



**TRAINING MANUAL FOR
COMMUNITY VIGILANT GROUPS**

**ON HUMAN
TRAFFICKING**





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**ON HUMAN
TRAFFICKING**

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For providing necessary support to conduct community awakening programs to combat human trafficking.

Disclaimer

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The opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of Misereor/KZE, Germany.

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Foreword

Human trafficking is a complex global menace which needs to be tackled in a comprehensive manner for maximum impact. Presently, the institutional provisions for anti-trafficking efforts by the Government comprises of legal provisions under the IPC, Special Act, Several rehabilitation schemes etc., Although the existing institutional provisions are thorough in their own right, there is a pressing need for community awareness at large and collective efforts for prevention of human trafficking.

This manual fosters awareness and sensitization of human trafficking amongst community groups and empowers volunteers from the community with the knowledge to tackle the issue as per the law as well. The manual enables a more participatory effort in tackling human trafficking by leveraging a rights based approach. With community volunteers at the core as change agents, they hold a strong potential to bring a positive impact on society. This training manual gives a best experiential learning opportunity for community volunteers and is key to eliminate human trafficking at its grass roots.

I sincerely appreciate the consistent efforts by Prajwala and Dr. Sunitha Krishnan in this crusade against human trafficking. WDCW Department will partner with Prajwala by using its strong network of Anganwadi teachers at the ground level who are being trained as change agents and catalysts in roping in community volunteers against human trafficking.

Commissioner,
Dept., for WD&CW.

From the Author's Desk

History has repeatedly proven, when a community has collectively taken ownership in fighting a problem the chances of successfully emanating the crises is very high. A top-down approach in fighting any problem has been only piece meal and has never resulted in nipping it from its roots.

Prajwala as an organization has been experimenting on the right approach to build the capacities of the community for the past 18 years. A major challenge faced is the attitude and perception of the community 'what does not affect me directly I will not take responsibility for the same voluntarily'.

Like several other grassroot initiatives in the country where a community volunteer is provided a stipend, the organization in early 2003 experimented community awakening through paid community workers. Over the course of time, the outcome of such an approach was found to be unsustainable as the community volunteers were more worried about keeping the problem alive so as to sustain their stipend!

It was only after a successful inter-state community awakening campaign 'Swaraksha' in 2016 that the nuances of community vigilance became clearer wherein the involvement of survivors and personalizing the experience to the regional context became core to the sustainability of community action.

Drawing from five years of experience, a comprehensive training manual was envisaged that provides an experiential participatory learning opportunity for community volunteers and builds their motivation on the rationale to fight the problem of human trafficking at the source itself.

This manual is a 'work in progress' as the problem changes its shape and new interventions are required to address the same but the basic components of community action to end human trafficking are universal.

I do hope anti human trafficking interventions across the country will use this manual to train communities to fight human trafficking. In the demand-supply market theory, community vigilance to end trafficking aims to plug the source completely.



Sunitha Krishnan
Padmashree Awardee
Co-Founder, Prajwala

Acknowledgements

This training manual is the collective wisdom of two decades of work in the communities. In early 2003, when Prajwala adopted 64 slums and formed community vigilant groups, the pivotal role of the community leaders in preventing human trafficking soon became very clear. These community volunteers worked quietly in the communities and were responsible for alertly watching any signs of attempts to mislead or cheat the community members. It was inevitable for us, that Community Vigilant Groups became a pivotal focus in undertaking any community-based intervention.

Community Vigilant Groups across the state became one of the key partners in the *Swaraksha* campaign of 2016 to awaken the communities to the issue of human trafficking that impacted millions of lives. It is important to acknowledge the important role the Community Vigilant Groups have played in preventing child marriages and in tracing missing persons. We salute these volunteers for their commitment and determination to build a safe society.

Our funding partner and collaborator Misereor/KZE, Germany has diligently and consistently supported our community-based interventions for the last 17 years which is the fundamental experience on which this comprehensive training manual for Community Vigilant Groups has been designed. The learnings from these interventions form the core of the training manual.

Our deepest gratitude to Misereor /KZE for their support in not just awakening the communities but also building their capacities to address the issue of human trafficking. While the results and outcomes are slow to come, the long-term impact is seen in the deep fall in the number of girls being sold from Andhra Pradesh and Telangana for prostitution.

At the core of all our community engagement is partnership with the State Government, whether it is through the Department of Women & Child Welfare or Rural Development or the Education or Health Department. This partnership has been critical in developing linkages with the community and connecting them to the first responders such as the police, Childline, Sakhi Center etc.

Our deepest gratitude to all the State Governments and in particular to the Government of Telangana, the Government of Odisha and the Government of Andhra Pradesh for their unstinting support and partnership in the anti-trafficking movement by ensuring the involvement of all front- liners in fighting the organized crime of human trafficking.

This training manual would not have seen the light of the day without the active support of all Prajwala warriors who work every day in the community to prevent and protect a trafficked person.

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INTRODUCTION TO THE TRAINING MANUAL

INTRODUCTION TO THE TRAINING MANUAL

This training manual seeks to increase knowledge and build skills of Community Vigilant Groups who are volunteers in the community to fight human trafficking at the grassroots level.

The manual has 3 modules, each written chronologically to develop understanding and skills in dealing with crimes of human trafficking. The first two modules strive to build conceptual clarity on the crime of human trafficking and the legal provisions to fight the same and the last module is written in a process driven approach - that is prevention, protection and prosecution and aims at building the skills of the Community Vigilant Group to fight trafficking.

Each module is divided into three sections- the first provides the 'Training Methodology' outlining a set of activities for the trainer on how to deliver the content, which is supported by the second section, the 'Resource Guide' which gives the specific tools to use and the third section provides 'Supplementary Reading Material' which the trainer can use to prepare for the session. The activities are drafted keeping in view adult-learning methodologies- working on case studies, presentations by participants, group and open discussion, power-point presentations, using audio-visual mediums, exercises and questions and answer sessions between the trainer and the participants.

The trainees will be required to be active participants in the training, rather than being passive recipients of information being imparted by the trainer.

Each module is a stand-alone source of resource material and can be used independently.

Guidelines for the Training Agency

Some important pointers for the training agency to implement this manual are:

1. **Training Environment and Facilities** - This should be chosen with care as there should be adequate space for conducting group activities such as role play, discussion etc and also to make presentations. The training hall ideally should be-
 - A well ventilated room with adequate lighting arrangements
 - The room should allow for easy shifting of furniture to permit arrangement as may be required for different exercises in training
 - Circular seating arrangements-single or double rows depending on the size of the room/ size of the group
 - Black boards and chalks or white board and markers
 - Charts and markers
 - Display board
 - LCD projector and screen
 - Sound system
 - Drinking water for trainees and trainers
2. **Selection of Trainers**- The following pre-requisites may be considered in choosing the trainers:
 - Knowledge of substantive and procedural aspects of the modules assigned to them
 - Practical experience in dealing with human trafficking cases

- Proficient in local languages
- Effective communicator
- Understand the specific requirements of adult learning and training
- Flexible in using different training methodologies

It is essential that all the trainers are informed in advance about the respective modules that they are expected to cover. Provide the complete manual in advance, so that-

- The trainer is well acquainted with the resource material and the training methodology to deliver the module.
- The trainer knows the other modules and what the other trainers would cover, which prevents overlap of the same information being conveyed.

Guidelines for the Trainers

It is sometimes correctly said, “a training is as good as the trainer”. The trainer should not only be someone who can convey information, but a multi-dimensional personality who can make the session interesting, participative, motivational and create a sense of empowerment in the trainees.

To conduct training on a difficult and complex subject such as human trafficking, it is essential for the trainer to allow participants to raise questions, voice concerns, discuss challenges, and provide solutions. Value all opinions, be open to discuss all viewpoints logically and cogently, avoid being judgemental of the questions raised by the participants or the views held by them, encourage mutual respect during discussions so that all views are heard, however controversial they may be.

Some of the steps in planning an effective training are-

1. **Why-** Know the aims and objectives of the training and what is sought to be achieved through it.
2. **Who-** Be well informed on who are the participants, their learning needs and why they have been selected for the training.
3. **What-** Be informed of the available content and the time frame within which it is to be delivered. Avoid overlaps of content from other modules to prevent repetition.
4. **How-** Speak in a language that is well understood by the participants and use methods that are suitable for the group. Make sure to be mindful of the training needs of the participants and not make any session monotonous.

Training Schedule

The two-days training schedule is based on 0930 hours to 1700 hours working day, which is a total of seven and half hours. The timings of the sessions maybe modified and customized by the Training Agency as per local requirements.

The Training Coordinator must ensure that the pre-training response sheet is administered in the beginning of the program and a post training response sheet at the end of the program which will be critical to understanding the impact of the training program.

Time	Module & Activity	Trainers
Day 1		
0930 - 1030	Registration Inauguration of Training Program Pre-training response sheet	Training Coordinator
1030 - 1100	Introduction of the participants Ice-breaking Session Setting ground rules Brief Review of the training program & resource material	Training Coordinator
1100 - 1115	Tea Break	
1115 - 1215	Module 1 - Understanding Human Trafficking Session 1 - Understanding Human Trafficking	Name of the trainer
1215 - 1315	Session 2 - Understanding Sex Trafficking	Name of the trainer
1315 - 1400	Lunch Break	
1400 - 1500	Session 3 - Impact of Sex Trafficking on Victim	Name of the trainer
1500 - 1515	Tea Break	
1515 - 1615	Session 4 - Cyber Trafficking	Name of the Trainer
1615 - 1700	Review & Feedback of Day 1	Training Coordinator

Time	Module & Activity	Trainers
DAY 2		
0930 - 1030	Recap of Day1 and overview of the second day	Training Coordinator
1030 - 1145	Module 2- Laws relating to human trafficking Session 1- Understanding IPC and ITPA	Name of the trainer
1145 - 1200	Tea Break	
1200 - 1300	Session 2-Understanding POCSO	Name of the trainer
1300 - 1345	Lunch Break	
1345 - 1500	Module 3-Role of Community Vigilant Groups Session 1- Role of Community Vigilant Groups in Prevention	Name of the trainer
1500 - 1515	Tea Break	
1515 - 1615	Session 2- Role of Community Vigilant Groups in Protection	Name of trainer
1615 - 1700	Session 3-Role of Community Vigilant Groups in Prosecution	Name of the trainer
1700 - 1730	Closing Post Training Response Sheet	<i>Training Coordinator</i>

MODULE 1

UNDERSTANDING HUMAN TRAFFICKING

MODULE 1

UNDERSTANDING HUMAN TRAFFICKING

Objectives	<ul style="list-style-type: none">• To foster teamwork, mutual appreciation, cooperation and a sense of ownership among participants.• To know the Indian Context of Human Trafficking and the various purposes for which human beings are trafficked in the region.• To understand the various kinds of sex trafficking and impact of sex trafficking on victims.• To know the various ways in which online platforms and internet enabled services have been used for sex trafficking.• To identify the trafficker/offender of sex trafficking and profile the trafficker/offender.
Content	<p>Session 1 : Introduction & Context Setting</p> <p>Session 2 : Understanding Human Trafficking</p> <p>Session 3 : Understanding Sex Trafficking</p> <p>Session 4 : Impact of Sex Trafficking on Victim</p> <p>Session 5 : Understanding Cyber Trafficking</p>
Expected Outcome	<p>The Participants would:</p> <ul style="list-style-type: none">• Ease into the workshop mode, understand the key objectives and be able to get to know each other.• Gather clearer understanding on what is human trafficking, sex trafficking and cyber trafficking,• Be able to empathize with a sex trafficked victim and identify a trafficker. <p>The Trainer would:</p> <ul style="list-style-type: none">• Be able to understand the participants better and assess the best tools that will support the workshop.

SESSION 1

INTRODUCTION AND CONTEXT SETTING

Activity 1

Icebreaker- Knowing each other

Objective of the Session	With the help of the icebreaker exercise, to foster teamwork by building cooperation and responsibility among each other.
Estimated Time	20 Minutes
Methodology	Group Activity
Material Required	White Board, Bowl, Chits with numbers and Sketch Pen, Pre-Training Questionnaire Handout
Expected Outcome	Participants become more familiarized with each other through sharing their interests and preferences, based on the categories used in the icebreaker.

Process

Step 1: Ask participant to pick up a chit from the bowl placed on the table near the stage.

Step 2: Once everyone has finished taking the chits, announce to open the chits and try to identify the person with the same number in chit within the group.

Step 3: Once the pairs are formed ask them to find out from their partners the following:

- What is your name?
- Where are you from?
- What are your hobbies?
- What is your occupation?
- How do you want to make your community safe?

Step 4: Ask participants to come forward and introduce each other based on the questions.

Step 5: Summarise the answers of the last question (how to make community safe) and provide each participant a pre-training questionnaire to fill up.

Facilitator Notes:	At the very beginning of the training program, welcome the participants and thank them for their interest in attending this training program. Briefly introduce all the Trainers. Try to find out if someone has previously attended a training program on human trafficking. If there are some experienced participants, let them know that while some of the course content may already be familiar to them, patience and cooperation with fellow participants is greatly appreciated. As the facilitator, by mentioning your own example, you can say something
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	<p>such as, “I am imparting this training for the last so many years, yet each time I find a new learning opportunity and experience.” Before moving further, we will introduce each other (Icebreaker)</p> <p>Ensure the chits have duplicate copies of each number.</p>
--	--

Activity 1.2

Introduction to the objectives and goals of the workshop

Objective of the Session	To understand the objectives and goals of the two-day workshop
Estimated Time	30 Minutes
Methodology	Group Activity, Power Point Presentation
Material Required	White/Black Board, Post It, Chart Paper, LCD Projector
Expected Outcome	Participants are clear about what they can expect to gain from the two days training.

Process

Step 1: Ask the participants to write one expectation that they have from the training on a post it/ chit of paper.

Step 2: Ask the participants to post it on the chart paper.

Step 3: Using a white board summarise the expectations.

Step 4: With a power-point explain to the participants the objectives and goal of the workshop.

Step 5: Set the ground rules for the two-days training workshop.

	Refer to Module 01, Resource Guide for Activity 1.2 for the power point and the ground rules
Facilitator Notes:	Make sure to keep the expectation chart on the wall till the end of the workshop and ask the participants to revisit the chart while completing post-training questionnaire.

SESSION 2

UNDERSTANDING HUMAN TRAFFICKING

Activity 2.1

Human trafficking

Objective of the Session	To understand the multiple facets of human trafficking
Estimated Time	10 Minutes
Methodology	Short Film-One Life, No Price
Material Required	LCD Projector
Expected Outcome	Participants understand human trafficking happens for various purposes

Process

Step 1: Briefly introduce the film '**One life, No Price**'

Step 2: Screen the short film '**One Life, No Price**'

Step 3: Allow the participants to write notes on what they understood from the film

Activity 2.2

Vulnerability Factors for Human Trafficking

Objective of the Session	To understand the various factors that make communities vulnerable to trafficking
Estimated Time	20 Minutes
Methodology	Small Group Discussion
Material Required	Chart paper, sketch pens
Expected Outcome	Deeper understanding on various forms of human trafficking

Process

Step 1: divide the participants into smaller groups of no more than 5-8 and give them time to reflect on the following questions:

- What did you understand about 'human trafficking'?
- What are the different types of human trafficking?
- Who is most vulnerable to be trafficked?

Step 2: Ask each group to select a rapporteur and a presenter

Step 3: Allow the group to discuss for 10 minutes and make notes on chart paper

Step 4: Allow each group to make 2 minutes presentation of their discussion

Activity 2.3

Global Situation of Human Trafficking

Objective of the Session	To understand extent and magnitude of human trafficking globally
Estimated Time	30 Minutes
Methodology	Power Point Presentation
Material Required	LCD Projector
Expected Outcome	Will understand the global and local manifestations of human trafficking

Process

Step 1: Summarize the film and the discussion

Step 2: Make a presentation on the global and local situation of human trafficking

Step 3: Open the floor for any clarifications and doubt

Step 4: Close the discussion by stating that human trafficking may happen for many purposes of exploitation but this workshop will focus specifically on sex trafficking

Facilitator Notes:	<ul style="list-style-type: none">• A copy of the film 'One Life, No Price' is a part of the audio-visual tools provided in the manual. It will be marked Activity 2.1-Film• Refer to Module 01, Resource Guide for Activity 2.3 for the power-point• Make sure that you briefly summarize the participants submission from their small group discussion before you make the power-point presentation on human trafficking.• Reiterate and reaffirm that human trafficking is not synonymous with 'prostitution' and it can happen for various purposes of exploitation
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SESSION 3

UNDERSTANDING SEX TRAFFICKING

Activity 3.1

Sex trafficking

Objective of the Session	To understand what is sex trafficking
Estimated Time	30 Minutes
Methodology	Short Film-Anamika-The Nameless
Material Required	LCD Projector
Expected Outcome	Participants understand sex trafficking and its manifestations

Process

Step 1: Briefly introduce the film '**Anamika-The Nameless**'

Step 2: Screen the short film '**Anamika-The Nameless**'

Step 3: Allow the participants to write notes on what they understood from the film

Activity 3.2

Who is the trafficker?

Objective of the Session	To understand the various dimensions of sex trafficking and getting a clearer picture about the organized nature of the crime
Estimated Time	30 Minutes
Methodology	Large Group Discussion
Material Required	Chart paper, sketch pens
Expected Outcome	Deeper understanding on the traffickers and chain of crime involved in human trafficking

Process

Step 1: Ask the participants to reflect on the film they saw and share what they '**felt**' (**focus on their feelings**)

Step 2: After at least 25% of the participants have spoken ask the next question- 'From the film what are the different ways in which girls get sex trafficked?'

Step 3: After 25% of the participants have answered pose the next question- 'How many people are involved in the process of trafficking from source to destination?'

Step 4: Summarize the discussion with a short power-point on the chain of traffickers from source to the destination

Facilitator Notes:

- A copy of the film '**Anamika-The Nameless**' is a part of the audio-visual tools provided in the manual. It will be marked **Activity 3.1-Film**.
- Make sure that as many participants are encouraged to speak after watching the film.
- Refer to **Module 01, Resource Guide for Activity 3.2 for the power-point**.
- Make sure that you briefly summarize the participants' submissions after their large group discussion before you make the power-point presentation on sex trafficking.
- Reiterate and reaffirm that the primary spotters and procurers are not unknown persons and they could be from the same community especially the spotters and the need and importance of community vigilance.

SESSION 4

UNDERSTANDING IMPACT OF SEX TRAFFICKING

Activity 4.1

Impact of Sex Trafficking

Objective of the Session	To understand the impact of sex trafficking on a human being
Estimated Time	20 Minutes
Methodology	Small Group Discussion, Case Studies
Material Required	Chart Paper, Sketch Pen, Case Study Handout
Expected Outcome	Participants understand the damages of sex trafficking on the victim

Process

Step 1: Divide the participants into smaller groups of 5-8, make sure to mix the group to ensure diversity

Step 2: Give each group a case study, ask them to nominate a presenter and a rapporteur

Step 3: Ask the group to discuss the following based on the case study:

- What will happen to the body of the person who has undergone such a situation?
- What will be the state of your mind if this happens to you?
- Do you think any person who has undergone this experience will trust another person?

Step 4: Ask each group to make brief presentation

Activity 4.2

Damages of sex trafficking

Objective of the Session	To internalize the impact of sex trafficking and gain better understanding on the plight of victims
Estimated Time	40 Minutes
Methodology	Testimonial, Power Point Presentation
Material Required	LCD Projector
Expected Outcome	Increased empathy and compassion for the victims

Step1: Introduce the survivor advocate to the participants and request her to share her testimony

Step2: Allow participants to briefly interact with the survivor

Step3: Make a brief power-point presentation on the impact of sex trafficking on victims

Step 4: Allow the participants to ask questions to the presenter and to the survivor advocate

Facilitator Notes:

- Check the **Resource Guide Activity 4.1** for case studies. If there are more than three groups then two groups can be given the same case study.
- Brief the group that they should personalize the case studies and imagine if they were in that situation, what would be the impact on their minds.
- Check the **Resource Guide Activity 4.2** for the power-point. Read from the supplementary reading for better clarity on the subject

SESSION 5

UNDERSTANDING CYBER TRAFFICKING

Activity 5.1

Cyber Trafficking

Objective of the Session	To understand different facets of cyber trafficking
Estimated Time	30 Minutes
Methodology	Small Group Discussion, Case Situation
Material Required	Chart Paper, Sketch Pen, Case Situations Handout
Expected Outcome	Clarity in understanding on the use of technology to facilitate trafficking

Process

Step 1: Divide the participants into smaller groups of 5-8, make sure to mix the group to ensure diversity

Step 2: Give each group a case situation, ask them to nominate a presenter and a rapporteur

Step 3: Ask the group to discuss the case situations with the guidelines provided

Step 4: Allow the group to discuss for 15 minutes

Step 4: Ask each group to make brief presentation of 3 minutes each

Activity 5.2

Dangers of Cyber-Trafficking

Objective of the Session	Understanding the dangers and implications of cyber trafficking
Estimated Time	30 Minutes
Methodology	Power Point Presentation
Material Required	LCD Projector
Expected Outcome	Understanding the use of internet enabled services used to exploit human beings

Step1: Make a power-point presentation on various aspects of cyber trafficking

Step2: Allow the participants to ask questions and clear their doubts after the session.

Facilitator Notes:

- Check the **Resource Guide Activity 5.1** for case situations and guidelines. All the groups should be given a copy of the same.
- Brief the participants that the case situations are indicative and they should apply their minds on other possibilities
- Check the **Resource Guide Activity 5.2** for the power-point. Read from the supplementary reading for better clarity on the subject.

RESOURCE GUIDE

PRE-TRAINING RESPONSE SHEET

1. What is human trafficking?
2. Who do you think are the people that are usually trafficked?
3. Can technology be used for human trafficking?
4. What are the laws related to human trafficking?
5. Can a community volunteer/CVG prevent trafficking?
6. Can a CVG/community volunteer protect a victim?
7. Can a CVG/community volunteer support in prosecution in a human trafficking case?
8. Rate your understanding of human trafficking (1-10)

RESOURCE GUIDE - MODULE 1

Activity 1.2

Power-point for Objectives and Goals of Training Workshop

TRAINING WORKSHOP FOR COMMUNITY VIGILANT GROUP ON HUMAN TRAFFICKING

OBJECTIVES

- TO UNDERSTAND HUMAN TRAFFICKING, ITS DIMENSIONS AND TYPES
- TO UNDERSTAND IN DEPTH SEX TRAFFICKING AND CYBER-TRAFFICKING
- TO UNDERSTAND THE IMPACT AND DAMAGES OF SEX TRAFFICKING ON THE VICTIM
- TO UNDERSTAND THE SIGNS TO IDENTIFY A TRAFFICKER
- TO UNDERSTAND THE LEGAL FRAMEWORK TO DEAL WITH THE ORGANIZED CRIME OF HUMAN TRAFFICKING
- TO UNDERSTAND THE ROLE OF THE COMMUNITY VIGILANT GROUP WHO ARE COMMUNITY VOLUNTEERS TO PREVENT, PROTECT AND PROSECUTE IN HUMAN TRAFFICKING CASES

GOAL

- EQUIP COMMUNITY VIGILANT GROUP WITH SKILLS TO FIGHT HUMAN TRAFFICKING AT THE COMMUNITY LEVEL
- MAKE INDIA HUMAN TRAFFICKING FREE

Activity1.2

Ground Rules

GROUND RULES

- **PUNCTUALITY** - ARRIVE ON TIME FOR EACH SESSION. COMING LATE IS A SIGN OF DISRESPECT TO YOUR TRAINER AND FELLOW PARTICIPANTS
- **NO DISTURBANCE** - CELL PHONES TO BE TURNED OFF AT THE BEGINNING OF THE TRAINING AND SHOULD REMAIN OFF TILL THE END EXCEPT DURING BREAKS
- **AVOID SIDE CONVERSATION** - IF YOU ARE UNCLEAR ABOUT THE TOPIC BEING DISCUSSED OR INSTRUCTIONS GIVEN, ASK THE FACILITATOR TO CLARIFY
- **RESPECT OTHERS** - RESPECT EACH OTHER, DO NOT SPEAK WHEN SOMEONE ELSE IS SPEAKING

- **PARTICIPATION** - THE TRAINING IS SUCCESSFUL ONLY IF YOU PARTICIPATE ACTIVELY IN ALL THE SESSIONS
- **ASK QUESTIONS** - NO QUESTION IS UNIMPORTANT, ASK ANY QUESTIONS RELATED TO THE SUBJECT TO THE TRAINER/FACILITATOR
- **CONFIDENTIALITY** - DURING TRAINING IF ANY PARTICIPANT SHARES ANY INFORMATION THAT IS CONFIDENTIAL IN NATURE IT WILL REMAIN WITH THE PARTICIPANTS AND WILL NOT BE DISCUSSED ANYWHERE OUTSIDE

Activity 2.3

Power-point on Human Trafficking

DEFINITION OF HUMAN TRAFFICKING, SEC.370, IPC

- Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by —
 - using threats, or
 - using force, or any other form of coercion, or
 - by abduction, or
 - by practicing fraud, or deception, or
 - by abuse of power, or
 - by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Explanations

1. The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.
2. The consent of the victim is immaterial in determination of the offence of trafficking.

PURPOSES OF HUMAN TRAFFICKING

- ADOPTION
- ORGAN TRADE
- LABOUR
- CIRCUS
- BEGGARY
- DOMESTIC WORK
- CAMEL JOCKEY
- SEX TRAFFICKING
- CYBER TRAFFICKING

EXTENT AND MAGNITUDE OF HUMAN TRAFFICKING

- 130 COUNTRIES SHARE THIS PROBLEM
- EVERY 10 MINUTES A PERSON IS TRAFFICKED
- ONE OUT OF 360 WOMEN IN THE WORLD IS TRAFFICKED
- 2-3 MILLION SEX TRAFFICKED IN INDIA
- BILLION DOLLAR INDUSTRY
- 45% ARE CHILDREN
- INDIA - DESTINATION, TRANSIT, SOURCE
- IT IS THE FASTEST GROWING CRIMINAL ENTERPRISE

VULNERABILITY FACTORS

- SOCIAL INEQUALITY-CASTE, RELIGION, COMMUNITY
- ECONOMIC DISPARITY-LOW INCOME
- DISTURBED/BROKEN FAMILIES
- UNEMPLOYMENT
- DEBTS
- EMOTIONAL VACCUM/LONELINESS
- DRUG/ALCOHOL DEPENDENCY
- HOMELESS
- DISTRESS MIGRATION
- LOSS DUE TO NATURAL DISASTERS/FLOODS/DROUGHT/PANDEMIC

Activity 3.1

Introduction to the film 'Anamika- The Nameless'

The film produced by Prajwala is directed by Rajesh Touchriver, an internationally acclaimed film director who has won several national and international awards. He is also the director of the short film 'One Life. No Price' and the national award-winning Telugu feature film 'Naa Bangaaru Talli' based on sex trafficking.

This documentary is shot in real locations and all the victims speaking in this documentary were rescued from these places of exploitation. The filmmaker and his team took great risks to their lives while shooting this film.

The film has been watched by over 2 million people including judges, police officers and prosecutors.

Activity 3.2

Power-point on Sex Trafficking

WHO IS A TRAFFICKED VICTIM?

- Anyone can be a victim:
 - poor
 - lower middle class
 - middle class
 - upper class
- Educated or illiterate
- Village or slum dweller
- Child or an adult

CHAIN OF TRAFFICKER

- Spotter
- Broker
- Procurer
- Transporter
- Pimp
- Advocate
- Brothel keeper
- Financier
- Bouncer
- Immigration/police/doctor

EMERGING MODUS OPERANDI

- Offers of job
- Marriage
- Love/elope
- Film roles
- Modeling
- On missed call/WhatsApp /Instagram / Facebook /Telegram/Messenger/ Snapchat
- Anyone with a mobile phone and Internet access is vulnerable

WHERE DOES SEX TRAFFICKING HAPPEN?

- Red light areas
- Hotels
- Resorts
- Apartments
- Houses
- Vehicles

Activity 4.1

Case Studies

Case Study 1

13 year old Laxmi, who eloped with a boy did not know what awaited her in the city. After three days of sight-seeing on the fourth day the boy left her at a friend's place and assured her he would come back soon. When even after a few hours he did not come back Laxmi got scared. She went and told the people in the house that she was worried as her boyfriend had not come back.

The lady just told her that 'he will never come back as he has given her the responsibility of looking after her'. Laxmi was confused and wanted to go out. The lady and the man took her inside the bedroom and told her that she was sold to them and that she should not try to run away. They locked her in the room. The next few days were a blur to Laxmi as men came to her room and raped her. She tried to tell each of the customer her story but none of them were interested to listen. After 15 days Laxmi was allowed to come out of the room.

Case Study 2

16 year old Radhika was an only daughter. Her father had abandoned her mother when she was very young. The mother and daughter lived alone and managed their lives. When a friendly neighbour offered a good job in the city for Radhika, her mother was thrilled to send her with the woman. Radhika also felt that this will solve all their economic problems.

During the journey, Radhika heard the woman speak to somebody on the phone bargaining for a better rate. Immediately Radhika was alert. She sensed danger. Radhika called her boyfriend 'Kishan' and alerted him about the danger to her life. Kishan came immediately and rescued Radhika from the clutches of the woman. Radhika got into Kishan's jeep and thereafter does not remember what exactly happened. She found herself in a house with some other girls. She could not recognize the language nor the place. For weeks and months Radhika was forced to provide sex to hundreds of men. It was only after 6 months that Radhika realised that Kishan and the neighbour woman belong to the same gang of traffickers.

Case Study 3

Nazma was always interested to become an actor. As a good dancer, she believed that was her road to film industry. So, when her friends asked her to prepare her portfolio, she was quite excited. On the day of the photo shoot, Nazma dressed up in her best clothes and went to the photo studio.

The man at the studio showed her an album with pictures of all actors and told her how he was the one who had taken all the pictures. Nazma was very inspired. The photo shoot started with a few shots in different poses. The photographer then took her inside to another room and told her that she will get immediate roles only if she posed nude. He showed another album with nude pictures of several girls. Not knowing what to do Nazma allowed her nude pictures to be taken.

After a few weeks, Nazma got a call from the photographer that a person was interested to offer her role in a film and she should go to a hotel to meet the producer. Nazma was thrilled and went to

the hotel. To her horror, the man in the hotel asked her to sleep with him. Nazma was shocked and she started calling up the photographer. The photographer picked the call and told her to check her 'WhatsApp'. Nazma was petrified to see her nude pictures. Out of no choice Nazma was forced to offer sex. She was sent to different places thereafter and every time Nazma would complain, a video clip or photograph was sent to her phone.

Activity 4.2

Power-point on Impact of Sex Trafficking on a Victim

IMPACT OF SEX TRAFFICKING

- Sense of rejection and betrayal
- Shame
- Loss of identity
- Self-blame/guilt
- Mistrust
- Helplessness
- Hopelessness

IMPACT ON A VICTIM

- Physical damages-beating, cigarette stubbing, whipping, blading
- Health damages- sexually transmitted infections, reproductive tract infections, traumatic brain injuries, HIV/AIDS, alcohol/drug addiction, repeated abortions
- Psychological damages-Depression, post-traumatic stress disorders, anxiety, suicidal tendencies, mood disorders
- Body-mind-soul damaged
- No motivation to start a new life

Activity 5.1

Case Studies and guidelines

Case Situation 1

Santosh holds an MCA degree. He is tech savvy and used social media extensively. He would track girls through social media platforms like Facebook, Instagram etc. He would create fake IDs as a woman to chat with young girls in schools and colleges. He would create a list of all the profile names and then he would check all the friends' list from their Facebook profile along with their personal details. He would then create a fake profile of a known friend and send a friend request. Once accepted, he will converse as a girl and become very friendly with the victim. He would act as a very caring and considerate friend. Slowly, the chat conversations would turn personal, where exchange of messages on all topics related to personal and school issues would be shared. Further conversations would turn intimate and personal, where he would get information about the victim's boyfriend, their sexual feelings and other more important details. The victim would share everything thinking that the other person is a girl.

Case Situation 2

Rathish is a soft-ware engineer. He has enrolled himself in four matrimonial sites. He specifically targets profiles of women who are not very physically attractive and develops a relationship with them through phone calls. He gives the impression that he is a simpleton and is aspiring for a girl from a simple background. He will speak extensively about a simple wedding and how he hates dowry etc.

Case Situation 3

Mahesh and Sonam run a Xerox shop and have a phone recharge unit. They would collect WhatsApp numbers of young girls from neighbouring places. Every day they would send bulk messages to various numbers with the message 'Interested in job offer, no certificates required, guaranteed Rs 30,000-50000/ month, females give missed call' Sonam would call back the numbers that gave a missed call and offer the job. At no point Sonam or Mahesh would physically appear before the person, all transactions would be only on 'WhatsApp'.

Case Situation 4

Ravi would give random missed calls to various numbers that he would collect from various sources. If a woman calls back, he would try to gauge her personality and her interest in talking to him by making statements such as 'you have a very appealing voice' 'it makes me happy speaking to a beautiful person like you'. If the woman would continue talking he will then make repeat calls till she has built trust on him.

Discussion Guidelines

- Read the above case studies
- What are the various ways technology has been used to deceive people?
- Who could be a potential target?
- What are the minimum precautions to be taken?

Activity 5.2

Power-point on Cyber Trafficking

WHAT IS CYBER TRAFFICKING?

- USING INTERNET OR INTERNET ENABLED SERVICES TO TRAP VULNERABLE PERSONS AND FORCE/COERCE/DECEIVE INTO AN EXPLOITATIVE SITUATION
- SOCIAL MEDIA SUCH AS FACEBOOK, INSTAGRAM ETC., WEBSITES, MATRIMONIAL SITES, JOB SITES, MOBILE APPLICATIONS SUCH AS WHATSAPP, TELEGRAM, SNAPCHAT ETC.
- EITHER THE RECRUITMENT OR THE EXPLOITATION IN CYBER SPACE

WHO IS VULNERABLE?

- ANYBODY WITH A SMART PHONE OR WITH ONLINE ACCESS
- NO CASTE, CREED, RELIGION OR SOCIAL STRATA
- NO AGE BAR
- WOMEN AND GIRLS MORE OFTEN TARGETED

MODUS OPERANDI

- FRIENDSHIPS ON SOCIAL MEDIA
- EMOTIONAL MANIPULATION ALSO KNOWN AS GROOMING
- DEVELOPING INTIMACY THEREAFTER EXPLOITATION
- BLACKMAIL/INTIMIDATION THROUGH PICTURES/VIDEO
- JOB OFFERS
- MARRIAGE OFFERS
- EDUCATIONAL OPPORTUNITIES

UNIQUE FEATURES OF CYBER TRAFFICKING

- FACE OF TRAFFICKER RARELY SEEN
- CAN BE THROUGH A FAKE PROFILE
- CAN BE FROM ANY GEOGRAPHICAL LOCATION
- VICTIMS CAN BE MANIPULATED TO BELIEVE THEY HAVE CONSENTED
- DIFFICULT TO TRACE AND TRACK THE OFFENDER
- EXPLOITATION CAN BE PHYSICAL AND ALSO VIRTUAL (NON PENETRATIVE SEX)

HOW TO PROTECT?

MOBILE SAFETY

- NEVER FALL IN THE TRAP OF JOB OFFERS ON SMS/WHATSAPP
- AVOID CONVERSATION WITH STRANGERS
- NEVER GIVE YOUR PERSONAL DETAILS ON PHONE (HOME ADDRESS/ACCOUNT NO./PAN CARD ETC)
- AVOID BUILDING FRIENDSHIPS ON PHONE CONTACT
- IF ANYBODY STALKS ON PHONE REPORT TO HELPLINE NUMBERS 100, 181 OR TO NEAREST POLICE STATION

HOW TO PROTECT?

ONLINE SAFETY

- USE SOCIAL MEDIA TO CONNECT WITH LARGER WORLD
- AVOID ANY INTIMATE CONVERSATION OR SHARING PERSONAL DETAILS
- DO NOT ACCEPT FRIEND REQUESTS WITHOUT SCREENING
- DO NOT HAVE SEXUAL CONVERSATION ON WEBCHATS
- DO NOT UNROBE YOURSELF DURING ANY VIDEO CALLS
- RECHECK JOB OFFERS BY POLICE VERIFICATION
- RECHECK MATRIMONIAL OFFERS

SUPPLEMENTARY READING

UNDERSTANDING HUMAN TRAFFICKING

DEFINING HUMAN TRAFFICKING

Human trafficking and modern-day slavery are umbrella terms – often used interchangeably – that refers to the exploitation of individuals through threat or use of force, coercion, abduction, fraud, and/or deception. It includes the practices of forced labor, debt bondage, domestic servitude, forced marriage, sex trafficking, child sex trafficking and the recruitment and use of child soldiers, among others. Human trafficking is recognized and acknowledged as an organized crime. It manifests usually as a combination of a series of events, with multiple players, taking undue advantage of the vulnerability of a person in a given situation. Globally, TIP is the third largest crime inflicted on mankind after drugs and arms trafficking.

The latest available data from the National Crime Records Bureau (NCRB) indicate that there were 8,132 reported cases of human trafficking across India in 2016. In the same year, 15,379 people were trafficked of whom 9,034 victims were below the age of 18. In addition, 23,117 people were rescued from trafficking situations of whom 14,183 people were below the age of 18. The NCRB report notes that the number of rescued victims is higher than the number of trafficked people as rescued victims may also include persons trafficked in the previous year. Most of the rescued victims reported being trafficked for the purpose of forced labour (10,509 victims), followed by sexual exploitation for prostitution (4,980 victims) and other forms of sexual exploitation (2,590 cases). With 3,579 cases, West Bengal had a share of over 44.01 per cent of the total cases, followed by Rajasthan which accounted for 17.49 per cent with 1,422 reported cases. Gujarat, Maharashtra, and Tamil Nadu were next in line with 548, 517, 434, cases, respectively. Karnataka stood fifth in India for human trafficking in 2016 with 1,012 victims being reported.

In 2011, India acknowledged the need to curb TIP by signing the UN Convention Against Transnational Organised Crime (UNTOC). It took the first step to fulfil this international obligation by including a comprehensive definition of human trafficking in the IPC, expanding beyond the conventional understanding of trafficking being synonymous to sex trafficking and forced labour, by bringing in the Criminal Law (Amendment Act) Act, 2013.

The definition of Trafficking in Persons (TIP) is provided in the Indian Penal Code (IPC) (amendment of 2013), and is reproduced as hereunder:

Trafficking of Person – Section 370 - (1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by –

First — using threats, or

Secondly — using force, or any other form of coercion, or

Thirdly — by abduction, or

Fourthly — by practising fraud, or deception, or

Fifthly — by abuse of power, or

Sixthly — by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Explanation 1 - The expression “exploitation” shall include, prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Explanation 2 - The consent of the victim is immaterial in a determination of the offence of trafficking.

Sec. 370 (2) - (7) provide for offences and penalties for committing crimes of TIP.

The definition of what constituted trafficking for prostitution was provided in the ITPA, 1956 as:

Section 5 - Procuring, inducing or taking person for the sake of prostitution:

(1) Any person who -

(a) procures or attempts to procure a person whether with or without his/her consent, for the purpose of prostitution; or

(b) induces a person to go from any place, with the intent that he/she may for the purpose of prostitution become the inmate of, or frequent, a brothel; or

(c) takes or attempts to take a person or causes a person to be taken, from one place to another with a view to his/her carrying on, or being brought up to carry on prostitution; or

(d) causes or induces a person to carry on prostitution;

shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees, and if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years:

Penalties are graded according to the age of the person against whom these offences are committed, the lesser the age of the person, the more severe the punishment.

Process of Trafficking

There are three broad stages involved throughout the trafficking process - RECRUITMENT of people from a village or city (Source); TRANSPORTATION to designated location/ transit point (Transit); and EXPLOITATION (Destination). Sometimes the trafficked persons are shifted several times before they arrive at their final destination, where the exploitation (in the form of prostitution, labour, child marriage, illegal adoptions, transplanting of human organs, etc.), takes place.

However, transportation is not mandatory to prove the crime of trafficking. If there has been a transit point, that would indeed be relevant as a ‘scene of crime’ for purposes of investigation in the entire continuum of the trafficking offence.

FORMS OF EXPLOITATION

India is a source, destination, and transit country for men, women, and children subjected to forced labour and sex trafficking, which are the two predominant forms of human trafficking. But trafficking victims can also be exploited in many other ways. Victims are trafficked for use as beggars, for forced or sham marriages, child marriages, production of pornography or for organ removal, as child soldiers etc.

Trafficking for Commercial Sexual Exploitation

Trafficking for commercial sexual exploitation is on the increase. With modernization the commercial sexual exploitation of women and children for the purpose of prostitution has undergone a change. The red light areas have continued to be prostitution dens, but the business has expanded out of the red-light areas and has become much more organised by providing services on demand. The operators of the sex trade have expanded their business and have started operating from residential colonies, market places, malls etc. in the garb of friendship club, escort services, massage parlours, spa, dance bars, beer bars etc. This has helped the traffickers to earn maximum money and also get access to high paying customers. They have even started advertising their services in the newspapers and internet. Deals are fixed on the phone itself and transactions happen through the Internet.

Young, impressionable girls from vulnerable families are encouraged to join “friendship” clubs in Bengal. The seemingly innocuous introduction thereafter leads to an exciting social life for the girls and subsequently they are induced/coerced into prostitution. These girls also unknowingly become procurers. There was anecdotal reference made to use of hormonal injections (oxytocin) to encourage premature growth in young girls to make them available to customers of commercial sex.

North East India has also emerged as a high source area for trafficking of women and children. Girls from Manipur, Nagaland, Meghalaya and Mizoram have been rescued from various trafficking rackets from Goa, Maharashtra, Andhra Pradesh and Karnataka. West Bengal, Andhra Pradesh and Maharashtra continued to remain high source areas for trafficking of women and children for commercial sexual exploitation.

Labour and Trafficking

Forced labour takes the form of men, women, and children in debt bondage, sometimes inherited from previous generations, who are forced to work in brick kilns, rice mills, agriculture, and embroidery factories. Forced labour also exists in sectors, such as, construction, steel, and textile industries, wire manufacturing for underground cables, biscuit factories, pickling, floriculture, fish farms, and ship breaking. Thousands of unregulated work placement agencies reportedly lure adults and children under false promises of employment into forced labour, including domestic servitude. In addition to bonded labour, some children are subjected to forced labour as factory and agricultural workers, carpet weavers, domestic servants, and beggars. Begging ringleaders sometimes maim children to earn more money.

One of the earliest cases of child labour in hazardous industries was found in Tamil Nadu. Sivakasi, Virudhnagar district, famous for its firecrackers is also notorious for trafficking children. The children found in these factories have mostly been local children from the neighbouring villages. They have long 10-12-hour shifts and are exposed to dangerous chemicals. Despite many accidents that have taken place, children continue to be employed in these industries on meagre wages.

There is an increasing trend of migration and trafficking of children for labour in different parts of the country. Compelled by the socio-economic conditions, a large number of children are migrating from economically backward areas to big cities for work. In many of these cases, children are being trafficked by middlemen and agents who are bringing them to the employers in the city by extending meagre advances to the parents and giving false assurances of lucrative jobs etc. These children work under highly exploitative situations such as very long working hours, paltry wages, unhygienic and most difficult working conditions. Such children mostly work in industries like *zari* making (gold thread work), jewellery units, domestic help, *dhabas* (local highway restaurants), tea stalls, etc. Very often, they are kept within the confines of the workplaces and therefore, lack any kind of freedom and

are vulnerable to abuse. So far away from their families, these children are highly vulnerable to all kinds of abuses, including physical and sexual abuse.

Bihar, Uttar Pradesh, West Bengal, Jharkhand, Odisha, Madhya Pradesh, Assam and Chhattisgarh continued to remain high source areas for trafficking of children for the purpose of forced labour.

Child Trafficking for Domestic Help and Maids

There has been an increasing trend of children being trafficked from the states of Jharkhand, Chhattisgarh, Odisha, Assam, West Bengal and Madhya Pradesh for the purpose of labour. The trafficking of children is being undertaken by illegal placement agencies. Many of these placement agencies are operating from Delhi and the NCR (National Capital Region). These placement agencies are earning huge profits by bringing in children from these states.

Trafficking and Placement agencies

The modus operandi of the placement agencies is to recruit children from far flung tribal villages by luring them with the promise of getting jobs. Once these children reach the capital, they are traded off to prospective employers who pay an advance of Rs.30000 to Rs.45000 as placement agency charges. After the money has been paid, the custody of the children is given to the employers. The children have to work 10-14 hours daily without any salaries or holidays. The advance money taken by the placement agencies never reaches the family of the child. Many such children have reported physical and sexual abuse, torture and violence. It is only when information reaches the police about their conditions, that the rescue takes place.

Many of these placement agencies are organized crime rackets specialising in child trafficking. They regularly change their addresses as well as the name of the firm to escape prosecution. These agencies also have very strong network in the source areas.

Trafficking for Child Labour in the name of Education

A worrying trend has emerged in Bihar, the capital of which has the dubious distinction of being a source state for child labourers to various States. Middlemen in the guise of clerics are fooling parents of prospective child labourers, saying that their wards will be taught free of cost in Madarsas (Islamic education institutions), into letting them escort the victims to the employers.

Trafficking for Forced Marriages

Decades of unchecked sex-selective abortions have resulted in Punjab and Haryana facing a serious shortage of marriageable age women, making human trafficking a lucrative and expanding trade. Often projected as voluntary marriage, every year, thousands of young women and girls are lured into the idea of a happy married life with a rich man in Punjab or Haryana. Most 'purchased brides' are exploited, denied basic rights, duplicated as maids, and eventually abandoned.

Most of the women and girls for forced marriages come from poverty-ridden villages of Assam, West Bengal, Jharkhand, Bihar and Orissa, because their families need money and hence fall in the trap of traffickers. Most are untraceable or exploited or duplicated as domestic servants by the agents or men who marry/buy them.

Girls from West Bengal are being trafficked for marriage within the state, to neighbouring states and also to states such as Haryana which is significantly far from the state as well as culturally different. As per the NCRB Data of 2016, of the 4494 incidents of kidnapping involving 5044 women reported, 884 incidents were for compelling women for marriage. The data for 2017 records a significant decrease in the number of cases. Not all these cases may be cases of trafficking since there is no further segregation amongst these cases, however bride trafficking and trafficking on the ruse of marriage is prevalent.

Trafficking and Adoption Rackets

There has been an increase in trafficking of children for adoption. The traffickers procure children from impoverished and poverty-stricken families by paying them money and then pass off these children for adoptions abroad. Cases have been reported from Jharkhand, Andhra Pradesh, Maharashtra and Delhi of illegal adoption agencies selling off children for adoption.

Childless couples who anticipate long waiting periods in the formal adoption processes, often explore avenues for illegal adoptions. According to reports, illegal adoptions are rampant in Chennai and Kanchipuram districts. Like in Telangana, economically deprived pregnant women are targeted during their pregnancy and persuaded to hand over their babies in adoption. It has been documented that women belonging to the fisherfolk have been found to be involved in negotiating with women to part with the yet to be born baby. In many cases, nursing staff are involved in negotiating a deal for illegal adoption.

In 2016, West Bengal police unveiled a baby trafficking racket spanning over several districts through raiding different adoption centres and charitable homes. The police rescued 13 babies and discovered the skeletons of two infants in raids on homes for the elderly and mentally disabled, as a part of a probe into a suspected international human trafficking ring. The modus operandi seemed to be accessing unwed pregnant women who contact the clinics seeking an abortion by encouraging them to have the babies and thereafter sell the babies. There were also instances when staff at the clinic misrepresented to the family that the baby was stillborn and took the baby away.

Organ Trafficking

The victims of organ trafficking like in cases of human trafficking are recruited from vulnerable groups surviving under conditions of extreme poverty, unemployment or not having any alternative income support. Most likely situations are under pretext of false assurances, coercing poor vulnerable social groups to sell their organs; and in return receiving huge money as brokerage sum from rich recipients. However, the nature of middlemen in organ trafficking differ from other forms of trafficking since unlike other men, there is active involvement of medical professionals, ambulance drivers and mortuary workers in organ trafficking.

There was a case in 2014 where reputed hospitals were raided on a suspected case of illegal kidney transplants in Cuttack, Odisha and many persons were arrested.

SEX TRAFFICKING AND ITS IMPACT ON VICTIMS

A victim of sex trafficking is any individual who has been trafficked and is being sexually exploited in any one or more of the ways given above. A sex trafficked victim could be any individual - male or female, adult or child, a foreign national or an Indian citizen. While men and boys can also be

trafficked, the vast majority of sex trafficked victims are female.

They may have one or more of the characteristics listed below.

- Sex trafficked victims are typically young girls/women from the rural, semi-urban or the slum areas.
- They come from deprived backgrounds - lower or lower middle class - which offer them few or no options for a “good life” as characterized by possession of job, gadgets, good clothes, good food, etc. They are looking for a change in their lives.
- They live in poverty and are forced to contribute to the family income.
- They are suddenly pushed into poverty because of the death of a family member and are forced to contribute to the family income.
- They are from unhappy homes where domestic violence, abuse and neglect by parents are part of their everyday life.
- They or their family have debts to repay and they want to help their family.
- They want a well-paying job, good clothes and fancy gadgets.
- They want the glamorous lifestyle of a movie star.
- They want romance as seen in the movies or on television.
- They do not have mentors or friends who can advise them on the choices they make.
- They have run away from home after a quarrel with their family.
- They are living away from their family for education or job purposes and want extra spending money.
- They are easily swayed by looks and flattered when someone pays attention to them.

The following may be considered ‘victims’ of trafficking:

- Persons above the age of 18 who through threats, or force, or coercion, or fraud, or deception, or by abuse of power, or inducement, including the giving or receiving of payments or benefits are required to perform sexual acts without their consent, by any person(s).
- ‘Child’ who is under 16 years and ‘minors’ who are between the ages of 16-18 years who are found in places of commercial sexual exploitation [Sec. 2(aa) and (cb) Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as the ITPA, 1956)].
- Any child likely to be trafficked is a “child in need of care and protection” under Sec. 2 (14) (ix) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the JJ Act, 2015)] is a potential victim.
- Anybody who has been recruited, transported, harboured, transferred or received for prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the forced removal of organs (Sec. 370, IPC).
- Any person who has been detained in a brothel, with or without consent [Sec. 6 (1) (a), ITPA, 1956].

- Any person who has been detained in any premises with the intent of commercial sexual exploitation [Sec. 6 (1) (b), ITPA, 1956].
- Any person found in a brothel, or any place of commercial sexual exploitation, whose jewellery, wearing apparel, money, property, etc. has been withheld [Sec. 6 (3) (a), ITPA, 1956].
- Any person who has been seduced for prostitution by any person having custody/ charge/ care of/ or a position of authority over that person [Sec. 9, ITPA, 1956].
- A person whose trafficking has been attempted by someone [Sec. 5, ITPA, 1956].
- Children who have not completed the age of 18 years and are engaged in hazardous processes or occupations and/ or for less than minimum wages which are mandatory under The Minimum Wages Act, 1948.
- Any person, regardless of age, who has been trafficked in consideration of an advance (money or benefit) and/ or is now working for less than minimum wages.
- Any child who is held in bondage for the purpose of employment or for withholding earnings (Sec. 79 of JJ Act, 2015).
- Any child who has been trafficked for sexually explicit online or electronic content (Sec. 67 B of Information Technology Act, 2000).
- Any child trafficked for marriage (under various provisions of Prohibition of Child Marriage Act, 2006).

As with all organized crime, the human trafficking operation is a well-planned one. It begins with the identification of the victim. The trafficker is well organized and appropriately networked. He/she identifies families that display signs of vulnerability and uses the victim's desperation to escape her current situation to gain her trust and willingness to go with him/her. This psychological manipulation makes the transporting process much smoother for the trafficker.

The modus operandi of sex trafficking is spread across three main points:

- a) Source/ place of recruitment
- b) Transit and
- c) Destination/place of exploitation - with different players at the different points.

All the different players are co-conspirators to one crime. Alternatively, there could be one player who brings the victim into prostitution and sets up an individual business.

- At the source or place of recruitment, the spotter/agent, who is often someone known to the victim or the victim's family, initiates contact, gains the victim's trust and persuades her to go away with him/her. Alternatively, the agent may persuade the family to "sell" their daughter to him/her.
- During transit, the agent may hand over the victim to a transporter or may be the transporter himself/herself. Typically, during this phase the breaking in ritual happens. The victim may be raped, brutalized, blackmailed and threatened into submission. The transit phase may not involve moving from one geographic location to another - it is more significantly the breaking in phase - where the victim is prepared for a life of exploitation.
- At the destination/place of exploitation, the already battered victim is forced to begin servicing clients. The destination could be a brothel in a red-light area, a hotel, houses, apartments, lodges, resorts

where women and children are traded for sexual services. Sex trafficking also happens in massage parlours, Spas, beauty parlours, friendship clubs and other establishments meant for entertainment. The buying and selling of sex could happen in these establishments or through the internet or social media sites. With the advent of new technologies and features such as the Dark Net, the nature of the crime has become even more clandestine and difficult to detect.

The traffickers use all kinds psychological manipulation methods to establish their control over the victim - they beat and rape her repeatedly, they threaten to harm her family or loved ones, they threaten to post her nude pictures on the Internet or send them to her family, they drug her and rape her - they use all tactics to force her into prostitution.

IMPACT ON THE VICTIM

Since trafficking is an organized crime and operates on the same principles of intimidation, violence, blackmail and threats, by the time the victim arrives at the place of exploitation, she is completely broken and alternates between feelings of fear, betrayal, confusion, and guilt. She is incapable of trusting anyone and has no hope of escape. The sheer brutality and exertion of power over her, crushes any dream that she might have had. The feeling of isolation and being cut off from all that is familiar is complete - this feeling could persist even if she is in her own hometown or in her own home. She rapidly transforms from a bright young girl full of hope into a machine providing sex for countless men in order to keep herself free from violence.

Loss of Identity: Name is our first identity and we take pride in our name, in the process of trafficking, the victim is forced to change her name several times. The first thing that she loses is her Identity – her name. This results in losing one's self esteem and self-worth.

Self-blame and Guilt: The victim of trafficking has experienced multiple traumas and these leads them to have permanent negative thoughts. They look at all their experiences and relationships through these traumatic experiences. They remember some key traumatic incidents in detail, but what remains with them is the loss of dignity, a sense of shame and excessive guilt for somehow being responsible for what has happened to them. They don't believe that they are victims – they believe that they are part of the crime.

Mistrust: The victims have very confusing feeling about trust: one leads to difficulty in trusting and the other leads to trusting too easily. The usual feelings are: If I trust, I will be hurt. If I do not trust, then I will not be liked.

Helplessness and Hopelessness: The victims have been traumatized and they may believe that their situation is too difficult, and nothing can help them. The victim of sex trafficking is made to believe that she is a worthless person with no skills to survive. Only worth that she has is in selling her body so that she is alive. She starts feeling helpless and starts believing that her body and selling it for sexual services is the only way to earn a livelihood – she is a commodity – a product.

Risk taking: Victims may start believing that nothing or nobody can harm them anymore as they have been harmed enough. They may not recognize the risks they may face or have fear of any consequences e.g., using harmful and addictive substances or practicing unsafe sex.

Anger: The victims may have thoughts which make them angry: - Why me? - Nobody helped me. I will not help anyone. - I must have done something wrong to be hurt and punished like this.

Identification with the exploiters: To live in the abusive environment and to cope with the exploitative situation, the victim often starts thinking like the exploiters/traffickers. They start believing that whatever the trafficker is doing is to help them and fulfil their interest. Their thoughts may include:

- Even though he/she hurts me, they protect me from the police.
- He/she is the only one who is concerned about my welfare. He/she has a right to be angry with me sometimes.
- There is a reason for his/her anger.
- The madam protects me from abusive clients and is attentive to my needs so that the client is not physically hurting me.

As most recent cases show, the trend that traffickers use psychological manipulation to convince victims to accompany him/her, the victim is convinced that the misery that she is going through is because of her and she is the one who is responsible for this and thus nothing to complain or how can I seek help when I have been the cause for this misery. Her misery, pain, isolation all starts to make sense for her, and she starts believing this is the reality which she needs to adjust with.

FORMS OF IMPACT

Physical Impact - Women and child victims of sex trafficking are severely tortured initially to 'break' them and initiate them into the flesh trade. They are beaten, burnt with cigarettes, forced to drink alcohol, drugged, locked up, not given food to eat, raped, blackmailed, and are put through various kinks and demands of the customers. Many victims die from pregnancy related causes, and unsafe abortions.

In labour trafficking cases, even if the initiation process is not as harsh as sex trafficking, victims are put through back-breaking work for up to 14-16 hours, not given enough food, beaten at the slightest mistake, not allowed to go out or meet anyone, are locked inside the home, etc. Victims end up with several diseases due to harsh labour, harmful exposure at work/ factory, lack of food and rest, etc.

The impact of physical abuse manifests through fatigue and weight loss, gastrointestinal problems, weak immune system and other signs. Victims of sexual exploitation are at a greater risk of HIV/AIDS, tuberculosis, breathing problems and drug and alcohol addiction.

Psychological Impact – Victims are constantly threatened, coerced, isolated, and blackmailed into submission. They often witness violence on other victims. Consequently, victims suffer from depression, anxiety, hostility, irritation, temper outbursts, aggression, mental illness, disorientation, nightmares, panic attacks, concentration difficulties, continuous fear of abuse and exploitation. Victims of sexual exploitation often exhibit related acts of aggression, such as punching walls, throwing items and hitting others. Victims suffer from shame and guilt and feel somehow responsible for their own misery, and blame themselves for falling into the trap of fraud, borrowing money from friends and family, not keeping up with the promise of sending back money for parents and causing shame for their community. Their shame and guilt causes them to remain silent and not seek help, even when they get the opportunity to run away (whether from a brothel, or home, or factory, or marriage).

Financial Impact - Trafficked victims are often trapped through debt, are vulnerable to brokers because they require money for paying earlier debts and helping their poor families. They are almost never paid anything or paid a very minimal amount, whereas the perpetrator of sex or labour trafficking makes all the money at their expense. Victims are told that their parents are being sent their salaries, but in reality the placement agencies or the brothel managers, keep all the money and do not send anything (or send very small amounts) to the victim's families.

BEHAVIOUR OF THE VICTIM

Most victims (especially of sex trafficking) during and after rescue exhibit the following behaviour -

- Hostility and/ or lack of trust – because they have been continuously told by the traffickers that they are in fact the real criminals for having indulged in criminal activities (especially of prostitution, or having made false documents for migration, etc.)
- Failure to cooperate – due to the above points, unwillingness to stay in shelter homes, fear of loss of income, which was being sent home to support family, children, etc.
- Memory loss, lapses, discrepancies in statements, resulting in:
 - Changing statements continuously
 - Genuine inability to recall all details
- Aggression that appears to be irrational
- Disorientation after leaving the situation of ongoing trauma and control
- Continuing anxiety despite apparently being “safe” - for fear of threat and blackmail by traffickers.
- Withdrawal symptoms when alcohol, drugs are not given.

A proper understanding of the psychological state of the victim will help in dealing with them more effectively at different stages of rescue and post-rescue processes.

CYBER TRAFFICKING AND IMPACT OF COVID-19 ON HUMAN TRAFFICKING

Cyber trafficking is the exploitation of a person through the internet via webcam, photos, videos, or other digital media. Like sex trafficking, the victim is forced to provide sexual services via force, fraud, or coercion. Unlike sex trafficking, victims will likely never meet their buyers. Instead, their traffickers may assault, live-stream, film, or photograph them from a central location—which can be anywhere in the world with an Internet connection—and send the material to paying online predators.

Child trafficking, cyber bullying, pornography, etc are all cyber-crimes that are now greatly prevalent among children in India. Trafficking is often associated with those that are poor and vulnerable but cyber trafficking does not only target those from the lower strata of the society. Everyone with an Internet connection and a smart phone is vulnerable, irrespective of their economic status in the country.

The Internet can provide traffickers with a layer of protection against the law. In many cases, perpetrators can remain essentially anonymous—using pseudonyms, fake photos, and virtual private networks (VPN). Additionally, the increasing popularity of cryptocurrencies like Bitcoin—popular on the dark web—make monetary exchanges harder to trace back to personal bank accounts.

The human trafficking industry is well oiled, organized, and active across the country and beyond borders. The organized linkages and activities are now flourishing under the anonymity provided by Internet and on-line sexual demand has further exacerbated the situation.

Rapid innovations in information and communication technologies facilitate human trafficking by exposing a growing number of victims to traffickers. These traffickers use social networks and online classified sites to market, recruit, sell and exploit their victims. The Internet has shifted recruitment, advertising and selling process from the street to the digital domain. Online interaction creates both risks and opportunities for criminals, victims and law enforcement. Criminals and victims leave

permanent traces, which facilitates identification, but not necessarily intervention. This gap between identification and intervention is becoming more difficult to overcome for law enforcement.

In the new forms of cybercrimes, the trafficker (the handlers) take a back seat, whilst the girl is made to open an email account, have a WhatsApp number, and the girl is made to solicit, 'chat' with the customer, all by herself. If such a person is caught in a rescue and raid operation, the girl remains the front face, whilst the traffickers have no trace of the crime leading to them. Besides, in such cases, it is very easy for the girl and for the traffickers to claim that she was doing it of her own 'free will' and 'consent'. It is even more imperative in such cases, to do a very thorough interview of the girl and investigation, to find out the exact modus operandi by traffickers and to destroy the façade of 'consent', which is pinned on the girl by the traffickers.

Impact of the COVID- 19 pandemic on the Human Trafficking Scenario

On 14 March 2020, India declared COVID-19 as a notified disaster under the Disaster Management Act, 2005, followed by an extended period of lockdown (varied restrictions, including on travel still in place) to contain the spread of COVID-19 in India.

Across all states, India witnessed unprecedented lockdown measures which, among other things, meant severe restrictions on economic activities. For already vulnerable informal workers with poor wages and social security measures, sudden loss of livelihoods and incomes in turn meant more precarious lives and livelihoods.

Given the confinement measures and economic hardships that the coronavirus pandemic has brought about, some trafficking forms – most notably those involving the CSE of children and the exploitation of those in domestic servitude – are expected to increase.

Identification of trafficking victims is difficult, even under normal circumstances. There are fears that COVID-19 is making the task of identifying victims of human trafficking even more difficult. Being confined with their perpetrators, victims have also reportedly been subject to heightened violence and abuse.

The coronavirus pandemic has also been negatively impacting survivors of human trafficking, who are: (i) experiencing delayed support in the criminal-justice process; (ii) finding it more difficult to access protection and rehabilitation services; (iii) at higher risk of being re-trafficked due to reduced livelihoods and economic opportunities; and (iv) suffering psychological trauma due to the lockdown measures triggering memories of their previous experience in exploitation and captivity, as was reported in the case of several young female survivors in West Bengal, India.

The risks have also risen for survivors of labour exploitation, who are more likely to be exposed to revictimization when they do not have access to healthcare, psychological assistance and safe accommodation (all of which have reportedly been reduced or limited during the pandemic). Some survivors have also reported to be facing delayed support in the criminal-justice process. The evaporation of livelihoods can also place survivors at greater risk of re-trafficking.

Civil society organizations have already issued alerts about access to shelters being denied to trafficking victims because of COVID-19. Some shelters have had to close because of reported infections and others have partially suspended services. Lack of housing, healthcare, legal and other services can increase vulnerabilities both to re-trafficking and to COVID-19 infection

Among the victims and survivors of sexual exploitation, especially online sexual exploitation, children have been the hardest-hit group during lockdown. As children abruptly shift towards online learning, social media and gaming platforms to connect with peers, they are increasingly exposed to digital

risks and criminal exploitation. This risk is particularly acute for younger children, who may have limited preparation and/or prior knowledge of the online tools. There is a spike in the child sexual exploitation material on the internet, which acts like a profitable business for huge tech platforms. The pandemic is giving a push to such new materials, which are created in exchange for remuneration or a payment. Live streaming – the new modus operandi of offenders – is becoming a platform for on-demand sexual abuse.

The India Child Protection Fund Report of April 2020 shows a very high surge in uploading and downloading child sexual abuse materials. **Pornhub, the largest pornography platform in the world, has seen a 20-time jump in India, from 0.9% on February 24 to 18.1% as on 16 March.** A large segment of this 'content' includes trafficked children who are exploited to create pornographic material. Adults and children who consume this content are likely to 'normalise and fetishize' child rape and sexual violence, which may translate into offline sexual violence.

The upsurge of child sexual abuse material and its easy access can only be controlled by placing greater accountability on Internet Service Providers and digital platforms that host this content. They must be accountable to not only identify and remove content but also to trace its source and cooperate with the law enforcement to crack down on its supply and demand.

Although the Information Technology Act and various guidelines of the Supreme Court has enabled the law enforcement to set up cyber monitoring cells, a lot more needs to be done. Statutory provisions specially meant for monitoring and investigations of cyber-crimes involving human trafficking must be formulated. As early as 2012, MHA brought out an Advisory on Preventing and Combating Cyber Crime Against Children.

National Cyber Crime Reporting Portal

This portal cybercrime.gov.in is an initiative of Government of India to facilitate victims/complainants to report cyber-crime complaints online with special focus on cyber-crimes against women and children. Complaints reported on this portal are dealt by law enforcement agencies/ police based on the information available in the complaints. It is imperative to provide correct and accurate details while filing complaint for prompt action.

The Information Technology Act, 2000

Couple of provisions from the IT Act, are relevant to crimes of trafficking, especially the use of children to create child sex abuse images, or upload/ download child pornography.

Sec. 67 - Publishing of information, which is obscene in electronic form -

- Whoever publishes or transmits or causes to be published in the electronic form,
- Any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt, shall be punished –
- First conviction - Imprisonment up to 3 years, and fine up to Rs. 5 lakhs.
- Second or subsequent conviction - Imprisonment up to 5 years, and fine up to Rs. 10 lakhs.

Sec. 67A - Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material, which contains sexually explicit act or conduct –

- First conviction – Imprisonment up to 5 years, and fine up to Rs. 10 lakhs.

- Second or subsequent conviction - Imprisonment up to 7 years, and fine up to Rs. 10 lakhs.

Sec. 67B – Whoever -

- publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct; or
- creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner; or
- cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or
- facilitates abusing children online, or
- records in any electronic form own abuse or that of others pertaining to sexually explicit act with children
 - First conviction – Imprisonment up to 5 years, and fine up to Rs. 10 lakhs
 - Second or subsequent conviction - Imprisonment up to 7 years, and fine up to Rs. 10 lakhs

MODULE 2

LAWS RELATING TO HUMAN TRAFFICKING

MODULE 2

LAWS RELATING TO HUMAN TRAFFICKING

Objectives	<ul style="list-style-type: none">• To foster understanding on the criminal aspect of human trafficking and the penal provisions in India to address the same.• To sensitize on the legal consequences of indulging in the organized crime of human trafficking including abetting.
Content	Session 1: Understanding IPC & ITPA Session 2: Understanding POCSO
Expected Outcome	<p>The participants would:</p> <ul style="list-style-type: none">• Gather clearer understanding on what are the legal provisions to address the organized crime of human trafficking.• Be able to understand the legal consequences if one works in support of organized criminal syndicates. <p>The Trainer would:</p> <ul style="list-style-type: none">• Be able to provide the participants a clearer understanding on why it is important to engage with the community to combat human trafficking.

SESSION 1

Understanding IPC & ITPA

Activity 1.1

IPC And ITPA

Objective of the Session	To understand the Indian Penal Code (IPC),1860 and the Immoral Traffic Persons Prevention Act, 1956
Estimated Time	30 minutes
Methodology	Power Point Presentation
Material Required	LCD Projector, Screen
Expected Outcome	Participants become more familiarized with the legal statutes in India related to human trafficking

Process

Step 1: Ask participants what they know about the legal provisions related to human trafficking in India.

Step 2: Give a brief introduction on the importance of understanding the law as citizens.

Step 3: Make the power-point presentation on the salient features of IPC & ITPA with respect to human trafficking.

Step 4: Clarify any doubts of the participants.

Activity 1.2

Human Trafficking Laws

Objective of the Session	To understand the Indian laws related to human trafficking
Estimated Time	30 minutes
Methodology	Small Group Discussion, Case Studies
Material Required	Chart Paper, Sketch Pen, Case Study Handouts
Expected Outcome	Participants become more familiarized with the legal statutes in India related to human trafficking

Process

Step 1: Divide the participants in smaller groups of 5-8

Step 2: Give each group a case study to discuss. Instruct the group to nominate a presenter and rapporteur

Step 3: Ask each group to deliberate on the following questions:

- What are the crimes committed in this case?
- Which section of the law will apply?
- What are the consequences/punishment for these crimes?

Step 4: After 15 mins call the groups to make short presentation

Step 5: Summarize the presentations

Facilitator Notes:

- Check the **Resource Guide Activity 1.1** for the power-point
- Check the **Resource Guide Activity 1.2** for the case studies for the case discussion. Read from the supplementary reading for better clarity on the subject.

SESSION 2

Understanding POCSO

Activity 2.1

POCSO

Objective of the Session	To understand Protection of Children from Sexual Offences Act (POCSO)
Estimated Time	30 minutes
Methodology	Power Point Presentation
Material Required	LCD Projector, Screen
Expected Outcome	Participants become more familiarized with the legal statutes in India related to child sexual exploitation

Process

Step 1: Ask participants what they know about the legal provisions related to child sexual exploitation in India

Step 2: Give a brief introduction on the grievous nature of any crime against children and the consequences

Step 3: Make power-point presentation on the salient features of the Protection of Children from Sexual Offences Act (POCSO)

Step 4: Clarify any doubts of the participants.

Activity 2.2

Child Sexual Exploitation

Objective of the Session	To internalize the understanding on the laws related to child sexual exploitation
Estimated Time	30 minutes
Methodology	Small Group Discussion, Case Studies
Material Required	Chart Paper, Sketch Pen, Case Study Handouts
Expected Outcome	Participants become more familiarized with the legal statutes in India related to human trafficking

Process

Step 1: Divide the participants in smaller groups of 5-8

Step 2: Give each group a case study to discuss. Instruct the group to nominate a presenter and rapporteur

Step 3: Ask each group to deliberate on the following questions:

- What are the crimes committed in this case?
- Which section of the law will apply?
- What are the consequences/punishment for these crimes?

Step 4: After 15 mins call the groups to make short presentation

Step 5: Summarize the presentations

Facilitator Notes:

- Check the **Resource Guide Activity 2.1** for the power-point
- Check the **Resource Guide Activity 2.2** for the case studies for the case discussion. Read from the supplementary reading for better clarity on the subject.

RESOURCE GUIDE

Activity 1.1

Power point on IPC & ITPA

CONSTITUTION

- ARTICLE 23(1)

Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

INDIAN PENAL CODE (IPC)

- SEC 366 A- WHOEVER BY ANY MEANS WHATSOEVER INDUCES ANY MINOR GIRL UNDER THE AGE OF 18YRS TO FORCED OR SEDUCED TO ILLICIT INTERCOURSE WITH ANOTHER PERSON

PUNISHMENT- MAXIMUM 10YRS AND ALSO FINE

- SEC 367- WHOEVER KIDNAPS OR ABDUCTS ANY PERSON AND SUBJECTS PERSON TO GRIEVOUS HURT, OR SLAVERY, OR TO UNNATURAL LUST

PUNISHMENT- MAXIMUM 10YRS AND ALSO FINE

INDIAN PENAL CODE (IPC)

- SEC 370 Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—
 - using threats, or
 - using force, or any other form of coercion, or
 - by abduction, or
 - by practising fraud, or deception, or
 - by abuse of power, or

- by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking
- PUNISHMENT- 10YRS TO LIFE IMPRISONMENT

IMMORAL TRAFFIC(PREVENTION)ACT(ITPA), 1956

- SEC 3- PUNISHMENT TO KEEP A BROTHEL OR ALLOWING A PREMISES TO BE USED AS A BROTHEL PUNISHMENT- 1YR-5YR
- SEC4- PUNISHMENT FOR LIVING ON THE EARNINGS OF PROSTITUTION
PUNISHMENT-2YRS-10YRS

- SEC5-PROCURING, INDUCING OR TAKING A PERSON FOR THE SAKE OF PROSTITUTION

PUNISHMENT-3YRS-14YRS

- SEC 6- DETAINING A PERSON IN PREMISES WHERE PROSTITUTION IS CARRIED

PUNISHMENT-7YRS-14YRS/FINE

SEC 7- PROSTITUTION IN THE VICINITY OF PUBLIC PLACE

PUNISHMENT-3 MONTHS- 7 YEARS

Activity 1.2

Case 1

14yr old Radha loved to make friends and always dreamt about having a boyfriend like all the heroines in the movies. When she saw Kishore watching her outside her school every day, she was very excited. She was thrilled that a young man was giving her so much of attention. So when Kishore proposed to her she was super happy.

Kishore told her that he was not interested in a time-pass relationship but wanted to marry her at the earliest. He was so in love with her that he could not wait anymore. Radha was happy listening to all this. So when Kishore started pressurising her to elope with him as her parents would not agree to this marriage, Radha was confused. She told Kishore that she would convince her parents. Kishore was adamant that if she informs her parents this would not work at all. Seeing no other way, Radha eloped with Kishore.

For two months, Kishore took her to different parts of country and kept her happy. One day he left her in a friend's house and never came back.

Case 2

Mallika was infamous in the village. Men used to come to her house every night to buy sex. Mallika had Raju who would get the customers. As Mallika started getting old the number of men reduced.

Mallika then started convincing women who had no family support such as abandoned women, widowed women or women who were in an abusive relationship to come to her house.

Mallika would also send these women for day or two to Hyderabad when she would connect with men in the cities

One day Raju's sister's daughter was visiting the village. Raju had told Mallika that the girl was going through a divorce. Mallika sweet talked the girl into coming to her house and took care of the girl nicely.

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT (POCSO)

- SEC 3- PENETRATIVE SEXUAL ASSAULT
PUNISHMENT-7YRS-CAPITAL PUNISHMENT (BELOW 12YRS)
SEX WITH A CHILD(ANYBODY BELOW 18YRS) IS RAPE/
PENETRATIVE SEXUAL ASSAULT, CONSENT IMMATERIAL
- SEC 4- AGGRAVATED PENETRATIVE SEXUAL ASSAULT
(ANYBODY WHO IS A DUTY BEARER, CARE PROVIDER,
GUARDIAN OR ANYTHING THAT CAUSES DEEP INJURIES)
PUNISHMENT-10YRS-CAPITAL PUNISHMENT (BELOW 12YRS)

- SEC 7- SEXUAL ASSAULT- TOUCHING WITH SEXUAL INTENT
THE VAGINA, PENIS, ANUS OR BREAST OF THE CHILD OR
MAKING THE CHILD TOUCH THE VAGINA, PENIS, ANUS OR
BREAST OF SUCH PERSON OR ANY OTHER PERSON OR DOING
ANY OTHER ACT WITH SEXUAL INTENT WHICH INVOLVES
PHYSICAL CONTACT WITHOUT PENETRATION

PUNISHMENT-3-5YRS/FINE

- SEC 9 A MALE ADULT ABOVE EIGHTEEN YEARS OF AGE, WHO CONTRACTS A CHILD MARRIAGE

PUNISHMENT- 2 YEARS/FINE UP TO RS 1 LAKH

- SEC 10 WHOEVER PERFORMS, CONDUCTS, DIRECTS OR ABETS ANY CHILD MARRIAGE

PUNISHMENT-2 YEARS, FINE UPTO Rs.1 LAKH

- WHERE A CHILD CONTRACTS MARRIAGE, ANY PERSON HAVING CHARGE OF THE CHILD

PUNISHMENT-2YEARS/FINE UPTO 1 LAKH

- Sec 19-NON REPORTING, ANY PERSON WHO HAS APPREHENSION THAT AN OFFENCE UNDER THIS ACT IS LIKELY TO BE COMMITTED OR HAS KNOWLEDGE THAT SUCH AN OFFENSE HAS BEEN COMMITTED, HE SHALL PROVIDE SUCH INFORMATION

PUNISHMENT- 6 MONTHS-1 YEAR/FINE

Activity 2.2

Case Discussion

Case Situation 1

4 years old Ravi was playing outside while his mother was cooking in the kitchen. All the other family members had gone out for agriculture work. Rangappa, a neighbour came casually and told Ravi to come to his house and promised him chocolates. Ravi happily went to Rangappa's house.

Rangappa closed the door and gave Ravi a chocolate and thereafter made the child sit next to him on the sofa set. Ravi was happily eating the chocolate when Rangappa told Ravi to touch his private parts promising him more chocolates. Ravi did as he was told.

Case Situation 2

Namrata was 12 years old when she gained puberty. As soon as her 'coming of age' ceremony was over, neighbours and relatives started noticing Namrata more. Everyday her parents were informed of good prospective grooms. Due to repeated floods and droughts, the family was going through a bad economic phase. The father was extremely worried about the future of his family. A neighbour who was a marriage broker brought a proposal where the boy's family had no major demands and were willing to marry Namrata in a small ceremony as the groom was a 30 years old widower and wanted a quick wedding. Parents felt it is in the best interest of Namrata that she should be married immediately.

Case Situation 3

Sheela is an active Anganwadi worker. She is active in all community activities. While attending a family function she overheard her sister-in-law talking about how she had fixed the marriage of her 13 year old daughter to her young brother. Sheela came back home feeling disturbed. She spoke to her husband about what she had heard. Her husband warned her not to speak out as they would face family backlash.

SUPPLEMENTARY READING

LEGAL FRAMEWORK ON HUMAN TRAFFICKING

Human trafficking is an organised crime, and by its very nature goes beyond jurisdictions which are formulated in IPC and Criminal Procedure Code (CrPC). It needs investigation into money laundering and other financial crimes along with crimes against the human body to catch hold of entire networks in which human traffickers' function. It requires a specialized legal framework that enables the law enforcement to investigate and prosecute effectively, and improve the conviction rate, which is abysmally low at present.

All the laws that are applicable to different forms of trafficking are mentioned hereunder. The legal provisions highlighted here pertain to offences committed under these respective Acts.

INDIAN PENAL CODE (IPC), 1860

The IPC is the principal penal code of India, and contains several offences, which directly and indirectly have a bearing on crimes of trafficking. The IPC was amended in 2013, adding the definition of Trafficking in Persons. Several other provisions can be utilized for different acts pertaining to trafficking, at various stages of the crime. The following offences and punishments provided in the IPC can be used to charge trafficking crimes:

Sec. 366-A - Procuration of minor girl under 18 years:

- Whoever, by any means whatsoever,
- induces any minor girl under the age of eighteen years to ...
- forced or seduced to illicit intercourse with another person.
- Minimum imprisonment - Maximum – 10 years / Fine.

Sec. 366-B - Importation of girl under 21 years from foreign country or from Jammu and Kashmir:

- Whoever imports into India from any country outside India or from the State of Jammu and Kashmir
- any girl under the age of twenty-one years with intent that
- forced or seduced to illicit intercourse with another person
- Minimum imprisonment - Maximum – 10 years / Fine.

Sec. 367 - Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.:

- Whoever kidnaps or abducts any person
- which subjects person to grievous hurt, or slavery, or to the unnatural lust of any
- Minimum imprisonment - Maximum – 10 years / Fine.

Sec. 370(1) – Trafficking of person:

- Whoever recruits, transports, harbours, transfers, or receives, a person or persons
- Using threats or; using force, or any other form of coercion, or; by abduction, or; by practising fraud, or deception, or; by abuse of power, or; by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received – for
- prostitution or other forms of sexual exploitation forced labour or services, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Sec. 370(2) – Punishment for trafficking of person –

- Minimum imprisonment - 7 years / Maximum – 10 years / Fine

Sec. 370(3) – Punishment for trafficking of more than one person –

- Minimum imprisonment - 10 years / Maximum – Life imprisonment / Fine

Sec. 370(4) – Punishment for trafficking of minor -

- Minimum imprisonment - 10 years / Maximum – Life imprisonment / Fine

Sec. 370(5) – Punishment for trafficking of more than one minor –

- Minimum imprisonment - 14 years / Maximum – Life imprisonment / Fine

Sec. 370(6) – Punishment for repeat trafficker of minors -

- Minimum imprisonment - Life imprisonment (for remainder of person's natural life)/ Fine

Sec. 370(7) – Punishment for public servant or police officer involved in trafficking of any person -

- Minimum imprisonment - Life imprisonment (for remainder of person's natural life)/ Fine

Sec. 370A (1) - Employing of a trafficked person:

- Whoever, engages a trafficked minor for sexual exploitation in any manner
- Minimum imprisonment - 5 years / Maximum – 7 years / Fine

Sec. 370A (2) - Employing of a trafficked person:

- Whoever, employs a trafficked adult person for labour
- Minimum imprisonment - 3 years / Maximum – 5 years / Fine

Sec. 371- Habitual dealing in slaves:

- Whoever habitually imports, exports, removes, buys, sells traffics or deals in slaves
- Maximum – Life imprisonment or imprisonment up to 10 years / Fine

Sec. 372 - Selling minor girl for purposes of prostitution:

- Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years
- to be employed or used for the purpose of prostitution or illicit intercourse
- Maximum – 10 years / Fine

Sec. 373 - Buying minor girl for purposes of prostitution:

- Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years
- to be employed or used for the purpose of prostitution or illicit intercourse
- Maximum – 10 years / Fine

Sec. 374 - Unlawful compulsory labour:

- Whoever unlawfully compels any person to labour against the will of that person,
- Maximum – 1 year / Fine

Sec. 375 – Rape:

- Penetration of penis, into the vagina, mouth, urethra or anus of another person
- Insertion of any object or a part of the body, not being penis, into the vagina, mouth, urethra or anus
- Manipulates any part of the body to cause penetration
- Applies his mouth to the penis, vagina, anus, urethra of another person
- Touches the vagina, penis, anus or breast of the person
- Against the other person's will
- Without the other person's consent
- With the other person's consent when such consent has been obtained by putting such other person or any person in whom such other person is interested, in fear of death or of hurt
- When the person assaulted is a female, with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes to be lawfully married
- With the consent of the other person when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by that person personally or through another of any stupefying or unwholesome substance, the other person is unable to understand the nature and consequences of that action to which such other person gives consent.
- With or without the other person's consent, when such other person is under eighteen years of age.
- When the person is unable to communicate consent.

Sec. 376 (1) – Punishment for rape –

- Minimum imprisonment - 7 years / Maximum – Life imprisonment / Fine

Sec. 376 (1) – Punishment for rape by government official, etc. –

- Minimum imprisonment - 10 years / Maximum – Life imprisonment / Fine

Sec. 376A - Punishment for causing death or resulting in persistent vegetative state of the victim:

- Whoever, commits an offence punishable under Sec. 376 and inflicts an injury which causes the death of the person or causes the person to be in a persistent vegetative state
- Minimum imprisonment - 20 years / Maximum – Life imprisonment / Fine

Sec. 376C - Sexual intercourse by a person in authority:

- A person in position of authority or in a fiduciary relationship, public servant, superintendent or manager of a jail, remand home or other place of custody or a women's or children's institution, staff of hospital
- Abuses such position of authority and has sexual intercourse not amounting to sexual assault
- Minimum imprisonment - 5 years / Maximum – 10 years / Fine

In addition, offences in trafficking cases would include – kidnapping (Sec. 359, 360, 361); abduction (Sec. 362); Kidnapping, abducting or inducing woman to compel her marriage (Sec. 366); cheating (Sec. 415); Cheating by personation (Sec. 416); hurt (Sec. 319); grievous hurt (Sec. 320); and others.

IMMORAL TRAFFIC (PREVENTION) ACT (ITPA), 1956

The Immoral Traffic (Prevention) Act, 1956 is a law for the prevention of immoral traffic, to combat trafficking and sexual exploitation for commercial purposes. The Act was known as the Suppression of Immoral Traffic in Women and Girls (SITA) Act in 1956, and was further amended in 1986, when it was called the ITPA. The ITPA only deals with trafficking in relation to prostitution and not in relation to other purposes of trafficking, such as domestic work, labour, marriage, organ trade, etc.

Offences and punishments under the Act are listed as hereunder:

Sec. 2 (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;

Sec. 2 (aa) - “child” means a person who has not completed the age of sixteen years;

Sec. 2 (ca) - “major” means a person who has completed the age of eighteen years;

Sec. 2 (cb) - “minor” means a person who has completed the age of sixteen years but has not completed the age of eighteen years;

Sec. 2 (f) - “prostitution” means the sexual exploitation or abuse of persons for commercial purposes, and the expression “prostitute” shall be construed accordingly;

Sec. 3 - Punishment for keeping a brothel or allowing premises to be used as a brothel:

- Any person who keeps or manages, or acts or assists in the keeping or management of, a brothel,
- Punishable on 1st conviction - Minimum imprisonment - 1 year / Maximum – 3 years / Fine
- Punishable on 2nd conviction - Minimum imprisonment - 2 years / Maximum – 5 years / Fine

Sec. 3 (2) - Any person who is -

- tenant, lessee, occupier or person in charge of any premises, uses, or knowingly allows any other person to use, such premises or any part thereof as a brothel
- owner, lessor or landlord of any premises or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof is intended to be used as a brothel, or is will-fully a party to the use of such premises or any part thereof as a brothel
- Punishable on 1st conviction - Maximum – 2 years / Fine
- Punishable on 2nd conviction - Maximum – 5 years / Fine

Sec. 4 - Punishment for living on the earnings of prostitution:

- Any person over the age of eighteen years (living with, or is habitually in the company of, a prostitute; or exercises control, direction or influence aiding abetting or compelling her prostitution; or acting as a tout or pimp)
- who knowingly lives, on the earnings of the prostitution of any other person
- Maximum – 2 years / Fine - (earnings of adult)
- Minimum imprisonment – 7 years / Maximum – 10 years / Fine (earnings of child or a minor).

Sec. 5 - Procuring, inducing or taking person for the sake of prostitution:

- Any person who procures or attempts to procure a person whether with or without his/her consent, for the purpose of prostitution; or

- Induces a person to go from any place, with the intent that he/she may for the purpose of prostitution become the inmate of, or frequent, a brothel; or
- Takes or attempts to take a person or causes a person to be taken, from one place to another with a view to his/her carrying on, or being brought up to carry on prostitution; or
- Causes or induces a person to carry on prostitution
- Minimum imprisonment – 3 years / Maximum – 7 years / Fine
- Minimum imprisonment – 3 years / Maximum – 14 years / Fine (against will of the person)
- Minimum imprisonment – 7 years / Maximum – Life imprisonment (against a child)
- Minimum imprisonment – 7 years / Maximum – 14 years (against a minor)

Sec. 5 (3) - An offence under this section shall be triable:

- in the place from which a person is procured, induced to go, taken or caused to be taken or from which an attempt to procure or taken such persons made; or
- in the place to which she may have gone as a result of the inducement or to which he/she is taken or caused to be taken or an attempt to take him/her is made.

Sec. 6 (1) - Detaining a person in premises where prostitution is carried on:

- Any person who detains any other person, whether with or without his consent –
 - in any brothel, or
 - in or upon any premises with intent that such person may have sexual intercourse with a person who is not the spouse of such person,
- Minimum imprisonment – 7 years / Maximum – Life imprisonment / Fine

Sec. 6 (2) - Where any person is found with a child in a brothel -

- it shall be presumed, unless the contrary is proved, that he has committed an offence under sub-section (1).

Sec. 6 (2-A) - Where a child or minor found in a brothel –

- is, on medical examination, detected to have been sexually abused,
- it shall be presumed unless the contrary is proved,
- that the child or minor has been detained for purposes of prostitution or,
- has been sexually exploited for commercial purposes.

Sec. 6 (3) - A person shall be presumed to detain a person in a brothel - if such person, with intent to compel or induce her to remain there -

- withdraws from her any jewellery, wearing apparel, money or other property belonging to her, or
- threatens her with legal proceedings if she takes away with her any jewellery, wearing apparel, money or other property

Sec. 7 - Prostitution in or in the vicinity of public place:

- Any person who carries on prostitution and the person with whom such prostitution is carried on, in any premises
- Which are within a distance of two hundred meters of any place of public religious worship, educational institution, hotel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or Magistrate in the manner

prescribed

- Minimum imprisonment – 3 months
- Where an offence is committed on child or minor, the person committing the offence shall be punishable with –
- Minimum imprisonment – 7 years / Maximum – Life imprisonment/ Fine.

Sec. 7 (2) - Any person who is:

- Keeper of any public place knowingly permits prostitutes for purposes of their trade to resort to or remain in such place; or
- Tenant, lessee, occupier or person in charge of any premises knowingly permits the same or any part thereof to be used for prostitution; or
- Owner, lessor or landlord, or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof may be used for prostitution, or is willfully a party to such use.
- Punishable on 1st conviction - Maximum – 3 months / Fine
- Punishable on 2nd conviction - Maximum – 6 months / Fine
- Suspension of licence of hotel for three months, but extend to one year
- If offence against child or minor in a hotel - licence liable to be cancelled.

Sec. 8 - Seducing or soliciting for purpose of prostitution

Note – It is generally noticed that Sections 8 and 20 of ITPA, which focus on the victims, are more often invoked as a result of which the victim is re-victimized, and the exploiters are not punished. It is therefore advised, that rather than Sections 8 and 20, Sections 3, 6 and 7 should be invoked as these pertain to pimps, brothel owners and clients who are the actual perpetrators of the crimes.

Sec. 9 - Seduction of a person in custody:

- Any person who having the custody, charge or care of or in a position of authority over any person causes or aids or abets the seduction for prostitution
- Minimum imprisonment – 7 years / Maximum – 10 years or Life imprisonment/ Fine.

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT (POCSO), 2012

The POCSO Act, 2012 is a special legislation to protect children from offences of sexual assault, sexual harassment and pornography, and provides for establishment of Special Courts for trial of such offences. It recognizes penetrative, touch and non-touch based sexual offences. It provides for establishment of Special Courts, for the purpose of speedy trials. The Act also provides that as far as possible, the Special Court shall complete the trial, within a period of one year from the date of taking cognizance of the offence. The Act provides for the following offences and punishments:

Sec. 2 (d) - “child” - any person below the age of eighteen years.

Sec. 3 - Penetrative sexual assault:

- Insertion, penetration, manipulation with the penis, any body part, or any object into the vagina, mouth, urethra or anus of a child;
- Makes the child do the above to oneself or any other person;
- Manipulates any part of the body of the child;
- Applies his mouth to the penis, vagina, anus, urethra of the child.

Sec. 4 - Punishment for penetrative sexual assault:

- Minimum imprisonment - 7 years / Maximum - life imprisonment / Fine

Sec. 5 - Aggravated Penetrative Sexual Assault:

- Police officer commits penetrative sexual assault on a child –
 - within the limits of the police station
 - in the course of his duties or otherwise
 - where he is known as, or identified as, a police officer
- Member of the armed forces or security forces commits penetrative sexual assault on a child –
 - within the limits of the area to which the person is deployed
 - in any area under the command of the forces or armed forces
 - in the course of his duties or otherwise
 - where the said person is known or identified as a member of the security or armed forces
- Public servant commits penetrative sexual assault on a child
- Any person on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection commits penetrative sexual assault on a child in that home
- Any person on the management or staff of a hospital commits penetrative sexual assault on a child in that hospital
- Any person on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution
- Whoever commits gang penetrative sexual assault (when a child is subjected to sexual assault by one or more persons of a group)
- Whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance
- Whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child
- Whoever commits penetrative sexual assault on a child, which,
 - physically incapacitates the child or
 - causes the child to become mentally ill or
 - causes impairment of any kind so as render the child unable to perform regular tasks, temporarily or permanently
 - in the case of female child, makes the child pregnant as a consequence of sexual assault
 - inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection
- Whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child
- Whoever commits penetrative sexual assault on the child more than once or repeatedly

- Whoever commits penetrative sexual assault on a child below twelve years
- Whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child
- Whoever commits penetrative sexual assault on a child and attempts to murder the child; or
- Whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence
- Whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force
- Whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public.

Sec. 6 – Punishment for aggravated penetrative sexual assault –

- Minimum imprisonment -10 years / Maximum - life imprisonment / Fine

Sec. 7 - Sexual Assault:

- Touching with sexual intent the vagina, penis, anus or breast of the child or making the child touch the vagina, penis, anus or breast of such person or any other person, or doing any other act with sexual intent which involves physical contact without penetration

Sec. 8 - Punishment for sexual assault –

- Minimum imprisonment -3 years / Maximum - 5 years / Fine

Sec. 9 - Aggravated Sexual Assault:

- ‘Persons in authority’ (similar to Sec. 5) and/or if additional harm and injury is committed.

Sec. 10 - Punishment for aggravated sexual assault -

- Minimum imprisonment -5 years / Maximum - 7 years / Fine

Sec. 11 - Sexual Harassment:

- Word, sound, gesture, exhibiting any body part, showing pornography with sexual intent
- Making a child exhibit any body part, stalking the child, threatening the use of pornographic media
- Showing any object to a child in any form or media for pornographic purposes
- Repeatedly or constantly following or watching or contacting a child either directly or through electronic, digital or any other means.

Sec. 12 – Punishment for sexual harassment –

- Maximum - 3 years / Fine

Sec. 13 - Use of a child for pornographic purposes:

- Using a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form), for the purposes of sexual gratification, including -

- representation of the sexual organs of a child;
- usage of a child engaged in real or simulated sexual acts (with or without penetration);
- the indecent or obscene representation of a child.

Sec. 14 (1) – Punishment for use of a child for pornographic purposes –

- 1st conviction - Maximum - 5 years / Fine
- 2nd conviction - Maximum - 7 years / Fine

Sec. 14 (2) – Punishment for use of a child for pornography and committing penetrative sexual assault –

- Minimum imprisonment - 10 years / Maximum – Life imprisonment / Fine

Sec. 14 (3) – Punishment for use of a child for pornography and committing aggravated penetrative sexual assault –

- Maximum – Life imprisonment / Fine

Sec. 14 (4) – Punishment for use of a child for pornography and committing sexual assault -

- Minimum imprisonment - 6 years / Maximum – 8 years / Fine

Sec. 14 (5) – Punishment for use a child for pornography and committing aggravated sexual assault –

- Minimum imprisonment - 8 years / Maximum – 10 years / Fine

Sec. 15 - Punishment for storage of pornographic material involving a child for commercial purposes

- Maximum – 3 years / Fine

Sec. 16 and 17 - Abetment of offence -

- Punishment same as the offence

Sec. 18 - Attempt to commit an offence -

- Punishment same as the offence, for a term, which may extend to one-half of the imprisonment for life or, one-half of the longest term of imprisonment provided for that offence.

Sec. 19 - Mandatory Reporting:

- Any person who has knowledge of sexual offence committed or likely to be committed on a child;
- Provide such information to - the Special Juvenile Police Unit (SJPU); or the local police;
- The SJPU or local police shall, within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or Court of Session, including need of the child for care and protection and steps taken in this regard.

Sec. 20 - Obligation of media, studio and photographic facilities to report cases:

- Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities,
- Upon coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children)
- Provide such information to the SJPU or to the local police, as the case may be.

Sec. 21 (1) – Punishment for failure to report the commission of a sexual offence –

- Maximum – 6 months / Fine

Sec. 21 (2) – Punishment for failure of a person-in-charge of any company or an institution who fail to report the commission of an offence by a subordinate under his control –

- Maximum – 1 year / Fine

Sec. 23 - Procedure for media:

- No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy
- No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars, which may lead to disclosure of identity of the child.

Sec. 23 (1)(4)- Punishment for making of report or comments on any child from any form of media without complete and authentic information which may have the effect of lowering reputation or infringing the privacy of the child -

- Minimum imprisonment – 6 months / Maximum – 1 year / Fine

Sec. 23 (2)(4) – Punishment for disclosure of identity of a child without permission of the Special Court –

- Minimum imprisonment – 6 months / Maximum – 1 year / Fine

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

This Act restrains the solemnization of child marriages. A child under this Act is defined as a male below twenty-one and a woman below eighteen years of age. A minor is defined as a person of either sex who is under eighteen years of age. If either the bride or groom is a child, it would amount to a child marriage. The Act provides for punishment for a variety of crimes associated with child marriages. It also has a direct provision dealing with trafficking holding such marriages null and void.

The District Magistrate shall be deemed to be the Child Marriage Prohibition Officer for the purposes of preventing the solemnization of child marriages. All offences under this Act are cognizable and non bailable. No woman under this Act can be punished with imprisonment. The State Government notifies the Child Marriage Prohibition Officers, and they have the duty to prevent child marriages as well as collection of evidence for prosecution.

BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

This law was passed to provide for the abolition of bonded labour system with a view to prevent the economic and physical exploitation of the weaker sections of the people and for matters connected. The bonded labour system refers to an exploitative labour system where persons take loans from employers in return for working off the loan over a period of time. A person who has to work in order to pay off this loan is called a bonded labourer. This may be a child or relative of the person who has taken the loan, or even the person himself. Wages are not paid and adjustments are supposed to be made with the amount due.

The Act in Sections 13 and 14 requires that a Vigilance Committee be appointed by the State Government in order to perform functions that are laid down under this Act. The Committee plays an

active role in reporting and rehabilitating the victims of bonded labour. Every offence under this Act shall be cognizable and bailable.

CHILD AND ADOLESCENT LABOUR (PROHIBITION AND REGULATION) ACT, 1986

The Child Labour Act prohibits certain forms of child labour and makes them punishable. Other areas are regulated so that working children receive some protection. Since there are a significant number of children who are trafficked into forced labour, this law is important in dealing with the crime of child trafficking. The Act defines who a child is and specifies a list of employments under which child labour is prohibited. The Act also provides for penalties to offenders under the Act. Any person, police officer, or (Labour) Inspector may file a complaint of the commission of an offence under this Act in a court not lower than Metropolitan Magistrate or a Magistrate of the First Class. The trafficked children are to be treated as victims and not as offenders and should be treated as 'children in need of care and protection' under the Juvenile Justice Act, 2015. This law was amended in 2016, which created a new category of 'adolescents' in the Act.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) is the primary legal framework for juvenile justice in India. This law, brought in compliance of the 1989 UN Convention on the Rights of the Child, repealed the earlier Juvenile Justice laws of 1986 and 2000. This Act consolidates and amends the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established.

The new law allows minors in the age group of 16-18 years to be tried in the Children's Courts for certain offences with certain procedural safeguards. There are detailed provisions in the law with respect to children in need of care and protection (which include - trafficked children, child labour, sexually abused child, and child at risk of marriage). Numerous authorities are set up under this law to implement its provisions – Child Protection Society at the State level; and within each district – a District Child Protection Unit, Child Welfare Committee, Child Welfare Officer, Child Welfare Police Officer, and Special Juvenile Police Unit.

LEGAL ORDERS

The Supreme Court and the High Courts have laid down a number of principles which have had a positive impact on the approach of judiciary to cases of trafficking. Broadly speaking, these decisions deal with the following aspects:

- **Victim's rights:** Many judicial decisions in India are focused on the protection of victims of trafficking. In *Prajwala v Union of India* case, the implementation of victim's protocol was demanded. There have been cases where compensation was ordered to be paid by the perpetrator of crime to victims of the crime, as in *Bidhisattwa Gautam v Shubhra Chakraborty* case, where a person had promised marriage to a woman and even went through the wedding ceremony which turned out to be fake. This has been applied to foreign nationals as well. In cases of trafficking also, this principle has been applied, as seen in *PUCL v Union of India* case, where compensation was ordered to be paid for trafficking children and using them as bonded labour.

- **Directions to State functionaries to tackle the problem of trafficking: *Vishal Jeet v Union of India and Others*** was a landmark decision where the Supreme Court took upon itself to give directions for the protection and rehabilitation of those who have been dedicated as *Devdasis* by their families and communities for cultural reasons and were currently engaged in prostitution. In *Gaurav Jain v Union of India*, the court affirmed that the state has a duty to rescue, rehabilitate and enable women to lead a life of dignity.
- **Special Protection to Children:** There are two categories of children that courts have looked at, namely, children who have been trafficked, and children who are in need of care and protection (those vulnerable to being trafficked). *Prerana v State of Maharashtra* case clearly held that children who have been trafficked should also be considered as children in need of care and protection, and not as children in conflict with law.
- **Strengthening structure and function of NCPNR and SCPCR:** Supreme Court in January, 2015 gave a slew of directions to handle the issue of missing children in the country by asking the government to fill up vacant positions in the National Commission for the Protection of Child Rights urgently. It directed the nodal officer to ensure the formation of advisory committees in all states. The court also assigned the Faculty of Management Studies of Delhi University to examine the web portal of 'TrackTheMissingChild' and recommend improvements to it.
- **Strengthening implementation of child rights legislation:** On 3rd January, 2013, the Supreme Court directed all the States and Union Territories to implement protective provisions contained in the Protection of Rights of Children from Sexual Offences Act, 2012, the Rights of Children to Free and Compulsory Education Act, 2009 and the Commission for Protection of Child Rights Act, 2005. But many States and Union Territories have not complied with the same.
- **Mandatory filing of FIR in cases of missing children:** In 2012, Bachpan Bachao Andolan filed a PIL in Supreme Court stating that over one lakh children went missing in the country every year. The Supreme Court, vide order dated 17.01.2013, made it mandatory for police to register FIR whenever a case of missing child was reported to the police with the assumption that they were victims of kidnapping and trafficking. Directions were also given for preparation of SOP to deal with cases of missing children, appointment and training of Special Child Welfare Officers in every police station and maintenance of records of recovered children along with their photographs.
- **Mandatory registration of placement agencies:** The Delhi Private Placement Agencies (Regulation) Order, 2014 targets regulation of private placement agencies, providing domestic workers in the National Capital Territory of Delhi, to prevent exploitation of domestic workers employed through private placement agencies in Delhi. The order lays down their conditions of work and the mode of placement. It also specifies that payment of domestic workers will be through a bank account. It lays down mandatory registration of placement agencies and imposes a fine of Rs. 50,000 if these agencies don't get themselves registered.
- **Prohibition of children working in circus:** Bachpan Bachao Andolan (BBA) had filed a petition in 2006, in Supreme Court, highlighting serious violation and abuse of children who are forcefully detained in circuses. BBA found that most of them were trafficked from poverty-stricken areas of Nepal as well as from backward districts of India. The Supreme Court, on this petition, directed the Central Government to issue suitable notifications prohibiting the employment of children in circuses and recommend suitable scheme for their rehabilitation.

MODULE 3

COMMUNITY VIGILANT GROUP TO END HUMAN TRAFFICKING

MODULE 3

ROLE OF COMMUNITY VIGILANT GROUP TO END HUMAN TRAFFICKING

Objectives	<ul style="list-style-type: none">• To foster understanding on the role of Community Vigilant Group in prevention of human trafficking.• To increase awareness on the role of community vigilant group in protection and social reintegration of victims of human trafficking.• To build the capacities of the community vigilant groups with skills to address human trafficking at the community level.
Content	<p>Session 1: Prevention of Human Trafficking</p> <p>Session 2: Prosecution in Trafficking Cases</p> <p>Session 3: Protection of Trafficked Victims</p>
Expected Outcome	<p>The participants would:</p> <ul style="list-style-type: none">• Gather clearer understanding on their role to prevent human trafficking at the community level.• Gain skills to report and deal with cases of human trafficking.• Be able to understand their role in building a community which can provide a safety net to the reintegrated survivors. <p>The Trainer would:</p> <ul style="list-style-type: none">• Be able to provide the participants the applications of all knowledge and skills gained in Module 1 and Module 2 at the community level.

SESSION 1

PREVENTION OF HUMAN TRAFFICKING

Activity 1.1

Prevention

Objective of the Session	With the help of role-plays understanding the ways to prevent human trafficking in the community
Estimated Time	1.30 Hour
Methodology	Role-Play
Material Required	Black/White Board, Bowl
Expected Outcome	Clearer understanding on the role community vigilant groups can play in preventing human trafficking

Process

Step 1: Divide the participants in five smaller groups of 5-8

Step 2: Give each group one theme to prepare a role play

- Group 1- You are meeting 25 adolescent girls in a community. How will you tell them about the dangers of human trafficking?
- Group 2- You are meeting 25 young boys. How will you tell them about the dangers of human trafficking?
- Group 3- You are meeting 25 women from self-help groups. What will you tell them about the dangers of human trafficking?
- Group 4- You are meeting 25 elders in the community. How will you tell them about the dangers of human trafficking?
- Group 5- You are meeting 10 members from the Panchayat. What will you tell them about the dangers of human trafficking?

Step 3: Give the group 20 minutes to prepare

Step 4: Ask them to re-join and present their role plays to the larger group

Step 5: Summarize the major points from each play

Step 6: Give a brief presentation on any points that were not covered specially focusing on setting up community vigilant groups.

Facilitator Notes:	<ul style="list-style-type: none">● Ensure that the you brief the participants on the following lines:<ul style="list-style-type: none">○ Each target group has their own needs, their own perception about the problem and they come from different educational status○ Anything conveyed should be age appropriate, gender appropriate and should connect to the acts of that particular group
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- Any information given should cover the dangers, consequences and what should be done in case of such happening
- When one group is presenting, all other participants should become target group. For example, when Group 1 is presenting the audience participants will be adolescent girls in a high school
- The role play should not be more than 5 minutes
- While summarizing ensure that all the points that were not covered by the participants are covered and special mention is made of the role of **community vigilant groups**. Refer Resource Guide **Activity 1.1**.

SESSION 2

PROTECTION IN CASES OF HUMAN TRAFFICKING

Activity 2.1

Reporting

Objective of the Session	To understand the role of the community in reporting cases of human trafficking
Estimated Time	1 Hour
Methodology	Power Point Presentation
Material Required	LCD Projector
Expected Outcome	Clearer understanding on the role community vigilant groups can play in reporting cases of human trafficking

Process

Step 1: Explain to the participants that during the course of awareness generation or interactions with the community they may come across signs of human trafficking

Step 2: Make a power point presentation on how to report in cases of human trafficking

Step 3: Give participants time to clear their doubts

Activity 2.2

Support for Victim

Objective of the Session	To understand the role of the community in supporting a victim of human trafficking.
Estimated Time	1 Hour
Methodology	Role Play
Material Required	Black Board/White Board
Expected Outcome	Clearer understanding on the role community vigilant groups can play in supporting a victim while actually dealing with a case of human trafficking

- Divide the participants in five smaller groups of 5-8
- Give each group one theme to prepare a role play
 - Group 1- After your session on human trafficking, during interaction with an adolescent girl in the community you have come to know that her friend is planning to elope. What will you do?

- Group 2- When you are interacting with girls in the community after your session on human trafficking, a girl wants to speak to you personally. The girl shares about how she is being blackmailed by a boy with whom she was previously having an affair. What will you do?
- Group 3- When you are taking a session on human trafficking with the women in the self-help group you come to know that a woman is offering good job opportunities for village girls, but after they go, they do not return back for more than one year. What will you do?
- Group 4- While taking a session for boys in the community, some boys share that they have seen porn videos which is supplied by an older boy in the school/slum/village? What will you do?
- Group 5- A young boy who has attended your session on human trafficking, comes and meets you personally and informs you that there is a place where young girls are available as he knows some people who have gone there. What will you do?
- Ask them to re-join and present their role plays to the larger group
- Summarize the major points from each play

Facilitator Notes:

- Use the **Resource Guide Module 3, Activity 2.1** to make the presentation on how to report on human trafficking cases.
- For **Activity 2.2**, instruct the group to focus on the victim while preparing the role plays on how to support a victim while handling the case of suspected human trafficking. The effort should not end either in moral policing or in stigmatizing the victim.
- Ensure to read the supplementary reading material of all modules while preparing for this session.

SESSION 3

PROSECUTION IN CASES OF HUMAN TRAFFICKING

Activity 3.1

Legal Framework

Objective of the Session	To understand the role of the community in supporting a victim through the legal process
Estimated Time	30 minutes
Methodology	Power Point Presentation
Material Required	LCD Projector
Expected Outcome	Clearer understanding on the role community vigilant groups can play in assisting the victim in legal process

Process

Step 1: Explain to the participants that legal process has its own challenges but it is imperative that the community supports a victim in the legal process as prosecution is the only way to bring deterrence and also ensure justice for victim.

Step 2: Make a power point presentation on the steps in a legal process and role of the community at every step

Step 3: Give participants time to clear their doubts

Activity 3.2

Justice for Victims

Objective of the Session	To understand the role of the community in the fight for justice for a victim
Estimated Time	30 minutes
Methodology	Role Play
Material Required	Black Board/White Board, Post Training Response Sheet
Expected Outcome	Clearer understanding on the role community vigilant groups can play in supporting a victim in her fight for justice

- Divide the participants in five smaller groups of 5-8
- Give each group one theme to prepare a role play
 - Group 1- A victim of trafficking for sexual exploitation has filed a case in the local station, she has to get her statement recorded, medically examined and identify the traffickers.

- Group 2- A victim of cyber trafficking has to go to the court for trial while she is being threatened by the traffickers and the family is trying to get her married.
- Group 3- A victim has successfully completed her case, she is yet to receive compensation in her case.
- Ask them to re-join and present their role plays to the larger group
- Summarize the major points from each play.
- Summarize the two days' workshop and introduce the post training sheet. Request the participants to look at the pre-training expectation and reflect on whether their expectations were fulfilled.

Facilitator Notes:

- Use the **Resource Guide Module 3, Activity 3.1** to make the presentation on how to report on human trafficking cases.
- For **Activity 3.2**, instruct the group to focus on the challenges the victim might face in that phase and what the community vigilant group can do to support her.
- At the end of **Activity 3.2**, ensure to summarize the two days' workshop, request the participants to quickly check their pre workshop expectations and reflect whether it has been met and thereafter hand over the post training response sheet for completion.
- Ensure to read the supplementary reading material of all modules while preparing for this session.

RESOURCE GUIDE

Activity 1.1

Power Point Presentation on Role of Community Vigilant Group in Prevention

WHAT IS COMMUNITY VIGILANT GROUP?

- A GROUP OF VOLUNTEERS SELECTED FROM THE COMMUNITY (VILLAGE/SLUM/SCHOOL/COLLEGE/UNIONS, ANY GROUP OF PEOPLE) WHO ARE WILLING TO OFFER THEIR TIME AND SERVICES TO BECOME A PART OF VIGILANT GROUP WHICH WILL CONSTANTLY LOOK OUT FOR SIGNS OF TRAFFICKERS AND POTENTIAL VICTIMS AND CONNECT TO THE FIRST RESPONDERS

ROLE OF THE CVG

- LOOK OUT FOR SIGNS OF TRAFFICKERS
- IDENTIFY POTENTIAL VICTIMS AND STAY ALERT
- LOOK OUT FOR ANY INFORMATION OF EXPLOITATION
- REPORT TO THE FIRST RESPONDERS SUCH AS POLICE, SAKHI CENTER, CHILDLINE ETC.
- SUPPORT THE VICTIM AND HER FAMILY

WHO CAN BE A CVG MEMBER?

- ANY PERSON ABOVE 12YRS COULD BE A CVG MEMBER, AS CVG CAN BE EVEN FORMED IN THE SCHOOLS
- THE CVG ASPIRANT SHOULD BE SENSITIZED ABOUT THE PROBLEM AND SHOULD BE WILLING TO TAKE HIS/HER TIME FOR THE WELFARE OF THE COMMUNITY
- THE ASPIRANT SHOULD BE BOLD AND COURAGEOUS TO DEAL WITH ANY AFTERMATH OF REPORTING

ROLE OF CVG IN PREVENTION

- CREATE AWARENESS AMONG VULNERABLE SECTIONS IN THE COMMUNITY SUCH AS SCHOOL/COLLEGE STUDENT, SCHOOL DROP OUTS, SINGLE WOMEN, WIDOW/ABANDONED WOMEN, HEAVILY DEBTED FAMILIES ETC.
- LOOK OUT FOR SIGNS FOR ANY VESTED INTERESTS IN THE COMMUNITY WHO ARE NOT TRANSPARENT ABOUT THEIR OFFER OF HELP. HELP PEOPLE VERIFY ANY OFFER BY ANYBODY

ROLE OF CVG IN PREVENTION

- IN CLOSE COORDINATION WITH LOCAL POLICE ORGANIZE COMMUNITY LEVEL PROGRAMS ON HUMAN TRAFFICKING WHICH IS GRACED BY POLICE OFFICIALS
- MONITER CLOSELY SHOPS/PLACES OFFERING PHONE RECHARGE SERVICES
- FOLLOW UP ON SAFETY AND WELFARE OF ANY MEMBER OF THE COMMUNITY WHO HAS OPTED FOR A JOB/MARRIAGE OR ANY OTHER OPPORTUNITY OUTSIDE.

Activity 2.1

Power-point presentation on reporting on human trafficking cases

WHERE TO REPORT?

- HELPLINE NUMBERS
CHILDREN-1098
WOMEN-108, 100, 181
- POLICE STATION
- SAKHI CENTER
- BHAROSA CENTER
- WOMEN'S POLICE STATION

WHERE TO REPORT?

- IN CASES OF ONLINE ABUSE TO CYBER POLICE STATION/CYBER CELL
- ONLINE SEXUAL CRIME- www.cybercrime.gov.in
- ANTI HUMAN TRAFFICKING UNIT

HOW TO REPORT?

- MAKE SURE THAT THE COMPLAINANT IF ADULT HAS CONSENTED TO GIVING THE COMPLAINT
- IF IT IS A CHILD IT IS MANDATORY TO REPORT TO THE NEAREST POLICE STATION AND CONSENT IS IMMATERIAL
- ENSURE THE COMPLAINT HAS AS MANY DETAILS AS POSSIBLE DESCRIBING THE OFFENSE AND GIVING DETAILS OF THE OFFENDERS TO THE BEST OF INFORMATION

- ANY POLICE COMPLAINT REGARDING AN OFFENCE HAS MANDATORY POLICE PROCEDURES SUCH AS RECORDING 161 STATEMENT ETC. WHICH TAKES TIME, PREPARE THE VICTIM FOR THE SAME.
- THE POLICE PROCEDURES WILL ALSO INCLUDE MEDICAL EXAMINATION AND PRODUCING BEFORE MAGISTRATE IF IT IS A SEXUAL CRIME, PREPARE THE VICTIM FOR THE SAME.

- IN CASE IT IS INFORMATION REGARDING AN ALLEGED OFFENCE THEN INFORM THE INSPECTOR OF POLICE IN CONFIDENCE AND THEREAFTER STEP BACK, DO NOT GIVE ANYTHING IN WRITING
- CONNECT ANY FEMALE VICTIM WHO HAS THREAT PERCEPTION/FEAR FOR LIFE TO THE NEAREST SAKHI CENTER FOR TEMPORARY STAY AND SUPPORT
- CONNECT ANY CHILD VICTIM TO CHILDLINE (1098) AND ENSURE THE CHILD IS PRODUCED BEFORE THE CWC

Activity 2.2

Power point Presentation on Support for Victims

SUPPORT FOR VICTIMS

- PROVIDE INFORMATION ON HOW TO REPORT
- FACILITATE IN REPORTING THE CASE
- ENSURE CONFIDENTIALITY OF THE VICTIM
- ENSURE THAT THE MEDIA DOES NOT HARASS THE VICTIM
- PROVIDE A SAFETY NET FOR THE VICTIM FROM SUSPECTED TRAFFICKERS

SUPPORT FOR VICTIMS

- CONNECT THE VICTIM TO DEPARTMENT OF WOMEN & CHILD WELFARE THROUGH THE ANGANWADI WORKER TO RECEIVE ANY ENTITLEMENT FOR RELIEF
- PROVIDE MORAL SUPPORT FOR THE VICTIM AND HER FAMILY
- PROVIDE FINANCIAL SUPPORT THROUGH THE PANCHAYAT IF THE VICTIM AND HER FAMILY GO THROUGH ANY LOSS OF LIVELIHOOD

Activity 3.1

Legal Framework

HOW THE LEGAL PROCESS WORKS?

- WHEN A VICTIM FILES A COMPLAINT TO THE POLICE A FIRST INFORMATION REPORT(FIR) IS PREPARED AFTER VERIFYING WHETHER THE COMPLAINT HAS ANY SUBSTANCE
- A DETAILED STATEMENT OF THE VICTIM IS RECORDED WHICH IS KNOWN AS 161 STATEMENT TO GET ALL THE DETAILS OF THE OFFENCE COMMITTED
- VICTIM WILL BE SENT FOR MEDICAL EXAMINATION TO RECORD INJURIES OF THE CRIME OR THE PRESENCE OF ANY FORENSIC EVIDENCE
- VICTIM WILL BE PRODUCED BEFORE THE COURT AND IF THE VICTIM REQUIRES CARE AND PROTECTION, SHE WILL BE ADMITTED TO A SHELTER HOME

- IN CASE THE VICTIM IS A CHILD SHE WILL BE PRODUCED BEFORE THE CHILD WELFARE COMMITTEE AND NOT A COURT
- VICTIM'S STATEMENT WILL BE RECORDED BEFORE THE MAGISTRATE WHICH IS KNOWN AS 164 STATEMENT
- VICTIM MIGHT BE SUMMONED TO RECREATE THE SCENE OF CRIME
- VICTIM MIGHT BE SUMMONED TO IDENTIFY THE TRAFFICKERS
- DURING THE TRIAL THE VICTIM WILL BE EXPECTED TO TESTIFY AND WOULD-BE CROSS EXAMINED BY A DEFENSE LAWYER
- A CASE WILL TAKE A MINIMUM OF 1 YEAR TO A MAXIMUM OF 6 YRS

BENEFITS OF A LEGAL FIGHT

- THE VICTIM WILL GET JUSTICE
- THE TRAFFICKER WILL BE PUNISHED AND WILL PAY FOR THE DAMAGES HE/SHE HAS CAUSED TO THE VICTIM
- THERE WILL BE DETERRENCE FOR OTHER TRAFFICKERS WHO WILL LOSE CONFIDENCE TO CONTINUE THEIR CRIMINAL LIFE
- TRAFFICKING WILL BE PREVENTED
- VICTIM WILL NOT BE RE-TRAFFICKED
- VICTIM WILL BE ENTITLED TO A COURT AWARDED COMPENSATION

POST-TRAINING RESPONSE SHEET

1. What is human trafficking?
2. Who do you think are trafficked?
3. Can you use technology for human trafficking?
4. What are the laws related to human trafficking?
5. Can an Anganwadi Worker prevent trafficking?
6. Can an Anganwadi worker protect a victim?
7. Can a Anganwadi worker support in prosecution in a human trafficking case?
8. How do you rate your understanding on human trafficking (1-10)
9. What is the most important attitudinal change you see in yourself after the training?
10. List 3 activities you will undertake in the community.
11. Your ratings on the training (1-10)

SUPPLEMENTARY READING

Role of Community Vigilant Groups (CVGs) in Prevention, Rescue, Protection and Social Re-Integration

Proliferation of human trafficking is an area of deep concern for India. As seen through the previous modules, human trafficking is a gross violation of human rights and a highly organized crime. The need of the hour is to empower the most vulnerable communities with knowledge, resources and access to support services for education, care and protection. For this, a community vigilant group can play a central role within the existing community set-up.

The community vigilant group can be drawn from community volunteers such as youth leaders, women leaders, Panchayat members and frontline workers such as Anganwadi Workers, Asha Workers, Para-legal Workers etc.

The Community Vigilant Group is an integral part of the village/slum and have excellent understanding of the village/slum and its people. Being from the same village/slum, the CVG is well versed in the general affairs of the households. These include relationship issues, daily problems, sanitation, nutrition, social and peer pressure. This puts them in the best position to understand the latent reasons behind the physical, mental social and spiritual health and well-being of the people in that village/slum.

Work in the area of Human Trafficking and Commercial Sexual Exploitation (CSE) is largely carried out in three ways – prevention, protection and prosecution. While working outside the institutional setup, the community comprising the villagers, local self-government such as the village panchayats, schools and schoolteachers and village level workers such as Anganwadi or Asha Worker, can play a significant role in preventing trafficking and in the rescue & rehabilitation of victims.

CVG can act as an interface between the community and local law enforcement. They can serve as neutral agents between the community, local leaders and the government machinery.

Role of Community Vigilant Group in Prevention

Lack of awareness on human trafficking, high prevalence of child labour and child marriage, lack of value attached to the education of children and girls, lack of awareness on nature of the crime, laws and care and protection mechanisms is leading to increased vulnerabilities.

Given the presence of Community Vigilant Group in the village/slum it is essential to use this presence and services at the grassroots level to function as a central component of the community safety net. With the support of the village administration CVG can help evolve a community based and child centred approach for prevention of trafficking of women, girls and children through public education and capacity building at the grassroots level.

Awareness Generation: Create awareness through posters and flex banners about trafficking; banners displaying information on helplines such as Childline (1098), 100, 181, show audio-visuals such as PSAs etc.

CVGs through the Local Action Groups (constituting of PRI members, teachers, SHGs, village youths etc) and prepare action plans for organizing awareness building events. They can work with parents, schoolteachers, healthcare workers, panchayat members and village leaders to sensitise them on the issue and their role in the prevention, rescue and rehabilitation work.

Study village dynamics/vulnerabilities to identify potential victims.

Stress on Importance of Education: Families must also be informed that it is compulsory and mandatory for them to provide education to their children. Impress upon the community the need

to educate the girls to protect them from interacting with vested interests and thus save them from being deceived.

Enhanced Vigilance: CVGs can become highly active and vigilant about the movement of strangers or even known persons who offer opportunities for better options in the community. Watch out for suspicious activities that could lead to trafficking of children and young women. There are many agencies scouting for vulnerable children in the communities. They keep an eye on the most vulnerable families and lure their young with promises of jobs. Another common way of trafficking is fake marriages. Parents often do not report on missing children. Keep a close watch on the movement of girls and women from the community; visitors to the community and follow up on any such visitors who frequent a particular house – traffickers target innocent and poor families who can either be tricked into sending their daughters with them or may be tempted to sell their girls. If suspicious people are roaming in the vicinity, their details should be collected and shared in the community heads. Traffickers can enter in disguise as prospective bridegrooms, hence ensure all marriage proposals are thoroughly verified in collaboration with the local police. Be vigilant and inform the panchayat and police in case a family is involved in trafficking. Create a Neighbourhood Watch with the help of volunteers from the village to identify suspicious activities.

Reporting to Police: In instances where a person goes suspiciously missing, case must be immediately reported and registered with the police and call can also be made to helpline numbers. Where families are hesitant to go to police, CVGs must assist families to file FIR and share all information with the police.

Empowering communities with knowledge and resources to seek support: Community must be informed about Child Welfare Committee, Child Protection Officers in Police Stations, Help line numbers, free legal aid societies etc. The Action Groups must be linked to various service providers through meetings and workshops so that they can seek support when required. Resource directories with important telephone numbers can be prepared and distributed.

Provide detailed information on government schemes for education and skill empowerment for poor and deprived communities. Make information available of the various government schemes available for different vulnerable groups and facilitate in accessing these to remove vulnerabilities.

Play an active role to combat cultural aspects and religious forms of prostitution and in such instances immediately report the matter to the police.

Families in debt or suffering from severe economic strife sell their children/daughters as labour or for other activities. CVG can play an important role here to spread awareness amongst families and communities that sale of children or using child labour is a criminal offence.

Empowering Adolescent Girls: Adolescent girls should be trained on how to be vigilant against traffickers and also to come forward and register complaints if they suspect their family members or relatives of trafficking. Spread awareness amongst children and adolescent girls to not accept any food or drink from strangers as it may be drugged.

Create awareness on new forms of exploitation with rampant use of the online medium such as mobile, laptops and how to protect oneself from this. Conduct awareness meetings with adolescent girls every month- create awareness on difference between good & bad touch, explain about physical changes in girls and how to respond to boys in school and college, explain about the dangers of social media and how to not respond to strangers and not to share any personal information online.

Reducing Demand: The demand for sex is based on the economic laws of demand and supply. Girls are supplied according to the demand of a man and increase according to their desires. Demand means a boy or men pays money to fulfil his sexual desires through a girl or women. To meet this

demand for sex for men, innocent girls are trapped in either rural or urban areas through deceit or kidnapping and sold to brothel houses. The girl's innocence and poor economic background is used as a means to deceive, lure and force victims into flesh trade. Taking advantage of the situation, traffickers usually earn high profits, and the victims lose their physical and psychological identity. For an increase in demand, men and their sexual desires are the main reasons. If the demand is reduced then the supply will automatically reduce. Therefore, it is important to change the attitude of men & boys whereby women are not objectified as sex objects.

CVGs can play an important role here by creating awareness amongst adolescent boys on ill effects of prostitution and CSE, on girls and women. They can be further mobilised to identify traffickers targeting vulnerable families, thus becoming a part of the solution and not the problem.

Role of Community Vigilant Groups in Rescue

- On receiving information about trafficking, the CVG should immediately seek help from the police to find and rescue the victim – provide information on routes, suspects etc.
- In cases where the family itself is involved in trafficking, the CVG with the help of Community leaders, Panchayat Sarpanch and members, must pressurize the family to reveal the location of the girl, names and contact details of the traffickers, and other related information. CVG must also work with religious & political leaders, panchayat members and other such significant Individuals so as to obtain such information.
- When CVG gets information about trafficking of a girl, they must to assist the girl's family to lodge an FIR in police station with all relevant information. The CVG should visit the school/ college where the girl was studying and retrieve relevant information.
- Create a proper convergence of various benefit schemes for women and girl children to empower high-risk groups in coordination with Anganwadi Worker. CVG must coordinate with schools, Sarva Shiksha Abhiyan functionaries, health workers, etc. to keep a close watch on children who are covered by the various schemes and who have stopped accessing the schemes and recommend to the AHTU/ Organised Crime Investigating Agency to investigate cases of missing children and adolescents without delay.
- Often it is necessary that someone from the community accompanies the rescue team – CVG can help to identify the girl and give her moral support during the traumatic experiences of rescue and post rescue.
- Help the victim to gather all her belongings before she is removed from the rescue site and shifted to the short-stay home.
- Be vigilant in demand areas to ensure that no person is trafficked and second-generation prostitution is prevented.

Role of CVG in Protection and Social-Reintegration

Role of the CVG extends beyond rescue to support in the social reintegration of the victim with the family and community.

- CVG along with community elders and Panchayat should support and encourage the girl and her family to cooperate in the prosecution against the accused persons and convince and support the girl to give evidence against the traffickers.

- The unity of the community is a source of immense strength. Once the girl is rescued and removed from the exploitative situation, the CVG has to motivate the community to ensure she is not further victimized.
- Post rescue, the victim needs sufficient time to overcome the emotional and physical trauma and the CVG should provide emotional support to the victim and her family overcome this and make the victim feel secure
- The CVG should make sure that they are around during the initial hearings of the case in the court and support the girl till she is brought back in the family.
- Support and influence community members to accept the victim and aid in her recovery process.
- As part of social reintegration, girls can also be encouraged to join schools or other formal or non-formal educational/skill development programmes.
- Provide economic and vocational assistance to the victim to help her develop skills and gain economic independence.
- Girls can be invited to become a part of SHGs so that she not only feels supported but also gets access to economic avenues as available.
- Help plan the recovery process and rehabilitation of the victim, if it is not advisable and possible to reintegrate the victim back with the family.
- Help by providing an alternative residence or support to the victim if the family cannot come to terms with the situation immediately after the rescue.
- Ensure that the community members do not further victimize the victim or her family and be sensitive to the fact that she is a victim of exploitation. Protect her from any form of stigma.
- If there are many such victims, facilitate creation of a survivors' network/forum so they may vent their emotions and educate and warn other girls about the modus operandi of traffickers and act as vigilant groups to prevent further trafficking.
- Help the family to overcome their trauma and accept the victim back through counselling.
- Safety and security of victim should be utmost priority and everything possible must be done to keep her away from exposure to traffickers or their contacts. CVG can play an important role as part of the community safety net.
- Post rescue, victim must get a complete health check-up and be counselled accordingly.



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