

Beyond Rescue: Victimological Challenges in Investigation and Rehabilitation of Trafficking Survivors

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ABSTRACT

Human trafficking is a global issue which is going to affect the rights of individuals who may be of any age or gender, though underprivileged women and children are more affected. It is an issue of importance to public health. This paper aims to analyse the challenges in the investigation of such incidents and the rehabilitation of the survivors of such incidents after they have been rescued. Google Scholar and Scopus search engines were used in this research. Gaps in the investigation of trauma to the victims and the hindrances and barriers in the rehabilitation were identified. All our efforts should be victim-centred if we wish to overcome these challenges in investigation and rehabilitation.

Keywords: Human trafficking; victims; rescue; Investigation challenges; rehabilitation; survivors.

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INTRODUCTION

Trafficking occurs globally in different commodities, e.g., arms, drugs, counterfeit notes, human organs, children, men and women.¹ According to the United Nations, Human Trafficking can be defined as “the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, to exploit them for profit.”²

In India, as per section 143 of BNS, Human Trafficking is defined as “A person commits the offence of trafficking if they recruit, transport, harbour, transfer, or receive someone for exploitation using any of the following methods: Threats, force, or coercion, abduction, fraud or deception, abuse of power and inducement (such as exchanging payments to control the person).”³

In this paper, a review will be done to define the problem, enumerate the challenges, especially victimological, in investigation and rehabilitation and how to overcome these challenges.

Global and Indian Scenario

Global Report on Trafficking of Persons (2024) gives the data of 156 countries on human trafficking. This is the requirement of the United Nations Global Plan of Action to Combat Trafficking in Persons. Human trafficking has increased after the COVID-19 Pandemic. There has been an increase of 25% in 2023 in the detection of cases as compared to 2019. Child victims are being detected more. Trafficking for forced labour is increasing. Women and girls are the majority amongst all. It is mostly being done by organised crime groups. Though it is a

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global problem, Africans are mostly the victims due to reasons of displacement, security and climate change.⁴

Around 1 million women and children are trafficked every year. About 50,000 people are trafficked in the USA every year. And half of them for domestic help and sweatshop labour.⁵ Almost every country is being affected by human trafficking, including the developed nations. Rough estimates are that globally, 21 to 30 million people work as slaves after human trafficking, and most survivors are women and children.⁶

In the 2020-2023 period, the number of trafficked persons was 202,478, out of which 38% were children and 68% were adults.⁷ Children who lack opportunities are more likely to be trafficked.⁸

In India, from 2018-2022 there were 10,659 cases, with Assam and West Bengal being the source states and Maharashtra and Karnataka being the destination states. In 2024, there were 2135 cases of human trafficking as per the National Crime Records Bureau. The highest number was from Telangana, numbering 337, followed by Maharashtra.⁹

Dijk emphasises that UNODC and Eurostat data give more of a view of the output of law enforcement agencies rather than prevalence, and give more credit to the survey Research Walk Free (and its Global Slavery Index) and Multiple System Evaluation.¹⁰

Types of exploitation after Human trafficking

Human trafficking is usually done for criminal exploitation.¹¹ Girls are mostly exploited sexually and for forced labour. In comparison, men are exploited for labour. Sexual exploitation of girls (60%) tops the list of reasons, followed by forced labour by girls (21%), and in boys, forced labour tops it (45%), followed by forced sexual exploitation of boys (8%) and then there are other reasons. Overall, human trafficking for forced labour exploitation is increasing.⁴

Victims of human trafficking are exploited in almost all sectors of industry, which may be from begging, domestic service, janitorial services, agricultural, manufacturing, health services, hospitality services and commercial sex.⁵

In 2022, overall trafficking for forced labour exploitation is 42%, sexual exploitation is 36%, mixed exploitation is 8%, forced criminality is 8%, for begging is 1%, for forced marriages is 1 and 0.14% for organ removal and other reasons are 4%. 162 nationalities were detected in 128 countries. 74% of traffickers work in organised crime groups.⁴ Victims may be exposed to endless rapes, sodomy, prostitution, and pornography.⁷

Concept of victimology in trafficking

Victimology

Victimology is the scientific study of victims of crime, their relationship with wrongdoers, and how they can be treated within the justice system.¹²

Victimological Perspectives

Victimological aspects of human trafficking involve seeing the various aspects of survivors' experiences, their characteristics and the vulnerabilities they have. The conditions that make them vulnerable to being the victims, and their socio-demographic profiles. It explores the various causes of victimisation, and the economic or psychological impacts of crime, various driving efforts toward restorative justice and compensation of the victim.^{7,12}

After rescue, the victim's identification is very important.¹³ Identification of survivors of human trafficking can be done by the health professionals when survivors come into their contact.⁶

Types of victims

Primary victims are mostly those victims who are trafficked for sexual exploitation, forced labour, domestic help, and organ removal. During sexual exploitation, such victims are used for prostitution, pornography and other sexual acts. People are deceived for recruitment, trafficked and are used for forced labour, usually working without pay or meagre pay under harsh circumstances.¹⁴ Domestic helpers are often abused and kept in isolation.

In a study done in 2014, women and girls are 55%, and children are 26% of cases of human trafficking. 90% are in the private sector, 22% are forced sexual exploitation, and 68% are forced labour exploitation.⁶

Vulnerability of victims

Victims are vulnerable to violence. 54% physical and/ or sexual violence, 50% Physical violence, 15% sexual violence, but in females, sexual violence is 25%. They are also abused, threatened and deprived. Violence was more prevalent in areas where trafficked persons were involved in begging, manufacturing and agriculture.¹⁵ Victims are often groomed and coerced.¹⁶ Poverty is also one of the reasons for human trafficking and makes them vulnerable to trafficking, especially in India and Bangladesh and is more applicable to women, especially of the lower castes in India and disenfranchised and lower class in Bangladesh.¹⁷

Revictimization

When victims of human trafficking escape or, after being rescued, are again trafficked, that is known as revictimization. Reasons being inadequate legal protection, e.g., lengthy trials and challenges during investigation.¹⁸ Economic vulnerability makes it difficult to get justice.¹⁸ Usually, in sexual exploitation, emphasis is more on women and children victims and boys and men are neglected, and they are re-victimized.¹⁹ Compensation, care and rehabilitation are fundamental rights of every human being regardless of provenience, age, class, gender and sex and regardless of the sector where the exploitation takes place. When aftercare services are not sensitive to the needs of the victims and survivors, there are more chances of revictimization.¹³ Victim blame and social stigma are also responsible for revictimization as women and girls involved in sexual work after trafficking.²⁰

Secondary victimisation by law enforcement and systems

It is the harm suffered by the victims when they meet the law enforcement and various institutions involved for the benefit of the victims. Biases, inadequate response of the system meant for their help, and insensitive attitude and behaviour, misunderstandings which cause further damage to the victims during reporting, evidence collection and victim-focused investigations rather than suspect-focused.²¹



The main reason for human trafficking

The main reasons are poverty, lack of education and unemployment. Women and girls are trafficked to work in brothels, massage parlours, bars and for pornographic purposes. For illegal adoptions and camel racing, human trafficking is also done.⁷

Repercussions on survivors

There are a lot of repercussions for the victims and survivors.²² Their psychology is damaged, leading to helplessness and hopelessness, suspicion and frustrations, anxiety and depression, humiliation and guilt, fear of disclosure, insomnia, post-traumatic stress disorder [PTSD], and victims feel degraded. Psychosis and dissociation are often associated with these symptoms.^{7,22}

Rescue of survivors of trafficking

In one of the studies in Tanzania, only 30.2% of survivors got some help after being rescued by some stakeholders, and it was mainly due to the lack of funds among the stakeholders. Trafficking in Tanzania was both rural and urban and out of the country. Most of the survivors were 20 to 24 years old (71.2%), and 43.2% were married before they were trafficked. About 74% completed their primary education, but only 1.5% completed their tertiary education. Survivors are usually rescued by neighbours (16.8%) and friends (10.8%), while the contribution of rescue agencies is not much (2%).²³

Rehabilitation

Usually, police think that when the offender is apprehended, or the rescue is done, the job is done, but there is a long journey that just starts to rehabilitate the victims, and mental health services are an important ingredient in it.¹³ During rehabilitation, the specific needs of the survivors need to be addressed. Practices and policies need to be developed in each country to identify these needs and how to fulfil these needs, keeping in view the safety of children and parents.¹⁵

Reintegration

Human trafficking victims need to be identified and reintegrated into society. Certified refugees have certain privileges to be reunited with their minor children in certain countries.⁸

Victimological Challenges during Investigation

Victims come across police, medical professionals, mental health professionals, legal professionals and NGOs during investigations, but during investigations, the focus is usually on victims rather than on the suspect. And evidence collection is very stressful for the victims.²¹

Underreporting and issues of identification

Fear of traffickers: The first and most important challenge is that, due to the fear of repercussions from those involved in trafficking, people do not report.²³ They have apprehensions about their future security.²⁴

Lack of awareness: failure to identify victims of traffickers by the investigative agencies may be a problem, as investigators may not be aware and may not be taking a victim-centred approach.¹¹

Misidentification as offenders, especially in the cases of prostitution victims, may be identified as offenders or may not be identified as victims and thus remain as hidden victims.¹¹ If victims can be identified, then only will there be prosecution of the offenders.²⁵ Offenders often resort to deceit and violence.²⁶

Testimony of victims

Credibility of statements: credibility of statements by the victims is an issue that is very complex due to psychological trauma to the victims, leading to memory problems, and they can give inconsistent statements. Victims often do not trust the police officials,²⁴ and some myths in society and biases also weaken the credibility of the statements of the victims.

Victims should be willing to make a statement, especially in cases of sexual exploitation, and they should be supported so that they can make a statement.²⁶

Law enforcement gaps

Lack of sensitisation: Police officers are often not sensitised to this problem, and making laws against human trafficking often sensitises the investigators. It is also important to know whether they are prepared to deal with such cases and how the leader of such police groups perceive this problem in their communities.²⁵ Checks and interrogations often delay the investigations.²⁶

Gender insensitivity: Some countries have incompatible gender sensitive policies.²⁷ There should be initiatives which should be gender based and this will help to remove the causes that are linked to gender. Sometimes there are anti-traffic policies also in some countries, especially Vietnam. Commitments, if made gender sensitive and gender specific, will be more useful to the cause of anti-trafficking.²⁸

Victim-blaming attitude: attitude towards victims being exploited sexually, their different languages and nationalities, and blaming them for migration tactics delays interrogation.²⁶

Legal challenges

These challenges are multifaceted and may be different in different countries. Some of these challenges are listed below; Burden of proof: identification of victims of trafficking is a big challenge.

Hostile witnesses can lead to the acquittal of the offenders, and crimes remain unsolved,²⁹ and this can happen in human trafficking.

Delay in trials: in cross-border human trafficking due to language barriers, investigators may not understand the language of the victims if the victims are from other countries. Investigators must obtain visas for the victims in such cases so that cases can be investigated and offenders can be prosecuted. A liaison needs to be established with NGOs who are interested in such cases.³⁰

Protocols, processes and Legal Framework: in the USA, mostly, these cases are detected by the local law enforcement but are passed to the state prosecutors if the involved persons are US citizens. Both local and state police should act in collaboration with each other, and policies should be victim-oriented.³¹ Reports prepared should be comprehensive. Offenders must be arrested, prosecuted and get them convicted.³² Persons involved may circumvent the laws. Reforms may sometimes not achieve the instrumental effects on successful prosecution.³³ Public awareness should help in detecting such cases. Training of police officials is also helpful in dealing with such cases.³⁰

Ethical issues

Ethics are very important in the investigation of human trafficking cases. Integrity of investigation depends solely upon the ethical behaviour of the investigators as they will take into consideration the safety, dignity and rights of the victims and survivors of human trafficking.^{32,34}

Consent during medicolegal examination is very important, and no medical professional should examine without the consent of the concerned person. Consent should always be informed consent.³⁵

Confidentiality should be maintained as the person has a trust in you, and this should not be violated under any circumstances. As victims have a stigma of being trafficked and exploited, their privacy should be maintained to avoid additional suffering.³⁶

Local perceptions should be given due weight, and investigators should be sensitive to the culture of the victims.³⁵

Rehabilitation

Victimological Challenges during rehabilitation

Only 34.5% of the respondents were willing to go back to their communities, while the rest were not willing to go back for different reasons.²³ The needs of the trafficked people are individual, and these need to be identified.⁸

Social Rehabilitation

There should be awareness that such persons need social rehabilitation.³⁷ It helps to reintegrate victims into society. There are cultural and linguistic barriers to their social rehabilitation.³⁸

Stigma and discrimination: victims often face stigma not from communities and society but also from their own families. They are also discriminated against by their mental health professionals.^{39,40}

Families need to take a sympathetic view of their conditions and should not reject them.⁴⁰

Survivors also need to do self-reflection, and they should express freely what they feel. They need to learn to do self-care too.³⁷

Economic Rehabilitation

A key priority for the rehabilitation is financial independence and stability.⁴¹ Lack of livelihood opportunities when victims trafficked return to their own countries. Sometimes they even have to beg on their return.⁴⁰ Such persons usually do not get jobs and economic independence. They should be able to get a safe job which can at least take care of the basic requirements of self and the family, education and well-being psycho-socially.⁴¹

When the survivors are not properly reintegrated into society, assistance programs do not take care of their financial needs, and their economic conditions worsen, there is a risk of re-trafficking.⁴²

Psychological rehabilitation

It is a complex issue. It must be taken into consideration why and how they were trafficked. What were the circumstances and their sexual preferences when they were trafficked? Certain groups and ethnicities are more prone to human trafficking, as well as certain genders and certain ages are more prone. After rescue, they have issues of dependence and isolation. They have been psychologically manipulated, due to which they suffer from Long-term trauma: PTSD, depression, addiction and dislocation are common in the survivors of human trafficking.^{21,38,39}

They should be properly assessed psychologically, taking into consideration their pre-trafficking behaviour too. Emotion-focused therapy should be provided along with other therapies.³⁸

They should be provided with cognitive behaviour therapy, trauma-focused therapy, and ecologically focused therapy, along with family therapy.³⁹ According to one study, cognitive behaviour therapy is more useful and preferred.²²

Institutional barriers

Poor shelter home conditions: Victims need trust and security, and such agencies need autonomy and empowerment to work effectively.³⁷

Legal and identity issues

Lack of documents: usually, to establish citizenship, there are no documents with the victims of human trafficking. This delays their identification. Usually, this question arises when there is cross-border trafficking.

Secondary victimization

It is due to Institutions, systems, and processes where victims meet the people who are supposed to help them, resulting in additional hurt and distress. This can be due to harassment by police during the investigation when they are not sensitive to the process and sensitive to the victims. This can also occur in the Courtroom where they can be again traumatised by insensitive questioning, and they must repeat the stories of their victimisation. Sometimes they are exposed to the media and reported without taking care of their feelings and emotions, and they even get stigmatised. Many times, institutions that



are supposed to take care of them do not respond in a proper way and are treated in a biased and judgmental manner, further hurting them. There is a problem of a lack of safety and empathy, a lack of trust, not believing what they are saying, disrespectfully treated and a lack of knowledge of the rights of the victims.^{43,44}

Existing Legal and Policy Framework in India

The following Acts and sections of BNS apply to deal with such cases in India:

- Immoral and Traffic (Prevention) Act (ITPA) is for curbing human trafficking and commercialisation of vices.⁴⁵
- BNS Section 143 deals with trafficking of persons,³ and BNS Section 144 deals with exploitation of a trafficked person.⁴⁶
- The Protection Of Children from Sexual Offences Act, 2012. It is not a Juvenile Justice Act and is meant for protecting persons below 18 years from sexual offences and provides stringent punishments to the sexual offenders.⁴⁷
- Ujjwala Scheme for Rehabilitation
- This scheme is a government program that helps in preventing human trafficking and providing rescue, rehabilitation, and reintegration for victims of commercial sexual exploitation. It also provides safe protective homes with basic amenities of food and medical care. There is also provision for free legal aid and vocational training. It helps in the repatriation of victims from cross-border areas.⁴⁸
- In addition to this, the Indian constitution, Article 23, the UN Convention and the SAARC Convention also help in preventing and combating human trafficking.⁹

Emerging issues

Global cooperation is very important to tackle cases of human trafficking and prevent human trafficking around the globe.

Global cooperation

Policies: Policies should be developed to improve the police responses to the victims of human trafficking. In this, the safety of the victims should be prioritised, and trust should be built with the victims. It should be kept in mind how the needs of the victims can be met, which may be inside or outside the system.²⁴

Prevention

The rights of the victims should be prioritised, and a comprehensive approach should be applied where prevention should be the priority, victims should be protected, and offenders should be prosecuted.⁷

Basic principles of public health (primary, secondary and tertiary) should be used to prevent human trafficking, and our thinking should be broad and bold and should try proactively and work collaboratively to address the root causes of human

trafficking.⁴⁹

MATERIAL AND METHODS

Databases of Scopus and Google Scholar were used in this research. Keywords: Human trafficking; rescue; Investigation challenges; rehabilitation; survivors were used. Inclusion criteria where papers of the last 16 years were included, and those papers that were opinion pieces or non-peer-reviewed sources were excluded. Some definitions, reports and data were searched in Google Search. After analysing abstracts of the papers, 53 articles were selected and used in this research work.

DISCUSSION

Human trafficking involves the majority of countries for different reasons, though it is more prevalent in African countries. Underprivileged women and children are more affected, but males are also affected. Women are more exploited sexually, and men are exploited more for labour work, and a large number of people act as slaves. Survivors are the primary victims, and their families become the secondary victims as they suffer the separation from their loved ones.

System which is supposed to help in the investigation and prosecution often result in re-victimisation due to the insensitivities of the concerned officials. Re-traumatisation during interrogation should be avoided, and investigation should be victim-oriented rather than crime-oriented. Protection of the victim should be given as much priority as the apprehension of the culprit. Information should be gathered from the victim without hurting the victim.

It is a challenge for the interviewers and health professionals to identify the survivors, and they should be given proper training to interview and examine the survivors. Training is also needed for recommended actions after the survivor of human trafficking is identified.⁶

It is necessary, therefore, that all sectors be aware of this issue so that it can be properly tackled.⁶

Psychological rehabilitation is a complex issue. Various methods of trauma-focused therapy, cognitive behaviour therapy, and family therapy are important for the rehabilitation of the survivors of human trafficking to take care of their psychological issues. Lack of trained mental health professionals is a big problem in most of the countries to take care of the psychological treatment of such survivors.

There are gaps between laws and implementation, and the implementation of the laws should be made stricter.

Roles of different stakeholders

Police officials of the Investigating agencies can rescue the victims, capture the offenders, investigate and collect the evidence and present the same in the courts to prosecute the offenders. Health professionals can try to identify the victims, do their medicolegal examination to document the abuses and restore the physical health of survivors, and they can also take care of their mental health and, if need be, present their findings in the courts. Shelter homes can help in lodging the

victims till they are rehabilitated and reintegrated into society. Monitoring of these shelter homes is very important to prevent re-traumatisation, and mostly, it may be lacking in various shelter homes.

Various government agencies and NGOs meant for the rehabilitation of the victims can help in their rehabilitation and reintegration into society and help provide them with economic stability.

Trauma-informed approaches

these should be victim-centred. A trauma-informed assessment should be done. Resilience and strengths of the survivors should be identified. Feedback should be given to the victims to strengthen their coping skills and capacity to regulate themselves, as this will give them hope. The idea is to empower them so that they can do self-care.⁵⁰

Dignity of survivors, anti-trafficking agencies can create an atmosphere within the communities so that they can be reintegrated into society, and their dignity can be maintained.⁵¹

Autonomy of survivors needs to be respected, and procedures should be done as per the desire of the victim. Sometimes victims, especially those sexually exploited, want to leave the life they are leading and wish to live a new life, but sometimes their autonomy is not respected, and they are not able to reintegrate into society. Such persons should be provided with training in skills so that they can live an independent and new life.⁵²

Trauma-informed policing: education for the investigators and police officials helps in trauma-informed policing. This helps them to recognise the victims of human trafficking and support them.¹⁶

Survivors' voices should be given weight when drafting policies for anti-trafficking of humans. According to one study, survivor agency should be empowered, and shelters should take care of the needs and wishes of the survivors. Community-based services and reintegration services also need to be strengthened.⁵³

One-stop crisis centres for the victims of human trafficking can be very useful and strengthened, and they can provide support and help in the advocacy for the victims of human trafficking, along with taking care of other needs.¹⁶ Multidisciplinary approach: Stakeholders from medical, legal, psychological and social services should be included.

There is a lack of longitudinal studies. There is an underrepresentation of male victims. Regional biases are there, which should also be corrected for better investigation and rehabilitation.

Best practices from around the globe

Models which have proven successful should be introduced in India too, e.g. UNODC guidelines, Nordic Models criminalisation approaches.

Developing protocols or following protocols, e.g., the United Nations Convention Against Transnational Organised

Crime, especially the Women and Children Protocol, can help increase awareness and do prevention work, as this has been done in the USA.⁵

For rehabilitation, NGOs should be involved. We should continuously watch the existing practices, find out the shortcomings and do research on these practices and utilise the results for dealing with the challenges of investigation and rehabilitation. It is best to adopt evidence based polices.¹⁶

CONCLUSION

There should be a shift from a rescue-centric to a survivor-centric approach. Identification protocols for victims should be strengthened. The capacity of the police and judiciary should be increased to deal with such cases, prevent such cases, and promote rehabilitation. Technology should be used for tracking networks of trafficking. Policies should always be made keeping in view the best interests of the survivors so that the dignity of the victims can be maintained. Rehabilitation should be holistic. For all these changes, there is an urgent need for reforms in all those systems that create hindrances in the investigation and rehabilitation of the survivors of trafficking.

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