Case Study

Trafficking, Rescue and Repatriation:

the challenges and Responses

of

Ms. Nil (name changed),

an Uzbekistan National to India

Presentation by PM Nair at Tashkent on 28.11.2023

Rescue

- On the 8.03.2021, an NGO based at Goa, namely Arz, along with the Goa police rescued Ms. Nil.
- Aged 25 years
- Rescued from Commercial Sexual Exploitation (usually called prostitution).

Victim under pressure from traffickers

- Victim was interviewed by trained counsellors and police.
- She was non-cooperative.
- Kept saying that she is an Indian and is married to a person in Punjab.
- She produced a Nikah-nama and Aadhar Card to support this.

Police action

- Police recorded her statement.
- Produced her before magistrate.
- Sent to Government protective home for safe custody.

Trafficker’s nexus

- At the protective home, lawyers from Delhi visited her.
- They “promised” her for early release.
- She continued to refuse to cooperate with the NGO counsellors.
- Did not reveal her true identity for three months due to advise from lawyers.
- However the NGO counsellor continued counselling.

Regular counselling helped

- Victim realized that lawyers were unable to get her released.
- She developed trust in the NGO counsellors.
- She broke her silence.
- Stated that she is an Uzbekistan national
- That she was trafficked to India in the name of employment.
- And pushed into prostitution by traffickers

Background of the victim

- She is a divorcee from Uzbekistan.
- Has a young daughter in Uzbekistan.
- Studying in a Boarding school.
- She lost her job and was unemployed.
- Friends advised her about “opportunities” in India.
- **They connected her to an “agent” in Uzbekistan.**
- **Agent said that he is linked with AGENT in Delhi**
- **That he had sent many girls to India for “employment” and**
- **That they were happily working in India.**
- **Agent convinced her and she agreed to go to India**.

Travel from Uzbek to India

- Agent in Uzbekistan arranged for her Visa, travel ticket and stay in Delhi.
- **She was picked up at Delhi airport by Delhi agent.**
- **Was taken to a flat in Delhi.**
- **Her Passport was taken away stating that it is required for “getting job”.**
- **Next day, Indian pimps met her at the flat and told her that she has to be a prostitute.**

Traffickers forced the victim to be a prostitute

- She was shocked and she refused.
- Agent said that she has to return INR 5 Lakhs (USD 6250) spent on her, if she refused to prostitute.
- They introduced her to other girls in the flat.
- Those girls advised her to follow the instructions of the pimp, as that was the only alternative.
- She was helpless to return the money. Therefore compelled to agree to the demand of the pimps.

Victimisation

- **Made to entertain 5-6 “clients” a day.**
- **Exploited in the flat for 6 months.**
- **Was also sent to different hotels in Delhi and other States.**
- **She had no option but to follow the instructions.**

Fake certificates

- **The pimps provided her with fake Nikah-nama (marriage certificate) and Aadhar Card (I card).**
- **She wanted her Passport back.**
- **Pimps said that her ‘Visa had expired’ and “police would prosecute her”, if found.**
- **The pimps silenced her completely.**

Two years went by

- When the pimps gained confidence in her, she was sent to Mumbai, Goa and Bengaluru.

- During one of these visits, she was rescued by Goa police/NGO, based on local intelligence on prostitution racket.

Prompt response by Indian agencies

- Based on her disclosure, the NGO and AHTU Goa informed the magistrate about her real nationality and real name.
- Magistrate recorded her statement.
- Found her to be a victim of trafficking.
- Passed an order for repatriation to Uzbekistan.
- Directed NGO to assist in repatriation.

Challenges in repatriation

- Due to non-availability of Passport, repatriation was a challenge. NGO took it up with the Embassy in Delhi for repatriation.

- Embassy informed helplessness in the absence of Passport.

Pimps / Traffickers became active again

- **The lawyers from Delhi challenged the repatriation order of the magistrate.**
- **They appealed to High Court against it.**
- **Sought her release from the “Custody in Home”**
- **The NGO defended the victim and fought her case in the High Court.**

High Court order

- The NGO and the protective home supported well and brought all facts before the High Court.
- Informed the High Court that the Passport has been taken away by the pimps.
- That she is not responsible for Visa expiry.
- That she will not be safe, if released to them.
- **High Court agreed with the NGO counsellor and ordered the lawyers from Delhi to handover the Passport to the victim**.

Challenges continued..

- On receipt of her Passport, the NGO applied for renewal of the Visa.
- But she had no money to pay.
- NGO paid the money
  - For the fine for the delay
  - And the renewal charges
  - To Uzbekistan embassy, India.
- Visa granted

Safe and happy now

- Victim was finally repatriated.
- Her mother booked her tickets.
- Now she is happily staying in Uzbekistan with her daughter and mother.

Questions that we need to ask ourselves

- Why did we not investigate the traffickers in Delhi:
  - They are the Master Minds. Disrupting them in essential
  - Their arrest would have helped rescue many more victims
  - Their arrest would have exposed the entire gang/racket
- Are we monitoring the contacts and communications of the traffickers within country?
- Are we monitoring the contacts and communications of the traffickers across borders?
- Are we monitoring the illicit: trace, seize and confiscate?
- Why did not the AHTU Goa and AHTU Del work in convergence?

Questions that we ask ourselves contd…

- Does Police work along with Immigration?
- Are the AHTUs of different States working along with the AHTUs of the sensitive states?
- Are we monitoring the nexus of lawyers?
- Are we tracking the huge illicit they make and confiscate it?
- Are we in linking up with the Embassies concerned in Del?
- Are we notifying the Indian Embassy in the source country?
- Are we taking steps for prevention?