



# OPTIMIZING SCREENING AND SUPPORT SERVICES FOR GENDER BASED VIOLENCE AND TRAFFICKING IN PERSONS INDIA

## CONTEXT

Trafficking in Persons (TIP) and Gender-Based Violence (GBV) are showing an upward surge in India as per the Crime in India Reports for the past few years. Various forms of GBV, such as social discrimination, harmful cultural practices, various forms of violence (both familial and outside the family) increase the vulnerability of a person (especially women and children) to trafficking. India remains a major source, transit, and destination country for thousands of men, women, and children being trafficked internally and cross-border every year – especially for commercial sexual exploitation and forced labor.

It is important to recognize however that, while TIP and GBV are both on the rise, the mechanisms to address these two types of crimes – such as law enforcement and services provided to victims – are not adequately equipped to respond, indicating a deficiency in the state and non-state service delivery apparatus.

## METHODOLOGY

Given the vast geography of India, six states of Delhi, Goa, Kerala, Madhya Pradesh, Maharashtra, and Manipur were selected for the research. Each selected state can be considered as representative of its respective zone. 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. A total of 70 key informant interviews with the law enforcement officials (police, prosecutors, judges, and border officials), service providers (shelter homes, NGOs, and government officials), and GBV and

TIP victims were conducted. One FGD was conducted with service providers to supplement the KIIs. Data from primary research findings were coded, analyzed along with secondary data analysis.

## KEY FINDINGS

### Limited understanding of GBV and TIP

There is limited understanding of TIP and GBV among stakeholders as female-centric, excluding males and other genders from its ambit. The research reflects definite intersectionality between GBV and TIP and the impact that one has on the other. The experiences of violence, abuse, and exploitation run in a continuum for persons experiencing GBV, which sometimes leads to their being trafficked. There is, however, inadequate understanding of gender-based violence in a trafficking situation.

### Challenges to screening and identification of TIP & GBV victims

India does not have standard protocols and indicators for screening and identifying victims of TIP and GBV. Although some Standard Operating Procedures (SOP) have been issued by the government and UN agencies, they are not focused on the identification of victims of TIP.

- The majority of the interviewed law enforcement officers and border officials had not received any training prior to working on GBV and/or TIP. Though the rate and intensity of training programs, especially for the police have increased in recent times, there is rarely any assessment and



evaluation of training programs.

- The tendency among the stakeholders is to work in isolation and there is poor coordination among specialized units dealing with TIP and GBV, adversely affecting the screening and identification process.
- Respondents also flagged lack of cooperation from the victims during screening and some victims turning hostile/ non-cooperative during the trial, as major challenges.

### Gaps and challenges in the legal framework

India lacks a comprehensive law on human trafficking. This compels law enforcement to use different sections of the Indian Penal code and different Acts to establish a crime. While the existing laws are generally found to be adequate to address GBV and TIP, their implementation is a challenge, especially due to prolonged investigations and trials, and a low conviction rate.

### Barriers to accessing services

Service delivery to victims is fraught with challenges. Some of these factors are inadequate funding and resource constraints, geographical unevenness in the availability of services (services are concentrated in cities), insufficient awareness especially in rural areas on the availability of services, inadequate responses from law enforcement officials, prejudices about victims, lack of functional Anti Human Trafficking Units (AHTU), lack of cooperation amongst stakeholders, GBV victim's inability to identify oneself as a 'victim' of violence (especially in domestic violence cases), fear, shame, stigma, and lack of trust and family support.

### Challenges in service delivery

The research identified four key barriers to service delivery

- NGO-run shelter homes and services do not receive timely budget allocations under the government's Ujjawala and Swadhar Greh schemes.

- Rehabilitation services are not comprehensive, and a focus on economic rehabilitation is missing.
- Service delivery is inherently complex and its navigation impacts the victim's access to services.
- Services do not meet acceptable quality standards.

### Integration or separation of services for GBV and TIP victims

Three different strands of opinions emerged among stakeholders on this question:

- Some respondents were in favor of the integration of services, considering the commonality between the needs and experiences of TIP and GBV victims.
- Some suggested keeping the services separate considering that the different needs and experiences of GBV and TIP victims.
- Some recommended housing separate services for GBV and TIP under one common location to improve victims' access to services.

## RECOMMENDATIONS

### Strengthening legal and policy framework by the government

Comprehensive laws on TIP and GBV must be framed which are holistic and stand-alone legislation, to preclude the necessity of drawing upon different laws for investigating cases.

- Amend the Immoral Traffic (Prevention) Act (ITPA), 1956 to include a broader definition of human trafficking and remove the section criminalizing the victims involved in prostitution.
- Fast track courts for GBV cases and Special Courts should be set up under the ITPA, 1956 for speedy trials.
- Implement all laws on TIP and GBV, to ensure higher conviction rate. Anti-Human Trafficking Units should be setup in all districts and strengthened with adequate human and financial resources.



### Preventive measures

Governments and NGOs should design strategies to prevent TIP informed by mapping vulnerable areas and hotspots and training first responders on implementing the preventive strategies.

### Standardized guidelines and protocols

The government, in collaboration with law enforcement agencies, should formulate standard guidelines and protocols on screening and identification of victims of TIP for all first responders.

### Strengthening law enforcement responses through training and capacity building

Provide capacity-building opportunities to improve a holistic understanding of conceptual issues related to TIP and GBV and their intersections among law enforcement personnel. Training should also address the expansion of the focus of TIP and GBV beyond women victims, along with the implementation of the legal framework and its application by police, prosecutors, and judicial officers.

### Improve access to services and efficient service delivery by government and non-government agencies

Expand reach and access of services in smaller towns and rural areas by setting up shelter homes to ensure equitable geographical distribution depending on the scale of the problem. Efforts must also be made to create service delivery mechanisms for male and other gender victims of TIP and GBV, improve timely disbursement of funds to shelter homes, and conduct periodic monitoring and evaluation of the various government schemes.

### Separation of services

Provide separate shelter homes for GBV and TIP victims, especially those rescued from commercial sexual exploitation. However, services can be integrated at a common location, following the best practices of the 'One Stop Crisis Centre' model in India. The common location could have different units operating under the same roof and thus reduce the challenges victims face in accessing services.

### Integration of possible services

Integrate medical and legal aid services for GBV and TIP victims.

## ABOUT THE STUDY

The Asia Foundation (TAF), with support from the Office to Monitor and Combat Trafficking in Persons (J/TIP), United States (US) Department of State conducted a multicountry qualitative research study to improve the efficiency and effectiveness of screening and service provision to victims of trafficking in persons (TIP) and gender-based violence (GBV) in diverse contexts. In India, TAF partnered with local research partner **FXB India Suraksha** to conduct the research and disseminate its findings. The study's primary objective is to identify promising practices and challenges in integrating or separating services for GBV and TIP victims in the three target countries of India, Nepal, and Sri Lanka. GBV and TIP victims often suffer similar and intersecting forms of abuse, however, at the screening process these multiple vulnerabilities are often not identified, and hence care is delayed. This study is premised upon a deeper study of these intersections; their 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. The qualitative data collection for the research was completed between 2020-2021.

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