



**CONVENTION ON**  
**Violence against Women with Disability:**  
**TRAFFICKING OF WOMEN WITH DISABILITIES &**  
**ITS UNDERPINNING CAUSES**

**An Initiative towards**  
**Creating Awareness | Advocacy | Networking | Action**

Venue: The New Marrison Hotel, Bhubaneswar  
7<sup>th</sup> and 8<sup>th</sup> December 2015



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## **LIST OF ABBREVIATIONS USED:**

<b>ILO</b>	International Labour Organization
<b>SCPWD</b>	State Council for Person with Disabilities
<b>CEDAW</b>	The Convention on the Elimination of All Forms of Discrimination against Women
<b>IAHTU</b>	Anti Human Trafficking Unit
<b>WWD</b>	Women with Disabilities
<b>ITPA</b>	Immoral Traffic Prevention Act
<b>IPC</b>	Indian Penal Code
<b>RTI</b>	Right To Information
<b>CSO</b>	Civil Society Organizations
<b>MNREGA</b>	Mahatma Gandhi National Rural Employment Guarantee Act
<b>SHG</b>	Self Help Groups
<b>I.Q</b>	Intelligent Quotient
<b>OLM</b>	Odisha Livelihood Mission
<b>AWW</b>	Anganwadi workers
<b>GP</b>	Gram Panchayat
<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disability
<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>UNFPA</b>	United Nation Population Fund



## ACKNOWLEDGEMENT

Aaina has taken sincere efforts in organizing two day convention on the theme of Trafficking of Women with Disability. However, the success of this convention rests on many. First of all, a big thanks to U.S. Consulate Hyderabad for partnering with Aaina in organizing convention on this sensitive theme. They not only provided financial help but also their guidance throughout in designing convention and topics of discussion. Participation of Mr. Gabriel Hons-Olivier, Public Affairs Officer U.S Consulate added rich experience and professionalism. Jennifer Goldstein and Neha Kaniker from U.S. Consulate managed the networking session well.

A very sincere thanks to our esteemed and learned guests, who through their vibrant discussions threw light on critical aspects that need attention when it comes to trafficking of women with disability. The convention would not have been possible without the contribution of Dr. Minati Behera (State Commissioner for persons with disabilities), Ms. Bishakha Bhanja (Convenor Jainaseni), Dr. Amrita Patel (State Resource Center, W & CD Dept.), Dr. Shruti Mohspatra (Swabhiman), Ms. Sujata Jena (Advocate, High Court, Odisha), Mr. R.K. Sharma (Asst. Director, VRC), Mr. Debabrat Patra (Chair, Regional Manager, Action aid India), Mr. Umi Daniel (Regional Head, Aid et Action), Ms. Lalita Missal (State Coordinator, NAWO), and Ms. Bharti Birla (ILO). Through their rich experience and apt knowledge, they could add relevant information on current scenario of trafficking of women with disability at national and state level, specific vulnerability of women with disability, policy interventions required, legislation changes and government initiatives that need to be taken.

A special thanks to representatives from service provider organizations, Mr. Sukant Chottaray (BHAIRABI CLUB), Mr. Lala Tendu (Fellowship), Ms. Usha Pattnaik (GUC, Nayagarh), Ms. Pushpa Pattnaik (Project SWARAJYA), Manoj Tripathy (Program Manager, OSCPS), and Prof. Asha Hans (SMRC) who by bringing forward real case studies helped in pinpointing the gaps where interventions are lacking and challenges faced at the ground level.

Thanks is due to dedicated staff and members of Aaina and vibrant participants who through their enthusiastic participation did not leave any scope for dim moments in the convention and kept the flow going until the end. Lastly, thanks to the staff of The New Marrion Hotel, who provided their premises and quality services through out the convention and Media.

Mrs. Sneha Mishra  
(Secretary, Aaina)





## PREFACE

Trafficking from laymen point of view is defined as an act committed for the purpose of exploiting someone's labour or services. It violates the autonomy of its victims, often through repeated acts of violence or threats of violence, manipulation and psychological control. Trafficking of women is highly seen to be in debate in the recent years. The term woman trafficking becomes much more petrified and questionable when we further add trafficking of women with disabilities. This section of people are more vulnerable towards the modern form of slavery as they are helpless and fail to carry out counter attack actions. So, to go in depth regarding the vulnerabilities, consequences and difficulties women with disabilities faces, a two day convention was held. The convention was organized with an objective of understanding and making visible to the mass audience, the current scenario of trafficking among women with disabilities.

It was organized with a view of identifying the interplay of culture, legal and socio-economic framework. Perhaps, it requires an understanding of the efficacy of existing systems towards preventing women trafficking.

This report is developed and formulated towards the sole objective of providing all readers a wider lens, regarding the issue of trafficking of women. People still at large are unaware of the horrible consequences of trafficking and are seen migrating to places. Despite certain existing policies and programs adopted by government to combat women trafficking in the nation, this ill form of slavery, it is still seen at large. In cases of India, apart from organized cases of murder, crime, bribe and extortion it is trafficking scoring top position in the list with the highest numbers being witnessed from the southern parts.

Mrs. Sneha Mishra  
(Secretary, Aaina)





## TABLE OF CONTENTS

SI No	Contents	Page No
1	<b>List of Abbreviations</b>	2
2	<b>Introduction</b>	6
	1.1 Convention Report	8
3	<b>Technical Session 1</b>	12
	2.1 Proceedings	12
	2.2 Outcomes	14
4	<b>Technical Session 2</b>	15
	3.1 Proceedings	15
	3.2 Outcomes	18
	3.3 Networking Round	19
5	<b>Technical Session 3</b>	20
	4.1 Proceedings	20
	4.2 Case Studies	21
6	4.3 Outcomes	22
	4.4 Case Analysis-Group Work	23
7	<b>Technical Session 4</b>	24
	5.1 Proceedings	28
	5.2 Outcomes	29
8	<b>Technical Session 5</b>	29
	6.1 Proceedings	29
	6.2 Outcomes	32
9	<b>Way Forward - Recapping of the 2 days convention</b>	33
10	<b>List of Guests</b>	35
11	<b>List of Participants</b>	36
12	<b>Appendix</b>	37
13	<b>Media Coverage</b>	40



## EXECUTIVE SUMMARY:

### Introduction

Violence against women with disabilities is a global problem. According to Human Rights Watch (HRW), approximately 300 million women around the world have mental and physical disabilities. In low and middle income countries, women constitute 75 percent of all disabled people. Women with disabilities are more vulnerable to violence and other human rights abuses. ([http://www.stopvaw.org/women\\_with\\_disabilities](http://www.stopvaw.org/women_with_disabilities)). Issue of violence against women with disabilities is claimed to have special attention, as their voices may be lost not only by their marginalization, but also by the particular attributes of their disabilities and the isolation in which those disabilities often place them.

Gender based Trafficking is one of the worse forms of violence against women. UN Office on Drugs and Crime (UNODC) define human trafficking as the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them. Human traffickers prey on people who are poor, isolated and weak. Women with Disability as such become easy and apt targets of trafficking and exploitation. Social exclusion, low self esteem, weak bargaining power with lesser access to education, employment and attitudinal barriers of society leave them vulnerable to fall into the trap of trafficking.

Trafficking of Women is very prevalent yet a hidden and suppressed issue. It happens in different forms and needs to come to surface in order to be tackled effectively. In spite of prevalence of Acts on violence against women and anti trafficking, the scenario remains questionable in different ways. Gaps between Anti Trafficking policies and implementation need to be identified and rectified at the same time. Though probability of women with disability to be trafficked seems high, no concrete research has been conducted and data has been established for the matter but needs attention.

Aaina, is a voluntary organization, based in Odisha, India since 1999. With the vision of working with the vulnerable sections of the society and addressing issues giving rise to such vulnerabilities, persons with disabilities, children and women became the core focus areas of the organization. Aaina has been working extensively in the State covering the rural and tribal population at one end and professionals, administrative agencies, Govt. officials and





legislators at the other end. Aaina along with other networks such as NAWO and Jainaseni has been working on the anti trafficking issue since past 15 years. The issue has been a matter of focus of attention for international bodies in India as well such as US Consul.

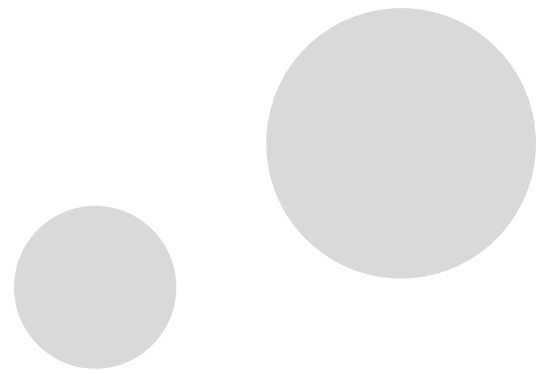
The conference shall be an open platform to bring into front the current scenarios of trafficking of women with disabilities. Social- cultural frame work, economic status and their interplay besides the legal frame work shall be considered. The conference shall involve participation of people from diverse backgrounds including Women with disabilities and their families; staff from NGO's working on gender base violence and anti trafficking, advocates, governing bodies from panchayat, village and state, staff from International bodies working in India such as US Consul, and Media.

An open dialogue among diverse groups shall help in pinpointing the subtle and hidden aspects that lead to the cause. The efficacy of current prevailing systems such as help lines, government institutions, local, state and national level NGOs in resolving the issue will be concretely discussed to identify the gaps. It will also create visibility of the interplay of trafficking of women with disability. The second day shall focus more on concrete ways to draft solution at local and policy level.

**Goal:** To have a society free of gendered based violence

**Objectives:**

- To understand and make visible the current scenario of Trafficking among women with disabilities
- To identify the interplay of culture, legal & socio-economic frame work
- To understand the efficacy of existing systems to prevent trafficking of women
- To identify the gaps in the working of existing systems to minimize trafficking





## Outcome:

The conference served as a platform for government, NGOs, INGOs, International bodies in India with social objectives, and legal bodies to understand the intricacies of the trafficking and women with disability. It reflected on what works and what does not work to minimize trafficking. A clear picture on the specific issue will help to design more effective activities and policy frame work in relation to minimize trafficking especially among women with disability. Areas requiring more coordinated efforts from different stakeholders have also come up at front.

## Convention Report

The Convention on Violence against Women with Disability: Trafficking of Women with disabilities and its Underpinning Causes initiated with the inauguration ceremony at New Marrion Hotel, Bhubaneswar on the 7th of December, 2015. The inauguration ceremony started with the lightning of lamp by Mr. Gabriel Hons-Olivier, Public Affairs Officer U.S Consulate



(Hyderabad), Dr. Minati Behera State Commissioner for persons with disabilities, Ms. Bishakha Bhanja, Convenor Jainaseni, Ms. Lalita Missal, President Aaina and Mrs. Sneha Mishra (Secretary, Aaina). The esteemed guests and participants were welcomed by offering each with flower bouquets.



The two days' convention was intended to discuss in large violence's that women with disabilities faces and how it has been emerging as a global problem. Trafficking of women is one of the worse forms of violence against women. Various anti-trafficking policies and implementation were debated and resolved at the same time. Though probability of women with disability to be trafficked seems high, no concrete research has been conducted due to lack of data and other beneficial resources required for conducting a study and moreover due to the notion that there is less probability of women with disability getting trafficked.

The conference provided an open platform to bring in front the current scenarios of trafficking of women with disabilities. Social-cultural frame work, economic status and their interplay besides the legal framework was considered. The symposium involved participation of people from diverse backgrounds including women with disabilities and their families, representative from NGO's working under gender based discrimination and anti-trafficking issues, advocates, government bodies, representative of International agencies working in India, representative of U.S Consulate and media. The efficacy of current prevailing systems such as help lines,



government institutions, local, state and national levels NGO's in resolving the issue will be concretely discussed to identify the gaps. It will also create visibility of the interplay of trafficking and women with disability.

The convention started with the welcome address by Ms. Sneha Mishra (Secretary, Aaina). She also gave a brief account of the scenario of trafficking of women and women with disabilities. Human trafficking has become a global issue adding up to the violation of Human Rights.

According to ILO (2012), 21 million people in the world are victims of forced labor. Now, the most vulnerable ones in the society are women and children, and when it comes to women with disability, it is an issue which becomes very challenging to look into and resolve. According to recent estimates, about majority of women are trafficked in the form of forced marriage and in this case the family are solely responsible for this. In case of Odisha it has been found that large chunk of migrated women is found to be trafficked to distant places as U.P, Rajasthan, Jhansi etc., where they are exploited physically, sexually and economically as well. Again majority of the women with disabilities though found to be in the labor force but trafficking for organ transplant and sex trade cannot be ruled out. They may not have a value in marriage market due to their disabilities but are easy target to be in sex trade and other exploitative situation due to their vulnerability and less power to protest or protect.

Lastly, proper implementation of policies having inclusive provisions are needed to be set up along with collaboration of the government in order to look into the cases of trafficking and adopting certain rehabilitation process including funds to the trafficked victims.

All the esteemed guests were next invited upon the dais to brief about the topic of concern according to their views and perceptions. Many constructive and valuable points were captured and noted as they spoke about the reasons behind maximum number of girls getting married outside Odisha said by **Ms. Bishakha Bhanja** (Convener,





Jajnaseni). Followed by this, it was further stressed on women being "the worse sufferers" and society still considering women as the secondary citizen hesitating to send her to school, college, office etc spoken by **Dr . Minati Behera** (Chairperson, SCPWD's).

This is in fact a matter of concern for all citizens of India, where man and woman are entitled with equal rights and values.

No one is given the right to discriminate those values and suppress woman on any grounds. **Mr. Gabriel Hons-Olivier** (Public Affairs Officer U.S Consul (Hyderabad) further focused on trafficking as comprising not only sexual and labor exploitation. But widening the context and adding the term "women with disabilities" makes it a more dreadful one. While **Ms. Lalita Missal** (President, Aaina) put an emphasis on women trafficking by narrating three case studies of women who were trafficked for sexual and labor exploitation, through a study conducted in one of the tribal districts of Odisha.

- Indian society considers woman not as a "girl/mother/sister" entity but an entity who is a burden for her family members. When it comes to women with disability, they are seen as abnormal, not worth educating, unmanageable, unworthy and dependent on family members for survival.
- Why are women still seen as "vulnerable entities"? Is this because they are affected by poverty or because the marginalized don't have an access to employment, educational opportunities and other resources?
- The Indian minds have become matured and do not consider it for real when it comes to superstitious beliefs. But when the question is about girls wanting to pursue a career the so called "orthodox beliefs" pops out from nowhere. So, this needs to be killed and removed from the roots of Indian society.



## TECHNICAL SESSION 1:

### Overview of Trafficking scenario - International, National and State Specific

**Chair:** Dr Amrita Patel (State Resource Center, W & CD Dept.)

#### Respective speakers:

- Ms. Bishakha Bhanja (Convener, Jainaseni - Anti trafficking network)
- Ms. Geetika Chandra & Ms. Sneha Mishra (Aaina)

## PROCEEDINGS:

#### Papers Presentations:

- **Overview of scenario (International to State specific)** - Ms. Bishakha Bhanja (Convener, Jainaseni - Anti trafficking network)
- **Vulnerability of women with disability to trafficking** - Case Analysis - Ms. Geetika Chandra & Ms. Sneha Mishra (Aaina)

Speaking about trafficking scenario (International to State Specific), India is a transit, destination as well as source country. It has been witnessed that India accounts for almost 90% of migration





interstate i.e. within India whereas 10% migration is found to be cross border. This has been put forward by Ms. Bishakha Bhanja while speaking about overview of trafficking. She further adds to it the following points:

- Pattern of trafficking in India is considerably different as compared to state wise outline of the scenario.
- In case of Odisha, girls are seen trafficked in huge numbers from coastal areas and districts where feudal conservative hold is very strong. This is seen to spread later on to other districts within a period of time.

In the western and southern parts of Odisha, where poverty is high and distress migration prevails, cases of forced labour are widespread.

- Government has taken certain measures to stop trafficking as the CEDAW in 1993 where article 6 talks about preventing trafficking, ratification of the UN trafficking protocol 2000 amended in 2011 and also SAARC convention on combating trafficking which had a limited scope.
- IAHTU were set up in all 30 districts having an SP Police as the chairperson in the district. IAHTU aims at prevention and detection of trafficking as well as rescue, rehabilitation of trafficked victims.

In spite all of these measures and policies set up by Indian Government, the issue of women trafficking is still at large which needs much focus and endeavor.

Now, it's not just women who are vulnerable. But when we talk about women with disabilities, the term is of much more concern. Women with disabilities are recognized as someone "invisible" and a burden for the Indian society.

**Ms. Geetika Chandra** provides a description of the vulnerabilities that WWD faces through a narration of three case studies covered. In all the three cases, one aspect that has been found similar is the nature of attitude of a typical individual towards the differently able persons.



These women/girls lack their identity, personal worth, financial



assets, and social security thus making them the most vulnerable section of the society.

She pointed out that both trafficking and disabilities are a vicious cycle. Most Women/girls move out of their places with the hope of finding a good job but later ends up begging along the streets.

On the other hand, WWD are perceived as materialistic objects and sold with the faulty claims of marriage and even sexual exploitation.

**It is unending yet nobody bothers as they are woman with disability. It is high time we give trafficking of women with disability a serious THINKING!!**

## **OUTCOME OF THE SESSION:**

- Women with disabilities are a hindrance not only to their family but also to society at large. Their limitations are a setback for which they try to remain silent if faced with any difficulties.
- Women trafficking cases in India requires a lot more serious attention. All the policy measures implemented and undertaken should be put into force to stop this extreme manifestation of dehumanization and objectification of human beings.







## **TECHNICAL SESSION 2:**

### **Policy, prevention, protection and prosecution - Combating Trafficking**

**Chair:** Dr Sruti Mohapatra (Secy Gen SWABHIMAN)

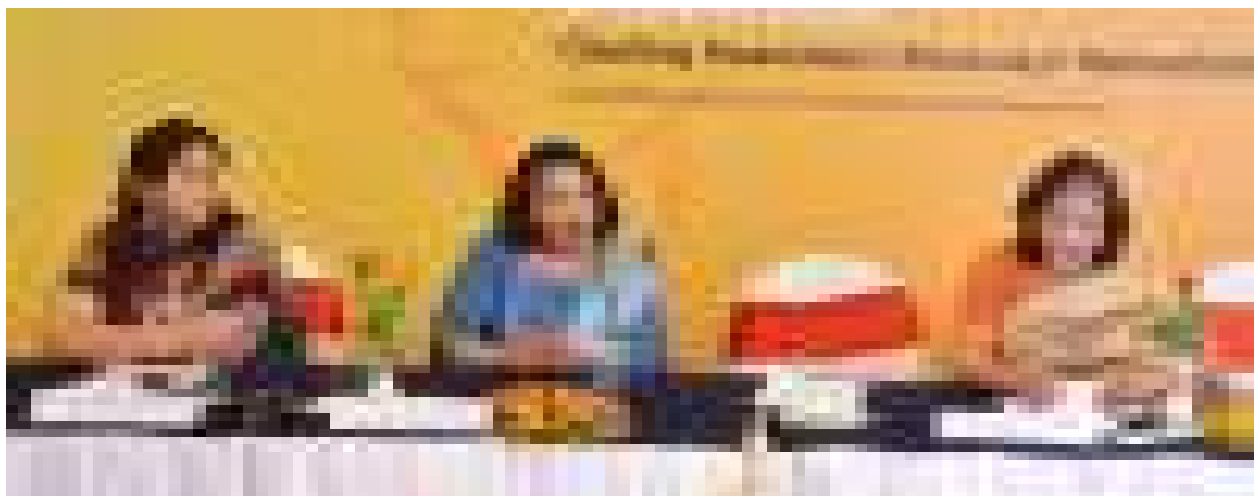
#### **Respective speakers:**

- Dr. Amrita Patel (State Resource Center, W & CD Dept)
- Ms. Sneha Mishra (Secretary, Aaina)
- Ms. Sujata Jena (Advocate, High Court, Odisha)

#### **PROCEEDINGS:**

##### **Papers Presentations:**

- **Anti-trafficking Policy in Odisha - Prevention and Protection** - Dr. Amrita Patel
- **Policy on criminalizing trafficking in persons** - Ms. Sneha Mishra
- **Prosecution of trafficking of women and victim protection legal perspective** - Ms. Sujata Jena





Anti trafficking policy in Odisha is mostly IAHTU oriented which speaks volume about formation and function of IAHTU's described by **Dr. Amrita Patel**.

She further explained in brief a short description of what IAHTU consists of:

- A policy is adopted for combating trafficking of Women and Children wide resolution no. 22171-V-UP-misc dated 21 December 2009 and amended on 25th July 2014.
- A mandate in IAHTU further explains ensuring focused attention in dealing with offense of human trafficking.
- An officer under IAHTU of the rank of Deputy Superintendent of police would head each IAHTU. He/she will be the Anti Human Trafficking Officer and would be supported by other staff.
- Besides this, there are structures provisioned for better monitoring of the policy implementation like State Level Coordination Committee on combating trafficking of women and children and District Level Committee on Anti Human Trafficking.
- Several rehabilitation procedures have been adopted out of which some facilitates the repatriation of victims rescued from brothels and other places of trafficking to their homes.
- In case of Andhra Pradesh, the government gives away 2.5 lakhs as grant to trafficking rescued persons. Whereas in Odisha, the grant is less and also quite a few number of fund disbursement has been done so far, which requires utmost attention.
- Licensing of shelter homes for rescued victims is still underway (under ITPA).



A State needs to ensure that certain policies implemented for criminalizing trafficking in persons should be effectively carried out. The penalties given should be proportionate to the severity of the offense committed. For e.g. in some states it has been witnessed that a 12 years imprisonment for trafficking offense is imposed while aggravated trafficking offense carries 25 years of imprisonment.

Also while speaking about the years of imprisonment one gets, **Ms. Sneha Mishra** puts a stress on the aggravating circumstances which includes:

- Offense resulting in serious injury or death of a victim including death by suicide.
- Person exposed to life threatening disease like HIV/AIDS
- Offense involving more than one victim
- Crime committed as part of the organized criminal group.

Persons committing the above mentioned aggravated trafficking offense will carry a maximum penalty of 20years imprisonment.

Nationally, India has developed law enforcement infrastructure as well as domestic mechanisms to address the issues of people smuggling and trafficking in persons. Drawing strength from the Constitution of India where trafficking of human beings is prohibited under Article 23 (1), the mandate for prevention and combating trafficking in persons has received significant attention from the Government.

She further added that under the Constitution, there are several enactments that give punishment to the offenders which are as under:

- **Section 374** of the IPC - A pre-constitutional enactment, punishes the offence of unlawful compulsory labour
- **Section 372** and **373** of the IPC provides for stringent punishment for selling and buying of minors for the purposes of prostitution extending to imprisonment for 10 years and fine, non-bail able, trial able by Court of Session and non-compoundable.



- **Section 361, 366 and 366a** relates to kidnapping and abduction.

After the session got over, various questions were raised and accordingly suggestions were delivered by the respective speakers and guests present. Following are a gist of the suggestions covering the entire session.

## **OUTCOME OF THE SESSION :**

- Most of the audience suggested about a separate course to be developed relating to trafficking issues of women and girls. With the help of such a course, adolescent girls will come to know about trafficking related issues and become aware.
- A mechanism should be developed further through which the middleman/ contractor can be tracked and exploited.
- Strengthening of the IAHTU is important along with working in convergence with the government.
- An RTI needs to be done to know how much a rescued person gets benefitted under the scheme.

Finally at the ending of the technical session 2, a networking activity was hosted by **Ms. Jennifer (U.S Consul)**.

She instructed all the respective audiences, members from NGO's, advocates, and working bodies present at the premises to sit all together face to face. After this, all were asked to interact and discuss on two questions which they were provided shortly.

Please refer to the table constructed in the next page for questions and the valuable suggestions delivered.



## NETWORKING ROUND

QUESTIONS	SUGGESTIONS DELIVERED
1) What gaps should we focus on when we have the government and CSO's working together?	<ul style="list-style-type: none"><li>• A proper re-integration of rescued victims should be made.</li><li>• Massive awareness campaign should be organized through different media companies.</li><li>• Communication gaps between ngo's and understanding level should be increased.</li><li>• Awareness should be made in rural areas particularly in the concerned GP's, panchayats etc.</li><li>• Empowerment of women to be encouraged for safe migration.</li><li>• Support of higher education for children of vulnerable castes should be extended.</li><li>• Village officials should strictly adhere to the registration of migrant women at pabnchayat levels.</li><li>• Proper mechanism needs to be implemented at the grass root levels to check on trafficking.</li></ul>
2) If resources were no problem, what activity would you do to combat trafficking?	<ul style="list-style-type: none"><li>• Poverty should be addressed and trafficking should be reduced through strengthening of different schemes under MNREGA.</li><li>• Discussion on poverty and illiteracy should be given importance.</li><li>• Regular meeting of network and discussion on various services needs to be carried out.</li><li>• Awareness and proper education needs to be imparted among the concerned group specifically children and youth.</li></ul>



### **TECHNICAL SESSION 3:**

#### **Understanding the nuances - Developing Strategies to Address**

**Chair:** Mr. R.K. Sharma (Asst. Director, VRC)

#### **Respective speakers:**

- Mr. Lalatendu Mohanty (Fellowship, Bhadrak)
- Mr. Surajit Mohanty (Seva Mandir)
- Ms. Subhashree Ray (Pragati, Sundergarh)
- Ms. Usha Pattnaik (GUC, Nayagarh)

#### **PROCEEDINGS:**

##### **Case Studies:**

- Case Study 1 (Saraswati Sahoo)
- Case Study 2 (Tumuli Moharana)
- Case Study 3 (Manini)
- Case Study 4 (Sabitri Sahoo)
- Case Study 5 (Rashmita)
- Case Study 6 (Sulochona Behera)

**(Please refer to Appendix at the end of the report for detailed case studies)**



After the successful completion of the case studies presentation, three groups were formed and three different case studies were handed over to them. The next, all of the three groups were advised to go through their respective case studies and provide with an overall analysis towards the themes provided in a sheet of paper. A reference to the same is provided below.

This was conducted to know the audiences understanding level in terms of problems faced by trafficking of women with disabilities, and what possible interventions can be taken to tackle it.



**OUTCOME OF THE SESSION:**

The themes included the focus on problem identification of trafficking of WWD, intervention and steps that can be taken to prevent trafficking, and possible interventions at policy and program level to prevent trafficking of women with disability. The suggestions and opinions gathered from the audiences were quite fruitful and beneficial.





## CASE ANALYSIS: GROUP WORK

<p><b>THEME 1:</b> Focus on problem identification trafficking of women with disability and their specific vulnerabilities.</p>	<p><b>SOCIAL CAUSE</b> – She belonged to a poor and marginalized family. Illiterate and lack of awareness in the community.</p>
	<p><b>ECONOMIC CAUSE</b> – No source of regular income and no scope of access to government facilities.</p>
	<p><b>CULTURAL CAUSE</b> – Community pressure for marriage. Prevalence of taboos regarding marriage.</p>
	<p><b>OPTIMUM SERVICES</b> – Marriage registration at panchayat level. Awareness and publicity.</p>
	<p><b>COMMUNICATION GAP</b> – Reality Vs Imagination.</p>
<p><b>THEME 2:</b> Focus on intervention and steps to be taken</p>	<p><b>STEPS TO BE TAKEN BY COMMUNITY TO PREVENT TRAFFICKING:</b></p> <ul style="list-style-type: none"> <li>• Awareness rising at community level for different stakeholders.</li> <li>• Registration of marriage at different GP level.</li> <li>• Formation of vigilante /committee/watch group.</li> <li>• Unsafe migration to be eliminated and checked into.</li> </ul> <p><b>LOCAL AUTHORITY</b></p> <ul style="list-style-type: none"> <li>• Rescue and rehabilitation</li> </ul>
<p><b>THEME 3:</b> Intervention at policy and program level to prevent trafficking of women with disability.</p>	<ul style="list-style-type: none"> <li>• Lack of responsibility undertaken by AWW for girls (10-19) years.</li> <li>• Community level support to be extended to trafficked women rather addressing them as victims.</li> <li>• A girl should know the place she is going after migration; also her family members should be aware of the same.</li> <li>• G.P level registration on migration must be followed or legalized by govt. stakeholder.</li> <li>• Prohibition of immoral trafficking</li> <li>• Implementation and strictly monitoring of different law related to migration.</li> <li>• Modification required in our existing law to protect.</li> </ul>





## **DAY 2:**

### **CONVENTION OF TRAFFICKING OF WOMEN WITH DISABILITY**

The second day of the convention started with a brief recapping of the 1st day by Mr. Dillip Biswal, Project Director, Aaina. The respective guests present were Mr. Debabrat Patra (Chair, Regional Manager, Actionaid India), Mr. Umi Daniel (Regional Head, Aid et Action), Ms. Lalita Missal (State Coordinator, NAWO), and Ms. Bharti Birla (ILO).

#### **TECHNICAL SESSION 4:**

**Safe Migration - Understanding the thin line between migration and trafficking and its implication on women.**

**Chair:** Mr. Debabrat Patra (Chair, Regional Manager, Actionaid India)

#### **Respective speakers:**

- Mr. Umi Daniel (Regional Head, Aid et Action)
- Ms. Lalita Missal (State Coordinator, NAWO),
- Ms. Bharti Birla (ILO).





## PROCEEDINGS:

**Mr. Debabrat Patra** started the session by providing a brief about migration and the various challenges faced.

It is estimated that every year, at least 3 lakh people migrate from Odisha to other parts of the state or India among whom women and children are found to be the most affected.

While discussing on "Ensuring safe migration to check trafficking - policy and practice" **Mr. Umi Daniel** focused on some tragic incidents faced by some women migrants in Odisha.

- Studies in Nayagarh and Kalahandi districts of Odisha were very terrible. In one of the cases, it was found out that two of the laborers hands were cut off working in brick kiln industry. The reason for such inhumane behavior was that they were not performing their work on time. So the Dalal had their hands chopped off. Out of 100 brick kiln cases investigated, 10,000 children were found to be physically exploited.
- While conducting a study at Raipur city Mr. Daniel explained that no basic social security was provided to the women workers, thus targeting them for trafficking. There should be at least some policies or amenities for women and child migrants to ensure safe migration in the rural areas.
- Till date a huge number of women and child are being trafficked; though not all data are found. No monitoring on rehabilitation and rescue is done. Finally, to deal with this, the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was regulated. It is a unique act, enacted to regulate the condition of service of interstate laborers in Indian labor law particularly looking into Odisha case. In this act, nothing has been discussed about women as a migrant. Thus not all data are found for trafficked women, without which no law enforcements are going to be fruitful.

While speaking on safe migration, **Ms. Lalita Missal** addressed the audience starting with the Human Trafficking Protocol in the 2000 UN Convention on Transnational Organized Crime.



The Human trafficking Protocol in the 2000 UN Convention on Transnational Organized Crime includes the definition of trafficking that is now widely used as an international standard. The trafficking definition has three parts:

- Actions: the recruitment, transportation, or receipt of persons;
- Means: threat or use of force, coercion or deception; and
- Purpose: exploitation (e.g. sexual exploitation, forced labour, slavery or removal of organs).

Women are seen now migrating independently leaving behind their family members at home. Thus they fall under the physical and sexual exploitation after starting their work at brick kiln industries/ as domestic labors/ daily wage labors etc.

The number of cases of women being trafficked is still unclear at this point because not all data is found about trafficked women and undocumented women migrant workers. So, we should stress on appropriate data collection and advocate for proper documentation policy.

Problems faced by migrant women workers are many which include:

- They receive low wages for which they migrate and eventually get exploited.
- After they get exploited by different sections of the society, the family members look them with suspicion and do not provide a place in the society making them more vulnerable.

The State Mechanisms, Civil Society Organizations and through the help of rescue and rehabilitation a large number of women have been brought back to their comfort zone.



- State Mechanisms for migration namely **Inter-state migrant worker's regulation of employment and construction of Act 1979** was mainly brought to the front for safe migration. But this act still has not been successful in providing the rights for women workers as government don't consider the women migrants as workers, thus keeping them away of their facilities.
- Civil society organizations contributed immensely towards safe migration which includes awareness creation on rights and entitlements of women migrants, registration .of women migrants at Panchayat level. Pre-departure meetings to be carried out which will include providing competent skills of negotiating wages of labor work after women gets migrated to distant places, increasing knowledge regarding bargaining power etc. NAWO (Odisha) has successfully planned to implement such meetings at almost all the 30 districts, out of which 14 have been already accomplished in Panchayat level discussions.
- Rescue and rehabilitation through advocacy for inter-state coordination with destination states done. The major area that further needs to be looked into is marriage aspect of Odisha.

Ms. Bharti Birla (ILO) on "Forced labor and vulnerabilities of women with disabilities focused on "Forced labour and vulnerabilities of women with disabilities". She brought into light what forced labor means and how both forced labor and women with disability are inter linked.



"All work or service that is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"(ILO C 29 Article 2 (1).

The indicators of forced labor include:

- Abuse of vulnerable
- Deception



- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage

Most of the people think that forced labor is null or very less in a developing country like India, in global perspective. But in reality it has been seen that 2.2 million women are in forced labor according to UN Global estimates. Total profit benefitted from forced labor includes US \$ 150 billion per year.

In case of India, it is seen that about 4-5% of the population is of persons with disability (40-80 million), but only about 0.1 million have succeeded in getting employment in industry. 68% of India lives in rural areas (2011 census). Hence the people with disability in rural areas are also higher and remains disconnected from skills and markets. Literacy levels are low, 51% of persons with disability are not literate; 26% reach up to the primary level; 6% middle level and only 13% secondary level and above.

Among persons with disability, there are, approximately, between 5 and 5.5 million in the 12-24 years' age group in India.

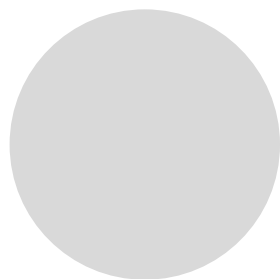
According to the Protocol and Recommendation Supplementing Convention 29 (2014); the protocol makes trafficking in person a criminal offence. The following are included under this:

- All victims, irrespective of their presence or legal status, have access to remedies & compensation.
- Ensure that competent authorities do not prosecute or impose penalties for their involvement in unlawful activities which are a direct consequence of being subjected to forced or compulsory labour.
- Ensure the prevention and elimination of all forms of forced/compulsory labour.



## OUTCOME OF THE SESSION:

- Women are working as migrants but still not registered as migrant workers. After migrating, they get no surety regarding the place where women get migrated and the living conditions of the place migrated to.
- Regarding registration of migrant women, it is true that still many cases have been left out relating to lack of sufficient data. No policies have been succeeded in providing a clear cut idea regarding registration of migrant women as workers.
- The governments need to implement a policy for tracking the women migrants. Though registration is done but still in many Panchayat level areas, the registration process is not adopted.
- Designing of a prototype is essential to track women inter-intra state migration through devising and scheming a digital platform.
- In Odisha, it is mainly found that 10million are actually migrating out of 1/4th total population and when one categorize who are migrating for what purpose, one does not find the exact cause. When one categorize in terms of gender migration, it is seen that 80% of women are migrating to places and the reason behind this being marriage.
- One of the important highlighted idea was "How should one stop distress migration"? A commercial policy needed to be set up to stop distress migration.





## TECHNICAL SESSION 5:

### "The Service Providers perspective and challenges - Inclusive approach"

**Chair:** Dr. Deepa Prasad, State Coordinator, UNFPA

#### **Respective speakers:**

- Sukant Chottaray (BHAIRABI CLUB)
- Usha Pattnaik (GUC, Nayagarh)
- Pushpa Pattnaik (PROJECT SWARAJYA)
- Manoj Tripathy (Program Manager, OSCPS)
- Prof. Asha Hans (SMRC)

#### **PROCEEDINGS:**

The fifth technical session instigated with speaker **Mr. Sukant Chottaray** speaking about "Perspective and challenges for service providers of Swadhar home - Inclusive Approach"

- Assumptions undertaken by Swadhar Homes includes: the stigma and marginalization of women with disabilities creating a particular vulnerability. The parents of women with disabilities see no hope for jobs and marriages for their children with disability. It is seen that societal barriers acts as a limit towards accessibility of women with disabilities.
- There are also certain provisions of services under Swadhar home like accommodation, food, medical facilities, psychiatric treatment, recreation, counseling, behavior management, aids and appliances, vocational training, sign language interpreter and sewing machine etc. Challenges faced so far includes social stigma, accommodation, social structure and attitudinal barrier, communication, lack of knowledge, social security, emotional disturbances, economic empowerment, parental reluctant, rehabilitation and vocational training.



- **Ms. Usha Pattnaik** informed about IAHTU. The structure of IAHTU is limited to a particular extent. Three NGO's representatives are taken, including Head in unit who inspects the Nodal Officer. In every unit, the police have to perform a lot of exertion and also sensitization towards trafficking related issues. The basic government policies for trafficked girls/women fail to reach at the grass root level. Till date it has been seen that the organizations/CSOs working under trafficking issues formed but have not met the light of the day. The IAHTU has just been formed but has not much strengthened in the districts.
- Speaking about Project Swarajya **Ms. Pushpa Pattnaik** stressed more on trafficking cases after the Kandhamal riots of 2008. During that period of time Swadhar, started a shelter home at Kendrapara. They started providing skill development and rehabilitation services for almost 2-3 years. Even after the rehabilitation, once they got out of the shelter homes, their authorities followed up with the nature of their stay unless and until they were fully rehabilitated.

India has signed and ratified both the UNCRPD (2007) & CEDAW (1993). There is a constitutional provision of gender equality. However none of the Disability Laws include women's rights.

Putting a major concern on the topic **Prof. Asha Hans** on "Disability sector perspective and challenges - inclusive approach" stressed on right to education saying "The Right To Education Act 2009", though talking of girl children has not recognized the multiple discrimination experienced by girl children with disabilities. Policies on education are silent on the coverage and the focus needs to be accorded to girls and students with disabilities within the education system.



- Lowest educational enrollment and attainment is of children with multiple disabilities, speech and hearing disabilities..





- A paper on Women with Disabilities published by the National Trust also provides evidence that girls with disabilities are less likely to attend schools compared to boys with disabilities. The main reasons behind this are communication barriers and absence of a congenial learning environment.

She further put forward her concern in some of the important points that still needs to be covered in the UN Convention of Human Rights. The following are:

- Issue of trafficking.
- Few years ago, a shadow report was produced to CEDAW in India and it was found out that the highest number of trafficking of women with disability are found in the Northeast (Burma and Assam) borders. In Andhra Pradesh and Karnataka maximum number of trafficked women survivors have faced domestic violence.
- It is a generally held up notion that women with disability are asexual. But fact remains women with disability are trafficked to sex trade even though considered as asexual and do not have place in marriage market. This needs special attention while doing research.
- Lack of migration data makes it difficult to know the number of women being trafficked so also women with disability. There is no inclusion when it comes to women with disabilities.
- Government should take up policies and provisions regarding shelter homes for rescued women/girls with disabilities.
- Institutionalization is not the only solution but provision of women with disability in Institution needs to be made.
- Community Based Rehabilitation should be adopted as a practice for better rehabilitation of trafficked survivors.



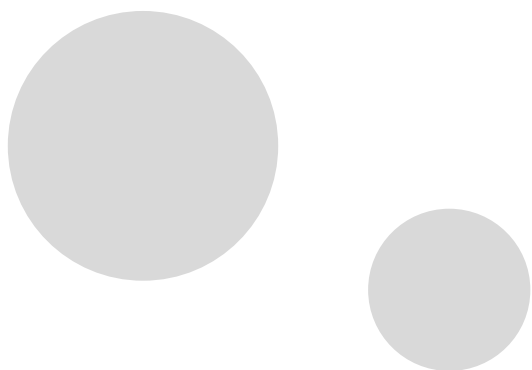
The achievements of trafficking cases have been successful in collaboration of CSO's and NGO's. Speaking about operation MUSKAAN **Mr. Manoj Tripathy** showcased about the remarkable accomplishments that were spread away to distant places and a total of 87 trafficked children were rescued.



Out of total 252, 201 are going to schools. The preventing part is by Block Level Children Protection Committee (BLCPC). Till now a total of 5037 BLCPC's constructed in 314 blocks. However, there is still a requirement to train the personnel to deal with the issues of children with disability.

## **OUTCOME OF THE SESSION:**

- There is a serious need of the hour regarding data on trafficking of women
- CRPD and CEDAW needs to work more on the issues of WWD's.
- Social Media should be often used to highlight the issues related to trafficking of women with disabilities.
- Funds should be raised accordingly, which is dependent on the government as to the number of rescued victims should be supported with financial assistance. Sponsorship should be provided to the joint accounts of both the parents and the child.





## WAY FORWARD:

### CONCLUDING SESSION OF THE 2 DAYS CONVENTION ON TRAFFICKING OF WOMEN WITH DISABILITIES

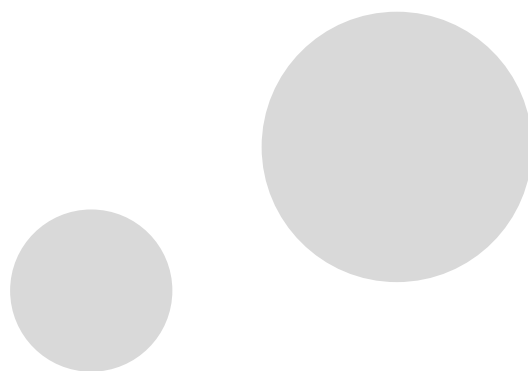
- Community needs to get involved and keep a close watch on trafficking.
- Girls should be educated and made aware regarding trafficking issues of women and children.
- Anti-poverty schemes need to be implemented covering the vulnerable families.
- Proper implementation of inter and intra state migration policy and proper documentation.
- An RTI needs to be filed in order to know the number of people supported with the rehabilitation fund, given under victim compensation scheme with category disaggregation.
- Prosecution mechanism needs to be strengthened while following cases
- Evidence needs to be collected before identifying the nature of trafficking.
- Advocacy to amend interstate migrant workmen act 1979.
- Review of ILO convention 159 (vocational rehab of PWD's) and lobby with the government for creating opportunities as per the convention for people with disabilities.
- Lobby with the government to recognize women as workers and not as spouse of labour and ensure their social security.
- Data on trafficking of women with disabilities is a need of the hour.
- Identify related information should not be the base for rehabilitation as WWD go through identity crises
- Using CRPD & CEDAW more to work on issues of WWDs



- Using social media more to highlight issues related to WWDs
- Institutionalization is not the solution.
- Research Agenda- sexuality-marriage- trafficking.

**Ms. Sneha Mishra** (Secretary Aaina) delivered a vote of thanks where she stressed that the government and the mainstream society should take a look into the issue of women trafficking with a wider perspective and specifically to the issue of trafficking of women with disabilities. So that by making small step we can **help one another and create a better "TOMORROW"**.

XXX





## LIST OF GUESTS

SL NO.	NAME	ORGANIZATION/ DESIGNATION
1	Mr. Gabriel Hons-Olivier	Public Affairs Officer, U.S. Consul (Hyderabad)
2	Ms. Lalita Missal	President, Aaina
3	Dr. G Pattnaik	EC member, Aaina
4	Ms. Sneha Mishra	Secretary, Aaina
5	Ms. Bishakha Bhanja	Convener, Jainaseni – Anti trafficking network
6	Ms. Jennifer Goldstein	Assistant Public Affairs Officer, US Consulate
7	Ms. Neha Kaniker	Alumni Relations Coordinator (Public Affairs Section), US Consulate
8	Ms. Amrita Patel	State Resource Center, W & CD Dept
9	Mr. Pradyumna Ku Rath	EC member, Aaina
10	Dr. Minati Behera	Chairperson, SCPWD
11	Ms. Nalini Nayak	SEWA
12	Mr. Ram Kishore Sharma	VRCH, Govt. of India, Bhubaneswar
13	Ms. Sujata Jena	Advocate) Orissa High Court, Cuttack
14	Mr. Umi Daniel	Regional Head, Aid et Action
15	Mr. Debabrat Patra	Regional Manager, Action Aid
16	Dr. Deepa Prasad	State Program Coordinator, UNFPA
17	Ms. Arpita Pattnaik	MIS Officer, PACS, Odisha
18	Ms. Asha Hans	Sanshirsti SMRC
19	Mr. Sukant Chattaray	Bhairabi Club
20	Dr. Sruti Mohapatra	Secretary Gen, SWABHIMAN
21	Mr. Manoj Tripathy	Program Manager, Odisha child protection Department).



## LIST OF PARTICIPANTS

SL NO.	NAME	ORGANIZATION
1	Janardan Ram	SANDAYP, Puri
2	P. K Dutta	AISA, Phulbani
3	Prabhudutt Rath	IGNOU, Bhubneswar
4	Pramod Kumar	OAD, Bhubaneswar
5	Pushpa Jee	PROJECT SWARAJYA
6	Subhashree Roy	PRAGATI
7	Sagarika Sahoo	OLS
8	Deepti Das	Activist
9	Lalatendu Mohanty	FELLOWSHIP
10	Reena Mallick	ISD
11	Sujata Mohapatra	SANDHANA FOUNDATION
12	Pramila	NAWO
13	Sabita Snehapatra	SAHAJA
14	Kriti Mishra	CRS
15	Anjana Guha	CRS
16	Surjit Mohanty	SEVA MANDIR
17	Amaga Negi	RARE
18	Usha Pattnaik	GUC, Nayagarh
19	Sarmistha Rout	PROJECT SWARAJYA
20	Bharti Birla	ILO
21	Annapurna Rout	JEETA
22	Prabhat Ranjan Swain	SAHAYA
23	Swarajini Behera	NIRNAYA
24	Subhashree Samal	NIRNAYA
25	Ajay kumar jena	Parivaar Organisation
26	Bijay Kumar Panda	ODISHA ASSOCIATION OF DISABILITY



## APPENDIX

*(Name of the survivors were kept confidential and fake names were provided for reference)*

### **CASE STUDY 1: SUNITA SAHOO**

The name of the victim is Sunita Sahoo aged 34 years. The nature of her disability was hundi (less I.Q). She belonged to a backward community and the economic status was very poor. The family contacted a middle man and fixed her marriage. The groom paid the money to the family in exchange for Sunita.

After being trafficked she faced various problems like difficulty in understanding the language, different food, ill health, health services nil, unable to express her feelings. Later on she was identified by fellowship's volunteer in 2013 and was enrolled as a member in the local SHG. Under economic programme of the NGO, she was given two goats and the case is being followed up regularly.

### **CASE STUDY 2: KAMALA PRADHAN**

The name of trafficked women is Kamala Pradhan aged 34 years. The nature of her disability was hundi (less I.Q). She belonged to a backward community and the economic status was very poor. The family contacted a middle man and fixed her marriage.

After being trafficked she faced various problems like difficulty in understanding the language, different food, ill health, health services nil, unable to express her feelings. The girl was trafficked through a middle man who arranged the marriage. She was sent to Uttar Pradesh before the marriage. Her husband was a daily wage laborer. She was subjected to physical abuse. Later on she managed to convince her husband to visit Odisha. Her husband brought her to railway station, got her to an Odisha bound train and left.

Later on she was identified by fellowship's volunteer in 2013 and was enrolled as a member in the local SHG. Under OLM programme (Amabadi Yojana) of the govt., she was registered and also covered under health insurance scheme (Swasthya Bima Yojana).



### **CASE STUDY 3: PRABHATI MISHRA**

Prabhati is a mentally ill girl and was married in Nayagarh. Later she was deserted by her husband because of her unstable mental condition. In this situation her father who was easily motivated by a mediator sent her to Jhansi. The reason for trafficking was Poverty and gender biasness. The form of trafficking is "fake marriage"

She had to perform all the household activities and work in the agriculture field for the whole day. During any illness she never visited a doctor. Prabhati's husband took her back to Daspalla and left her after one year. Now she stays with her parent and a daughter.

The steps taken by GUC -

- Counselling
- Economic support to the family for dry-fish business
- No legal action was taken as the parents denied

### **CASE STUDY 4: BABITA BISWAL**

Babita Biswal is a 30 year old illiterate women. Before being trafficked she used to do household work. After several years, she found a work and started working as a maid servant. She is a differently abled person (lame). Because of the physical problem and poverty situation Babita's father Chhatia could not arrange marriage for her. In the meantime, Rama of Korada village(who was married in Jhansi before) contacted her father for marriage in Jhansi and her father agreed to the proposal. Rama's husband came with Krushna of Baruasagar, a very old person and they married in a temple. There was no proof of the marriage.

During the time of illness, Babita had to work and if there was need of any medicines then she had to bear that amount from wage earned. Babita said she was tortured by the family members both physically, sexually and mentally.

Support from GUC were counseling, participating in different awareness programme and economic support. No legal actions were taken.





### **CASE STUDY 5: SARITA**

Sarita belong to a very poor family. She lived with two brothers and three sister. The entire family depends upon her father's income, who was a daily wage labour. They lived in miserable conditions.

Sarita used to move here and there. One day she came into contact with an unknown person. The person motivated her and her family and finally she left her village and went to Delhi. Because of her poor condition, she went to Delhi to earn. Though she worked as domestic help in three different houses but could not receive a single paisa from any of the house owner. The payment was made to agent. There she was also abused sexually by different persons.

One day she walked on the street. Police caught her and kept in Nariniketan.

Her parent filed a missing case in Sundergarh police station, also informed PRAGATI about the girl. Then PRAGATI team discussed with police personnels, arranged all the required documents that needs to be produced while rescuing and rescued her from Delhi. After rescuing the girl, they found that she was highly traumatized and in a mentally depressed condition. She was counselled. Even after 7 months of treatment, her behavior couldn't be changed.

**No legal action by the organization has been taken so far.**

### **CASE STUDY 6: MANJU BEHERA**

Manju Behera is a 32 years old woman who is very poor. Her uncle proposed her that she would be married to a man in UP. She stayed there for 6 years with her husband, and her brother in law and got physically and mentally tortured by them. She also went to 2-3 family for cleaning room and manages the family. Her husband comes home drunk and physically exploits her.

**No legal actions have been taken so far because of her illiteracy and low economic status.**







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