

14. Trafficking in Women and Girls: A Human Rights Perspective in India

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14.1 Introduction:

Trafficking in women and girls remains a grave violation of human rights, particularly in India, where it has reached alarming levels in recent decades. This illicit trade involves the coercive or deceptive recruitment, transportation, and exploitation of women and girls for various forms of abuse, including forced labor, sexual exploitation, and servitude. Rooted in gender inequality, poverty, and social vulnerabilities, trafficking presents a multi-dimensional challenge that undermines the dignity and rights of victims, who often endure unimaginable physical and psychological trauma.

From a human rights perspective, trafficking in women and girls is not merely a criminal issue but a violation of fundamental freedoms. It infringes upon their right to safety, liberty, and equality, and often leads to a lifetime of abuse, stigma, and disenfranchisement. India, despite having laws and policies in place to combat trafficking, continues to grapple with this issue due to gaps in enforcement, lack of awareness, and socio-economic factors that perpetuate the vulnerability of women and girls.

Addressing trafficking in women and girls requires a holistic approach, emphasizing legal reforms, victim support mechanisms, and awareness campaigns. Furthermore, it demands a commitment to eradicating systemic gender-based violence and promoting social change to protect the rights of vulnerable populations. This perspective not only seeks to strengthen the legal framework but also strives to restore the agency and dignity of trafficked individuals, ensuring their reintegration into society and upholding their fundamental human rights.

One of the most heinous types of human rights abuses is the trafficking of women and children. Due of its complexity, the legal profession, academia, and civil society have all given it little attention.

It has frequently been compared to prostitution, but that is only half the tale. This essay aims to demystify a number of related topics and show the trends and aspects of human trafficking from a human rights perspective. The function of NGOs, civil society, and the family will also be clarified. Both direct experiences and secondary reading form a substantial part of the paper's foundation. Regarding this significant issue that denies the most vulnerable people the majority of their human rights, the human rights discourse is remarkably mute.

14.2 Root Cause of Trafficking in India:

Poverty and Economic Vulnerability:

Economic Dependency: Many women and girls in India, especially in rural areas, lack financial independence. They are often reliant on male family members, which increases their vulnerability to trafficking as traffickers exploit their economic needs.

Lack of Employment Opportunities: Poverty and unemployment lead to migration in search of better job opportunities, making women and girls susceptible to exploitation by traffickers who prey on their desire for a better life.

Gender Inequality and Discrimination:

Patriarchal Society: In a patriarchal society, women and girls are often treated as inferior to men, and their rights are undermined. This results in them being seen as commodities or expendable, leading to increased trafficking for various exploitative purposes.

Limited Access to Education: Gender discrimination in education often prevents girls from receiving proper schooling, leaving them unprepared to compete for better job opportunities and more vulnerable to trafficking networks. **Early Marriage and Child Brides:** In many parts of India, early marriage is prevalent, and young girls are sold or trafficked for the purpose of marriage or sexual exploitation.

Social and Cultural Norms:

Traditional Practices and Customs: Certain cultural practices, such as dowry, increase the financial burden on families and sometimes push them to sell girls or women to alleviate economic pressures. Additionally, some rural or tribal communities may be more susceptible to traffickers due to limited awareness.

Stigma and Discrimination: Victims of trafficking often face social exclusion, stigma, and shame, leading to their further exploitation. In some communities, women and girls who have experienced abuse or trafficking are not considered worthy of support or protection.

Lack of Awareness:

Ignorance of Rights and Risks: Many women and girls, especially in rural and marginalized communities, are unaware of their legal rights and the risks of trafficking. This lack of knowledge makes them easier targets for traffickers who often promise better opportunities in distant places.

Misinformation and Deception: Traffickers often use false promises of employment, education, or a better life to lure women and girls. The lack of awareness regarding the realities of trafficking makes individuals more susceptible to such deceptive practices.

Corruption and Weak Law Enforcement:

Complicity of Authorities: Corruption within law enforcement agencies, government institutions, and border control systems often allows traffickers to operate with impunity. Police and other officials may be bribed, or may turn a blind eye, to trafficking operations.

Weak Legal Framework and Enforcement: While there are laws in place to prevent trafficking, poor implementation, lack of coordination between state and national agencies, and underreporting of cases make it difficult to combat trafficking effectively.

Migration and Displacement:

Rural to Urban Migration: The migration of individuals from rural to urban areas in search of employment or education makes women and girls particularly vulnerable to exploitation. In cities and towns, traffickers are able to prey on their lack of local connections and knowledge. **Internal Displacement:** Natural disasters, communal violence, and conflicts displace large numbers of people, including women and girls, leaving them vulnerable to trafficking in their search for safety, food, and shelter. **Cross-border Migration:** Cross-border trafficking, particularly from neighboring countries like Nepal, Bangladesh, and Myanmar, is prevalent due to weak border control and limited protection mechanisms for migrant women and girls.

Conflict and Armed Violence:

Displacement Due to Conflict: Areas affected by armed conflict or insurgency see a higher incidence of trafficking, where women and girls are often trafficked for sexual slavery or forced labor. **Exploitation in Conflict Zones:** Traffickers often exploit vulnerable women and girls in conflict zones, where law and order are weak, and they are less likely to have access to protection or legal recourse.

Demand for Exploitation:

Sex Trafficking: There is a significant demand for women and girls for the commercial sex trade, both within India and across borders. This demand fuels the trafficking industry, as women and girls are trafficked for prostitution, sexual exploitation, and pornography. **Labor Trafficking:** Women and girls are also trafficked for forced labor in domestic work, factories, agriculture, and construction, where they are subjected to exploitation, long working hours, and abuse.

Technology and the Internet:

Online Exploitation: The rise of the internet and social media platforms has created new avenues for traffickers to lure victims through promises of jobs, relationships, and better opportunities. The anonymity provided by digital platforms makes it easier for traffickers to exploit vulnerable individuals.

Disruption in Social Systems:

Broken Families: The absence of a supportive family structure due to issues like domestic violence, family breakdown, or loss of a parent increases the likelihood of young girls being trafficked as they seek out alternative forms of support or shelter
Lack of Social Protection: Inadequate social safety nets, such as childcare, healthcare, and support for vulnerable women, leave women and girls at risk of being trafficked for economic survival.

14.3 Legal Provisions Addressing Trafficking in Women and Girls:

Indian Penal Code (IPC), 1860:

Section 370: Addresses trafficking of persons. It criminalizes the act of trafficking for exploitation, including sexual exploitation, forced labor, and other forms of abuse. This section was amended in 2013 to expand its definition and penalties.

Section 372: Criminalizes the sale of minors for purposes of prostitution.

Section 373: Criminalizes the purchase of minors for prostitution.

Immoral Traffic (Prevention) Act (ITPA), 1956:

The ITPA is a key piece of legislation that criminalizes human trafficking for commercial sexual exploitation. It also provides provisions for the rehabilitation of victims.

The Act is specifically aimed at women and children trafficked for prostitution, but it also includes provisions related to the prevention, investigation, and prosecution of trafficking activities.

Section 5 of the ITPA: Criminalizes the trafficking of women and children for the purposes of prostitution.

The Criminal Law (Amendment) Act, 2013:

The 2013 amendments to the Indian Penal Code introduced stricter penalties for offenses related to trafficking, sexual assault, and exploitation of minors. The amendment also introduced Section 370A which punishes the exploitation of trafficked persons and reinforces the punishment for trafficking offenses.

The Protection of Children from Sexual Offences (POCSO) Act, 2012:

This Act is designed to protect children from sexual abuse and exploitation, including trafficking for sexual exploitation. It provides specific procedures for handling cases involving child trafficking.

The Juvenile Justice (Care and Protection of Children) Act, 2015:

This Act focuses on the rehabilitation and reintegration of children, including those trafficked for labor, sexual exploitation, or other forms of abuse. It ensures that trafficked children are provided care and protection through institutional care and social reintegration.

The Anti-Trafficking Bill, 2021:

The Trafficking in Persons (Prevention, Protection and Rehabilitation) Bill, 2021, aims to address the issue of trafficking in persons comprehensively. It seeks to prevent trafficking, protect victims, and rehabilitate survivors. The bill also aims to establish a national anti-trafficking bureau, strengthen victim protection, and punish perpetrators with harsher penalties. This bill includes provisions for:

Prevention: By creating awareness programs and training law enforcement.

Protection: By establishing victim protection mechanisms and rehabilitation facilities.

Rehabilitation: By providing medical, psychological, and social support to victims.

The National Policy on Trafficking, 2020:

The Government of India approved this policy to comprehensively address human trafficking. It aims to strengthen the legal and institutional framework for preventing trafficking, provide support to victims, and improve victim rehabilitation programs. The policy also focuses on coordinated efforts between central and state governments to combat trafficking networks and promote the reintegration of survivors into society.

International Commitments:

India is a signatory to international protocols and conventions aimed at combating human trafficking, such as the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, which is part of the UN Convention against Transnational Organized Crime (2000). India also adheres to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which calls for measures to prevent trafficking and protect the rights of women and girls.

14.3.1 Key Government Agencies and Initiatives:

National Human Rights Commission (NHRC): The NHRC works towards addressing human rights violations, including those related to trafficking. It is actively involved in advocacy and awareness campaigns, and the protection of trafficking victims.

Anti-Trafficking Units (ATUs): The Government of India has established Anti-Trafficking Units in various states to combat human trafficking, investigate trafficking cases, and assist in the rescue of trafficked victims.

Beti Bachao Beti Padhao Scheme: This scheme is part of India's broader effort to combat violence against women and girls, including trafficking. It promotes the education, health, and welfare of girls and empowers them to reduce their vulnerability to trafficking.

Sachet and Sahyog Programs: Initiated by the Ministry of Women and Child Development, these programs aim at building awareness and providing assistance to trafficking victims, helping in their rehabilitation.

National Rescue and Rehabilitation Centers (NRRCs): These centers provide shelter, counseling, and legal support to victims of trafficking. They help rehabilitate trafficked persons and assist in their reintegration into society.

14.4 Prevention in Trafficking in Women and Girls in India:

Preventing trafficking of women and girls in India requires a comprehensive, multi-pronged approach that tackles the root causes, strengthens legal frameworks, enhances awareness, and addresses the social, economic, and cultural factors that make women and girls vulnerable to exploitation.

Strengthening Legal and Policy Frameworks:

Improving Law Enforcement: Strengthening the implementation of existing laws such as the Immoral Traffic (Prevention) Act (ITPA), 1956, and the Protection of Children from Sexual Offences (POCSO) Act, 2012, is critical. Police, border security, and immigration officials should be better trained to identify trafficking cases and prevent their occurrence.

Tightening Border Security: Enhanced monitoring of borders and checkpoints, particularly in states and areas prone to trafficking, would help prevent cross-border trafficking. Increased surveillance, including tracking fake travel documents, can deter traffickers.

Strict Penalties for Traffickers: Enforcing stricter penalties for traffickers and those exploiting trafficked individuals (e.g., buyers of sexual services, employers using trafficked labor) can serve as a deterrent.

Public Awareness and Education:

Awareness Campaigns: National and regional awareness campaigns should be designed to educate vulnerable populations—especially in rural and underprivileged areas—about the dangers of trafficking. These campaigns can provide information on how traffickers operate and the legal resources available to victims.

School and Community Outreach: Including education on trafficking and gender-based violence in school curricula and community programs can empower children, adolescents, and their families to recognize warning signs and protect themselves from exploitation.

Media Involvement: The media can play a vital role in raising awareness about trafficking through television, radio, print, and online platforms. Documentaries, social media posts, and news coverage can amplify the voices of survivors and inform the public.

Economic Empowerment and Livelihood Opportunities:

Skill Development and Vocational Training: Empowering women and girls with skills and vocational training in various trades like tailoring, computers, or other marketable skills can reduce economic vulnerability. When women and girls have the means to earn a livelihood, they are less likely to fall prey to traffickers.

Microfinance and Economic Support Programs: Providing access to microcredit and financial independence through small businesses or self-help groups (SHGs) can help women and girls gain economic security, thereby reducing the temptation or need to seek work through exploitative means.

Job Creation and Rural Development: Promoting rural development, creating jobs, and improving local economies can reduce migration to urban centers, where traffickers are more likely to exploit vulnerable individuals.

Gender Equality and Social Norms Change:

Promoting Gender Equality: Strengthening laws and societal norms around gender equality is essential in preventing trafficking. Programs should focus on eliminating harmful practices like child marriage, dowry, and gender-based discrimination that often expose women and girls to trafficking.

Community Engagement: Engaging men and boys in programs that promote gender equity, challenge toxic masculinity, and build respect for women's rights can shift harmful cultural attitudes that often condone or perpetuate trafficking.

Awareness about Human Rights: Educating communities on the human rights of women and girls and how trafficking violates these rights can build grassroots resistance against trafficking practices.

Improved Victim Identification and Support Systems:

Training for Law Enforcement and Social Workers: Training police, border control agents, and social workers to identify victims of trafficking, especially in high-risk areas like brothels, migrant shelters, and factories, is essential for preventing trafficking. Early detection can prevent exploitation and trafficking.

Safe Reporting Mechanisms: Establishing anonymous hotlines, mobile apps, and community-level reporting systems where individuals can report suspicious activities can make it easier to detect and prevent trafficking.

Victim Support Networks: Local authorities, NGOs, and civil society organizations should create better systems to support at-risk women and girls. This includes counseling, legal aid, shelter, and reintegration programs that provide victims with safe alternatives to the traffickers' promises.

Empowerment through Education:

Increased Access to Education: Improving access to education, especially for girls in rural areas and marginalized communities, can equip them with the knowledge and skills necessary to escape trafficking. Educated girls are less likely to be trafficked because they are more aware of their rights and less likely to be lured by false promises.

Prevention through Education for Parents and Communities: Educational programs aimed at parents and community leaders can help them identify the risks of trafficking and adopt protective measures for their children. Awareness programs should also educate parents about the dangers of sending children to work in unfamiliar locations or countries.

Reducing Migration-Related Vulnerabilities:

Regulation of Migration: Providing safe, regulated pathways for migration can prevent traffickers from exploiting the desire of women and girls to move for better work opportunities.

Migrant women and girls should be educated about the risks and should have access to safe migration services.

Strengthening Rural and Urban Safety Nets: Policies that strengthen social safety nets, improve housing, sanitation, and healthcare in urban areas, and provide better livelihood opportunities in rural areas can reduce the need for women and girls to migrate to cities, where they are more vulnerable to trafficking.

Collaboration and Coordination Among Stakeholders:

Government-NGO Partnerships: Collaboration between the government and NGOs is crucial in preventing trafficking. NGOs can help the government with awareness campaigns, community outreach, and providing victim support services, while the government can ensure effective law enforcement.

International Cooperation: Trafficking often involves cross-border elements, especially in regions like South Asia. Strengthening international cooperation with neighboring countries such as Nepal, Bangladesh, and Myanmar is essential to prevent cross-border trafficking.

Private Sector Involvement: Collaboration with businesses, particularly in industries that may be linked to exploitation (e.g., textiles, agriculture, domestic work), can help create corporate social responsibility (CSR) programs that address trafficking within supply chains and ensure fair labor practices.

Technological Solutions:

Digital Awareness Tools: Technology can be used to prevent trafficking by developing apps, websites, and platforms to raise awareness, report cases of trafficking, and connect potential victims with support services. Digital platforms can also help track migration patterns and identify high-risk areas.

Monitoring Online Platforms: Monitoring and regulating online platforms (e.g., social media, job portals) where traffickers often advertise fake opportunities is another important step in preventing online recruitment and exploitation.

14.5 Challenges and Gaps:

Implementation issues: While the laws and policies are robust, their implementation remains a challenge due to inadequate training, insufficient resources, and corruption in some areas. **Lack of victim support systems:** Victims of trafficking often face challenges in receiving adequate care, protection, and rehabilitation due to the lack of effective shelter and legal aid. **Rural and border area trafficking:** Trafficking is particularly prevalent in rural areas and along borders where enforcement is weaker, and economic vulnerabilities are higher.

14.6 Conclusion:

India has established a strong legal framework to combat the trafficking of women and girls, with provisions that focus on prevention, protection, and rehabilitation. However, successful implementation of these laws and policies requires better coordination between various governmental and non-governmental bodies, greater resources, and consistent enforcement to address the complex issue of trafficking effectively.

The root causes of trafficking in women and girls in India are deeply interwoven with socio-economic vulnerabilities, cultural practices, and systemic inequalities. Addressing these root causes requires a multi-faceted approach that focuses on improving education, economic opportunities, gender equality, and legal protections, alongside enhancing awareness and strengthening law enforcement. Combating trafficking is not only a matter of legal action but also of social and cultural transformation to protect the rights and dignity of women and girls.

Preventing trafficking in women and girls in India requires a comprehensive approach that addresses the underlying socio-economic, cultural, and legal factors contributing to the vulnerability of women and girls. Effective prevention measures must focus on improving education, empowering women economically, changing harmful social norms, strengthening legal frameworks, and ensuring cooperation among all stakeholders. By implementing these strategies, India can create an environment where women and girls are less vulnerable to trafficking and more empowered to protect themselves from exploitation.