



Mapping the Vulnerabilities of Women Trafficked for Commercial Sexual Exploitation

Report by

Vipla Foundation

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List of Abbreviations

CBO	Community Based Organization
CSE	Commercial Sexual Exploitation
CWC	Child Welfare Committee
DCPO	District Child Protection Officer
DCPU	District Child Protection Unit
DLSA	District Legal Services Authority
GBV	Gender Based Violence
IPC	Indian Penal Code
IPV	Intimate Partner Violence
ITPA	Immoral Traffic (Prevention) Act, 1956
MSME	Micro, Small & Medium Enterprises
SES	Socio-Economic Status

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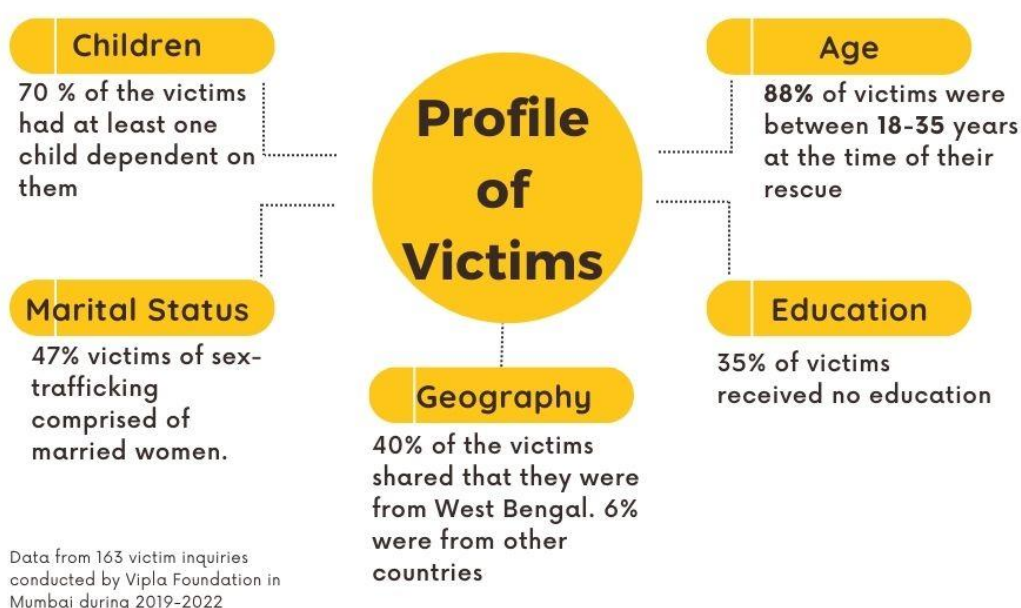
EXECUTIVE SUMMERY

Trafficking for Commercial Sexual Exploitation (CSE), comes with several perceived vulnerabilities attached to the victims who find themselves in the exploitative situation. Therefore, it only felt pertinent to delve deeper in order to have a more realistic and evidence-based understanding of the vulnerabilities responsible for women being entrapped into a situation of CSE.

Thus, the present study assesses primary dataset of Victim Inquiries conducted by the Vipla Foundation team on Orders issued u/s. 17(2) ITPA by the Sp. ITPA Court in Mumbai from 2019 to 2022. The dataset of 163 victim inquiries provides a realistic insight into situations, circumstances and vulnerabilities that led to entrapment of victims into commercial sexual exploitation.

The findings are based on the responses received from the victims during the inquiry process and that details provided have not been verified against any documentary evidence.

The Following Findings Encapsulate Study:



Victim Profiling:

- 1. Age:** The data demonstrates that maximum women interviewed were between the ages of 18-40 years old when they were rescued; 51% of victims ranged between the ages of 18 to 29 years followed by the 30–39-year-old age-bracket who comprised approximately 40% of the sample. Around 7% of the sample comprised of victims who were between the ages of 40-49 years old, this age bracket was the least prevalent within the sample.

It is important to note that the age stated by women is at the time of rescue and when victim inquiry was conducted; there is a possibility that they may have been trafficked at an earlier age.

2. Vulnerable Geographical Areas: 40% of the women who were trafficked into Mumbai were from West Bengal. This is followed by Maharashtra with 16% women being trafficked from within the state itself. Other eastern states such as Assam and Bihar accounted for 2% and 5.3% of the sample respectively. 10% of the women were from other states which include but are not limited to Gujarat, Manipur, New Delhi, Andhra Pradesh, Rajasthan, Himachal Pradesh and more.

3. Victims from Across the Borders: The dataset of 163 victim inquiries also revealed 14 instances of cross-border trafficking wherein 9 victims were natives from Bangladesh and 5 victims from Thailand that accounted for 6% of victims trafficked from overseas.

4. Education: 57 (35%) victims out of the dataset were reported to have never received any education, 10% with up to primary schooling. Goes on to show how lack of education contributes to vulnerability to sexual exploitation.

5. Marital Status: Contrary to a common societal belief that “marriage provides security”, the dataset reflected 47% victims of sex-trafficking comprised of married women and 30% of the women from the sample were either separated, divorced or widowed.

6. Dependent Children: 70 % of the victims in the dataset had dependent children; while, 40% had one child, 30% of victims had two or more children. In cases where victims had one or more children, their financial need to support their children often played into the circumstances that led them to being sexually exploited.

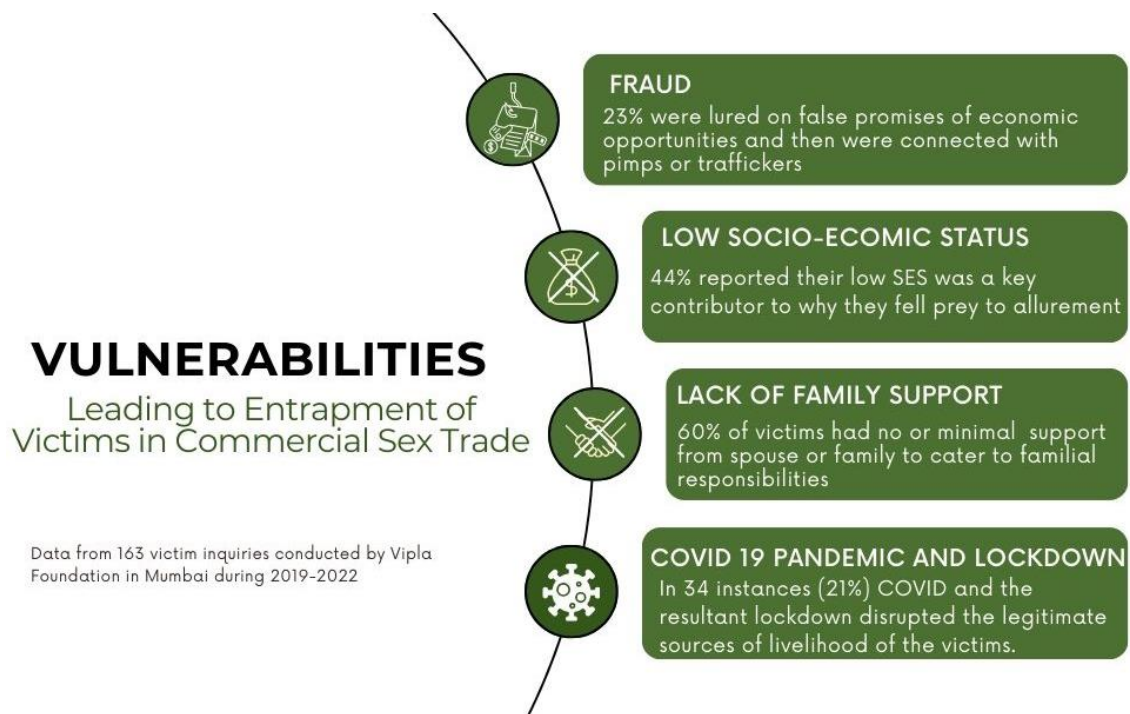
Vulnerabilities that Led to Entrapment of Victims in Commercial Sex Trade

1. **Low Socio-Economic Status (SES):** 44% clearly stated that their low SES was a key contributor to why they fell prey to allurements. While the others implied that they had to pick up the reins of financial responsibilities as a result of lack of support from spouse or no ostensible source of income to support the families.

2. **Fraud:** 23% were lured on false promises of economic opportunities and then were connected with pimps or traffickers who fraudulently lured them into sex work.

3. **Lack of Support:** While the dataset suggested 47% victims were married; it is also indicating that there was no familial and spousal support to victims or their children.

4. **Domestic Violence/ Intimate Partner Violence (IPV)**: 7% of the victims in the data set disclosed domestic violence. Example includes a victim story who was tortured by her husband or those victims whose husbands were addicted to drugs and alcohol and therefore would not provide for their families.



5. **'Retaliation' Against Family and Seeking Support From "Friends"**: The dataset also includes instances where women left home after a familial or a spousal quarrel; and by way of retaliation tried to find solace in a "friend". These "friends" have shown quick "support" and even provided them "shelter" gradually luring them into prostitution.

6. **Autonomous Decision**: Though uncommon, there were certain instances where women claimed to have made a choice to engage in prostitution however the data is silent on how they arrived at making the choice. This made up of 3% of victims in the dataset.

7. **Unknown**: There were also instances in this sample where the team undertaking the inquiry were unable to get information from the victims during the inquiry or felt there were inconsistencies in their stories. This accounted for 11% of the victims in the dataset.

Other Observations:

- **Financial and Economic Abuse**: The dataset also implies financial violence by husbands who refuse to own up the children's responsibility. In about five instances the husband abandoned the victim for another woman driving her to seek support from anyone who displayed sympathy.

- **Involvement of known persons or family members in trafficking:** the present dataset reveals that in 39 instances “friends” were responsible for allurement of women into commercial sex trade and in 18 instances family, acquaintances and neighbours are involved. In one instance, a married victim aged 20 years was sold by her husband within two days of marriage.
- **COVID and the Resultant Lockdown:** In 34 instances COVID and the resultant lockdown disrupted the legitimate sources of livelihood of the victims and their families. Spouses of the victims had to shut down their small-scale businesses or had lost their jobs as a result of COVID induced lockdown which made the women vulnerable and who fell prey to inducement.

Other Observations



Involvement of known persons or family members in trafficking

In 39 instances “friends” were responsible for allurement of women into commercial sex trade and in 18 instances family, acquaintances and neighbours are involved. In one instance, a married victim aged 20 years was sold by her husband within two days of marriage.

Data from 163 victim inquiries conducted by Vipla Foundation in Mumbai during 2019-2022



Financial and Economic Abuse

Financial violence by husbands who refuse to own up the children's responsibility. In about five instances the husband abandoned the victim for another woman driving her to seek support from anyone who displayed sympathy.



‘Retaliation’ Against Family and autonomous decision

Victims abandoning their home to show retaliation after familial or spousal quarrel made them vulnerable. In few instances women reported to have taken autonomous decision of engaging into prostitution.

INTRODUCTION

The prevalence of sex trafficking in India has skyrocketed over the past decade. The reason behind why this has occurred is complex and requires one to understand the wide range of variables that often act together to increase women and children's vulnerability to the trade. This report will go on to identify and analyse these variables to provide stakeholders with an evidence-based understanding about sex trafficking, how it operates, and the vulnerabilities faced by the individuals entrapped in this illegal trade.

Governments and organisations have been working collaboratively to address the issue at various levels. Strategies for prevention, prosecution and rehabilitation are discussed jointly and unilaterally and Vipla Foundation has been consistently engaged in all of those. It is the experience of the organisation that in order to have a workable solution, it is important to identify the problem realistically.

Maharashtra is a source transit and destination of sex-trafficking with a significant internal and large number of victims being trafficked from overseas. The city of Mumbai has constituted a dedicated Special Court to conduct trials arising out of the Immoral Traffic Prevention Act, 1956 (1956) within the city jurisdiction.

Thus, the study assesses primary dataset of Victim Inquiries conducted by Vipla Foundation team on Orders issued u/s. 17(2) ITPA by the Sp. ITPA Court in Mumbai. The inquiries are conducted to understand the victim's background, provide a safe space and an opportunity for rehabilitation. The victims are rescued by the police under the ITPA and thereafter the further process of rehabilitation ensues.

The present study is an attempt analyse the dataset of victim inquiries in order to make a realistic assessment of vulnerabilities and devise workable solutions that help in the reduction of vulnerability to sexual exploitation.

LEGAL POSITION ON TRAFFICKING AND REHABILITATION OF THE VICTIM

By way of Criminal Law Amendment in 2013, S.370 – “Trafficking in Person” was inserted in the Indian Penal Code (IPC). It recognises entrapment of a person into an illegal activity by use of force, fraud, coercion, abduction, deception, threats, use of force, abuse of power and inducement as some of the means by which a person is trafficked.

The law makers have also considered that most of the time “consent” of the victim is obtained by using any of the above means and the victim is compelled into submission as a result of the vulnerabilities. In view of this, the section further explains that, **“The consent of the victim is immaterial in determination of the offence of trafficking”**. It implies that even

the “consent” of the adult person would bear no significance and would still be an offence u/s.370 IPC and the perpetrators are liable to be prosecuted.

The definition is particularly relevant to the context of the present study, as many a time the victim conveys her “consent” to engaging in ‘prostitution’. However, on inquiry it is revealed that “consent” was given either by way of a meek surrender, or as a result of fraud, or compelling circumstances whereby the victim was left choiceless.

While S.370 IPC encompasses all kinds of trafficking, the Immoral Traffic (Prevention) Act 1956 (“ITPA”) is a primary legislation to address commercial sexual exploitation that is ordinarily understood as ‘prostitution’.

It is also important to note that ‘Prostitution’ in India does not bear legitimacy, and is considered exploitative under the ITPA Act. “Prostitution” is defined under section 2 of ITPA as the “sexual exploitation or abuse of persons for commercial purpose”.

Also, the legal connotation of a brothel needs to be understood in the present study as the victims have been removed from various places of exploitation namely – brothel, beauty parlour, spas etc. that were used as facades to perpetrate commercial sexual exploitation and in legal parlance are ‘brothels’ in accordance to the illustrated definition.

The focus of ITPA is two-fold, -

1. Prosecution of acts that constitute offences under the Act and
2. Rehabilitation of Persons who have been rescued from commercial sexual exploitation.

Once rescued or removed from the place of exploitation by the police they are required to be produced before the Magistrate. Section 17 (2) of the Act casts responsibility on the Magistrate to ensure that the person removed from a ‘brothel’ is kept at a safe space, her custody is not handed over to a person or institution that is likely to have harmful influence on her and she is provided an opportunity for rehabilitation.

Pursuant of the above provision of the ITPA, the Magistrate is required to conduct a detailed inquiry with the victim and allowing the victim an opportunity to be heard. The magistrate must undertake an inquiry to determine the correctness of the information that has been shared. This includes factors such as the age, character and antecedents of the victim and the suitability of their parents, guardian, or husband for taking charge of the victims. The magistrate is required to consider the nature of influences present in the home or the familial setup and must satisfy itself before the victim is restored to the family. If upon inquiry it is understood that the family conditions are not suitable and there is a likelihood of re-

A “brothel” under S. 2(a) of the ITPA, includes any house, room, [conveyance] or place or any portion of any house, room, [conveyance] or place, which is used for purposes [of sexual exploitation or abuse] for the gain of another person or for the mutual gain of two or more prostitutes.

The definition is unambiguous conveying the intent of the legislation to include all spaces/premises where sexual exploitation takes place for commercial gains.

trafficking, then she is placed in the 'Protective Home' constituted u/s. 21 of the ITPA for minimum of one year to a maximum of three years.

The Magistrate is required to ensure that the orders in respect of the victim are in her best interest and which protect her from exploitation and provide her an opportunity for rehabilitation.

Whilst undertaking his functions under S.17(2) of ITPA, the Magistrate may call a panel of five respectable persons, three of whom must be women who are usually social welfare workers in the field of suppression of immoral trafficking. It is under this provision that Orders are passed by the Magistrate requiring the Vipla Foundation team / Social Workers to undertake victim inquiries to assist the Magistrate in the process of rehabilitation.

Following the inquiry, the magistrate decides whether the victim would benefit more from being placed in a protective home, or whether it would be more beneficial to be restored to their families. It should be noted that before the victim is restored, the Magistrate's Court satisfies itself about the genuineness of the parent, guardian, or husband or family prior to an order of restoration with family.

Understanding this legislation is relevant as it sets the context and purpose for which the victim inquiries were conducted and provides an opportunity for understanding the vulnerabilities of victims in order to determine the plan for rehabilitation.

PURPOSE

The Need for a Realistic Understanding of Vulnerability of Persons Trafficked for Commercial Sexual exploitation

Vipla Foundation's on-field experiences and stakeholder interaction throws light on various myths associated with the issue. Some of the commonly observed or misplaced perceptions are:

- Trafficking is a social issue
- Trafficking is Prostitution
- They do it with their own free will.
- There is easy money.
- Government does not have adequate Rehabilitation Policies.
- It happens only to poor people.
- It only happens in city red-light areas
- It is a right to livelihood.

The detailed understanding of the ITPA coupled with the rules and corresponding institutions like the courts, protective homes, existence of the rehabilitation schemes etc have the potential to clarify that each one of the perceptions is misplaced or a myth.

The intent of the study is to have a realistic understanding of the vulnerabilities that are responsible for women being entrapped into commercial sexual exploitation, address the misplaced notions surrounding the issue and build workable solutions in a way that can reduce the vulnerabilities. The study is based on the primary data derived through victim inquiries conducted by Vipla Foundation team on the Orders of Sp. ITPA Court Mumbai. The dataset provides a realistic insight into situations, circumstances, and vulnerabilities that led to entrapment of victims into commercial sexual exploitation.

The data for the report is primary, gathered from the inquiries conducted with 163 victims on Orders issued by the Sp. ITPA Court between the years 2019 to 2022.

The present data set does not contain victims below the age of 18 years as they are produced before the Child Welfare Committee (CWC) and the responsibility of their care protection and rehabilitation vests with the Child Welfare Committee (CWC) established under the Juvenile Justice Act of 2000. The Sp. ITPA court has jurisdiction to determine the rehabilitation of adult victims.

The present report thus is generated out of the dataset of inquiries conducted by Vipla Foundation with adult victims who were rescued from Mumbai city.

ANALYSIS OF DATA

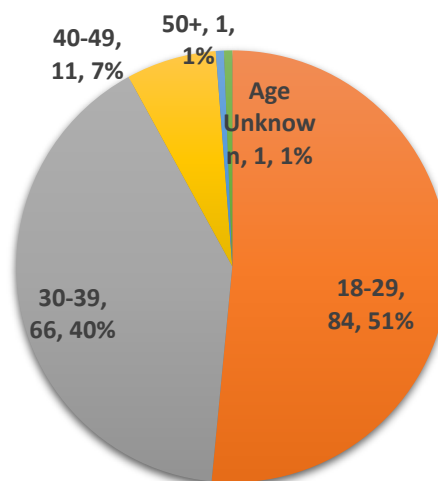
VICTIM PROFILING

Age:

The age of the victims in the sample ranged from 18-50 years old. Though the data is widespread, 51% of the victims in the sample ranged between the ages of 18-29 years old. This was closely followed by the 30–39-year-old age bracket who comprised approximately 40% of the sample. Around 7% of the sample comprised of victims who were between the ages of 40-49 years old, however this age bracket was the least prevalent within the sample.

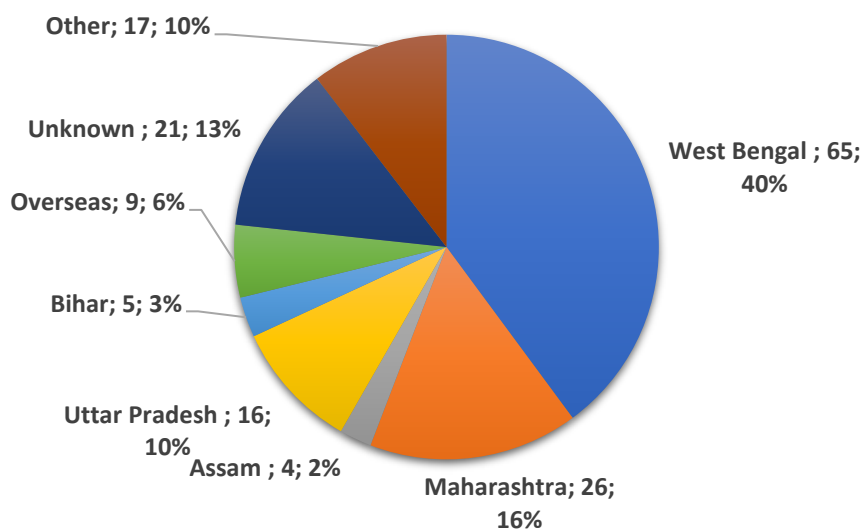
This spread of data demonstrates that women between the ages of 18-40 years old are at the greatest risk of falling prey to sex trafficking. This is no surprise as typically these ages are known to have the highest productivity where women are expected to live up to various roles as a daughter, wife, mother and a contributor to the family income. These are ironically also those ages where the family expectations are at the highest and where they feel inclined to undertake complete responsibility of their families and dependents in adversarial circumstances.

Victim Age Analysis



Native Area:

Native Areas



Analysis of the native area of the victims highlighted that although many came from many different states across the country with some of them even trafficked from overseas, 40% of the women in the dataset who were trafficked into Mumbai are from West Bengal. This was followed by Maharashtra with 16% women being trafficked from within the state itself. Though it is unclear exactly why such a large proportion of victims are from West Bengal, it

Maximum women from West Bengal have reported that their district of origin to be either in 24 North Pargana or 24 South Pargana

is not surprising, as West Bengal is considered the trafficking hub of India. It is perhaps worthwhile to acknowledge that most victims trafficked from West Bengal were from North and South 24 Parganas. The possible reasons for high prevalence of trafficking in West Bengal may be due to the state sharing international borders with countries such as Bangladesh, Nepal, and Bhutan, where victims are usually trafficked into West Bengal as a transit hub prior to being transported across India or in some cases, even remain in West Bengal as they have no way to get back to their

home country.¹

Another aspect that cannot be ignored is that many a times, victims trafficked from Bangladesh are tutored by their traffickers to state that they are natives of West Bengal. The distinction gets difficult because Bangladeshi Nationals by virtue of their looks and also the language they speak (Bengali) are similar to Indians. The victims after rescue and as a result of the tutoring say that they are natives of West Bengal for the fear of being apprehended by the law enforcement for illegal immigration; not knowing that those who are actually trafficked from overseas are to be treated as victims and are to be repatriated.

Other eastern states such as Assam and Bihar also accounted for 2% and 5.3% of the sample respectively. Concurrently, there is also a wide spread of the native areas of the victims as approximately 10% of the sample were from other states around the country, which include but are not limited to Gujarat, Manipur, New Delhi, Andhra Pradesh, Rajasthan, Himachal Pradesh and more. Further, nearly 6% of the sample were also trafficked into India from overseas, originating from countries such as Bangladesh, Thailand, Ethiopia, and Turkmenistan. Finally, it is important to recognise that in 13% of cases, the native area of the victims is unknown either due to communication barriers or their inability to recall exactly where they grew up.

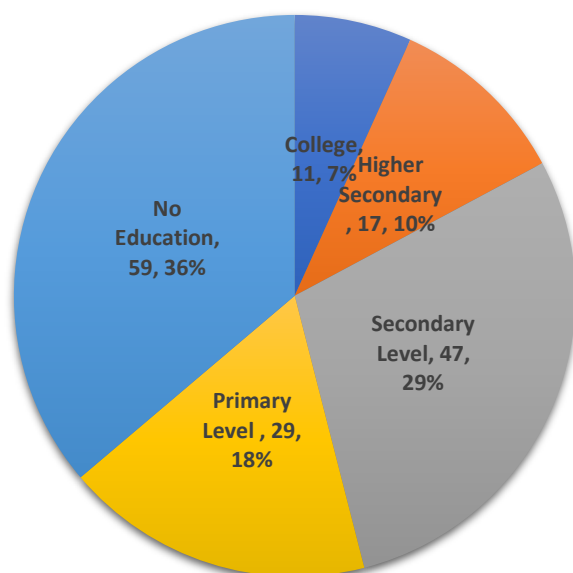
Women from Bangladesh many times state they are natives of West Bengal due to tutoring and fear of being treated as illegal migrant.

While the large part of the dataset revealed that most of the trafficking was internal and within the country, the dataset of 163 victim inquiries reported 14 instances of cross-border trafficking wherein 9 victims were natives from Bangladesh and 5 victims from Thailand. It would be worthwhile to mention here that the dataset is only from the years 2019 to 2022 and restricted to the city of Mumbai and of cases where Vipla Foundation team conducted inquiry based on the Order issued by the Sp. ITPA Court; the numbers could be much higher in Mumbai and the state of Maharashtra.

¹ Rekha Sharma "Bengal fast becoming human trafficking hub" 2022
<https://organiser.org/2022/07/14/89229/bharat/bengal-turning-trafficking-hub/>

Education Level:

EDUCATION LEVEL OF VICTIMS



Whilst undertaking the study it was also imperative to understand the education levels of the victims and if lack of it contributed to the vulnerability factors. Therefore, education levels were assessed based on the following parameters:

- No Education = victim never received any form of education
- Primary level = below 5th grade level of education
- Secondary level = 5th – 10th grade level of education
- Higher secondary = 10th – 12th grade level of education
- College = 12th grade and above (including university qualifications)

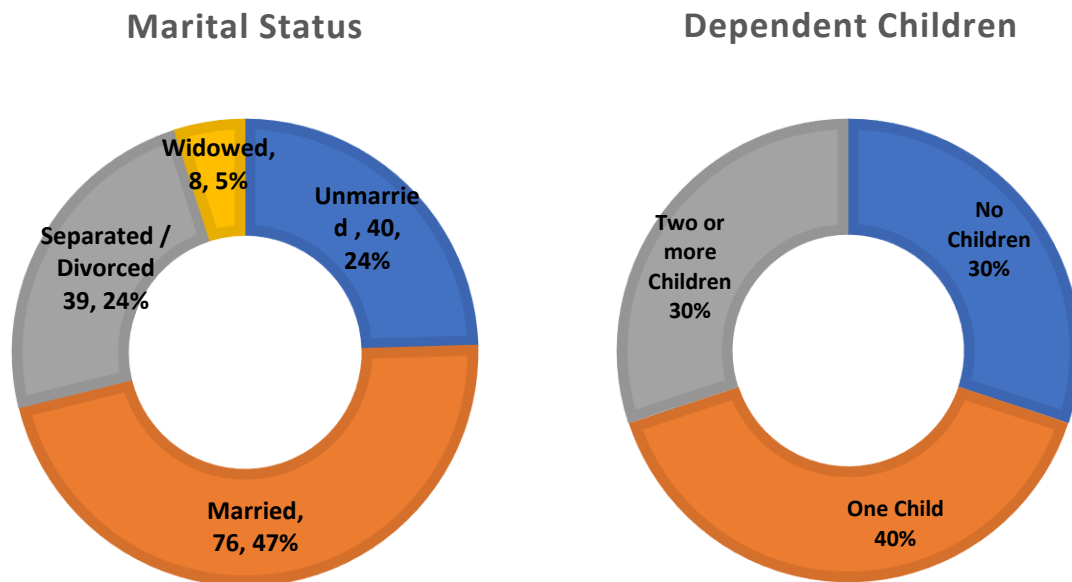
Based on this classification, approximately 36% of victims had never received any sort of formal education, and beyond this, 83% of victims had not received education that went beyond 10th grade. Based on scholarly articles, low educational levels, and opportunities are a key risk factor and vulnerability that leave women and children more exposed to being sexually exploited for commercial purposes.² Though 6% of women in the sample were sexually exploited despite having higher levels of education, it is important to note that vulnerabilities cannot be assessed in isolation and that there were other likely factors that contributed to their sexual exploitation.

Situations where women are required to find work, in many cases they are left with very few options due to a lack of education and therefore get engaged in work that either puts them into vulnerable circumstances to sexual exploitation, or they get directly engaged into prostitution as a way for survival

² Roy and Chaman "Human Rights and Trafficking in Women and Children in India" 2017
<https://medcraveonline.com/JHAAS/human-rights-and-trafficking-in-women-and-children-in-india.html>

Marital Status and Dependent Children:

Contrary to a common societal belief that “marriage provides security”, the dataset reflected that maximum victims of sex-trafficking (47%) comprised of married women. This was then followed by both separated/divorced and unmarried victims being equally matched in terms of their vulnerability as both groups respectively comprised 29% and 24 % of the sample.



70% of the victims had a child or more children who were dependent on them. Only 30% of women in the dataset had no children. In cases where victims had one child or two more children, victim inquiries reported that financial need to support their children’s education or wellbeing often played into the circumstances that lead them to being sexually exploited. However, for women who did not have any children, their own low Socio-Economic Status (SES) or the needs of their parents or siblings were usually a key factor that made them vulnerable to give in to the allurements of the perpetrators and increased their risk for being sexually exploited. This will be explored in further detail when this report delves into reasons and risk factors for why victims in this sample were trafficked.

Family Background:

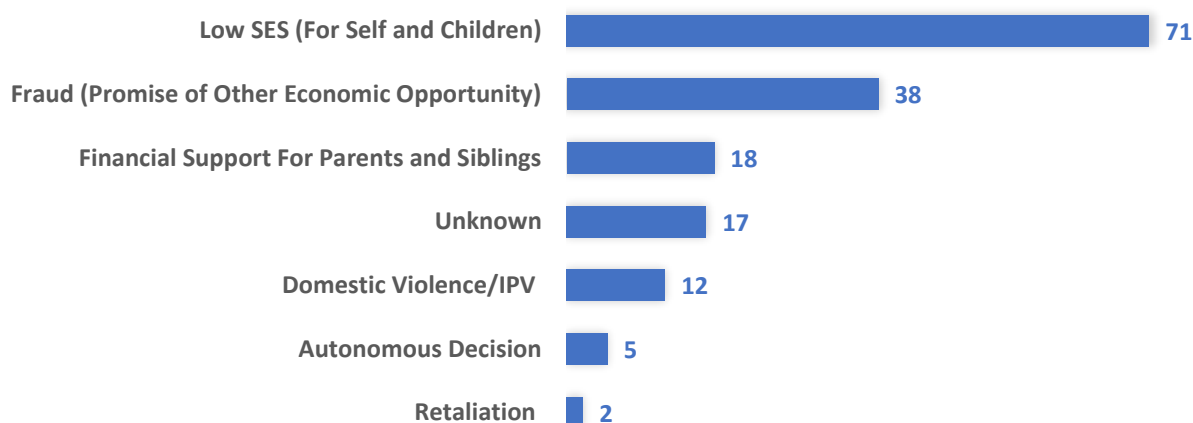
In consonance with S.17(2) ITPA, details regarding the family background of the victim were also collected during the victim inquiries undertaken by Vipla Foundation team. Though this information provides useful insight in the environment and support system that exist for the victims, a standalone graph or chart for this parameter will not on its own be able to provide any useful deductions.

Areas of importance that arise from an analysis of the family background of the victims will be described in further detail in the portion of the report that identifies key risk factors that may entrap a vulnerable woman into sex trafficking.

REASONS AND RISK FACTORS BEHIND SEX TRAFFICKING

The following analysis will identify and analyse the key reasons and risk factors we observe have a hand in dictating why many of the victims in the sample ended up being sexually exploited for commercial purposes. Though this analysis is evidence-based, it is important to be cognisant of the fact that many of these reasons and risk factors interact. This chart represents the reported reason why a victim ended up being trafficked for CSE, however it is important to understand that some of these factors overlap are always at play and therefore cannot be observed in isolation.

UNDERLYING REASONS AND RISK FACTORS BEHIND SEX TRAFFICKING



Low Socio-Economic Status SES (personal financial need, lack of education, and poverty)

- 44% stated that their low SES was a key contributor to why they fell prey to allurements.
- Needed to support self and children – there was a financial need for the victim as there was no means for sustenance.
- Only options were domestic work or ‘prostitution’ – after Covid especially, many women were laid off, had no jobs or home, and needed additional income therefore easily fell prey to allurements or chose to engage in prostitution.

Fraud (promise of a false economic opportunity or dream)

- 23% were lured on false promises of economic opportunities and then were connected with pimps or traffickers who lured them into commercial sexual exploitation.
- Many women were looking for domestic work, textiles work, or were models or actresses looking to get their big break.
- A caveat to note in this circumstance is that many women also stated that they were genuinely working for beauty parlour or massage parlour and did not engage in any illegal activity. –
- Also, important to note that the stigma associated with commercial sex work in the community is very high – so this may be a reason why women are likely to withhold information that they were lured for CSE.

Family Responsibilities

- Many times, the victim is left with no choice but to give in to CSE due to their familial circumstances.
- Lack of family or sibling support to look after parents who have been sick or terminally ill is also a factor that made women vulnerable. In many cases women either had sick parents and they needed to earn more money to pay for their medication, surgery, or care and who were dependent on the victim. Likewise, there were situations where the victims had younger siblings for whom they felt inclined to take care and pay for their education.

Domestic Violence/ Intimate Partner Violence (IPV)

- This accounted in 7% instances in the dataset. Spousal violence or IPV within the domestic set-up was one of the causes that made women vulnerable and look towards complete strangers for support.
- Largely most women have been victims of domestic violence and had no other choice but to leave their homes to get away from the violence by their husbands.
- Example includes a victim story who was tortured by her husband or those victims whose husbands were addicted to drugs and alcohol and therefore would not provide for their families.
- Due to the general low level of education of women in these circumstances, many then felt they had no other choice but to agree to remain entrapped into CSE to survive.

In an instance in the dataset, a woman was physically abused and tortured when the husband learnt that the victim was pregnant with the girl child. The instance is an example of dual irony – one that of an IPV and another of the ingrained gender discrimination against girl children even before they are born.

Additional Observations in Respect of Domestic Violence:

- It is also pertinent to recognise that violence is not viewed in the narrow sense of physical violence. The dataset also implies financial violence by husbands of the victims who refuse to own up the children's responsibility, or who have abandoned the women without any means for sustenance for the victim and their children. There have been situations whereby the husband was left jobless as a result of which the victims felt compelled to own up the responsibility of running the household.
- Emotional abuse by the husband was also seen as a factor that made women vulnerable. In about five instances the husband abandoned the victim for another woman driving her to seek support from anyone who displayed sympathy.
- Substance and alcohol abuse of the husband compounded the situation even further. In an instance a woman faced abuse at the hands of her husband under the influence of drugs and alcohol and who would not provide for the family. These situations made the woman vulnerable on all sides – i.e. physically, emotionally and financially and they felt driven to accept any "opportunity" that posed itself for self-sustenance and for the sustenance of her children.

'Retaliation' Against Family and Seeking Support From "Friends":

- The dataset also includes instances whereby the women have left home after a familial or a spousal quarrel and by way of retaliation and tried to find solace in a "friend". These "friends" have shown quick "support" and even provided them "shelter" gradually luring them into prostitution.
- In about 39 instances when the victim was in a difficult familial or financial situation and turned to "friend" for help and guidance, they were lured into commercial sexual exploitation. Some of the allurements were direct while most of the allurements were by way of helping to get jobs that are ostensibly legitimate but were actually facades that perpetrated commercial sex trade.
- Some also engaged in the commercial sex work as a way of 'retaliation' against family who had hurt them in some way. As India is largely a community-based society, many knew that engaging in commercial sex work would emotionally hurt their parents and bring shame to their families. These instances were bare minimum that stood at 1% of the dataset.

Autonomous Decision

This accounted only 3% of the victims in the dataset. Though uncommon, there were certain instances where women claimed to have made a choice to engage in prostitution. It is important to state here that the Indian law does not interfere/prohibit sex between two consenting adults. However, one must also acknowledge that while the choice to engage in commercial sex trade was theirs, in almost all instances there were compelling circumstances as illustrated in the foregoing paras. Moreover, the legislation u/s.370 IPC has recognised that a consent by a victim (as a result of any inducement including giving and or receiving payments or benefits) is immaterial in determination of the offence of trafficking.

It simply implies that the law prohibits anyone from exploiting the vulnerabilities of persons and engaging them in a trade that is exploitative and does not bear legitimacy; and consent obtained as a result of the above means and out of choicelessness or a meek surrender cannot be construed as "consent".

Unknown

There were also instances in this sample where the team undertaking the inquiry were unable to get information from the victims during the inquiry or felt there were inconsistencies in their stories. In these cases, it is important to note that there are many contextual factors that may contribute to this. Typically victims rescued from commercial sexual exploitation, as a result of the tutoring by the perpetrators, and sometimes even with the way the rescue operations are conducted, carry a misconception that they are on the wrong end of the law. The protective home set-up which is generally a closed shelter home gives an impression that they have been kept as a way of reprimand. There is also fear in the minds of the victims that if they reveal their vulnerability they may be kept in the protective home for a longer duration and would not be able to support their families. This is particularly the case with adult-victims who are largely bread-winners in the family and lack support. It is also seen that victims are reluctant to share about themselves or their exploitation for the fear of being judged by the system; as a result of which they are reluctant to share details.

ADDITIONAL OBSERVATIONS

Covid And the Resultant Lockdown

In 34 instances COVID and the resultant lockdown disrupted the legitimate sources of livelihood of the victims. Many of whom worked in the beauty industry that underwent complete closure leaving the victims jobless and with a dependent family to sustain. In other instances, spouses of the victims had to shut down their small-scale businesses or had lost their jobs as a result of COVID induced lockdown which made the women vulnerable and who fell prey to inducement.

This goes on to show that in most cases while there may be inherent vulnerabilities like lack of education, violence etc; in others vulnerabilities emerged as a result natural calamity or a COVID-like situation.

Even the educated can be vulnerable to commercial sexual exploitation

It is a common experience that lack of education is one of the factors that came in the way of victims having gainful and sustained income which results in their entrapment into CSE. This is largely proven by the dataset, there are also 11 victims who have completed college. In three instances no such vulnerability existed and the victims found themselves commercially sexually exploited despite having an ostensibly empowered background. In one instance the victim was 35 years of age having an advocate father and a retired central government employee mother. In another instance a 29-year-old victim held a Master's degree in Physiotherapy with both parents and elder siblings were doctors. In the third instance, the 24-year-old victim held a B.A degree, with siblings studying in university.

While these instances come as an exception, they also indicative that education and relatively financially stable background does not always act as insulators to trafficking and the vulnerabilities must be seen in its entirety.

Involvement of Family Member or Known Person in Trafficking of The Victim in The Data Set.

Societies and communities tend to condition the women and children to 'refrain from engaging with strangers' for the fear of any harm that may be caused. However contrary to this popular belief and as elaborated above, the present dataset reveals that in 39 instances 'friends' were responsible for allurement of women into commercial sex trade; in 18 instances family, acquaintances and neighbours are involved. In one instance, a married victim aged 20 years was sold by her husband within two days of marriage. These statistics provide an insight on how victims' familial and financial vulnerabilities are exploited even by the people well-known to the victims and whom they tend to trust.

CONCLUSION

In its efforts to address commercial sexual exploitation Vipla Foundation, has been a witness to many a perception on the vulnerabilities of women that make them susceptible sex-trafficking. The perceptions may largely be experience-driven deriving out of field experiences however it felt relevant that in order to devise a workable solution, one would have to delve into a more evidence-based study.

As mentioned in the foregoing chapters, the present understanding of victim vulnerabilities is drawn out of inquiries conducted by the Vipla Foundation team on Orders of Special ITPA Court Mumbai; therefore, can be said as an assessment out of primary data gathered directly from victims. It must be understood that the purpose of the inquiries is to understand and not interrogate. Moreover it is important to note that the trends in trafficking have undergone a change. Commercial sexual exploitation has moved beyond the conventional brothels. Ostensibly legal businesses are used as a front for such activities and are used as brothels.

Thus, in order to bring about a reduction in trafficking for CSE, it is imperative to work around issues that promote such vulnerabilities and some of the recommendations by which it can be done are:

1. Identification of geographical areas and communities that have relatively more vulnerable populations of women and children and devising community awareness programs: This can be done by local community-based organisations (CBOs), government departments like the Department of Women and Child Development and the Legal Service Authorities or as a government-CBO initiative. Continued discourse within communities on gender-based violence is required to be carried out within the vulnerable communities. This would not only bring about a realistic awareness and help them to recognise various forms of GBV, it would help them to safeguard themselves against the fraud and allurements and the vulnerable populations particularly women and children would feel supported to seek help.

2. Assisting in Livelihood Opportunities Within Communities: The dataset has revealed that largely women get entrapped into CSE in order to keep their kitchen fires burning and because they have dependents in the form of children and younger siblings. Women have surrendered to CSE as a result of lack of viable income generating opportunities within their geographies and communities. Thus, there is significant scope for facilitating income generating opportunities either by way of building skills that are marketable and has scope for sustainable income or even engaging with MSME to enable training and establishment of small to medium scale enterprises. It may be worthwhile to note that this intervention may not just be restricted to vulnerable women but the engagement with the families and even men folk would be relevant.

3. Building Responsive Systems Within the Vulnerable Geographies and Communities: One of the critical stakeholders in the entire anti-trafficking ecosystem are the Systemic duty holders more particularly the Police, DCPOs Child Protection Committees, Protection Officers designated under the D.V Act etc who have the obligation to assist the women and children

to seek redressal against any form of violence. Therefore, it is pertinent that these systemic duty holders are regularly sensitised to recognise the vulnerabilities, engage with the communities on a regular basis and assist the women and children to access redressal mechanisms and in case of GBV.

4. Sensitisation of the Judicial Stakeholders Like the Prosecutors and Judges: The court officers like the Prosecutors and Judges are also significant responders to trafficking. The ITPA casts responsibility on the Magistrates to assess the vulnerability by way of conducting inquiries u/s.17(2) for determination of rehabilitation. Thus, it is pertinent that the Magistrates are sensitised to this aspect and the focus does not remain solely on the prosecution of offenders but equal emphasis is also laid on the rehabilitation of the victims. It is also pertinent that the Magistrates collaborate with local NGOs and Social Workers so that they can be assisted in the process in accordance with S.17(5) of the ITPA.

5. Having a Pool of local NGOs and Social Workers attached with the Court to assist the Magistrate in assessing the vulnerability and determination of Rehabilitation Plan: Just as there is a provision for the Magistrates to take assistance of social workers in discharging their functions u/s.17(2) ITPA, correspondingly it is also pertinent that the local NGOs and Social Workers working to address sex-trafficking are identified and capacitated to conduct victim inquiries. It is important that the Social Workers conducting the inquiries understand the objective of the Inquiry; the aspects that need to be inquired into, methodology and the demeanour; which is not in the nature of interrogation but is empathetic and one which makes the victims feel comfortable to reveal the details. A comprehensive and realistic inquiry is a bedrock for determination of workable rehabilitation plan; That would help the victims to empower in in way that they don't get re-trafficked.