



# REVIEW OF RESEARCH

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## HUMAN RIGHTS VIOLATION AND TRAFFICKING OF WOMEN AND CHILDRENS IN ANDHRA PRADESH OF INDIA

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### ABSTRACT:

*Trafficking in human persons had been part of human history. Enslavement of whole nations through wars and conquests was a practice in early history. In the middle ages, people were trafficked for slavery and children for cheap labours in the industrialized world continued right up to the early part of the 20<sup>th</sup> century. Those marginalized by dominant forces always faced the risk of being exploited for unjust gains. Illegal trade in arms and drugs was thought to be the major contributor to the growing power. With the onset of globalization, trafficking of women and children has become a major black market activity. Trafficking of women and children is not an isolated issue but it affects individuals, families, societies and the nation at large. It is an organized crime to women and children. The incidence of trafficking is partly inked to the level of socio- economic development of an area and partly to the attitude and approach of the parents. Trafficking of women and children reflects the violations of womens" rights leading to exploitation, deprivation of social equality, security, lack of opportunities for health, education and financial independence. Hence this study was intended to know the human rights violation and its repercussions on trafficked women and children.*



**KEYWORDS:** *Magnitude, Causes, factors and repercussions of Trafficking, human rights violations, methodology, findings, measures and social work interventions.*

### INTRODUCTION:

Trafficking is a growing phenomenon in international, national and regional and it considered as a contemporary form of slavery and a gross violation of basic human rights by the international community. India is one of the main sources, transit point as well as destination for trafficking in women and children. Toady trafficking has emerged as a low risk, high return and well organized criminal activity. Human trafficking is the third biggest money earning illegal trade. Trafficking does not seem to have any boundaries irrespective of push and pull factors. Trafficking in human beings taking place in almost all the countries, only the magnitude differs.

Trafficking in women and children is the most abominable violation of human rights. Perhaps not many crimes are as ghastly as trading in human misery. Human rights guaranteed by the Indian constitution are intolerable, non- negotiable and universal. trafficking in women and children is a violation of several human rights, including the very rights to life, the right to liberty, human dignity and

security of person, the right to freedom from torture or cruelty, inhuman or degrading treatment, the right to a home and family, the right to education and proper employment, the right to health care and everything that makes for a life with dignity. The common place of understanding of trafficking as a kin to prostitution was one of the major reasons why the human rights violations inherent in trafficking were never understood. The complexity of the phenomenon, its multi dimensional nature, its rapid proliferations, continued persistence and the confusions surrounding the concept has made the need for a deeper comprehension of trafficking top priority.

### **CAUSES FOR TRAFFICKING SUPPLY SIDE**

There is an increase in the feminization of poverty, as women's employment opportunities have diminished and access to resources has left vulnerable. Desire to have security and status and eliminate stigmatization, women are ready to accept any situation. Since the majority of the women are illiterate they are unable to develop their capabilities and take up skilled employment. Civil and military conflicts push women and children to flee their countries, encouraging cross- border trafficking. Consumerist attitude of the families encourage the sale of women and children. Trafficking influences employment and national income and contributes significantly to the region's economic growth. The expansion of drug trafficking networks act as mechanisms and measures paved the way for trafficking of women and children. Export of labour is a strategic response of governments in the current economic crisis in Asia, and it motivates trafficking of women and children for various profit motives. Conflict in many regions has resulted in vast number of internally displaced people. Internal displacement and migration has increased the number of refugees and most often the women and children were caught up in the process of trafficking. Those who have been forced to flee from natural disaster, environmental degradation, become extremely vulnerable to trafficking as they are often left homeless without any financial support. Limited access to government services and programmes, poor law enforcement and lack of access to decision makers are the dynamics of human trafficking.

### **NATURE OF THE TRAFFICKED WOMEN AND CHILDREN**

Women and children are the key target group, because of their marginalization, limited economic resources and predominance in the invisible informal sector. People from impoverished and low income households in rural areas and urban slums, especially women engaged in small farming, petty trading, vending, as labourers, scavengers and in other low status work and services, ethnic minorities, indigenous people, hill tribes, refugees, and illegal migrants, people with low levels of education, a few years of formal schooling, some primary school education, or illiterate. Young children running away from home or children from families that expect their daughters to financially contribute to their support are easy targets for traffickers. People who lacks awareness of their legal rights, their exploited situations, and have no channels for seeking redress, physically challenged women and children are often victims of trafficking.

### **DETERMINANTS OF TRAFFICKING**

Poverty heightens children's vulnerability to traffickers. One of the most obvious ways material poverty leads to exploitation and abuse is through child labour poverty frequently forces vulnerable children to turn to hazardous work. Those who attempt to sell children into slavery or sexual exploitation look in the poorest shanty towns of or most underprivileged rural areas. The legal and social inequality of women and children is a breeding ground for trafficking. Where women and children are objectified and seen as commodities, a climate is created in which children can be bought and sold. Often children are denied the opportunity to go to school and instead are forced to stay at home to perform household chores. As a result they remain unskilled and uneducated. Children are frequently abused within their families making the lure of traffickers seen like an escape from domestic exploitation and violence. Trafficking and the skyrocketing demand for exploitative labour and sexual services are inexorably linked.

## **VULNERABILITY FACTORS OF TRAFFICKING**

In the literature surveyed, there seems to be a broad agreement on the factors that lead to trafficking, though there is uncertainty on their precise roles. While some report view vulnerability factors to be the root cause of trafficking. Others state that “they merely exacerbate the vulnerability of the marginalized and disadvantaged groups and render them increasingly more amenable to a variety of harm”. Vulnerability factors relate to the socio-economic and political contents of people that are interlinked and can be divided into two categories that are personal circumstances and socio- structural factors.

## **SOCIAL REPERCUSSIONS ON TRAFFICKED WOMEN AND CHILDRENS**

The trafficked women and children are victims of violence and force, deprived of their freedom of movement, confiscate their identity papers and travel documents. Thus their social contacts are curtailed and they are constantly supervised. The trafficked women and children have no opportunities to seek redress as victims of abuse. They are treated as illegal immigrants and often face criminal charges, while users and profiteers escape consequences. Family separation and disintegration is core problems faced by the trafficked women, children and their family members. They are branded as social outcasts, untouchables, immoral and agents of social evils.

## **ECONOMIC REPERCUSSIONS ON TRAFFICKED WOMEN AND CHILDREN**

Trafficked women and children are deprived of the money they earn. Low wages or no wages, earnings are often unknown to workers and withheld by traffickers or employers. After a prolonged stay in the brothel houses they become unable to involve in any skillful work in their old age. Due to various psychological and health problems they are not able to appropriate employment for them. Since the trafficked women and children live in a controlled atmosphere, they lose their confidence in their bargaining capacity even after their rescue. The trafficked women and children experience prolonged indebtedness to traffickers, employers, and brothel owners and they will be ignorant of debt terms.

## **The Indian Penal Code, 1860**

The Indian penal code and the immoral traffic prevention act (1986) provide for strict actions against persons who drag children into flesh trade. Immoral trafficking prevention act (ITPA) amendment bill (2005) states that the clients who visit the sex workers can be fined up to Rs. 5000 and jailed for six months. The indecent representation of women (prohibition) Act, (1986) puts a restriction on the publishing or sending by post of books and pamphlets containing indecent representation of women and prohibits all persons from getting involved directly or indirectly in the publication or exhibition of any advertisement containing indecent representation of women in any form.

Though a plethora of laws, conventions and bills have passed in international, national and regional level by the international bodies, government, non- governmental organizations and individuals to curb the problems of trafficking still trafficking of women and children are escalating in alarming way in different parts of the world.

## **METHODOLOGY**

The present study is on human rights violations and its repercussions on trafficked women and children in the districts of Srikakulam, Visakhapatnam, East Godhavari, West Godavari, Krishna and Guntur in Andhra Pradesh

## **OBJECTIVES OF THE STUDY**

To know the initial phase of trafficking and the difficulties faced by the trafficked victims. To study various human rights violations faced by the respondents. To identify the consequences of the respondents as perceived by them. To suggest measures to eradicate trafficking of women and children.

### IMPORTANCE OF THE STUDY

Trafficking involves the violations of a whole gamut of laws and human rights. It becomes a threat to the societies because traffickers operate across borders with impunity with the growing involvement of organized criminals and by generally undermining the rule of law. Trafficking threatens the very fabric of society because it involves not only criminal but also law enforcers. It manifests and perpetuates patriarchal attitudes and behaviour, which undermine efforts to promote gender equality and eradicate discrimination against women and children (George Mathew, 2007). The common places of association of trafficking with prostitution have hidden several human rights violations inherent in all the forms of trafficking. The complexity of the phenomenon, its multidimensional nature, its rapid proliferation, continued persistence and the confusion surrounding the concept has made the need for a deeper comprehension of trafficking top priority.

### SAMPLING SIZE AND TECHNIQUE

Due to time limit and availability of the respondents the researcher has selected all the respondents who were identified so the study consisted of the entire population that is 124. A door to door survey was conducted to identify the trafficked victims. The researcher followed the snow ball sampling technique. This refers to a form of sampling in which the researcher first found a few respondents, who were easily could identify. The researcher came to know about others trafficked women from their companion. Since there is a network among the trafficked women, they could easily give their information about others.

### RESEARCH DESIGN AND TOOLS OF DATA COLLECTION

The researcher chose descriptive design for her study. This design provided provision for a detailed study and a vast amount of information on the social setting and their problems. The tools administered for data collection was interview schedule, case study, observation method, and interview guide.

### Importance of Article 23 of Indian Constitution – Prohibition of traffic in human beings and forced labour

Article 23(1): Traffic in human beings and the beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law.

Article 23(2): Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

- Exploitation implies the misuse of others' services by force and/or labour without payment.
- There were many marginalized communities in India who were forced to engage in manual and agricultural labour without any payment.
- Labour without payment is known as begar.
- Article 23 forbids any form of exploitation.
- Also, one cannot be forced to engage in labour against his/her will even if remuneration is given.
- Forced labour is forbidden by the Constitution. It is considered forced labour if the less-than-minimum wage is paid.
- This article also makes 'bonded labour' unconstitutional.
- Bonded labour is when a person is forced to offer services out of a loan/debt that cannot be repaid.
- The Constitution makes coercion of any kind unconstitutional. Thus, forcing landless persons into labour and forcing helpless women into prostitution is unconstitutional.
- The Article also makes trafficking unconstitutional.
- Trafficking involves the buying and selling of men and women for illegal and immoral activities.
- Even though the Constitution does not explicitly ban 'slavery', Article 23 has a wide scope because of the inclusion of the terms 'forced labour' and 'traffic'.

- **Article 23 protects citizens not only against the State but also from private citizens.**
- The State is obliged to protect citizens from these evils by taking punitive action against perpetrators of these acts (which are considered crimes), and also take positive actions to abolish these evils from society.
- Under Article 35 of the Constitution, the Parliament is authorized to enact laws to punish acts prohibited by Article 23.
- Clause 2 implies that compulsory services for public purposes (such as conscription to the armed forces) are not unconstitutional.
- Laws passed by the Parliament in pursuance of Article 23:
  - Suppression of Immoral Traffic in Women and Children Act, 1956
  - Bonded Labour System (Abolition) Act, 1976
  - Prohibition of Devadasi act 1988
  - Chaild labour ( Prohibition Regulation act 1986
  - Juvenile justice Act 2000
  - Prohibition of chaild marriage act 2006
  - Protection of chaild from Sexual Offence act 2012 (POCSO Act)

### **The Criminal Law (Amendment) Act 2013**

The Criminal Law (Amendment) Act, 2013 was passed in the aftermath of the Nirbhaya case wherein a female student was gang-raped in December 2012. The Act amended several provisions of the Indian Penal Code, Indian Evidence Act, and the Criminal Procedure Code. By way of this amendment, several new offenses have been recognized and incorporated into the Indian Penal Code, including acid attack (Section 326 A & B), voyeurism (Section 354C), stalking (Section 354D), attempt to disrobe a woman (Section 354B), sexual harassment (Section 354A), and sexual assault which causes death or injury causing a person to be in persistent vegetative state (Section 376A). The Act also amended the already existing offenses to make them more stringent. Notably, the definition of rape in Section 375 was broadened to include acts in addition to penetration. Also, Section 370 was replaced with Section 370 and 370A. The amended section incorporated the definition of trafficking as provided in the UN Trafficking Protocol while excluding "forced labour." Also see the Criminal Law (Amendment) Act 2018 for additional amendments to rape and sexual violence crimes.

### **DISHA Act 2019**

Andhra Pradesh chief minister Y.S. Jagan Mohan Reddy introduced this act on December 13 2019. AP state legislative assembly passed collectively the act 2019. In this act completion of investigation in 7 days under trail in 14 working days criminal law AP amendment act 2019 has affected amendment to Indian penal code 1860 and added new section IPC 354e, 354f and 354g. AP state government also established the Andhra Pradesh special courts for specific offences against women and children. DISA act, 2019 is more focusing on the field of detection and protection. YS Jagan, Chief minister of Andhra Pradesh introduced DISHA App for women Disha SOS services helps the women and citizens in emergency situation. DISHA app also integrated with needful information like nearby safety places, nearby police stations, nearby hospitals and useful contacts. Disha contains tracking safety feature for every user.

DISHA act brought courage, Kanty in all women community by covering faith on lives and future of AP women citizen. The entire women community may thankful to the AP government headed by honorable chief minister YS Jagan Mohan Reddy for creation application and implementing the DISHA act.

AP Ex minister Perny Venkat Ramaiah (Nani) said that DISHA act and DISHA app for the brainchild of CM YS Jagan Mohan Reddy. There been more than 1.35 crores downloaded of the DISHA app since it's launching. In case of any emergency shake your phone 5 times or presses SOS, police will rerimd

**The situation in Andhra Pradesh-(AHTUs)**

The Andhra Pradesh government has established 13 Anti-Human Trafficking Units (AHTUs) in the State by allocating Rs 1.60 crore in the year of 2020-21. According to a study conducted by NGOs Sanjog and Taftesh 'AHTU Watch 2022 - What has changed?' through the data received through Right to Information (RTI), 125 cases of human trafficking for Commercial Sexual Exploitation (CSE) were registered in AP by AHTUs during 2020-21. Of the 125 CSE cases, 99 were registered under Immoral Traffic (Prevention) Act, 1956 and Sections 370, 370A, 372 and 373 of the IPC. The report said 13 AHTUs are housed in Disha Police Stations. Nodal Officers of AHTUs have been appointed and each AHTU has one inspector, two sub-inspectors, two head constables and two constables.

The RTI response stated that as per GO Rt. No. 317, the State government has sanctioned Rs 1.60 crore towards setting up and strengthening AHTUs in Andhra Pradesh for FY 2020-21, but there is no data on the utilisation of the funds (table-1). The data revealed that 1,300 cases were registered by police against sexual offences (sexual offences against adults and children u/s 376 IPC and POCSO) in 2019, 1,362 in 2020 and 1,565 in 2021 and of them trials were pending in 1,046, 1,077 and 744 cases, respectively. The conviction was limited to 6, 2 and 0 in the years 2019, 2020 and 2021 and the accused were acquitted in 55, 17 and 11 cases in those years. It is clear that there are many more acquittals than convictions, with the majority of cases pending trial or under investigation.

**Table-1**  
**Number of Cases in Andhra Pradesh**

Action by Local Police	Number of Cases ( Sexual Affence against adult and Chaild u/s376 of IPC and POCSO act		
	2019	2020	2021
Under Investigation	105	210	290 ( pending from below 2 months)
Pending trails	1046	1077	744 (pending more than 2 months)
Conviction	6	2	0
Acquittal	55	17	11
Other Disposal	88	56	44
Total	1300	1362	1565

Source:<https://www.deccanchronicle.com/nation/crime/300822/human-trafficking-cases-dip-in-ap-in-2021.html>

Further, there are many more cases of sexual assault registered than cases of CSE and the acquittals outweigh convictions in cases of sexual offences (Section 376 and POCSO), with the majority of cases pending trial or under investigation. Pompi Banerjee, the researcher, said that the number of AHTUs in AP should increase from 13 to 26, one per each district. She said that the full-time staff must be allocated for AHTUs.

- Taftesh AP state partner Ramamohan Nimmaraju and also the secretary of HELP, an NGO, appreciated CID Additional DGP Suneel Kumar for his efforts in strengthening AHTUs by starting services in all the erstwhile districts. He suggested all the police stations in the state must transfer ITPA and AHTU cases to AHTUs for the convenience of resolving them easily and ensuring 100 percent conviction. He said the ATHUs should focus more on trafficking cases. 99 cases under Immoral Traffic (Prevention) Act
- 125 cases of human trafficking for Commercial Sexual Exploitation (CSE) were registered in AP by AHTUs during 2020-21. Of them, 99 were registered under Immoral Traffic (Prevention) Act, 1956 and Sections 370, 370A, 372 and 373 of the IPC.
- The number of human trafficking cases in Andhra Pradesh has come down to 168 in 2021 against 171 in 2020. As per the data released by the National Crime Records Bureau, 308 out of the 338

victims trafficked were female. The police rescued 279 persons including 278 women and the main purpose of human trafficking was sexual exploitation or prostitution.

- With regard to disposal of cases of human trafficking by the police and the court for 2021, a total of 168 cases were booked. Of them, chargesheets were filed in 148 cases. In one case, the final report was filed. Police filed chargesheets in 99.3 per cent of the cases.

## **FINDINGS OF THE STUDY**

### **Human rights violations**

- Among the respondents, 50 percent of the respondents felt that their right to equal in dignity was violated by their parents, 15 percent felt that their relatives did not understood their dignity as human beings.
- Among the respondents 90 percent of them expressed that they were treated like slaves by their parents, friends, relations and traffickers.
- The research study revealed that 63 percent of the respondents were denied their right to information by their parents.
- Of the total, 90 percent of the respondents were denied their right to education by their parents.
- A majority (52 percent) felt that the brothel owners were a threat to life.
- Among them, 93 percent expressed that their parents violated their right to health.
- Of the total, 69 percent of the respondents felt that their right to equality was curtailed by their parents.
- The analysis shows that a majority (61percent) of the parents did not allow their daughter to express their opinion.
- A majority (85 percent) of the respondents felt that their parents did not allow them to take their own decisions and thus brought harm to their personality.
- Among them, 69 percent felt that their parents did not allow them to participate in any social function.
- The majority (53 percent) of the respondents expressed that the brothel owners have violated their right to protection.

## **CONCLUSION**

Gazing through the facts of human rights violations against trafficked women, it calls all of us to an urgent intervention. There is a lot of scope for those involved in social work especially for women. There is a greater need to promote human rights among women and to bring wholeness and enlightenment into the lives of those who are battered physically, verbally and psychologically. It is up to each one of us to help the women, whose rights are violated, through our effective intervention and social work practice. It was a great opportunity to the researcher to involve with women and children who were in vulnerable conditions. Besides the study the researcher identified many more vulnerable women and children and offered life skills to protect themselves and took various sessions on the importance acquiring various skills to empower themselves. The progress depends on the ability to build on experience, to learn from each effort no matter what the outcome is. The progress made to date will help to chart future directions. Social workers need to expand proven strategies and develop new approaches to those women and can turn hope into reality and truly live lives free of violence. The ultimate success lies not only in liberating women from the clutches of exploitation and discrimination but also in empowering them to become independent and proud citizen of India. We need to create a world where power and courage are honored in both women and men and where both have the opportunity to reach this full potential. the number of human trafficking cases in Andhra Pradesh have come down from 171 to 168 during the last two years and 99.3 per cent of cases, the police man was filled the chargesheet and controlling the human trafficking up to the mark.

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