

Screening and Identification of Victims of Trafficking in Persons in India

PROBLEM STATEMENT

Screening and identification are pivotal to justice delivery for trafficked victims. However, the research identified several barriers and challenges towards effective and efficient screening and identification by the police. Some of these are systemic challenges, while others pertain to perceptions and biases rooted in patriarchal and social norms.

When trafficked victims (regardless of their gender) slip through the cracks and are not identified as victims of crime, they are left out of the criminal justice system, and the service delivery frameworks, which should provide them holistic rehabilitation and reintegration with their families/ community. In cases where trafficked victims of sexual exploitation are misidentified by the police as women/ young girls in 'consensual' prostitution - they stand accused of violating the law, instead of being treated as 'exploited'. In addition, there is no exploration of 'violence' or 'gender-based violence' during the screening of persons as victims of trafficking-related crimes. Section 370 IPC is routinely applied without examining the possibility of framing charges under provisions dealing with violence and GBV from other legislations.

KEY RESEARCH FINDINGS

Many stakeholders are involved in the screening of victims

Police (including Anti-Human Trafficking Units), border and immigration officials, labor inspectors, and service providers (both government and non-government) identify victims in India. It is rare for TIP victims to self-identify. Other sources where the service providers receive the victims are courts, social workers, Child Welfare Committees, and helplines. GBV victims mostly seek help directly from the police and the service providers.

Overview

This issue brief is based on the report '[Optimizing Screening and Support Services for Gender-Based Violence \(GBV\) and Trafficking in Persons \(TIP\) in India](#)'. The research explored two key gaps: i) screening and identification and ii) service delivery to victims of Trafficking in Persons (TIP) and Gender Based Violence (GBV).

The study is premised upon a deeper study of the intersections between TIP and GBV, its resultant impact on the identification of victims, leading to a concluding exploration of effective service delivery to the victims, and whether these stand in need of integration.

This Brief attempts to unpack the challenges faced by the police in screening and identifying victims of trafficking in persons/ or those at risk of trafficking. The Brief concludes with targeted recommendations as emerged from the research with the aim to inform policy makers of effective ways to improve the screening and identification process.

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Research Approach

Given the vast geography of India, six states of Delhi, Goa, Kerala, Madhya Pradesh, Maharashtra and Manipur were selected for the research. The research is informed by secondary data and literature analysis, legal framework study and qualitative analysis through key informant interviews (KIIs), focus group discussions (FGDs), and case studies gathered from the field. 70 key informant interviews with the – law enforcement officials (police, prosecutors, judges, and border officials), service providers (shelter homes, NGOs, and government officials), and victims (TIP and GBV) were conducted to arrive at the findings and recommendations. The research methodology was adapted to the Covid-19 restrictions on in-person meetings and interviews were conducted remotely.

A. Gender stereotyping by law enforcement

The research suggests that gender prejudices among law enforcement officials impact the identification of the victims. The victim's narrative is often disbelieved and the police question the authenticity of the reported incident. Some interviewed TIP victims recounted that during the raid and rescue operations by the police, they were arrested on false charges made by a 'customer' or the owner of the brothel. Often, reports of domestic violence are made light of, and women are advised to 'compromise' with the situation. Sexual violence complaints are generally treated with **suspicion** and the victim is considered to have been 'complicit' in the incident. Narrow perceptions and a narrower understanding of gender, also mean that there is insufficient comprehension of victimization of males and other genders, leading to 'feminization of victimhood'.

B. Limited understanding of the intersectionality between GBV and TIP

Victims interviewed as part of the study **emphasized that GBV creates more vulnerability to trafficking** and highlighted the major causal factors as socio-economic disadvantage, aspirational migration, physical and emotional abuse, and mental trauma within the family. Attempt to escape from familial abuse often forces the person to fall into the trap set by the traffickers. While the interviewed respondents were able to draw the link between GBV and TIP, the ability to identify and associate the occurrence of gender-based violence in trafficking situations was limited or missing. This emerges as the most important finding of the research where the context and nature of violence, whether as a result of GBV or TIP, is not clearly understood and acknowledged by the first responders. GBV and TIP are thus seen in isolation from each other, without comprehending their interconnectedness, and without a clear understanding of the mutual link of 'violence,' permeating both types of crimes. Service providers including majority of the law enforcement officials (including service providers and victims themselves) do not perceive human trafficking as a natural fallout of gender-based violence or the exacerbated vulnerabilities of a person getting trafficked due to GBV . This exclusionary lens has a serious impact on both, identification and service delivery to both types of victims.

C. Absence of guiding protocols

India does not have government endorsed standard protocols and indicators to provide guidance to the police for identifying victims of TIP and GBV. Although some SOPs and protocols are issued from time to time by various government, non-government agencies, the UN, and other civil society organizations, these are not focused on the identification of victims of TIP. Police, therefore, rely on their own understanding of what constitutes trafficking and try to identify victims, albeit not very successfully.

D. Lack of comprehensive training

The research indicates that the first responders often receive little or no training prior to working on GBV and/or TIP. Though training programs conducted by the government and non-governmental agencies have increased, especially for the police in recent times, poor follow-up makes the training ineffective. Additionally, there is rarely any assessment and evaluation of training programs to gauge their impact.

E. Poor conceptual clarity on different terms associated with TIP victims

There is an insufficient understanding among law enforcement and service providers of the different terms associated with victims of TIP such as at-risk populations, potential, and presumed victims. These different terms create fundamental issues of defining a 'victim' and the complexity surrounding the identification and screening of people as victims of TIP at different stages of the trafficking continuum. However, there is a complete absence of a well-defined mechanism to identify TIP victims in the multi-tiered and staggered journey of trafficking, which creates a major bottleneck in accurate prevention and providing appropriate protection services. For instance, groups of Nepali migrating women transiting from India are often stopped from traveling further and are labeled as trafficked victims without any detailed investigation, and are repatriated back to Nepal. In both countries, there is no attempt to investigate how many of these are actually victims of TIP with associated domestic violence/ GBV experience; or how many are only domestic violence and GBV victims trying to escape their situation. There is also no cognizance by law enforcement/ NGOs that the migrating women may not fall into any category of victimization, and should not be treated as 'victims' at all.

F. Poor coordination and cooperation among stakeholders

Stakeholders involved in the identification and screening of TIP and GBV victims tend to work with poor inter-agency coordination. The key informant interviews revealed a lack of trust and shifting of the blame by the stakeholders. The police indicated that NGOs were non-cooperative, whereas the NGOs spoke of lack of priority given to TIP and GBV cases, and a strong patriarchal mindset influencing the law enforcement responses. Apart from limitations in training and awareness, border officials flagged the low prioritization from the local police in investigating cases identified at the border.

G. Victims face challenges in filing cases

The TIP victims underscored the extreme pressure from brothel owners and also the police for not lodging complaints or taking action against the abuser/brothel owner/client, and their own fear of societal stigma. GBV victims shared instances where the police refused to trust their story and a general lack of empathy and sensitivity among the law enforcement officials.

H. Inadequate Cooperation from the victims and the local community

Stakeholders identified victims turning hostile and non-cooperative during the process of screening and identification, and also in the courts, was identified as a major challenge.

RECOMMENDATIONS TO IMPROVE SCREENING AND IDENTIFICATION OF VICTIMS OF TRAFFICKING IN PERSONS

Target Stakeholder: Government

Map vulnerable areas and hotspots for human trafficking

Vulnerability mapping by district/ state governments in coordination with NGOs, to **identify vulnerable areas and/ or hotspots** for trafficking. The mapping would identify a) existing vulnerable areas, b) acutely vulnerable areas, and c) potentially vulnerable areas and inform focused strategies for prevention of trafficking and identifying victims from the hotspot areas.

Formulate standard guidelines and protocols

Central/ State Governments/ Bureau of Police Research and Development in collaboration with other stakeholders should formulate standardized guidelines and protocols for the police for efficient screening and identification of victims of TIP. The government must work with other stakeholders such as civil society organizations to implement provisions of the law.

Target Stakeholder: Law Enforcement

Strengthen law enforcement responses through training and capacity building

Training by the State Police Training Academies towards a holistic **conceptual understanding of TIP and GBV and their intersections**.

Bureau of Police Research and Development/ State Police Training Academies should **mandate inclusion of gender sensitization** as an important component of training programs towards a broader understanding of gender and gender-based violence that is faced by women, men, and persons identifying as non-binary. Gender sensitization should address preconceived notions and prejudices based on socio-cultural norms.

Provide rigorous training on the legal framework for police to **improve understanding on the substantive and procedural aspects of the laws on TIP** and their practical application.

Conduct **monitoring and impact assessments** to be designed along with the training programs to measure the effectiveness and utility of the learning at the field level.

Target Stakeholder: Service Provider

Build awareness among communities

NGOs in collaboration with the government should take up **sensitization on human trafficking** within communities and the public, especially highlighting the modus operandi of traffickers, to enable enhanced reporting of TIP cases.

Strong **community-based monitoring** with the participation of village leaders/ Panchayats, and religious leaders to be effective first responders in preventing TIP at the villagelevel.

To address the serious challenges in victim identification and the non-availability of targeted checklist on indicators and risk factors, this Issue Brief is supplemented with a **'Checklist of Indicators on Trafficking in Persons'** that could be used by the police (or other first responders) for victim identification.