing the magnitude of trafficking for CSE is a challenging task—the trade is clandestine, minor girls are vulnerable and reluctant to talk about their entry into CSE, traffickers may not admit their engagement in trafficking and interviewing traffickers can be risky. It is also difficult to differentiate trafficking from internal and cross-border migration. Studies that have made dedicated efforts towards estimating the number of trafficked minor girls in India are few. Underreporting and other methodological challenges also pose difficulties for arriving at accurate figures (Sen and Nair, 2004; Ghosh, 2009). Available estimates/guesstimates on the number of women and minor girls said to be in CSE show wide variations, ranging from 70,000 to 3,000,000 women and minor girls (Sen and Nair, 2004; Mukherjee and Mukherjee, 2004; End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes [ECPAT], 2003; MOWCD and UNODC, 2008; Patkar and Patkar, 2001). Available studies have, however, estimated that about 30–40 percent of trafficked females are minor girls (under 18 years of age) or those who had entered CS when they were minors (Mukherjee and Das, 1996; MOWCD and UNODC, 2008).

Data on the magnitude of trafficking of minor girls in India are drawn primarily from studies of women and minor girls in CS at the time the studies were conducted. Data are also drawn to some extent from studies of survivors of CSE. A description of these studies and their estimates of the magnitude of trafficking of minor girls are summarised in Table 3.1. The National Crime Records Bureau (NCRB) of India is another source of data that shows the number of cases registered under the ITPA and various sections of the IPC relating to human trafficking (buying of minor girls for prostitution, selling of minor girls for prostitution, procurement of minor girls and importation of girls from foreign countries). NCRB data from 2001–12 are given in Table 3.2.

As Table 3.1 shows, measures reflecting the magnitude of trafficking and methodologies employed in the studies varied considerably as did the coverage of these studies. Thus, while the sample in most of these studies comprised women and minor girls in CS at the time of the studies, a few relied on survivors of CSE. The sampling designs varied, such as purposive or convenient sampling designs, respondent-driven sampling designs or time-location sampling designs, and the sample size ranged from as few as 211 women and minor girls to as many as 9,500 women and minor girls. The geographical coverage of these studies varied from one city in a state, or to multiple states or to the whole of India. Most of these studies, until recently, were located in cities and states characterised by high prevalence of HIV/AIDS.

Three measures of the magnitude of trafficking of minor girls for CSE are available from the studies. The first measure, used in most of these studies, shows the percentage of women who entered CS as minors (that is, under 18 years) or as adolescents (that is, under 20 years) by gathering retrospective data on age at entry from women working in CS or from survivors of CSE. Findings presented in Table 3.1 show that between 15 percent and 62 percent of women in CS, at the time the studies were conducted, had been initiated into this work when they were minors or adolescents (Ramesh et al., 2010; George and Sabarwal, 2013; Gupta et al., 2011; Wirth et al., 2013; Silverman et al., 2013; Yadav et al., 2013; Banandur et al., 2012; Erasquin et al., 2011; Brahme et al., 2006; Sen and Nair, 2004; Mukherjee and Mukherjee, 2004). A few studies reported that 10–18 percent of women in CS at the time the studies were conducted had entered CS as young adolescents, that is, before the age of 15 years (Blanchard et al., 2005; Sarkar et al., 2008). Studies based on experiences of survivors reports that 52–62 percent of the survivors had entered CS as minors (Falb et al., 2011; Silverman et al., 2007a; Sen and Nair, 2004).

The second measure relates to the percentage of study participants who were trafficked for CSE, though the definition of such trafficking varied across studies. Thus, some studies defined trafficking on the basis of age at entry



**Table 3.1:** Percentages of girls trafficked for CSE, drawn from various studies in India

Authors	Study participants	Sampling design	Geographical coverage	Percentage of study participants who entered CS at ages up to 20 years	Percentage of study participants who were trafficked	Percentage of study participants in ages up to 20 years at the time of the study
1	2	3	4	5	6	7
<b>Women and girls currently in CSE</b>						
Mukherjee & Mukherjee, 2004	9,500 females in CS at the time of the study	Purposive sampling	27 states and union territories	36% under 18 years	NA	4% under 18 years
Sen & Nair, 2004	929 females in CS at the time of the study	Purposive and convenience sampling	13 states	44% under 18 years	NA	5% under 18 years
Blanchard et al., 2005	1,588 females in CS at the time of the study	Time-location sampling	18 districts of Karnataka	18% under 15 years 36% aged 15–19 54% under 20 years	NA	NA
Brahme et al., 2006	1,359 females in CS at the time of the study	Convenience sampling: STD clinic attendees	1 city in Maharashtra	43% under 16 years	NA	6% under 20 years
Dandona et al., 2006	6,648 females in CS at the time of the study	Probability proportional to the number and type of females in CSE in geographic areas where females in CSE were accessible	13 districts of Andhra Pradesh	9% aged 12–15 21% aged 16–19	NA	10% of the overall sample aged 16–19 8% of street-based sample aged 16–19 16% of home-based sample aged 16–19 20% of brothel-based sample aged 16–19
UNDP, 2007	684 females in CS at the time of the study	Not clear	11 states	NA	NA	34% under 15 years 28% aged 15–18

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Table 3.1: (Cont'd)

Authors	Study participants	Sampling design	Geographical coverage	Percentage of study participants who entered CS at ages up to 20 years	Percentage of study participants who were trafficked	Percentage of study participants in ages up to 20 years at the time of the study
1	2	3	4	5	6	7
Sarkar et al., 2008	580 females in CS at the time of the study	Convenience sampling; brothel-based	4 districts of West Bengal	10% under 15 years 46% aged 16–20	32% of all women were forced or deceived into CS	9% under 20 years
Erausquin et al., 2011	835 females in CS at the time of the study	Respondent-driven sampling	1 district of Andhra Pradesh	20% under 18 years	NA	NA
Banandur et al., 2012	1,567 females in CS at the time of the study	Two-stage sampling—probability proportional to estimated size of non-migrant females in CS and all in the case of migrant females in CS	3 districts of Karnataka	62% under 18 years	NA	NA
Jana et al., 2013	2,195 female new entrants in CSE over a three-year period	Case records for 2009–11 maintained by self-regulatory boards of <i>Durbar Mahila Samanwaya</i> Committee	West Bengal	NA	10% entered as minors or had an unwilling entry	8% under 18 years
George & Sabarwal, 2013	1,137 females in CS at the time of the study	Purposive sampling; those who availed of the services of NGOs/CBOs	3 districts of Andhra Pradesh	35% under 18 years	51% entered CS as minors with or without force or deception or as adults as a result of force or deception; 10% were forced or deceived into entering CS as minors	16% aged 18–20
Gupta et al., 2011	812 females in CS at the time of the study	Respondent-driven sampling	Andhra Pradesh	15% under 18 years	19% entered CS as minors with or without force or deception or as adults as a result of force or deception 3% were forced or deceived into entering CS as minors	NA

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Table 3.1: (Cont'd)

Authors	Study participants	Sampling design	Geographical coverage	Percentage of study participants who entered CS at ages up to 20 years	Percentage of study participants who were trafficked	Percentage of study participants in ages up to 20 years at the time of the study
1	2	3	4	5	6	7
Silverman et al., 2013	211 females in CS who were HIV infected	Convenience sampling; HIV infected and recruited for interview through a CBO	1 city in Maharashtra	50% under 18 years	42% entered CS through force or coercion	NA
Wirth et al., 2013	1,814 females in CS at the time of the study	Time-location sampling	4 districts of Karnataka	16% under 18 years	21% entered CS as minors with or without force or deception or as adults as a result of force or deception 1% were forced or deceived into entering CS as minors	NA
Yadav et al., 2013	7,806 females in CS at the time of the study	Two-stage conventional cluster sampling and time-location cluster sampling	Andhra Pradesh, Maharashtra and Tamil Nadu	16% under 20 years	NA	NA
Ramesh et al., 2014	2,312 females in CS at the time of the study	Two-stage conventional cluster sampling and time-location cluster sampling	5 districts of Karnataka	26% under 20 years	NA	NA
Survivors of CSE						
Sen & Nair, 2004	561 female survivors of CS	Purposive and convenience sampling	13 states	62% under 18 years	NA	21% under 18 years 29% aged 18-20
Silverman et al., 2007a	160 female survivors of trafficking for CS	Convenience sampling; rescued and received support services from an NGO	1 city in Maharashtra	16% under 15 years 36% aged 15-17	NA	NA
Falb et al., 2011	188 female survivors of trafficking for CS	Review of case records from among those rescued and who had received support services from an NGO	1 city in West Bengal	13% under 15 years 37% aged 15-17	NA	NA

Note: CBO= Community-based organisation.



into CS and the means used to draw women into it. These studies defined victims of trafficking as: (a) all those who had entered CS as minor girls, regardless of whether they entered on their own volition or were forced or deceived into it; and (b) women who had entered CS at ages 18 years and above as a result of force or deception (George and Sabarwal, 2013; Gupta et al., 2011; Jana et al., 2013; Wirth et al., 2013). These studies report that between 10 percent and 51 of women and minor girls working in CS were victims of trafficking. They further observe that 1–10 percent of women were inducted as minors using force or deception. Other studies considered those who had been inducted by force or deception regardless of the age at entry as trafficked. These studies report that 32–42 percent of women and minor girls currently in CS were trafficked (see Table 3.1, col. 6) (Sarkar et al., 2008; Silverman et al., 2011).

The third measure of the magnitude of trafficking of minor girls for CSE is the percentage of adolescents among study participants. Although this is not an accurate measure of the magnitude of trafficking of minor girls for CSE because of possible biases in the selection of respondents, such as the over- or under-sampling of particular age groups, it is indicative of the existence of trafficking of minor girls. Studies on women and minor girls in CS show that minor girls and girls in the ages up to 20 years in CS constituted 4–16 percent of the study samples. Most of the studies reported that adolescents constituted 10 percent or less of the study sample (George and Sabarwal, 2013; Jana et al., 2013; Sarkar et al., 2008; Dandona et al., 2006; Sen and Nair, 2004; Mukherjee and Mukherjee, 2004; Brahme et al., 2006; United Nations Development Program [UNDP], 2007). The National Human Rights Commission (NHRC) study shows that among the survivors of CSE who participated in the study, 21 percent were minors (Sen and Nair, 2004). One study that explored the experiences of women and minor girls by typology of CS reports that minors constituted 8 percent in the sample of those engaged in street-based CS, 16 percent in the sample of those engaged in home-based CS and 20 percent in the sample of those engaged in brothel-based CS (Dandona et al., 2006). Similarly, findings from an analysis of various records of women and minor girls rescued from CSE in Delhi, Mumbai and Kolkata show that 26 percent were minor girls (Dutta and Zutshi, 2003).

In contrast to the large numbers depicting the extent of trafficking in these studies, data provided by the National Crime Records Bureau (NCRB) suggest that the reported number of cases on human trafficking is limited in India (Table 3.2). Only 12,630 cases were registered during 2008–12 under the ITPA, and 3,711 cases under various sections of the IPC relating to the trafficking of minor girls (buying of minor girls for prostitution, selling of minor girls for prostitution, procurement of minor girls, and importation of girls from foreign countries). While NCRB data show a declining trend in cases registered under ITPA, the number of cases registered under various sections of the IPC, though small, have shown considerable increases over the last decade.

## **Pattern of trafficking of minor girls for CSE in India**

Although India has been identified as a source, transit, and destination country for the trafficking of minor girls for CSE (USDOS, 2012), there is general agreement that the majority of trafficked girls for CSE are from within the country itself rather than from abroad. Trafficking across international borders into India comprises only about 10 percent of all trafficked individuals (that is, those of any age, trafficked for any reason and including minor girls trafficked for CSE), and interstate trafficking within India comprises 89 percent of those trafficked (Asian Development Bank, 2003a). We acknowledge that data on trafficking of Indians outside the country are unavailable (Asian Development Bank, 2003a).

### ***International trafficking***

As mentioned above, international trafficking accounts for a small proportion of the total trafficking in India (USDOS, 2010). Nepal and Bangladesh are the two main international suppliers of trafficked victims. A report of 2003 suggests that between 700 and 30,000 women and minor girls were trafficked into India from Bangladesh (Asian Development Bank, 2003b). Similarly, there are reports that 5,000–7,000 women and minor girls were trafficked into India annually from Nepal, although some have put this figure at 12,000 annually (UNDP, 2007). A study of survivors of trafficking for CS in Kolkata reports that 14 percent of survivors trafficked as minors into CSE and 15 percent of adults trafficked into CS were from Bangladesh (Falb et al., 2011). Again, a study of women and minor girls in CS in Mumbai reports that 4 percent were from Bangladesh and 30 percent were from Nepal (Silverman et al., 2006). There have been reports that women and minor girls were trafficked into India also from Russia, Bhutan, Myanmar, Kyrgyzstan, Pakistan, Europe, Russia and Thailand (*Shakti Vahini*, 2004; USDOS, 2005).

**Table 3.2:** Cases of trafficking of minor girls in India, registered under IPC and ITPA, 2001–12

Crime heads under trafficking-related laws	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
ITPA, 1956	8,796	6,598	5,510	5,748	5,908	4,541	3,568	2,659	2,474	2,499	2,435	2,563
Buying of minor girls for prostitution (IPC, Sec. 373)	6	9	24	21	28	35	40	30	32	78	27	15
Selling of minor girls for prostitution (IPC, Sec. 372)	8	5	36	19	50	123	69	49	57	130	113	108
Procuration of minor girls (IPC, Sec. 366-A)	138	124	171	205	145	231	253	224	237	679	862	809
Importation of girls from foreign countries (IPC, Sec. 366-B)	114	76	46	89	149	67	61	67	48	36	80	59

While trafficking into India from Bangladesh and Nepal has been documented, evidence regarding trafficking from India to international destinations is very limited (Asian Development Bank, 2003a). There are reports, however, that trafficking for CSE from India involves children from Andhra Pradesh, Karnataka and Madhya Pradesh to Gulf States, England, Korea and the Philippines (ILO, 2006). Delhi and Mumbai are key transit points for international trafficking, and Tripura has emerged as a “safe passage” state for child trafficking from Bangladesh to West Asia, especially Dubai (Warhurst et al., 2011).

### *Interstate trafficking*

The NHRC study identifies the states of Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Rajasthan, West Bengal, Uttar Pradesh and Maharashtra as the main states from where trafficked women and minor girls are sourced (Sen and Nair, 2004). The study by Mukherjee and Mukherjee reports that the induction of minor girls into CSE was widespread in five states, namely, Bihar, Jharkhand, Madhya Pradesh, Uttar Pradesh and Rajasthan. The study shows that 50–72 percent of females in CS who participated in their study in these states had entered CS before attaining 18 years of age (Mukherjee and Mukherjee, 2004). More recent data from NCRB indicate that the state of West Bengal registered the maximum number of cases under the IPC sections related to trafficking of minor girls in 2012 (440 cases). Other states having relatively large numbers of cases were: Assam (124 cases), Karnataka (77 cases) and Bihar (64 cases) (NCRB, 2013). With respect to cases registered under ITPA, Tamil Nadu registered the maximum number of cases in 2012 (500 cases), followed by Andhra Pradesh (472 cases), Maharashtra (366 cases) and Karnataka (335 cases). Other reports state that 60 percent of trafficking victims in Andhra Pradesh were minors and that trafficking of minor girls was on the rise in the state of Karnataka (*Shakti Vahini*, 2004). A recent article in *The Week* reports that Bihar, Maharashtra and Madhya Pradesh procure the largest number of minor girls (*The Week*, 2014). On the whole, it appears that Bihar is consistently reported as a key source state for the trafficking of minor girls for CSE. Box 3.1 provides additional information on the situation in Bihar.

### Box 3.1 Bihar: A source, transit and destination state

The state of Bihar has the third largest population among all the states of the country (Office of the Registrar General and Census Commissioner, India, 2011). It has a high prevalence of child marriage—69 percent of women in the ages 20–24 years were married before the age of 18 years. In terms of economic indicators, Bihar is less developed than other Indian states and contributes 2.6 percent to the national gross domestic product (GDP) (Ministry of Statistics and Programme Implementation, 2009). A large proportion of Bihar's population lives below the poverty line (34 percent) (Planning Commission, 2013b). The indicators for education show that as much as 30 percent of adolescent girls in the ages 10–19 years in the state had never been to school, and 42 percent had not completed Class 5 (International Institute for Population Sciences [IIPS], 2010).

The state has been identified as one of the five states characterised by considerable trafficking of minor girls (Mukherjee and Mukherjee, 2004; *Shakti Vahini*, 2004). Evidence of the high rates of CSE has been corroborated in discussions with organisations working on trafficking in India. As many as 24 out of 36 districts in the state are considered to be “source” and/or “destination” districts from which and to which girls are trafficked. Many urban areas, notably Patna, are

destination sites. Intrastate trafficking is considerably higher than trafficking outside the state (Sen and Nair, 2004).

Entry into CS occurs at an early age for many—72 percent of women and girls reported that they were under 18 years when initiated (Mukherjee and Mukherjee, 2004).

Moreover, there are several communities that are traditionally engaged in CS in Bihar, such as the Nats and Tharus. As such, many girls from these communities enter CS through this route (Mukherjee and Mukherjee 2004; Gupta and Sinha, 2007).

The state is also a key transit state for trafficked minor girls and women who come from different parts of the state, other states of India and other countries (Bangladesh and Nepal). They transit through Patna, Gaya and other district headquarters for final destinations in Delhi, Kolkata and other cities (Sen and Nair, 2004).

Nonetheless, registration of trafficking-related cases is low in the state. In 2012, just 35 cases were registered under ITPA and only 64 cases were registered under various sections related to the trafficking of minors under IPC.

Districts listed as source areas by traffickers	Districts listed as destination areas by traffickers	Districts listed as source areas by trafficked persons	Districts listed as transit areas by trafficked persons	Districts listed as destination areas by trafficked persons
Gaya, Muzaffarpur, Patna Kishanganj, Katihar, Purnia, Araria and Madhubani	Gaya and Patna	Patna, Kishanganj, Munger, Bhojpur, Aurangabad, Lakhisarai, Gaya, Purnia	Gaya (frequency 39), Muzaffarpur (frequency 12), Patna, Bhagalpur, Nalanda, West Champaran, Darbhanga, Saharsa, Barsoi, Kishanganj	Patna, Katihar, Gaya, Nalanda, Muzaffarpur, West Champaran, Purnia

Source: Sen and Nair, 2004

**Table 3.a:** Cases of trafficking of minor girls in Bihar, registered under IPC and ITPA, Bihar, 2001–12

Crime heads under trafficking-related laws	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
ITPA, 1956	29	10	9	24	28	13	27	39	40	24	23	35
Buying of minor girls for prostitution (IPC, Sec. 373)	1	0	0	1	0	0	0	0	0	0	1	2
Selling of minor girls for prostitution (IPC, Sec. 372)	1	0	0	0	0	0	1	0	0	0	1	10
Procuration of minor girls (IPC, Sec. 366-A)	16	9	1	7	5	4	36	45	58	152	183	48
Importation of girls from foreign countries (IPC, Sec. 366-B)	83	38	37	35	74	42	56	22	31	8	0	4

The predominant buyers of minor girls for CSE are Maharashtra and West Bengal, and the main destinations are Delhi, West Bengal (Kolkata), Maharashtra (Mumbai), Gujarat, Punjab and Haryana (Sen and Nair, 2004; *Shakti Vahini*, 2004; Asian Development Bank, 2003b; The Week, 2014). Mumbai, for example, attracts a large number of minor girls from Karnataka, and according to one estimate, women from Karnataka constituted 46 percent of all those engaged in CS in Mumbai (Mukherjee and Das, 1996).

### Box 3.2 Delhi : A key destination state

Delhi is a major destination site for trafficked women and minor girls (*Shakti Vahini*, 2004; Sen and Nair, 2004). G.B Road in central Delhi is the hub of the organized brothel set up. The average number of minor girls and women per brothel is higher in Delhi than in any other state, a finding supported by responses from both survivors and victims of CS (Sen and Nair, 2004). Delhi is also emerging as a major transit state for women and minor girls trafficked from Northeastern and Eastern states (*Shakti Vahini*, 2004).

Even so, the registration of cases related to trafficking of minor girls and women for CSE is low in Delhi

**Table 3.b:** Cases of trafficking of minor girls in Delhi, registered under IPC and ITPA, Delhi, 2001–12

Crime heads under trafficking-related laws	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
ITPA, 1956	95	69	46	123	151	112	63	60	27	28	33	24
Buying of minor girls for prostitution (IPC, Sec. 373 )	0	0	0	0	0	1	2	0	0	0	0	1
Selling of minor girls for prostitution (IPC, Sec. 372 )	1	0	0	0	0	0	0	0	2	4	2	4
Procuration of minor girls (IPC, Sec. 366-A )	3	0	0	0	9	1	0	0	1	0	3	3
Importation of girls from foreign countries (IPC, Sec. 366-B)	0	0	0	0	1	0	0	0	0	0	0	0

### Intrastate trafficking

The NHRC study shows that intrastate trafficking is also very common in India, especially in the states of Tamil Nadu, Andhra Pradesh, Rajasthan, Bihar, Karnataka, Maharashtra, Uttar Pradesh and West Bengal (Sen and Nair, 2004). Indeed, in several states, a large number of districts are source areas for trafficking to other states—16 out of 23 districts in Andhra Pradesh, 24 out of 28 districts in Bihar and 16 out of 27 districts in Karnataka (*Shakti Vahini*, 2004). Table 3.3 provides a list of source and demand areas within the same state and highlights the fact that demand for CS is not only limited to cities, but also includes smaller towns.

Efforts have been made to classify Indian states by trafficking risk. *Shakti Vahini*, an NGO, classified states on the basis of five criteria: concern for the human rights of women and minor girls, crime levels, magnitude of trafficking, legal and administrative framework and implementation of laws and policies. It identified four categories of states, from low-risk states (Category 1) to high-risk states (Category 4). Category 1 states have high concern for rights, low crime rates, negligible trafficking, sound legal and administrative framework and strong implementation of laws and policies; Category 4 states have limited concern for rights, high crime rates, widespread trafficking, poor legal and administrative framework and poor implementation of laws and policies. Category 4 states include Bihar, Haryana, Nagaland, Punjab, Tripura and Uttar Pradesh (*Shakti Vahini*, 2004).

**Table 3.3:** Intrastate trafficking source and demand areas based on NHRC study

State	Key Source Districts	Demand Areas
Tamil Nadu	Dindugal, Madurai, Trichy and Chengelpet	Tindivanam, Dindugal, Madurai and Salem
Andhra Pradesh	Vijayawada, Rajahmundry, Anantapur, Hindupur, Kakinada, Vishakapatnam, Pedapuram, Telengana, East Godavari, West Godavari and Guntur	Hyderabad and Guntur
Rajasthan	Dholpur, Bharatpur, Alwar and Tonk	Bhagalpur, Alwar, Jaipur, Jodhpur
Bihar	Gaya, Muzaffarpur, Patna, Kishanganj, Kathiar, Purnia, Araria and Madhubani	Gaya and Patna
Karnataka	Bangalore, Gulbarga, and Raichur	Bangalore and Mangalore
Maharashtra	Solapur	Pune, Mumbai and Thane
Uttar Pradesh	Maharajganj	Agra, Lucknow, Banaras and Gorakhpur

Source: Sen and Nair, 2004

## Limitations in estimating the magnitude of trafficking

There are some significant gaps in estimating the magnitude of trafficking for CS that need to be addressed. Estimates of the magnitude of minor girls trafficked for CSE in India have been made almost entirely on the basis of the numbers of trafficked minor girls in brothels and those in NGO/government rescue homes after they were removed from CSE. Studies suggest that trafficked minor girls were reluctant to provide information, because they feared for their safety and security, and several of those who agreed to be interviewed were clearly too intimidated by their brothel owners to provide truthful responses (see, for example, Sen and Nair, 2004). For all of these reasons, it is difficult to arrive at a community-based estimate of trafficking of minor girls for CSE in India without data at source level. Moreover, much of the current evidence refers to the percentage of women who entered CS before the age of 18 years rather than the percentage of girls under 18 years in CS at a given point in time.

There have been measurement problems as well. Differences in self-reports of trafficking in various studies may be attributed partly to the way the questions were framed to elicit responses relating to trafficking experiences. In one study in Karnataka, when women were asked a general question about the reason for entering CS, as opposed to more probing questions, only 5 percent of women reported that they had been trafficked (Wirth et al., 2013). In contrast, studies that are more descriptive have yielded larger estimates of trafficking. Thus, a study in which a response category was “someone tricked me into coming to do this business” obtained a trafficking prevalence estimate of nearly 40 percent (Silverman et al., 2011). These findings suggest that women may not admit they were trafficked unless specifically probed. Also of concern, as shown in the NHRC study, trafficking survivors are far more likely than those in CS to report current age or age at entry accurately. While 21 percent of survivors were under 18 years, just 5 percent of those in CS at the time of interview reported that they were under 18 years. This suggests that girls in CS over-reported their age for fear of repercussions (Sen and Nair, 2004).

Data on human trafficking should be ideally collected at different points in the trafficking process. The lack of adequate data on source and transit areas where trafficking occurs is a serious limitation to estimating the magnitude of trafficking in the country and calls for further research in source areas or areas of origin as well as for research that tracks the movement process. Future research will also need to expand on ethnographic approaches that help identify the origins of trafficking and the mechanisms through which trafficking networks are created (Ali, 2005) to enable a clearer profile of trafficked victims, notably girls and boys who are trafficked for CSE. Data would also be needed to enable a better understanding of cross-border flows especially the flow of women and minor girls trafficked from India to other countries for CSE (Asian Development Bank, 2003a).

## Chapter 4

# Factors that increase the risk of trafficking of minor girls for commercial sexual exploitation

Evidence on factors that place minor girls at risk of trafficking for CSE is almost non-existent in India. The limited evidence that is available is from studies conducted among women working in or rescued from the commercial sex industry. None of these reports/studies has focused specifically on minor girls. Moreover, available studies on women in CS were conducted in destination sites, especially brothels. To the best of our knowledge, community-based studies focusing on minor girls residing in trafficking-prone areas have not been conducted in India.

Almost all studies and reports related to trafficking in India emphasise poverty and the feminisation of poverty as major underlying factors for trafficking of women in general and minor girls in particular for CSE (Asian Development Bank, 2003a; Hameed et al., 2007; Sharma, 2007; ILO and UNICEF, 2009; George, Vindhya and Ray, 2010; Warhurst et al., 2011). However, as stated in the report by ILO and UNICEF, poverty alone cannot push people into human trafficking. Poverty may be seen as a contextual factor that exacerbates the effects of other vulnerabilities and thereby increases the risk of trafficking. There are many risk factors that make people vulnerable to trafficking, and a combination of such factors and poverty is sometimes referred to as “poverty plus”, that is, a situation in which poverty does not by itself lead to a person being trafficked, but where a “plus” factor, such as illness, family crisis or other stress factors, combines with poverty to increase the vulnerability of individuals to trafficking (ILO and UNICEF, 2009). Evidence that is currently available suggests a range of “plus” factors related to natural disasters and civil strife as well as community-, family- and individual-level vulnerabilities that place women and minor girls at risk of trafficking for CSE (Asian Development Bank 2003b; Hameed et al., 2007; Sharma, 2007; ILO and UNICEF, 2009; George, Vindhya and Ray, 2010; Warhurst et al., 2011).

### Natural disasters and civil strife

Natural disasters and civil strife pose a huge threat to minor girls from marginalised communities, because they exacerbate their families’ economic deprivation and limited livelihood options and make minor girls and their families easy prey for traffickers. The severe cyclone in Odisha in 1999, repeated floods in Bihar (Kosi river area) and the Naxalite movement in Jharkhand have all contributed to increased trafficking of women and minor girls (Hameed et al., 2010; Duggal, 2006; United States Agency for International Development [USAID], 2006). A household survey in the Kosi river basin (Araria and Khagaria districts) reports that 8 percent of children listed in the sample households were trafficked for labour, though the proportion of children who were trafficked for CSE is, unfortunately, not clear from the study (Das and Mishra, 2011).

Distress-led and insecure migration to urban areas may be also linked to the risk of minor girls being trafficked (Asian Development Bank, 2003a). Minor girls and women who migrate as dependants or alone in difficult circumstances are likely to experience considerable gender-based discrimination. They may be employed in low-skilled and poorly paid jobs in the informal economy, or find themselves in dangerous working conditions or face sexual exploitation, including being duped into CSE (Ghosh, 2009; Jha, 2005; Krishnaraj, 2005; Bhatt, 2009).

### Community, family and individual factors

A range of factors at the community, family and individual levels increases the vulnerability of minor girls to trafficking for CSE in India. At the community level, social and cultural practices that discriminate against women, such as child marriage of girls and dowry, play an important role in putting minor girls at risk of trafficking (Hameed et al., 2007; United Nations Inter-Agency Project on Human Trafficking [UNIAP], 2007). In addition, there are communities in which minor girls and women are traditionally initiated into CS as an intergenerational practice. In



these communities, elder members of the family and the community select the minor girls to be initiated into CS and decide when they will be initiated (McClarty et al., 2014). Such practices of customary initiation of minor girls into CSE exist in the form of the *devadasi* tradition in parts of Karnataka, Maharashtra and Andhra Pradesh (Blanchard et al., 2005; Orchard, 2007; Sen and Nair, 2004; Mukherjee and Mukherjee, 2004) and among the Bedia community in Madhya Pradesh, Rajasthan and Uttar Pradesh (Agarwal, 2008; Mukherjee and Mukherjee, 2004). Intergenerational CS is also prevalent among the Nat community in Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh (O’Neil et al., 2004; Gupta and Sinha, 2007; Mukherjee and Mukherjee, 2004). Two studies in Karnataka found that 26 percent of women and 46 percent of minor girls had entered CS through the *devadasi* tradition (Blanchard et al., 2005; Banandur et al., 2012). Studies exploring the experiences of girls who were initiated into CSE through the *devadasi* tradition suggest that several girls were unwilling to describe themselves as trafficked, but rather as girls who “do not always like what they do or what is demanded of them, but do so out of a sense of filial duty, economic need and because CS is incorporated into their models of female maturity” (Orchard, 2007).

At the family level, studies have shown that a large proportion of women and minor girls—between one-third and two-thirds—attributed their entry into CS to poverty (see McClarty et al., 2014 for a review; Blanchard et al., 2005; Devine et al., 2010; Saggurti et al., 2011a; Banandur et al., 2012). Disruption of family life because of domestic violence, illness or death of income-earning family members and marital separation or abandonment were also significant factors in putting minor girls at risk of trafficking for CSE. A study of rescued girls who were trafficked into CSE as minors found, for example, that almost half (49 percent) reported family disruption as a predisposing factor (Silverman et al., 2007a). This study has also shown that 43 percent of women who were trafficked as minors compared with 26 percent of women who were trafficked as adults reported physical and/or sexual violence by parents, natal family kin and husbands before they were trafficked (Silverman et al., 2007a). Trafficked minor girls were also more likely than adult females in CS to report conflict with parents over choice of marriage partner (19 percent versus none) as being instrumental to their entry into CS. However, they were less likely to attribute their being trafficked to illness or death in the family (5 percent versus 26 percent) and marital separation and abandonment (24 percent versus 44 percent).

Factors such as death or illness of income-earning family members and marital disruptions are cited in several other studies of women and minor girls as predisposing factors (Chattopadhyay, Bandyopadhyay and Duttagupta, 1994; Devine et al., 2010; Bowen et al., 2011; Saggurti et al., 2011a; 2011b). A study comprising in-depth interviews with 367 women in CS in four states (Andhra Pradesh, Karnataka, Maharashtra, Tamil Nadu) reports that 89 of the 220 married respondents cited domestic violence as the reason for entering CS (Saggurti et al., 2011a). A survey of adult women in CS in these four states reports that 19 percent attributed their entry to such factors as lack of basic education, early marriage, restricted control over major decisions in life, concern about children’s wellbeing, domestic violence, and husband’s alcoholism and/or extramarital behaviours (Saggurti et al., 2011b).

The social status of the family has also been linked to the risk of minor girls getting trafficked into CSE. Studies have observed, for example, that minor girls belonging to socially excluded caste groups, such as scheduled castes and scheduled tribes, are at a greater risk of being trafficked than those belonging to other caste groups (Sen and Nair, 2004; International Center for Research on Women [ICRW], 2010). Similarly, children of women working in brothels are likely to be abused, trafficked and violated (Sen and Nair, 2004).

At the individual level, limited education has been emphasised as a risk factor. The NHRC study observed that 63 percent of survivors of trafficking drawn from a national sample were illiterate or barely literate and just 10 percent had some secondary education (Sen and Nair, 2004). Similarly, 49 percent of rescued women and minor girls in a study in Mumbai reported no schooling (Silverman et al., 2006).

Being a minor girl is itself a risk factor for trafficking for CSE. Some researchers observe that the emergence of the HIV/AIDS pandemic contributed to the rise in trafficking of minor girls for CSE, because of perceptions that sex with virgin girls could cure men of sexually transmitted infections (STIs) (Gathia, 1999; George, Vindhya and Ray, 2010). The current deficit of girls in some districts located in the northern and western states of India caused by, among other factors, decades of gender-biased sex selection has resulted in an increase in the number of girls trafficked for marriage. UNODC, for example, has chronicled rampant large-scale trafficking of girls from Assam, Bihar, Jharkhand, Madhya Pradesh, Odisha, West Bengal and Uttar Pradesh into Haryana and Punjab where they are held as bonded labourers, forced into marriage and sometimes duped, after some years, into CSE (UNODC, 2013; Ghosh, 2009).

In short, the interplay of a number of factors puts minor girls and women at risk of trafficking for CS. We note, however, that available insights come from the experiences of minor girls and women who had already been engaged in CS, but not, more generally, from minor girls and their gatekeepers in source areas. Insights from source areas would help understand positive deviant families and thereby the potential risk and protective factors at individual and family levels that drive CSE and that can be addressed in prevention programmes. Moreover, available studies do not differentiate between factors that place minor girls at risk and adult women at risk of being trafficked. This calls for further studies to gather insights on factors that increase the vulnerability of minor girls to trafficking for CSE.



## Chapter 5

# Health consequences for minor girls trafficked for commercial sexual exploitation

Empirical research on the impact of trafficking for CSE on the lives of minor girls is scant universally. What is available, however, throws light on multiple threats to their physical and psychological wellbeing, which may have enduring effects on their lives. They are at heightened risk of unwanted pregnancies, unsafe abortions and sexually transmitted infections (STIs) including HIV/AIDS. They are also more likely to be subject to physical and sexual violence and to experience mental health problems, such as depression, anxiety, guilt, shame and feelings of self-blame, attachment disorders, mistrust of adults and antisocial behaviours, reduced cognitive functioning, lack of self-worth, suicidal ideation, dependence on alcohol or drugs and symptoms of post-traumatic stress disorder (PTSD) (Oram et al., 2012; Rafferty, 2008). They are also more likely to face barriers in accessing appropriate healthcare (Beyrer and Stachowiack, 2003).

In India, evidence on the health consequences for minor girls trafficked into CSE comes largely from studies of health outcomes for women in CS in general rather than from studies that focus on experiences of women and minor girls trafficked for CS or on experiences of only minor girls in CSE. Moreover, what is available comes disproportionately from studies examining HIV risk, exposure to other STIs or experience of sexual violence among women and minor girls in CS (Silverman et al., 2006; 2007b; Gupta et al., 2009; Saggurti et al., 2012), rather than from those examining other outcomes, such as pregnancy and its consequences or physical and emotional/mental health implications. Many of the associations observed are, moreover, suggestive rather than conclusive, largely because of limited sample size and other data limitations associated with retrospective data.

### HIV infection and self-reported STIs/symptoms of STIs

The studies that have explored the association between the experiences of trafficking for CS and HIV infection relied on cross-sectional data drawn from women in CS at the time of the survey or from women and minor girls who had been rescued and were availing post-trafficking services from NGOs at the time of the survey. Trafficking for CSE was defined as entry into CS as a minor with or without force or deception, or as an adult as a result of force or deception (Wirth et al., 2013) or simply by entry into CS by use of deception, trickery or force, regardless of the age at entry (Sarkar et al., 2008; Silverman et al., 2006; 2007b). All these studies assessed HIV infection through laboratory tests. The findings were mixed with regard to the association between age at entry into CS/age at trafficking and HIV infection (Table 5.1). Three of the four studies included in this review (all from India) find no statistically significant association between age at entry into CS/age at trafficking and HIV infection (Wirth et al., 2013; Sarkar et al., 2008; Silverman et al., 2006). A study from Nepal, however, finds a significant association—compared with those who were trafficked at ages 18 and above, those who were trafficked before they were 15 years old had almost four times a greater risk of HIV infection, although those who were trafficked at ages 15–17 were not at greater risk (Silverman et al., 2007b). Similarly, findings were mixed with regard to the association between ever experience of trafficking, as defined by entry into CS by force or deception, and HIV infection. A study from Karnataka reports that women who experienced trafficking were 2.3 times more likely than others to be HIV infected (Wirth et al., 2013), but no such association was observed in a study in West Bengal (Sarkar et al., 2008).

Only two studies explored the association between the experiences of trafficking of women and minor girls for CS and STIs, other than HIV, or symptoms of STIs. Findings from these studies show no association between trafficking experience and STIs or symptoms of STIs (George and Sabarwal, 2013; Silverman et al., 2013).

**Table 5.1:** Health consequences for minor girls trafficked for CSE in India and Nepal

Source and year	Site	Population Selected	Type of analysis	Definition of trafficking	Health outcome	Indicators used and direction of association
<b>HIV infection</b>						
Wirth et al., 2013	Karnataka, India	Women aged 18 or more who had exchanged sex for money at least once in the previous month	Cross-sectional study; multi-variate regression analysis	Entry into CS before age 18 with or without force or deception or entry as adults as a result of force or deception	HIV infection	Forced entry into CS, regardless of age at entry, associated with HIV infection (OR 2.30)  Age at entry into CS not associated with HIV infection
Sarkar et al., 2008	West Bengal, India	Women in brothel-based CS at the time of the study	Cross-sectional study; multi-variate regression analysis	Entry into CS by being cheated, forced or sold by their families	HIV infection	Trafficking experience not associated with HIV infection  Entry into CS at ages 20 years or under not associated with HIV infection
Silverman et al., 2006	India	Women and minor girls using post-trafficking services provided by NGO	Case study method; multi-variate regression analysis	Entry into CS due to force or coercion	HIV infection	Age at trafficking not associated with HIV infection
Silverman et al., 2007b	Nepal	Women and minor girls receiving post-trafficking services provided by NGO	Case study method; multi-variate regression analysis	Entry into CS due to force or coercion	HIV infection	Trafficking before age 15 years associated with HIV infection (OR 3.7)  No association with trafficking at ages 15–17 years

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Table 5.1: (Cont'd)

Source and year	Site	Population Selected	Type of analysis	Definition of trafficking	Health outcome	Indicators used and direction of association
<b>Behaviours that increase HIV risk</b>						
George & Sabarwal, 2013	Andhra Pradesh, India	Women aged 18 and above in CS at the time of the study	Cross-sectional study; multi-variate regression analysis	Entry into CS before 18 years of age with or without force or deception or at adult ages by force or deception	Number of clients in the last week, number of days engaged in CS in the last week, condom use (consistent and with last client), experience of violence, sexual violence, physical violence, any symptoms of genital infections in the last six months	Trafficking experiences associated with number of clients in the last week (OR 2.3), number of days engaged in CS in the last week (OR 1.5), experience of sexual violence (OR 2.1), experience of any violence (OR 1.9)  No association with condom use, experience of physical violence or symptoms of genital infection
Gupta et al., 2011	Andhra Pradesh, India	Women in CS participating in a community-based HIV study	Cross-sectional study; multi-variate regression analysis	Entry into CS before age 18 with or without force or deception or at adult ages by force or deception	Experience of violence in the last six months (physical or sexual) number of clients in the last week, number of days engaged in CS in the last week, HIV knowledge, consistent condom use	Trafficking experience associated with experience of violence (OR 1.7), number of clients in the last week (OR 1.8), number of days engaged in CS in the last week (OR 2.2)  No association with HIV knowledge and consistent condom use
Silverman et al., 2006	Mumbai, India	Women and minor girls using post-trafficking services provided by NGO	Case study method; correlation analysis	Entry into CS due to force or coercion	Duration of brothel services	Girls trafficked as minors reported 19 months in CS as against 10 months reported by those trafficked at adult ages
Silverman et al., 2011	Mumbai, India	HIV-infected women in CS accessing support from a sex-worker-led community organisation	Cross-sectional survey; multi-variate regression analysis	Entry into CS as minors or due to force or coercion	Experience of sexual violence in the first month of CS, alcohol use (at first episode of CS and in the first month of CS) number of clients per day in the first month of CSE, condom use in the first month of CSE	Trafficking experience associated with experience of sexual violence (OR 3.1), alcohol use in the first month of sex work (OR 1.9), alcohol use at first sex work episode (OR 2.2), client load (OR 3.3), and condom non-use in the first month of engagement in CS (OR 3.8)

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Table 5.1: (Cont'd)

Source and year	Site	Population Selected	Type of analysis	Definition of trafficking	Health outcome	Indicators used and direction of association
Silverman et al., 2013	Mumbai, India	HIV-infected females in CS accessing support from a sex-worker-led community organisation	Cross-sectional survey; multi-variate regression analysis	Entry into CS as minors or due to force or coercion	Experience of physical or sexual violence in the past year, alcohol use before transactional sex in the last three months, unprotected transactional sex in the past three months, STI in the past year (self-reported)	Entry into CS as minors associated with unprotected transactional sex (OR 2.1) Entry as minors not associated with experience of physical or sexual violence, alcohol use or STI
Sarkar et al., 2008	West Bengal, India	Women currently in brothel-based CS	Cross-sectional study; multi-variate regression analysis	Entry into CS by being cheated, forced or sold by their families	Experience of physical, emotional or sexual violence in the first few weeks of entering CS	Trafficking experience associated with experience of violence (OR 7.4)
Mental health						
Shahmanesh et al., 2009	Goa	Women currently in CS in Goa	Cross-sectional survey; multi-variate regression analysis	Not defined	Attempted suicide	Adolescents in CSE were somewhat more likely than others to have attempted suicide (OR for adults attempting suicide 0.25–0.81)
Deb, Mukherjee & Mathews, 2011	Kolkata	120 trafficked girls aged 13–18 engaged in CS purposively selected from four shelters and a matched sample of 120 girls aged 13–18 who had not been sexually abused, drawn from four schools situated near the shelters	Cross-sectional, descriptive	Not defined	Incidence and severity of aggression using a standardised psychological test— The Aggression Scale	Girls trafficked for CSE displayed significantly higher levels of aggression than did other girls (31% vs 14%)
Tsutsumi et al., 2008	Kathmandu, Nepal	Women who were trafficked for CS and labour and who were accessing post-trafficking services from a NGO	Cross-sectional survey; correlation analysis	Not defined	Mental health disorders— anxiety, depression and PTSD	Trafficking for CS significantly associated with experience of anxiety, depression, and PTSD

## Behaviours that increase the risk of HIV infection

Several studies have explored associations between trafficking and behaviours that increase the risk of HIV, such as client load, length of engagement in CS, experience of violence, condom use and alcohol use (George and Sabarwal, 2013; Gupta et al., 2011; Silverman et al., 2006; 2011). Studies of women and minor girls in CS or rescued from CSE when the studies were conducted report that women and minor girls who were trafficked, as defined by entry as minors with or without force or deception or as adults as a result of force or deception, were likely to serve more clients (odds ratio [OR] of 1.8 to 3.3 in various studies) (George and Sabarwal, 2013; Gupta et al., 2011; Silverman et al., 2011) and engage in CS for more days compared with those who were not trafficked (OR of 1.5 to 2.2 in different studies) (George and Sabarwal, 2013; Gupta et al., 2011). Similarly, women who were trafficked as minors were likely to have experienced longer captivity in brothels than those who were trafficked as adults (19 months versus 10 months), a factor found to be significantly associated with the risk of HIV infection (Silverman et al., 2006).

A number of studies report that women and minor girls who were trafficked were more likely than others to experience sexual violence, defined as being forced to engage in different types of sexual acts, serve numerous clients against their will, to be displayed nude and so on, during the initial days of entry to CS (OR 3.1) (Silverman et al., 2011) or in the recent past preceding the survey (OR 2.1) (George and Sabarwal, 2013). They were also more likely to have experienced any violence in the recent past preceding the survey (OR of 1.7 to 1.9 in various studies) (George and Sabarwal, 2013; Gupta et al., 2011) or during the initial days of entering CS (OR 7.4) (Sarkar et al., 2008). Only one study explored the association between recent experiences of physical violence and trafficking (separately and not in combination with sexual violence) and found that trafficking was not associated with an increased risk of experiencing recent physical violence (George and Sabarwal, 2013). Another study reports that as much as 32 per cent of adolescents in CSE reported the experience of rape and physical violence (Beattie et al., 2010).

Findings were mixed with respect to the association between trafficking and condom use with clients. A study, for example, among HIV-infected females in CS in Mumbai reports that those who were trafficked were almost four times more likely than others to have engaged in unprotected sex with their clients in the first month of entry into CS (Silverman et al., 2011). A second study drawing on the same sample reports that entry into CSE as minors doubled the odds of unprotected sex in the past three months preceding the study, compared with those who entered CS at age 18 (Silverman et al., 2013). Other studies, however, observe no association between trafficking for CS and such measures of condom use as whether condoms were used consistently or in the last sexual encounter with a client (George and Sabarwal, 2013; Gupta et al., 2011).

Finally, the study among HIV-infected females in CS in Mumbai further reports that those who were trafficked were twice as likely as others to have used alcohol at their first episode of and in the first month of engagement in CS (Silverman et al., 2011). However, the second study from the same sample reports that entry as minors was not associated with alcohol use before transactional sex in the three months preceding the survey (Silverman et al., 2013).

## Mental health

Only few studies have explored the mental health consequences of the experience of trafficking or engagement in CS. One such study compared women trafficked for CS with those trafficked for domestic work or employment in the circus in Nepal, and its findings show that although a large proportion of trafficked women in general reported adverse symptoms, women who had been trafficked for sexual exploitation exhibited a significantly increased risk of depression and PTSD than did those who had been trafficked for labour (Tsutsumi et al., 2008). Another study of women in CS in Goa finds that 42 percent of those under 20 years of age reported their having attempted suicide in the three months preceding the interview, and those in the older age group were three to six times less likely than the women under 20 years to have attempted suicide (Shahmanesh et al., 2009). A study that compared minor girls in the ages 13–18 years trafficked for CSE with a matched sample of minor girls who had not been sexually abused in Kolkata finds that those trafficked for CSE displayed significantly higher levels of aggression than the minor girls in the comparison group (31 percent versus 14 percent) (Deb, Mukherjee and Mathews, 2011). Other behavioural symptoms ranging from social withdrawal to aggression were noted in a small qualitative study of 20 survivors of CS in Nepal (Crawford and Kaufman, 2008).

## Chapter 6

# Life trajectories of trafficked minor girls following trafficking

This chapter summarises evidence from available studies that document the life trajectories of minor girls who were trafficked, their experiences of life in the brothel and their rescue and rehabilitation experiences.

### The trafficking process

While in many instances trafficking begins at the point of deceiving or coercing women and minor girls to move to a destination where they will be exploited, in some instances, women and girls who migrate voluntarily can also be trafficked into CSE after they have reached their destination point (ILO, 2009). A report by the Asian Development Bank describes human trafficking as:

*...a complex process, involving a series of episodes for the person trafficked that require markedly different responses from governments or communities. These episodes might start with a desire or need to move or migrate, followed by an encounter with a trafficker leading to coercion or deception, and finally to highly harmful and exploitative working situations (Asian Development Bank, 2003b).*

While all minor girls in CSE, regardless of whether they had experienced any mobility/migration, are considered to have experienced trafficking (including, for example, those involved in intergenerational practice of CS), this section focuses on the experiences of those who had experienced some mobility/migration.

Traffickers exploit certain vulnerable conditions, such as poverty, distressed family situations or limited exposure to education, to trap minor girls into CS or their families into permitting their daughters to be trafficked. Studies conducted across India show that recruitment of minor girls for CSE took place through different informal social networks, such as friends and co-workers, through family members, such as husbands, relatives and parents, and through strangers. Different studies depict different degrees of stranger-induced trafficking. The National Human Rights Commission (NHRC) study shows that only 11 percent of trafficked victims in CS at the time of the survey were trafficked by a stranger, while 35 percent were trafficked by a family member or relatives and 53 percent were trafficked by acquaintances (Sen and Nair, 2004). Studies on rescued women and minor girls, including the NHRC study, however, suggest that a larger percentage of minor girls were trafficked by a stranger who was likely to have gained the trust of the girl or her family (Silverman et al., 2006; Falb et al., 2011; Gupta et al., 2009; Sen and Nair, 2004). Among survivors of trafficking who were interviewed in the NHRC study, 68 percent reported that they had no relationship with the trafficker, although it is not clear whether these people included friends and acquaintances (Sen and Nair, 2004). A study among women and minor girls rescued from CS in Mumbai reports that 43 percent were trafficked by a stranger, 40 percent by friends and acquaintances and 17 percent by an intimate partner or a relative (Silverman et al., 2006). Similarly, in a study among rescued victims in Kolkata, almost half of the victims trafficked, as both minors and adults, were trafficked by a stranger, a little over one-third each by friends and acquaintances and the remaining by family members or intimate partners (Falb et al., 2011). Again, another study in Karnataka conducted among survivors of sex trafficking reports that 39 percent of survivors were trafficked by a stranger and 18 percent by friends and acquaintances (Gupta et al., 2009).

While some traffickers approached women and minor girls through informal social networks and family contacts, others directly approached them at bus stops, train stations and markets. Cafes and restaurants, beauty contest venues, beauty parlours, national highways and construction sites were other areas that traffickers used to approach women and minor girls (Sen and Nair, 2004). A study among trafficked victims who were rescued in Mumbai reports that recruitment locations included the home of a relative or friend (27 percent), the workplace (21 percent) and public transport stations and other public locations (51 percent) (Silverman et al., 2007a). Studies also report that traffickers procured girls primarily from rural areas (Sen and Nair, 2004). Of late, however, with increasing use of modern technologies for communication, the nature of the recruitment process has been shifting—for example,



traffickers use newspaper advertisements to recruit women and minor girls through apparently legal shop-front organizations, and they have also expanded their reach through use of the internet and mobile phones (Sharma, 2011).

Offers of well-paying jobs, opportunities to live in more developed countries/states, promise of marriage and declaration of love are some of the many tactics traffickers use to lure victims to travel with the traffickers. The typical inducement is the promise of a well-paying job—studies from various parts of the country report that between two-fifths and two-thirds of women and minor girls who were trafficked into CS were lured by offers of economic opportunity (Falb et al., 2011; Gupta et al., 2009; Sarkar et al., 2008; Silverman et al., 2006; 2007a; Sen and Nair, 2004). Two small-scale studies that provide data on tactics used to lure women and minor girls show that minors were somewhat less likely than adults to be lured by offers of economic opportunity—53 percent of minors versus 70 percent of adults in one study (Falb et al., 2011) and 51 percent of minors versus 60 percent of adults in the other study (Silverman et al., 2007a). Sometimes, traffickers enticed minor girls by promises of better living conditions or lifestyles (Sen and Nair, 2004; Sarkar et al., 2008). Some had been trafficked by false promises of marriage (Falb et al., 2011; Saggurti et al., 2011a; Gupta et al., 2009; Ghosh, 2009; Sarkar et al., 2008; Silverman et al., 2006; 2007a; Sen and Nair, 2004). Across studies, 2–11 percent of trafficking victims reported that they were offered promises of marriage (Falb et al., 2011; Gupta et al., 2009; Sarkar et al., 2008; Silverman et al., 2006; 2007a; Sen and Nair, 2004). Studies also report that traffickers resorted to deceiving parents without financial means for the marriage of their daughters with fraudulent offers of dowry-free marriage proposals or cash offers from fake grooms in return for marriage (Ghosh, 2009). A number of studies report kidnapping or abduction with or without the use of drugs or force—between 12 percent and 26 percent of victims in various studies reported the use of force and drugs (Falb et al., 2011; Gupta et al., 2009; Silverman et al., 2006; 2007a; Sen and Nair, 2004). One of these studies reports that those who were trafficked as minors were more likely than adults to have been trafficked by use of force or drugs (33 percent of minors versus 13 percent of adults) (Silverman et al., 2007a). Studies also report inducements such as promises of shelter and engagement in social and entertainment activities (Gupta et al., 2009; Sen and Nair, 2004).

Studies show that traffickers took victims by public transport, mainly buses or trains, to their destinations. Bribes to transporters and local officials ensured that the activities of the traffickers were not questioned (Warhurst et al., 2011). In a study among trafficking survivors in Mumbai, 63 percent of women and minor girls reported that they were shifted to other locations in public transport (Silverman et al., 2007a). The NHRC study also reports that more than three-fourths of the survivors were transported using public transport (Sen and Nair, 2004). In the second phase of the trafficking process, the trafficked person was usually taken to a transit site before being transported to the final destination site. The transit site was usually the home of the brothel owner or trafficker, and it was here that the trafficked minor girls were made further dependent on the traffickers or brothel owners and had no choice but to obey them. Traffickers used a variety of methods to make girls dependent, such as keeping them under a false debt bondage ostensibly created by their travel, living and other expenses, using methods of harassment, such as starvation, imprisonment, sexual and physical abuse, threats of violence against them and their families, and forced drug use (Sen and Nair, 2004; Megumi, 2009; ICRW, 2010; Silverman et al., 2007b; Saggurti et al., 2011a; *Terre des Hommes*, 2005). Trafficked minor girls may be also passed on to other traffickers with whom they have had no previous contact, which may worsen their feelings of insecurity (Warhurst et al., 2011). We note that the movement of trafficked minor girls from place of origin to transit points and final destination points was not always linear and that they were transported many times from one place to another or resold many times before arriving at a final destination (Sen and Nair, 2004).

Trafficking from the neighbouring countries of Bangladesh and Nepal has also been documented in some studies. Available evidence on minor girls trafficked from Bangladesh into India shows that they were typically trafficked to West Bengal, Assam, Odisha and Tripura, where they were initiated into CSE. These states serve as both destination and transit sites for minor girls from Bangladesh, as many of them were later sent to new destinations, including New Delhi, Agra, Mumbai, Kolkata, Goa or Pakistan (Joffers et al., 2008). Mechanisms of entry into India from Bangladesh were largely by illegal entry through a porous border, where there are only 20 official points of entry on a 4,156 km long border. The border is patrolled by the Border Security Force (BSF), but the BSF cannot fully prevent illegal entry of people (Sen and Nair, 2004). Further, illegal entries by traffickers through legitimate border points also occurred largely through the bribing of BSF officers in exchange for their protection from prosecution (Warhurst et al., 2011;

Ghosh, 2009). Trafficking from Nepal into India is easier. Nepal and India have 14 legal entry points, and owing to the cross-border treaty between Nepal and India, no immigration control is required for citizens of Nepal travelling or migrating to India, and hence no records are maintained (Warhurst et al., 2011).

## Experiences in brothels

The trafficked victim is sold to a brothel and starts dealing directly with clients. One study describes how prices for minor girls were set through a “sorting and grading” process, where the highest price was on the youngest girls. The early days in CSE for minor girls might entail imprisonment in a small room for several months to break them in. They were kept in brothels under a debt bondage, which they are told must be paid by their work in the brothel. They were also told that their families depended on their income. They might be given drugs and alcohol, and once initiated into CSE, forced to prostitute themselves to approximately 5–15 men daily, earning for the “madam” about US \$100 per customer if sold as a virgin (Warhurst et al., 2011). Another study of minor girls trafficked for CSE in Delhi, Mumbai and Kolkata reports that physical abuse and confinement of girls were widespread, especially in the initial days of residence in the brothel. Minor girls reported violence, starvation, forced use of drugs and alcohol, their being paraded naked, solitary confinement in a darkened room and similar detrimental practices as mechanisms through which brothel owners ensured the submissiveness of the minor girls. On average, these girls reported serving 4–5 customers a day in the brothels, where they were kept in deplorable and unsanitary conditions. Brothel owners appropriated the earnings of the minor girls and even the tips that customers had given them. If they fell ill, healthcare costs were considered a debt that they were expected to repay. Many reported that they were forced to become pregnant, because brothel owners saw responsibility for a child as an added measure of control to force women and minor girls to remain in the brothel (Dutta and Zutshi, 2003).

Saving money is difficult in these circumstances. The NHRC report finds that 61 percent of women and minor girls in CS at the time of the survey had no savings, and almost 50 percent reported that they remitted money home, but on an irregular basis (Sen and Nair, 2004). The study also notes that most of the minor girls did not have contact with their parents while in CSE. The NHRC study reports that among survivors, almost two-thirds had no contact with their families, and of those who were in contact, just half had visited their families, including some who had done so to procure more minor girls (Sen and Nair, 2004).

Women and minor girls who remain in brothels become less profitable as they get older, and by 35 years of age, they are no longer perceived as being profitable and are dismissed from the brothel. Without family support or a means of generating income, many perceive they have no option but to work as traffickers.

## Rescue

Rescue of minor girls from brothels entails raiding of brothels and removing them to safe locations, free from exploitation (Pandey et al., 2013). Typically, rescue operations consist of a number of steps. The police or NGOs are informed about a trafficked minor girl in a brothel, and through independent confidential investigation, they verify the authenticity of the information. Once authenticated, police personnel together with NGO representatives conduct the rescue operation. Rescued trafficked minor girls are taken to a police station to register a first information report (FIR). The police, with support from NGOs, arrange for medical tests, if required, to determine the age of those rescued.

Studies have confirmed that raids are conducted more than once at brothels and that many minor girls have been rescued (Dutta and Zutshi, 2003). Most survivors of CSE and those in CS at the time of the interview for the NHRC survey confirmed the occurrences of rescue operations in the brothels to which they had been trafficked (Sen and Nair, 2004).

Rescue operations are, however, flawed in many ways. First, during rescue operations, termed as “raids”, police personnel tend to charge trafficked victims with offences, such as soliciting or engaging in sex in or near a public space, under the provisions of Section 8 of the ITPA (Sen and Nair, 2004). Indeed, the NHRC study of survivors finds that more than half had been arrested at least once, and of these, two-fifths were arrested on charges of soliciting. The remaining appeared unaware of the reasons, perhaps because the charges against them were swiftly dropped, and they were immediately released and returned to the brothel (Sen and Nair, 2004).



Second, the nexus between traffickers and law enforcement officials impedes rescue operations. The NHRC study reports that among women and minor girls in CS at the time of the interviews for the study, about half had succeeded in evading arrest at least once, largely because the brothel owner had received advance information from the police and had moved girls away from the brothel (58 percent), or they were hidden in boxes, cupboards and other places that were unlikely to be searched (24 percent) or because the brothel owner had bribed the raiding police party (18 percent) (Sen and Nair, 2004). A second study corroborates the evidence that brothel owners receive prior information about impending raids and force minor girls to hide in water tanks and other such places. The same study also finds that police often tell rescued minor girls not to implicate their brothel owner (Dutta and Zutshi, 2003).

Third, many women and minor girls in CS with earlier experiences of raid and rescue reported that they had obtained their release from police custody by bribing the police or through the intervention of their brothel owner. Relatively few had secured their release from police custody through the interventions of an NGO. Many described the uncaring or abusive behaviour of the police, while NGOs were typically described as caring (Sen and Nair, 2004).

Information on numbers of minor girls rescued in these raids is limited. One study that has compiled information on 497 raids on brothels in Mumbai, Kolkata and Delhi from 1999–2002 reports that 2,219 women and girls were rescued, of whom 7 percent were under 16 years of age and 19 percent were in the ages 16–17 years (Dutta and Zutshi, 2003). The NHRC study presented information on 1,818 raids and rescue operations conducted during the year 2002, through which 2,477 women and minor girls trafficked for CS were rescued (Sen and Nair, 2004).

## Rehabilitation

Rehabilitation is an important stage after rescue, during which the multiple needs of trafficked victims are addressed, such as their immediate and long-term physical and mental health needs, their social concerns and meaningful integration into society (Zimmerman, et al., 2003; Pandey et al., 2013). It typically involves sending women and minor girls to government or NGO homes for an interim period for protective custody until their cases are heard by a court or a juvenile justice board/child welfare committee or they are returned to their homes. In the rehabilitation stage, NGOs are the major players providing legal aid and helping victims receive compensation (USDOS, 2013).

Minors are sent to special homes for custodial care. They are kept in protective custody in the home till their parents or legal guardians are located and identities of these parents or legal guardians are authenticated and verified before a Magistrate for subsequent release of the minor girls to their families. When minor girls are returned to their parents or legal guardians by designated NGOs that are involved in the process of restoration and repatriation, the NGOs are mandated to provide a detailed report of follow-up action. In case the girl is from another country, the two governments work together to repatriate the girl to her country and provide her support through a designated NGO in her country (Dutta and Zutshi, 2003).

The homes to which girls are sent provide counselling and impart income-generating skills for alternative employment. The NHRC study notes that government homes were poorly equipped and had limited resources for counselling and skill building, and many residents perceived the home as a prison and their confinement in these homes as a violation of their rights. The NHRC study observed that almost 25 percent of women and minor girls in government rescue homes had stayed there for more than one year and only 44 percent of respondents had received counselling, of which about 50 per cent had rated the counselling to be of poor quality. Similarly, among survivors of CS, less than 50 percent had received counselling and training, and of these, just 56 percent had received vocational training. Nevertheless, most reported satisfaction with security arrangements, the general atmosphere of the home and staff behaviour (Sen and Nair, 2004). The fact that rehabilitation processes do not differentiate between minor and adult victims also remains a challenge (Sen, 2012).

## Reintegration

Reintegration refers to assimilation of rescued victims by their “source” or home community to enable them to lead a normal life and be socially accepted. The evidence currently available suggests that stigma, limited skills and lack of livelihood opportunities make it difficult for women and minor girls to reintegrate with their original families

and communities. Those who returned were often subjected to vulnerable conditions, including poverty and lack of safety, which trigger re-trafficking. A vast majority of survivors (80 percent) who were re-trafficked in the NHRC study indicated that they were not able to find any alternative sources of income or livelihood options when they returned to their communities (Sen and Nair 2004). Moreover, communities display strong biases against women and minor girls who were trafficked for CS, preventing returned victims from leading a normal life. Existing interventions appear to focus primarily on rescue and rehabilitation, while social reintegration is neglected. The limited efforts to reintegrate rescued victims typically focus on economic reintegration and not social reintegration (Patkar and Patkar, 2001; Sen, 2012).

## Chapter 7

# Demand side and value chain of trafficking for commercial sexual exploitation

In this chapter, we present evidence on what is known about the profile of clients of women and minor girls in CS, the profile and the role of those engaged in the trafficking process and the monetary aspects of the trafficking industry in India. The male demand for CS has been considered to be the most immediate cause of trafficking in women and minor girls (Gupta and Sinha, 2007). Three levels of demand in sex trafficking are articulated in the literature on trafficking for CSE: (a) demand from those who employ women and minor girls in CS (brothel owners and managers, for example); (b) demand from clients; and (c) demand from third parties involved in the process (recruiters, agents, transporters and others who participate knowingly in the movement of persons for purposes of exploitation) (ILO, 2006). One study classifies components of the demand for sex trafficking under the following categories: men who solicit or buy sex acts; profiteers in the sex industry (traffickers, pimps, brothel owners and corrupt officers who support trafficking); and, finally, the culture that indirectly creates a demand for victims by normalising prostitution, including media depictions of prostitution and other commercial sex acts (Hughes, 2004). In addition to different definitions of this demand, some authors also use the term “trafficking chain” as a framework to guide their research and prevention efforts. Gupta and Sinha, for example, describe the trafficking chain as comprising the three B’s—the Buyer, the Business and the Bought. The nexus between the Buyer and the Business form the demand for sex trafficking (Gupta and Sinha, 2007).

While it is the demand for minor girls that fuels the practice of trafficking them for CSE, a variety of supply-side factors also play a role, and the interplay between demand- and supply-side factors makes it difficult to isolate factors that cause trafficking (ILO, 2006). Thus, poverty might be a supply-side factor that induces multitudes of women and minor girls to migrate and seek employment in unregulated sectors, where they become further vulnerable to exploitation. A supply of such women and minor girls who are easily available at low cost fuels a level of demand that would not have existed if they had not been so easily available (ILO, 2006). Some experts in this area believe, however, that the commercial sex industry in India is mostly demand driven, where even if the supply of women and minor girls who are at risk of being trafficked is depleted in particular source sites, traffickers and other parties who profit from CS procure minor girls and women from other regions of the country, as there is a constant demand for CS (Gupta and Sinha, 2007).

Sex trafficking is a high-reward, low-risk criminal activity (Hodge and Lietz, 2007). While poverty may provide an overarching context for sex trafficking, it is the existence of criminal networks that manipulate push and pull factors of recruitment and trafficking of women and minor girls.

### Traffickers

Globally, the UNODC report finds that traffickers tended to be adult males and nationals of the country in which they operate. Information from more than 50 countries between 2007 and 2010 shows that of the persons prosecuted for and/or convicted for trafficking in persons, two-thirds were men (UNODC, 2012). The same report also shows, however, that, globally, more women and foreign nationals were involved in trafficking in persons than in most other crimes and that woman traffickers tended to be used for low-ranking activities that have greater risk of detection (UNODC, 2012). In India, the situation is different, as about half of all traffickers were female, and many of these were formerly trafficked themselves (Sen and Nair, 2004).

In India, studies of traffickers have been thwarted by difficulties encountered in identifying these individuals and obtaining their consent for interviews (Sen and Nair, 2004). Although a few studies have collected information directly from traffickers themselves (Sen and Nair, 2004), information in most of the studies is from interviews with women engaged in CS or those who have been rescued (ICRW, 2010; *Terre des Hommes*, 2005). These different

sources confirm that trafficking is an organised crime that usually involves more than one person. The NHRC study describes the trafficker as a key link in a chain comprising many players and describes the trafficker hierarchy as consisting of several tiers: (a) master trafficker-cum-kingpin; (b) primary trafficker-cum-procurers; (c) secondary traffickers; and (d) spotters or a grassroots chain of intelligence gatherers. Survivors of CSE have corroborated the involvement of several people in the trafficking process. They reported the presence of at least three to four people, such as an initial procurer, a secondary procurer, a transporter and, lastly, the brothel owner (Sen and Nair, 2004). The NHRC study further reveals that there were several other stakeholders who supported the main trafficking structure and these included (a) the financiers who finance the transactions at various levels; (b) the hoteliers who provide accommodation during transit; (c) the *goons/goondas* who provide security at various levels; (d) the transporters who provide or arrange transport; (e) paramedical persons or even quacks who attend to the illnesses of trafficked victims during transit; (f) officials who provide several services including immigration clearance and security; and (g) the final exploiters who may be also any of these persons in the network (Sen and Nair, 2004). Another study has described the role of five distinct groups of stakeholders in the business chain of trafficking in India (Gupta and Sinha, 2007): (a) the traffickers, their agents and masterminds; (b) the transporters, that is, those who are responsible for transportation and who arrange the transport and locations for overnight halts; (c) the conspirators and abettors, that is, those who contribute to the various steps of the trafficking process actively or passively; (d) the financiers or those who finance the trafficking process and contribute to the perpetration of the debt bondage of trafficked victims in their places of exploitation; and finally, (e) the abusers, namely, clients, pimps, managers and madams.

In terms of the profile of traffickers, findings from studies conducted in India indicate that traffickers were equally likely to be males and females. As described in Chapter 6, the traffickers can be strangers or those who are related to or acquainted with the trafficked women and minor girls. Findings also reveal that female traffickers were usually victims of CSE themselves, and many of them were older women who had lost their business in brothels. The NHRC study reports that 58 of the 79 female traffickers who participated in the study had been engaged in CS in their younger days (Sen and Nair, 2004). Literacy levels of traffickers vary—the NHRC study shows that over 60 percent of the traffickers were literate, with almost 23 percent educated up to secondary or higher levels (Sen and Nair, 2004).

The NHRC study specifically probed child trafficking in interviews with traffickers. Traffickers reported that 65 percent of trafficked girls were adolescents and 26 percent were under the age of 16 years. Only 40 percent of traffickers admitted that they had trafficked minor girls primarily for CSE (Sen and Nair, 2004). As described in Chapter 6, recruitment strategies included promises of well-paying jobs, residency status in more developed countries/states, marriage and shelter, declaration of love and kidnapping or abduction with or without the use of drugs or force. As many as 43 of the 81 male traffickers who were interviewed in the NHRC study admitted that they had forced minor girls whom they had trafficked to engage in sexual relations with them before these minor girls were introduced into CSE (Sen and Nair, 2004). When probed about the demand patterns, 69 percent of traffickers who participated in the NHRC study reported that they typically looked for minor girls. Indeed, just 13 percent of traffickers reported that there was a demand for adult women. Moreover, one-fifth of the traffickers reported that they gave weightage to physical appearance of the trafficked victim (Sen and Nair, 2004).

Echoing the responses of women and minor girls in CS and brothel owners, most traffickers reported that the police were aware of their activities and were paid in cash or with “free sex” for protection from prosecution. As such, more than half had never been arrested, and of those who had ever been arrested, many had not been to jail or had been bailed out. Trafficking was clearly a lucrative business with few risks (Sen and Nair, 2004).

## The business: Brothel owners

According to the ITPA Act, “a brothel includes 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” (Section 2a, ITPA, 1956). The ITPA makes it a crime to keep a brothel or allow premises to be used as a brothel and has provisions for the punishment of those living on the earnings of women in CS, procuring a person for CS and detaining a person in premises where CS is conducted (Ghosh, 2009).

In India, the brothel owner need not be the one who owns the building. The term brothel owner includes all those who are in control of the brothel—acting for or on behalf of the brothel owner—and they can be referred to as brothel

managers or brothel keepers (Sen and Nair, 2004). A recent study of 30 “madams” from a well-known brothel area in Nagpur highlights that only 10 percent of them owned the building that housed their brothel. On average, they paid about Rs 5,500 per month towards rent (Semple et al., 2012).

Most information on brothel owners, once again, comes from reports of women or minor girls engaged in CS or from rescued survivors. The NHRC report is the only large-scale study that directly interviewed brothel owners and sought information on their day-to-day operations (Sen and Nair, 2004). In interviews with 412 brothel owners from 12 states, the report finds that over three-quarters of brothel owners were in the ages of 31–50 years and were illiterate or just literate, and most of the brothel owners had been in CS in brothels before becoming owners. A small-scale study based in Nagpur reports that the average age of brothel owners was 40 years, and 80 percent of them had no formal education. Most of them had been engaged previously in CS, and many had been initiated into CSE in adolescence (on average, age 19 years) (Semple et al., 2012).

Brothel owners had close links with traffickers and reported “placing orders” with them. On average, each brothel contained six to seven women or minor girls, and about half of all brothel owners reported that they kept girls under 18 years of age in their brothels. The majority of those reporting girls under 16 years were located in Bihar, Maharashtra and Uttar Pradesh. Well over half of all brothel owners reported that they took 25–50 percent of the earnings of each minor girl or woman in their brothels and acknowledged that minor girls also had to pay the police and their traffickers. As women and minor girls in brothels had reported, brothel owners also confirmed the occurrence of police raids. Brothel owners reported that they had evaded arrest by bribing law enforcement officials or by receiving advance information about impending raids, whereupon they had hidden the minor girls or women somewhere inside the brothels or even outside. They also reported using their political connections to gain impunity. As such, brothel ownership was a profitable business, which earned the owners Rs 10,000–50,000 per month, as per the NHRC study (Sen and Nair, 2004). Similar findings were reported in a small-scale study conducted in Nagpur. Here, also, the number of women and minor girls living in the brothels ranged from two to ten. The madams of these brothels confirmed that they kept minor girls, and all brothel owners reported earning “more than” Rs 3,500 per month (the highest category recorded in the study). They rated their financial situation as good or extremely good (Semple et al., 2012).

A study conducted among Nepali women and minor girls in brothels of Mumbai and Kolkata documents the complex nature of money transactions. The exchange of money between brothel owners and the women and minor girls working in the brothel for CS depended on the relative freedom and agency of the women and minor girls. The study describes three basic forms of brothel economies: the *tsukri/chhukri* system, that is, the use of enslaved or bonded labourers, in which the brothel owner retains all of the fees paid for the services of the woman and minor girl in CS; the *adhiya* system, in which a free agent woman or minor girl pays half of the client fees to the brothel owner; and the tenancy system, in which a free agent retains all fees for herself, but pays the brothel owner for rent of room and utilities and for other expenses related to use of brothel facilities (*Terre des Hommes*, 2005). This study further states that while most brothels have a combination of these systems, the greatest profits accrue to brothel owners from the use of enslaved or bonded labourers (the *tsukri/chhukri* system). An ethnographic study conducted in Sonagachi, West Bengal, among women and minor girls in CS as well as among brothel keepers, landlords, touts and employees corroborates this finding. Here, the *chhukri* system denotes the trafficking of minor girls and is perceived as providing the greatest profits to those in the trafficking and commercial sex industry (Kotiswaran, 2008).

## The buyer: Client profile and demand patterns

A number of studies have collectively shed light on men who buy sex from women and minor girls (Anderson and Davidson, 2003; Sen and Nair, 2004; Raymond, 2004; Decker et al., 2010; Brahme et al., 2006; Suryawanshi et al., 2013; Shaw et al., 2011; Subramanian et al., 2008; Gaffey et al., 2011). Most of these studies on clients were conducted in the wake of the HIV/AIDS epidemic, largely in states such as Andhra Pradesh, Karnataka, Maharashtra and Tamil Nadu.

Available evidence on client socio-demographic characteristics from several studies suggests that clients included both younger and older men, but they were mostly men in their 30s (Suryawanshi et al., 2013; Subramanian et al., 2008; Shaw et al., 2011). While these studies report that most of the clients were married men, others report that the married and the unmarried were equally distributed among the clients (Sen and Nair, 2004). The studies also confirm that clients came from different educational and occupational backgrounds, although blue collar workers

and businessmen were reported to dominate (Suryawanshi et al., 2013; Subramanian et al., 2008; Shaw et al., 2011; Sen and Nair, 2004). These findings highlight the more pervasive nature of the demand for CS, and they show that it is not limited to a particular subgroup based on socioeconomic characteristics.

Studies also report that clients obtained sex for relatively little payment. In one study, over 80 percent of clients reported payment of Rs 500 or less (Sen and Nair, 2004).

Insights about the motivations of clients also emerge. Findings in one study show that clients' first experience with women or minor girls in CS was more often arranged by friends or colleagues rather than as an independent decision made by the clients themselves (69 percent versus 25 percent) (Anderson and Davidson, 2003). As such, young men's initial experiences of approaching a woman or minor girl for sex were prompted by a combination of their own perception of the social demands of masculinity and peer pressure to conform to those demands (Anderson and Davidson, 2003). In the wake of the HIV/AIDS epidemic, a preference for younger girls seems to have emerged and, in particular, the demand for virgin girls, as they are considered HIV-free. Demand for minor girls is also based on the myth that intercourse with a virgin is a cure for HIV/AIDs (Sen and Nair, 2004; Anderson and Davidson, 2003; Deane, 2010; Aengst, 2001; Datta, 2011; Tumlin, 2000).

Finally, evidence suggests that most clients perceived women and minor girls as commodities, and the fact that these women and minor girls might have been trafficked did not bother them much as illustrated by excerpts quoted below from one study that explored the perceptions of clients toward women and minor girls in CS (Anderson and Davidson, 2003):

*When there is violence...it is mostly the prostitute's fault. See, I am going to buy something. If I am satisfied with what I am buying, then why should I be violent? I will be violent when I am cheated, when I am offered a substandard service, when I am abused or ill-treated... Sometimes [violence] is because the prostitute wants the client to use condoms. They force it on the client... He will naturally be disgruntled, and there will be altercations. (Bank clerk, married, aged 54)*

*If [the prostitute] takes money and does not perform what she is expected to, then the customer will get angry. See, I understand that the prostitute is there in the first place because she has no choice or is forced there. I feel bad about this, especially if she is forced or sold. But the fact is that she is in the flesh market. The rules of the market apply to her as well as to one who has come out of her own choice... It may sound bad, but the fact is that she is a commodity offering a service and she should accept that. We should all. (Civil servant, married, aged 39)*

Demand patterns for CS fluctuate, and there is increased demand during festivals and the holiday season. The demand for CS is area specific and location specific as well—for example, at railways stations, cinema halls and beaches. Demand is high in areas where anonymity can be maintained and where law enforcement is lax and clients are free from the threat of arrest. There is evidence of linkages between hotels, brothels and traffickers (Gupta and Sinha, 2007). The increasing use of mobile phones to convey demand makes it less location specific, and anonymity is easier to maintain than before (Suryawanshi et al., 2013).

## Profits and costs of trafficking for CSE

The ILO estimates that the global annual profits generated by human trafficking (including sexual exploitation and other forms of forced labour) are about US\$ 31.6 billion. Asia and the Pacific region generate the highest profits (US\$ 9.7 billion), that is, about one-third of global profits (ILO, 2005).

Our review of literature currently available shows that information on the profits and costs of trafficking is sparse in India. Only the NHRC study made efforts to assess directly the profit model of trafficking of women and minor girls for CS by looking at the earnings and expenditures of different players in the trafficking chain (Sen and Nair, 2004). As acknowledged in the study, estimates obtained from different respondents differed widely and were likely to be unreliable. On the whole, the NHRC study appears to give unrealistically low estimates of the earnings from trafficking of women and minor girls for CSE.

Findings from the NHRC study and others confirm that trafficking and CS are lucrative and profitable in India for traffickers and brothel owners, but not for women and minor girls in CSE and their families, who actually get very little of the profits made by the industry. The NHRC study, for example, reports that minor girls in CS earned more than



adults for the brothel owners and that brothel owners kept most of the earnings, which they then shared with various stakeholders in the commercial sex industry, such as pimps, brokers, agents, *goondas*, financiers, managers and, occasionally, law enforcement agencies (Sen and Nair, 2004). Other studies report that the price of the minor girls depended on their age, complexion and virginity and that trafficking of minor girls was the most profitable (*Terre des Hommes*, 2005; Kotiswaran, 2008). A recent article in *The Week* reports that the purchase rate of a minor virgin girl in the ages 11–14 years ranges from Rs 80,000 to Rs 400,000 (Subramanian, 2014).

Finally, our review underscores that newer data are needed to estimate the profits and costs of trafficking in India at present.



## Chapter 8

# Challenges in the enforcement of laws and implementation of schemes to combat trafficking

Although India has a number of laws to combat trafficking of women and minor girls for CS, it has not made sufficient progress in enforcing these laws. The *Trafficking in Persons* (TIP) report (USDOS, 2010) ranked India as a Tier 2 Watch List country for the years 2006–10. Under the definition of the Tier 2 Watch List, India is ranked with countries where the absolute number of victims of severe forms of trafficking is significant and whose governments did not fully comply with the minimum standards of the Trafficking Victims Protection Act (TVPA), 2000, for the elimination of trafficking. India is also ranked in this category for having failed to provide evidence of efforts to combat trafficking. Although there has been some reduction in trafficking, India continues to be placed, since 2011, in the Tier 2 category for failure to comply with the minimum standards laid down in the International TVPA (USDOS, 2013). Other studies have also categorised India among the countries characterised by extreme risk for trafficking (Warhurst et al., 2011). This chapter describes the challenges faced in enforcing various laws and implementing various schemes intended to combat trafficking in India.

### Gaps in existing laws and their enforcement

Weak implementation of laws related to trafficking poses a key challenge in India (Asian Development Bank, 2003a). There are several lacunae in the implementation of anti-trafficking laws. Indeed, the implementation of the ITPA has been found to criminalise women and minor girls in CSE instead of curbing their exploitation by traffickers and others engaged in abetting the trafficking process (Rajalakshmi, 2003). A limitation of the ITPA is that while it focuses on the elimination of CS, it does not provide guidelines for intervention or law enforcement in preventing CSE through trafficking (Mishra, 2013). Thus, Section 8 of the ITPA, which punishes seducing and soliciting for the purpose of prostitution, is a clear indicator of the criminalisation of the victim. Section 4, which is intended to penalise those who live through the earnings of sexual exploitation, is also misinterpreted and used to arrest women and minor girls themselves as “consenting” parties. The absence of a definition of “trafficker” or “trafficking” in the Act further confuses matters, because of which courts and the police are not fully apprised of the process of trafficking, the different kinds of traffickers or the strategies they use (Rajalakshmi, 2003). Efforts to amend the ITPA, including Section 8 that criminalises solicitation by women, have not been successful (EPW, 2007).

Similarly, although the government passed the Criminal Law (Amendment) Bill in 2013, there is no mention in Section 370 that the prostitution of a minor is an act of human trafficking regardless of whether coercive means were used (USDOS, 2013). Rather, it argues that “whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation... shall be punished...” (Ministry of Law and Justice, 2013). This gives considerable scope for the trafficker or brothel owner to evade prosecution.

The translation of central government policy commitments into programmes in the states and at the local levels has been a challenging task. While the central government funds over 200 shelters, conducts campaigns against trafficking, allocates funding to state programmes and monitors trends in trafficking, it has relatively limited influence on anti-trafficking activities at the state level, where law enforcement may not prioritise issues of trafficking. Indeed, state governments have been far more engaged in prevention and protection activities than in improving rates of prosecution or using the ITPA to establish special courts for the disposal of trafficking cases (Hameed et al., 2010).

Courts and the police have also been slow to prioritise trafficking as an offence (Hameed et al., 2010). Corruption among law enforcement officials is widespread and has impeded efforts to prevent trafficking of minor girls for CSE. Brothel owners, for example, bribe police officials for information on impending raids or for protection from prosecution (USDOS, 2013; Ghosh, 2009). As mentioned earlier, the NHRC study reports that 18 percent of traffickers had bribed the police and 58 percent of women and minor girls had evaded arrest, because brothel

owners had received advance information from the police (Sen and Nair, 2004). Clearly, the lack of effective deterrents to the practice is a key risk factor for its persistence.

Law enforcement authorities, for example, the police force themselves, have a limited understanding of the prevalence of trafficking of minor girls for CSE and tend to be uninformed about their responsibilities under the ITPA towards trafficking (Hameed et al., 2010). This constitutes yet another challenge in the prevention of trafficking of minor girls.

The outcome of this limited understanding of trafficking by law enforcement authorities is evident from data of the National Crimes Records Bureau (NCRB) on the registration and prosecution of crimes under ITPA and IPC that relate to trafficking for CS. As given in detail in Chapter 3, NCRB reports suggest that very few crimes have been registered under the provisions in the ITPA and IPC dealing with trafficking. The records show that crimes registered under ITPA have actually declined since 2001 (Ministry of Home Affairs, 2012). This is a clear indication of the limited commitment in the country to enforcing the ITPA and the relevant provisions of the IPC. Also of concern is that, under the ITPA, both traffickers and trafficked victims have been penalised (Ghosh, 2009; USDOS, 2013). NCRB data, for example, show that of the 8,052 arrests made/persons booked under the ITPA in 2012, 38 percent were females and the remaining were males (NCRB, 2013).

Although studies show that the prosecution of traffickers is an effective deterrent to trafficking and related crimes (Rafferty, 2013; USDOS, 2010), the rate of prosecution and conviction in cases registered for trafficking is very low in India. Data related to the disposal of trafficking-related cases in 2012, for example, show that of the 12,325 cases registered for trial under ITPA, only 15 percent of trials were concluded, indicating the failure of the police and the judiciary in ensuring speedy trials (see Table 8.1). Moreover, of the 1,817 cases where trials were concluded under the ITPA, the accused were convicted in just 41 percent of the cases, and they were acquitted or discharged in the remaining cases. The conviction rate was even lower in cases registered for trial under IPC sections related to procurement, buying, selling and importation of minor girls. Trials were concluded in 16 percent (375 cases) of the 2,417 cases registered for trial under IPC, and the accused were convicted in just 11 percent of the concluded trials. Moreover, many law enforcement officials lacked awareness of the procedures for prosecuting traffickers and for protecting victims. Lastly, anti-human trafficking units are not functional in many states (USDOS, 2013).

**Table 8.1:** Disposal of cases related to trafficking by courts in 2012

Crime heads under trafficking-related laws	Total no. of cases for trial including pending cases from previous years	Compounded or withdrawn	No. of cases			Pending trials at the end of the year	Percent convicted in concluded trials
			Convicted	Acquitted or discharged	Total		
Immoral Traffic (P) Act	12,325	5	746	1,071	1,817	10,503	41.0
Procurement of minor girls (IPC, Sec. 366-A)	1,631	38	25	250	275	1,318	9.0
Buying of girls for prostitution (IPC, Sec. 373)	152	0	1	11	12	140	8.3
Selling of girls for prostitution (IPC, Sec. 372)	313	2	4	22	26	285	15.38
Importation of girls from foreign countries (IPC, Sec. 366-B)	321	9	10	52	62	250	4.0

Source: Ministry of Home Affairs, 2013.

## Gaps in rescue operations

Although the police force is a key institution for eliminating trafficking, police involvement in perpetuating the practice of trafficking is reported in numerous investigations. Studies show that the police may support brothel owners, be complicit with traffickers and give low priority to crimes of trafficking. Police behaviour, their procedures for age-verification of minors and lack of coordination with other agencies, such as protective homes, have seriously compromised the quality of rescue operations conducted by them. Raid and rescue efforts have often resulted in police harassment, detention and abuse of women and minor girls. Although rescue efforts provide an important means of escape for women and minor girls in CS and a pathway to support services, when implemented poorly without sufficient police training and adequate insight about the commercial sex network, it can be traumatising for women and minor girls (Decker 2013).

The police force also faces challenges that make it difficult to devote attention to surveillance and prevention activities, such as when brothel owners use their political connections to harass police officers, when girls turn hostile, or when the work environment has limited infrastructure and resources and shortage of staff (Sen and Nair, 2004).

## Gaps in rehabilitation efforts

*Ujjawala* and *Swadhar* are schemes devised by the MOWCD to reach out to women and minor girls in CS and women in difficult circumstances, respectively. Their implementation, however, has been far from satisfactory. Corruption in the disbursement of funds allocated under these schemes reduces the effectiveness of such schemes. Also, rehabilitation centres and shelter homes under these schemes are not universally available across states; there are only 73 rehabilitation centres in 16 states (National Commission for Protection of Child Rights, n.d.) and just 620 shelters—380 short-stay homes and 240 *Swadhar* homes—in the whole country and many states are yet to establish shelter homes (MOWCD and UNODC, 2008). This creates barriers to rescue operations by the police, because of the lack of designated places to which the police can send the rescued women and minor girls (Nair, 2013). Moreover, the quality of services provided to victims in shelter homes was found to be poor. Many shelter homes were also found to be unsafe for victims, and the environment in these homes was such that rescued women and minor girls were at risk of being criminalised and re-victimised (USDOS, 2013; George, Vindhya and Ray, 2010). Further, girls residing in shelter facilities were subjected to invasive medical examinations and had to face traumatising queries from investigators checking details of their backgrounds (George, Vindhya and Ray, 2010). Finally, the *Ujjawala* scheme has not been successful in reintegrating survivors with their families and communities and in coordinating interstate activities between government and NGOs for rescue and rehabilitation of victims (Sen, 2012).

## Gaps in evidence on factors that prevent traffickings

Although there have been a number of government and NGO initiatives to combat trafficking, not many of them have been well monitored or evaluated. Evidence on what works to prevent trafficking of minor girls for CSE and successful efforts with regard to rescue, rehabilitation and reintegration of such minor girls remain limited (Samarasinghe and Burton, 2007). Well-documented evidence of innovative programmes implemented by NGOs is lacking as also of their activities, successes and challenges (Hameed et al., 2010).

## Chapter 9

# Summary and recommendations

### Summary

This overview has synthesised evidence from various studies on the trafficking of minor girls for CSE in India. It has shed light on the magnitude of such trafficking, the factors that place these minor girls at risk and the consequences of CSE on the lives of trafficked minor girls. It has also collated the meagre evidence currently available on the CSE business model and the perspectives and experiences of traffickers and brothel owners. It has described current laws, policies and programmes designed to address trafficking and the extent to which these have helped in preventing the trafficking of minor girls for CSE in India.

India has long taken cognisance of the problem of trafficking for CSE. Not only has the Constitution expressly prohibited trafficking in any form, but both the IPC and the ITPA have provisions for the protection of women and minor girls, for the prevention of trafficking for CSE and for the prosecution of traffickers and those profiting from women and minor girls in CS. Other laws may be also invoked to protect minor girls, such as the Protection of Children from Sexual Offences Act and the Juvenile Justice (Care and Protection of Children) Act (JJA). There are several policies, moreover, that focus on combating, directly or indirectly, trafficking and CSE, including the National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, the National Plan of Action for Children and the National Policy for Empowerment of Women. Protocols exist, moreover, that are designed specifically to address trafficking and CSE of minor girls such as the Protocol for Pre-rescue, Rescue, and Post-Rescue Operations of Child Victims of Trafficking for the Purpose of Commercial Sexual Exploitation and the Standard Operating Procedures on Investigating Crimes of Trafficking for CSE. Numerous programmes have also been implemented through the MOWCD, state governments and several NGOs.

India is identified as a source, transit and destination country for trafficking of minor girls for CSE. Indeed, interstate and intrastate trafficking in India far outstrip international trafficking for CSE. It is difficult to assess the magnitude of this trafficking, because the trade is clandestine, minor girls are vulnerable and reluctant to disclose their trafficking-related experiences and interviewing traffickers is risky. Further, it is difficult to distinguish trafficking from internal and cross-border migration. There are many methodological challenges as well. What is available suggests that there are between 70,000 and 3,000,000 females in CS, and of these, 30–40 percent comprise minor girls trafficked for CSE. Evidence from survivors of CS also suggests that between 15 percent and 62 percent of women in CS had entered CS as minors. In contrast to these large numbers, data provided by the National Crime Records Bureau (NCRB) suggest that trafficking is limited, with just 2,563 cases registered under the ITPA and between 15 and 809 cases registered under the various provisions of the IPC that relate to the buying and selling of minor girls for prostitution.

There is general agreement that the majority of minor girls trafficked for CSE in India are from within the country. Certain states from where the most number of trafficked minor girls are sourced have been identified, such as Bihar, which is a leading source state. Key destination states include Delhi, West Bengal (Kolkata), Maharashtra (Mumbai), Gujarat, Punjab and Haryana. Intrastate trafficking is also very common in several states, such as Andhra Pradesh, Bihar, Karnataka, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh.

Available evidence on factors that place minor girls at risk of trafficking for CSE is from studies of minor girls and women working in or rescued from CS, though generally not from minor girls and their gatekeepers in source areas. Almost all studies and reports relating to trafficking in India emphasise poverty as a major underlying factor for trafficking. While poverty may provide the overarching impetus, there are many risk factors that make minor girls vulnerable to trafficking. These include factors such as civil strife and natural disasters and economic factors such as distress-led and insecure migration to urban areas. At the community level, trafficking of minor girls for CSE occurs in patriarchal settings, where social and cultural practices marginalise women. Customary initiation of minor girls into CS as an intergenerational practice in some communities are also factors that put minor girls at risk of being trafficked. At the family level, factors such as economic distress, violence, illness or death of income-earning family

members and marital separation or abandonment are linked with risks for trafficking of minor girls for CSE. At the individual level, minor girls at highest risk are those with limited education, restricted control over major decisions in life and exposure to partner or family violence.

Minor girls in CSE are exposed to a number of serious health threats. While evidence is mixed in many instances, there are studies that suggest that trafficked minors were at heightened risk of contracting HIV infection and STIs. These studies also note that trafficked minor girls were more vulnerable than adult women in CS and those trafficked as adults, because they were likely to have served a larger number of clients and stayed for a longer duration in captivity in brothels. Evidence also shows that a number of trafficked minor girls had experienced sexual violence. Finally, a large proportion of minor girls in CSE had experienced mental health consequences, such as depression and PTSD, which sometimes led to attempted suicides.

Studies of the trafficking process suggest that the recruitment of minor girls for CSE takes place through different informal social networks, such as family members, friends, co-workers and acquaintances, or sometimes by strangers, all of whom exploit the poverty, limited education and vulnerable family situations of minor girls. Recruitment locations also varied—from bus stops and markets to the homes of relatives and friends. Traffickers use various strategies to lure minor girls, such as promises of jobs and marriage, although there are also reports of kidnapping and abduction. Traffickers initiate minor girls into life in brothels through violence, confinement, starvation and drugs and alcohol. Many lose contact with their parents, many become pregnant and most of them are not able to save money.

Rescue, rehabilitation and reintegration of minor girls trafficked into CSE have been fraught with challenges. Rescue operations often fail because of the nexus between traffickers, brothel owners and others in the business, on the one hand, and law enforcement authorities and politicians, on the other. Experiences of victimising the trafficked minor girls are frequent. Rehabilitation typically entails sending minor girls to government or NGO homes. Although the homes are expected to serve the immediate and longer term needs of the minor girls, such as for their health, for counselling and for training in alternative livelihoods, they rarely do. Reintegration activities, too, often fail because families are unwilling to accept girls who have been in CSE. Those who are accepted by their families are stigmatised by others in the community and many of them are then re-trafficked.

Very little evidence is available on the CSE business model. Trafficking typically involves more than one person, such as procurers, transporters, hoteliers, officials, financiers, brothel owners and pimps. Although, globally, traffickers tend to be male, in India, about half of all traffickers are female, and many of these women were themselves trafficked. Traffickers confirmed that police were aware of their activities and were paid in cash or with “free sex” for protection from prosecution. As such, relatively few traffickers had ever been arrested, and if arrested, ever been to jail. Brothel owners typically have had some previous associations with brothels before becoming owners, and just as traffickers were in CSE, many were themselves trafficked into CSE. Brothel owners had close links with traffickers and reported “placing orders” with them for girls. Most of the brothel owners managed brothels containing six to seven females, with about half being minor girls. Brothels in Bihar were notable for the large number of minor girls they contained. Brothel owners revealed an arrangement with law enforcement officials as did traffickers, where they paid these officials for advance information on and protection from raids and rescue missions to evade arrest. Clients of minor girls in CSE were drawn from a variety of educational and socioeconomic backgrounds. There was considerable demand for virgin girls, and most of the clients were insensitive to the fact that they were paying for sex with minor girls who may have been trafficked. In short, sexual trafficking is a high-reward, low-risk practice, created by persisting demand for girls. It has powerful criminal networks and close links between those in the trafficking and CSE business and law enforcement officials and politicians.

This review shows that notwithstanding the commitments articulated through laws, policies and programmes, India has made little progress in preventing the trafficking of minor girls for CSE, in protecting those trafficked and in prosecuting those engaged in the business. There are many challenges in enforcing anti-trafficking laws. The ITPA, for example, contains several ambiguities owing to which those trafficked for CSE are criminalised instead of being protected. States also have made uneven progress in translating policy commitments into programme action, such as establishment of shelters, prosecution of offenders, capacity building of law enforcement authorities to create an understanding of the consequences of trafficking and to define responsibilities to prevent it, and the disbursement of funds for the implementation of schemes intended to combat trafficking. Few cases are registered, and even fewer offenders are prosecuted and convicted. By far, the most difficult challenge lies in countering the pervasiveness of



corruption within the system. As seen above, a strong nexus exists between offenders, on the one hand, and law enforcement authorities and the political establishment, on the other.

Evidence gaps also confound efforts to address trafficking. Documentation is sparse, and although there have been a number of government and NGO initiatives to combat trafficking, few shed light on what works in the areas of prevention, rescue, rehabilitation or reintegration of minor girls trafficked into CSE.

## Recommendations

Efforts are needed to address both the structural factors that condition the context in which the trafficking of girls for CSE takes place and individual- and family-level factors that place girls at risk of trafficking. Given the pervasiveness of the practice, efforts to rescue minor girls trafficked for CSE and to protect those rescued are needed.

### *Prevention efforts at community and gatekeeper level*

Findings show that traffickers duped minor girls and their parents through fraudulent offers of work or marriage for the minor girls. The first thrust area identified by this review relates to the need for efforts to build awareness of the risk of trafficking among young people and their gatekeepers. Our review shows that while several studies and reports have identified the initial recruitment strategies used by traffickers to lure minor girls, not much programme work has been done to caution communities and parents against trusting traffickers, including distant relatives, friends or strangers who offer lucrative opportunities for their daughters. Parents and communities must be alerted to the mechanisms adopted by traffickers as well as laws about child labour and trafficking of children, the availability of helplines and ways of building community-level surveillance for identifying traffickers and protecting minor girls at risk. Teachers can play a key role in ensuring attendance of minor girls in schools and alerting authorities about minor girls who may be at risk and those who may have “migrated” out. Efforts are also needed to address patriarchal norms and gender role attitudes and to stress the need to educate girls and ensure their regular attendance in schools. Finally, the evidence that many minor girls trafficked for CSE had experienced sexual abuse prior to trafficking calls for greater attention to raising awareness among gatekeepers about protecting minor girls from sexual violence.

Efforts are needed to inform communities about child trafficking and its prevention and detection through available programmes on trafficking with at-risk communities. There is also a need to improve livelihood opportunities in these communities to reduce the vulnerability of minor girls to trafficking caused by poverty.

### *Focus on protection of minor girls in trafficking-prone and disaster-/conflict-affected areas*

As this review has shown, within the context of poverty, factors such as unemployment, natural disasters and conflict are powerful triggers that lead to the trafficking of minor girls for CSE. Evidence shows that specific geographical areas and specific socially excluded groups are at elevated risk of such experiences. There is need for programmes that support such populations in crisis and that are geared to act as soon as a crisis situation (floods, droughts, earthquakes, conflicts) occurs to mitigate the conditions that give rise to trafficking.

### *Empowerment of girls*

Multipronged efforts are needed to empower minor girls and equip them to make a safe and successful transition to adulthood. Keeping minor girls in school and out of child labour are clearly fundamental to this end. In addition, programmes are needed to build safe spaces for minor girls where they can develop life skills and get training in livelihood skills and financial literacy. In particular, minor girls need to be instructed to recognise and protect themselves from the threat of sexual violence. These forums can be a platform to raise awareness about trafficking, particularly the need to remain vigilant, to resist the lure of traffickers and to inform agencies if trafficking is suspected.

### *Enlist the support of those involved in transporting girls to destination sites*

Traffickers deliver minor girls to their final destinations by using various modes of transport and accommodating them while in transit in hotels and guesthouses. A number of individuals support, inadvertently or deliberately, the process of trafficking. Programmes are needed to raise awareness among individuals such as bus drivers, ticket

inspectors, hoteliers, petrol station attendants and transport officials about the likelihood of their role and possible involvement in an illegal activity. Programmes are needed that alert these individuals on the ways of identifying victims, procedures for informing authorities and their responsibility toward protecting minor girls at risk. Many of these individuals may themselves profit from turning a blind eye to the process or may not cooperate, fearing reprisals from traffickers. Programmes are needed that not only raise their commitment, but also incentivise their reporting of suspected trafficked girls, while, at the same time, highlighting the risk they face in abetting a criminal activity.

### *Strengthen law enforcement processes and address corruption*

Strong laws and policies are available for the prosecution of and imposition of heavy penalties on traffickers and brothel owners for abetting CSE of minor girls. Unfortunately, these are used far too infrequently, and traffickers and brothel owners are apprehended relatively rarely owing to corruption in the system. As a result, there is an impression that trafficking of minor girls for CSE is both a safe and a lucrative activity. As such, the nexus between traffickers and brothel owners, on the one hand, and police and even local government officials, on the other, play a key role in the perpetuation of the practice. This nexus must be broken; efforts are needed to “name and shame” those in authority who profit from trafficking and CSE of minor girls, either monetarily or through access to minor girls for sex. Publicising cases in source and destinations sites in which brothel owners and traffickers are prosecuted and raising awareness of the potential of the laws to protect minor girls from being trafficked can also act as deterrents to trafficking.

The police and others engaged in law enforcement are not always aware of the law and their responsibilities, are not sensitised about appropriate steps in conducting rescue operations and dealing with minor girls in CSE and do not always support civil society organisations working on the elimination of trafficking of minor girls for CSE. Therefore, capacity building of the police, local government officials and others involved in the law enforcement process is essential.

### *Improve the quality of services and care for girls rescued from CSE*

Evidence suggests that rescue operations are not always sensitive to the vulnerability of women and minor girls in CSE. Shelters in which minor girls are housed for rehabilitation do not necessarily engage rescued minor girls productively, or provide them adequate counselling, livelihood skills and income-generating opportunities or support them when they have to be reintegrated with their families. Poor quality of services and care and ineffective and inadequate preparation of minor girls for life outside of brothels place them at risk of repeat trafficking, aside from violating their rights. Efforts must be made to improve the quality of services and care for rescued minor girls in order to build their skills in livelihood areas that have market demand and to provide sensitive counselling and reintegration support in ways that recognise their vulnerability, the trauma they have faced while in CSE and their perceptions that they have no alternatives except to return to CSE.

### *Filling information gaps*

The United Nations Inter-Agency Project on Human Trafficking (UNIAP) has stressed the need to better understand the vulnerability of trafficked minor girls through research with individuals and communities at risk (UNIAP, 2007). Similarly, in 2004, the eight governments of South Asia called for further action, including research into factors related to the sexual exploitation of minor girls (Huda, 2006). Research is needed on a variety of issues. First, there is a need to better understand the vulnerability of families and minor girls in trafficking-prone areas. In this context, what is particularly needed is an understanding of positive deviants, that is, those families in trafficking-prone settings that have protected their minor girls from being trafficked. Second, research is needed to assess the physical and mental health outcomes and social consequences of trafficking and CSE experiences among minor girls. Third, more research is needed to better understand the nature of demand for minor girls in CSE and the business model that drives CSE from the perspectives of traffickers, brothel owners, pimps and others profiting from the practice. Fourth, research is needed to highlight the quality of services and care for rescued minor girls, the effectiveness of reintegration programmes and girls' own perspectives with regard to their future. Lastly, an important gap that needs to be filled to reduce sex trafficking is to foster evidence-based interventions and/or assess the effectiveness of various strategies that have been used to assist women and children who are victimised by trafficking.



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