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(Mains GS 2 : mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.)

Context:

- United Nations World Day against Trafficking in Persons is observed recently on 30 July.
- According to a child rights non-governmental organisation (NGO), between April 2020 and June 2021, an estimated 9,000 children have been rescued after being trafficked for labour in India.

Increased vulnerability:

- Children as young as 12 are trafficked across States to work in factories in appalling conditions, where owners are turning to cheap labour to recoup their losses from the novel coronavirus pandemic.
- In November 2020, four children, between 12 and 16 years, died after being trafficked for labour from Bihar to Rajasthan; some of them had injuries from beatings.
- Child marriages are also rampant — over 10,000 cases were tracked between April and August 2020.
- In Madhya Pradesh, about 391 child marriages were stopped in April-May 2021, while in Odisha, 726 child marriages were prevented between January-May 2021.

Problem of rampant child labour:

- A child rights NGO, working with the Delhi Commission for Protection of Child Rights has highlighted the problem of rampant child labour.

- Its report states that the corona virus has resulted in loss of income and economic crisis, causing families' reduced capacity to care for children in the long-term.
- It has also caused, in some instances, loss of parental care due to death, illness or separation, thereby placing children at heightened risk for violence, neglect or exploitation.
- These factors are compounded by an erosion of some of the checks against child labour and child marriage provided by law, as well as the scrutiny of schools and society.

Increasing cyber-trafficking:

- The increase in Internet access in current times has also led to cyber-trafficking.
- An August 2020 report by a member of a child rights group in India notes that popular social media platforms and free messaging apps are often used to contact young people.
- Often, the trafficker or middleman lures the person to a place under the pretext of offering him employment.
- Once removed from their locality, they face challenges of limited resources, unfamiliarity with the area and perhaps the local language.
- Threats of violence from the trafficker, and, importantly, the absence of any identifiable authority to approach other than the police make it nearly impossible for trafficked persons to report the incident.

United Nations Office on Drugs and Crime report:

- A recent report by the United Nations Office on Drugs and Crime on the effects of the pandemic on trafficking echoes these findings.
- It says, traffickers are taking advantage of the loss of livelihoods and the increasing amount of time spent online to entrap victims, including by advertising false jobs on social media.
- In addition, there is an increased demand for child sexual exploitation material online due to lockdowns.

Scant data, other gaps

- The Government stated in Parliament as recently as March 2021 that it does not maintain any national-level data specific to cyber trafficking cases.
- The efficacy of certain schemes launched by the Ministry of Home Affairs to improve investigation and prosecution of cyber crimes remains to be seen.
- India is still classified by the U.S. Department of State as a Tier-2 country in its report on global human trafficking.
- This means that the Government does not fully meet the minimum standards under U.S. and international law for eliminating trafficking, but is making significant efforts to comply.

The state of the Anti-Human Trafficking Units (AHTUs):

- The lack of implementation is illustrated by the state of the Anti-Human Trafficking Units (AHTUs).
- The AHTUs are specialised district task forces comprising police and government officials.
- In 2010, it was envisioned that 330 AHTUs would be set up but RTI responses show that there is very little progress in setting up of AHTUs.
- If properly staffed and funded, AHTUs could provide crucial ground-level data on the methods and patterns of traffickers, which in turn can strengthen community-based awareness and vigilance activities.
- Global practices such as in Nigeria, Africa, should be encouraged in India, in consonance with a larger framework to protect women and children by incentivising education and creating safe employment opportunities.

The draft Bill on anti-trafficking:

- The new draft anti-trafficking Bill must focus on implementation of the law as there is no shortage of anti-trafficking policy in India.
- Significant discussion is required on the provisions of the Bill, particularly with respect to bringing in the National Investigation Agency and increasing the punishment for offences, including the death penalty as an option in some cases.
- It is not proven that more stringent laws, particularly the death penalty, have any greater deterrent effect on crime.
- The draft Bill also provides for AHTUs/committees at the national, State and district levels, but as noted, their effective functioning cannot be taken for granted.
- Legislating without the political will to implement and monitor effectiveness is futile.

The challenges prosecutors and judges face:

- Special attention must also be paid in the draft bill to the challenges prosecutors and judges face in trafficking cases.
- There were 140 acquittals and only 38 convictions in 2019, according to government data.
- This points to a failure of investigation and cannot be solved by the draft Bill's provision that accused traffickers must be presumed guilty unless they can prove the contrary.
- Further, trials can drag on for years, with victims sometimes withdrawing their complaints after being intimidated by traffickers.
- Proper case management must be introduced to give meaning to the "fast track" courts.
- Other problems include the low number of beneficiaries of monetary compensation and the lack of consistent access to psychological counselling.
- Parts of the draft Bill recognise the importance of rehabilitation, but implementation is key.

Conclusion:

- Most victims of trafficking are from low-income communities for whom the novel coronavirus pandemic and lockdowns have caused long-term financial distress.
- Thus the Government and other stakeholders need to take preventive action now to foresee the present crisis by ensuring all-round improvement in existing institutional mechanisms.