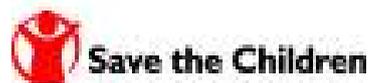


Status and Situational Analysis of Human Trafficking in Cross-border Districts of Bihar

A REPORT



BRC, CWS



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List of Acronyms

ATSEC	Action Against Trafficking and Sexual Exploitation of Children
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CVOT	Child Victims of Trafficking
CWC	Child Welfare Committee
DWCD	Department of Women and Child Development
GoI	Government of India
GoN	Government of Nepal
HTCA	Human Trafficking (Control) Act of 1986
IPC	Indian Penal Code
ITPA	Immoral Traffic (Prevention) Act, 1956
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2000
JTF	Joint Task Force
MoFA	Ministry of Foreign Affairs
MoU	Memorandum of Understanding
MWCSW	Ministry of Women, Children and Social Welfare
NGO	Non-Governmental Organization
NHRC	National Human Right Commission
SAARC	South Asian Association for Regional Cooperation
SC	Supreme Court
Sec.	Section
SITA	Suppression of Immoral Traffic in Women and Girls Act, 1956
UDHR	Universal Declaration of Human Rights
UNICEF	United Nation Children's Fund

EXECUTIVE SUMMARY

This report details the results of research conducted from July–December 2010 in the cross border districts in the State of Bihar and Nepal to investigate government and non-governmental organization for an overall situational analysis of Human Trafficking to prevent human trafficking,

The findings reported here suggest that several anti-trafficking initiatives in Bihar are employing innovative strategies drawn from local capacity to engage and mobilize citizens and public officials into action.

The findings also illustrate how some measures fall short of the ideal, limiting impact. In response to these challenges, this report provides specific recommendations for improving anti-trafficking interventions and collaboration between governments, civil society actors, and the private sector to combat the crime.

Results of both literature reviews and field research reveal that the prevention of human trafficking requires locally-driven and widely-coordinated short-term measures to raise the awareness of communities at risk and of persons working in criminal justice, immigration, and other government departments, and to turn awareness into anti-trafficking actions.

Additionally and simultaneously, trafficking prevention requires medium and long term measures aimed at reducing the systemic lack of economic opportunities and gender inequalities in countries and communities where trafficking is prevalent.

Of all the measures to prevent trafficking, it is clear that the prosecution of the crime is essential in deterring future occurrence of human trafficking and preventing repeat offenses. The ideal prosecution regime would target human trafficking at the local, national and international levels, and include mechanisms for the identification and investigation of possible human trafficking cases, for the rescue of trafficking victims, and for the apprehension, trial, and punishment of those responsible for the crime.

In India and Nepal, while human trafficking has been established as a criminal offense, prosecution of the perpetrators of this crime has fallen short of the ideal. Some law

enforcement officials encountered even refused to acknowledge the existence of human trafficking in their jurisdictions, despite numerous other sources sharing information to the contrary.

As a result of this lack of full understanding, indifference, or possibly in complicity, trafficking victims may suffer re-victimization during poorly conducted trials and many traffickers act with impunity, fearlessly repeating the crime of recruiting, transporting, harbouring or receiving persons for the purposes of exploitation.

I. INTRODUCTION

Human trafficking especially trafficking in women and children is an extreme form of human rights violation as it denies the fundamental rights of mobility, freedom, dignity and integrity of the victims. It deprives people of their human rights and freedom, it increases global health risks, and it fuels the growth of organized crime. Human trafficking has a devastating impact on individual victims, who often suffer physical and emotional abuse, rape, threats against self and family, and even death. But the impact of human trafficking goes beyond individual victims; it undermines the health, safety, and security of all nations it touches. The cause of trafficking is two- dimensional. One is the demand factor and the other is the vulnerability of the person being victimized. The greatest factor in promoting child sex trafficking and child sexual exploitation is the demand for younger and younger victims worldwide.

The United Nations issued the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (the UN Protocol) in December 2003. The Protocol constitutes what is widely considered to be the first globally recognized document to completely define human trafficking, describing the crime as:

the recruitment, transportation, transfer, or harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation, including (at a minimum) prostitution and other forms of sexual exploitation, forced labor, forced services, slavery and practices similar to slavery, servitude, and the removal of organs.

Alongside this UN effort, both India and Nepal have drafted their own national, regional plans of action, designed to curb the spread and existence of human trafficking in their specific country or region. A pertinent question that emerges from this extensive and growing legislative effort is whether there is not only de jure but also de facto compliance to these statutes and action plans. In other words, are governments implementing the interventions and achieving the results envisioned in the legal documents that they have signed?

II. PROJECT METHODOLOGY

The information, analysis, conclusions, and recommendations contained in this report represent the culmination of nearly 6 months of research. Through a thorough review of the relevant literature, interviews and field research, this study aims to answer the following questions as pertain to the regions in focus:

1. Identification of ground realities of human trafficking. Or To provide an estimated annual volume of human trafficking and child trafficking
2. Type of migrations, Causes and effects of Trafficking or to analyze the key socio-economic determinants and factors for human trafficking.
3. To assess and analyze the Road map of trafficking (via Bihar to nationwide) including the identification of source, destination and transit points of trafficking. To prepare a human trafficking map of Bihar.
4. To study the role of different stakeholders such as community, religious leaders, police, govt., PRI etc. especially innovative and out of box initiatives?

These questions became increasingly important during the field research. Conversations with NGO staff, community members, religious leaders, migrants, victims of trafficking, law enforcement agencies reveals troubling first- and second-hand accounts of trafficking crimes.

At the same time, survivors filled with hope and confidence expressed their belief that they will be able to create a better life for themselves and for their children, and action they are taking to protect themselves and their children from trafficking. All had confidence that they will be able to realize aspirations for a dignified life. Throughout the course of this study it became increasingly clear that the attitudes of everyday citizens and the recognition of the potential of all human beings to learn and live productive and dignified lives, are essential to consider when developing any strategy for combating human trafficking.

Even though the sample size chosen for primary research may not be representative of situation of human trafficking as a whole, it does provide useful insights and helps identify areas requiring greater focus by those concerned about migration and trafficking, including agencies like the ATSEC.

Before the actual survey, Pre-Testing of the Survey questionnaire was done in Patna during the month of August 2010 and thereafter final questionnaire was developed. The survey questionnaire was translated in Hindi before being administered in the field.

Trainings were held with each of the survey partners before they began administering the survey. Organizations who are partners of ATSEC, Bihar and working within the community and willing to be part of this initiative conducted the survey. Each respondent was interviewed on a one to one basis. All the responses to the different questions were codified and analyzed using the SPSS programme.

Limitations of the research

While there were several such methodological issues to grapple with, the picture of human trafficking in India and Nepal that emerges from the research is telling in many ways. It must be stated that the search for specific information on migrants was not easy. A number of common questions were posed to all stakeholders, coupled with specific questions related to the particular expertise or experience of each. Some of the most revealing exchanges were with the individuals, primarily women and girls, who are either vulnerable to trafficking or who themselves had been trafficked. Informants were selected among returnees without prejudice as to whether they had been trafficked or not.

Survey Sites and Sample Size

- 12 cross-border points
- Total of 15 NGO partners (from India) that operate in those border points were identified for interview and collection of secondary data
- A maximum of 40 potential migrants (randomly identified) interviewed at each identified border point (making a total sample size of 480 for the study)
- A maximum of 5 transport agency workers interviewed at each border point
- A maximum 5 law enforcement agency workers interviewed at each border point
- A maximum 5 religious leaders interviewed at each border point

Data Management

Prior to the data entry, formats were scrutinized for its completeness. Data entry has been done in **CS Pro & Excel** and analysed through **SPSS Version 17**. The tabulation of data and content analysis of the qualitative data was done by the senior researchers and valuable conclusions were withdrawn. Apart from this, personal and telephonic interviews with NGOs officials were also conducted in order to know more about the interventions and their coverage and future plans.

III. COUNTRY CONTEXT: INDIA & NEPAL

India is a country of origin, transit, and destination for trafficked persons:

- (1) Nepalis are trafficked to India
- (2) Indians are trafficked to other countries in Asia, the Middle East, and the West
- (3) Nepalis are trafficked through India to other countries like the Gulf States.

Like India, Nepal is a country of origin and transit for human trafficking, with most trafficked Nepalis entering India and moving to Middle Eastern countries. It is not, however, generally recognized as a destination country for transnational trafficking.

A. India

Trafficking activity within India reportedly equals or exceeds the transnational trafficking from, through, or to India. Domestically, human trafficking generally involves:

- (1) movement of persons from rural and peri-urban areas to urban areas, and
- (2) routes and transit points that develop alongside migration surges.

India's main legislation for combating human trafficking is "The Immoral Traffic Prevention Act of 1956 (ITPA)". This act, last amended in 1986, "does not recognize trafficking in persons as a specific or separate crime, but merely as a prostitution-related crime

Prostitution is defined as:

The penalties for the prostitution-related offences under the ITPA "vary from 3 months to 10 years, plus a fine, with stiffer penalties up to life imprisonment for offences involving a child under 16 years.

India also is a signatory to the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution

The Indian government had adopted a National Plan of Action on Combating Trafficking and Commercial Exploitation of Women and Children (National Plan). Several Indian states have developed their own state-level action plans to address human trafficking. The State of Bihar has developed its policy titled "Astitva" for preventing and combating trafficking of human beings and rehabilitation of the victims and survivors of trafficking.

Additionally, various government agencies are charged with combating human trafficking. These agencies include the Ministry of Women and Child Development and implement the NPA. Other government agencies involved in combating human trafficking include the Ministry of Home Affairs, the National Human Rights Commission, the National Commission for Women, and the National AIDS Control Organization. Bilateral donors and international agencies, including the UN system, have contributed to anti-trafficking efforts in the country.

Laws	Key features
The Constitution of India, 1950	Under Art. 23 (1), prohibits trafficking in human beings and forced labour. This right is enforceable against the State and private citizens.
Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA)	<p>SITA was enacted under Article 35 of the Indian Constitution with the object of inhibiting or abolishing the immoral traffic in women and girls. It was also in pursuance of the Trafficking Convention, which India signed on 9 May 1950. The Act aimed to rescue exploited women and girls, to prevent deterioration of public morals and to stamp out the evil of prostitution, which was rampant in various parts of the country.</p> <p>In 1978, SITA was amended by the Amendment Act 46 of 1978, which took effect from 2 October 1979. This was owing to the realisation that the social evil needed to be curbed and that existing provisions failed to do so.</p> <p>In 1986, SITA was drastically amended and renamed the Immoral Traffic (Prevention) Act, 1956.</p>
The Immoral Traffic (Prevention) Act, 1956	<p>ITPA is a special legislation that deals exclusively with trafficking. The Act defines the terms 'brothel', 'child', 'corrective institutions', 'prostitution', 'protective home', 'public place', 'special police officer' and 'trafficking officer'. However, it is important to note that the Act does not define the term "Trafficking".</p> <p>The purpose of the enactment was to inhibit or to abolish commercialised vice, namely the traffic in women and girls for the purpose of prostitution, as an organised means of living. A child is defined as a person who has not completed 18 years. Offences under the Act are:</p> <ul style="list-style-type: none"> i) punishment for keeping a brothel or allowing premises to be used as a brothel (S.3) ii) punishment for living on the earnings of prostitution (S. 4) iii) procuring, inducing or taking persons for the sake of prostitution (S. 5) iv) detaining a person in premises where prostitution is carried on (S. 6) v) prostitution in or the vicinity of public places (S. 7) vi) seduction of a person in custody (S. 9)
The Probation of Offenders Act, 1958	<p>This Act is aimed at offenders. It's important features are:</p> <ul style="list-style-type: none"> a) the Act empowers the court to release certain offenders after

Laws	Key features
	<p>admonition and place certain other offenders on probation for good conduct, and</p> <p>b) the Act puts a restriction on the court, forbidding the imprisonment of any offender below the age of 21 years, who has not committed an offence punishable with imprisonment for life, unless the circumstances of the case or nature of the offence requires that the offender be punished.</p>
<p>The Indecent Representation of Women (Prohibition) Act, 1986</p>	<p>Defines “Indecent Representation of Women” as the depiction in any manner of the figure of a woman, her form of body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating of women; or is likely to deprave, corrupt or injure public morality.</p> <p>The Act puts a restriction on the publishing or sending by post, of books, pamphlets, etc., containing indecent representations of women, and prohibits all persons from getting involved directly or indirectly in the publication or exhibition of any advertisement containing indecent representations of women in any form.</p>
<p>The Child Marriage Restraint Act, 1929</p>	<p>Defines the terms ‘child marriage’, ‘child’, ‘contracting parties’, ‘minors’, etc. It sets down the legal age of marriage as 18 years for girls and 21 years for boys. The Act empowers the court to issue injunctions prohibiting child marriage.</p> <p>It is very important to note that The Child Marriage Restraint Act, 1929 has been repealed. Section 21(1) of The Prohibition of Child Marriage Act, 2006 specifically provides;</p> <p>However, Section 21(2) of The Prohibition of Child Marriage Act, 2006 provides that ;</p> <p>Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act, i.e., The Child Marriage Restraint Act, 1929, at the commencement of this Act, i.e., The Prohibition of Child Marriage Act, 2006, shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act i.e. the Prohibition of Child Marriage Act, 2006, had not been passed.</p>
<p>The Prohibition of Child Marriage act, 2006</p>	<p>Provides for the prohibition of solemnisation of child marriages. The Act under section 2(a) defines the term “Child” as;</p> <p>“Child” means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age. The Act also defines the term “minor” as “minor” means a person who, under the provisions of the Majority Act, 1875 is to be deemed not to have attained his majority. [Section 2 (f)].</p> <p>It is important to note that this Act does not declares child marriage as void but it is voidable in nature as Section 3 of this Act specifically mentions that;</p> <p>“Child marriages to be voidable at the option of contracting party being a child.”</p> <p>However, Section 12 provides that Marriage of a minor child is said to be void in certain circumstances.- Where a child, being a minor-</p> <p>(a) is taken or enticed out of the keeping of the lawful guardian; or</p>

Laws	Key features
	<p>(b) by force compelled, or by any deceitful means induced to go from any place; or</p> <p>(c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes, such marriage shall be null and void.</p> <p>Again it is very important to note that section 4 of this Act provides Provision for maintenance and residence to female contracting party to child marriage.</p>
The Criminal Law Amendment Ordinance, 1944	Provides for attachment of property in case of commission of a scheduled offence
The Young Persons (Harmful Publications) Act, 1956	<p>defines the term 'harmful publication' as "any book, magazine, pamphlets, leaflet, newspapers or other like publication which consists of stories told with the aid of pictures or wholly in pictures, being stories portraying wholly or mainly,</p> <p>a) the commission of offence,</p> <p>b) acts of violence or cruelty, and</p> <p>c) incidence of a repulsive or horrible nature".</p>
The Bonded Labour System (Abolition) Act, 1976	Defines the terms 'advance', 'agreement', 'ascendant or descendant', 'bonded debt', 'bonded labour', 'bonded labour system' and provides for initiating appropriate action.
The Child labour (Prohibition and Regulation) Act, 1986	Prohibits employment of children in the specific occupations set forth in Part A of the schedule of the Act. The Act lays down the conditions of work of the children. As per the Act, no child shall work for more than three hours before he or she has had an interval of rest for at least one hour. Child means a person who has not completed his 14 years of age.
The Indian Evidence Act, 1872	<p>Sections 114 A and 151 are relevant in this context.</p> <p>Section 114-A provides Presumption as to absence of consent in certain prosecutions for rape. It provides where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and she states in her evidence before the Court that she did not consent, the Court shall presume that she did not consent.</p> <p>Section 151, provides Indecent and scandalous questions - The Court may forbid any question or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court unless they relate to fact in issue or to matters necessary to be known in order to determine whether or not the facts in issue existed.</p>
The Transplantation of Human Organ Act,	<p>The two-fold objectives of this Act are:</p> <p>i) to provide for the regulation of removal, storage and transplantation of human organs for therapeutic purposes</p>

Laws	Key features
1994	ii) to prevent commercial dealings in human organs. The Act also provides for regulation and registration of hospitals engaged in removal, storage and transplantation of human organs.
The Information Technology Act, 2000	Extends throughout India and also has extra-territorial jurisdiction. Section 67 penalises the publication or transmission of any material, in electronic form, which is lascivious; or appeals to prurient interests; or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied therein.
The Juvenile Justice (Care and Protection of Children) Act, 2000	JJ Act was passed in consonance with the Convention on the Rights of the Child, to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection.
Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989	Whosoever performs, promotes, abets or takes part in a dedication ceremony is liable to punishment with imprisonment for three years and fine.
Goa's Children's Act, 2003	The Government of Goa has brought out this Act notified in the official Gazette of 14 July 2003. This addresses several child rights issues in an integrated manner. Defines a child as a person under 18 years.
The Indian Penal Code, 1860	Relevant provisions under the Indian Penal Code are Sections 293, 294, 317, 339, 340, 341, 342, 354, 359, 361, 362, 363, 365, 366, 370, 371, 372, 373, 375, 376, 496, 498, 506, 509, 511 etc.

Relevant Provisions under the Indian Penal Code

SECTION	CONTENT	PUNISHMENT
Section 293	Sale, etc., of obscene objects to young person	Imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees. In the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.
Section 294	Obscene acts and songs	Imprisonment of either description for a term which may extend to three months, or with fine, or with both
Section 317	Exposure and abandonment of child under twelve years, by parent or person having care of it	Imprisonment of either description for a term which may extend to seven years; or with fine, or with both
Section 341	Punishment for Wrongful Restraint	Simple Imprisonment upto 1 month or with Fine upto Rs.500 or With Both
Section 342	Punishment for Wrongful Confinement	Imprisonment of either description for a term which may extend to One year; or with Fine upto Rs. 1000, or With Both.

SECTION	CONTENT	PUNISHMENT
Section 354	Assault or Criminal force to woman with intent to outrage her modesty	Imprisonment of either description for a term which may extend to Two years; or with Fine, or with both
Section 363	Punishment for Kidnapping	Imprisonment of either description for a term which may extend to seven years and shall also be liable to Fine.
Section 363 A	Kidnapping or maiming a minor for purposes of Begging	Kidnapping for Begging:-Imprisonment of either description for a term which may extend to Ten years and shall also be liable to Fine. Maiming for Begging:-Imprisonment for Life and shall also be liable to Fine.
Section 365	Kidnapping or Abducting with intent secretly and wrongfully to confine person	Imprisonment of either description for a term which may extend to seven years and shall also be liable to Fine.
Section 366	Kidnapping, Abducting or Inducing Woman to compel her marriage, etc.	Imprisonment of either description for a term which may extend to Ten years and shall also be liable to Fine.
Section 366 A	Procuration of minor girl 366A. (Here, age of the girl is below 18 years).	Imprisonment which may extend to Ten years and shall also be liable to Fine.
Section 366 B	Importation of girl from foreign country including from the State of J&K. (Here, age of the girl is below 21 years).	Imprisonment which may extend to Ten years and shall also be liable to Fine.
Section 370	Buying or Disposing of any person as a slave	Imprisonment of either description for a term which may extend to Seven years and shall also be liable to Fine.
Section 371	Habitual dealing in Slaves	Imprisonment for Life, or with Imprisonment of either description for a term not exceeding en years, and shall also be liable to Fine.
Section 372	Selling Minor for purposes of Prostitution, etc.	Imprisonment for 10 years and Fine.
Section 373	Buying Minor for purposes of Prostitution, etc.	Ditto
Section 375	Rape	Why blank?
Section 376	Punishment for Rape	Imprisonment for Life or Imprisonment for 10 years and Fine.
Section 498	Enticing or Taking away or detaining with Criminal Intent a married Woman	Imprisonment for 2 Years or Fine or Both.
Section 509	Word, Gesture or Act intended to insult the modesty of a Woman	Simple Imprisonment for 1 year or Fine or Both.
Section 511	Punishment for Attempting to Commit Offences Punishable with Imprison-ment for Life or other Imprisonment.	Imprisonment for Life or Imprisonment not exceeding half of the longest term provided for the offence, or Fine, or Both

B. Nepal

Nepal has a long tradition of human trafficking to its southern neighbour, India. Traditionally, only few districts of Nepal were prone to trafficking problems. But now, based on the incidence of trafficking, the Ministry of Women Children and Social Welfare (MWCSW) has identified 26 geographic districts, being prone to the problem. Among them, some districts have been identified as high incidence zones. Every year between 5,000 and 7,000 Nepali girls are trafficked into the red light districts in Indian cities. Many of the girls are barely 9 or 10 years old. 200,000 to over 250,000 Nepali women and girls are already in Indian brothels. Trafficking arises in a variety of situations such as commercial sexual exploitation, forced labour, begging, arranged marriages, adoption and crime.

Status of Ratification of International Instruments

NEPAL	INDIA
<p>UN Conventions:</p> <ul style="list-style-type: none"> ➤ Slavery Convention, 1953 (1963) ➤ Supplementary Convention on the Abolition of Slavery, The Slave Trade and Institution and Practices similar to Slavery, 1956 (1963) ➤ Convention on the Political Rights of Women, (1966) ➤ International Covenant on Civil and Political Rights, 1966 (1991) ➤ Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (1991) ➤ Convention on the Rights of the Child, 1989 (1990) ➤ Convention on the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others, 1949 ➤ Optional protocol to CEDAW, 1990 (2001) ➤ International Covenant on Economic, Social and Cultural Rights, 1966 (1991) 	<p>International Instruments:</p> <ul style="list-style-type: none"> ➤ Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of others, 1949. ➤ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979 ➤ Convention on the Rights of the Child, 1989 <p>Regional Instruments:</p> <ul style="list-style-type: none"> ➤ Signed the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002
<p>ILO Conventions:</p> <p>Among others the following conventions have been ratified.</p> <ul style="list-style-type: none"> ➤ Forced Labour Convention, 1930 (2002) ➤ Worst Form of Child Labour, 1999 (2002) ➤ Signed the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002 	<p>Government Initiatives:</p> <ul style="list-style-type: none"> ➤ Department of Women and Child Development (DWCD) ➤ National Human Rights Commission. ➤ National Commission for Women. ➤ The Commission for the Protection of Child Rights Act, 2005

NEPAL	INDIA
<p>Nepal's international commitments combating trafficking as gender based violence:</p> <ul style="list-style-type: none"> ➤ Nairobi Forward – Looking Strategies for the Advancement of Women, World Conference on the United Nations Decade for Women 1985. ➤ Vienna Declaration and Program of Action 1993. ➤ Beijing Declaration and Program of Action 1995. ➤ Millennium Development Goals, 2000. 	

Indo-Nepal Peace Treaty of 1950

The Open–Border Agreement of 1950 allows Indian and Nepali nationals to travel freely between countries, without passports or visas. This **“Open Border”** policy was established by the Treaty of Peace and Friendship between the GOI and the GON, 1950.

Art. 7 of the Treaty provide the following:

“The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.”

According to the Treaty citizens of each country can cross the border without any interrogation or record – keeping. In other words, we can say that the citizens of Nepal have the same privileges in the territories of India on a reciprocal basis, in the;

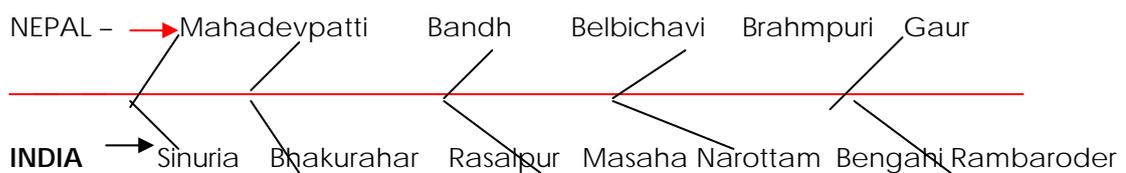
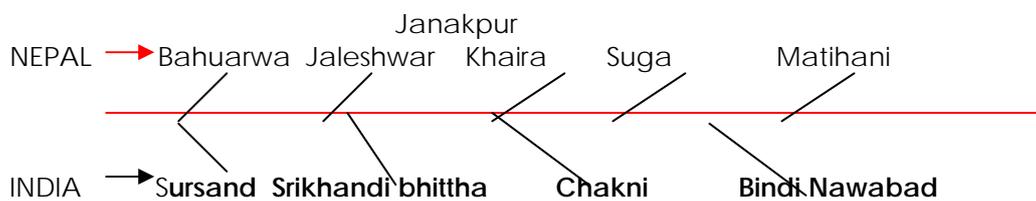
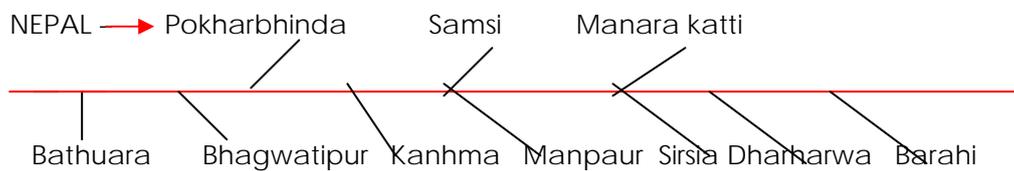
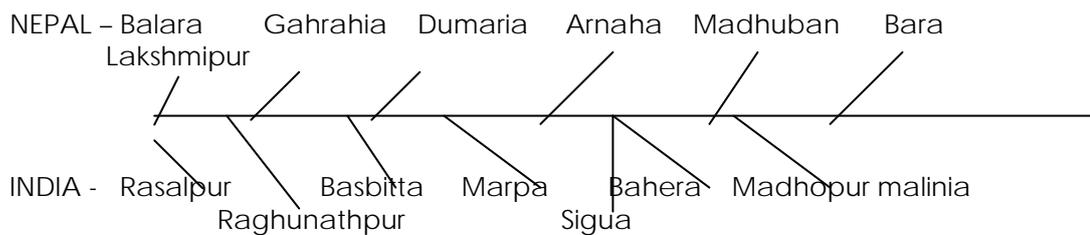
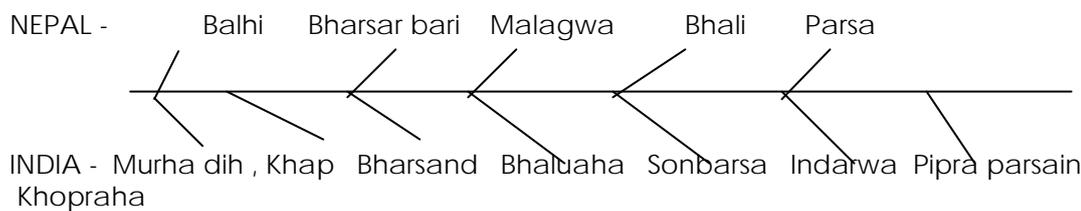
- Matter of Residence;
- Ownership of Property;
- Participation in Trade and Commerce;
- Movement; and
- Other privileges of a similar nature.

Nepal and India Border

Currently, both India and Nepal maintain minimal border controls on movement of goods and people across the Indo-Nepal border. A large number of Nepali citizens work in India without being required to obtain work permits and vice versa. While there are no restrictions on cross border travel by residents of the two states, there are certain restrictions on import and

export of goods for commercial purposes. Trafficking in women and children is very easy along the 1,740 mile-long open border between India and Nepal. The open border further facilitates trafficking as a result, trafficking in Nepali women and girls are less risky than smuggling narcotics and electronic equipment into India.

In this study, the following table and maps shows where from women and men migrate and from which border points.



Sending Areas and Border Crossing Point to India



Routes and Transport

Trafficking is not a mechanical process of transportation from a place of origin to a specific destination. Rather it occurs through multiple routes and modes of transportation

Routes

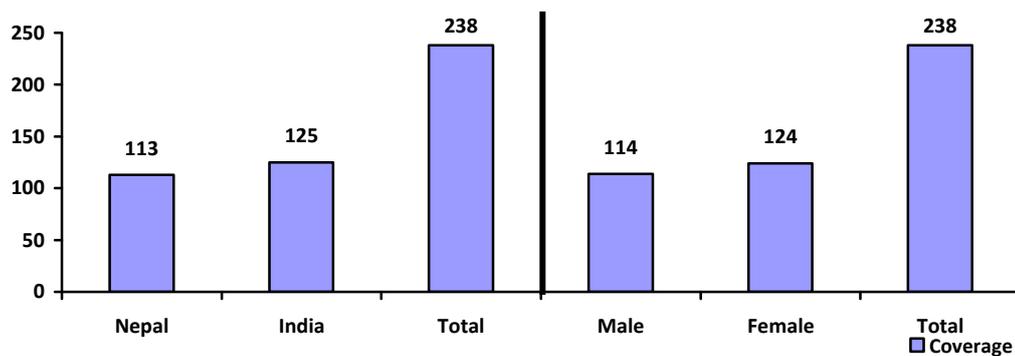
The major transit points from Nepal to India include Pasupati Nagar (Ilam), Kakarbhitta (Jhapa), Biratnagar (Morang), Bhandabari (Saptari), Birgunj (Parsa), Bhairawa (Rupandehi), Nepalgunj (Banke) and Mahendra Nagar (Kanchapur)

Transport

Long distance buses and trucks are widely used for illegal transportation. Some key informants, including long distance truck and bus drivers as well as informed by the surveyed groups that many traffickers make transport arrangements with long distance truck drivers.

IV. Interviews with Migrants

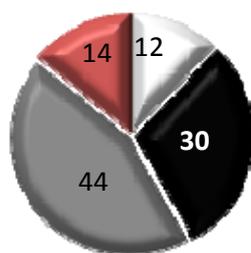
A total of 238 migrants could be interviewed despite best efforts to cover more for the study. Of these, 124 were women and 114 were men.



The details on the socio-demographic characteristics as well as information collected from the respondents have been described as below:

Age

Age	Men	Women	Total
Up to 17 years	15.0	9.7	12.1
18-24 years	33.3	26.6	29.8
25-40 years	43.0	45.2	44.1
Above 40 years	8.8	18.5	13.9
Total	114	124	238



Age Distribution

- Up to 17 yrs
- 18-24 yrs
- 25-40 yrs
- More than 40 yrs

It can be observed that migrants were mainly in the age group of 25-40 years (44%) followed by 18-24 years (30%). The migration was found minimum in the age range of up to 17 years of age or more than 40 years (12% and 14%). It is true that any person remains work productive in the age band of 18-40 years, so as the proportion endorses this fact. It

can also be interpreted that people are more vulnerable to migration or trafficking in their productive ages. Migration among population less than 10 years of age has not been noticed.

Religion

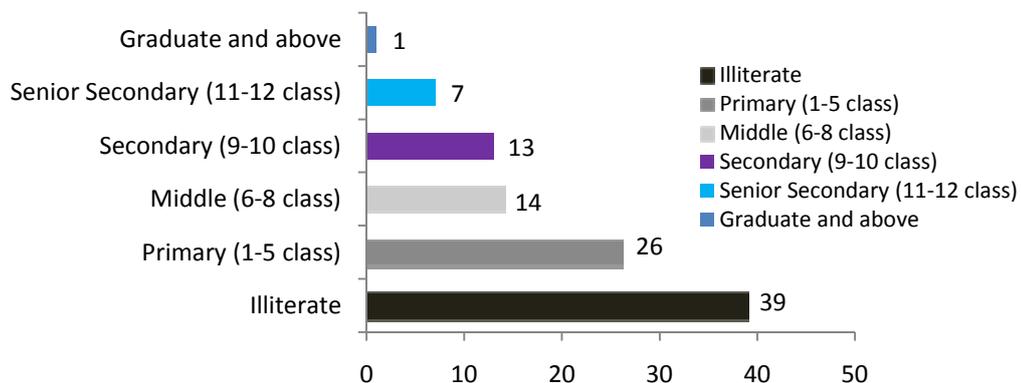
Age	Men	Women	Total
Muslim	21.1	37.9	29.8
Hindu	77.2	58.9	67.6
Buddhist	0.0	1.6	0.8
Christian	1.8	1.6	1.7
Total	114	124	238

Over two-thirds of the migrants were Hindus (68%) followed by Muslims (30%) and two percent were Christians. This holds true that majority Hindus and Muslim population reside in the cross border areas.

Levels of education

Educational level	Men	Women	Total
Illiterate	27.2	49.2	38.7
Primary (1-5 class)	26.3	25.8	26.1
Middle (6-8 class)	19.3	8.9	13.9
Secondary (9-10 class)	14.9	10.5	12.6
Senior Secondary (11-12 class)	9.6	4.8	7.1
Graduate and above	2.6	0.0	1.3
Madarssa	0.0	0.8	0.4
Total	114	124	238

Educational Qualifications



A large proportion of migrants (39%) were found to be illiterate followed by those educated up to primary level (26%). It can be observed that only 21 percent were those who had

education up to secondary level or higher. This reflects that mainly illiterate people are more vulnerable to migration leading to trafficking.

Marital status

Marital Status	Men	Women	Total
Married	64.9	77.4	71.4
Unmarried	35.1	19.4	26.9
Living Partner	0.0	1.6	0.8
Divorced	0.0	1.6	0.8
Total	114	124	238

Findings have revealed that majority of migrants were married (71%) and 27% were those who were not married. Unmarried men are more migrating than women. Only 2 percent women were found either living with partner or divorced.

Children

The information on children was also sought from the migrants. Nearly half the men (49%) and close to three-fourths of women (74%) had children. Of those women who had children, 83 percent had left them at their homes and only 1 woman was carrying with her during migration.

Status of migration

Migration towards	Men	Women	Total
Going to migrate	61.4	35.5	47.9
Back home	30.7	41.1	36.1
No response	7.9	23.4	16.0
Total	114	124	238

Respondents were asked to disclose their migration status in terms of their migration or coming back from the migration destination. It can be seen that 48 percent were migrating and of those, mainly were men (61%). More than one-third (36%) were those reported coming back from the location / destination from where they had migrated in past.

It was found that 16 percent of migrants did not want to disclose this fact whether they are going to migrate or coming back. Strikingly, a comparatively higher women than men (23%) did not want to disclose this and indicating their vulnerability for trafficking as they are not able to specify. This also reflects that they do not even know the place of migration or from which location they are coming back. This stresses that may be women migrants are

dependent on the people who are either accompanying them or guided them to cross border to reach at some point where they will be contacted again for the next destination.

Reasons for leaving home

Causes	Men	Women	Total
Better Earning	82.1	52.8	68.0
No livelihood option at home	37.2	19.4	28.7
For boyfriend/ partner	1.3	1.4	1.3
Marriage	0.0	1.4	0.7
Pressurized by Family or husband	0.0	5.6	2.7
No other family member earning	3.8	2.8	3.3
No response	2.6	8.3	5.3
Others (specify)	2.6	2.8	2.7
Total	78	72	150

The reasons for leaving their home were ascertained from the migrants. It was found that all migrants reported that migration is due to mainly for better earning (68%) followed by 29% who mentioned that they do not have any livelihood at their home. It was noted that some of them were pressurized by family members or they had no family member earning (3% each).

About 5 percent of women did not respond on the reasons for leaving their home and shows their vulnerability towards trafficking as they did not tell or might be possible that they were asked not to disclose anything to anybody.

More than four-fifths of the migrants (82%) specified that they willingly migrated from their place of residence. Around 4-5 percent of women and men were found to be not willing to migrate.

Countries/areas of migration

Countries	Men	Women	Total
India	65.4	54.2	60.0
Bangladesh	2.6	4.2	3.3
Nepal	16.7	22.2	19.3
Middle East (Dubai)	6.4	0.0	3.3
Saudi Arabia	1.3	1.4	1.3
Malaysia	0.0	1.4	0.7
Other country	1.3	0.0	0.7
Don't Know	0.0	8.3	4.0
No Response	3.8	6.9	5.3
Total	78	72	150

Information was sought on the destination countries they are migrating to. Evidently, India is the only country where majority of the migrants (60%) were going followed by those 19 percent migrants who were going to Nepal. It can be seen more men were migrating than women to India than Nepal where more women were migrating to. Around 9 percent of women did not respond to this question reflecting women are more prone to trafficking as they do not know where they are going or do not know or want to share this information. This is alarming in terms of vulnerability of women being trafficked.

Awareness on place of migration

Location	Men	Women	Total
Aware of place/city	71.8	68.1	70.0
Not aware of city or place	17.9	9.7	14.0
No Response	10.3	22.2	16.0
Total	78	72	150

Among those who were aware of the country of destination, they were asked to tell the city or location. About 70 percent were found aware of the city (72% men and 68% women) and almost 16 percent did not know about the place or give any response which shows their vulnerability.

The migrants were also asked whether they have the information on their employer. It is worth-noticing that only 42% of migrants (35% men and 50% of women) had the complete address of their employers where they were going to work. About 22% of women were not aware and 14 % did not respond. This certainly strikes that these women are more prone for human trafficking and without knowing about their place of work, they have left home.

Surprisingly, 64% of migrants did not have any phone numbers to contact their respective employers (73% men and 54% women) while only 23 percent had phone numbers. Only one-fifth (21%) of the migrants specified that either they or their family members verified the details of their prospective employers. The reasons stated were included “did not feel there is a need” and “never thought about it” (each 7% of migrants) and 86 percent of woman did not respond on this query. This large proportion of women did not know why to do verification of their employers or check the authenticity of recruiters etc.

Costs incurred prior to departure

More than two-thirds of the migrants (67%) reported incurring expenditures prior to their departure. More men had spent as compared to women (76% vs 58% respectively). Majority of migrants (83%) incurred this expenditure for their travel tickets/fare and 5-7 percent spent for their advance to recruiter or visa purposes. Furthermore, majority of the migrants (85%) spent less than Rs. 2000/- before departure

Sources of money to cover migration costs

Countries	Men	Women	Total
Own savings	37.3	78.6	54.5
Sold or mortgaged land or property	45.8	11.9	31.7
Taken loan from money lenders	37.3	7.1	24.8
Taken loan from Bank or other institution	1.7	4.8	3.0
Taken loan without interest from relative or friend	6.8	4.8	5.9
Don't know	3.4	7.1	5.0
No response	11.9	16.7	13.9
Others	1.7	0.0	1.0
Total	59	42	101

Respondents were asked to disclose the sources of money from which have drawn the costs of migration. It can be noted that 55 percent of migrants were mainly using their own savings and largely women (79%). On the other hand, more men have sold or mortgaged their property or land for migration which is an alarming thing. Similarly, 37 percent of men took loan from money lenders. Strikingly, 17 percent of women did not respond which reflects that it is likely that their families might have been actually paid for sending their daughter/wife.

Type of work promised

Type of work	Men	Women	Total
Construction workers	14.1	13.9	14.0
Hotel	11.5	8.3	10.0
Sales	35.9	11.1	24.0
Electrician	28.2	2.8	16.0
Hawkers	1.3	4.2	2.7
Agricultural labourers	6.4	13.9	10.0
Domestic workers	3.8	18.1	10.7
Factory workers	39.7	2.8	22.0

Type of work	Men	Women	Total
Dancer entertainers	1.3	0.0	0.7
Waiter/Waitress	2.6	0.0	1.3
Don't know	3.8	6.9	5.3
No response	6.4	6.9	6.7
Others (anything)	37.2	9.7	24.0
Total	78	72	150

Information on type of work promised to migrants was also ascertained. It can be seen that variety of works/jobs were offered to migrants. Mainly men were promised jobs for factory workers (40%) followed by salesmen (36%), electrician (28%) and other categories (37%). Women had also been variety of jobs which mainly included domestic and agricultural workers (18% and 14% respectively) followed by construction workers (14%), sales women (11%) and hotel workers (8%). No woman migrant reported sex worker as their jobs. Strikingly, 24 percent of women migrants were not sure/do not know about their work.

Type of accommodation

Type of accommodation	Men	Women	Total
Rented house	26.9	33.3	30.0
Home provided by employer	17.9	18.1	18.0
Construction site	5.1	6.9	6.0
Others	-	3.6	1.8
Don't know	10.3	6.9	8.7
No response	39.7	27.8	34.0
Total	78	72	150

It is evident from the table that migrants are at risk as almost 43 percent of migrants did not have any information on place of their stay. It is also alarming that 28% of women did not respond on the place of stay which shows they are at risk of trafficking or landing up in vulnerable situations. Also, 25 percent of women were dependent on places provided by their employers or at construction site which again reflect their vulnerability.

Mode of transportation to reach at border

Around 44 percent of migrants took a road vehicle to reach the border point. Among these, 56% were men and 31% were women. Nearly, 39 percent of migrant took any type of vehicle to reach the official entry point. Nearly 25% of women just walked down till the official entry point at the border.

When asked about whether entered through official entry at the border, about 57% had entered through the official entry point at the border and majority were women (58%). As many as 25% of migrants did not enter through the official entry at the border which is an alarming situation reflecting that they had access at other entry points across the open border. Probably, these are the access points which are being used by the traffickers for taking women from one country to another.

Almost 49 percent of migrants did not use any document to cross the border. However, only 5 percent used their passports and 3 percent of women migrants showed their travel permit.

Nearly half the migrants were carrying their personal Ids (53%) followed by employer letter (5%), passport (4%) and employment letter (3%).

Training prior to departure

Almost 85% of migrants did not receive any training and 15% received some kind of trainings. About 21 percent of women reported receiving training. Only 11% received training on vocational skills followed by 5% were given training on language and 2% received training on behavioural aspects.

Risk perception

Perception on Risk	Men	Women	Total
Perceived risk	9.0	11.1	10.0
Not perceived	69.2	58.3	64.0
Don't know	2.6	0.0	1.3
No response	19.2	30.6	24.7
Total	72	78	150

It can be seen that only 10% of migrants (mainly women) have perceived they might be in any kind of risk. About 64% of migrants did not perceive any risk and strikingly, 25% of migrants could not perceive and did not respond. This indicates that almost one in three women are at risk as they do not know anything about their susceptible situation such as trafficking.

Family Status

Monthly Family Income

Income range	Men	Women	Total
Below 5,000	62.8	51.4	57.3
5001-10000	24.4	40.3	32.0
10001-20000	10.3	8.3	9.3
20001-50000	2.6	0.0	1.3
Total	72	78	150

As regards to the monthly family income, a large proportion of migrants (57%) had monthly family income of less than Rs. 5000 followed by those 32% who had monthly family income up to Rs. 10,000.

Almost 43 the migrants reported to be the sole earner of their families. When asked about their perception on whether they would be able to help their families because of their future job, 73 percent of migrants responded affirmatively (94% men Vs 51% women).

Faced violence

Only 7% of migrants have reported facing any kind of violence and mainly were women. When asked about the type of violence, mainly physical violence and sexual abuse was intimated. The offenders reported by migrants were mainly parents, relative and family members. Mainly offenders were parents and family members. Only one woman reported of sexual abuse by a relative.

Recruiters' details

Coming through Recruiter	Men	Women	Total
Recruiter's supported	6.4	22.2	14.0
No supported	85.9	65.3	76.0
Don't know	2.6	1.4	2.0
No response	5.1	11.1	8.0
Total	72	78	150

When asked about whether they are coming with the recruiter, only 14 percent of migrants reported to come with a recruiter. Although 2 percent were not aware of the recruiter and 8 percent could not respond.

Among those who came with recruiter, about 62 percent of them reported they were approached by the recruiter through regular contact within the community followed by those 29 percent who mentioned that recruiters stay in the same community. This indicates that there is a need to authenticate the locally available recruiters in some manner so that a strong vigil should be kept on them. Many cases have been seen in the past where recruiters have played vital roles in trafficking cases as disclosed by victims.

Almost 86 percent of migrants (of those supported by recruiters) also mentioned that usually recruiters use personal contacts to meet them and offer jobs followed by 24 percent those who mentioned that they use earlier migrants as the key motivators. Strikingly, these recruiters contacted about 81 percent of women for the jobs (out of those supported by recruiters). This is not convincing but alarming to note this move which makes women vulnerable in case these recruiters have contacts with potential traffickers or themselves get involved in malpractices.

As such, a good proportion of migrants reported not signing any agreement with the recruiters (52%) and 24 percent reported signing the agreement. Remaining was either did not know about the signing of agreement or did not want to disclose (24%).

Knowledge and practices on HIV/AIDS

Particulars	Men	Women	Total
Heard of HIV	76.9	61.1	69.3
Heard of AIDS	88.5	51.4	70.7
Ever heard of condom	88.5	63.9	76.7
Ever used condom	23.2	39.1	29.6
Reasons for using condom (among who have ever heard)			
Protection from HIV infection	13.0	21.7	16.5
Protection from AIDS	0.0	6.5	2.6
Personal hygiene	1.4	4.3	2.6
Partners' wish	4.3	10.9	7.0
Others	0.0	2.2	0.9
No response	15.9	69.6	37.4
Frequency of use (among who have ever heard)			
Always	8.7	2.2	6.1
Sometime	11.6	32.6	20.0
Rare	0.0	2.2	0.9
Never	34.8	23.9	30.4
No response	44.9	39.1	42.6

Particulars	Men	Women	Total
Obtained condom every time (among who have ever heard)	13.0	19.6	15.7
Know someone living with HIV or AIDS in the area	0.0	6.9	3.3
Ever tested for HIV	6.4	16.7	11.3
Total	72	78	150

Knowledge on HIV, AIDS and related issues was assessed among the migrants. More than two-thirds of migrants reported to be heard of HIV (69%) as well as AIDS (71%). More men were found heard of HIV as well as AIDS than women (77-89% Vs 51-61%). This clearly specifies that women are more vulnerable to HIV exposure in absence of no awareness on HIV or AIDS.

Similarly, awareness on condom was found to be less among women than men (89% Vs 64%). Despite lesser awareness, ever use of condom was found better among women than men which drastically less (39% Vs 23%). This is convincing that at least women those are probably aware that condom should be used.

When asked about the reason for ever use of condom, women reported mainly for protecting themselves from HIV infection and maintaining personal hygiene. However, 39 percent of women did not specify any reason.

Frequency of use of condom was found better among women who reported using though sometime (33%) and 6 percent of migrants mentioned consistent (always) use of condom. More than one-third of men (35%) had never used condom and 43 percent of migrants did not report the frequency of condom use.

It can be inferred that knowledge on HIV, AIDS, condom and use of condom is found very less and are not fully aware specially women who are more susceptible to HIV infection due to sexual encounters/abuse. Hence, lack of knowledge on these issues makes them vulnerable for facing health hazards which should be dealt appropriately by creating awareness prior to their migration.

Knowledge and practices on STDs

Particulars	Men	Women	Total
Heard of STDs	47.4	26.4	37.3
Experience of STDs (during last six months)	0.0	0.0	0.0
Experienced symptoms			
Genital discharge	0.0	0.0	0.0
Genital ulcers	0.0	0.0	0.0
Anal sore	0.0	0.0	0.0
Itching	0.0	0.0	0.0
Burning pain on urination	0.0	0.0	0.0
Received treatment			
No treatment	0.0	0.0	0.0
Went to doctor	0.0	0.0	0.0
Went to hospital	0.0	0.0	0.0
Total	72	78	150

As evident from the table that knowledge on STDs was better among men than women (47% vs 26%). None of migrants reported to have experienced any STD. This can be one area where migrants should be made aware that come forward and learn about STDs. This would help them in providing protection from STD infections including HIV.

Awareness on Human Trafficking

Particulars	Men	Women	Total
Aware of trafficking	24.4	51.4	37.3
Source of information (among those who are aware)			
Newspaper	5.3	18.9	14.3
Radio	36.8	21.6	26.8
Television	15.8	10.8	12.5
Personal contacts	10.5	2.7	5.4
NGO functionaries	42.1	43.2	42.9
Local community	5.3	83.8	57.1
Relatives	0.0	13.5	8.9
Causes that facilitate in getting boys/girls trafficked (among those who are aware)			
Poverty	52.6	78.4	69.6
Unemployment	21.1	27.0	25.0
Expectations for better life	26.3	13.5	17.9
Illiteracy	0.0	40.5	26.8
Low social status	5.3	16.2	12.5
Entrapment	0.0	24.3	16.1
False marriage	5.3	35.1	25.0
Total	72	78	150

It is evident from the above table that male migrants are less aware of trafficking than women (24% vs 51%). It indicates that women have heard about trafficking or have seen such cases or victims. This endorses the fact that migrant women are at risk. A good proportion of women reported source of information as NGO functionaries (43%) and local community (57%). This authenticates the importance of NGO efforts and initiatives reflecting their awareness.

Information on main causes that facilitate trafficking of boys and girls was also sought. Poverty was the main reason stated by 78% of women migrants followed by illiteracy (41%) and false marriage (35%). This stresses the need of implementing programs so that the women should be oriented on literacy aspects, migration related information and information on livelihood options or jobs wherever they would like to get involve. Strangely, 24% of women also mentioned entrapment which is also an issue that needs to be dealt with.

Knowledge on trafficking aspects (among those who are aware)

Particulars	Men	Women	Total
Reasons for success in trafficking			
Migrants did not seek enough information about the job	42.1	21.6	28.6
Parents do not seek enough information about the job or marriage offers	15.8	40.5	32.1
Migrants do not discuss and decide on their own for their job	5.3	35.1	25.0
Desire or greed to earn more money	10.5	24.3	19.6
Forced/sold by the family	0.0	18.9	12.5
Opinion on status of trafficked people			
Get a well paying job	10.5	18.9	16.1
Torture and violence against her	21.1	40.5	33.9
Forced confinement	0.0	2.7	1.8
Sent overseas to take up a job	0.0	10.8	7.1
Sent to another place for prostitution	26.3	37.8	33.9
Don't know	15.8	35.1	28.6
Community's behaviour towards trafficked returnees			
Treat them normally	5.3	2.7	3.6
Hate and look down on them as if they are a bad person	42.1	59.5	53.6
Viewed as an outcast in society	0.0	27.0	17.9
Cannot get married	0.0	24.3	16.1
Don't know	15.8	10.8	12.5
Major facilitating factors in trafficking			
Long and open border	26.3	24.3	25.0

Particulars	Men	Women	Total
Organized crime	21.1	54.1	42.9
Negligence towards girl child	0.0	10.8	7.1
Gaps, loopholes, and anomalies in laws	5.3	8.1	7.1
Negligence and corruption of law enforcement agencies	26.3	5.4	12.5
Community's behaviour towards victims of human trafficking			
Sympathy	0.0	2.7	1.8
Normal	5.3	2.7	3.6
Hate and discrimination	26.3	75.7	58.9
Outcast from society	63.2	24.3	37.5
Total	19	37	56

Surprisingly, more women have specified the reasons due to which trafficking is successful. These included lack of parents involvement in obtaining information on jobs and marriage offers, desire or greed for money among the migrants, discomfort among the migrants due to which they do not share the migration related to issues. There is an emergent need to create a focal point service centre that can guide migrants on their upcoming jobs, locations, etc.

Women migrants were found aware of conditions of migrants at the destination. Around 22% of women informed that at times migrants were got tortured and face severe violence. Similar proportion of women also informed that women migrants are sometimes sent to other places for prostitution. The most striking feature is that even if the women migrants are aware of these facts, still they land up in vulnerable situations at the destination. This need to be handled at the origin point and migrants should get the entire assistance on their mobility, job and consistent contact even after they reach to their destination areas.

Mainly women had disclosed that whenever trafficked migrants come back to their own community, they face outcaste and disgusting behaviour and treated as bad people. Moreover, they also face hurdles in their marriage.

It is worth-noticing that women reported "organized crime" as one of the major facilitating factor for trafficking.

V. Interviews with Returnee Migrants

In the present study, a total of 77 migrants who were returning back to their country were covered. Of these 77 migrants, 30 were men and 47 were women. Other information collected from them has been described as follows:

Countries from where returning

Countries	Men	Women	Total
India	86.7	78.7	81.8
Nepal	10.0	14.9	13.0
Middle East (Dubai)	0.0	4.3	2.6
Saudi Arabia	3.3	0.0	1.3
Malaysia	0.0	2.1	1.3
Total	30	47	77

As evident from the table that majority of migrants (82%) were returning from India followed by 13% those returning from Nepal. A lesser proportion was those returning from Dubai, Saudi Arab and Malaysia. It can be noted that maximum cross border migration is in between India and Nepal. Of course, returned migration is more from India and women returned migrants were found lesser whereas this was contrary in case of returnees from Nepal.

Status of re-migration among returnees

Status	Men	Women	Total
Will go back to work	73.3	66.0	68.8
Not sure—may or may not re-migrate	20.0	19.1	19.5
Not returning	3.3	14.9	10.4
No response	3.3	0.0	1.3
Total	30	47	77

More than two-thirds of migrants (69%) mentioned that they will go back to work in the country from where they are coming back. Almost 20% of migrants were not sure whether they would go back or not. It can be noted that 10 percent reported that they are not going to return. This shows that either these returnee migrants are not happy at the place of their work or had faced drastic work conditions etc. There should be some provisions of ascertaining or recording their experience and provide counselling to them.

When asked about their reasons for not returning back, 44% of migrants did not respond. This is a striking feature and needs to be explored for taking such decisions. The main

reasons for not returning back were family priorities and inclusion (35%) and lost jobs (13%). Another 13 percent of migrants have reported that they were treated badly and had no option other than coming back.

Experience with migration

Experience	Men	Women	Total
Excellent	6.7	23.4	16.9
Good	46.7	61.7	55.8
Not so good	20.0	2.1	9.1
Bad	10.0	4.3	6.5
Very bad	0.0	25.5	15.6
Reasons for not good experience			
Cheated by the recruiter/person who took them	11.1	66.7	45.8
Did not get what was promised	0.0	13.3	8.3
Someone else took the entire salary	22.2	0.0	8.3
Got in the wrong company	0.0	6.7	4.2
Missed the family	22.2	20.0	20.8
No response	0.0	80.0	50.0
Total	30	47	77

It is encouraging to note that only 17 percent of migrants had excellent experience followed by those more than half (56%) who reported their overall experience with migration as Good. Proportion of migrants with not so good, bad and very bad was 31%. Though migrants have reported their experience with migration as Good still there exists a need to explore more and find out their actual experience. Probably due to lack of optimum coverage of returnee migrants, the actual results are not being seen.

When asked for stating the reasons from those migrants who did not have the good experience, 46 percent of migrants mentioned that they were cheated by the recruiter and majority were the women (67%). Nearly 21 percent missed their family or kids. It is worth noticeable that half the migrants with not good experience did not tell anything.

Type of work undertaking

Experience	Men	Women	Total
Construction workers	13.3	14.9	14.3
Hotel	16.7	10.6	13.0
Sales	13.3	8.5	10.4
Electrician	3.3	4.3	3.9
Agricultural labourers	13.3	10.6	11.7
Domestic workers	10.0	14.9	13.0
Factory workers	20.0	0.0	7.8
Dancer entertainer	0.0	2.1	1.3
Sex workers	0.0	21.3	13.0
No response	3.3	17.0	11.7
Total	30	47	77

Above table shows that women were mainly involved in sex work (21%). Mainly men were involved as factory workers (20%), hotel workers (17%), construction workers (13%) and agricultural labourers (13%). A striking aspect is that around 17 percent of women did not respond their work in which they were engaged in. Only 1 woman disclosed that she was working as a dancer-entertainer.

Experience at work place

Particulars	Men	Women	Total
Reached to the same place where planned or informed	63.3	57.4	59.7
Got the same job that was planned and thought/informed	60.0	61.7	61.0
Received/Earned the same amount of salary that was agreed and informed	40.0	57.4	50.6
Faced violence	6.7	27.7	19.5
Form of violence faced (among those who faced violence)			
Physical violence	50.0	76.9	73.3
Mental torture	50.0	0.0	6.7
Sexual abuse	0.0	84.6	73.3
Whether reported incidence of violence	50.0	15.4	20.0
Reported to whom			
Parents	0.0	50.0	33.3
Police	100.0	50.0	66.7
Employer/some known person	100.0	50.0	66.7
Total	30	47	77

Nearly three-fifths of returnee migrants (60%) reported that they had reached to the same place which was planned or told to be there. Almost similar proportion of migrants reported got the same job as promised but only 51 percent got the same amount of salary that was agreed upon or informed. This supports the fact that migrants' rights are being violated. This is also alarming and indicates that a mechanism or an intervention should be planned to support safe migration for these individuals.

Around 28% of women migrants reported facing violence at the work place mainly physical and sexual abuse. Only one female could mention that she could only report to her police, parents and employer. There were many women who did not respond to avoid sharing their awful experiences.

C. Interviews at Stay Homes

A total of 21 girls/women were contacted and interviewed maintaining the privacy and confidentiality. Prior to the interview, the informed consent was obtained and designated officials were informed about the purpose of interviews.

Commercial Sexual Exploitation

Particulars	Girls/Women
Brought to Commercial Sex Work by	
Sold by the recruiter	33.3
Parents / family members	9.5
Relatives	4.8
Moved willingly in absence of any other livelihood options	4.8
No response	42.9
Duration in the profession	
Less than 1 year	14.3
1-2 years	14.3
2-4 years	9.5
4-6 years	4.8
6+ years	19.0
No response	19.0
Don't remember	14.3
Venues for Commercial Sexual exploitation	
Hotels	23.8
Bus station	9.5
Brothels	33.3
Others	9.5

Particulars	Girls/Women
No response	9.5
Don't remember	23.8
Faced violence	
Faced	57.1
Not faced	42.9
Form of violence (among those who faced)	
Sexual abuse	75.0
No response	25.0
Type of Offender	
Brothel/hotel owner	100.0
Co-workers	11.1
Monthly income	
No income	19.0
< 5000 Rs.	61.9
5001-10000 Rs.	4.8
10001-20000 Rs.	9.5
Don't know	4.8
Money able to keep with self	
All	19.0
75% or less	4.8
Less than 50%	33.3
Less than 25%	28.6
None	14.3
Access to facilities at work place	
Clean drinking water	14.3
Clean toilet	14.3
Kitchen	4.8
Comfortable place to sleep	42.9
Medical facilities	4.8
Safety of belongings	4.8
Condoms	4.8
Total	21

About one-third (33%) of women reported their involvement in commercial sex work because they were sold by their recruiters. About 19 percent were into commercial sex work due to their parents or their own willingness in absence of no other livelihood option and relatives. Nearly 28 percent of them were into profession for the last 2 years as well as 19 percent those into for more than 6 years. The places where commercial sexual exploitation takes places informed were brothels (33%), hotels/brothels (24%), bus stations (10%) and other places like private rooms/places (10%).

It is sad that 57 percent of women reported facing violence against them mainly in the form of sexual abuse. The key offenders reported by women were brothel owners. Majority were earning less than 5000 Rs per month (62%). About 19% were those who did not have any earning. Around 62 percent of women reported receiving 50% or fewer amounts out of their hard earnings.

About 14 percent of women could get access to clean drinking water and toilets (14% each) followed by 5% who had access to kitchen. Meagre proportion of women (5%) had access to availability of condoms. However, a slightly higher proportion of women reported receiving comfortable place to sleep (43%)

Experience with Police and Judiciary

Particulars	Girls/Women
Approached to Police	
Rescue operations	33.3
Directly approached	9.5
Indirectly through family, friends, NGOs, etc.	4.8
No response	52.4
Aware of legal rights prior to reach to Police	
Aware	19.0
Not aware	81.0
If no, whether now aware of legal rights	100.0
Kept with Lady police officer	38.1
Status of Case/trial	
Trial not started	9.5
Under trial	9.5
Trial over	-
Awaiting repatriation	9.5
No response	71.4
Whether judiciary was sensitive	
Yes, fully	4.8
Yes, somewhat	4.8
No	19.0
No response	71.4
Trial held in Camera	
Yes	14.3
No	38.1
Trail not started	4.8
Don't know	42.9

More than half the women did not reply when asked how they were reached to Police. One-third of women were brought after rescue operations (33%). Only 19% of women mentioned that they were aware of their legal rights prior to be with police but as of now all women were found aware of their legal rights. As expected, 62% of women were not kept with lady police officials at the police post or station. Around 10% of women each were those awaiting repatriation, waiting for trial to start and undergoing trials. Only 10% could specify that judiciary was either fully or somewhat sensitive towards them. Camera trials were reported in only 14 percent of cases.

Information on short stay home from the women was also sought. Only 17 women willingly responded to the questions related to the short stay home. The details have been described as follows:

Experience at Stay Home

Particulars	Girls/Women
Sent by whom	
Police	47.1
Court	5.9
NGO	29.4
Don't know	5.9
No response	11.8
Duration of stay in home	
Up to 6 months	64.7
More than 6 months	35.3
Receiving regular health checkups	64.7
Contacted by family members	58.8
Received any Vocational Training	47.1
Received support from any Organization	47.1
Kind of support received	
Stipend/financial assistance	41.2
Legal assistance	5.9
Vocational training	41.2
Family knows the status	29.4
Received any other support from Family	17.6
Willing to return to home	94.1
Whether family will accept (yes)	29.4
If accepted, whether you will face discrimination	
Yes	71.4
If No, reasons for non-acceptance	
Fear / Stigma	23.5
Total	17

A good proportion of women (47%) was sent by Police followed by NGOs (29%) who had sent these women to stay homes followed by court (6%). However, 12 percent of women did not want to tell who all have sent them to the stay home. About two-thirds of women (65%) were staying for the last 6 months. The duration of stay at the stay homes is also a valid concern in majority of cases. This needs to be focused and interventions should be implemented for fast track courts, timely verdicts, appropriate livelihood options and safe repatriation.

When asked about their well-being, close to two-thirds of women (65%) mentioned receiving regular health checkups. More than two-fifths of women (41%) had never contacted by their family members. Convincingly, 47 percent of women had received any kind of vocational training and similar proportion of women had received any support from any organization in terms of legal assistance, vocational training and stipend (financial assistance).

Only 29 percent of women expressed that their families know their status that they are staying in the stay homes and only 18 percent had received any kind of family support.

It is worth-noticing that 94 percent of women had expressed their willingness to re-integrate with their respective families. Of these, 29 percent of women opined that their families will accept them.

This stresses the need of undertaking interventions with the community and families of trafficking victims in order to maintain conducive environment. Needless to say that mental and emotional health aspects as well as support provision mechanism should be evolved to help the victims.

VI. Interviews with Protectors and Gatekeepers

Interviews with protectors (like law enforcement officials) and gatekeepers (like transport agency workers and faith leaders) were also conducted in the present study in order to capture more information from these key stakeholders. Under the study, knowledge and practices related to trafficking issues were ascertained.

The details about the information from these protectors and gatekeepers have been described in the ensuing sections as follows:

(A) LAW ENFORCEMENT OFFICIALS

A total of 27 male law enforcement officials (LEOs) were interviewed and their views on trafficking and other aspects were captured. Eight LEOs had their service period in between 16-20 years followed by 9 each in 6-10 years and 10 in 11-15 years time intervals. Of these interviewed, 13 were those having their present capacity or designation for the last 6-10 years followed by 11 each having 11-15 years and 3 in 16+ years.

Investigations and legal issues

All officials were found to be aware of trafficking. Only 10 officials were found who have ever dealt a case of trafficking. Surprisingly, nine officials mentioned trafficking cases are dealt under Indian Penal Code and only one could specify ITPA.

Five officials reported handling around 15 cases of trafficking whereas only one official informed about him handling more than 30 cases. About 14 officials did not handle any such case ever in their professional service.

Details about Victims

Majority of the officials had the similar opinion about the place of origin for victim is Nepal. Only 2 could say about other states of India too. As many as 19 officials mentioned the gender of victims as female and only 3 mentioned as male. About 17 officials reported that the major age group of victims is 10-17 years and around 8 officials also mentioned 18-24 years age group. As regards to the marital status of victims, 15 officials had the opinion that they are usually singles followed by those 6 who mentioned having life partners but not married. Four officials opined each for married, divorced and widowed.

19 officials mentioned victim's religion as Hindu followed by 14 who quoted Muslim and 3 who mentioned others. 14 officials mentioned Hindi as their mother tongue followed by 11

who also mentioned Nepali. So, more or less Hindi and Nepali are the two languages which are the mother tongue of the victims.

Nine officials mentioned each bus and walk-through as main modes of transport followed by 5 officials reported boat; 6 reported train and 3 reported any vehicle.

When asked about the type of people who are involved in the trafficking of persons, 17 officials reported Dalals, 10 reported for local community people, 6 reported placement agencies, 4 reported transporters and 5 reported each of relatives and lovers.

11 Law enforcement officials reported that the victims do not cross from official entry points. Only two entry points were named by only one of the officials. About 21 officials mentioned people do not need entry visa and only one said yes to it. However, only one official was found not sure of visa requirement. Similarly, 12 officials mentioned that no exit visa is required.

Common Causes of trafficking

The information on most common causes of trafficking was gathered from law enforcement officials. Eleven officials voted for poverty, illiteracy (9), false marriages (4), unemployment and hope for better life elsewhere entrapment (5 each) and lack of knowledge about trafficking and lack of social security (4).

Facilitating factors for Trafficking

Open and long border has been mentioned as the main and major factor that facilitates in trafficking (17) followed by negligence towards the girl child (7) and organized crime (5).

Ten law enforcement officials opined that the victims usually get engaged in sex work once they reach to the destination followed by 11 those reported working in hotels and 3 reported their work as domestic help. Other types of work that got least mentioned were: construction worker or factory worker (2), agricultural labourers and dancer/entertainer (1 each).

With respect to place as a destination venue, 7 officials reported brothels followed by 8 who opined for hotels. According to them, hotels are the main venues where commercial sexual exploitation happen (15 officials) followed bars (8), brothels (8) and rail (3).

Knowledge on Law Enforcement

Information on initiation on trafficking cases was also captured from the officials. Ten officials reported initiation with FIR and 13 reported with complaint. About 14 officials mentioned in affirmation that there are mandatory protocols which need to be followed and 7 officials did not know about this. About 11 officials reported affirmatively that there exists provision for support to victims. Six officials mentioned each legal counselling and legal aid as the main provisions for support.

When asked about the place for keeping the victims after rescue, seven officials reported protective home, 4 officials reported police station and 5 mentioned shelter home, four of the officials also mentioned Jail.

Only 16 officials could mention the availability of lady officer while victims are in custody and 3 officials denied such availability. About 14 officials mentioned that police is responsible for bringing the rescued person to the court and 7 officials reported this responsibility is handled by trafficking police officer. About 20 officials reported that victims are allowed to meet her friends and relatives in the custody but denied by two officials.

When asked about the role in repatriation, 9 officials mentioned in affirmation but 6 officials denied with this fact. A total of 14 officials were in agreement that there are some loopholes in the enforcement mechanisms to tackle trafficking.

Officials were also asked to mention the possible reasons or problems faced by police while handling cases of trafficking. Seven officials reported political pressure, 9 mentioned lack of adequate information and lack of training, less number of reporting (4) and not identifying as trafficking (5 each) and lack of information/support from community (4).

Twelve officials reported facing problems in dealing with prosecution of sex work cases. Only 8 officials reported protecting the identity of the victim.

(B) TRANSPORT AGENCY WORKERS

In all, 35 transport agency workers were interviewed. All interviewed transport agency workers (TAW) were males and 21 were Hindus, 7 were Muslims and 2 were Buddhists. About 32 TAWs were having their Hindi mother tongue followed by 1 having Urdu and 2 had Nepali. Eight TAWs were in the age group of 21-30 years, 6 in 31-40 years and 6 were more than 40 years.

It was striking to note that 9 out of 20 were those who never went to school and 7 had education up to primary and middle level (6). Four TAWs had education up to senior secondary level and only one reported to be literate who can sign. Of all, 20 were married and 13 were unmarried.

Occupation details

The interviewed TAWs had almost all possible modes of transport. Nine TAWs had Bus and Taxi (8), Jeep (6), 2 had auto-rickshaw and 6 had cycle-rickshaw. Among these, only 4 were owners of their respective vehicle, majority (24) were drivers and 2 each was a conductor and helper in arranging passengers.

Majority (17) were into the occupation for the last 10 years and 12 others for more than 10 years. Prior to join their present occupation, 16 were labourers and 6 were unemployed. Of these, 21 had license for their occupation, 2 had permit and 9 had nothing.

When asked about their daily earning, 10 TAWs mentioned their daily earning of up to Rs. 150 and 12 reported as Rs. 200 and three informed it to be Rs. 300. Of all, 12 TAWs reported that whatever they earn is adequate for their family needs and 8 mentioned it in negative. Eleven TAWs were not doing anything other than their primary occupation and 6 were having some other source of earning.

Knowledge on Trafficking

When asked whether they have heard about trafficking, 23 TAWs responded affirmatively and 7 responded negatively. 16 of them were aware that women are taken away from their place of residence to some other part of the country or state and sold for money. Eight also mentioned the similar understanding with respect to children.

About 18 TAWs had the opinion that women are the main victim and 14 endorsed for children. About 16 TAWs opined that the majority of the victims normally come from Nepal, 3 mentioned Bangladesh and 3 informed about other districts of Bihar also.

Knowledge on Cross-border Migration

About 22 TAWs had the opinion that people generally migrate to cross-border country in order to earn more or better earning. Five TAWs felt that they migrate because of non-availability of livelihood opportunities. Mainly, victims use vehicle as a mode of transportation as reported by 16 TAWs followed by 4 TAWs reported using train as a mode of transport. As

such, victims get variety of places of stay once they reach to the destination such hotels (3), rented houses (9), brothels (3) and slums (3). Lack of information on many aspects was observed among the transport agency workers.

Information on Recruiters

It was striking to observe that about 9 TAWs disclosed that lovers mainly play a vital role in taking the girls from their homes for migration to a cross-border country. Some of TAWs did not show any knowledge on this aspect. When asked about the type of people who are involved in this process, 11 TAWs were sure about Dalals, 6 reported family members, 3 reported for relatives and local placement agencies (4), local community people (4) and transporters (1).

Knowledge on Recruiters

Only two names of male recruiters could be captured under the survey mainly in the age range of 30-40 years. They are mainly residing in Adapur (Nepali) and Lucknow (India). One of the recruiter was illiterate and never went to school (1). According to TAWs, they are not dependent on recruiters (4) and some of them responded 'not aware' (3). Mainly TAWs got in touch with recruiters from family members (6). They also disclosed that sometimes recruiter pays the travel fare and sometimes by the victims themselves but it depends on their situation. Only 10 TAWs could say that the victims usually crosses the border from official entry point, 4 denied it and 7 were not sure.

Ten TAWs had the opinion that there is a need for entry visa whereas 8 reported it negative. Similar response was noted for the exit visa. Only two TAWs could mention that the recruiters use false documents. Only one TAW spent some time in the transit country for 15 hours. Two TAWs disclosed that the person who took them to the place paid the money.

Sharing Experience on Trafficking

The main people involved in the process of trafficking as informed by TAWs were Dalals (9), local community people (4) and Relatives (1). The main reasons reported by TAWs were poverty (7), illiteracy (5), child marriage (4), broken family (2), unemployment (4) and others like lack of knowledge on trafficking, human rights and unplanned and undocumented migration which is not safe (1 each).

The leading factors that facilitate trafficking reported by TAWs were long and open border (9), organized crime (4), and negligence towards girl child (2).

Surprisingly, 7 TAWs reported that community treat normally when trafficked victims (boys or girls) come back whereas 6 TAWs mentioned that they face hate and looked like the bad people.

Experience with Law enforcement authorities

About 19 TAWs reported never approached any law enforcement authorities for any help or complaint. About 18 reported no arrest by any police ever. Nine TAWs could say that they know about trafficking in women and children.

Twelve TAWs have heard about trafficking through newspaper followed by TV (3) and face-to-face encounters/ talk (3). They could not tell clearly about the places of commercial sexual exploitation.

(C) Religious or Faith Leaders

Profile

A total of 31 religious leaders were covered under the study. Of these, 30 were male and 1 was female. Of all, 14 were Muslims and 16 were Hindus. The mother tongue of 22 religious leaders was Hindi, 6 had Urdu and only one had Nepali. There were three leaders having Hindi as a mother tongue but were also found well-versed in Urdu. Eleven religious leaders were in the age brackets of 46-55 years and 10 were into 31-45 years age group. Remaining leaders did not disclose their ages.

Of all, 12 each were educated up to middle or secondary level followed by 4 having education up to senior secondary level; 3 were graduates and 4 had gone to Madarssa. Majority of them (27) were married and 3 were unmarried. Mainly they were into profession for more than 2 years. Prior to this profession, 24 of them were studying or unemployed and remaining had other profession.

Knowledge on Trafficking

Of all, about 21 interviewed religious leaders reported that mainly victims are from Nepal as well as from other districts of Bihar.

About 17 religious leaders mentioned that the victims mainly are from 10-17 and 18-24 years age bands.

Majority (24) reported that mainly victims are females but 12 also mentioned that boys are also being trafficked.

About 12 religious leaders disclosed 'bus' as a key mode of transportation, followed by those who mentioned train (7), on foot (4) and boat (4). Two religious leaders showed their inability to respond on this issue.

About 17 leaders opined that the victims are mainly married or life partner but many of them are single too (reported by 5 leaders). Majority of them are Muslims followed by Hindus.

When asked about the reasons for migration, primarily, no livelihood options available has been given due importance (14) followed by to pay dowry (6). Four religious leaders did not respond to this query.

According to most of the religious leaders, mainly victims land up in occupations like hotel workers (11), sex workers (10), domestic workers (5), construction workers and dancer/entertainer (3 each) and factory workers (2).

Majority of religious leaders had belief that the victims stay in slums, rented houses and near to construction sites.

They were also asked to give their opinion on what type of people are involved in trafficking of persons. The key people informed by them were Dalals, placement agencies, local community, lovers and local brokers. Four members did not respond on this query.

It was observed that nearly all religious leaders had no idea on recruitment of the victims. Some of them reported that usually victims do not get they are promised to be given.

Opinion on trafficking

Again, religious leaders have sound opinion that placement agencies and Dalals are mainly involved in trafficking process. Other people those were quoted are lovers and local community people.

The religious leaders reported Poverty (20) as the main cause for trafficking followed by illiteracy (7), unemployment (3) and early or child marriages (5).

When asked about the major factors that facilitate trafficking, the reasons like long and open border (9), organized crime (10) and negligence towards girl child (8) got higher mention.

They also mentioned that when the victims come to their own place or location within their community, local people do not see them as normal ones rather they find them as bad people. This pushes the victims into different state of mind.

Experience with Law Enforcement Officials

About 22 religious leaders did not have any experience with law enforcement officials. Nine leaders did not show interest in responding this query.

Only 9 religious leaders could say that officials are involved in the whole racket of trafficking. It was observed that newspaper was the main source of information about trafficking (17) followed by radio (1), some face-to-face encounters with the victims and television.

Majority of the religious leaders opined for Hotels (20) and bars (12) as major venues of commercial sexual exploitation.

Only religious leaders could perceive that there is a coordination between them and law enforcement agency.

VII. Interviews and Interactions with NGOs

In all, 8 NGOs were contacted and visited covering 8 cross border areas in Bihar to have in-depth discussion with their officials on various types of interventions being implemented by their organization. Following are the alphabetically arranged names of the organizations:

1. Adithi
2. Berojgar Sangh
3. Lakshya Trust
4. Mandan Bharati
5. Nirdesh
6. Prayas Bharati Trust
7. Rahat
8. Sakhi

This helped a lot in capturing their views and concerns as these NGOs presently involved in various ways to fight against trafficking. Their major areas of intervention are awareness raising, prevention, rescue and reintegration. Very few are involved in legal and paralegal training. Many of them are involved in income generating projects, education, research, surveillance activities and health. Activities of NGOs are described such as training, pamphlet distribution, street theatre, launching income generating activities etc. NGOs have not established any 'help lines' for immediate help of victims.

The majority of NGOs said that they were aware about Indian Penal Code and Immoral Traffic in Persons Prevention Act of 1986. They were clueless about the Government of Bihar's policy titled "Astitva" towards prohibiting trafficking. Equally they were clueless about any planned budgetary allocation from the national or state budget for implementing these laws. The lack of clarity on the issue of trafficking within international human rights law seems to be an obstacle to the incorporation of a human rights perspective.

The majority of NGOs said that they have carried out awareness generation activities and campaigns amongst general public and especially women and children about Human Trafficking. Very few NGOs have conducted any awareness generation activities to make any or all of these laws known to the various stakeholders. There has not been any system or structure developed to raise awareness in the public, especially amongst children, through the education system.

NGOs have taken efforts to train and raise the awareness among following:

- ❖ law enforcement personnel
- ❖ police
- ❖ social workers
- ❖ teachers
- ❖ parents
- ❖ children
- ❖ religious leaders
- ❖ PRI members
- ❖ Anganwadi Workers and
- ❖ ASHAs

All the NGOs had not undertaken any effort to train and raise the awareness amongst lawyers and judiciary.

All NGOs referred that trafficking from Nepal occurs mainly because of the open international border between Nepal and India. Poverty, Child Marriage, Illiteracy, Unemployment, Hope for better life, Entrapment, False marriage, Natural disaster and Lack social security were cited as the common causes of trafficking. Mostly women and girls between the age group of 6-35 are being trafficked who are from the hills. They reach the border point through rickshaw, tanga, cycle, jeep. The NGOs felt that border police (SSB) is completely ineffective in curbing this menace. It was also being echoed by one SSB Deputy Commandant

"We do not know how to identify traffickers.....we need specialized training for that purpose."

The Nepalese NGO 'Child Workers in Nepal' CWIN has reported that thousands of Nepalese children are trafficked to carpet factories in India, to circus agencies, agricultural projects, road construction sites and to forced beggary in the bigger cities like Delhi, Bombay etc.

The most common way of transport used in either bus or train. Now that the highways are excellent it makes way for faster connectivity. Rail route is the easiest way of communicating. These adolescent girls and young women are from remote hill villages and easily lured from their villages by local recruiters, relatives or neighbours promising jobs or marriage, and sold for meagre amounts to brokers who deliver them to brothel owners in India in Delhi, Bombay, Kolkata, bars, hotels, as maid, beauty parlours and even small grade films.

According to the NGOs the recruiters or traffickers comprises both male and female and are between the age group of 16-40. It was reported by one NGO that a lady deliberately entered a shelter home to lure other women to take her along and sell them off to brothel owners. The NGOs also said that most of the girl's or women who are trafficking are actually done with the families' own complicity.

NGOs officials opined that the Trafficking networks perform like a. they recruit women and children in Nepal; b. traffic women and children to India for exploiting; c. different people perform each of these actions based on division of labour that guarantees the smooth running of the operation.

All the NGOs interviewed spoke in unison that there should be special investigative agency to investigate cases of human trafficking.

At present Helpline numbers are functional in 34 Districts of the state & it is yet to be extended to the remaining 4 covering the entire state. With regard to shelter available for victims while the victim is awaiting trial or waiting to return home, it has not been established in all the districts and only those are existing which are working under the Swadhar Project

Victims of trafficking stand as an important witness of the prosecution during the trial. However, the NGOs felt that the State has no means to protect such witnesses and the victim is often exposed to the danger of being threatened or forced by the accused.

The majority of NGOs said that the victims have no access to lawyers and counsellors who could represent them in the court of law. Law enforcement with regards to trafficking is reportedly poor and as said by all the NGOs that officers are often corrupt and even complicit in trafficking. They do not have the system to profile the arrested traffickers and intimidate their counterparts.

According to the NGOs the main barriers for working against trafficking are:

- No support from local government
- No support from Implementing agencies
- Lack of awareness
- Negligence and corruption of law enforcement agencies

It is essential to promote and provide preventive and curative health facilities and sensitization education to combat against trafficking to the vulnerable communities/school child and long term follow up.

PROFILE OF NGOs COVERED

The details of the non-governmental organizations covered under the present study have been described in short to portray their work and interventions, etc. The organizations details have been discussed in an alphabetical order as follows:

ADITHI

ADITHI works towards the empowerment of women in rural Bihar. It focuses on social and economic development by using new technologies, processes. It highlights critical issues related to the lives of women. It has specifically initiated campaigns for securing legal and social rights for women.

ADITHI, a non-profit organization based at Patna, started its activities in 1988. The organization strives to work for the upliftment of women and preventing female infanticide. It plays an active role in the areas of agriculture, animal husbandry, dairying, income-generation, tree-plantation, health and sanitation, handicrafts and handloom and helps women to start small businesses like shops, farming and fishing. This creates a desire and determination in them, to live an independent life.

ADITHI has been working for the last 10 years in the field of migration and trafficking. ADITHI undertakes interventions like community and stakeholders' sensitization, communication programs, involves in rescue and restoration and shelter home rehabilitation programs. ADITHI also runs helpline in Sitamarhi district too. ADITHI also implements livelihood programs for the poorer communities for their upliftment.

ADITHI operates in Sitamarhi, Shivhar and Motihari districts and thus, covering border points namely vithamor, Adapur, Raxol

Till date ADITHI has sponsored 350 girls from PLAN funding in a brothel areas in Muzaffarpur which is mainly a transit point. According to ADITHI, the trafficking cases have gone decline in the areas where they work because of increase in awareness among the community members.

BEROJGAR SANGH

Berozgar Sangh has expertise in community development and mainly works in the border areas namely Balmiki Nagar and Thori. The main interventions include rescue of trafficked children and women. The key points where they undertake vigilance are railway station and bus stands through their informers. They cover as many as three major railway stations in order to hold the situation. This includes Narkatiaganj railway station area also. As informed, there is a bridge from where road transport commutes and Berojgar Sangh staff keeps vigil to rescue the children and women in vulnerable situation.

Berojgar Sangh also coordinates with Nepal NGOs such as Maiti Nepal in order to deal cases of trafficking and migration to ensure protection of child rights as well as promoting safe migration. Till date, 10 cases have been registered due to their work and 45 cases have been restored back to the families.

Berojgar Sangh plans to include interventions related to livelihood options in order to handle the poverty among communities along with livestock development.

LAKSHYA TRUST

LAKSHYA is a public charitable trust registered on 14th August 2003 under the Indian Trust Act, 1882 and is working in Bihar and west Bengal. It's established by a group of self-motivated enthusiastic people from diversified social educational and professionals.

LAKHSYA basically works in Hajipur district where they have a lead program on trafficking issues with community and school based children funded by an international donor. As an ATSEC partner, they also work in border areas of Araria district at Jogbani. Primarily, LAKHSYA undertakes interventions related to community and stakeholders' sensitization to combat the trafficking situation in the border areas. The activities include sensitization to Porters and Transporters at Railway Stations and Bus Depots, RPF and GRP officials, state police post and thana officials. Community sensitization across the border villages is also being done. LAKHSYA has organized at least 13-14 sensitization program activities with the stakeholders and of these, 3-4 were with police officials.

LAKHSYA plans to work with youths on sensitization using different means of communication.

MANDAN BHARATI JAGRITI SAMAJ

Mandan Bharti Jagriti Samaj (MBSJ) was founded in April 2000 by a group of young men and women the Koshi area, to eradicate social injustice. The organisation is named after the legendary 8th century scholar Mandan Mishra and his wife Bharti. Mandan Bharti Jagriti Samaj provides support to communities at the grassroots level by building the capacities of women and lead community-based organisations towards self-reliance and the empowerment of women and children. The MBSJ has worked in the areas of: Women's empowerment, Training in the functioning of panchayati raj institutions, Livelihood-promotion through micro-credit activities, Community mobilisation, Policy advocacy and Capacity-building.

The MBSJ is a member of various government committees and agencies such as the state taskforce on nutrition and the state taskforce on Integrated Child Development Services (ICDS). It is also a member of the juvenile justice board, Koshi Commissioner.

The MBSJ is involved in the following activities:

- Formation of self-help groups and their clusters/federations.
- Formation of kishori mandals (adolescents clubs).
- Providing training.
- Organising cultural activities.
- Holding mahila lok adalats
- Offering legal aid and counselling to women.
- Media sensitisation.
- Promoting advocacy

MBSJ works at Bhim Nagar and Triveniganj at Araria border. They mainly work for children in difficult situations and help them by rescuing and restoration. It provides child rights protection, livelihood options, gender promotion awareness and legal aid support. Till date, 16 cases have been filed during the last 3 years and more than 50 cases of children which have been resolved and restored with families.

MBSJ perceives that if surveillance cell where all information related to migration is available should be set up to help migrants.

NIRDESH

NIRDESH is a non-government organization with headquarter at Muzaffarpur in Bihar. As per the gender perspective women constitute nearly half of the rural population, with whom NIRDESH is directly involved. To uplift their standard of living, realizing the basic factors that women hold a very subordinate/marginal place in the society and becoming marginalized and oppressed day-by-day. NIRDESH envisage addressing such deep rooted problems and issues through community participatory process and growing into a **“Community-Based Resource Organization.”**

The Organization has provided Legal Aid and Capacity Building Programmes for the empowerment of women, men and children for the past 10 years creating employment opportunity to the members of SHGs and Mahila Mandals, facilitating education to the non-school going deprived children with right based modules, constant training for the members of Government Resource Based Institutions with the ultimate motive to make all round development of the people for which NIRDESH is committed. Empowerment of women to have rights over their lives and cherished within them the positive qualities they inherit and join hands with the local self-government. NIRDESH look for a community **built on values of social justice, peace, equality and eliminate evils like violence, materialistic outlook, female foeticide etc.**

To deal with migration and trafficking issues, NIRDESH implements the interventions in cross border areas of Raxaul, Adapur, Bankatwa and Motihari. Primarily, they undertake community sensitization activities among rural masses. They also coordinate with NGOs working in the border areas in order to rescue the population migrating or being trafficked. NIRDESH also coordinates with the surveillance posts being run at official entry/exit points at Nepal border. They usually send the rescued population either to Motihari or Muzaffarpur shelter homes.

Another intervention is also being carried out by NIRDESH which is Stakeholders' sensitization on trafficking. These stakeholders include state police, government officials, panchayat members, CBOs, RPF and GRP.

Till date, they have rescued 35 victims across 5 points and 16 children. NIRDESH perceives that there is a decline in trafficking cases.

NIRDESH has offices in 5 districts and staff strength of 192 people which includes full time, part time and program staff in all.

PRAYAS BHARATI TRUST

The Prayas Bharati Trust (PBT) based at Patna has been working since 2000 for rehabilitation of women and children subjected to human trafficking. The trust has rescued and rehabilitated about 250 girls over the past seven years. Most of them were handed over to their families and some of them were married in respectable families.

The aim of Prayas Bharati Trust is to safeguard the life of such girls who had become a victim of human trafficking and make them a part of the mainstream society. The problem of trafficking is increasing due to the large amount of money involved in the business.

The key areas of work include:

- Counselling
- Education
- Prevention
- Rehabilitation
- Training
- Victim Protection
- Anti-Human Trafficking
- Legal Assistance

PBT works at Bargania border and Bhika mor. The key interventions include rigorous surveillance and counselling, rescue and restoration, shelter/transit home, community and stakeholders' sensitization. They create a cadre of watchdogs and safety nets. The stakeholders like railway employees play an informants role in protecting children and women from vulnerable situations.

PBT could not provide data in numbers to show the coverage etc. but they have it. PBT plans to initiate helpline between Patna-Danapur-Mughal Sarai for protecting children and women who are being trafficked. PBT also intends to work with political people and government officials to make them sensitized on trafficking and seeking their commitments.

RAHAT

Rahat is a non-governmental organization which works at border points like galgalia, beghambank and Tihragach. Rahat runs 3 counseling centres and have 48 vigilance groups of 21 members each. Rahat also sensitizes transporters and panchayat members along with religious leaders. Between 2006-2010, Rahat has rescued 150 people near to Chhapamor. Rahat thinks that the area where they work can be treated as trafficking-free zone. The reporting on trafficking cases has been decreased. Rahat also covers Kishanganj areas.

Rahat plans to work for international coordination between India and Nepal. Rahat aims to start a complaint box system wherein people can drop their grievances and complaints so that they remain updated to the current scenarios. They also want undertake interventions for SSB and community by setting up vigilance committees in almost all villages in their coverage areas across border.

SAKHI

Though formally registered as an NGO in 1999, SAKHI has had a long standing presence in North Bihar as a team involved in coordinating one of the field projects of another NGO ADITHI. This project, initiated with the support of Swiss Red Cross in Andhrathari Block of Madhubani District in 1990, aimed at empowerment of fisherwomen through enabling their access to government ponds on lease, equipping them with technical and managerial skills, providing start up capital support to them and consequently contributing to a steady enhancement in their income levels. In line with ADITHI's institutional policy of registering all its long-term projects in the various districts of Bihar as independently registered organizational entities, the Andhrathari project was registered as an independent organizational entity named 'SAKHI' in the year 1999. SAKHI works in Madhubani, Araria, Darbhanga, Muzaffarpur, Motihari, Patna, Supaul, Arrah, Saharsa and Purnea.

SAKHI mainly works on trafficking at border areas/points namely Jainagar and Motihar. They also have shelter home at Motihari. SAKHI interventions include livelihood options and education to 10-17 years out of school girls from vulnerable communities. SAKHI also do advocacy trainings for Police, NGOs, Lawyers' on trafficking and ITPA etc. Till date, SAKHI has educated 1200 girls and mainstreamed them to regular government schools. Now, SAKHI intends to implement sensitization programs for the girls of mainstreaming government schools.

VIII. Discussion

Identification and Investigation

Successful and just prosecutions of the perpetrators of human trafficking crimes depend on law enforcement's ability to identify potential human trafficking cases and to investigate them.

Because human trafficking cases are so difficult to identify, many go unnoticed both by law enforcement and communities. Compounding the problem is that conviction under many human trafficking statutes requires specific evidence linking the accused to the transport, deception, and ultimate exploitation of the victim. Consequently, the ideal prosecution regime includes training programs, for both law enforcement officers and communities, to raise awareness and understanding about the common tactics used by human traffickers in a particular region. Training programs also must educate law enforcement officers in effective interrogation techniques, in appropriate ways to handle traumatized victims, in the on-the-spot identification of false documents, and in the gathering of evidence.

Law enforcement training programs are most effective when couched in terms of law enforcement-community cooperation, rather than in terms of blame related to previous police failures. This type of awareness-raising has demonstrated results.

One tactic used by human traffickers to lure girls across the India-Nepal border involved attracting the girls with the promise of new shoes. Once border officers became aware of this tactic, they became much more effective at intercepting human traffickers at the border.

Protection of and Assistance to Victims and Shelter

Victims are an integral part of the criminal justice system as witnesses and their testimony is crucial for prosecution to move forward. The propensity to keep victims in shelter homes for long periods of time has particular relevance for the well being of the girls and women.

The results did not provide any idea on types of formal and non-formal education programs being offered in shelter homes, an important part of the post-rescue process. Nearly everyone encountered during the field study did not provide favourable views on facilities like rehabilitation programs within the stay-homes or shelters.

To ensure adequate protection of the victims of trafficking, it is important to implement the following measures, and in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society as also indicated from tables in relation to:

- Appropriate housing
- Counselling and pertinent legal information in relevant languages
- Medical, psychological, and material assistance
- Employment, educational, and training opportunities

Lack of shelter homes in border regions impedes their ability to provide rehabilitation for rescued victims and lengthens the time between rescue and societal reintegration.

The results express that there is a need for the families to take the victims back and foster rehabilitation in locations wherein the family and community can have contacts and interactions with their rescued relatives on a daily basis, in order to ease integration process.

This process of repatriation, or return to their home villages in the case of intra-country trafficking, is one that requires extreme sensitivity and strategizing regarding issues of social stigma, safe familial environments, and access to educational and economic opportunities. These issues are all key components to preventing the re-entry of rescued victims into human trafficking situations. Interviews and discussions during the field study revealed many cases in which rescued victims experienced trouble at home, were not able to adjust to living in their communities, or could not find work and again became vulnerable to human trafficking.

Four major processes of returning home prevail:

- returning directly from brothels voluntary or involuntary
- rescued and put into an Indian rehabilitation centre before returning to Nepal
- rescued, put into an Indian rehabilitation centre, then shifted to a Nepalese rehabilitation centre before
- returning to family
- rescued, put into Nepalese rehabilitation centre before returning to family

Identifying the recruiters (and traffickers) of women

Identifying the agents involved in this business and uncovering the different aspects of their role in sending women is not an easy task.

Traffickers target adolescent girls and see many advantages in them. The latter can be more easily manipulated and controlled, they are highly in demands as sex workers and their

family's difficulty in protecting them and safeguarding their reputation can be exploited. Many girls, who were later trafficked, were first compromised in an affair that tarnished their good name. The "fault" could be minor (such as falling in love with a boy). Yet it led parents to agree to send them away or marry them off quickly without checking too carefully the credentials of the person who took them away. Girls trafficked by a family or a relative or a known person of their community has been found the most common in this study.

IX. Conclusions

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

1. Conceptual Issues

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

2. Research

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

3. Advocacy

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

4. Legislation and law enforcement

- Lack of sound and analysis of relevant laws and the various legal regimes
- Insufficient grasp and hence operationalization of the human rights framework
- Un-critical and skewed enforcement of the ITPA and other Anti-Trafficking laws

- Lack of gender and rights sensitisation in law enforcement
- Inadequate and slanted law enforcement as well as corruption in the legal structure

5. Prevention

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

6. Recovery, repatriation and reintegration

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

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

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

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

X. Recommendations

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

- Organizations should prepare their strategic plan of action in order to implement interventions related to trafficking that leads to a set of results and outcome
- Staff members of the organizations implementing the interventions urgently need capacity building in core areas for designing interventions, effective implementation, documentation and adopt M&E frameworks
- There is a strong and urgent need of Monitoring and Evaluation documentation in order to track and generate evidence-based planning and interventions
- Inter-organization coordination should be promoted to avoid duplication and repetition of interventions; exchange experiences and develop learning based further actions to handle the situations
- Quality of content and variety of topics should be encouraged for community sensitizations so that repetition of topics does not harm the interest of community and their availability.
- Geographical mapping of high and medium migration prone areas should be done for targeted interventions
- Planning of livelihood based interventions should focus and consider needs at all stages such as when developing Self Help Groups, focus on their training, production along with their effective linkages to marketing channels for sustenance.
- Organizations need to understand the 'Do No Harm' Framework because while working at both ends they prevent migration at the grass-root level but do not promote safe migration and usually they face hurdles in providing the Government supported social entitlements through public system channels.
- Encourage establish Government supported recruiters by introducing license mechanism and photo-ids for every recruiter
- Develop recruitment Guidelines for all recruiters and formulation of a federation of recruitment agencies
- Web-based dedicated portal displaying database for the recruitments showing updated numbers and other ancillary details of recruitments undertaken till 1st, 10th, 20th and 30th day of month
- Establish the mechanism of undertaking the follow-up of migrants to prevent his or her rights and taking the preventive actions timely

PHOTOGRAPHS



Nepal Border



Transport at Border points



Immigration Post



Transport hub



Border Point



Indian Customs