



Sex Trafficking in India

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1 Introduction

The right to freedom is a fundamental right outlined in the United States Constitution. Yet, there are people around the world, who are not free to live their own lives. Trafficking of a human being is a global problem. There are even individuals who participate in trafficking without the knowledge of what they are really contributing to. A common example is household help employed by Indian households. There are agencies that arrange household help for families in need of such help. The problem with this service is that the household help arranged by these agencies are sometimes, underage minors or adults, who owe debts to landlords or money lenders from multiple past generations. Therefore, they themselves, their family, the landlords, or the money lenders will sell them to pay back the debt. The families hiring the help are at times unaware of the trafficking situation.

This example of household help is one of the various forms of human trafficking [1]. The United States Department of State defines human trafficking as selling, trading, exchanging, or transferring a human being for labor, sex, money, or other commodities. Current surveys, like the Trafficking in Persons (TIP) report published by the USDS, report millions of children, women and men are trafficked for various forms of profit [2]. The U.S. Department of State works to distinguish trafficking and smuggling. Smuggling, in relation to trafficking, involves an individual who may voluntarily agree for the act and later becomes a victim of trafficking [3].

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2 Forms of Trafficking

Human trafficking can occur in various forms, such as labor trafficking and sex trafficking. Sex trafficking is trafficking for the purpose of sexual exploitation. Sexual exploitation is forcing an individual to engage in commercial sex, such as prostitution or production of pornography through fraud, force, or coercion. Commercial sex exploitation is more common in certain risk groups, such as runaway and homeless youth [4]. International movement is another area that needs attention when talking about sex trafficking. Victims are trafficked not only within a country, but they are trafficked between countries as well [5]. In India, foreign nationals from neighboring countries, such as Nepal and Bangladesh, are sold for sex trafficking in India [6].

3 India in Relation to International Trafficking Standards

The Trafficking Victim Protection Act of 2000 (TVPA) is a requirement from United States Secretary of State to submit a list of problem areas to legislative bodies in countries that require special scrutiny and monitor the progress made by these countries in combating human trafficking. The Trafficking in Persons report classifies countries into 4 Tiers. Governments that comply with the minimum requirements of the TVPA are Tier 1. Tier 2 belongs to countries trying to meet the minimum requirements outlined by the TVPA, but fall short of these requirements. Most countries make it onto the Tier 2 watch list because, either, the number of victims in those countries keep increasing, or there is a failure to provide evidence of increasing efforts to combat trafficking. The countries who do not meet the minimum requirements and are not making efforts to meet the requirements are Tier 3 [7].

Trafficking across international borders is common, and the majority of these victims end up forced into commercial sex and prostitution. Certain countries have high rates of sex trafficking. India is among the Asian countries where sex trafficking is at peak. The United States Department of State has put India on the Tier 2 watch list on the Trafficking in Persons report, along with a warning to down grade it to Tier 3 unless it improves its records on trafficking [8]. Sex trafficking is not only common within India, but women and children are trafficked outside of India to Gulf countries and Southeast Asia. India is also a receiving end for women and children enroute from Nepal and Bangladesh. Illiteracy and poor financial background are key victim factors in trafficking. On the other hand, the common profile of the perpetrator is an individual who identifies themselves as a savior to the victims in need of money or a stable job and lures the victims into sex slavery by making promises to get them a stable job in a big city. The mobilization of people from rural areas to cities further aides the perpetrators to move the victims across India [6].

4 Statistics of Sex Trafficking in India

The Indian government identified 6622 trafficking victims and a potential 694 trafficking victims in 2020, compared to 5145 trafficking victims and potential 2505 in 2019. Additionally in 2020, the authorities identified that there were 5156 labor trafficking victims, 2837 bonded labor victims, and 1466 sex trafficking victims. The National Crime and Records Bureau reported 1714 trafficking cases under the Indian Penal Code. The numbers have decreased compared to 1830 in 2018 and 2088 in 2019. There are still concerns about underreporting by Indian government. As an example, there are eight million Indians in labor trafficking, but the Ministry of Labor and Employed reported that India has identified and released 313, 962 bonded labor victims since 1976. Of these, 99% of trafficking victims were Indians, 59% of victims were females, 41% were males, 47% of victims were children, and 53% were adults [9].

5 Risk Factors for Sex Trafficking

Sex trafficking victims can be from any age group, sex, and economic status. Adults, minors, and people with various educational levels are all prone to trafficking. Traffickers use a tailored style of enlisting and then controlling the trafficking victim. Although, trafficking victims can be from any strata of the society and from any age-group, but there are risk factors that make certain individuals more vulnerable. Youth on a run from their homes and youth who are homeless are especially vulnerable [2].

6 Mental Profile of Sex Trafficking Perpetrators

Both human trafficking and sex trafficking are a violation of an individual's basic rights of freedom. One wonders: what is the mindset of the people who indulge in such criminal acts of violating other people's rights? To understand the process of trafficking, it is worthwhile to explore the criminal minds of perpetrators involved in such crime. Based on the information available majority of trafficking perpetrators are men [10]. The first person who lures the victim into trafficking shares the same citizenship, which means it is the local criminals that enlist the victim, and then pass them into international criminal networks. These local criminals use various tactics to not only gain a victim's trust, but also threaten harm to them and their families if victims refuse to participate in the crime [11].

Sex traffickers groom and gain trust of runaway children, and then, repeatedly exploit them. They gain trust by making promises, buying gifts, and showing the victims that they are the only ones that care for them [12].

To exert control over the victims, the perpetrators will scare their victims with threats and false fears. They threaten the victims about homelessness, incarceration, and label the victims as a source of shame to their families. If nothing works on the

victim, then the perpetrators will use the last resort of depicting the worst-case scenario, which is that the victim will never be able to reintegrate into society after leaving the sex trafficking ring. Traffickers cut off victim's engagement in the community and do not allow them to speak with anyone, including health care providers. Victims are taught to believe they cannot trust anyone other than their traffickers. For the traffickers, victims are only a source of income, and a commodity to keep running the sex trafficking business. In rare instances when victims attempt to run, the trafficker will threaten to call police and incriminate them for participating in commercial sex. Thus, exerting control over another human being and traumatizing them to follow traffickers command is the basic psychological tactic used by the traffickers [13].

Human traffickers themselves are more likely to have been a victim of physical or sexual abuse at an early age. They could have been victims of domestic violence, having witnessed their mothers beaten by their male partners [14].

7 Red-Light Areas of India

As a child unaware of the implications of sex trafficking, this author frequently walked past the red-light district of the city of Nagpur, Maharashtra in India. The sex trafficking rings operate from these red-light areas, which are the brothels of commercial sex in India. It is here where the victims are sold off into a life of sex slavery. In these red-light areas, the conditions of sex workers are deplorable. Society and legislators shun sex workers and do not prioritize sex worker's needs [15].

Brothels are not legal, yet there are multiple red-lights districts operating in India. Law enforcement agencies receive commissions from these "so called" brothels, and therefore, they operate without trouble. The story of Munni, a sex worker from one of these districts, gives insight to the law enforcement officials' criminal involvement in supporting the brothels. One night, Munni ran away and approached a police officer who, along with his friends, raped her and brought her back to the brothel [16].

Sex workers are not aware of their health care needs, and they are afraid that health care workers will stigmatize them. Poverty is another factor that prevents them from seeking health care for contagious diseases and sexually transmitted diseases (STDs). Because of poor living conditions, contagious diseases and STDs are rampant in red-light districts. Lack of medical treatment can lead to grave consequences, including disability and demise. There is an ongoing debate about decriminalizing sex work, so sex workers may seek help from medical personnel and law enforcement. The counter argument is that legalizing commercial sex will increase demands leading to further increase in sex trafficking [15].

8 Indian Laws Related to Sex Trafficking

Indian legal systems recognize the impact of human trafficking. There are legal ramifications for sex trafficking and various forms of labor trafficking. Under Section 370 of the Indian Penal Code, trafficking is a criminal offense which involves various exploitations such as sexual exploitation, physical exploitation, and any practice of slavery. The penalty for this kind of law violation involves 10 years of imprisonment and monetary fines that vary based on whether the victim is underage or not. The major difference between Section 370 of the Indian Penal Code and international law is India requires use of fraud, coercion, or force for child trafficking, which results in some forms of child trafficking not being criminalized by the law. This is a major concern because when we consider the child's age, an underage child cannot consent, so there should be grave legal consequences due to it. The Indian legal system has addressed this discrepancy in Section 372 to 373 as it criminalizes child prostitution and eliminates the requirement for the use of force. There are other laws under which child sex trafficking is criminalized in the legal system. Protection of Children from Sexual Offences Act (POCSO) and the Immoral Traffic Prevention Act (ITPA) are two legal acts criminalizing offenses that are related in any manner to sex trafficking. The Republic of India is striving to enact more anti-trafficking laws; however, individual Indian states have poor coordination between themselves, and this weakens trafficking investigations across the country. Furthermore, due to lack of coordination, a victim has limited ability to obtain services and file criminal and civil cases in their home state. To address this, the government has sought input from various sectors of society, such as legal experts, survivors of trafficking, and other civil agencies to draft future legislation against human trafficking and sex trafficking [9].

9 Effects of COVID-19 Pandemic on Sex Trafficking

The isolation measures used to control the COVID-19 infection had the entire globe struggling in its efforts to adjust to the stay-at-home orders. The global pandemic impacted the human trafficking and sex trafficking world as well. In most ways, it had an adverse effect on the world's trafficking victims. The criminals of sex trafficking adapted to the changes and started using sophisticated technological communication modes to conduct underground systems of crime. At the same time, COVID-19's isolating measures afflicted the legal system so much so that criminal prosecution slowed down. It was necessary to divert the police force dedicated for sex trafficking to manage pandemic efforts and enforce the curfews and isolation. Law enforcement focused on other crimes, such as murders, thus loosening their hold on criminals involved in the sex trade. In addition, the pandemic slowed law enforcement training on anti-trafficking laws and regulations. The Centre responded to the pandemic by starting virtual trafficking prevention training in states of Karnataka, Kerala, and Tamil Nadu. These sponsored online trainings for deputy superintendents of police focused on education about human trafficking and crimes

against women and children. During the COVID-19 pandemic, victims filed online applications and legal proceedings resumed virtually [9].

The Indian Supreme Court encouraged lower courts across the nation to continue hearing trafficking cases through virtual means. Although the hearings were conducted virtually, the testimonies were not recorded, which again resulted in delays in prosecution [9].

Even with however successful, the courts were to adjust legal proceedings, the human trafficking and sex trafficking trade had major advantages during the COVID-19 pandemic. Multiple industries, including garment, farming, manufacturing, and domestication were shut down. People with low incomes faced further financial restraints and lost wages, which left this already vulnerable population even at more risk for abuse and victimization. During the pandemic and isolation orders, more adults and children were online for work, learning, and socialization. With these newer outlets, children and adults were more at risk for ongoing sex crime, grooming, and recruitment of victims via online technologies [17].

For the victims who were still in confinement, such as sex slavery, living conditions became worse. During the curfews and stay-at-home orders, it became easier to hide sex trafficking. Restrictions of movement affected the victim's ability to be identified by non-government organizations (NGOs) or law enforcement officials. They had even more limited access to health care services, including mental health services and informal support networks [17].

10 India: A Market for Sex Trafficking of Non-Indian (Foreign) Children and Women

India became a market for sex trafficking foreign nationals from adjoining countries, such as Bangladesh and Nepal. In addition, there are women trafficked from Uzbekistan and Thailand to work in Indian sex trafficking industry. These sex trafficking rings work under the pretext of massage parlors, where foreign nationals provide massages and sex services. These traffickers terrorize the victims and hold them captive: their passports are seized upon entry in India, they are provided forged documents to stay in India, and they are groomed to provide false information to the embassy. Even after rescue, they are stuck in India as they might be missing legal paperwork to return to their home country. Therefore, it is essential that foreign nations enter into an agreement with India to repatriate rescued sex trafficking victims [18].

11 Technology and Sex Trafficking in India

Poverty and increased use of online platforms are identified as two main factors that promote sex trafficking. The traditional approach of targeting poor defenseless families and using deceit and money to lure victims is changing with technological advancements. Now, the sex trafficking criminals are using fake accounts, social

media, and dark web to trap women and children. India had 755 million internet users in 2021. Many internet users are youth and children, who easily fall prey to sex trafficking predators. The methods these perpetrators use to attract women, children, and youth online are gaming apps, lottery, fake advertisements, and social networking sites [19].

The Indian government in collaboration with United Nations Office on Drug and Crime (UNDOC) took steps to address this technology misuse in sex trafficking. In May 2019, a multi-stakeholder consultation was held in Guwahati, India. This was the third in a series of five stakeholder meetings planned by the UNDOC to unify the anti-trafficking work done in different parts of India. Participants shared ideas to counteract the use of technology for trafficking. The take home message was to expand existing standards, unify and develop uniform methods among the stakeholders to deal with the trafficking issues, work on developing standard operating procedures within the law enforcement agency, and create greater social awareness about trafficking [20].

12 Corruption Within the Law Enforcement and Sex Trafficking

Corruption cripples the legal system. When talking about sex trafficking in India, the one factor that makes reporting of victims difficult is corruption within the Indian law enforcement agencies. Of note, police officials often receive bribes from sex trafficking gangs and/or sexual favors from the hostage sex victims. In return, they will alert the traffickers of any forthcoming investigations and enforcements. Even public prosecutors have accepted bribes to influence the hearing and provide immunity to sex trafficking criminals. These criminals have political connections, and therefore, an advantage over the judiciary system. Due to this, victims feel helpless to their situation and do not report their perpetrators [21].

13 Trauma Experienced by the Sex Trafficking Victims

When victims first enter the world of sex trafficking, they face significant amount of physical abuse to threaten them into participating in prostitution and sex trafficking. There are reports of gang rape, beating, burning with cigarettes and fire [22]. Sex abuse victims are susceptible to sexually transmitted diseases such as syphilis, gonorrhea, urinary tract infection, public lice, HIV and AIDS infection. They also experience injuries to their vagina, rectal tears, pain in the pelvic area, and urinary incontinence. In addition, they lack proper healthcare to treat not only the physical wounds, but the emotional wounds left behind by such abuses. Sex abuse victims can develop post-traumatic stress disorder, anxiety disorder, and depression [23].

14 Rehabilitation of Sex Trafficking Victims

The Central Government of India implemented the “Ujjawala” Scheme to prevent sex trafficking and provide rehabilitation and reintegration into community for sex trafficking victims. The services provided within this scheme not only include basic amenities, such as food, shelter, medical treatment, but it also includes counseling, legal help, guidance, and vocational training. The focus of reintegration efforts is supporting half-way homes, financial assistance, medical treatments, and follow-up visits. Furthermore, under the victim compensation scheme of Section 357A of the Code for Criminal Procedure, state/union territories allocate the use of funds to compensate for victims of various crimes [24]. In addition, there are NGOs coming forth to help rescue the victims of sex trafficking and to rehabilitate them within the society [25].

There are criticisms against the rehabilitation services provided by government agencies. In India, the government and law enforcement send the rescued sex trafficking victims to shelter homes. Oftentimes, the shelter homes do not have adequate financial resources to meet the victim’s needs. This long-term institutionalization does not help a victim’s mental health, which leaves them at risk of re-victimization. The counselors are not skilled to provide counseling for mental health problems such as depression, anxiety, and sleep issues. The vocational training provided does not align with available jobs in the market. Institutionalization of the victims does have an advantage in cases where family was a facilitator of sex trafficking. As outlined by World Health Organization (WHO), community-based rehabilitation is a better model to integrate victims in the society [26].

15 Sex Trafficking Preventions Efforts

The Indian Government’s Ministry of Home Affairs (MHA) and Ministry of Women and Child Development (MWCD) are the two main government organizations working on trafficking, including sex trafficking prevention efforts in India. MHA focuses on National public safety issues, and MWCD focuses on prevention and reintegration. Government of India organized an inter-ministerial committee headed by MWCD that meets to discuss trafficking related issues. NGOs are essential in data collection which the government uses to combat trafficking. Prevention strategies vary from state to state. The focus of the preventive strategies is to raise awareness among the common public as well as government officials. MWCD also worked on creating broader networks of trafficking prevention, such as crisis hot line for trafficking, removing children from exploitative homes, and identification of missing children. To address exploitation of Indian nationals in foreign countries, the Ministry of External Affairs (MEA) overseas division created five national centers with 24/7 helplines to provide counseling and resources to migrant workers. Foreign recruitment agencies and migrant workers can register themselves on emigrate system. MEA published monthly list of unregistered agencies and prosecuted the unregistered agencies. The Government focuses efforts on human

trafficking in general, but it lacks specific information on combatting commercial sex and child sex tourism in India [9]. An international non-profit organization, Global fund for Children (GFC) has partners in India that prioritize human trafficking and sex trafficking prevention in India. They encourage supporting local leaders who are fighting the sex trafficking problem in India. Through their community partners, GFC has created online platforms to increase awareness and prevent online sexual harassment. GFC, along with other NGOs and government agencies, is working on a shared platform for data collection and dissemination within the stakeholders [27].

16 International Collaboration to Address Sex Trafficking in India

The United States Department of State Trafficking in Person Report has streamlined the standard of care for addressing trafficking worldwide. The report details all the progress and areas of improvement for each nation, thus giving an individual to-do list for each nation. There are multiple NGOs active across India, funded by non-profits throughout the world. The NGOs collaborate with Government of India to address various sex trafficking issues in India. Indian government and the NGOs have focused on the recommendations provided by United States Department of State trafficking report [28]. The United States Department of State 2022 trafficking in person report mentions that overall Indian government has made more efforts compared to previous reporting years. In addition, India has ongoing collaboration with UNODC to protect and assist trafficking victims [9]. The Indian Government and stake holders, such as NGOs and local leaders, support the various projects implemental by UNODC regional southeast Asia office [20]. United Nations has a voluntary trust fund that supports trafficking victims [29].

17 Summary

There is a widespread network of human trafficking and sex trafficking in India. This network has international players that collaborate well with each other to continue the business of trafficking and sex trafficking. Collaboration is the keyword not only for the criminals behind the business of sex trafficking in India, but it is also the key word for all the stakeholder involved in combating sex trafficking in India. Sex trafficking criminals have mastered the art of collaboration to run this illegal business of sex trafficking in India. There are national and international agencies, there are local leaders and NGOs that are all working to address and combat the sex trafficking crime in India, what they lack is a collaborative approach. What would help is to develop a common platform for local leaders, the NGOs, and the Indian government, where they can unify data collection process, share their plan of action, and brainstorm ideas to counteract the criminal minds behind the multibillion sex trafficking industry in India. During literature review, only few

published research articles about sex trafficking in India came up in the search engine. The information is available either on United Nations website [8], United States Department of State trafficking in person reports [30], or on websites of multiple NGOs [25, 27] that participate in providing respite to the sex trafficking victims. Some questions that can help advance this mission of combatting sex trafficking in India are How do we decrease this demand of commercial sex workers, especially children? How do we create a nationwide uniform awareness campaign against the sex trafficking and human trafficking, such that everyone, men, women, and children are trained to identify “red flags” of sex traffickers and protect themselves? Finally, how do we organize a common platform for all the stakeholders to unify the taskforce, better utilize the limited resources, and support each other.

Discussion Questions

- Describe the risk factors for Indian women’s vulnerability to human trafficking.
- Describe how the courts in India function in regard to human trafficking.
- Propose a way to unify stakeholders to address human trafficking in India.

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