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**House Committee on Foreign Affairs**  
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Good morning.

Before I begin, I wish to thank Congressman Berman and the Committee on Foreign Affairs for organizing this most significant hearing and for inviting me to present along with this prestigious panel.

In my testimony before you today, I will give a brief introduction and then cover three topic areas: India's progress in combating human trafficking; the challenges looming ahead for India; and four approaches to the crisis that are showing success. My hope is that these remarks will be of assistance as the United States Congress considers how it may accomplish its role in the global fight human trafficking, and specifically in India, where 250 million of its citizens live freedom under this threat of human enslavement every day.

### **Human Trafficking: A Major Global Problem; A Major Indian Problem**

While it is abundantly clear that human trafficking is a massive problem around the globe encompassing people from nearly all walks of life and all social backgrounds, the largest victims of human trafficking in any country are, no doubt, the poorest, the most disfavored, and the most disenfranchised. When we think of the world's most impoverished people, our minds are often drawn to the nation of India, the world's second most populous nation. Because of the extensive poverty in this nation of more than one billion people, both in the urban slums and in the vast array of villages spread across the sub-continent, human trafficking has taken firm root and is burgeoning.

Human trafficking is destroying the lives of millions of individuals in India today. Individuals like Shanti, who at a very young age was forced by her own family into prostitution because their economic situation was so desperate. Shanti's mother had been forced into prostitution and had no intention of seeing her daughter follow her into this dangerous and degrading occupation. However, the cycle of poverty in their family created an unbreakable intergenerational bondage, which forced Shanti into the sex industry when she was in her early teens. Three years later, Shanti's mother died, and Shanti was rescued by a social worker. She was brought to the shelter home that Dalit Freedom Network and its India partners operate in Bangalore. Today, Shanti is safe, healthy, and receiving training in marketable skills that will help her

earn an income in a dignified, non-destructive manner. Today, Shanti hopes for a brighter future and is confident that the cycle of slavery for the women in her family will end with her.

Sadly, this is not the story for most of those trafficked in India today.

The United States Trafficking in Persons Report has, in 2010, once again placed India on the Tier Two Watch List. As acknowledged by India's Minister for Labor and Employment in her introduction of "Responding to Trafficking for Sexual Exploitation in South Asia," India is a source, destination, and transit area for trafficking in persons for both in-country and cross-border trafficking.<sup>1</sup> There are many cases of persons being trafficked from India to countries in the Persian Gulf area, the Middle East, and Europe.<sup>2</sup> A 2001 study indicated that India was one of the top 10 origin countries of migrants where the mode of illegal entry into the European Union was a result of either trafficking or smuggling.<sup>3</sup> Additionally, the number of women and children trafficked to India from neighboring countries, such as Bangladesh and Nepal, allegedly accounts for ten percent of the coerced migration in India.<sup>4</sup> It is estimated that every year between 5,000 and 10,000 Nepalese women and girls are trafficked to India for the purposes of commercial sexual exploitation.<sup>5</sup> Another estimate points to between 40,000 and 200,000 women and girls from Nepal working in brothels in various cities in India.<sup>6</sup> However, India's Human Trafficking into the sex trade does not merely involve inter-country trafficking; according to one estimate, 90 percent of India's sex trafficking is internal.<sup>7</sup>

What perhaps is even more troubling is the estimated number of children pulled into this heinous industry, and the 2010 Trafficking in Persons report is quick to highlight this grim distinction. The report states that there are currently no efforts by the Government of India to prevent Indians from participating in local child sex tourism.<sup>8</sup> Despite a 1969 law requiring the registration of the birth of a child, data from India's last social survey indicated that approximately sixty percent of births were unregistered.<sup>9</sup> A lack of identity documentation contributes to children's vulnerability to trafficking.<sup>10</sup> According to one estimate, the figures of children in prostitution in India range from 300,000 to 500,000.<sup>11</sup> Pedophilia-related tourism has also been reported in certain parts of India, including Goa and some parts of Kerala.<sup>12</sup>

Unfortunately, despite attempts to account for the number of child and adult victims who fall prey to national and international trafficking, there are no exact numbers as to the extent and magnitude of trafficking and commercial sexual exploitation that occur within India.<sup>13</sup> As the Indian Minister of Home Affairs stated in 2009, "The scale of human trafficking in India is not clear, but it is a fair assumption that it is on a very large scale."<sup>14</sup>

Commercial sexual exploitation is the most virulent form of trafficking in South Asia. Women and young girls are often duped into believing promises of well-paid employment in large cities, such as Mumbai, only to find out too late that they are being forced into prostitution or marriage.<sup>15</sup> Trafficking also occurs in other forms, such as exploitive organ donation,

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<sup>1</sup> "Responding to Trafficking for Sexual Exploitation in South Asia." United Nations Office on Drugs and Crime: January 2008. ii.

<sup>2</sup> *Id.* at 5.

<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.* at 6.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 5.

<sup>8</sup> "Trafficking in Persons Report." Tenth Ed. Dept. of State, United States of America: June 2010. 176.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> "Responding to Trafficking for Sexual Exploitation in South Asia" at 6.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> "Trafficking in Persons Report." Tenth Ed. Dept. of State, United States of America: June 2010. 175.

<sup>15</sup> *Id.*

illegal adoptions, and labor exploitation.<sup>16</sup> India's International Labor Organization defines forced labor, which is India's largest trafficking problem, as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."<sup>17</sup> Labor exploitation occurs in various economic sectors, including agriculture, construction, sweatshop production, and domestic service.<sup>18</sup> As reported in 2010 by the United States Department of State, some domestic servants and low-skilled laborers are fraudulently recruited for work in India and then led into forced labor, including debt bondage.<sup>19</sup> In other cases, high debts incurred to pay recruitment fees leave Indians vulnerable to exploitation by employers in foreign countries where some are subjected to involuntary servitude, including nonpayment of wages, restrictions of movement, unlawful withholding of passports, and physical or sexual abuse.<sup>20</sup>

In India, the demographic suffering most deeply from trafficking-related conditions are those positioned at the lowest rung of the nation's social strata: the Dalits. Because of their poverty and the resulting desperation and lack of options, human trafficking is not simply a 'problem' Dalits face. It is an endemic that has swept Dalit culture in all parts of the nation and around the world. Trafficking is the Dalit destiny most feared. It is inherent in every Dalit village, in the life of every Dalit person. Their lack of access to education, healthcare, and equality-based opportunities for advancement leave most Dalits resigned to the hopeless fact that, without an intervention, they have little chance at an improved life.

Of the 28 million people around the world that the UN considers human slaves in the trafficking industry, the UN recognizes that most live in India and most are Dalits.

### **India's Progress in Combating Human Trafficking**

I would like to frame my main remarks today by maintaining that despite the grim situation for India's Dalits, India has achieved a degree of progress in combating human trafficking.

First, and possibly most notably, India's top political leadership has openly admitted that human trafficking is a national problem.

On November 15, 2008, in New Delhi, at a UN Delivery of Justice Colloquium, **the Chief Justice of the Supreme Court of India, the Honorable Justice K.G. Balakrishnan, stated**, "The scourge of human trafficking needs no introduction. Every year, millions of individuals are trafficked all over the world and are coerced into living conditions that amount to slavery, forced labor and servitude." He also stressed the requirement of having comprehensive legislation to deal with crimes of human trafficking. At the same event, **the Honorable Dr. Justice Arijit Pasayat of the Supreme Court of India** stated "there was no bigger problem in India today than human trafficking. It is for all stakeholders, like judicial officers, prosecutors, police officers to identify problems faced so that the problems can be tackled sternly with an iron hand."

Most recently, on May 11, 2009, **Ashwani Kumar, head of the Central Bureau of Investigation (CBI) in India**, told a seminar on human trafficking in New Delhi that "*India occupied a "unique position" as what he called a source, transit nation, and destination of this trade.*" Also in May 2009, **India's Home Secretary, Madhukar Gupta**, remarked that by his estimates "*at least 100 million people were involved in human trafficking in India.*" A CBI statement added that "*studies and surveys sponsored by the Ministry of Women and Child Development estimate that there are about 3 million prostitutes in the country, of which an estimated 40%, or 1.2 million, are children.*"

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<sup>16</sup> "Responding to Trafficking for Sexual Exploitation in South Asia" at 3, 5.

<sup>17</sup> *Id.* at 21.

<sup>18</sup> *Id.* at 22.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

The fact that these key leaders in the nation have recognized human trafficking as an issue that must be addressed is a crucial step forward in the battle to free India's modern day slaves.

In addition to its leaders taking this issue seriously, India has good local laws, substantive laws, and special legislation intended to combat and prevent human trafficking.

Article 23 of India's Constitution, prohibits forced labor and trafficking of human beings.<sup>21</sup> Indian Penal Code 1860 criminalizes the acts of selling and buying minors for the purpose of prostitution; the kidnapping, abduction, inducing, procuring, and importing of persons for the purpose of illicit intercourse; and slavery, among others.<sup>22</sup> The Bonded Labor System (Abolition) Act, 1976 ("BLSA"), and Child Labor (Prohibition and Regulation) Act, 1986 ("CLA"), prohibit forced labor and child labor, respectively.<sup>23</sup> Juvenile Justice (Care and Protection of Children) Act, 2000 ("JJA"), aims to protect and care for children who are particularly vulnerable to trafficking by empowering the state government to constitute Child Welfare Committees to look into situations of concern and to dispose cases for the care, protection, treatment, development, and rehabilitation of children.<sup>24</sup>

India's primary legislation dealing with human trafficking is the Immoral Traffic Prevention Act 1956 ("ITPA"). This Act grants six main provisions regarding trafficked persons.

#### *Warrantless Search and Removal of Persons*<sup>25</sup>

Whenever a special police officer or trafficking police officer has reasonable grounds to believe that an offense is being committed in violation of the ITPA, he may conduct a warrantless search of the premises where the alleged violation has been or is being committed. When conducting a warrantless search, at least two female police officers must also be present. Upon entering the premises, the officer is entitled to remove all the persons found on the premises. After a person's removal, the officer must produce her before the appropriate Magistrate. A registered medical practitioner must examine her for the purpose of determining her age, whether any injuries have been conferred upon her through sexual abuse, and whether she has acquired sexually transmitted diseases. Should it be required that a woman or girl removed from the aforementioned premises be interrogated, it is to be done by a female police officer. If no female police officer is available, the interrogation is to be done only in the presence of a lady member of a welfare institution or organization recognized by the state government.

#### *Rescue of Persons*<sup>26</sup>

Where a Magistrate has reason to believe that any person is living, carrying, or being made to carry on prostitution in a brothel, he may direct a police officer to enter such a brothel and remove the person. The person must then be presented before the Magistrate who issued the order.

#### *Temporary Custody of Removed or Rescued Persons*<sup>27</sup>

When the officer removing or rescuing a person is unable to produce the person before the appropriate Magistrate, the officer will produce her before the nearest Magistrate of any class, who shall pass orders as he deems proper for her safe custody until she is produced before the appropriate Magistrate. No person is to be detained in custody for a period

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<sup>21</sup> *Id.* at 16.

<sup>22</sup> *Trafficking & The Law*. Human Rights Law Network: New Delhi. 2006. 34.

<sup>23</sup> *Id.* at 34.

<sup>24</sup> *Id.*

<sup>25</sup> The Immoral Traffic (Prevention) Act, 1956, sec. 15. [Amended in 1986.]

<sup>26</sup> *Id.*, sec. 16.

<sup>27</sup> *Id.*, sec. 17.

exceeding ten days from the date of the order; or restored to or placed in the custody of a person who may exercise a harmful influence over her.

#### *Inquiry by Magistrate*<sup>28</sup>

Upon the removed or rescued person being produced before the appropriate Magistrate, he shall, after giving her an opportunity to be heard, cause an inquiry to be made as to i) the accuracy of the information he received about the activity conducted on the premises; ii) her age, character, and antecedents; iii) the suitability of her parents, guardian, or husband for taking charge of her; iv) the nature of the influence which the conditions in her home are likely to have on her if she is sent home. The Magistrate may clarify the capacity or genuineness of the parents, guardian, or husband to keep such a person by causing an investigation to be made by a recognized welfare institution or organization. In conducting the inquiry, the Magistrate may summon a panel of five respectable persons to assist him, three of whom must, whenever practicable, be women.

While the inquiry is being made, the Magistrate may pass orders as he deems proper for the safe custody of the person. No person is to be kept in such custody for a period exceeding three weeks from the date of such an order or to be kept in the custody of a person likely to have a harmful influence over her. If the rescued person is a child, the Magistrate may place her in any institution established or recognized under any Children Act enforced by the state for the safe custody of children.

#### *Protective Custody of Removed or Rescued Persons*<sup>29</sup>

If, upon completion of the inquiry, the Magistrate finds that the information he received about the activity conducted on the premises is correct and that the removed or rescued person is in need of care and protection, he may order that she be detained in a protective home or other custody that he deems suitable for a period no less than one year and no more than three. Such custody cannot be that of a person or body of persons of a religious persuasion different from that of the person. Those entrusted with the custody of the person, including the persons in charge of a protective home, may be required to enter into a bond, to be enforced no longer than three years, relating to the proper care, guardianship, education, training, and medical and psychiatric treatment of the person, as well as supervision by a person appointed by the court.

#### *Protective Homes*<sup>30</sup>

No person or authority, other than the state government, shall establish or maintain any protective home or corrective institution except under and in accordance with the conditions of a license issued by the state government. Wherever practicable, the management of the protective home or corrective institution should be entrusted to women.

In summary, India's leadership recognizes human trafficking as an atrocity and recognizes the gravity connected to its abolition. It has enacted laws toward this end. This can only mean greater attention at the highest levels of government and greater fiscal and political power assigned to combat this problem in the future.

However, it is not only India's government that can make a difference. Committed and compassionate individuals and organizations are stepping forward to contribute their resources and expertise to help put an end to this form of modern day slavery. The 2010 TIP report highlights the work of Mr. Sattaru Umapathi as an individual who was recognized this year as one of nine global heroes in the fight against human trafficking.

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*, sec. 21.

“**Sattaru Umapathi**, the anti-human trafficking officer of the Crime Investigation Department for the state of Andhra Pradesh, has led numerous interstate and intrastate rescue operations across India. Officer Umapathi has played a key role in rescuing victims and arresting traffickers; he has contributed to multiple convictions, leading to sentences ranging from four to 14 years’ imprisonment. He also forged partnerships with NGOs across the country and implemented UNODC anti-trafficking protocols in his state police department. Officer Umapathi has changed the mindset of his state’s law enforcement community by teaching officials to stop treating trafficking victims as criminals. He has organized judicial conferences and addressed a colloquium in New Delhi, helping educate the judiciary about the need to treat victims with empathy. Officer Umapathi argued for application of the more stringent sections of Indian law in trafficking cases, such as laws related to minors in prostitution, import of foreign girls, and unlawful compulsory labor. He successfully implemented a rescue protocol that included the payment of \$220 as interim relief for trafficking victims. Thanks to Officer Umapathi’s dedicated efforts, Andhra Pradesh is becoming a model for other Indian states fighting human trafficking.”

Thanks to the efforts of dedicated individuals like Mr. Umapathi and so many others across the nation of India, the state of Andhra Pradesh, along with the state of Maharashtra, was highlighted in the 2010 TIP Report as a state making significant progress in the area of prosecution of traffickers in the area of the sex industry.

Organizations are following the lead of individuals in India and are also focusing on the issue of human trafficking. These organizations are developing specialties in the areas of rescue, rehabilitation, reintegration, and most notably, prevention and pre-emptive strategies for putting an end to the trafficking epidemic in the sub-continent in this generation.

The organization “Prajwala” focuses on community-based prevention, especially among second-generation victims of human trafficking. They coordinate with the police to offer rescue and transition to traumatized children women working in the sex industry.

“Bombay Teen Challenge” runs “Jubilee Homes” for daughters of women in prostitution. They also offer victim protection centers and vocational training classes, as well as HIV testing in Bombay’s red light districts.

The organization with which I am affiliated, Dalit Freedom Network, and its India partner, Operation Mercy India Foundation, seek to prevent and pre-empt human trafficking through a four-pillared approach, which includes education, healthcare, economic development, and advocacy, all specifically targeted on behalf of the Dalit people of India. Our 100 schools for Dalit children use Community Health Workers and Economic Development officers to bring a human rights-based approach to the basic essentials of life.

Our schools have enrolled nearly 25,000 Dalit children, many of whom come from at-risk backgrounds where trafficking was a viable option for their futures. In the city of Sivakasi, in the state of Tamil Nadu in South India, the child labor capital of India, we now have children graduating from high school who had originally been bonded to labor in fireworks factories.

Our economic development programs have empowered thousands of women to save money and start small businesses. In the city of Kolar, Karnataka, young widows who previously went to the urban centers to earn money from prostitution are now skilled seamstresses and small business owners through our programming.

Our healthcare initiative has given dignified care to sex workers with HIV/AIDS and provided education for prevention of disease to school children, pregnant women and village-dwellers in nearly 10,000 communities around the nation. With a focus on disease prevention, the healthcare initiative frees Dalits from high healthcare bills forcing them into debt bondage and the trafficking industry.

Our justice and advocacy work has opened four anti-human trafficking units which combine shelter homes with vocational training centers to help rescue trafficked women and young girls and then reintegrate them into society in a positive way.

Stories like these are repeated over and over again in every state across India as we at Dalit Freedom Network and Operation Mercy India Foundation begin to see victories over the national fight against human trafficking of India's Dalits. The potential for great change is there. The time is now, however, to see how much farther all stakeholders are willing to go to bring an end to modern day slavery and a lasting change that will transform individual lives and communities.

### **Major Challenges Looming Ahead for India in the Fight to Eradicate Human Trafficking**

Despite good laws and wholehearted efforts by dedicated individuals and committed organizations to the prevention and eradication of human trafficking in India and for the Dalit people, there are still major challenges in moving forward.

As we anticipate the publication of the 2011 TIP Report, we recognize that India has been categorized as a Tier 2 Watch List member for the last seven years. As per the new regulations of the TVPA Wilberforce Reauthorization Act of 2008, India is at serious risk for demotion to Tier 3 if significant efforts at improvement are not initiated and results for those efforts not registered in the next six months. Unfortunately, we fear the risk of demotion may be quite high. In other words, India still faces a number of challenges as it seeks to address the issue of trafficking in 2010 and beyond.

A survey conducted by the National Human Rights Commission found that only seven percent of India's police personnel received any kind of anti-trafficking training.<sup>31</sup> Although the Government of India has established thirty-eight Anti-Human Trafficking Units ("AHTU") around the country, including in the state of Andhra Pradesh, some non-government organizations ("NGO") claim that they lack sufficient personnel and funding.<sup>32</sup> The effectiveness of these units in combating human trafficking has yet to be determined.<sup>33</sup>

Despite India's adoption of the previously mentioned ITPA, the rescue and rehabilitation of human trafficking victims is not yet positive. Most rescue attempts only occur because of the prompting of NGO activists,<sup>34</sup> and when such efforts are made, they take place in the form of police officers carrying out "mass raids" on brothels.<sup>35</sup> They are not given appropriate information, counseling, or medical treatment and are placed in sub-standard housing.<sup>36</sup> According to the United Nations Office on Drugs and Crime, there is "an immense need for better shelter facilities for the victims."<sup>37</sup> For instance, many shelters function beyond capacity, are less than hygienic, and offer poor food, and some government shelters do not permit child victims to leave the shelters—including for school—in order to prevent their re-trafficking.<sup>38</sup> Additionally, rescued women and girls receive no support for their emotional, mental, physical, or social recovery.<sup>39</sup>

Furthermore, because sex trafficking victims are not protected from brothel keepers, pimps, and other traffickers, they remain vulnerable to threats, blackmails, and enticing by the same traffickers.<sup>40</sup> Consequently, rescued victims go back to

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<sup>31</sup> *Id.* at 3.

<sup>32</sup> "Trafficking in Persons Report" at 173-74.

<sup>33</sup> *Id.* at 174.

<sup>34</sup> *Id.* at 172.

<sup>35</sup> *Trafficking & The Law*. Human Rights Law Network: New Delhi. 2006. 20.

<sup>36</sup> *Id.*

<sup>37</sup> "Responding to Trafficking for Sexual Exploitation in South Asia" at 3.

<sup>38</sup> "Trafficking in Persons Report" at 174.

<sup>39</sup> *Trafficking & The Law* at 20.

<sup>40</sup> *Id.*

the same or similar workplaces, with most cases resulting in more exploitive conditions.<sup>41</sup> In other situations, traffickers approach shelter managers and pretend to be family members in order to have the victims released to them.<sup>42</sup> The Human Rights Law Network reported the following account that occurred in 1997 in Hyderabad:

Based on a newspaper report, the Andhra Pradesh High Court ordered the rescue of minor girls. They were then kept in a jail for some time and then some of them who were HIV positive were sent to an NGO and others were released. Most of them are back in commercial sex work again.<sup>43</sup>

Another NGO recounted that in a handful of recent cases, lawyers representing pimps, brothel managers, and corrupt police officers successfully arranged for child sex trafficking victims to be released from protective shelters, and the children were subsequently re-trafficked, incurring greater financial debt to the traffickers due to the lawyers' fees.<sup>44</sup>

One problem with India's current laws for protecting trafficked persons is that they do not focus on the rights or needs of trafficked persons.<sup>45</sup> For instance, Section Eight of the ITPA prohibits the act of solicitation for prostitution, resulting in the detention and punishment of women in prostitution, including sex trafficking victims.<sup>46</sup> Additionally, corrupt law enforcement officials allegedly continue to "facilitate the movement of sex trafficking victims, protect brothels that exploit victims, and protect traffickers and brothel keepers from arrest and other threats of enforcement."<sup>47</sup>

Another gap within India's legal system is the lack of prosecution and conviction of known traffickers. For instance, according to a UNIFEM study published in 2006, in a survey of over 4,000 persons, the survivors of commercial sexual exploitation indicated that the reporting of trafficking occurred in only about forty percent of the cases, and of those reported, the number of prosecutions against traffickers was very low.<sup>48</sup> Moreover, in 2009, an Indian NGO reported to the United States Department of State that 161 bonded child laborers were rescued in New Delhi and Tamil Nadu, but none of the children's labor traffickers were convicted.<sup>49</sup> Rescued persons often choose not to testify against their traffickers because of their fear of retribution from the traffickers.<sup>50</sup> Those who are willing and able to testify may not necessarily have the chance to do so because trafficking victims have historically been unnecessarily detained or prosecuted themselves for violations of other laws.<sup>51</sup>

A third problem is the lack of access that trafficking victims have to funds intended for their benefit. For instance, although every government-recognized victim of bonded labor is entitled to 20,000 Indian Rupees (\$443) under the BLSA from the State and Central government, rehabilitation funds were reportedly embezzled in 2009 by public officials, resulting in victims being denied such funds.<sup>52</sup> During that same period, there were no reports of such officials being convicted or sentenced for trafficking-related offenses.<sup>53</sup> NGO efforts remain the primary catalysts for the release of government funding to needy recipients. Unfortunately, NGOs often have difficulty securing rehabilitation funds. Under the Ujjwala scheme, the Ministry of Women and Child Development funded ninety-six projects intended to protect and

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<sup>41</sup> *Id.* at 20-21.

<sup>42</sup> "Trafficking in Persons Report" at 174.

<sup>43</sup> *Trafficking & The Law* at 21.

<sup>44</sup> "Trafficking in Persons Report" at 174.

<sup>45</sup> *Trafficking & The Law* at 25.

<sup>46</sup> "Trafficking in Persons Report" at 173.

<sup>47</sup> *Id.* at 174.

<sup>48</sup> "Responding to Trafficking for Sexual Exploitation in South Asia" at 6.

<sup>49</sup> "Trafficking in Persons Report" at 173.

<sup>50</sup> *Id.* at 175.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at 173, 174.

<sup>53</sup> *Id.* at 173.



rehabilitate female trafficking victims, but some NGOs have claimed to have difficulty receiving timely disbursements of government funding for their shelters under that scheme.<sup>54</sup>

Clearly, there remains much work to be done by all stakeholders to effect a significant and lasting change within the country.

### **Recommendations for All Stakeholders in Addressing Human Trafficking in India in 2010 and Beyond**

Ultimately, as a global community, we want to see individual lives transformed and permanently released from the horrors of human trafficking. We believe this is an opportune time to act on behalf of victims of human trafficking both around the world and within India.

I recently met a young woman I will call Haseerah. She comes from a Dalit background and had been sold into the sex industry by her impoverished parents before she had reached puberty. By the time she was 18 years old, she had been sent to a brothel in Mumbai where she endured immense suffering. She was trapped there because of financial conditions at home that required her to do what she did so her extended family could eat. After ten years and giving birth to two children fathered by clients, the brothel owner sent her back to her village. She had fallen ill and tested positive for HIV. By the time I met Haseerah, the staff at our shelter home had already begun providing medical care and emotional counseling and had enrolled her in some vocational training courses that would help her to provide for herself when her health allowed. Although trafficking had destroyed her life at an early age, we hope to help her reclaim it again and restore to her a sense of dignity in her remaining years. Today, because of the efforts of a few, Haseerah has hope for a future that does not include enslavement in a brothel.

The Dalit people of India and all trafficking victims worldwide need advocates in government who will defend their human rights and restore to them their dignity. It is time for all of us to increase efforts at rescue and rehabilitation, but also move beyond these reactive strategies and adopt global pre-emptive methodologies to stop human trafficking before it begins in any individual life.

How will we accomplish these lofty and yet significant goals?

First, we believe the end of human trafficking and the start of community transformation begin with education. We believe that education changes a nation and are seeing the truth of this being borne out in rural India today. Education must be the cornerstone of any anti-human trafficking program and is the ultimate pre-emptive strike against trafficking that, on all levels, will bring a permanent change to our global societies, especially those in India. Education brings hope and freedom from a life of enslavement. Education becomes the preemptive means of preventing the selling and exploitation of Dalit children into the child labor and sexual trafficking industry. We educate children so they are worth more than the meager income they can make in the factories employing them. We educate children so they can step into futures that have promise and opportunity and are not marked by desperate poverty, one of the greatest push factors into human trafficking and enslavement.

Second, the end of human trafficking and the start of community transformation draw near when we economically empower marginalized populations, educating them with marketable skills. No longer are prostitution and debt bondage the only options for the poor. In this generation in India we are training Dalit men and women in new trades, marketable skills, and financial management, and offering them micro-loans to establish their own businesses and earn enough money so they do not fall prey to the moneylenders who demand fraudulent fees and exorbitant interest rates so that even a small

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<sup>54</sup> *Id.* at 174.

loan can never be repaid. We cannot underestimate the horrors that follow when poor parents are forced to sell their own children in an attempt to pay down their debts.

Third, the end of human trafficking will require the understanding that healthcare is a basic human right, which cannot be denied to anyone despite their social standing in the community. Poor health is a major “push factor” leading people toward debt bondage of a magnitude which is often intergenerational. Work-descent discrimination claims the lives of those who, if they could simply remain healthy, could manage their own economic circumstances. Preventative healthcare, health and hygiene education, and dignified and safe labor practices all promote healthy communities and produce healthy economic factors which bring an end to the need for human trafficking. By curtailing human trafficking, we also hope to reduce the occurrence of HIV/AIDS in India as a huge proportion of commercial sex workers are now becoming infected with this virus.

Finally, we believe advocacy efforts in India and abroad are yielding positive results and should continue to be specific and targeted with requests, beginning with the Indian government, and extending to our friends and allies around the world who seek to stand with us in our efforts to end Dalit trafficking.

Within India, our advocacy efforts advocate that trafficking victims are not penalized for forced prostitution. We seek penalties for traffickers who exploit individuals in forms other than sex trafficking (i.e., forced labor, exploitive organ donation, etc.).

We seek shelters and specialized care for adult male victims of trafficking.

We advocate for special immigration benefits and repatriation for foreign trafficking victims so they are not deported and returned to unsafe living situations.

We lobby for the enacting of strict policies guarding victims from the solicitation of pimps, brothels, and traffickers by seeking legal restraining orders or other restrictions against such persons.

We appeal to local government to adopt more effective punishments for trafficking violations and encourage local enforcement officers to consistently implement such penalties.

## **Conclusion and Thanks**

In closing, I would once again like to thank Congressman Berman and the Committee on Foreign Affairs for inviting me to join this panel of speakers today. I sincerely hope that my remarks will help the United States Congress to recognize the progress India and its many stakeholders are making to combat human trafficking. I also urge the United States to increase its commitment to work alongside India to free the staggering numbers of victims of human trafficking. Together we can achieve change and see victories. We can rescue individual lives and transform entire communities. We can ensure that India does not drop to Tier 3 on the TIP Watch List. We can bring hope to the Dalit people. We can put an end to human trafficking now and forever.

Thank you. At this time I would be delighted to answer any questions you have.

End Dalit Trafficking. Make Slavery History.

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