
Prognosis of Human Rights and Child Trafficking in Bihar:

A Sociometric Analysis

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ABSTRACT:

Human trafficking, or trafficking in persons, is a form of modern-day slavery and millions of people around the world, including children are victims of this crime (DeStefano, 2007). Violations of human rights are both a cause and a consequence of human trafficking (Robinson, 2002). Every country in the world is affected by human trafficking, whether as a country of origin, transit, or destination, and commonly, as all three. Human trafficking is not just a problem in other countries; cases of human trafficking have also been reported in India, which shares a large border with Nepal and Bangladesh. Under the garb of migration, the traffickers have become active and a large number of young girls are being trafficked from both Bangladesh and Nepal to various places in India, especially to Kolkata, Mumbai and Delhi.

Despite increased attention and response to the topic of human trafficking, the empirical state of the literature has seen only marginal developments over time, leaving the magnitude of the problem unknown. The literature on trafficking reflects the dilemma of writing on a subject that is not easy to research and document and yet is too grave an issue to ignore. Considering the hidden and criminal nature of the problem, the data presented by most reports is valuable in face of this scarcity. While the adopted definitions, perspectives and approaches to the problem of trafficking may vary the concern with finding effective solutions is common to these studies.

This study seeks to advance the research and knowledge of child trafficking from the perspective of child welfare professionals. Data concerning human trafficking, especially child trafficking, is severely lacking. This research utilizes the case study approach and the primary methods will be qualitative. The broad objectives of this study are: to analyse the roles and functions of the stakeholders, formal and voluntary agencies that were involved in containing and combating this phenomenon.

The study finds that Bihar is the main transit state in India through which trafficked women and children pass. The main entry points are Raxaoul, Bairganja, Motihari, Sitamarhi, Narkatraganj, Madhuvani, Sonbarsha, Jogbani, and Kakarbita. Bihar also serves as a destination state for trafficking of women from Nepal. On a smaller scale, the study also found evidence of girls being trafficked through Bihar from Orissa and Assam. However, the research suggests that a lack of training and understanding of human trafficking by state child protection service agencies results in misidentification or mislabelling.

PROGNOSIS OF HUMAN RIGHTS AND CHILD TRAFFICKING IN BIHAR: A SOCIOMETRIC ANALYSIS

*“Injustice anywhere is a threat to justice everywhere.”
Martin Luther King Jr., 1963*

INTRODUCTION

Human trafficking, or trafficking in persons, is a form of modern-day slavery and millions of people around the world, including children are victims of this crime (DeStefano, 2007). Human trafficking is the exploitation of human beings, especially vulnerable populations, and is recognized as one of the most severe abuses of human rights today. Violations of human rights are both a cause and a consequence of human trafficking (Robinson, 2002). Every country in the world is affected by human trafficking, whether as a country of origin, transit, or destination, and commonly, as all three. It is both a national and transnational crime that has become more prevalent with the globalization of society (DeStefano, 2007). United Nations data indicate that after Italy, the primary destination nation for human trafficking victims is the United States (Hodge, 2008).

It is not just a problem in other countries but cases of human trafficking have also been reported in India. India which shares a porous border between Nepal and Bangladesh allows free migration. This is taken advantage of by the traffickers on the pretext of migration. According to the Centre for Women and Children’s Studies, Bangladesh (Ishrat, Shamin, 1998), there are 51 Bangladeshi enclaves in India and 111 Indian enclaves in Bangladesh, which have no patrol or control by any law enforcement agency. As a result, the traffickers

can easily use these enclaves as recruitment and collection sites. Under the garb of migration, the traffickers have become active and a large number of young girls are being trafficked from both Bangladesh and Nepal to various places in India, especially to Kolkata, Mumbai and Delhi.

THE PROBLEM AND NEED FOR STUDY

“It ought to concern every person, because it is at the basement of our common humanity. It ought to concern every community, because it tears at our social fabric...”

“It is a matter of bitter shame and sorrow and deep humiliation that a number of women have to sell their chastity for men’s lust. Man, the law giver, will have to pay a dreadful penalty for the degradation he has imposed upon the so-called weaker sex. When woman freed from man’s snares rises to the full height and rebels against man’s legislation and institution designed by him, her rebellion, no doubt, non-violent, will be nevertheless effective” - Mahatma Gandhi

Although there is an increased attention and responses regarding human trafficking, there is a huge gap in terms of literature availability leaving the masses less known about its fact. Trafficking in children, or child trafficking, is human trafficking, but refers to persons under the age of 18. Children are trafficked globally and domestically for both labour and sex. Child sex trafficking is a particularly intolerable form of human trafficking due to the natural and inherent vulnerability of children (ILO, 2008; Vieth & Ragland, 2005) and represents a severe form of child maltreatment (Estes & Weiner, 2005). Furthermore, according to the Constitution of India (Article 23), Immoral Traffic Prevention Act (1956) and Indian Penal Code (1860), it is illegal to lure, transport, or obtain a child for the purposes of prostitution or any other illegal sexual activity under Indian law. Perpetrators of these acts are considered traffickers or pimps and benefit in some manner from the sale of a child, resulting in a profit or gain of something of value.

The literature on trafficking reflects the dilemma of writing on a subject that is not easy to research and document and yet is too grave an issue to ignore. Considering the hidden and criminal nature of the problem, the data presented by most reports is valuable in face of this

scarcity. While the adopted definitions, perspectives and approaches to the problem of trafficking may vary the concern with finding effective solutions is common to these studies. However, the reports and the studies are so repetitive that it is hardly indistinguishable from one another.

Most of the reports are on trafficking for commercial sexual exploitation, which is a reflection of the general understanding, till recently, of the association between trafficking and commercial sexual exploitation. The issues in the literature on trafficking echo the debates and concerns about commercial sexual exploitation. Thus, one finds that a seemingly new idea being pursued is invariably an offshoot of the fundamental debate about consent in commercial sexual exploitation.

Generally, the studies focus on children and some even women and children together. Those focusing on women are few in numbers, and any including men are non-existent. So far, there have been no studies which have dealt exclusively with the issue of trafficking for labour exploitation. This is understandable given the recent inclusion of this purpose in the definition of trafficking. Numerous studies on child labour and labour exploitation fail to focus on the recruitment practices of the problem. They merely mention that there is exploitation by dalals and children work for agents. These studies consistently report cases that fall within the purview of trafficking. However, since the concept seems to be unfamiliar or unclear, these cases are grouped under the broader notion of exploitation.

One of the major gaps is the lack of studies on trafficking in India based on primary data. The data collected over the past decades is woefully inadequate. There has been no systematic attempt to gather information in an innovative manner at any significant level. Much of the data that is based on news reports differs only in the incidence reported from various regions.

The information available is in bits and pieces, thereby reducing its value and undermining the efforts to combat trafficking. There is a need to organise, collate and analyse the available information and knowledge. In the absence of an in-depth analysis of the issues and aspects involved, they have failed to arrive at realistic picture of the scope of the trafficking problem, what sustains it, and why it occurs. The varied dimensions and aspects of trafficking and their

interrelationships need to be examined at length instead of being accorded superficial treatment, be it trafficking and migration or trafficking and organised crime.

Information on the government and NGOs responses to trafficking, and the measures taken, including preventive steps to combat it, is scanty. The judgements of various courts that have relevance to trafficking have not been looked at. Nor have the counter-trafficking initiatives been critically analysed in terms of their impact whether and to what extent do the programmes address the felt needs of the potential victims. The long-term records of women who have been reintegrated are not available. Not much is known about re-trafficking. There is a lack of clarity on the issues dealt with in respect of interstate and international trafficking. Interception is another area that has not been sufficiently covered. Studies raise the question of rescue but not of recovering trafficked persons in transit. The circumstances that compel women to enter commercial sexual exploitation are different, and rehabilitation measures need to be sensitive to these variations. This awareness is not reflected in the studies on commercial sexual exploitation and the official responses to the problem.

The existing literature on trafficking does not discuss the complexities of the issue. For instance, if people are trafficked for various purposes and separate laws already exist to address these different forms of exploitation, then does combating trafficking require a special law that will cover all the dimensions of the problem. Examining this question will also help clarify the concept of trafficking, as it brings to fore its intersections with other forms of exploitation. Trafficked persons should be rescued at the sites of exploitation and various provisions may already exist for their rehabilitation.

However, these may not be sensitive to the specific problems that trafficked people face in addition to the exploitative purpose for which they have been trafficked.

There is an absence of the understanding that the purpose of trafficking is to put people in slave-like conditions or conditions of forced labour. This could be in various sectors, be it begging or domestic work. Thus, the literature on trafficking manages to establish its occurrence and the steps involved. But it lacks an in-depth analysis of the problem in all its dimensions and the responses of various agencies.

Although it is widely accepted that human trafficking is a major social problem paired with the difficulty in understanding the complexities of this phenomenon, identification within the child welfare system remains understudied. The definition of child sex trafficking is ambiguous, with numerous misconceptions in regard to this specific form of child maltreatment (Adelson, 2008; Clawson, Dutch, Solomon, & Goldblatt Grace, 2009; Laczko & Gramegna, 2003; Mitchell, Finkelhor, & Wolak, 2010; Schauer & Wheaton, 2006; Skilbrei & Tveit, 2008). Due to these misconceptions, cases of child sex trafficking are often reported under more standard classifications of child maltreatment, such as sexual abuse.

PURPOSE OF THE STUDY

Research shows that lack of training and understanding of human trafficking by state child protection service resulted in the mislabelling of victims and its identification. Adding to this is the failure of the victims unable to self identify as trafficking victims, lack of training as well as the procedures or protocol and the lack and awareness.

Being a complex phenomenon, trafficking can be viewed from different perspectives. Thus, it is important to see whether the problem has been approach from which standpoint

This study seeks to advance the research and knowledge of child trafficking, primarily from the perspective of child welfare professionals/NGOs. The information available concerning human trafficking, particularly child trafficking, is severely limited. Little empirical research on human trafficking in India has been conducted. Even less is known about trafficking in children, challenges in victim identification, and specifically the perceptions of professionals working for the welfare of children.

RESEARCH QUESTIONS

As the data regarding child or human trafficking are severely lacking, the study intent to feel the gap in terms of literature and therefore seeks the following questions:

1. *What is the level of awareness of child trafficking among child welfare professionals?*
2. *What is the meaning of child trafficking among child welfare professionals?*
3. *What are the greatest challenges associated with the identification of child trafficking victims?*

4. *What is the process of child trafficking in Bihar?*
5. *Is the existing legal framework sufficient to deal with the problem of child trafficking?*
6. *What are the causes of child trafficking in Bihar?*
7. *What are the reasons which force households to send their children out to work and hence indirectly trafficked?*
8. *What are the effects of trafficking on the lives of the trafficked children and the household the trafficked child belongs to?*

These questions relate to the following three main goals of the research in general:

1. *to describe the level of awareness of child trafficking;*
2. *to describe the meaning of child trafficking; and*
3. *to describe the challenges associated with the identification of child trafficking victims.*

OBJECTIVES OF THE STUDY

This study attempts to explore the following objectives:

1. *To comprehend the profile of the trafficked children and the social and economic circumstances that lead to trafficking.*
2. *To analyse the roles and functions of the stakeholders, formal and voluntary agencies that were involved in containing and combating this phenomenon*
3. *To suggest the policy prescriptions based on the findings of the study.*

PROFILE OF THE STUDY AREA

Bihar faces chronic problems with regard to TIP. Mostly, it serves as a source of trafficking, but it also experiences large intra-state trafficking. Secondary sources available on trafficking patterns in Bihar point to women and children as the main source, mostly for sexual exploitation, domestic servitude, coerced marriages, begging and bonded labour. In terms of economic causes, forced labour can be identified. In some cases, trafficking is done publicly; for example, children were sold for labour purposes in an organized ring at the annual Sonepur cattle fair in Bihar (Bhatt, 2005).

Hundreds of young girls from Bihar are being sold in cities like Chandigarh, Agra and Meerut to work as maids. Thousands of poor and illiterate Bihari villagers are forced to work as bonded labourers in the countryside of Punjab. Girls are sold by their fathers to agents, and women are duped into selling their boys for better employment opportunities in big cities. Increasing evidence shows that girls from Bihar are being sold and sent forcibly to Punjab and Delhi.

Cultural factors also play a dominant role in Bihar. Of the total trafficking in India, it is estimated that 72 percent is for commercial sex purposes, and of this, 80 percent originates from Bihar (data not reliable). Shakti Vahini estimates that over 50 percent of Bihar's trafficking is due to cultural reasons or family traditions. Save the Children India identifies Bihar as one of the largest states with intra-state and inter-district trafficking. In terms of labour, urban households with hired help often have unwittingly hired trafficked workers. Bihar again has been identified as a major source for such trafficking. Trafficking from Bihar to Rajasthan for child labour is also common. Save the Children also identifies Bihar as a major source for trafficked brides and child brides for Haryana, which suffers from a gender imbalance. The highest number of girls trafficked from Bihar into coerced marriage and forced prostitution come from border districts of Katihar, Purnea, Araria, Kishanganj and Bhagalpur, although this is also prevalent in the districts of Champaran, Gopalganj, Muzaffarpur, Siwan, Buxar, Jahanabad, Patna and Gaya (Vahini, 2009).

Thirdly as Bihar is prone to natural disasters, this leads to the increased of human trafficking during floods as seen in 2008 in the Kosi region as was reported by Social Welfare Department even after the introduction of Human Trafficking Prevention Programme in 2007 (but no information can be found about this programme through the internet). The areas where the most cases were reported from were Kishanganj, Purnia, Araria, Katihar, Sitamarhi, Madhubani and Saharsa. 86.48 percent of Bihar's districts are affected by human trafficking in India, according to a recent study conducted by the National Commission for Women. Bihar has consistently ranked as one of the top states facing the problem of selling and procurement of girls.

Another reason of human trafficking in Bihar is the porous border with Nepal and West Bengal. A report by Shakti Vahini shows that Bihar is the main transit state in India through

which trafficked women and children pass. The main entry points are Raxaoul, Bairgania, Motihari, Sitamarhi, Narkatraganj, Madhuvani, Sonbarsha, Jogbani, and Kakarbita. Bihar also serves as a destination state for trafficking of women from Nepal. Similarly, Bihar is also a transit and destination point for trafficking from Bangladesh. Eleven districts have been identified as being major trafficking districts in Bihar: Kishanganj, Kathihar, Purnia, Araria, Saharsa, Supaul, Madhepura, Khagaria, Madhubani, Darbhanga and Begusarai. On a smaller scale, the report also found evidence of girls being trafficked through Bihar from Orissa and Assam.

METHODOLOGY

The study seeks to advance the research and knowledge of child trafficking from the perspective of child welfare professionals. As mentioned above data concerning human trafficking, especially child trafficking is severely lacking, this research utilized the case study approach and the primary methods will be qualitative. This case study is designed to describe the perceptions of these professionals with respect to child trafficking in the identified geographic area. Specifically, this study seeks to describe the level of awareness of child trafficking, the meaning of child trafficking, and the challenges associated with the identification of child trafficking victims among child welfare professionals.

RESEARCH DESIGN

The research paradigm for this study is both qualitative and quantitative. In terms of qualitative, case study approach will be used. Qualitative research is used to help reveal the complexities of lived experiences and social phenomena that are not amenable to statistical analysis, manipulation, and simplification (Creswell, 2007). This study emulates the tradition of qualitative inquiry. Qualitative methods maintain the context of experiences, actions, interactions, and behaviours. In this regard, the opportunity to explore and clarify phenomenon that otherwise cannot be fully explained by numerical data is achievable (Ritchie, 2001).

The case study research strategy is ideal if the researcher is interested in asking questions that begin with “how,” “what,” or “why”, when the researcher has little control over what is being studied, and when the focus of study is on a contemporary phenomenon with some form of real life context (Yin, 2003). Case-oriented research provides a comprehensive understanding of the context in which the phenomenon occurs (Creswell, 2007; Merriam, 2002). A case can represent a single person, a group of people, a community, a state, a nation, a program, a process, an event, an activity, an institution, or a multitude of other social phenomena (Creswell, 2007). Case study methodology is favourable and applicable for understanding or illuminating a complex social phenomenon while retaining the holistic and meaningful characteristics of the real life event (Creswell, 2003).

According to Lincoln and Guba (1985), “the case study represents an unparalleled means for communicating contextual information that is grounded in the particular setting that was studied”. With the focus on the research on a contemporary social phenomenon, and given the research questions as well as the researcher having little control over child trafficking and how it is perceived within the child welfare system, this study employs the case study approach. Specifically, the approach utilizes the descriptive case study design type, with a single case construct.

The descriptive case study approach was selected based on the stated purpose of descriptive research, to provide rich, descriptive text with the goal of engaging the reader and helping with understanding of the phenomenon under study. This research, from the perspective of child welfare professionals, on the level of awareness and meaning of child trafficking, seeks to discover what themes and perceptions may emerge from data collection. Further, this study aims to describe the challenges associated with victim identification within child welfare.

This case study is bound by subject, region, and sample sectors. The precise subject is child trafficking, the region selected lies within the state of Bihar, and the sample sector includes accessible participants who have been identified as child welfare professionals and different stake holder like government officials, NGO, police, Special juvenile police unit (SJPO), Child welfare committee members (CWC) and consular are also interviewed through in depth interview / focused group discussions methods.

DATA COLLECTION

Three of the most common data gathering techniques used in qualitative research involve interviewing, observing, and reviewing documents/reports. Interviewing and reviewing existing data were the two main techniques used in this study, with interviews being the primary method of the data collection. Data were collected primarily by use of the interview guide while demographic data were gathered using the survey form. The review of documents included child welfare data and statistics related to the number of referrals and founded cases of child abuse in Bihar as well as in child trafficking data. The study utilizes a four pronged research approach:

- Stage One – Conduct screening to schedule interviews
- Stage Two – Based on a review, select participants to interview
- Stage Three – Conduct face-to-face interviews with selected participants
- Stage Four – Return transcribed interview to participant for review

The questionnaire was piloted with professionals who have a background in child welfare and within the Araria and West Champaran. The main objectives for the pre-test were to determine the practicality of the instrument, the approximate length of the interviews and time commitment for participants, if the questions would elicit conversation, and to identify any questions that were not easily understood. The professionals were selected due to their similarities related to the identified sample based upon their background, familiarity with the child welfare system, and their willingness and availability to participate in the interview process. However, these individuals would not have been appropriate subjects for the research study because they do not work for the child welfare agency in the identified region.

DATA ANALYSIS

Data analysis for case study research involves a thorough description of the case and a detailed view of the case aspects as well as the identification of patterns and categorical aggregation (Creswell, 2007). Merriam (2001) describes data analysis as “the process of

making sense out of data” (p. 192). The interviews were recorded using a digital audio recorder. Once each interview was completed, I uploaded the file and began the transcription process, word for word. After this was accomplished, the transcriptions were returned to participants to ensure credibility in the report. Once participants conferred agreement with the transcriptions, they were uploaded to the qualitative data analysis software.

LIMITATIONS

In case study research, limitations elucidate the nature of a particular case study and refer to limiting conditions or restrictive weaknesses (Yin, 2003). Care must be exercised not to generalize the findings and conclusions derived from this study. The findings from this study are limited to the population from which this sample was taken. The interviews were limited in scope and focused on a single case construct, one agency. In this way, the research does not analyze applicability to other contexts and is viewed as a limitation (Creswell, 2003). However, this study sought to understand the level of awareness, meaning, and victim identification challenges of child trafficking by the participants of the study and was not concerned with theory generation or generalization to broader populations (Hancock & Algozzine, 2006).

RESULTS AND DISCUSSION

The review of diverse literature on child trafficking, its laws and role of VOs in prevention of child trafficking and providing assistance to government for the control of trafficking raises many questions.

Although after the implementation of the policy, the prevalence of child trafficking has gone down but till date, no document has been published to see the outcome of law enforcement on child trafficking. There is a need to critically analyze the existing legal framework to deal with the problem of child trafficking. Throughout the literature, no study has been found that sheds light on the social structure and stratification of the victims, which would help in understanding the various psycho-social and socio economic conditions of the people who

are pushed into this social evil. Thus, it becomes important to identify those communities and people who are being forced to work.

Many efforts have been made to spread awareness but more focus has to be laid at the community level. NGOs are working on these issues to decrease the incidence of child trafficking but the roles and functions of these NGOs are not clear. Till now, no literature or study under the legal framework has been found which addresses the issues of Child Trafficking giving a holistic picture of the roles and responsibilities of these NGOs.

Bihar shares the border with Nepal and is the main transit states in India through which trafficked women and children pass (ADB, RETA Report). Entry points in the State of Bihar are Raxaoul, Bairgania, Motihari, Sitamarhi, Narkatraganj, Madhuvani, Sonbarsha, Jogbani, Kakarbita (STOP, 2002, Excerpts from: Analyzing the Dimensions: Trafficking and HIV/AIDS in South Asia).

Bihar is not only a transit state for trafficking of Women and children from Nepal. It also serves as destination state for trafficking of women from Nepal. Informal Estimation 1996 estimates the number of Nepali women and child victims as 4000 in Patna alone. Bihar shares border with West Bengal and is also a transit and destination point for trafficking form Bangladesh. There are over 3,250 sex workers in 24 brothels spread over 11 districts of Kishanganj, Kathihar, Purnia, Araria, Saharsa, Supaul, Madhepura, Khagaria, Madhubani, Darbhanga and Begusarai. These brothels, in fact, have developed as "transit points for girl trafficking". Women and girls also operate through mobile brothels (Survey by Bhoomika Vihar). It is estimated that there are around 20 red light areas in the region of North Bihar alone with around 3000 women. Bihar is also conspicuous as transit point for girls being trafficked from Nepal, Bangladesh, West Bengal, Orrisa and Assam (Shakti Vahini- Female Foeticide, Coerced marriage and Bonded Labour in Haryana & Punjab).

Bihar also serves as source states for trafficking of women and children mainly for labour purposes and for coerced marriages. Child labourers were being sold in an organized ring at the annual Sonepur cattle fair in Bihar (US Dept of State, Country Reports on Human Rights Practices- 1999).

Hundreds of young girls from Bihar are being sold and forcibly taken away to cities like Chandigarh, Agra and Meerut to work as maids. Thousands of poor and illiterate Bihari villagers are forced to work as bonded labourers in the countryside of Punjab. Girls, are sold by their father to agents and single boys to land them in big cities. In the meantime, there are reports of girls being sold and sent forcibly to Punjab and Delhi. It has been learnt that those who migrate to other states are not given daughters in marriage in Bihar. The scare of distance desist parents from marrying their daughters. These boys have to buy the girls by paying a hefty amount to the poor fathers who oblige. Some Bihari men work as agents for these elements and pose as eligible bridegrooms and buy the girls. They then sell them to the dubious elements and they take them to states where the girls are either forced to work as maids or land in the brothels (Bihari girls sold to work in Punjab, From Santosh Jha, PATNA, Oct 15 2004).

Maximum number of girls being trafficked from Bihar into coerced marriage and forced prostitution come from border districts of Katihar, Purnea, Araria, Kishanganj and Bhagalpur, it is also in prevalence in districts of Champaran, Gopalganj, Mujaffarpur, Siwan, Buxar, Jahanabad, Patna and Gaya (Shakti Vahini- Female Foeticide, Coerced marriage and Bonded Labour in Haryana & Punjab).

Trafficking affected districts of Bihar			
Sitamarhi	Purnea	Patna	Vaishali
Madhuvani	Araria	Supaul	Aurangabad
Muzaffarpur	Kishanganj	Madhepura	Nalanda
Gaya	Bhagalpur	Khagaria	Samastipur
Saharsa	Gopalganj	Darbhanga	Kaimur
Munger	Siwan	West Champaran	Saran
Begusarai	Buxar	East Champaran	Nawada
Katihar	Jahanabad	Bhojpur	Rohtas

Source: Mukherjee Report 2004, NHRC Report 2005, Trafficking in India- Shakti Vahini 2004, BSACS.

According to different sources 32 out of 37 districts of Bihar are affected by the trafficking of women and children.

Number of Districts of origin and operation of sex workers in Bihar

State	Number of districts of origin	Number of areas of origin	Number of places of operation
Bihar	31	89	24
India	378	1794	1016

Source: Mukherjee 2004.

A study by Dr. K.K. Mukherjee and Dr Sutapa Mukherjee in 2004 identified 89 places of origin of sex workers in Bihar spread across 31 districts. The same report also identified 24 places of operation of sex workers in the state.

According to the Trafficking in Women and children in India Report of NHRC 2005 there are 65 transit points in Bihar through which women are trafficked into and out from the state across the state borders. The major transit areas in the state are Gaya, Muzaffarpur, Patna, Bhagalpur, Nalanda, West Champaran, Darbhanga, Saharsa, Barsoi and Kisanganj.

Maximum 80.26% trafficking of women and children in Bihar takes place within the state from one area to another. Of the remaining 19.74percent trafficking that occurs across the borders maximum takes place to west Bengal. In total around 9.21% of women and children are trafficked to West Bengal for commercial sexual exploitation. Second largest trafficking for commercial sexual exploitation occurs to Uttar Pradesh which accounts for about 7.89% of total trafficking from Bihar.

Interstate trafficking for CSE in & from Orissa			
Trafficking into Bihar from (Mukherjee)	Trafficking out from Bihar to (Mukherjee)	Trafficking into Bihar (NHRC Report)	Trafficking out from Bihar to (NHRC Report)
Assam	Assam	Assam	Assam
Chandigarh	Chandigarh		
Delhi	Delhi	Delhi	Delhi
Orissa	Orissa	Orissa	
Uttar Pradesh	Uttar Pradesh	Uttar Pradesh	Uttar Pradesh
West Bengal	West Bengal	West Bengal	West Bengal
Jharkhand		Jharkhand	
Madhya Pradesh			
	Maharashtra		
	Punjab		

	Rajasthan		
	Nagaland		
	Uttaranchal		
	Goa		
		Andhra Pradesh	
		Meghalaya	Meghalaya
		Sikkim	Sikkim
		Pakistan	
		Nepal	
		Bangladesh	

Women and children are trafficked in Bihar from other countries and states of India for commercial sexual exploitation. The major source states within India for trafficking to Bihar include Assam, Chandigarh, Delhi, Orissa, Uttar Pradesh, West Bengal, Jharkhand, Madhya Pradesh, Andhra Pradesh, Meghalaya and Sikkim. Women and children are also trafficked into Bihar from Pakistan, Nepal and Bangladesh.

Bihar also serves as source and transit state for trafficking women and children out from Bihar to states of Assam, Chandigarh, Delhi, Orissa, Uttar Pradesh, West Bengal, Maharashtra, Punjab, Rajasthan, Nagaland, Uttaraanchal, Goa, Meghalaya and Sikkim.

Number of women in sex work in Bihar				
State	Govt. Sources	NGOS	Sex Worker groups.	Average
Bihar	50-125 thousands	150-250 thousands	180 thousands	160 thousands
India				28 lakh

Source: Mukherjee 2004.

The estimates of numbers of women in commercial sex in the state show large variations ranging from 50 thousands to 180 thousands. However, the average figure of estimation comes somewhere around 1.6 lakhs women in state against the all India average of 28 lakhs.

State	Total Female population	Total female 1535 yrs.	Estimated number of prostitutes	% of prostitutes
Bihar	39724832	9136711	161321	1.77
India	495738169	113853547	2827534	2.48

Source: Mukherjee 2004

In Bihar 1.77 percent of its total female population between the ages of 15 to 35 years is in commercial sex by direct or indirect compulsions those drive them into the flesh market. At the all India level the same average stands to be at 2.48 percent.

Age profile of women in sex work in Bihar.						
State	<18years	18-22 yrs.	23-27 yrs.	28-32 yrs.	33-37yrs.	>38 yrs.
Bihar	6.54	31.92	35.77	13.77	7.18	4.87
India	35.47	35.98	19.79	6.78	1.70	0.28

Source: Mukherjee 2004.

A majority of the girls' victim of commercial sexual exploitation in Bihar are minors below the age of 18 years. In North Bihar, while 45 per cent of sex workers are between 13-18 years, 40 per cent are between 19-22 and 15 per cent in 22-32 age groups (Survey report by Bhoomika Vihar). A survey in Bihar revealed that roadside brothels for truck drivers in the Aurangabad and Sasaram districts offered sex workers aged between 6 and 18 years (Child prostitution in India-"Child prostitution is the ultimate denial of the rights of the child." Dr Jon E Rhode, UNICEF).

State	% of prostitute entry before 18 years of age
Bihar	72.3
India	35.47

Source: Mukherjee 2004.

According to the Mukherjee report 2004, 72.3 percent girls in Bihar enter the flesh trade before they attain the age of majority. This is more than two time the ratio for all India of minor girls being forced into flesh trade. All India level more than 35 percent girls are forced into flesh trade before they are of the age of 18 years.

Major causes of Sex work in %				
State	Economic distress	Family tradition	Social custom	Violence
Bihar	20.13	51.79	3.08	20.02
India	61.67	12.36	3.39	1.02

Source: Mukherjee 2004.

Only 20.13 percent victims in Bihar against 61.67 percent at all India level, cited the economic distress as reason behind their being in the flesh trade. Maximum 51.79 percent of women are forced into flesh trade in Bihar due to family tradition or acceptance. This is

against 12.36 percent at all India level and shows the established character of the exploitative system in state. The third highest cause behind girls being forced into flesh trade in state is violence against women and abusive or deceptive relations.

Reasons for continuance			
State	Poverty	Unemployment	Illiteracy
Bihar	15.38	6.41	2.31
India	44.14	7.89	5.62

Source: Mukherjee 2004.

Family acceptance is also the major reason behind women continuing in the sordid trade and their inability to come out of it. More than 36 percent of women continue to be exploited in state due to family acceptance of the vice in society. Poverty is the second major cause behind continuance of women in flesh trade and accounts for 15.38 percent women continuing with the trade. Unemployment and stigma are other major factors working as hurdle and enforcing inability in women from taking steps to come out of the sexual exploitation.

Reasons for continuance			
State	Stigma	Family acceptance	Non implementation of law & lack of proper rehabilitation
Orissa	5.26	36.41	1.79
India	2.95	8.37	2.0

Source: Mukherjee 2004.

In Bihar the Criminal- politico nexus had only helped the exploiters in trafficking of women and children. Powerful criminals and politicians patronize well established networks of call girl rackets. Children even in protection and children homes are forced into flesh trade by the government employees there. Four girls, who surrendered before a Magistrate, accused the home authorities of forcible engaging them in prostitution. "The authorities, with the help of security, were taking us out regularly in the night to various people" (The Telegraph; Sunday March 14, 2004-88 boys flee Bihar remand homes, By K.C. Philip).

Except for the few NGOs who on their own are continuing with their good work the issue of trafficking yet is not an issue for government or society in Bihar.

The State Advisory Committee, under ITPA and Supreme Court directives in 1990 is yet to be formed. No special Police officers have been nominated under ITPA 13 (1). No Anti trafficking and prevention cells and Task Forces in Red Light/High Risk Areas have been formed. The advisory committees of NGOs to assist the Special Police officers have not been formed.

There is no Plan of Action in state to combat trafficking, neither is there any policy for rehabilitation of the victims. Nodal agency to coordinate and implement the legal and administrative instruments had not been identified by the government and the Coordination Committee as provisioned in national Plan of Action had not been formed.

No efforts have been made ever by the government to coordinate with BSF with a view to stop cross border trafficking from Nepal. The provisions of the Juvenile Justice (Care and protection) Act 2000 have yet not been implemented in the state and the administrative structure viz. Juvenile Boards and Committees, involvement of NGOs had not materialized in a proper manner.

There are 2 Help Lines, 33 family counselling centres and 33 short stay homes in state run by government or by NGOs. Four short stay homes are in high supply areas. There are 13 Juvenile homes in the state.

CONCLUSION

The present study has made an attempt to assess the status of migration, extent of understanding among stakeholders such as law enforcement officials, religious leaders and transport sector people. Notwithstanding the commendable gains made by the anti-trafficking movement in the region over the past years as a result of NGOs interventions, some major gaps still exist. The salient areas which need to be urgently addressed are described as follows:

1. Conceptual Issues

- The definition of trafficking
- Conflation of trafficking with prostitution
- Conflation of trafficking with legal and illegal migration, and smuggling
- Conflation of trafficking of adult women with minors and children
- Little or no intervention in trafficking for other purposes besides prostitution

2. Research

- Methodology of research on trafficking of women and children
- Lack of statistical and quantifiable data
- Reliability of data
- Paucity of trained researchers/program officials
- Strong ideological and moralistic biases and mind-sets in research

3. Advocacy

- Inadequate advocacy at the SAARC level to influence the SAARC Convention on Trafficking
- Limited advocacy for cross-border cooperation and collaboration at the multi-lateral and bi-lateral levels
- Insufficient lobbying with government representatives and organisations at the national level
- Absence of a media advocacy strategy as well as a code of conduct for the media personnel

4. Legislation and law enforcement

- Lack of sound and analysis of relevant laws and the various legal regimes
- Insufficient grasp and hence operationalization of the human rights framework
- Un-critical and skewed enforcement of the ITPA and other Anti-Trafficking laws
- Lack of gender and rights sensitisation in law enforcement
- Inadequate and slanted law enforcement as well as corruption in the legal structure

4. Prevention

- Very limited intervention for preventing migration at the source itself
- Extremely limited programmes and schemes for viable, alternate economic empowerment
- Near absence of effective involvement, participation and ownership of affected communities and groups in prevention initiatives
- Insufficient efforts for providing rights based entitlements in a timely manner and effectively managed distribution among the migration prone population

6. Recovery, repatriation and reintegration

- Near absence of models of recovery, repatriation and reintegration which prioritize the preference, interest and rights of women and children affected by trafficking
- Absence of recognition of the women's right to have say in determining their own future with respect to repatriation, residence and livelihood
- Absence of humanitarian standards for the treatment of trafficked women and children
- Further victimization and criminalization of trafficked victims by their treatment as illegal migrants due to absence of legal status and citizenship rights
- Much research is needed to understand the lives of the girls after being withdrawn from commercial sexual exploitation and reintegrated.
- To understand the real lifestyle conditions of trafficked girls in commercial sexual exploitation, research should target the girls at brothels.
- The trafficking prone areas are largely clustered around the central development region of Nepal. The reason remains unaddressed.
- A baseline study with large data would shed light on some aspects of explaining the root causes of trafficking. A comparison of the socio-economic conditions of the trafficking affected households and non-affected households is recommended.
- Despite the conventional belief that only girls are trafficked, there are several instances of boys being trafficked. More research is needed to understand the process and causes of boy trafficking.

Almost all organizations working in the area of trafficking have more or less similar kind of interventions for the past many years which have resulted positively but indicates no sustainable gains in preventing migration or trafficking. Moreover, organizations do not have capacities, capable officials and strategic planning framework or charter so that they could visualize the long term results and impact. This needs to be attempted without delays in order to deal with migration or trafficking.

Trafficking can only be explained by considering poverty in the context of social, cultural, demographic and political factors at individual, family, community and national level. The root cause of trafficking in Nepal and India differs from one locality to another, one sub-culture to another, one family to another and one individual to another.

The consequences of trafficking have gradually come to be recognized at individual, family and national levels. At the individual level, a number of girls have died due to HIV/AIDS and many of them have migrated from their places of origin due to the social stigma and the lack of alternative means of survival. Even if the trafficked girls are taught some skills in rehabilitation centres, such skills are often incompatible with the lives the girls are trying to return to. More research is needed to understand the reintegrated girls' potential and aspirations for their future.

RECOMMENDATIONS

Based on the findings of the present study, withdrawn conclusions and interactions with stakeholders, some prominent recommendations have been outlined and described as follows:

- Organizations should prepare their strategic plan of action in order to implement interventions related to trafficking that leads to a set of results and outcome
- Staff members of the organizations implementing the interventions urgently need capacity building in core areas for designing interventions, effective implementation, documentation and adopt M&E frameworks
- There is a strong and urgent need of Monitoring and Evaluation documentation in order to track and generate evidence-based planning and interventions

- Inter-organization coordination should be promoted to avoid duplication and repetition of interventions; exchange experiences and develop learning based further actions to handle the situations
- Quality of content and variety of topics should be encouraged for community sensitizations so that repetition of topics does not harm the interest of community and their availability.
- Geographical mapping of high and medium migration prone areas should be done for targeted interventions
- Planning of livelihood based interventions should focus and consider needs at all stages such as when developing Self Help Groups, focus on their training, production along with their effective linkages to marketing channels for sustenance.
- Organizations need to understand the ‘Do No Harm’ Framework because while working at both ends they prevent migration at the grass-root level but do not promote safe migration and usually they face hurdles in providing the Government supported social entitlements through public system channels.
- Encourage establish Government supported recruiters by introducing license mechanism and photo-ids for every recruiter
- Develop recruitment Guidelines for all recruiters and formulation of a federation of recruitment agencies
- Web-based dedicated portal displaying database for the recruitments showing updated numbers and other ancillary details of recruitments undertaken till 1st, 10th, 20th and 30th day of month
- Establish the mechanism of undertaking the follow-up of migrants to prevent his or her rights and taking the preventive actions timely

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