





# TRAINING MANUAL ON HUMAN TRAFFICKING







#### ACKNOWLEDGEMENT

We would like to extend our gratitude to Prof. Roma Debabrata (President and Founder, of STOP) for her significant support and insights in completing the manual.

We are thankful to our advisor Shri Amitava Bhattacharya, IAS (Retd.), Former Central Information Commissioner, Government of India, who provided the necessary guidance during the publication of the manual.

The inspiration behind our entire exercise was our respected trustee Shri D. Chakraborty whose unstinted support made it possible for the publication to see the light of the day.

We may like to express our appreciation for the hard work put in by Ms. Janki Gadhvi (Project Manager, STOP), Ms. Smritikana Ghosh (Programme Manager, STOP), and Mr. Janmejay Singh Bareth (STOP). Hello, I am Samantha from Kamrup, Assam. I have studied Mass Communications at the Indian Institute of Mass Communications and have a huge interest in covering the issues that are conveniently neglected and ignored in society.



I was working with The People's Voice, a name that needs no description in the world of journalism, when i cam across a lot of challenges in the field.



I was so excited to be there but then the excitement waned away because the company that claims to stand for people's voices was reluctant to print something that really matters and was more open to sensational news items.



I wanted to work more in the area of human trafficking, and wanted to dissminate information about the issue, which affects both urban and rural areas, every state and not just West Bengal and Delhi, and is a gender-neutal issue.

I wanted to work on the issue of human trafficking to disseminate information about it which is still not known and understood by so many people. It is still fraught with so many misconceptions and myths. I wanted to cover stories on human trafficking.

But had to fight for this at my company.

So this is my story of publishing my training manual on Human Trafficking titled-"ULearn It". It is the manual on short and crisp information about the issue.

Hey, Samantha! Write an opinion piece on the crisis of political governance structures in the XYZ state., and submit it to me by tomorrow evening.

If you don't mind,
I would like to
share my idea for
this week's opinion
edition?

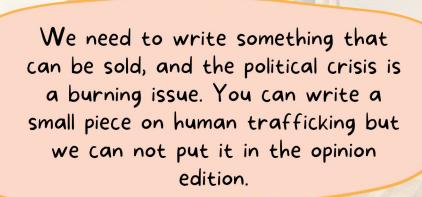


Yes, tell me!



I think we should cover the news of how Assam police has busted a trafficking racket in Assam, and should write on human trafficking because it's silently affecting so many lives.

We have already been covering the political crisis in the concerned state for the past three weeks.



I am just done with so-called sensationalism. Fo the past eight months, I have been insisting to write something on social eviks., and make them a part of the opinion edition.



Sam! You unnecessary overstress yourself. It's too trivial an issue to mull over. Just work on what they are saying. Keep them happy to be happy.

Learn this mantra.





No, Ayaan! It's time to move out and do something which has always been close to my heart.

I have always wanted to do something on the issue of human trafficking since I lost my closest friend to this crime, and if my dream company cannot help me with this then I will start the battle myself by first working on my training manual on human trafficking.

I did not get you.

So now you know why did i start working on the manual. You will be happy to hear that the manual is ready, and I am going to show it you for the first time.

Not just the cover but also its short and crisp content.

let's G000!





Image Source: thedailytexan.com

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## What is Human Trafficking?



Image Source: The New Indian Express

It is an illegal trade of human beings. It refers to the process through which people are kept in exploitative situations for financial advantage. It includes the sale, purchase, and possession of human beings, and, therefore, is regarded as the new form of slavery in the 2lst century. It has become one of the significant human rights issues by means of exploitation, which is occurring not only within a country but also trans-nationally

It involves the use of force, fraud or coercion to obtain some type of labour or commercial act.

It not only includes sex trafficking, but also includes other activities which include-

Trafficking for organ trade, trafficking for forced criminal activities, trafficking for forced labour, also known as labour trafficking.

These activities lead to the violation of bodily autonomy, and the self-determination of individuals.

The incidences of human trafficking have ancient origin. The historical narratives of ancient India as well as of the world are full of examples of human beings trafficked because of wars and used as slaves because of wars between kingdoms, and also as a part of reparations which often took the shape of women, particular, and slaves, in general. Internationally, the countries started taking serious note of this old-age problem when in the UN various countries started deliberations on this in an organized towards the end of 1940s. The result of the international deliberations on this heinous practice resulted in a clearer of the term "human trafficking" and the adoption of the Universal Declaration of Human Rights.

As the human trafficking in all its forms was a direct affront of the human rights. The UN adopted an international convention, known as the - the UN Convention against Transnational Organized Crime, 2002 and its two important protocols to deal with this cross-country crime of international nature. After ratifying the convention and the protocols, India also showed its strong resolve to continue the fight against this menace in international sphere also.

### Myths about Human Trafficking

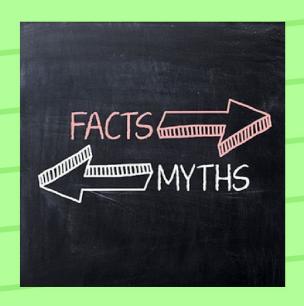


Image Source: Everyday Health

One of today's most misunderstood social justice issues is human trafficking. It is extremely complicated and frequently challenging to quantify or recognise. Furthering the public's uncertainty, human trafficking is frequently distorted in films, literature, and other forms of media. In light of this pervasive misconception, we provide 13 typical (and uncommon) falsehoods concerning human trafficking.

## MYTH I- Human Trafficking is an overseas problem

FACT- Human trafficking happens in nearly every single country around the world, and it's most likely happening where you live.

MYTH 2- All traffickers are men

FACT- According to the UNODC, an estimated 72% of convicted traffickers are male, and 28% are female.

#### MYTH 3- All trafficking victims are women

FACT-It is true that the majority of human trafficking victims are women (75% according to Polaris); however, men and boys are widely affected by sex and labor trafficking, as well.

MYTH 4- Human Trafficking only happnes in impoversidhed communities

FACT- People of every race, gender identity, age, and economic situation can be susceptible to labor and sex trafficking. Vulnerability can stem from a variety of reasons, and poverty is only one such circumstance.

#### MYTH 5- Human Trafficking and Human Smuggling are the same

FACT- Human smuggling involves illegally moving people across a country's borders. Human trafficking, on the other hand, is when "traffickers use force, fraud, or coercion to control victims for the purpose of engaging in commercial sex acts or labor services against his/her will." In some cases, human trafficking includes smuggling, but not in every human smuggling case is there human trafficking.

## MYTH 6- Victims and Traffickers are usually strangers.

FACT- Sadly, in over 60% of cases, victims are familiar with their traffickers. A trafficker could be a family friend, a significant other, or a close relative.

MYTH 7 - Rescue gives immediate relief to survivors

FACT- Rescue is not the final step to freedom for each survivor, but, rather, it is the beginning of a lifelong process of healing.

MYTH 8- All traffickers are willing participants in the crime

FACT- The traffickers may have been trafficked themselves and seized the opportunity to 'move up' and avoid being trafficked further. They may also be so desperate that illegal activity seems like the only option.

MYTH 9 - If the trafficked person consented to be in their initial situation, then it cannot be human trafficking or against their will because they "knew better"

FACT- Initial consent to commercial sex or a labor setting prior to acts of force, fraud, or coercion (or if the victim is a minor in a sex trafficking situation) is not relevant to the crime, nor is payment.

### MYTH 10- Human trafficking only involves commercial sex

FACT- Human trafficking is the use of force, fraud or coercion to get another person to provide labor or commercial sex.

Content Source: The Exodus Road and National Human Trafficking Hotline

#### Prevalence of Human Trafficking in India



According to a study by Reuters, out of an estimated 20 million commercial prostitutes in India, 16 million women and girls are victims of sex trafficking. According to the recent report of the NCRB, the conviction **b**) rate in human trafficking cases across the country continues to be low.

Police filed charge sheets in 84.7% of the 2,189 cases registered under the AHTUs across the country in 2021.

Only 16/% of the cases saw convictions.

AHTU (Anti-human trafficking Unit), an integrated task force, was set up in 2007. The force draws personnel from the police and other related departments, with funding by the Union Ministry of Home Affairs.

Eight children were trafficked every day in the country in 2021, and were exploited, according to the NCRB report. As per the NCRB data, so far 768 AHTUs are functional and 20 states and d) union territories have achieved their target of setting up these units in all their districts.

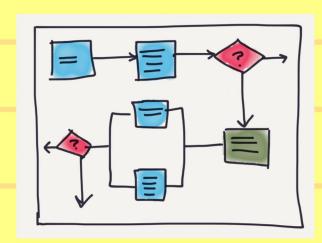
<b>e)</b>	As per a survey, it was found that 21% of the households are potentially ready to send their children into child labour
	due to their increased economic vulnerability.
f)	When the lockdown eased in June and July, child marriages spiked, marking a 17% increase
	over the previous year.

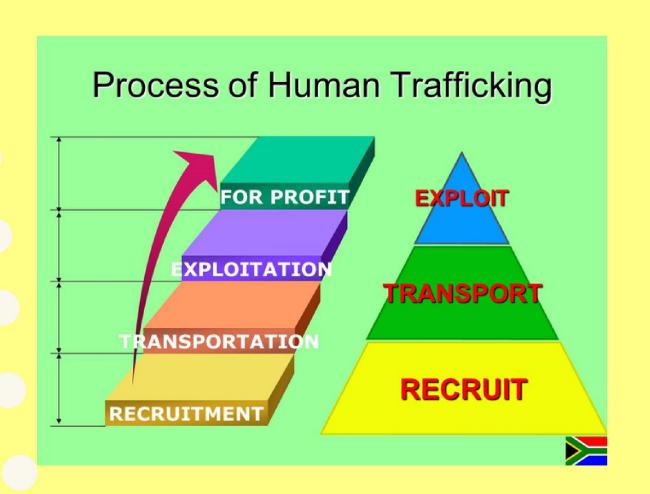
The US Department of State in its '2022 Trafficking in Persons' report has stated that India does not fully meet the minimum standards for the elimination of trafficking. It also has stated that 22 of India's 36 states and Union Territories (UTs) did not report identifying any bonded labour victims or filing any cases under the relevant rules even as the acquittal rate for traffickers remained at 89 per cent.

The report has also stated that the government did not report investigating, prosecuting, or convicting government officials for alleged involvement in trafficking crimes.

The report, released recently, has also expressed dismay as the government did no updates to its national action plan (NAP) to combat trafficking in persons or amend Section 370 of the Indian Penal Code to remove the requirement of force, fraud, or coercion to prove child sex trafficking.

### Stages in Human Trafficking





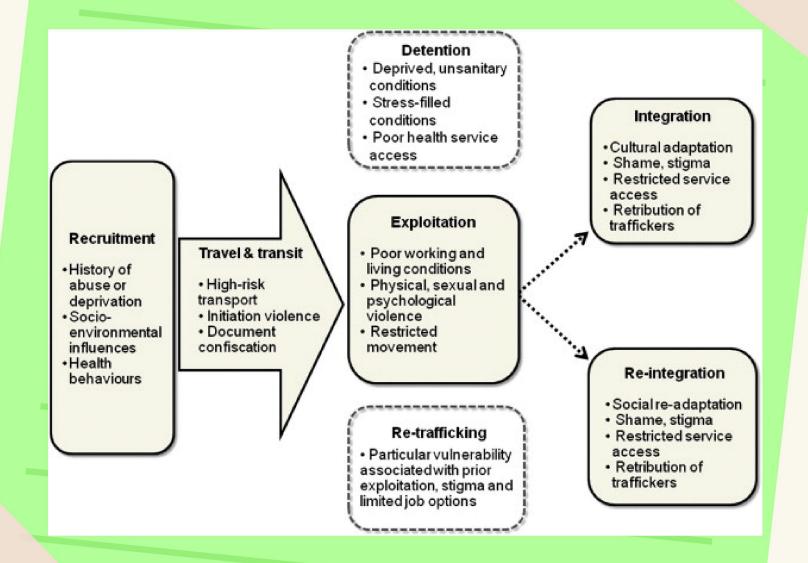


Image source: Weebly

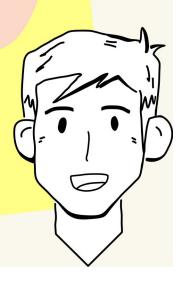
# Causes of Human Trafficking



Image Source: Caritas Internationalis

The most common pattern seen in cases of human trafficking is the movement from low-income areas to high-income areas for a "better life".

The subjective concept of a better life has led to multiple reasons and causes of human trafficking



# a) Poverty

Parents sell their children.

To escape poverty, and live a BETTER LIFE without economic hardships.

This has created two big challenges, which include-

#### CHILD LABOUR

It is the term for the exploitation of children through any kind of work that robs them of their childhood, prevents them from attending a regular school, and is bad for their mental, physical, social, and moral development.

#### CHILD MARRIAGE

Marriage before the age of 18 might be formal or informal. It is a kind of gender-based violence that deprives kids of their childhood, and violates their human rights. It also hinders their education and increases their susceptibility to abuse, prejudice and violence.

#### b) Socio-Cultural Practices

Prevalence of patriarchal mindset has created a culture of devaluing girls and women in society.

Outcome

DOMESTIC VIOLENCE

A pattern of behaviour employed in any relationship to acquire or maintain power and control over an intimate partner is known as domestic violence or abuse. Abuse is defined as coercive, threatening, or harmful physical, sexual, emotional or psychological behaviour towards another person

# Domestic violence can take the following forms-

- 1) Marital Rape
- 2) Neglect of sexual needs of wives
- 3) Multiple pregnancies because of son-preference

The victims seek a BETTER LIFE in the form of respect and economic empowerment, making them vulnerable to human trafficking.

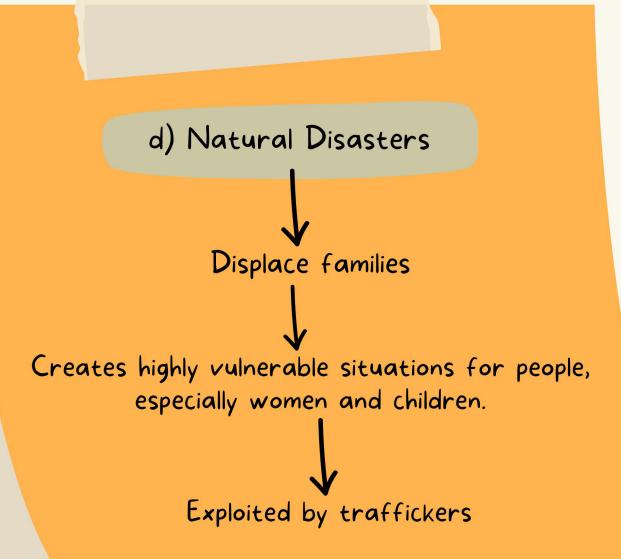
# c) Migration

It refers to the movement from one region to another-either within a country or across national borders.

REASONS

Poverty, lack of human rights, lack of social or economic opportunity, dangers from conflict or instability and similar conditions

These vulnerabilities are exploited by traffickers.



d) Some neglected issues

Involvement of international organized criminal groups or networks.

The limited capacity of immigration and law enforcement officers to control borders.

During the pandemic, the resources of the government were diverted pandemic response efforts which had created a favourable environment for traffickers to operate.

f) Rising tourism in specific regions

Rising influx of tourists

Creating a dire situation because there is no regulation of the tourism and hospitality industry.

Traffickers exploit "aspirational victims" who are striving for a new life full of freedom and choice as their definition of a better life.

# g) Cyber Crime

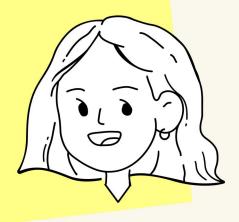
The above causes have been present in our society for a long time but with more advancement in technology and globalization, the traffickers have employed different business models to exploit individuals, taking recourse to online methods.

#### It includes- CYBER TRAFFICKING

With the increase in the usage of social media amongst the youth, traffickers can easily contact or connect with them, and can easily implement their plans virtually.

## **METHODS**

Fake websites
Advertising victims to potential clients
Gaming applications
Live chat
Live video streaming



# Laws and Sections of IPC



Image Source: Webstockreview.net

#### 1) The Immoral Trafficking (Prevention) Act, 1956 (PITA)

The Act was made to suppress immoral traffic in women and children, and prostitution.

It only discusses trafficking in relation to sex trafficking and not in relation to other purposes of trafficking such as domestic work, child labour, organ harvesting etc.

As per the law, prostitution becomes an offence when there is commercial exploitation of a person. It does not make prostitution illegal per se but it makes keeping and using of premises as a brothel-living on the income earned via prostitution, pimping, soliciting, seducing a person for prostitution in custody or otherwise and prostitution in a public area. If prostitution is done independently or voluntarily then it won't constitute an offence.

The following is an outline of the provisions in this law that pertains to children below the age of 18.

- a) The Act defines child as any person who has completed eighteen years of age.
- b) S-5 of the Act states that if a person procures, induces or takes a child for the purpose of prostitution then the prescribed punishment as stipulated in the law is maximum severs years of imprisonment which can be extended also depending on the nature of the particular case.
- c) Under the provision of the Act, if an unrelated adult person is found to have custody of a child under mysterious circumstances, the law presumes such custody as violative of the Act.

IMPORTANT- THE ACT DOES NOT TALK ABOUT THE CUSTOMERS OF PROSTITUTION.

# 2) POCSO Act, 2012 (Protection of Children from Sexual Offences)

It aims at protecting children from all types of sexual abuse. It has been enacted to protect children from offences of sexual assault, sexual harassment, pornography, and provide for establishment of Special Courts for trials of such offences and related incidents. 2) The Act is gender-neutral.

3)	The Act defines a child as any person below eighteen years of age.
4)	People who traffic children for sexual purposes are also punishable under the provisions relating to abetment in the act.
5)	To prevent misuse of the law, punishment has been provided for making false complaint.

6)	The media has been barred from disclosing the identity of the child without the permission of the special court.
7)	To provide for relief and rehabilitation of the child, the complaint is made to the Special Juvenile Police Unit or local police. The SJPU or the local police are also required to report the matter to the Child Welfare Committee within 24 hours.
8)	It is mandatory to do the reporting of child abuse cases.

IMPORTANT POINT TO REMEMBER
If a person has approached a child with a
sexual intent, then the person can be
booked under the POCSO act.

#### JUVENILE JUSTICE ACT 2015

The Act allows trials of juveniles in the age group of 16-18 years as an adult who were found to be in conflict with the law, especially heinous crimes.

#### It provides for-

- I) Inclusion of several definitions such as orphaned, abandoned and surrendered children. It prescribes provisions for adoption.
- 2) The Act mandates setting up of Juvenile Justice Boards and Child Welfare Committees in every district. Both must have at least one woman member each.
- 3) It also mandates the mandatory registration of child care institutions.

4) It also includes new offences committed against children like sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions and offences against disabled children.

#### Important point

The POCSO act is applicable for cases involving child survivors and adult offenders whereas JJ Act is applicable for cases involving child offenders and adult survivors.

## Sections of Indian Penal Code

I)	363 A (Kidnapping or maiming a beggar for the purpose of begging)
2)	366 A (procuring a minor girl for sexual exploitation)
3)	366 B (smuggling of girls for sexual exploitation)
4)	370 (buying or selling of any person as a slave)

Section 370 and 370A provide for comprehensive measures to counter human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or forced removal of organs.

# What to do if a child/individual is missing/abducted/kidnapped/sexually exploited and trafficked?

- 1) Inform the local police station/ file an FIR.
- 2) Inform the local panchayat and VLCPC( Village level child protection centre)
  - 3) Inform the District Child Protection Unit and contact the district child protection officer.
  - 4) Contact a local NGO working in the area of combating human trafficking.
    - 5) Inform the Child line- 1098

# Laws on Child Labour

I) The Child labour (Prohibition and Regulation)
Act of 1986: It prohibits the employment of children below the age of 14 years in certain occupations such as automobile workshops, bidimaking, carpet weaving, handloom and power loom industry, mines and domestic work. In light of the Right to Children to Free and Compulsory Education Act, 2009, the Act seeks to prohibit employment of children below 14 years in all occupations except where the child helps his family after school hours.

- 2) The Act adds a new category of persons called "adolescent". An adolescent means a person between 14 and 18 years of age. The Act prohibits employment of adolescents in hazardous occupations as specified (mines, inflammable substance and hazardous processes). The central government may add or omit any hazardous occupation from the list.
- 3) The Right of Children to free and compulsory education act of 2009: the law mandates free and compulsory education to all children aged 6 to 14 years

#### Procedure to file a Child Labour case

Telephone helpline- Call 1098

You can also call the State Commission for Protection of Child Rights.

You can file an online complaint with the Child Labor Section, the Ministry of Labour and Employment, Government of India

You can even write to the National Commission for Protection of Child Rights in any language and no fee will be charged.

# Law on Child Marriage

The Prohibition of Child Marriage Act, 2006 prohibits solemnization of marriage of a boy who is less than 21 years of age and a girl who is less than 18 years of age. The Magistrate has the power to issue injunction to prohibit child marriage under the Act.

### Procedure to file a child marriage case

An immediate report needs to be made to the police, the Child Marriage Prohibition Officer or such person, as may be appointed to assist him/her, first Class Judicial Magistrate or Metropolitan Magistrate.

You can even contact the District Child Welfare Committee (CWC) through the child helpline number, 1098, which operates all over India. You can also call the nearest NGOs that prevent child marriage.

# Laws on Domestic Violence

The earliest law was the Dowry Prohibition Act 1961 which made the act of giving and receiving dowry an offence.

In an effort to bolster the 1961 law, two new sections, Section 498A and Section 304B were introduced in the Indian Penal Code in 1983 and 1986 respectively.

The most recent legislation is the Protection of Women from Domestic Violence Act (PWDA) 2005. The PWDVA, a civil law, include physical, emotional, sexual, verbal, and economic abuse as domestic violence.

#### Procedure for filing a domestic violence case

The victim of domestic violence or any witness of the offence, on her behalf, can file an FIR/complaint with the local police officer, or the protection officer, or service provider, or directly to the Magistrate.

# Law on Cyber Crime

Information Technology Act, 2000: It is the primary law in India dealing with cybercrime and electronic commerce. It provides a legal framework for electronic governance by giving recognition to electronic records and digital signatures. It directed the formation of a Controller of Certifying Authorities to regulate the issuance of digital signatures. It also establishes a Cyber Appellate Tribunal to resolve disputes arising from the operation of this new Act.

The Act has provisions dealing with pornography, child porn, cyber terrorism and voyeurism.

#### Procedure to file a cyber crime case

A written complaint can be filed with any cyber crime cell across India. The I.T. act declares cybercrime a part of global jurisdiction; hence one can approach any cybercrime cell pan-India online at https://cybercrime.gov.in/ or offline.

One can also dial a dedicated cybercrime complaint number announced by the Ministry of Home Affairs at 155260 on a working day from 9:00 a.m. to 6:00 p.m. In case there is no cybercrime cell where the offence has been committed, then one can register an FIR at the local police station

#### THE DISASTER MANAGEMENT ACT, 2005

The Act provides for effective management of disasters. The main focus of this act is to undertake prompt rescue, relief and rehabilitation measures for people affected by the disaster. All state governments are mandated under Section IY of the Act to establish a State Disaster Management Authority (SDMA).

The Act provides for civil and criminal liabilities for those who violate the provisions of the Act.

### Who can you approach after a disaster?

All departments of the state government, including the police, fire services, public works, irrigation etc., work in a coordinated manner under the leadership of the District Collector during a disaster, except in metropolitan areas where the municipal body plays the nodal role.

The District Collector enjoys the authority to request for assistance from the armed forces if circumstances so demand. NGOs have also been effective in providing relief, rescue and rehabilitation measures in several major natural disaster cases in recent times.

#### SCHEMES OF THE UNION GOVERNMENT

UJJAWALA: A comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking and commercial sexual exploitation.

One Stop Centre Scheme
Women Hostel Scheme
Women helpline scheme
SWADHAR Greh (a scheme for women in
difficult circumstances)
Beti bachao beti padhao
Women help desks are established in 10,000
police stations across the country
Mahila police volunteers
PM CARES for CHILDREN

## Conclusion

The term "human trafficking" may seem over complicated and broad but it encompasses a variety of crimes that are occurring all around us. To stop this crime from occurring, we don't necessarily need to go and rescue victims from brothels; all we need to do is contribute to its prevention by being more aware of our surroundings. We must understand that anyone, even YOU and a member of YOUR FAMILY, might become the next victim of human trafficking. Laws alone won't be able to help tackle this menace; we must all share responsibility for maintaining a healthy and safe ecosystem all around us along with the central and state governments and other designated authorities.



Thank you for going through my manual. I hope it helped you in interestingly understanding human trafficking.

If you have any feedback, then feel free to send it to me on samantha2809@gmail.com
Through this story, I wanted to tell you that changing the world does not require moving mountains but taking one step at a time can also go a long way in making the world a better place.