UNIT 7 IDENTIFICATION OF STAKEHOLDERS IN PREVENTING HUMAN TRAFFICKING

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7.1 INTRODUCTION

Having understood the importance of preventing Human Trafficking, the next step is to know as to who are responsible for prevention; who all have the statutory responsibility for prevention and, if so, what are the dimensions thereon. Also to know if there is anybody other than the statutory authorities who have any role or responsibility and, if so, what are their dimensions? How do they function? Is there any linkage between the statutory and non-statutory bodies? Is there any ombudsman who monitors their activities and anybody who facilitates their functioning? These are some of the questions on which this chapter tries to ignite the minds of the reader and tries to help find answers.

7.2 OBJECTIVES

After going through this unit, you should be able to:

1. discuss who are the stakeholders in the prevention of human trafficking; and
2. analyse the role of NGOs in preventing trafficking.
7.3 **A HUMAN RIGHTS ISSUE**

Prevention of human trafficking is everybody’s business. It is a human rights concern and, therefore, is everybody’s concern. Human trafficking affects everybody, directly or indirectly. The ramifications of the problem permeate deep into the society. The impact may be dominant or dormant, visible or invisible, perceived or not perceived at all. Nevertheless, it exists. The impact may be uneven on different sectors and individuals. Therefore it is essential to understand the same in a disaggregated manner. The stakeholders are many and dimensions are multitude.

7.4 **BROAD CATEGORIZATION OF STAKEHOLDERS**

Accordingly, for the purpose of identifying the specific role of stakeholders, the discussion is oriented on the following lines:-

1. Those who are directly affected.
2. Those who are indirectly affected.
3. Those who are mandated to address the issues of human trafficking.

Those who are directly affected include victims, relatives, family members, friends, community and other persons who are closely linked to the victims. Persons who are indirectly affected are other employees of the organization, the consumers of the products, the care givers, the responders and everybody who is concerned with the human rights of victims.

### Self Assessment Question

1) How is it stated that everybody has a role in preventing human trafficking? Elucidate.

Those who are mandated to address the issue of human trafficking include those who are mandated by the constitution and law, those with popular mandate like political personalities and those with self-assigned mandate, like NGOs.

7.5 **THE STAKEHOLDERS IN PREVENTING HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION**

In the context of prevention of trafficking for sexual exploitation, the major stakeholders could be listed as follows:
7.5.1 The Victim

A question can arise as to how the victim, for example the trafficked woman, can be a state holder in the prevention process. Instances are plenty wherein the victim, realizing the potential threat ahead, has managed to find ways and means of getting out of the exploitative ambience, even though it is quite a difficult task for her. A case study will illustrate the point.

Case study

Ms R is now 21, trafficked from Nepal to India at the age of 14. She spent five years in detention in several brothels and massage parlours, constantly being violated and abused. Two years before, she was rescued by an NGO, along with police. The NGO gave her strength and rehabilitated her. Now she works for the NGO as an employee, rescuing several women and children from exploitation. She knows the modus operandi of the brothel owners and managers and, therefore, when Ms R goes for rescue operations, she has an upper hand. Maximum number of girls, even those hidden in cubicles and cellars, are promptly rescued. Ms R is not just a stake holder in the process of prevention, but a powerful force to reckon with. There are several Ms Rs in the country who are doing yeoman service in this field.

7.5.2 Family Members

The NHRC study has shown that several trafficked victims have had a difficult family life as children. Broken homes and careless parents have aggravated their vulnerability. Therefore parental care and attention are important aspects in preventing violations of child rights and child trafficking.

7.5.3 Law Enforcement Officials

Nobody can deny the fact that the law enforcement agencies are the prime stake holders in preventing human trafficking. The Indian Police Act, 1861, mandates two major duties for every Indian police official. They are prevention of crimes and detection (including prosecution of offenders). The preventive role of police is multi dimensional. To give an illustration, take the role of a police official in a rural Police Station. He is expected to move around the villages and identify the causes of crime and take steps to address them. Therefore he is duty bound to identify the vulnerabilities that cause or are likely to cause human trafficking and take steps to remove them. He is expected to identify the traffickers and exploiters and prosecute them. He is expected to provide relief to the rescued persons so that they are not trafficked again. All these are different facets of the prevention process.

7.5.4 Counsellors

Best counselling is the one which helps the trafficked person to move out of the trauma and not relive with it. This calls for a trained counsellor. An ill trained or an improperly conducted counselling will add to the woes of the victim. A trafficked person who is counselled well is able to move forward and undertake a livelihood option and live with dignity. Such a person is not liable to be re-trafficked. Therefore proper counselling prevents re-trafficking.

7.5.5 Medical Professionals

Besides providing medical care and attention, they also provide tremendous mental relief to the trafficked persons. Thereby they also have a role almost like that of the counsellors.
7.5.6 Post-rescue Care Providers

They provide the rescued person the opportunity to move on to a life of dignity and respect. They empower the victims against exploitations and violations. If it was not for them, the trafficked persons would have been re-trafficked and exploited further. Their stakes are very high in prevention.

7.5.7 The Community from where the Person was Trafficked

A strong, well networked and organic community will never allow the citizens to be violated. They act as deterrence. It is a cohesive action. Each one for every other. The community feeling is so strong that the traffickers and violators dare not enter such a community. If they venture, it will be at their own peril. The solidarity keeps them strong and provides the best tool against any crime. Therefore it is one of the best tools for prevention of human trafficking.

Case study of Missing Persons

A large number of missing and trafficked women and children are moved across the boundaries and borders of the state and even the country. Police officials are bound by the limitations of the geographical boundaries, whereas the traffickers are not. Several NGOs and their networks have well established linkages across the country and even across the borders, it would be advisable to involve them and utilize their services in locating the missing and trafficked persons and for the follow up activities. The “Human Rights Intervention Centre” started at Sanauli by an NGO, Manav Sewa Sansthan, along with the local community as well as UP Police has made tremendous impact in locating several missing children and also in preventing the trafficking of many of them. In a span of 9 months, they could save 65 girls from trafficking and thereby prevent trafficking. Such initiatives should be facilitated, acknowledged, appreciated and promoted. This case study of the community involvement in prevention also shows that the synergy between the government and nongovernmental agencies is the crying need of the hour.

7.6 THE ROLE OF NGOS IN PREVENTION OF HUMAN TRAFFICKING

Prevention of trafficking, like any other organized or continuing crime, can be undertaken at the destination, transit points and at the source itself. Human Trafficking can be effectively prevented only by simultaneous action at all the three levels.

7.6.1 Prevention by NGOs at the Demand Areas

1. The ‘pull’ factors need to be identified and controlled / regulated / reduced or eliminated. Several activities can be done in this context. NGOs can facilitate Law Enforcement Agencies in ensuring conviction of offenders and all those who create and perpetuate the ‘demand’. It is possible in several ways, especially by providing adequate information and intelligence (whistle blowers), by providing “victim-witnesses-support” structures etc. No doubt, Indian law permits arrest of offenders (including traffickers) by anybody, including NGOs (Ref: Sec 43 CrPC).

2. NGOs can also work with adolescents and undertake targeted interventions to make them aware of gender rights and human rights. This initiative should be undertaken with the College/School going children as well as children of this age.
group who may not be going to schools. Considering the fact that the NHRC research on Human Trafficking (Orient Longman 2005) shows that 10 per cent of the interviewed clientele were students, this issue becomes more relevant. This calls for a target oriented approach. One needs to go to that extra mile. Indeed, it is never crowded and this makes the difference.

Empowering the possible victims and vulnerable persons at the destination areas about their rights. The domestic workers in Delhi who have migrated from places like Jharkhand are known to be vulnerable in their place of work. They could be empowered not only about their rights but about the means and methods to prevent violations and how to deal with eventualities. Brochures, which speak about the redressal mechanisms, preventive steps and contact numbers of people who can be called or contacted when there is likelihood of distress, be supplied to such persons.

7.6.2 Prevention by NGOs at the Transit Areas
Trafficking from one place to another involves transit. The major hub of transit are railway junctions, bus stops, ports, border entry posts etc. ‘Rights intervention centre’ started by the NGO ‘SEWA’ of Gorakhpur at Sanauli, with the partnership of local police, is a classic example of prevention of trafficking. In a span of nine months, 65 girls could be prevented from exploitation, by interception at the transit place (for details see the case study in the NHRC book). However, traffickers do look for safe options and rather avoid the known routes. Even the ‘no man’s land’, in between the borders of India and Nepal has a large number of footpaths frequented by traffickers. Effective surveillance and watch on suspects at the transit places, by deputing spotters, can be a good method of interception. The spotters and the details of transit routes, mode of transport and the names of persons involved could be gathered on careful interviewing of victims and suspects. The initiative by SEWA shows that NGOs have a lot of opportunity in attending to all these activities.

7.6.3 Prevention by NGOs at the Source Areas
Initiative by the NGOs at the source of trafficking, especially in attending to the ‘push factors’ can make phenomenal change in the anti trafficking scenario. There are excellent examples of empowerment and development packages by several NGOs at identified source areas, leading to complete control on human trafficking. NGOs can undertake the following:

Identifying vulnerable areas, vulnerable persons and vulnerability factors and, thereupon, notifying the authorities for initiating appropriate steps. In fact, identifying victims and likely victims is a major challenge for the law enforcement agencies. NGOs can tie up with the grassroots agencies like PRI (Panchayati Raj Institutions) and other bodies or individuals and help in identifying likely victims.

Undertaking risk assessment of vulnerable persons, vulnerable groups, vulnerable communities, vulnerable places etc and developing the blue print for concerted action. Such blue prints will be a great asset to all agencies (for example, the Corporate Houses) who would like to undertake Anti Human Trafficking activities.

Linking up with the corporate and business houses and undertaking activities which would empower vulnerable persons and communities and provide sustained livelihood options including marketing facilities for the product, financial support from the financial institutions, linkages with the appropriate government/non-government agencies etc.
Prevention

Linkages with the media to bring media awareness and public attention to human trafficking. For example, Intervention by the media of Meghalaya to the issues of missing children was instrumental in exposing several crimes of trafficking which were happening, but, had not been reported to the Law Enforcement Agencies.

Public awareness campaigns by NGOs have tremendous potential to generate ‘public alert’ against trafficking, to shake up the ‘culture of silence’ by the public and thus create a momentum against human trafficking.

Facilitating networks of survivors so as to prevent re-trafficking as well as ensuring institutionalized mechanisms of rehabilitation.

7.6.4 Setting up of Anti Human Trafficking Unit (AHTU) by NGOs

AHTU is a special task force, a vehicle of synergy of stakeholders and a means to ensure comprehensive and integrated action against trafficking. Ideally an AHTU should have representation from Law Enforcement officials, other government departments, prosecutors and NGOs. UNODC has set up AHT units in several states and they are functioning effectively. However, NGOs can take initiative in setting up such units and enlist the support of all agencies including government into this NGO-sponsored AHTU. Much depends on their initiative and liaison with the government agencies. By the very fact that AHTUs function on the principle of holistic approach to human trafficking by the active synergy of all stakeholders, these AHTUs can make tremendous impact not only on prevention, but also in facilitating prosecution of offenders and extending proper care and attention to the victims. The infrastructural requirements as well as the day-to-day activities require funds. With proper networking, corporates can be involved in extending support for such no recurring and recurring costs.

The community of persons who are concerned with human rights of others:

They are the protagonists of human rights. They are the public spirited person, the activists. Innumerable are the instances where such persons have empowered the vulnerable persons or functioned as whistle blowers in the apprehension of traffickers and thereby, worked towards prevention of human trafficking. The steps taken by such persons have been phenomenal. Some of the examples are below:

The changing paradigms in the implementation of the special law of sex trafficking, i.e. ITPA, is a classic case of activism leading to refinement in law enforcement and justice delivery. The situation wherein trafficking was seen from the prism of prostitution and seeing both of these as synonyms has now almost become a thing of the past, at least in several states. Anti human trafficking has moved from prostitution-centric to process-centric, wherein the entire process behind trafficking is being recognized and acted upon.

The age of victimization of victim is fast changing to an age of victim-centric action, which is in the best interest of the victim.

The primacy of Human Rights is being emphasized and asserted upon. If there is a dispute between law enforcement and human rights, the latter takes predominance. The case study presented in Box 1, page 155, in the book, Human Trafficking: Dimensions, Challenges & Responses, by PM Nair will illustrate this point.
7.7 STAKEHOLDERS IN THE PREVENTION OF HUMAN TRAFFICKING FOR LABOUR

In a case of trafficking for exploitative labour the list of stakeholders will include the victim, family members, the community, the factory owners, managers, employees, the persons who trade or utilize the goods and services emerging from the exploitative labour of the trafficked person and everybody who is part of the community concerned with human rights of the trafficked person.

A question arises as to whether the employer who is the exploiter of a person trafficked for exploitative labour is also a stakeholder in the prevention process? Taking a human rights perspective and from the prism of prevention, the exploiters are also stakeholders. There are instances where the employers have realized the acts of omissions and commission on their part and have taken effective steps to prevent human trafficking. It does not mean that the trafficking which indulged by them earlier could be condoned, if it was done with intention and knowledge.

Prevention is everybody’s concern and everybody has a role to play in preventing human trafficking: The society at large has a vicarious responsibility if a person is trafficked, because of the fact that such violations of human dignity take place mostly because of a culture of silence permeating in the society wherein one tends to condone or look away when such violations take place. One cannot remain silent to such exploitations. It may not affect the person today but it will certainly affect the society where that person is also a member and, therefore, it can affect the person tomorrow. It is, therefore, the concern of each one of us and everybody has a responsibility in preventing human trafficking and, therefore, all of us are stakeholders in the process of prevention. Roles may vary and the degree of involvement or responsibility may also vary. If all the stakeholders recognize their roles, exert their right in ensuring human rights and contribute their might in the process, human trafficking can be minimized, controlled and eventually prevented.

Self Assessment Question

2) List out the names of the various stakeholders in preventing human trafficking. Briefly describe their roles in this process. Elucidate with examples.

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7.8 SUMMARY

For preventing human trafficking, it is very important to identify who are the stakeholders and what are their roles. Those who are mandated to address the issue of trafficking include those who are mandated by the constitution and law and also those who have got self-assigned mandated. Prevention of trafficking like any other organized or continuing crime can be undertaken at the destination, transit points and at the source itself.
7.9 TERMINAL QUESTIONS

1) Discuss the role of NGOs in preventing Human Trafficking.
2) How Anti Human Trafficking unit play a role in preventing trafficking?

7.10 ANSWERS AND HINTS

Self Assessment Questions

1) Refer to Section 7.3 and 7.4
2) Refer to Section 7.5 and 7.6

Terminal Questions

1) Refer to Section 7.6
2) Refer to Sub-section 7.6.4

7.11 REFERENCES AND SUGGESTED READINGS

2) UNODC, Toolkit on Law Enforcement on Human Trafficking, 2006
4) Trafficking in Women and Children in India, Orient Longman, 2005. (based on the report of the National Human Rights Commission’s Action Research on Trafficking in Women and Children in India, carried out during 2002-2004, wherein Mr Sankar Sen was the Chief Coordinator and Dr PM Nair was the Principal Researcher - cum - Investigator).
5) Nair, PM, Hand Book for Law Enforcement Agencies in addressing Trafficking of Women and Children for Commercial Sexual Exploitation, published by UNODC, 2007 (original edition, 2005, was published by UNIFEM)

15) Bedi, Kiran, Dr and Nair, PM Dr, “Human Trafficking: Dimensions, Challenges and Responses in India”, published in Yojana, the publication of the Planning Commission of India, February, 2008.
