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## **Community Orientation Towards Trafficked Women**

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### **ABSTRACT:**

*The women's understanding about trafficking is a key element in its prevention and management. Awareness of the subject is postulated to lead a better understanding of the subject by women. The present study is an attempt to understand the knowledge and attitudes of women towards trafficking.*

*A survey of Muslim women in the age groups of 15 to 45 years was carried out in Batla House, Jamia Nagar area of Delhi. The survey revealed that the knowledge of trafficking of women was low among the respondents. It was found that the respondents could not explain the procedure to be followed in the event of trafficking. The survey showed glaring gaps in understanding among women about protocols relating to prevention, law enforcement and judicial process and rehabilitation mechanism for trafficked women.*

*The survey points to information gaps in awareness and understanding of trafficking by respondents. Tested communication strategies, information communication technology and small-group orientation are some of the suggestions made in the paper. The objective of this study was to determine the level of awareness of women on issues related to trafficked women.*

### **INTRODUCTION**

Trafficking in human beings, especially in women, and children has become a matter of serious national and international concern. Women and children – boys and girls – have been exposed to unprecedented vulnerabilities. Commercial exploitation of these vulnerabilities has become a massive organized crime and a multimillion dollar business. Nations are attempting to combat this trade in human misery through legislative, executive, judicial and social action.

Trafficking of women is a worldwide phenomenon affecting large numbers of boys and girls every day. Children and their families are often lured by the promise of better employment and a more prosperous life far from their homes. Others are kidnapped and sold. Trafficking

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violates a child's right to grow up in a family environment and exposes him or her to a range of dangers, including violence and sexual abuse.

The present study is an attempt to understand the knowledge and attitudes of women towards trafficking in Batla House, Jamia Nagar area in Delhi. Batla House Jamia Nagar is situated in the southern part of Delhi. Batla House is a muslim dominated area and the residents of this area is from different type of state majority of population from Uttar Pradesh and Bihar. The total population of Batla House was around 60000 persons, of which 20000 were males and 30000 were females and 10000 were children. Among these populations 22000 were females in the age groups of 15 to 45 years. The education level is very low in this area. The knowledge of trafficking of women was low among the women of Batla House. It was found that the women could not explain the procedure to be followed in the event of trafficking. The survey showed glaring gaps in understanding among women about protocols relating to prevention, law enforcement and judicial process and rehabilitation mechanism for trafficked women.

The survey points to information gaps in awareness and understanding of trafficking by women. Tested communication strategies, information communication technology and small-group orientation are some of the suggestions made in the paper. The objective of this study was to determine the level of awareness of women on issues related to trafficked women.

#### **WHAT DOES 'HUMAN TRAFFICKING' ACTUALLY MEAN?**

According to TVPA (Trafficking Victims Protection Act), severe forms of human trafficking include (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (See TVPA, 22 U.S.C. 7102).

#### **The earlier definition of trafficking by the United Nations was:**

The United Nations General Assembly 1994 defined trafficking as “the illicit and clandestine movements of persons across national borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children

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into sexually or economically oppressive and exploitative situations for profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labor, false marriages, clandestine employment and false adoption”

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000 defines trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of a threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of giving or receiving of payments or benefits to achieve the consent of a person for the purpose of exploitation”.

In the year 2000, the UN protocol to prevent, suppress and punish Trafficking in person, Especially Women and Child (also referred to as Palermo protocol on Trafficking) entered into force. For the first time trafficking was defined as an organized crime and a crime against humanity. The Palermo protocol on trafficking supplements the United Nation Convention against Transnational Organized Crime,2000, and is hence limited to cross-border trafficking. It does not address trafficking within the countries.

**SOME OF THE TYPES OF TRAFFICKING OF WOMEN AND CHILDREN CAN BE SEEN AS UNDER:**

- ***Labour***
  - Bonded labour-Domestic work
  - Agricultural labour
  - Construction work
  - Carpet industry, garment industry, fish / shrimp export as well as other sites of work in the formal and informal economy.
  
- ***Illegal Activities***
  - Begging
  - Organ trade
  - Drug peddling smuggling
  
- ***Sexual Exploitation***

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- Forced prostitution
  - Socially and religiously sanctified forms of prostitutions
  - Sex tourism
  - Pornography
  
  - ***Entertainment and Sports***
    - Circus, dance troupes, beer bars etc.
    - Camel jockeys
    - For and through marriage
    - For and through adoption
    - As child soldiers or combatants in armed conflicts

## **CAUSES FOR TRAFFICKING**

### **Economic Factors:**

Poverty, often cited as a major reason responsible for trafficking in children, is not the only cause. Loss of traditional sources of livelihood, growing unemployment, forced migration, the commodification of children and growing consumerism resulting from globalization have all contributed to the increase in child trafficking. The socio-economic situation and geographical location of the family add to the vulnerability. While both boys and girls are victims of trafficking, girls are more vulnerable, especially to trafficking for sexual purposes.

### **Cultural, Religious and Social Factors**

Evidence suggests that through the outlawed religious practices like the ‘Devadasi’ and ‘Jogin’ systems, temple priests have used their position to Anecdotal traffic girls for prostitution. Traffickers sell girls to the Bedia and Bacchara communities who live in Madhya Pradesh and the border districts of Uttar Pradesh and Maharashtra and to the Rajnats of Rajasthan, families where prostitution is traditional means of earning a livelihood.

A myth that makes young girls vulnerable is the widespread belief that sex with a virgin girl will cure men of STD and HIV/Aids.

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### **Geo-political Factors**

India shares a porous border with over seven countries all of which is not fenced. With the connivance of border police on either side, it is not difficult to enter India. Political instability and economic compulsions are reasons for young girls from Nepal, Bangladesh, Myanmar and even as far Uzbekistan, to be sold to traffickers. Trafficking from these countries is a one way route, 'into India'.

### **MAGNITUDE OF THE PROBLEM**

In India, a large number of women are trafficked not only for the sex 'trade' but also for other forms of non-sex based exploitation that includes servitude of various kinds, as domestic labour, industrial labour, agricultural labour, begging, organ trade and false marriage. Trafficking in children is on rise, and nearly 60% of the victims of trafficking are below 18 years of age (NCRB, 2005). According to NHRC Report on Trafficking in Women and Children, in India the population of women and children in sex work in India is stated to be between 70,000 and million of these, 30% are 20 years of age. Nearly 15% began sexwork when they were below 15 and 25% entered between 15 and 18 years (Mukherjee & Das 1996). A rough estimate prepared by an NGO called End children's prostitution in Asian Tourism reveals that there are around 2 million prostitutes in India. 20% among them are minors.

A study conducted in 1992 estimates that any one time 20,000 girls are being transported from one part of the country to any other (Gupta, 2003).

### **NATIONAL CRIME DATA**

It should be noted that there is no available information on the scope of trafficking for purposes other than prostitution / commercial sex workers in the available sources and literature. A starting point for the analysis of available data is National Crime Record Bureau of the Indian Ministry of Home Affairs that collects data on trafficking through State Crime Report Bureaus and Union Territories, Subsidiaries of the NCRB that obtain data from District Crime Report Bureaus. This presents an indication of the level or reporting of trafficking within India. Data available through NCRB is collected through first information reports (FIRs), lodged in police stations. FIRs can be lodged by victims, NGOs and any

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member of civil society .National data from the NCRB provides an analysis of trends in various Indian Penal Code (IPC) crimes, including: importation of girls, kidnapping and abduction of girls, and offences under the Immoral Trafficking Prevention Act(ITPA), which are consolidated from information provided by State and Union Territories

Given the criminal nature of the act, it is no surprise that there is very little data on the extent of trafficking. According to one estimate, 50% of the trafficked victims worldwide are children.

## **LEGAL FRAMEWORK**

India has a fairly wide framework of laws enacted by the Parliament as well as some State legislatures, apart from provisions of the Constitution which is the basic law of the country.

### **Legal Framework to Address Trafficking in India**

*Article 23 of the Constitution:* Guarantees right against exploitation; prohibits traffic in human beings and forced labour and makes their practice punishable under law.

*Article 24 of the Constitution:* Prohibits employment of children below 14years of age in factories, mines or other hazardous employment.

### **Indian Penal Code, 1860**

There are 25 provisions relevant to trafficking; significant among them are:

- **Section 354:** Outraging the modesty of a woman.
- **Section 366:** Kidnapping/abduction of a woman for illicit intercourse and use of criminal intimidation or any other method of compulsion
- **Section 366A:** Procurement of a minor girl (below 18 years of age) from one part of the country to the another is punishable.
- **Section 366B:** Importation of a girl below 21 years of age is punishable.
- **Section 366:** Kidnapping/abduction of a woman for illicit intercourse and use of criminal intimidation or any other method of compulsion.
- **Section 367:** Kidnapping/abduction to subject a person to unnatural lust of another person.
- **Section 372:** Selling minor girls for the purpose of prostitution

- **Section 373:** Buying minor girls for the purpose of prostitution
- **Section 374:** Provides punishment for compelling any person to labour against his will.
- **Section 375:** ‘Rape’ and ‘unnatural offences’
- **Section 377:** Sexual intercourse with a woman with or without her consent when she is under 16 years of age amounts to rape and the offender is punishable up to imprisonment for life.
- **Section 509:** Word, gesture or act intended to insult the modesty of a woman

### **The Immoral Traffic (Prevention) Act, 1956 (ITPA)**

Immoral Traffic (Prevention) Act, (ITPA) 1956 [renamed as such by drastic amendments to the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA) Deals exclusively with trafficking; objective is to inhibit / abolish traffic in women and girls forth purpose of prostitution as an organized means of living; offences specified are:

- Procuring, including or taking persons for prostitution
- Detaining a person in premises where prostitution is carried on;
- Prostitution is or visibility of public places;
- Seducing or soliciting for prostitution;
- Living on the earnings of prostitution;
- Seduction of a person in custody; and
- Keeping a brothel or allowing premises to be used as a brothel.

**Child Labour (Prohibition and Regulation) Act, 1986:** Prohibits employment of children in certain specified occupations and also lays down conditions of work of children.

### **Information Technology Act, 2000**

Penalizes publication or transmission in electronic form of any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive and corrupt persons to read, see or hear the matter contained or embodied therein. The law has relevance to addressing the problem of pornography.

India has also adopted a code of conduct for Internet Service Providers with the objective to enunciate and maintain high standard of ethical and professional practices in the field of Internet and related services.

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**Juvenile Justice (Care and Protection of Children) Act, 2000**

- Enacted in consonance with the Convention on the Rights of the Child (CRC); and
- Consolidates and amends the law relating to juveniles in conflict with law and to children in need of care and protection.
- The law is especially relevant to children who are vulnerable and are therefore likely to be inducted into trafficking.

**Karnataka Devadasi(Prohibition of Dedication)Act, 1982**

Karnataka Devadasi Act of dedication of girls for the ultimate purpose of engaging them in prostitution is declared unlawful – whether the dedication is done with or without consent of the dedicated persons.

**Andhra Pradesh Devadasi(Prohibiting Dedication) Act,1989**

Penalty of imprisonment for three years and fine are stipulated in respect of anyone, who performs, promotes, abets or takes part in Devadasi dedication Ceremony.

- **Goa Children’s Act, 2003**
  - Trafficking is specially defined;
  - Every type of sexual exploitation is included in the definition of sexual assault;
  - Responsibility of ensuring safety of children in hotel premises is assigned to the owner and manager of the establishment;
  - Photo studios are required to periodically report to the police that they have not sought obscene photographs of children;
  - Stringent control measures established to regulate access of children to pornographic material

**International Laws**

International laws lay down standards that have been agreed upon by all countries. By ratifying an international law or convention or a covenant, country agrees to implement the same. To ensure compatibility and implementation, the standards set forth in these international conventions are to be reflected in domestic law. Implementing procedures are to be put in place as needed and the treaties must be properly enforced.



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The following are the most important International Conventions regarding trafficking of children:

1. The Convention on the Rights of the Child, 1989.
2. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.
3. The Convention on the Elimination of All forms of Discrimination against Women,(CEDAW) 1979.
4. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
5. Declaration on Social and legal principles relating to the Protection and Welfare of Children, with special reference to Foster placement and adoption Nationally and Internationally,3 December, 1986.
6. SAARC Convention on Regional Arrangement for the Promotion of Child Welfare, 2002.

### **COMBATING OF TRAFFICKING**

Prevention of human trafficking requires several types of interventions. Prevention as a strategy to combat trafficking has to focus on areas of sensitization and awareness among the public, especially those vulnerable pockets of trafficking at source areas as well as convergence of a development services to forestall conditions responsible for it.

### **REVIEW OF LITERATURE**

Most of the literature available on trafficking consists of reports on studies, conferences and workshops conducted by international and domestic NGOs. Compared to the literature available at the state-level, national and regional level studies are fewer in number. The recent importance accorded to trafficking on the international agenda is responsible for the rising numbers of research studies on trafficking in India.

Though not exhaustive, the current review explores different perspectives, debates, positions and conclusions on trafficking in women and children. This chapter is organized around the major themes that emerge from the literature----the definition of trafficking, the various

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stages of the operation and the anti-trafficking initiatives in India, all understood through the objectives of ARTWAC.

The Indian Constitution prohibits all forms of trafficking under Article 23. The Suppression of the Immoral Traffic Act 1956 (SITA), amended to the Immoral Traffic (Prevention) Act (ITPA) in 1986, was passed following the ratification of the International Convention of the Suppression of Immoral Traffic and Exploitation of Prostitution of Others in 1950 by India. Trafficking has been an area of concern since the early 20th century. More recently, there has been a widening of focus on the issue. The Goa Children's Act 2003, which is discussed in Chapter 9, is the only other Indian law dealing with trafficking, though in a limited context. However, neither of these laws has been accompanied by an independent and sustained mass movement against trafficking in the country (D'Cunha 1998)

**OBJECTIVE:**

- To determine the level of awareness of women on issues related to trafficked women.

**LIMITATION OF THE STUDY**

- Proper interview and timely follow up was not possible because of the lack of time period for data collection so this could be a major limitation of the study.
- Since the data collection is done from only limited area therefore the findings cannot be generalized to all the Delhi
- The number of women interviewed was so less that we cannot generalize the outcomes of the study.

**SCOPE OF THE STUDY**

Women are the vulnerable section of our society. They are more prone to indulge in social deviance so following issue are taken into consideration for study:

- The women's understanding about trafficking.
- The knowledge and attitudes of women towards trafficking.

- understanding of women about protocols relating to prevention, law enforcement and judicial process and rehabilitation mechanism for trafficked women.

## **METHODOLOGY**

### **Research design**

The study has adopted an exploratory research design.

### **Universe of the study**

The Muslim women in the age groups of 15 to 45 years residing in Batla House, Jamia Nagar area of Delhi.

### **Sampling Technique**

Strategies Random sampling

Total population of women in the age group of 15 to 45 years 22000 in Batla House, Jamia Nagar.

$$\frac{22000}{100} = 220$$

Population Selected / Sample size =220

**Note: ( A total sample size of 60 women was taken into consideration.43 age groups of 15 to 35 years and 17 age groups of 35to 45)**

### **Locale of the study**

The study was conducted in Batla House Jamia Nagar in New Delhi because of the **convenience** and availability of ample data for the study.

## **SOURCES OF DATA COLLECTION**

### **Primary Data**

Primary Data was collected through the questioner from the women.

### **Secondary Data**

Secondary Data was collected from media and newspapers cutting, books, magazines and different other official records as well as from different websites.

### **Text Analysis**

- Majority of the respondents were not aware about trafficking and 15% women in the age groups of 20 to 25 years aware about trafficking.

- Majority of the respondents were not aware about prevention of trafficking because of low level of education.
- 70% of respondents were not aware about law enforcement and judicial process and rehabilitation and mechanism for trafficked women.
- Majority of women were illiterate consisting 60% and rest were literate consisting of 8% were primary, 22% secondary, 20% senior secondary.
- As there are many reasons for their illiteracy but one of the most prominent reasons is financial reason which consists of 49%, 23% among them [illiterate women] were illiterate due to parental pressure for marriage etc and nearly 28% were found who have no interest in the studies so they refuse to go to school and they were not empower and even they did not know about their rights.

### **FINDINGS**

The survey revealed that the knowledge of trafficking of women was low among the respondents. It was found that the respondents could not explain the procedure to be followed in the event of trafficking. The survey showed glaring gaps in understanding among women about protocols relating to prevention, law enforcement and judicial process and rehabilitation mechanism for trafficked women.

The survey points to information gaps in awareness and understanding of trafficking by respondents.

### **SUGGESTIONS**

A view that is often not highlighted is that, people who protest against trafficking are in a minority. It is very difficult to fight because everyone is unified – all are involved in trafficking in one will take. The problem of women trafficking can be lessen with the help of the Government and also NGOs and the society. Giving education facilities and making these women aware of their own rights will also help in the improvement of their life. Not only these but making the society aware about this matter and accepting these women will make a vast difference.

### **CONCLUSION**

The process of trafficking victimizes the women physically, emotionally, psychologically, sexually and financially. The human rights as well as rights of a child are jeopardized in this process and the child grows up as an adult with limited skills and choices. Trafficking of women, as is the case with all other social problems, cannot be understood or indeed addressed in isolation. It is intrinsically linked to all other problems such as illiteracy, homelessness, and greater influence of the market all of which creates greater demand. The lack of stringent laws and even weaker implementation of the existing ones only make it easier for traffickers to continue functioning, as does the lack of an inter-related approach on women trafficking. A concerted and well-coordinated effort by all Ministries and Departments of the Government can make a difference. It goes without saying that adequate investment of human and financial resources must back all initiatives. The situation does not look as grim as it was two years ago but there is still a lot that needs to be achieved.

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