Foreword

Human trafficking occurs when the trafficker uses force, fraud or coercion to induce, recruit, harbour or transport another person, the victim, for the purpose of exploitation for his/her own commercial gain. There are important laws protecting victims of labour and sex trafficking which are implemented with the active support of Civil Society Organisations committed to social justice. However, there are a number of significant factors that continue to undermine efforts to bring criminal prosecutions; for instance, the influence of those involved in the trafficking ring, delay in investigations, failure to protect victim-witnesses, lack of prioritisation of the issue, and structural economic barriers, including business models that flourish through forced labour and trafficking.

IJM upholds the sanctity of the Indian Constitution, its robust public justice system and the laws of the land geared toward rendering justice to the poor. It actively collaborates with the different state governments in eliminating sex trafficking and structurally deep-rooted bondage.

IJM has targeted deterrence as key to ending impunity. Its rescue efforts have met with exemplary success across the country; for instance, in releasing generational bonded labourers in a remote district of Bihar and in Kancheepuram District of Tamil Nadu, rescuing sex trafficking victims from East Midnapore District and Sonagachi brothel in West Bengal, providing momentum to inter-state coordination between the Karnataka and Tamil Nadu Governments, convicting a brick kiln owner to seven years imprisonment in Chittoor District of Andhra Pradesh, and in prosecuting a wealthy Falkland Road jeweler to six years of rigorous imprisonment for the sexual abuse of three minor girls.

In order to amplify their efforts, IJM has sensitised scholars and researchers by hosting the National Research Conference on Human Trafficking in September 2015 in partnership with Christ University, undertaken a training programme for over 10,000 officials from the Maharashtra Government and participated in a landmark national conference on anti-human trafficking conducted by the Ministry of Home Affairs.

Strategic litigation can be a catalyst for genuine, long-term change. It offers a powerful means to hold both state and private actors accountable for gross human rights violations. It also serves as a genuine deterrent to would-be traffickers. Strategic litigation is not just the domain of human rights lawyers and civil litigators. It is also founded on close partnerships with investigative journalists, human rights researchers, academics, and grassroots non-governmental organisations, who share this vision for change.

The Bandhua 1947 Campaign in which IJM has played an active role has acquired the momentum of a social movement as it seeks to root out impunity which resorts to brute violence on brick kiln labourers in Bihar, Orissa and Punjab. The gamut of rich experience that comes through in IJM’s Annual Review Report 2015-16 will, I am sure, be an inspiration to Civil Society Organisations, the Judiciary and officials of the State and Central Government.

I wish IJM all success in emerging as an astounding path breaker in the elimination of sex trafficking and bondage in every nook and corner of India.

Chandigarh
08.05.2016

(Prof) Dr. K. Gopal Iyer,
Formerly Professor in Sociology, Punjab University,
Chandigarh 160047
Human Trafficking

Human Trafficking is the fastest growing crime and the second largest illegal trade in the world. Indian law decries the crime of human trafficking. Article 23 of the Constitution of India and various other Indian laws prohibit trafficking of human beings and forced labour. India has also ratified several international laws that protect vulnerable citizens against trafficking.

In March 2013, India passed the Criminal Law (Amendment) Act of 2013, which amended Section 370 of the Indian Penal Code. The amendment, which included India’s first definition of human trafficking, further strengthened existing laws on trafficking.

As per this definition, human trafficking occurs when one person (the trafficker) uses force, fraud or coercion to induce, recruit, harbour or transport another person (the victim) for the purpose of exploitation for his/her own commercial gain. The Act also defines exploitation as “any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.” The Act also clarifies the types of offenses criminalised as trafficking violations and institutes heightened sentences for perpetrators.

Indian laws protecting victims of labour and sex trafficking

- The Immoral Traffic (Prevention) Act, 1956
- The Bonded Labour System (Abolition) Act, 1976
- The Child Labour (Prohibition and Regulation) Act, 1986
- The Juvenile Justice (Care and Protection of Children) Act, 2000
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Protection of Children from Sexual Offences Act, 2012
- The Indian Penal Code, 1860 (certain provisions).

International laws regarding trafficking

- Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery, 1956
- United Nations Convention against Transnational Organised Crime, 2000 (also known as the three Palermo Protocols)
- International Convention for the Suppression of the Traffic in Women and Children, 1921
- International Convention for the Suppression of the Traffic in Women of Full Age, 1933
- Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1949
IJM India: Vision and Approach

IJM India’s vision is to rescue thousands, protect millions and prove that justice for the poor is possible. India has a robust public justice system and the laws of the land are geared toward making justice accessible to the poor. Nearly all of IJM’s cases fall within the definition of human trafficking as laid out by existing government and legal definitions, giving us several opportunities to collaborate with the government in fighting trafficking.

The problems of sex and labour trafficking are most effectively addressed when civil society and government work closely together. Our long-term vision is to encourage vulnerable community members to approach the government directly to secure justice. Therefore, every individual case that IJM pursues is done in tandem with relevant State and Central authorities, police and special units like Anti-Human Trafficking Units (AHTUs).

The cycle of injustice is broken only when offenders are held accountable for their crime; we therefore work with police and other government officials to ensure that offenders are arrested and charged with appropriate crimes under the law.

Our vision is amplified when we bring on board other grass-root NGOs and community-based organisations to educate vulnerable communities on their rights. Upon invitation, we also work with the government at state and national levels to deliver capacity building programmes for officials and community members on the issues of sex and labour trafficking.

Victims are transformed to survivors when they are made aware of their rights as Indian citizens, have access to government benefits and welfare schemes and in the process learn that the law is for them and not against them.

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Combating Human Trafficking in Odisha
Bringing Rescue

Trafficking runs rampant when perpetrators have no fear of the law. Rescues and individual casework are crucial first steps in ensuring justice for victims and accountability against traffickers.

75 sex trafficking victims

1776 bonded labourers

1871 total rescued
May 2015 saw effective inter-state coordination and planning as the state governments of Karnataka and Tamil Nadu came together to conduct a multi-state rescue and expose an inter-state trafficking ring.

What began as a coordinated rescue operation by the District Administration, Police and IJM at an agarbathi factory in Bengaluru turned into something much larger when the team found 107 labourers who had been trafficked across multiple states—43 of the labourers were from West Bengal, 40 from Assam, 22 from Jharkhand and two from Nepal. These labourers, in turn, supplied crucial information which resulted in the rescue of another 48 labourers from Tirupattur, Tamil Nadu.

“The labourers had been hired through an agency. Once they arrived at the factory they were not allowed to go out or even talk to their relatives,” said Dr. B. Dayanand, Tahsildar of Bengaluru South Taluk [1].

“The labourers had been trafficked from several states into Delhi and from there they had been transported to Bengaluru and Tirupattur,” said Esther Daniel from IJM. “Despite the several state lines that needed to be crossed, the traffickers successfully managed to transport the victims without exciting suspicion. This indicates the robust trafficking network of these suspect perpetrators.”

Most of the bonded labourers had been deceived into accepting the work. “We were promised monthly wages between Rs. 7,000 and Rs. 9,000 in addition to meals, housing, and one day off a week,” said a survivor. Instead, they received absolutely no pay, were physically abused and prohibited from ever leaving the factory.

Survivors reported that the owner had guards through the day and night, as well as two watch dogs, which were let loose during the night to ensure they did not leave the premises. After work hours, they were all locked into a small room with minimal ventilation and were then woken up after as little as three to four hours of sleep.

Mr. L C Nagaraj, Assistant Commissioner (Bengaluru South) corroborated the victims’ statements. “The hall where these people were kept could house only 30 people. They were not paid salaries for many months,” he said [2].

Based on the testimonies of the victims, authorities made four arrests in Bengaluru and two in Tamil Nadu. While three traffickers have been absconding, the others now face charges under Sections 344, 370 (Trafficking of Persons) and 374 of the Indian Penal Code (IPC), Sections 16, 17, 18 of the Bonded Labour System (Abolition) Act of 1976, and Sections 23 and 26 of the Juvenile Justice Act.

“This rescue proved what can happen when civil society and authorities from different departments work together,” said Esther. “The Revenue, Labour, and Health Departments coordinated with the local police very efficiently to conduct this rescue. With effective inter-state communication and consistent perpetrator deterrence, we can end impunity and the crime of bonded labour trafficking in our lifetime.”
City Police Wage the Same War

A similar scene plays out three hours away in the congested alleys of Sonagachi, Kolkata’s largest red-light district. The Immoral Traffic Section of Kolkata Police, dedicated to trafficking cases, continues to increase its vigilance against this crime.

In February 2016, Kolkata Police investigated the case of two Bangladeshi victims who had been exploited in a Sonagachi brothel. Over the course of two weeks, the unit initiated three operations to rescue the victims. On the first two attempts, the girls were not present. Police however refused to give up, and finally, on February 29, they rescued two girls and arrested two suspects.

Ms. Tandrima Gupta, Sub-Inspector in Kolkata Police’s Immoral Traffic Section says that over the last 12 years of her career, she has witnessed police response to trafficking evolve.

“It used to be like a fair,” says Saatparshi Biswas, an advocate who provides legal counsel to sex trafficking victims. “There were lights, trucks, and girls lining the road. The pimps would call cars to stop and come inside.”

“West Bengal is an affected area for trafficking,” says Mr. Sarbari Bhattacharya, Officer-in-Charge of the state’s Anti-Human Trafficking Unit of the Criminal Investigation Department. “But now police are much more proactive.”

State Police Crack Down on Crime

In February 2007, IJM began partnering with the police to conduct operations to rescue victims and arrest criminals in this area. At first, officers routinely found girls as young as 12 forced into sex work at filthy roadside brothels. Slowly however, committed police are helping change this dire situation.

In 2008, the police unit began cracking down on trafficking in this region, continuing well into 2015. From September 2014 to August 2015, West Bengal’s AHTU CID, assisted by IJM, relentlessly pursued brothels notorious for trafficking minors. One particular brothel was targeted four times.

The first operation took three attempts and over 40 hours before police could finally arrest eight accused persons and rescue 16 victims. In February 2015, CID followed up this success by re-arresting one of the accused persons who had been released on bail and rescuing more victims. In July 2015, when CID arrived again at the brothel, the place was empty; the traffickers had been tipped-off. Undeterred, local police followed up with the case and in August, they succeeded in rescuing another 15 victims.

In the span of one year, police managed to rescue 33 victims and arrest 20 accused persons.

Police need to be sensitised. But we need sensitivity for public prosecutors, defence advocates, and judges as well. Traffickers can get bail on the same date as arrest. If you don’t get punishment, we cannot end impunity, and every sensitivity and training programme is wasted. We need to be on one platform to get convictions.”

Mr. Sarbari Bhattacharya
Officer-in-Charge of the state’s Anti-Human Trafficking Unit of the Criminal Investigation Department

Proactive police target trafficking of minors in West Bengal

Nine years ago, if you drove down the national highway from Kolkata through the East Midnapore District, it would be impossible to miss the trafficking of minors for sex.

“West Bengal is an affected area for trafficking,” says Mr. Sarbari Bhattacharya, Officer-in-Charge of the state’s Anti-Human Trafficking Unit of the Criminal Investigation Department. “But now police are much more proactive.”

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In the span of one year, police managed to rescue 33 victims and arrest 20 accused persons.
Below: IJM staff, police and the Revenue Divisional Officer arrive at the enormous brick kiln to find hundreds of labourers from Odisha, who appear to have been trafficked for bonded labour.

Above: The RDO inspects the facility and conducts inquiries to ascertain whether or not the labourers are, in fact, bonded.

The largest rescue in IJM’s history

In 2011, IJM in collaboration with the government rescued 512 bonded labourers from a sprawling brick kiln in Tamil Nadu. Evading conviction, the owner was not punished in any capacity. Five years later, the story repeats itself. This time, over 560 people are rescued in what has become IJM’s largest rescue to date.
Left: The RDO inspects labourer’s hands to verify if they were working at the facility.

Above: After establishing that the case is indeed one of bonded labour and trafficking, the RDO asks the trafficked labourers how many of them would like to return home. After a moment of stunned silence, hundreds of hands rise into the air.

Right: Police who were present during the operation arrest the owner of the facility, along with five accomplices.
The RDO organises for survivors to travel back to his office, where a detailed enquiry will be held. On the basis of this enquiry, Release Certificates will be handed out.

Working through the night, the RDO and other government officials demonstrate incredible commitment, providing the necessary documentation for survivors to begin their lives in freedom.

Survivors pack up their meagre belongings to leave the brick kiln and begin the long journey back home.

Survivors wave good-bye as they board the train to begin their lives in freedom.
AHTU with IPC Section 370: A successful model to combat Human Trafficking

Created in 2006, Anti-Human Trafficking Units (AHTU) are a joint initiative between the Ministry of Home Affairs (MHA) and the United Nations Office on Drugs and Crime (UNODC). The MHA’s Comprehensive Scheme for the Establishment of Integrated AHTUs and Training of Trainers (TOTs) states that the local AHTU should be involved in the rescue of trafficking victims. Not just a police unit, AHTUs can integrate officials from multiple departments, allowing for a coordinated, multidisciplinary approach from all stakeholders. It could include the departments of Labour, Revenue and Women and Child Development, among others, whenever required.

In addition to working alongside various government departments, AHTUs successfully work with NGOs to receive information and conduct rescue operations. Since 2013, IJM has assisted the AHTU in rescuing over 150 victims of bonded labour trafficking. In the past year alone, about 73 victims have been rescued.

The implementation of the Criminal Amendment Act, 2013 has revolutionised the approach of the AHTUs to bonded labour cases in Karnataka. Broadening perspectives on the issue, the Act has cemented bonded labour as a human trafficking crime. AHTUs now respond to complaints within 24 hours—rescuing victims, inquiring them in detail, arresting perpetrators and filing FIRs under various sections including Section 370 of the IPC.

A few successful rescues from the last year:

**February 2015:** 25 bonded labourers from Odisha—seven men, eight women, and 10 minors (the youngest just five) were rescued from Yelahanka. The brick kiln owner was arrested under Section 370 of the IPC (Trafficking of Persons) and the Bonded Labour System (Abolition) Act, 1976.

**March 2015:** 30 victims of bonded labourer trafficking, including eight child bonded labourers, were rescued by AHTU along with District Administration and Karnataka Police from a brick kiln in Bagalur, Bengaluru North. All victims were from Odisha. The brick kiln owner was arrested and remanded to judicial custody. An FIR was registered under Section 370 of the IPC (Trafficking of Persons) and the Bonded Labour Abolition Act, 1976.

**November 2015:** A woman who had escaped several years of bondage was abducted along with her baby by a brick kiln owner and his associates. Rescuing the woman and her child, the police took the owner into custody. An FIR was filed under IPC 365 (Kidnapping and Abduction), IPC 361 (Kidnapping from lawful guardianship), IPC 341 and 342 (Wrongful Confinement) and various sections of Bonded Labour System (Abolition) Act, 1976.

**January 2016:** 15 victims of bonded labour trafficking from Madhya Pradesh were rescued from a sugarcane farm in Bagalkot, Karnataka. Though Bagalkot is almost 500 km from Bengaluru, the AHTU unit from the city led the successful rescue along with IJM and Jan Sahas, an NGO based in Madhya Pradesh. The case was registered under IPC Section 370 (Trafficking of Persons) and sections of the Bonded Labour System (Abolition) Act.

Since the amendment of IPC section 370 in 2013, the AHTU in Karnataka has achieved the effective rescue of over 1,900 victims. In 2015 alone, they rescued 800 victims. The Unit in Bengaluru is the nodal head and is responsible for the entire state, making it authorised to carry out rescues anywhere in Karnataka. There are currently nine Anti-Human Trafficking Units in Karnataka.
As Siddhartha Kara, eminent Harvard Scholar and author of Bonded Labor: Tackling the System of Slavery in South Asia points out, "bonded labour is at once the most ancient and most contemporary face of human servitude, continuing for millennia and touching almost everyone in today's global economy."[3]

In the recent past, there has been growing concern at emerging forms of forced labour like the Sumangali Scheme and the presence of bonded labour in the supply chains of large conglomerates. However, some of IJM’s most compelling cases from the last year proved to be a throwback to the more traditional forms of labour exploitation.

**Bondage on grounds of economic consideration**

One such case was a rescue carried out by the Revenue Divisional Officer (RDO) and police officials of Telangana on the 7th and 8th of January 2016, along with IJM and its partner, Foundation for Sustainable Development (FSD). An entire village, consisting of 96 labourers and 38 families, had been bonded for 10 years by a contractor from Amaragiri village in Mehbubnagar District. Instead of the usual form of monetary advance, he offered the villagers fishing nets and boats, binding them to sell their catch only to him. Since the labourers were unable to pay for the fishing equipment, they were forced to sell the fish at a price far below its market value. This particular case demonstrates a violation of Section (g), point (iv) of the Bonded Labour System (Abolition) Act, 1976, in which ‘economic considerations’—in this case, the fishing equipment—are used as means of leveraging power over labourers.

The villagers were paid between Rs. 500 and Rs. 1000 per week. If the labourers expressed hesitation to sell him their fish or desired to seek alternative employment, the owner would threaten to call in their debt, which ranged between Rs. 50,000 – Rs. 2, 00,000 per family. They were prohibited from leaving the village until their ‘loans’ had been cleared off, but being denied the means to sell their catch in the market, they had no means of repaying him.

Says Mr. Vasudevan, spokesperson for FSD, “It was a clear denial of the freedom of employment and it met the fourth element of the BLSA Act, with the victims being denied the chance to change their employer or sell their goods at a fair market price.”

As directed by the Collector, 96 victims received Release Certificates and they eagerly look forward to the changes that this new found freedom will bring to their lives.

**Kamaiya or customary bondage in Bihar**

In January and February 2015, IJM’s partner, Justice Ventures International (JVI) worked alongside the government in two customary agricultural bondage cases, rescuing 359 people. This type of bonded labour is known as ‘Kamaiya’ in Bihar and is commonly linked with India’s caste system and feudal-based zamindari system. In all three cases, the victims had never received wages for their labour. The only income they received was a few kilograms of grain once a year. They were forced to depend solely on the owners to meet all their other needs, adding to their alleged debt.

In most cases, the villagers had been bonded for about three to five generations. They were compelled to settle along the margins of the village without electricity or proper roads. Under the able leadership of the District Magistrate, the Government issued Release Certificates, rehabilitation money and compensation under the Scheduled Caste Commission.
Generational bondage in Tamil Nadu

Down south, in a compelling case of generational bondage, Mr. Paneerselvam, RDO of Chengalpattu, rescued two brothers, Ezhumalai and Appu from a rice mill in Kancheepuram District where their father and grandfather had been working. The brothers worked to pay off a loan of Rs. 5,000 that continued after the death of their father.

Eventually, both the brothers took loan amounts of Rs. 3,000 each to conduct their marriages. Medical and food expenses added to their father’s initial loan, which the owner claimed was now Rs. 19,000. Though the brothers toiled for about 18 hours a day, they were paid only Rs. 20 – 25 a day—making it impossible for them to ever pay off their debt. When they tried seeking alternate employment, the owner strictly forbade them from leaving. Ezhumalai’s children were also often forced to work without being compensated for their labour.

On 10th June 2015, RDO Paneerselvam entered the rice mill along with IJM and rescued the brothers, and four other families. At the end of an initial inquiry, 17 victims were issued the initial rehabilitation money of Rs. 1000, their Release Certificates as well as Ration Cards and Community Certificates.

Since the labourers had been working in the facility for generations, they did not have a home or a village to return to. The government stepped in to arrange land for the six families to begin their lives in freedom. Joint efforts from the government and the community is making a great impact in the lives of these survivors—students from the Social Work department of Madras Christian College (MCC) have come forward to help survivors build their homes using materials received from the government and other community members.

Deterrence: Key to ending impunity

Says Shantanu Dutta of IJM, “The bonded labour system continues to emerge and assume new forms and this could cause typologies to vary. In the past year, we’ve noticed growing instances of cases where there has been a co-existence of modern and primitive forms of bonded labour. Today, bonded labour includes elements of forced labour, trafficking, harbouring and exploitation of the underprivileged and vulnerable. It has become more complex and if we need to reduce prevalence, we need to create strong deterrence among traffickers and illegitimate business owners. It is strong convictions that will begin to turn the tide.”
Ending Impunity, Creating Deterrence

When human traffickers get convicted for their crimes, it sends a strong message among other traffickers that their crime will not be tolerated. Stronger sentences and quicker enforcements help curb the crime and build a culture of deterrence.

93 arrests & 27 convictions of sex trafficking perpetrators

38 arrests & 15 convictions of bonded labour perpetrators
Deterrence is a crucial strategy in eradicating the crime of human trafficking. When an offender is investigated, charged and convicted for a crime, it sends a clear message to other potential offenders that the crime will be punished according to law. Through the years, IJM has observed the effects of deterrence and its lack, the results of which are both encouraging and alarming.

In 2011, IJM helped conduct a rescue at a sprawling brick kiln, rescuing 512 bonded labourers. Though the owner was arrested, the final outcome of his crime was that he had his workforce taken away. Five years later, in February 2016, IJM helped conduct another rescue at the very same brick kiln, liberating 564 more labourers.

“This is a sobering example of how a lack of deterrence can perpetuate impunity,” says Richard Ebenezer, who handled the case in 2011. “The brick kiln owner saw no real risk in repeating his offense—as a result, the cycle of malpractice continued and more vulnerable people were subjected to exploitation.”

The owner, along with five accomplices, has since been arrested and the newly-liberated survivors have returned to their home districts. While the case is not yet in session and no conviction has been passed, IJM is working with relevant government officials to ensure that justice is done and that no more labourers are exploited by this owner.

Despite such discouraging reports, there is growing awareness of the gravity of the crime of trafficking. For instance, an auto driver who had knowingly transported young victims to be raped night after night was sentenced to ten years in prison and a fine of Rs. 50,000 by Judge Razvi of the Dindoshi Sessions Court on 26 February 2016. Generally, only brothel owners and trafficking ring coordinators are held culpable, but this landmark judgement demonstrated that anyone participating in the crime would be held accountable for their actions.

The auto driver was first arrested in 2013, when the Social Services Branch, assisted by IJM, conducted a rescue operation at a bar and rescued five victims. He was charged under Section 370(3) of the Indian Penal Code; he was also sentenced under Sections 4 and 5 of the Immoral Traffic Prevention Act for living off the earnings of prostitution and procuring and transporting the victims for the sake of prostitution, respectively.

One of the survivors, now an 18-year-old girl, who was sexually exploited for one and a half years before her rescue, was awarded Rs. 40,000 as compensation. Now safe in a shelter home, her testament in court helped secure the sentence against the auto driver.

“Ten years is a great sentence,” notes Joanita Britto, retainer lawyer from IJM, who assisted the public prosecutor with the case. “Such effective execution of justice will definitely deter other potential traffickers and send a clear message that those involved in any part of the trafficking process will be punished.”
Convergence is key to ending a well-organised crime like human trafficking. Recognising this, the Karnataka State Human Rights Commission (KSHRC) formed a task force in 2015 to combat bonded labour and sex trafficking in Karnataka. Comprising senior officials from various departments, the Task Force will collaboratively work to identify, rescue and rehabilitate human trafficking victims. It will also be responsible for arresting and prosecuting perpetrators. NGOs, including IJM, have been invited to be part of the Task Force.

Ms. Meera C. Saksena, Honorable Acting Chairperson of the KSHRC, who spearheaded the formation of the Task Force notes, “Lack of coordination and synergy is a recognised problem, with each department tending to become a domain unto itself. Information is not shared adequately and cooperation between departments is also challenging. We needed to overcome this, and one way of doing this was to establish a high-level task force with a unified goal. Collectively, we can take government programmes to their logical end and the synergy and cooperation we achieve will trickle down to the grassroots level of each department.”

Another significant role of the Task Force will be identifying and correcting gaps in implementation of programmes related to rescue, rehabilitation and prosecution. NGOs play a crucial role in bringing grassroots-level needs to the attention of the Task Force and Ms. Saksena welcomed the NGO community’s input.

The Task Force meets every quarter and since its inception has already ironed out several key issues. On the future of the Task Force and her vision for it, Ms. Saksena says, “Through the Task Force we have brought our strengths together and we can introspect, interact and be more proactive. The cooperation and coordination between departments must be institutionalised and we are aiming towards that. Finally it must result into action on the ground that benefits the victims.”

Karnataka State Human Rights Commission initiates Task Force to address trafficking

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<tr>
<th>Problem</th>
<th>KSHRC Recommendation</th>
<th>Result</th>
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<tr>
<td>Delayed Release Certificates for rescued bonded labourers</td>
<td>Revenue Department to formulate guidelines for the issue of Release Certificates within a specified, reasonable time period</td>
<td>Issued an order to the Regional Commissioners and Deputy Commissioners of the State to issue Release Certificates within 10 days of a rescue in all bonded labour cases</td>
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<td>Lack of efficient prosecution</td>
<td>Department of Prosecutions to ensure that trafficking cases are not delayed due to want of Public Prosecutors</td>
<td>Perpetrators will be greatly weakened and deterred from trafficking when a united collective brings them to justice and protects the victims</td>
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Government Departments of the Task Force

- Anti-Human Trafficking Unit, CID
- Karnataka State Police
- Department of Labour
- Revenue Department
- Bengaluru City Police
- Department of Law
- Home Department
- Department of Women and Child Development
- Department of Health and Family Welfare
- Rural Development and Panchayat Raj
- Department of Social Welfare
In a landmark judgment against a bonded labour offender, a Judge in Tirupati, Chittoor District, Andhra Pradesh convicted a brick kiln owner under Section 370 of the Indian Penal Code. Despite the 20 adjournments, the final judgment was passed at a relatively quick pace and the offender now faces seven years of rigorous imprisonment and a fine of Rs. 7,000.

In the past, there has been a tendency to associate trafficking primarily with the sex trade. The Criminal Law (Amendment) Act, 2013 widened the scope of the Act to trafficking for sex, labour and organs. Mr. G. Sudhakar Babu, Additional Public Prosecutor from Tirupati affirmed the judgment stating: “This (Sec 370 conviction) will set a new trend of intolerance towards this crime, and hopefully, function as a deterrent to other traffickers.”

The owner was found guilty of trafficking 67 labourers from Odisha, harbouring them at Andhra Pradesh and exploiting them for labour. The labourers had been subjected to physical and verbal abuse at the brick kiln; they had been forced to work for 22–23 hours a day and had been paid far below the state’s minimum wage. The owner had also denied labourers the freedom to move about freely and prohibited them from working outside the brick kiln. Children between the ages of two and five had been forced to work up to 14 hours a day.

“This is a ground-breaking judgment in the fight against human trafficking for labour,” says Richard Ebenezer, retainer lawyer for IJM. “By charging bonded labour offenders under Section 370, the Judge has recognised bonded labour as being a human trafficking offence.”

Breakthrough conviction sends message to traffickers
Jeweler sentenced to six years for abuse of minors

On 29th March 2016, a wealthy Falkland Road jeweler was sentenced to six years of rigorous imprisonment for the ongoing sexual abuse of three minor girls in Mumbai. The girls, who were aged 8, 9 and 11, were rescued in October 2013 and the perpetrator was taken into custody by the VP Road Police.

The youngest victim testified bravely in court. Her testimony held immense weight as it became clear that the suspect had repetitively taken advantage of his young neighbours from underprivileged backgrounds. He was convicted under Sections 8, 10 and 12 of the POCSO Act, Sections 354 and 506 of IPC, and Section 67 of Information Technology Act.

“This is our first case in Mumbai dealing with the POCSO Act,” says Vivan Gandhi, Consultant Advocate with IJM. “The suspected trafficker was convicted based on the testimonies of the victims, which the prosecutor highlighted and the Judge took on board. The police too played an integral part by ensuring that they had enough evidence to convict the child abuser.”

Despite the successful execution of justice, this case also highlights the difficulty in achieving convictions. The trial went through three Judges and two court rooms before the final sentence was handed down.

“There is a great deal of trauma and fear encountered by the girls when they know their abuser is still free,” says Lila Nanda, social worker from IJM. “Speedy trials ensure that the morale of victims remains high.”

Sanjay Macwan, Director of IJM’s anti-trafficking operations in Mumbai, believes that convictions and speedy trials provide a tangible demonstration of how perpetrators will be held accountable for their crimes, regardless of how rich or influential they may be. “Rescue operations, arrests and convictions are all important aspects in generating deterrence,” he says. “However, convictions in particular demonstrate that the guilty will be held accountable for their crime. It sends a message to the entire trafficking network and is therefore critical in our fight to end criminal impunity.”
Deterrence in action

Impunity against the poor will end when the public justice system consistently demonstrates that criminal acts will be met with punishment according to the law. Arrests and the just conviction of perpetrators play significant roles in generating deterrence. IJM retainer lawyers and consultant advocates have assisted in achieving a number of arrests and convictions throughout 2015 and early 2016.

Ending criminal impunity and creating sustainable deterrence through efficient law enforcement and judiciary is fundamental in combating human trafficking and sexual crimes.”

Sanjay Macwan
Director of IJM’s Anti-Trafficking Operations in Mumbai
International Justice Mission

147
Arrests

167
Standing Trials

36
Convictions

Mumbai
Bengaluru
Kolkata
Chennai

2015-16 Year In Review | INDIA
Transformation through Convictions

This case was just one of 14 sex trafficking convictions handed down by East Midnapore courts in 2015, an unprecedented number, transforming a district notorious for the crime. According to the National Crime Records Bureau, West Bengal registered the highest number of sex trafficking cases in the country in 2013. In spite of this, the state had one of the lowest conviction rates in the country for these cases—a mere 4 per cent.

“For years, the brothels were filled with victim girls,” says Mr. Amal Ojha, Special Public Prosecutor in Haldia. “There was no check. It was done openly, thinking there would be no convictions.”

Ojha still remembers the story of a victim he met on his first sex trafficking case in 2008. Based on the promise of a good job, a young woman from Bangladesh had left home in order to support her young son. Instead, she was sold to a brothel. Ojha fought the case for four years until the Judge sentenced the accused to 10 years of imprisonment. It was the first sex trafficking conviction in East Midnapore and the third in West Bengal under the Immoral Traffic Prevention Act (ITPA). Since then, Ojha has won four more cases, including this recent one.

“Courts have grown more serious,” he reflects. “Expected change has not come however. More judges are needed in order to get trial and to ensure that criminals stay in custody without being acquitted.”

Convictions, he believes, are only a beginning, but a powerful one. “Convictions are a threat to these criminals,” he says. “The cry of the victims motivate me. It’s my sincere duty to serve those in the public who are deprived by the accused.”

Trafficker convicted with longest sentence in IJM history

On April 10 2015, a West Bengal Judge sentenced a sex trafficker to 13 years rigorous imprisonment—the maximum punishment and longest sentence ever in an IJM India sex trafficking case.

Mr. Somnath Chakrabarti, Additional District and Sessions Court Judge in the city of Haldia, East Midnapore District, convicted the trafficker under five sections of the Indian Penal Code (IPC) and Immoral Traffic Prevention Act (ITPA)—including the rare and significant charge of abetting, or assisting, an already convicted brothel owner. Judge Chakrabarti also fined the convict 1.53 lakh to be divided among the victims.

This unique case started six years ago in February 2009, when the Anti-Human Trafficking Unit of the West Bengal Criminal Investigations Department (CID), together with NGOs IJM and Sanlaap, conducted an operation in a brothel-cum-hotel in Haldia. After seven unsuccessful attempts, police rescued four victims and arrested three perpetrators.

Police wrote an arrest warrant for the accused; over a year later, he surrendered. Six months afterwards, the High Court granted him bail, and even though one of the victims filed a successful bail cancellation petition, the accused disregarded the Judge’s orders and evaded arrest. After two years of relentless pursuit by the police, the perpetrator was found and arrested in March 2013.

Three of the rescued victims testified in court about the abuse the accused had inflicted upon them.
Building Capacity

Protecting millions becomes possible when the existing government mechanisms and justice systems are strengthened. To this end, IJM collaborates with the government to equip power actors with the necessary tools they need to fight trafficking.

1537 government officials trained on laws against bonded labour and labour trafficking

10648 government officials trained on laws against sex trafficking
Where we work—IJM and partners

This map displays all the areas in which IJM has been combating labour and sex trafficking, either directly through IJM staff and field workers or indirectly through partner organisations.

States in which IJM and partners are combating sex trafficking in India*

- West Bengal
- Bangladesh
- Orissa
- Goa
- Karnataka

States in which IJM and partners are combating bonded labour in India

- Tamil Nadu
- Rajasthan
- Madhya Pradesh
- Telengana
- Karnataka
- Uttar Pradesh
- Jharkhand
- Andhra Pradesh
- Punjab
- Bihar
- Odisha
- Kerala

* IJM partner organisations also operate in Nepal
On September 16 2015, IJM in partnership with Childline, held a workshop for social workers, counsellors, shelter home staff, and members of the Juvenile Justice Board in East Midnapore, West Bengal. A first-of-its-kind training in the district, the workshop focused on caring for victims of sex trafficking.

“The area has a few government-run aftercare homes and one private home,” says Mr. Rabindranath Paul from Childline. “Girls placed in these homes have been grappling with various issues and so have their social workers. The workshop was an effort to help caregivers better understand and respond to the specific kind of trauma faced by victims of sex trafficking.”

Dona Kottackal and Moumita Khati, IJM social workers, who have worked with survivors of sex trafficking for several years, facilitated the workshop. The workshop first dealt with understanding the impact of continuous traumatic events in the mind of a trafficked child and how this trauma would manifest itself in different ways. Kottackal and Khati taught the social workers how to identify various manifestations and create a unique treatment plan depending on the child’s trauma and her personality. The second part of the workshop dealt with self-care techniques.

“Sex trafficking is traumatic not just for survivors but also for their social workers,” says Kottackal. “Vicarious trauma among social workers is real. Most of the girls go through abuse that is horrifying and sad. Hearing such stories on a daily basis affect social workers too, and it is essential to equip them with self-care techniques and coping mechanisms so they can respond more effectively to survivors.”

The workshop demonstrated that a united effort between organisations working on the same issue can strengthen the capacity of aftercare services and amplify impact.
Conventions unite diverse anti-trafficking stakeholders across India

Bengaluru | Delhi | Mumbai

IJM attended and partnered in landmark anti-trafficking conferences and conventions in 2015. The events were a step forward in addressing the issue of trafficking at a national level.

MHA hosts National Conference on Anti-Human Trafficking

On 7th October 2015, IJM was invited to attend a landmark event hosted by the Ministry of Home Affairs—the National Conference on Anti-Human Trafficking. The event, which took place at Vigyan Bhawan in New Delhi, brought together civil society organisations, experts in the field of human trafficking, officials from various ministries and departments, as well as officers from Anti-Human Trafficking Units.

Mr. Rajnath Singh, Home Minister, inaugurated the conference with comments on the breadth and seriousness of human trafficking, calling it a “borderless, organised crime.” Stressing the need for greater collaboration between government and civil society, the Minister acknowledged the role of NGOs in combating human trafficking. He also set forth some of his ministry’s concrete plans to address the issue, including a revised scheme to strengthen Anti-Human Trafficking Units in cooperation with state governments. He noted that it was essential to have a nodal coordinating agency for the purpose, and the Crime and Criminal Tracking Network and Systems (CCTNS) project would prepare a database on criminals engaged in human trafficking.

Affirming the Minister’s comments, Shamira Manwar from IJM noted, “In our experience, designated and trained AHTU officials, working in collaboration with NGOs, have strengthened the state response against bonded labour and trafficking. We have seen significant improvement in tackling trafficking cases when the AHTUs are empowered to handle a case from rescue to post-rescue documentation through to the trial stage.”

Convention on child labour and trafficking addresses socio-legal factors

While the Ministry of Home Affairs took the initiative in hosting the conference in New Delhi, the Maharashtra State Commission for Protection of Child Rights (MSCPCR), partnered with IJM to host a landmark convention on the issue of child labour and trafficking in Mumbai. Bringing together over 150 members from diverse agencies, the convention marked a significant milestone in the fight against trafficking.

Ms. Pankaja Munde, Honourable Minister of the Department of Women and Child, in her opening address, invited various organisations to work together by reminding them, “Their [victims'] voices aren't enough. We need your voices.”

Both the Central and State ministry work together to combat this issue. This is not an issue for one ministry—all ministries have to take responsibility for this so people in bondage are not only rescued and rehabilitated, but the perpetrators are also brought to justice. We have to align ourselves to think in this way.”

Mr. Rajnath Singh
Home Minister of India

Ms. Pankaja Munde, Honourable Minister of the Department of Women and Child, addresses the Convention on Child Labour and Trafficking.
The convention considered the various socio-legal perspectives involved in child labour and trafficking and the existing national and international protocols. It also discussed the way forward in coordinating response mechanisms between the government, law enforcement agencies and judiciary.

Mr. A. N. Tripathi, the Honourable Secretary of MSCPCR emphasised the need for educating children, both through formal and non-formal means. “Appropriate skill based education, effective rehabilitation and standard operating procedures should be developed by the state authorities to combat this problem,” he stated. He also urged the attendees to adopt punitive and preventative procedures to stop child trafficking.

Sanjay Macwan, Director of IJM’s anti-trafficking operations in Mumbai, also affirmed the value of deterrence, stating that an efficient criminal justice system and effective law enforcement that protected children against violence was a fundamental necessity to the socio-economic development of the nation.

‘Action-oriented research’: the need of the hour

Further south in Karnataka, IJM partnered with Christ University to host the National Research Conference on Human Trafficking in September 2015. Held under the aegis of the Karnataka State Human Rights Commission (KSHRC), the event brought together premium research and academic institutes like The Tata Institute of Social Sciences (TISS), the National Law School of India University (NLSIU) and the Indian Social Institute (ISI).

Keynote addresses were given by Dr. P. M. Nair, IPS (Retd.), Research Coordinator and Chair Professor, Tata Institute of Social Sciences, and Dr. Sarasu Thomas, Associate Professor, National Law School, Dr. Manjunath, Deputy Labour Commissioner, Secretary, Karnataka Building and the Construction Workers Welfare Board, and Mr. Shivaji Ganeshan, Chairperson of Karnataka State Level Investigation Committee on the Prevalence of Bonded Labour.

Ms. Meera Saksena, IAS (Retd.) Acting Chairperson, KSHRC, stressed the need for data, stating, “There are many government programmes but they can be effective only if based on reliable data.” She also highlighted the need for effective coordination among relevant government departments such as Police, Revenue, Home Ministry, Labour, Rural Development Panchayat Raj and Women and Child Welfare.

In response to recommendations from the conference, the University launched a research consortium to generate publications and reports on human trafficking, as well as a website to serve as a hub of information on human trafficking and invite relevant content from researchers, academics, and other stakeholders. Visitors to the site will also be able to report cases of human trafficking, which will then be forwarded to concerned authorities.
Over 10,477 people—including law enforcement officials, judicial officers, staff from the social welfare system and civil society members across 36 districts of Maharashtra—were trained as part of a five year, state-wide model to combat human trafficking. The curriculum, developed by IJM and UNICEF, was reviewed by the Principal Secretary and members of the State Task Force, Maharashtra.

The strength of the project was the partnership between various organisations—Children’s Aid Society, Save the Children India, Forum against Child Sexual Exploitation (FACSE), and Prerana. Several other organisations and experienced practitioners also contributed as trainers, including Ms. Mahrukh Adenwalla, noted child rights advocate and Ms. Priti Patkar, prominent child rights activist.

“The training sessions were geared to demonstrate the potential effectiveness of existing mechanisms in combating human trafficking and Commercial Sexual Exploitation,” says Sanjay Macwan from IJM. “They also go to prove how capacity can be optimised through collaborative effort. Stakeholders were able to come together on common goals such as improving documentation of crimes, increasing conviction, and intensifying police sensitivity and proactivity.”

“The partnership has been integral to conducting successful rescues,” remarks Mr. R.N. Roopvate, Assistant Commissioner of Police, Social Service Branch, Mumbai. “We are grateful for this training project and the confidence we now have in knowing that what we do really matters.”

Ms. Sangeeta Punekar
Founder Member
FACSE

10,000+ officials equipped to combat trafficking

The continuation of such initiatives will no doubt lead to a stronger public justice system and ultimately, protection for the state’s women and children.”
# Pre and Post Training Results

This graph demonstrates the improved performance of police after participating in the training workshop developed by IJM and UNICEF. Police performance before and after training were recorded in a number of domains. Results highlight marked improvement in almost all domains after training.

Disclaimer: This graph specifically refers to police - results of all workshop participants are not accounted for in this graph.

<table>
<thead>
<tr>
<th>Training Result</th>
<th>Pre (%)</th>
<th>Post (%)</th>
<th>Improvement (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warrantless Search</td>
<td>43%</td>
<td>76%</td>
<td>+78%</td>
</tr>
<tr>
<td>Rescue Procedure</td>
<td>55%</td>
<td>81%</td>
<td>+47%</td>
</tr>
<tr>
<td>Victim Treatment</td>
<td>74%</td>
<td>88%</td>
<td>+18%</td>
</tr>
<tr>
<td>Legal Provisions</td>
<td>76%</td>
<td>87%</td>
<td>+14%</td>
</tr>
<tr>
<td>Rescue Success</td>
<td>69%</td>
<td>78%</td>
<td>+13%</td>
</tr>
</tbody>
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Mobilising Communities

The sustainable eradication of impunity across India requires a movement of like-minded individuals and organisations to amplify their voices and efforts in curbing the crime of human trafficking.

300,000 reached through social media campaign

100,000 sensitised through awareness campaigns
The Ministry of Labour and Employment Annual Report, 2009-10 indicates that 86.6 per cent bonded labourers are from the SC/ST communities[4]. Siddharth Kara states that ‘along with poverty, caste is the single most powerful force that continues to promote the exploitation of bonded labourers in South Asia’[5]. IJM’s experience over the last several years also confirms this fact—some communities are more vulnerable to being entrapped than others. To raise vulnerable communities’ awareness, IJM, in partnership with government officials and partners, organised awareness campaigns in the states of Karnataka and Tamil Nadu.

In September 2015, seven NGOs from Karnataka came together in Bengaluru Rural District through Manava Kalasagikine Nirmoolana Okkuta—a coalition that travelled to four taluks and educated the community on elements of human trafficking. The campaign was flagged off Mr. S. Palalah, Deputy Commissioner, Bengaluru Rural District.

Featuring a troupe of travelling artists, the campaign covered 1,500 km in eight days and performed street plays and folk songs at 18 different locations. Information booklets on trafficking were also distributed at each location. The campaign culminated with Nyayothsava, an event in Doddaballapura taluk that brought together around 800 community members, the government and NGOs.

In addition to the awareness efforts in Bengaluru, the ‘End Bonded Labour’ Campaign was launched in Tamil Nadu by Mr. N. Subramanian, Minister of Adi Dravidar Welfare and Welfare of Hill Tribes and Bonded Labour (ADTW), Mr. P. Annamalai, Secretary of ADTW and Mr. G. Bramma, National Award-winning Film Director, attended the event as honorary guests. Also in attendance were over 120 bonded labour survivors graduating from IJM’s rehabilitation programme.

Speaking on the role of awareness, Mr. P. Murugesan, RDO, Ranipet, pointed out that labour trafficking was becoming a major issue and that instances of physical and sexual abuse were continuing to be reported.

The event was followed by a street play enacted by theatre artists from the Dolkattai and Mugavari Cultural Troupes. Performed in all 32 districts of the state through October and November, the play introduced a helpline number and sensitised close to 13,000 vulnerable community members. Over 100 government officials, including police, participated at the district level awareness programmes.

“Human trafficking is an evil crime and a menace to the human race and to fight it we need education. Education is the strongest weapon that can help vulnerable communities steer clear of trafficking and prevent other problems faced by our children as well.”

Ms. Kripa Alwa
Chairperson
Karnataka State Commission for the Protection of Child Rights
Deloitte celebrates its Global Impact Day with survivors of sex trafficking

On 27th November 2015, over 400 employees from Deloitte Consulting India Private Limited came together to celebrate their Global Impact Day by volunteering their time to help survivors of sex trafficking at two government shelter homes. With its interactive sessions and an overwhelming sense of camaraderie, the day was enjoyed by both employees and survivors alike!

“We made flowers with tissue paper and wire, decorated lanterns with glitter, sequins and ribbons, did fabric painting and many other art-based activities. It was a lot of fun,” said one of the survivors, when asked about the day.

A session on hygiene was also provided, at the conclusion of which, each survivor received a ‘care packet’ with basic necessities. The staff also beautified the homes, volunteering as painters and landscapers, redecorating the walls with colourful murals and potting a number of plants in the garden. They also provided the homes with multiple items that would be of use to the girls and young women.

Rescued survivors from a third home also had the chance to enjoy the day outside their shelter home, as they visited the Deloitte Office at Powai. Here too, the focus was on encouraging survivors to engage with employees through art and craft-based activities.

“The partnership with Deloitte was exciting and challenging,” says Melissa Walavalkar, Director of IJM’s rehabilitation programme for survivors of sex trafficking in Mumbai. “It was the first time Deloitte engaged with trafficked survivors and also a first for government shelter homes, who opened their doors and welcomed this intervention with enthusiasm. Such partnerships help improve the quality of infrastructure and programme interventions in the homes. It also holds potential for deeper engagement of a more sustainable nature. We look forward to engaging with more corporates.”
Awareness movements create momentum in the fight against trafficking

Chennai | Delhi

According to the International Labour Organization (ILO), human trafficking is the fastest growing criminal act in the twenty-first century. It is the second largest illegal trade in the world, right next to drug smuggling and alongside illegal arms dealing. It is a serious offence that victimises, often in broad daylight. And yet, its manifestations are so subtle and insidious that it often goes unnoticed.

To equip the general public to watch out for trafficking and report it, IJM hosted two notable awareness campaigns in August 2015 and January 2016.

The Bandhua 1947 Campaign, a movement consisting of a network of NGOs advocating against bonded labour in India, launched an online campaign called #StandForFreedom on Independence Day, inviting the public to post a photo of themselves with a placard that read “I #StandForFreedom with Bandhua 1947.” #StandForFreedom received overwhelming support from the general public and reached an approximate three lakh people across the nation. Additionally, #StandForFreedom also mobilised college students from Symbiosis Institute of Media & Communication, Pune, and Delhi University to raise awareness about bonded labour in India. The Bandhua 1947 Campaign also successfully engaged with prominent Members of Parliament, media personalities and public figures who participated in #StandForFreedom and advocated against bonded labour.

Saath Chalo, another awareness campaign, has been leading an effort to provide survivors of bonded labour with houses to replace ones destroyed during the Chennai flood of December 2015. Launched on 30th January 2016, Saath Chalo aims to end trafficking for labour and sex in India through a four-pronged approach: awareness, prevention, rescue and restoration. The launch brought together in Chennai individuals from the corporate sector, NGOs, media houses and the general public.

Speaking on the occasion, Mr. Prateep Philip, IPS, Additional Director General of Police, Economic Offences Wing, stated, “The network [of crime] will break when all of us are united, when deterrence is built into laws, when people start reporting in their neighborhood anything that they suspect. That kind of deterrence will prevent anyone from depriving the freedom of another.”

Members of the community pledge to stand against bonded labour by leaving their palm prints on a mural.
Restoring Survivors

For most survivors of trafficking, restoration is an ongoing journey. IJM collaborates with government and other civil society partners to provide survivors the support they need as they rebuild their lives in freedom.

2676 survivors in IJM’s rehabilitative aftercare programme for rescued bonded labourers

146 survivors in IJM’s rehabilitative aftercare for victims rescued from sex trafficking
**Restoration—a team effort**

They say it takes a village to raise a child. Perhaps it should also be said that it takes a community to support bonded labour survivors in their newfound freedom. For most bonded labour survivors, rescue is just the first step on a long path toward restoration. The community plays a vital role in restoration as do community-based NGO partners. This is evident in the lives of Moorthi and Shanmugam.

When he was rescued in 2014, Moorthi was a malnourished 17-year-old who had been bonded in various places for most of his life. His father had abandoned him when he was young and his mother had committed suicide. Moorthi had had to drop out of school to help his sister pay off advances that the family had borrowed.

Once freed, Moorthi found new employers, but they too seemed to take advantage of his helplessness and young age, making it impossible for him to make ends meet. Saral Shanthini, Assistant Director in IJM’s rehabilitative programme for bonded labour survivors, encouraged Moorthi to pursue a career in carpentry with an IJM partner, a vocational training institute that empowers the underprivileged with livelihood skills. Under the guidance and support of the trainers at the institute, Moorthi is now flourishing at his chosen trade. Above all, his self-esteem has developed significantly.

Shanmugam, yet another survivor, has emerged as a community leader. “A large part of Shanmugam’s success can be attributed to the financial independence that he was able to achieve,” says Helen, the IJM social worker assigned to Shanmugam. Rescued in 2013 from the clutches of a verbally and physically abusive owner at a brick kiln, Shanmugam showed great interest in starting his own business. Through a project that was initiated by a group of Tamil Nadu businessmen, Shanmugam was taught to craft bamboo products. He was also trained in quail-rearing and charcoal making. Thanks to these new skills, Shanmugam earns a steady income to support his family.

“Individual survivors struggle to flourish without the support of their communities and empowering organisations,” says Loretta Jhona, Director of IJM’s rehabilitation programme for bonded labour survivors in Tamil Nadu. “Just like ending bonded labour is a shared vision between NGOs and the government, empowering rescued bonded labourers is also a team effort.”
When 18-year-old Supriya stepped off a plane onto Nepali soil in January 2016, it was the first time she was setting foot in her home country after she’d been trafficked nine years earlier...

Trafficking survivor fights back against the crime

A promising new job turns awry

When her father died, nine-year-old Supriya was forced to discontinue her studies and help support her family. Soon after, a man arrived at her isolated Nepali village, promising the young girl a job in Kathmandu and she left with him for what seemed like a great job opportunity. For the next three months, Supriya worked various jobs, but she still struggled to contribute significantly to her family. When the same man promised her a better paying job in Darjeeling, Supriya agreed, believing the move would finally free her family from their financial stress.

Instead of Darjeeling however, Supriya found herself in Kolkata. There was little reason to complain though as she was tasked with housework in a good apartment, well-fed and provided with pills to make her appear older. Supriya assumed this was her promised job—until one day, the madam took her to a filthy roadside brothel outside the city.

At the age of ten, Supriya was raped for the first time. For the next five years, she found herself trafficked to Assam and back to Kolkata. In each brothel, madams told her that if the police found her, they would put her in jail.

“You’re already bad;” they would say. “So stay with us and then after a couple of years, you can take your money and go home.” Supriya never got to see or keep any of the promised money.

Police step in to help Supriya

In 2013, the Kolkata Police’s Immoral Traffic Section, assisted by IJM, attempted a rescue operation to get Supriya out. But traumatised by years of abuse, Supriya was hostile and the team returned without her. Another rescue was attempted a year later, but again, with little success. Finally, on January 14, 2015, police coordinated a large rescue operation, releasing Supriya and six other Nepali girls from two different brothels.

Supriya was placed in a private shelter home for sex trafficking survivors. She continued to remain hostile, but after months of counselling, she began trusting and confiding in her counsellors. It was then that she spoke of a friend who had been held with her in Assam. Knowing what life beyond sex trafficking could be like, she wanted the same for her friend.

After giving a statement to the Child Welfare Committee, Supriya was put in contact with Ms. Tandrima Gupta, Kolkata Police Officer. Together with Gupta, Supriya led police and social workers back to the brothel in Assam.

Gupta remembers how brave Supriya was that night. “I told her to cover her face and protect her identity,” Gupta explains, “but she said, ‘I don’t want to hide. I want my traffickers to know I’m helping the police.’” The police did not find Supriya’s friend, but they did rescue four minors.

Meanwhile, the Child Welfare Committee permitted Supriya to be repatriated back to Nepal. The Nepalese Consulate in Kolkata and IJM’s social workers found a place for her at a shelter home in Kathmandu and arranged transport. As she boarded the flight, Supriya called Dolphy Biswas, IJM’s Government Relations Coordinator in Kolkata, who had been on the team that relentlessly pursued her case.

“I will come back,” she said. “I want to help rescue more girls.”

*pseudonym used

With a bright future ahead of her, Supriya has returned to her home country of Nepal.
Government proactivity goes a long way in making Tamil Nadu bonded-labour free

Throughout 2015, IJM has observed the transformative power of proactive government action in the lives of bonded labour survivors. By anticipating the needs of rescued victims, individual officials have demonstrated how existing government mechanisms can effectively assist victims as they begin their lives in freedom.

In 2015, Mr. M. Narayanan, the Revenue Divisional Officer (RDO) of Ponneri, Thiruvallur District, Tamil Nadu, directed a rescue of 27 bonded labourers from SMK Kalam Rice Mill. He proactively presented victims with Release Certificates within the next few hours, organised medical screening, provided food and even essential commodities like bed sheets, towels and clothes. When he realised that the victims had no home to return to, he arranged for transport and accommodation.

“Survivors from the SMK Kalam Rice Mill are currently doing very well—while they haven’t yet settled on site patta*, positive negotiations are currently underway with the Village Administrative Officer,” says Saral Shantini, Assistant Director with IJM’s rehabilitation programme for bonded labour survivors. “They have received community certificates and rehabilitation money—the officials themselves have opened bank accounts for all survivors. Children have started attending school and adults are finding agricultural work in the surrounding area.”

The Ponneri RDO is not the only government official whose actions have resulted in improved outcomes for victims of bonded labour. In October 2015, Mr. P. Murugesan, the RDO of Ranipet Revenue Division, Vellore District, Tamil Nadu, facilitated the rescue of nine bonded labourers from Pichai Brick Kiln. He issued Release Certificates and the initial rehabilitation amount of Rs. 1000 on the very same day and even issued ration cards and Community Certificates for every victim.

“Community Certificates open the door to a host of welfare schemes for labourers,” says Saral. “By issuing these, government officials demonstrate great sensitivity and understanding to the peculiar challenges faced by victims. After years of confinement, freedom can be extremely challenging for survivors. Practical support like this helps make the transition much easier.”

Disturbed by the plight of the labourers at the Pichai Brick Kiln, Mr. Murugesan also instructed the Tahsildar and Village Administrative Officer to visit the 100+ brick kilns in the district and report to him on the labour situation.

“It is very heartening to see the positive attitude of the government in Tamil Nadu,” says Hephzibah Sunder from IJM. “According to reports, Tamil Nadu has the largest number of rescued bonded labourers—this is not because there are more bonded labourers in Tamil Nadu than elsewhere, but because government officials in Tamil Nadu have been more active and intentional in dealing with bonded labour. If officials keep this pace, we are certain that we can make Tamil Nadu bonded-labour free in our lifetime.”
Partnerships open up world of opportunities for survivors

18-year-old Sakshi* is vibrant with joy. As she smiles confidently in her uniform, it is hard to imagine that she was rescued from sex trafficking only a year ago. Through a partnership with one of Mumbai’s most prestigious five star hotels, she has graduated from a six month hospitality training course and is now working full time at the hotel.

“I love working here,” she says. “Coming to work makes me happy. I am determined to do well.”

Sakshi is not the only sex trafficking survivor with a world of opportunities before her. IJM’s focus on strategic partnerships has opened up pathways to previously unimaginable professions for survivors of sex trafficking. Today, survivors find themselves following their dreams through a diverse array of exciting careers: everything from caring for people living with HIV to working as packing inspectors.

For Yashi*, rescued in 2011, a partnership with a nursing home for the elderly has opened up fantastic opportunities. After three years as a para-nurse at this home, she was recently promoted and is now a supervisor, overseeing ten junior nurses. The promotion is well-deserved—Yashi’s dedication to her elderly patients is commendable.

“The patients are like my family,” she says. “I don’t have parents, so when I take care of them (the patients), I feel like I’m taking care of my parents. My hope and desire is to work hard... I want to specialise in physiotherapy.”

As a school bus conductor, Shreshtha* is another survivor who is in her element. Her eyes light up as she jokes with and guides school children onto the bus—her dream of touching the lives of children is now possible through this job.

“I want to work to earn and save money up for my own children,” she smiles.

Mahalia*, sold into sex work at the age of 13, is now in her second year of law school. After she was rescued in 2005, IJM social workers interacting with her could immediately sense that Mahalia was intelligent and held incredible potential for achievement. Naturally jubilant, the young girl hopes to pursue a legal career.

“In the past, tailoring and jewelry making seemed to be the only livelihood options available to trafficking survivors,” says Melissa Walavalkar, Director of IJM’s rehabilitation programme for sex trafficking survivors in Mumbai. “However, due to new initiatives from individuals and encouraging support from corporate houses, it is wonderful to see survivors pursue careers in Nursing, Hospitality and Retail. These girls are absolutely determined to build new lives for themselves and this is tremendously encouraging when we recognise that they do so, despite their ongoing challenges and pain.”

*pseudonyms used
Combating Human Trafficking in Odisha

Labour trafficking survivors pack up their belongings as they travel back to their home state of Odisha.
Poverty, migration and trafficking

The story of Dayalu and Nilamber brought the issue of bonded labour to the attention of mainstream media in 2014. In one of the most gruesome cases of labour trafficking that IJM has ever encountered, both labourers had one of their hands chopped off as punishment for trying to escape their captors. They had both been trafficked from rural communities in Odisha—a state that is quickly being recognised as a trafficking hub.

According to the Indian Economic Survey Report 2014, Odisha remains the second-poorest of all Indian States with an overall poverty rate of 32.6 per cent. Despite the sustained growth of the state’s economy, the poverty level among rural communities remains disturbingly high, leading to distress migration. In Tamil Nadu alone, a 2014 RTI revealed that 44 per cent of rescued bonded labourers were migrants. The economic demand of rapidly developing neighbouring states, alongside the lack of sustainable job opportunities within their own villages, make rural community members vulnerable to unscrupulous traffickers.

Thandavarayan Kuralamuthan, Director of Research and Strategic Partnerships at IJM points out “While poverty and migration are certainly areas of concern, what we desperately need to address is the trafficking itself and the impunity with which traffickers operate. They prey on the vulnerability of desperate villagers by luring them through a monetary advance and then denying them their constitutional rights on the basis of that advance. This culture of impunity is what we urgently need to address and change.”

Violence and injustice— the result of impunity

Impunity emboldens traffickers to strip labourers of their rights and resort to brute violence. Workers from the field report that besides Dayalu and Nilamber, there have been several other instances of violence faced by trafficked victims from Odisha. In December 2015, a pregnant lady died while in a bonded labour situation in Andhra Pradesh. Some labourers reported that they were compelled to fasten the feet of their young children to trees, while they worked. In other cases, children were locked up while their parents worked. There have also been reports of mothers who have been restricted from feeding their babies, families working round the clock with only half-hour breaks for meals and three to four hours of sleep, and entire families being exploited for as little as Rs. 200-300 per week per family.

“Violence and injustice are recurring themes among bonded labour victims,” notes Kuralamuthan. “Those who have been trafficked find themselves even more vulnerable as they are out of familiar territory, do not know the local language, and have no community support. This encourages traffickers to resort to even more lawless violence and injustice as they know migrants are helpless. No discussion on ending trafficking and migration can ever be complete without discussing the end of impunity and creation of deterrence.”
Ending impunity through stronger deterrence

The largest number of victims from IJM’s cases in 2015 and early 2016 come from Odisha. The most notable of this was a rescue conducted in early 2016 at the SLGB Brick Kiln in Tamil Nadu. Rescuing over 550 people, it was IJM’s largest ever rescue. What made the case noteworthy though was not just the large numbers, but the fact that it was the second time IJM was conducting a massive rescue from the very same brick kiln. In 2011, IJM had conducted its first rescue and liberated over 500 bonded labourers, many of them also from Odisha. The brick kiln owner had managed to evade arrest and as is evident from the 2016 rescue, was able to exploit more people.

“This case is a fitting example of the power of impunity,” says Alice Suganya, Director of Casework at IJM. “Had strong deterrent action been taken the very first time, the owner would not have dared to traffic more labourers.”

However, the case is not without hope. The owner and his five accomplices have been arrested and the diligence of the District Administration in leading the rescue and all through the enquiry process demonstrated that they understood the law and empathised with the victims. “We laud the strong deterrent action taken by the police and the District Administration,” says Alice. “We look forward to increased rescues, arrests and most importantly, convictions.”

On 1 February 2016, a session’s court in Bengaluru ordered one such conviction under the Bonded Labour System (Abolition) Act, where the owner and two masters of a brick kiln were sentenced to two years in prison each. They had exploited 51 bonded labourers at the brick kiln, forcing them to work while denying them their freedom. The labourers were also physically abused and their 10 dependent children confined to the kiln. The labourers and children had been rescued in December 2012 by the District Administration and local police, assisted by IJM.

Increasing awareness among various stakeholders

Talking on the situation in his state, Mr. Madan Mohan Paike, District Labour Officer (DLO) of Bolangir points out that the government has taken several initiatives towards stopping illegal violence and bondage, with the maximum expenditure being put towards increasing awareness in vulnerable pockets. The labour office in Odisha has displayed big posters with instructions on migrating safely and staying out of debt bondage. A helpline number has also been set up for labourers requiring government assistance.

Working towards the same objective of raising awareness, IJM hosted a gathering of stakeholders from across the country to speak to MPs from the states of Odisha and Bihar on the issue of bonded labour on April 28th 2015. Requests presented by representatives included the appointment of nodal officers for bonded labour, the formation of adequately trained vigilance committees at the district level, increasing the rehabilitation amount provided to released bonded labourers, institutionalising training for state and district officers and the police, and ensuring that survivors get prioritised access to relevant government schemes.

Many of the MPs responded positively and expressed their support and solidarity. Following the meeting, Mr. Baijayant Panda, Odisha MP wrote in a press release that the issue of labour exploitation must be understood as a national priority and must not be reduced to being the burden of a particular state.
Working collaboratively with the government

In helping freed labourers stay out of re-bondage, the main thrust of IJM’s rehabilitative aftercare in Odisha has also been to provide sustainable livelihood options. Towards this end, IJM encourages survivors to access available government benefits. Proactive and understanding government officials are indispensable in this process of attaining benefits for survivors.

“21 Odisha survivors have received Indira Awaas, a public housing scheme for those living below the poverty line, and 69 survivors have received Beneficiary Cards, which will allow them access to various government benefits,” says Neenu Thomas, Assistant Director of Aftercare and United Odisha Aftercare Program Manager. “It is expected that at the conclusion of the rehabilitative programme, participants will have the knowledge to sustain themselves financially, protect themselves against future exploitation and gain the confidence to access the public justice system on their own.”

While a lot of work is yet to be done to eradicate the violent crime of migrant labour trafficking, IJM remains committed to working with government to rescue and restore survivors, convict perpetrators and protect vulnerable communities through educational projects. IJM operates on the belief that the Indian public justice system can effectively and sustainably prevent the violent hand of traffickers from exploiting the poor. Working collaboratively with diverse stakeholders, the eradication of impunity is possible!
Restoration: Story of Krushna and Kamal Bag

“What we have today is more than we’ve ever had! We don’t ever want to go back and work for an owner. Even if we are offered Rs. 50,000 for six months, we don’t want it. We have cows and goats that help us make Rs. 2,000 in ten days,” say Krushna and Kamal Bag, a couple from Odisha who was trafficked to a brick kiln in Bengaluru.

Four years ago, they had been easily deceived by the attractive offers of a better home and good food that the middleman, a labour contractor, had offered them. With their children, Millu and Jilly, who were then about five and three years old, they moved to Bengaluru.

To their dismay, the ‘good home’ turned out to be two rows of bricks facing each other with a sheet to cover the top, serving as the roof. Motioning a height of a little less than three feet, Kamal says, “We had to crawl into our houses.” Poor living conditions were just the first of many disappointments. The family was forced to work through the day. “At about 3:00 AM, the supervisors would come and wake us up,” recalls Kamal. The family worked alongside each other the whole day. Millu did his part in turning bricks and helping his parents. The owner gave a rope to the couple and asked them to bind their younger child to a tree, along with other little children, to prevent them from running around and breaking bricks. At the end of a week of hard work, the family was paid a paltry amount of Rs. 300.

Today, the family has left their horrendous past behind. After their rescue, they quickly found daily wage jobs. This time, the couple decided to use only one person’s wage for daily expenditure and save the other person’s wages. With their savings, they have been able to buy cows, goats and chicken that enable them to earn about Rs. 80,000 seasonally.

While Krushna looks after their cattle, Kamal cares for the family. Millu and Jilly go to school and to further their studies, they attend special tuitions, for which the parents pay Rs. 400 per month. “I sit with them while they study, even though I don’t know how to read or write,” says Kamal. “My children are the best in class. No other student can compete with them.”

“The family has been able to sustain their freedom because of their hard work as well as their access to government welfare schemes,” says Ebenezer Dip, Field Coordinator from IJM. “They have their Aadhar card, separate and joint bank accounts, NREGA Card, Ration Card and also Voter ID. For the first time in her life, Kamal cast her vote this year!”

“It was so frustrating to live in bondage! We don’t have to worry about debts any more. We are now looking forward to receiving Indira Awaas and for our work order to come through. We will then build our own house,” says Krushna, gleaming with hope.
References


[2] 2015, May 29, 107 bonded labourers rescued from incense stick factory, Deccan Herald
