

Story of Rescue & Rehabilitation of a Cross-Border Victim of Commercial Sexual Exploitation



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Brief Historical Context

India and Bangladesh share a long colonial history and India was one of the first countries to recognize Bangladesh as a sovereign state in 1971. The two countries share an approximately 4,097 km long land boundary, out of which, around 60% of the border is fenced making it vulnerable to irregular migration, trafficking of persons, drugs, and arms. India and Bangladesh are both source, transit, and destination countries for the trafficking of persons. The porous nature of the border, lack of economic opportunities, poverty and underdevelopment, the attitude of the people towards many petty crimes, laxity in vigilance, nexus among criminals, and the police and border guarding forces of both India and Bangladesh all contribute to the escalating trans-border crimes.

A number of bilateral discussions have taken place between the Ministry of Home Affairs and the Government of India which has resulted in the signing of a Memorandum of Understanding between the two parties to overcome the hurdles in the process of rescue, repatriation, rehabilitation, and integration (RRRI) of victims of commercial sexual exploitation.

One such agreement of importance resulted in the passing of a Government Resolution by the Government of Maharashtra in 2008, wherein a State Level Task Force was established and a Standard Operating Procedure was formed for the RRRI of CSE victims. India had also enacted the Immoral Traffic (Prevention) Act, 1956 (henceforth referred to as ITPA) which along with Section 370 of the Indian Penal Code (2013 amendment in the CrPC) lays down the uniform provisions to deter commercial sexual exploitation and trafficking in India.



Rekha's story

The following narrative captures the struggles of victims of cross-border trafficking for Commercial Sexual Exploitation. The Prerana team has been associated with Rekha since April 2021 & has been supporting her in the rehabilitation and repatriation process.

Rekha is a victim of commercial sexual exploitation. She belongs to a small village in Bangladesh. Rekha was a child of divorced parents. Her parents got divorced when she was around 7 years old and since then she along with her younger brother were residing with their paternal grandparents. She was married off by her family when she was 14 years old and she had a daughter from the marriage. She was married to her husband for more than a year in which period her husband had an out-of-marriage relationship with another woman.

Following the out of marriage relationship , Rekha divorced him and along with her daughter moved back to her paternal home and started living with her paternal grandparents. Her grandmother used to sell dry fish in the market while her grandfather used to sell snacks.

Rekha studied in school till the 8th grade and after she got divorced and returned home, she started learning tailoring. After the training she started looking for job opportunities and heard of opportunities in Mumbai and decided to apply for a visa to come to work in India.

Circumstances leading to trafficking

According to Rekha, in 2018, when she had gone to the passport office, she met with some women who she later realized were involved in the sex trade in Matia, a village in 24 Parganas in West Bengal, India. In conversation with them, Rekha received information about the sex trade and some addresses were also shared with her. The women lured Rekha to travel to Matia to make good money. Upon being issued a passport, Rekha, then a child, travelled to Matia, along with another minor girl, and was subsequently sold into the sex trade.

Rekha returned to Bangladesh within 4 days of being in Matia (she did not disclose the details of why she returned to Dhaka to her social worker). Within the next few days, a pimp approached her and lured her back into the trade with the promise of getting herself registered.

There is a possibility that Rekha might have understood that there could be some repercussions considering she had left for Dhaka suddenly and if she did not follow through with the registration process, she may fall into trouble. Thus, Rekha returned to India, where she was re-induced into the sex trade. (In our intervention, Rekha had informed the social worker that, she was associated with a network that claims to work for the rights of women in the sex trade in West Bengal. This network issues cards for the women who are associated with them and thus there is a possibility that the person who approached Rekha telephonically was also associated with this network or was a pimp/dalal/brothel keeper).

Rekha was in Matia between the year 2018 and 2019, and was supporting her family financially by sending money regularly to support her grandparents & her daughter. Rekha had to return back to Bangladesh since as per Rekha, her travel visa had expired. A few months later, she was forced to return back to India due to her familial circumstances as she had now become her family's "breadwinner".

Rekha continued to be in the sex trade between 2019 and June 2020 in West Bengal. She shared that during this time, she had become close to a woman named Madhu (name changed), aged 30 years, and with Madhu's help Rekha was able to make an Indian Aadhar card and a voter ID. In the interaction with the social worker, Rekha had also shared that over time she and Madhu had become "romantic partners" and that they used to reside together, possibly in a brothel in West Bengal.

During this time, Rekha was extremely reliant on Madhu for her survival in West Bengal, she was indebted to her since Madhu had helped her in securing identity documents and for supporting her financially from time to time. This gave Rekha a sense of security. The dependence that Madhu created on herself in this process, gave Rekha reasons to trust her and confide in her in moments of despair. This trust also meant that Madhu was able to successfully persuade her to continue being exploited in the sex trade and possibly later bring her to Mumbai.

Rekha shared that due to the pandemic and the resultant restrictions, the women were not able to financially sustain themselves in Matia. Thus, when the lockdown was eased in June 2020, Rekha traveled back to Bangladesh and was living with her family for a period of 6 months i.e. till January 2021.

Continued exploitation & rescue

Rekha returned to Kolkata again around January 2021 where she re-established her contact with Madhu and the other individuals who were in the sex trade. In Kolkata, Rekha and Madhu met another pimp who "recruited[1]" both of them arranged for them to be "transported" to Mumbai, where they were "procured" by another pimp who made them solicit in the Banas Chawl, Nagpada, Mumbai, Maharashtra. Rekha also shared that the pimp in Matia had told them that they would get more money if they went to Mumbai.

Rekha shared that in Mumbai, the pimp had made them solicit and had withheld payment from them. After the first week, the pimp informed them that there was a possibility of

a police raid and thus they were all forced to stay in the kitchen area of a hotel located at Shuklaji Street, Kamathipura. She added that she, along with other women, were wrongfully confined to this location.[1] After a few days, Rekha fought with her pimp and informed him that she and Madhu wanted to leave Mumbai and demanded that they be paid before they left. However, the pimp demanded a sum of INR 16,000 to be paid by them if they wished to leave as compensation for the money he spent on their travel to Mumbai. Rekha had shared that she and Madhu tried to arrange the money and paid it to the pimp. However, even after making the payment, they were not allowed to leave from the premise of the hotel where they were locked up.

Over the next few days, Madhu and Rekha escaped this location on consecutive days. After running from the location, Rekha started walking around in search of Madhu and she took the assistance of a boy who she came across on the street. She used his phone to call Madhu and find her whereabouts and eventually, Rekha was reunited with Madhu. However, they were soon approached by a vehicle as an attempt was made to abduct the 2 women, possibly by the pimp from whom they were trying to escape from. The local police station was alerted (possibly by the bystanders) and they took charge of the two women and got them to the police station.

Around the same time, a staff member from Prerana received a call from one of the women in the red-light area. The informant shared that she had observed a new girl in the brothel who appeared to be a minor and

may need help. Two social workers from Prerana, went for an outreach visit to the community. During this visit, the staff members saw that Rekha and Madhu were getting apprehended by the police and thus the staff accompanied them to the police station considering that there was a reasonable doubt that Rekha was a child[1]. At this point Madhu claimed to be Rekha's step sister. At the Police Station, each of the women were interacted with separately and their statements were recorded. It was also observed that, due to fear of consequences, Rekha was unable to share a detailed narration of the sequence of events that had transpired and had maintained that she was an Indian citizen.

Following the recording of their statement, Rekha along with the Prerana social workers, were taken by the police to the different spots like the hotel (where they were made to entertain customers) and kitchen area (where they were being detained) for investigation purposes. The victims were then escorted to the JJ hospital for their general medical check-up/examination.

The victim's experience in the Juvenile Justice System

Since there was reasonable ground to believe that Rekha was a child she was produced before the CWC and with their Order, Rekha was placed at a Children's Home (hereafter referred to as CH). Due to lack of proof of age, the CWC directed an age verification medical to determine Rakhi's age. As per the AVM, Rekha's age was between 16 and 18 years and in the absence of any other valid documentation at this point in time, Rekha's age was presumed to be 16 years, thus

making her a “child”.

During this time, Madhu presented herself at the CH, claiming to be Rekha’s relative and also produced a proof of her identity that was issued by the above-mentioned network of women in the sex trade. The PO during this visit asked Madhu to produce documents to prove Rekha’s age and to prove her relation to Rekha and to submit the same to the CWC. However, after her visit to the Children’s Home after she was asked to produce relevant documents, it became difficult to establish contact with Madhu as she stopped responding to the calls made by the Prerana team as well as CH staff. It was also observed that the moment Madhu realized that official documents were being sought by the staff, to establish her relation with Madhu and to take a decision on her restoration, she stopped responding to the follow up calls.

Given these circumstances, the PO requested the Prerana social worker to find vacancies in a Children’s Home that works closely with victims of sexual violence for Rekha’s long-term rehabilitation. However, owing to the COVID 19 restrictions the process of securing a vacancy and the subsequent transfer to a CH got delayed. The CH where she was to be transferred was also keen on getting relevant documents like the FIR. Efforts were made by the social worker to convince the CH to admit the child for her further rehabilitation while the social worker also approached the Police Station for procuring the FIR. The CH finally shared an email with the social worker stating that they had a vacancy for the “child” following which a transfer Order was passed by the CWC and Rekha was eventually transferred to the CH.

After Rekha’s transfer to the CH in May 2021, Prerana Social Worker visited the local police station to get a copy of the FIR. During this visit, the social worker was informed that the FIR had not been registered and only a diary entry was made on the day when Rekha was “rescued” and produced before the CWC and no further information was shared by the police. This information was then relayed to the CWC as well as the CH staff. Prerana was thus entrusted with the responsibility of following up with the Police to file an FIR of the offenses against this child. An official email with Rekha’s statement was shared with the Police Officer and the social worker followed up with the police station regularly, almost weekly. It was also observed that in the months that Rekha was placed in the CH, she started her counseling sessions and started trusting the staff working with her and was able to share information about her family history and nationality. The team working with her was able to gain her trust whereby she disclosed that she was originally from Bangladesh and the process of her repatriation was thus initiated.

It was also observed that it took Rekha a long time before she could settle and adapt to the new surroundings. The Prerana social worker was consistently engaged with the staff at the CH since Rekha was extremely distressed.

Ensuring Rekha’s mental well-being became a challenge for the staff. Rekha made multiple attempts to self-harm over her period of stay at the Children’s Home. According to Rekha, a major reason causing distress for her was

that despite her claiming to be an adult, she was brought into the Juvenile Justice system. The social worker had to work on explaining to her about the process of repatriation and the roles and responsibilities of different stakeholders like the CWC, CCI, etc. A counselor from Prerana initiated providing psycho-social support to Rekha at the CH.

In conversations with the social worker, Rekha shared some of the challenges that she faced while living in the CH. She stated that she found it particularly hard to adjust to the rules of the CH which restricted her autonomy and movement. She often questioned why the staff at the CH had the right to determine what she wore and what time she slept at. On one occasion, she compared her stay at the CH to being sent to jail. She remarked that despite being told that she was not an offender of a crime, her placement in the CH felt that it was punishment for her getting pushed into the sex trade. Rekha's past experiences and trauma also largely impacted her stay in the CH and her conduct towards others living with her. Rekha had also shared that she was missing her family and her child and wanted to be reunited with them.

After the disclosure about her nationality, the Superintendent of the CH contacted a voluntary organization in Bangladesh and requested for a Home Investigation Report. The visit to Rekha's home had also been delayed due to COVID-19 restrictions in Bangladesh. Once the visit took place, the team in Mumbai received a copy of Rekha's birth certificate and as per this document, Rekha was an adult as of June, 2021. Thus, even though she was a child when she got trafficked for the first time in 2018, she was

an adult at the time of rescue in April 2021. This was particularly important information, as the Rescue Repatriation Rehabilitation and Integration process that needs to be followed (mentioned in the Government Resolution and ITP Act) differs for child and adult victims of CSE.

As per this latest identity proof, Rekha was an adult and thus, all decisions regarding her repatriation and placement needed to be made by the District Magistrate Court rather than the CWC. However, given that an FIR was not registered at this point, the CH staff were unable to approach the court as for the process of repatriation. Absence of the FIR made it difficult to legally prove that Rekha was a victim of sex trafficking.

Social Worker's experience with Police

With continuous follow-up, after almost 5 months (in the month of December, 2021), the Investigating Officer asked the staff from Prerana who was present at the time of the child's rescue to visit the station in order to re-record their statement and over the next few days, the statement of the victim was also re-recorded.

Additionally, as Rekha was unable to adjust in the CH, the staff of the CH were proceeding on finding alternative shelter options for Rekha. It was observed that a major challenge in the process of Rekha's repatriation was working with the Police. It was observed that the Police was initially of the belief that Rekha was an accused under the Foreigner's Act, 1946 and she needed to be deported back to Bangladesh.

In an interaction, the police had made remarks such as...

“How can we arrest an Indian because of a Bangladeshi? Moreover, she has also admitted to have entered India without proper documentation and is in violation of the Passport Act”. Additionally, it was also seen that there was some resistance in filing a complaint under the POCSO sections as they remarked that “it was a big case and it was complicated as she was a Bangladeshi citizen”.

The social worker also observed that the police were not aware of the ITPA and Section 370 of the IPC and its provisions. This lack of awareness among the police system regarding the process of rehabilitation, repatriation & reintegration of those individuals who belonged to another country especially Bangladesh and the processes required to be followed resulted in considerable delays in Rekha’s repatriation process. It was a struggle for the social worker to convince the police about exploring the possibility of trafficking for commercial sexual exploitation in the case. The social worker then explained the circumstances that resulted in Rekha’s “recruitment”, “transportation” and “exploitation” in the sex trade in India.

An FIR was finally registered in the Nagpada Police station around the month of December 2021. The accused in the case were Madhu and a few of the pimps. Rekha

was presented before the District Magistrate and got placed in a relevant Protective Home for adult women for her further rehabilitation and repatriation process. After her transfer to the Protective Home, the social worker approached the Superintendent of the Home and presented the case history. Efforts were also made to ensure that all documents, including Rekha’s psychological evaluation were transferred promptly to the Protective Home from the previous CH. The social worker also spoke to Rekha and informed her about the further legal process. The social worker was informed that another organization was appointed by the Magistrate to support Rekha in her further rehabilitation process and the same was communicated to Rekha. Following this, the Prerana team decided to exit from the case. However, since Prerana had worked long enough with Rekha, the the Protection Home staff were informed that they could reach out to Prerana for any further assistance to support Rekha.



Takeaways & Learnings

The lack of support systems in any country make individuals like Rekha vulnerable to being pushed into the sex trade. Rekha's "consent" was achieved by the traffickers by giving promises of payments or benefits, for the purpose of prostitution, which is an offense under the law. The act of "coercion", "threat", or "manipulation" might not necessarily be apparent in cases of CSE since the victims often tend to tell you that they chose to be in the sex trade. However, over a period of time when you work with a victim and they build trust in you, they confide about the realities of the sex trade. Often the trajectory of a victim of commercial sexual exploitation is complicated and passes through various hurdles right from the raid to the eventual trial and social reintegration.

The law enforcement and judiciary are the bearers of the criminal justice system. Sensitive cases like sex trafficking are highly dependent on how and whom the police perceive to be the victim and the accused. In cases like these, it takes great effort to make the police aware of the law and the social reality. Often this process is time-consuming resulting in extended delays which causes considerable stress to the victims.

The responsibility of ensuring continued rehabilitation and timely repatriation of a victim lies on all stakeholders. The delayed response of one stakeholder can result in additional delays in the support provided by every other stakeholder. This in turn impacts the wellbeing of the victim to a great extent. Effective & timely response can thus make the victim feel either "supported" or "punished".



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