Strengthening Criminal Justice Systems for Trafficking Victims in Maharashtra

This is the first in a series of briefings centered around GFEMS-funded anti-trafficking research and programming focused on tackling commercial sexual exploitation (CSE) in South Asia between 2018 and 2022. This brief highlights key learnings from GFEMS efforts to build the capacity of judicial and law enforcement stakeholders in Maharashtra to effectively investigate, prosecute, and try trafficking cases, led by implementing partners International Justice Mission (IJM) and Vipla Foundation. Findings from this programming inform recommendations to institutionalize trauma-informed and child-friendly practices among criminal justice actors and to strengthen more coordinated justice delivery mechanisms for trafficking survivors.

Context

India is a global hotspot for trafficking of women and minors for CSE, and Maharashtra, as its financial and commercial capital, is one of the largest destinations for CSE in the country¹. While obtaining reliable estimates of the number of minor sex trafficking victims has historically been challenging owing to the hidden nature of this population, a 2020 study funded by GFEMS found that child victims comprised approximately 27% of the commercial sex industry in Maharashtra. Prior to 2019,² CSE in Maharashtra was moving increasingly towards private or online-enabled networks, and the onset of the COVID-19 pandemic has significantly accelerated this shift. A rapid assessment of the effects of the pandemic on CSE in the state revealed substantial spikes in demand for online child sexual abuse material as well as a growing movement towards digital channels for recruitment, solicitation, and payments, making the crime even less visible and increasingly hard to address.

There is significant government will to combat sex trafficking in the state, as evidenced by a number of initiatives including the establishment of specialized Anti-Human Trafficking Units (AHTUs) within the police force. However, the majority of key criminal justice actors lack the necessary attitudes, skills, and resources to effectively investigate and prosecute traffickers and protect survivors, particularly in the face of the changing nature of the crime. GFEMS commissioned a mixed-methods study in 2019 to explore perceptions and attitudes towards CSE among multiple stakeholders in Maharashtra including law enforcement officials, key judicial actors such as judges and prosecutors, as well as traffickers and buyers of CSE. The findings showed that fundamental misconceptions and capacity constraints inhibited the effective enforcement and prosecution of trafficking cases. For example, while the vast majority of surveyed police officers reported a high awareness of CSE, 69% also reported facing challenges investigating cases owing to a lack of time, resources, and evidence collection guidelines. Over half of surveyed police officers believed the harmful misconception that CSE victims were in the sex trade by choice, underscoring a considerable need for victim sensitization among law enforcement personnel.

Judicial officers similarly reported feeling under-equipped to prosecute and try CSE cases, citing a lack of coordination among

judicial and law enforcement agents as well as a lack of access to the necessary tools, technology, and infrastructure to build and process cases, particularly in smaller districts. While there are several pieces of legislation³ that mandate stringent processes and punishment for CSE perpetrators, various factors—including ineffective evidence collection, failure to charge relevant legislative sections and apply appropriate case laws and precedents, liberal approvals of bail and frivolous adjournments, and a lack of victim faith and participation in trials—contribute to poor conviction rates, preventing justice for survivors and limiting deterrence to would-be traffickers. The study found that 90% of traffickers interviewed expressed confidence that they would not be convicted even if they were arrested for their crime.

**Intervention Models**

Against this background, GFEMS partnered with IJM and Vipla Foundation between 2018 and 2022 to strengthen the capacity of justice system actors (including police, public prosecutors, judges, lawyers, and para-legal volunteers) and contribute to improved justice outcomes for CSE survivors and increased legal consequences for CSE perpetrators in Maharashtra.

**Specialized training and mentorship for AHTUs**

Over the course of the project, IJM trained 38 police officers across AHTUs in 4 districts⁴ on proactive investigation skills for trafficking cases, including surveillance techniques, financial network analysis, effective planning and preparation for removal operations, as well as victim-sensitive evidence gathering and analysis processes. To ensure a continuum of support beyond the initial training period, IJM further embedded mentors within each of the 4 trained AHTUs to provide real-time troubleshooting and guidance for operations on a case-by-case basis. Through trained police officials, the project led to the investigation and arrest of 497 suspected perpetrators and supported the removal of 843 adult and 62 minor trafficking victims from commercial sexual exploitation. Moreover, IJM successfully obtained official approval to institutionalize this training curriculum within the Maharashtra Police Training Academy in 2021, a strong marker of the relevance and utility of the investigative training modules.

**Training and support for public prosecutors and judges**

Vipla Foundation delivered focused training modules to judges and prosecutors aimed at addressing CSE-specific gaps in knowledge and awareness, and building their capacity to implement effective case processes, examine evidence, and handle trafficking caseloads. Through this intervention, Vipla Foundation trained 138 judges and 144 public prosecutors across five targeted districts⁵ on trafficking issues, interpretation and implementation of relevant CSE legislation and case laws, as well as on victim-centered approaches to prosecuting and deciding trafficking cases.

The IJM team also trained 51 public prosecutors in 12 districts on the implementation of child-friendly practices in the courtroom. Prosecutors trained under the project reported more than 800 instances whereby they used what they had learned during preparation and execution of trafficking case trials.

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3. Including the Immoral Traffic Prevention Act, 1956 (ITPA), the Protection of Children from Sexual Offences Act (POCSO), the Juvenile Justice Act and relevant sections of the Indian Penal Code (IPC).

4. IJM trained AHTU officers in the districts of Pune, Nagpur, Aurangabad, and Sangli under GFEMS funding.

5. Vipla Foundation focused project implementation to five target districts in Maharashtra—Aurangabad, Ahmednagar, Kolhapur, Nashik, and Solapur.
Capacity building for District Legal Services Authority (DLSA) lawyers and Para-legal Volunteers (PLVs)

The DLSA are local bodies that are mandated to provide free legal assistance and representation to victims, but whose services are relatively underutilized for CSE cases in Maharashtra. Leveraging this existing government support mechanism, Vipla Foundation provided training and extensive guidance and assistance to DLSA lawyers in target districts with administrative and casework support, victim preparation through trauma-informed approaches, and advocacy for victim compensation. During the project period, Vipla Foundation trained and mentored 59 DLSA lawyers.

The intervention further trained a group of 22 para-legal volunteers to provide additional support to child trafficking victims to ensure their well-being and informed participation in the judicial process, and participation as independent witnesses during police raid and rescue operations in order to strengthen the quality of evidence presented at CSE trials.

Facilitating convergence and coordination mechanisms for judicial stakeholders

Vipla Foundation developed a district-level accountability matrix to align trained public prosecutors, DLSA lawyers, and PLVs on their respective responsibilities and to ensure a coordinated approach to anti-trafficking efforts. The intervention piloted these accountability matrices in two of the project’s five target districts. In addition, Vipla Foundation conducted a series of joint training sessions with judges, public prosecutors, and DLSA lawyers to enhance peer-learning and collaboration across traditional structural hierarchies.

ADAPTING FOR THE COVID-19 PANDEMIC

The COVID-19 pandemic spread across India in the midst of the implementation period for the programming efforts outlined above, resulting in significantly exacerbated vulnerabilities to CSE as well as considerable disruption to the functioning of courts and other justice delivery mechanisms targeted by project interventions. GFEMS and its partners made adaptations where relevant and appropriate in response to the evolving situation, including but not limited to, providing emergency relief and assistance in target communities and survivor shelter homes, and transitioning to remote and virtual training and engagements where feasible. However, the findings in this brief should be interpreted while keeping in mind that the implementation of project activities was considerably impeded by the pandemic and associated restrictions.

Evaluation

GFEMS and its partners deployed the following evaluative efforts to understand the extent to which these interventions contributed to (1) enhanced knowledge, attitudes and practices among criminal justice actors, and (2) improved judicial processes and trafficking case outcomes in target districts:

- A mixed methods approach to assess the contributions of training and mentorship support to AHTU officers, including (i) quantitative mobile survey administered 3-months after training with a sample of 110 trained officers; (ii) in-depth qualitative interviews employing a Most-Significant-Change (MSC) methodology conducted with a sample of 10 trained officers between 3 and 6 months after the initial training; (iii) focus group discussions with 5 trained AHTU officers, 3 embedded AHTU mentors, and 5 IJM project staff; and (iv) analysis of consolidated data from the IJM Prevalence Economic Tracker (PET) and Law Enforcement Data (LED) tool databases which systematically capture information on AHTU operations, rescues, arrests and investigative processes on a quarterly basis.

- In-depth qualitative interviews employing an MSC approach conducted with a sample of 12 trained public prosecutors to understand the extent to which IJM interventions contributed to improved child-friendliness and effectiveness of their handling of legal processes and casework for CSE cases.

6. IJM delivered Proactive Investigations Training to AHTU personnel across Maharashtra, 38 of whom were supported by GFEMS funding.

7. The Most Significant Change (MSC) technique is a narrative, story-based data gathering technique that is oriented towards capturing and understanding change resulting from programs.
A two timepoint qualitative assessment of Vipla Foundation interventions to understand the degree to which the project contributed to behavioral shifts among legal and judicial stakeholders and/or structural changes within the judicial system in target districts. The assessment was primarily informed by in-depth qualitative interviews with 42 participating justice stakeholders, as well as technical experts from other anti-trafficking and child welfare organizations operating in project districts.

Key Learnings

*Embedded mentorship and training support for AHTUs can effectively address existing skills gaps for law enforcement to hold perpetrators to account. However, administrative and resource constraints remain.*

Research on AHTUs assessed contribution towards (a) improving effectiveness of operations, raids, and rescues; (b) integrating behavioral or structural changes within investigative operations; and (c) engendering a shift in attitudes and perceptions of CSE victims among trained law enforcement officials. The quantitative survey revealed that 80% of trained AHTU personnel applied learned techniques and knowledge to investigate trafficking cases, particularly those involving minors. Qualitative insights from MSC interviews corroborate the relevance of the skills training, with the majority of interviewees highlighting guidance on standard operating procedures for rescues and evidence collection, and online network surveillance and investigation techniques as particularly useful to ensuring watertight documentation to support prosecutions in court and keep pace with the evolving nature of trafficking.

“Therefore, through the training, we understood details, and no loopholes remained from our end. And since we were able to execute our trap well, it helped us in the court. The accused did not get bail for 3-4 months in the court. The court denies bail only where the paperwork and the raid matches and the investigation is executed properly. So, this is a change. The change is in the upgradation.”

— Trained Police Inspector, MSC Interview

Data gleaned from IJM LED and PET databases further emphasizes the utility and transferability of the intervention’s support to police. Half of the total rescues captured through these tools during the project occurred in 2021 during the COVID-19 pandemic. Despite lockdowns and other restrictions largely inhibiting physical mobility, AHTU personnel utilized their training protocols to identify and arrest traffickers in over 85% of these rescue operations, a promising reflection of their potential capacity to cope with the growing spread of CSE towards online spaces and channels.

Across the board, AHTU officers and mentors suggest that training alone is insufficient to drive sustainable behavioral or operational change within AHTUs. Extending ongoing guidance and support through the embedded mentors was a critical factor underlying the adoption and routinization of new skills by police officers. Respondents reported that mentors provided assistance along several domains including problem-solving real-life cases, contextualizing training skills to district-specific situations, and connecting officers to legal or civil society resource persons as needed.

IJM TRAINED 51 PUBLIC PROSECUTORS IN 12 DISTRICTS on the implementation of child-friendly practices in the courtroom.

AHTU personnel used their training TO IDENTIFY AND ARREST TRAFFICKERS IN OVER 85% OF RESCUE OPERATIONS.

Stakeholders also pointed to specific barriers impeding anti-trafficking operations. First, the frequent transfer of police officers across districts often left AHTUs ill-equipped in the absence of previously trained personnel. Second, the multi-faceted nature...
of rescue operations combined with rigid hierarchies within the police force can limit the ability of trained officers to implement effective investigation and rescue protocols in instances where senior officers, unaware of the nuances of trafficking cases, have greater jurisdiction over operations.

“Transfers happen every 5 years in the police force. In keeping with that schedule, transfers take place every year in every district, at the district level. Be it the district office or AHTU in a rural location. For those who are newly transferred… they don’t get clarity on these topics even when the Police Inspector explains it...Therefore, this training should be held every year. Suppose I get transferred, someone else will come in my place, he will not know all of this.” – Police Constable, MSC Interview

Finally, AHTUs in larger or rural districts often face significant resource constraints that hamper their ability to operate effectively – interviewed respondents provided examples of insufficient transportation budgets to complete a rescue, a lack of funds to support a decoy customer, etc.

“See the officers had the will, but they also need resources to work. They would tell me, ‘Sir, you are advising us to conduct the rescue in this way, but we don’t have our own vehicle’. Just imagine an AHTU without a vehicle. They’re using their own vehicle, bikes to travel 100 kilometres, 200 kilometres for the rescue and then come back. There were a lot of struggles…” – AHTU Mentor, In-depth Interview

Criminal justice actors can be effectively sensitized on victim-centric implementation of CSE case laws

The assessment of Vipla Foundation’s interventions reveals considerable improvements among trained public prosecutors and DLSA lawyers with regard to their practical understanding of CSE procedural and case laws and their approach to overall case documentation in project districts. Specifically, findings suggest that while these stakeholders did not have a nuanced understanding of the applicability of trafficking laws and their amendments prior to the intervention, they demonstrated considerably improved capacity, including effectively identifying gaps in charge sheets submitted by police officers and submitting relevant applications to ensure the appropriate inclusion of CSE case laws to strengthen prosecutorial efforts.

Qualitative insights from public prosecutors trained by IJM reveal similar results. Interviewees reported significant utility from the training intervention. Nearly half highlighted shifts in their attitudes and perspectives towards trafficking victims. Respondents felt better equipped to take action towards enabling improved case outcomes for trafficking victims including applying specific legal sections to counter bail applications and adopting victim-sensitive court-room practices such as “in-camera⁸” hearings and video-conferencing.

“I had cases of women from Nepal, Bangladesh who had been rescued from sex trafficking and sent back home – these women could not come back to India for their cases, as they were married, neither was it economically feasible... Their trial was ongoing, and the court wanted to dispose⁹ their case. I received valuable guidance from IJM regarding the use of video conferencing for such cases. The trial could proceed through the video conferencing, and the victim’s testimony was taken. If the victim’s testimony had not been obtained, the accused would have been acquitted automatically... the girls should get justice and should also feel that due process was followed in their case... I also got conviction on these cases.” – Trained Public Prosecutor, MSC Interview

Program efforts also supported more victims utilizing free legal aid via the DLSA lawyers. At baseline, observations across all target districts indicated that the majority of victims were unaware of this channel for legal assistance, resulting in DLSA lawyers primarily being engaged only to represent accused perpetrators in cases. During the project period, trained DLSA lawyers were assigned to 21 CSE cases to represent CSE victims, ensure their well-being, and aid in case documentation for their trials.

The qualitative assessment demonstrated that participating judges shifted towards adoption of more stringent victim-centric approaches. Baseline insights pointed to considerable gaps in judicial processes in CSE cases – in

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8. In-camera refers to portions of a trial that are held in private before a judge rather than in open court.
9. A case status of “disposed” refers to a final order/judgment being passed by the court, i.e. completed.
particular, liberal granting of bail and approval of frivolous adjournment applications by the accused — contributing to the delayed disposal of cases and access to justice for victims. Baseline assessments of CSE case data in project districts found that pending cases had already allowed over 5 adjournments, while closed cases averaged an overwhelming 29 adjournments prior to disposal. Evidence at project-end pointed to substantial improvements with regard to judicial discretion over granting bail and trial adjournments in these intervention areas. Trained judges rejected bail applications by the accused in 18 cases, and disallowed adjournments for 32 on-going CSE trials, indicating the effectiveness of sensitization and capacity-building efforts with these stakeholders.

“While bail as a rule is granted to all those who are able to furnish surety, Vipla (Foundation) was able to bring attention to the exploitation of it in trafficking cases. There has been a change since, bail applications are not easily allowed, and each fact is put under the microscope before considering bail in trafficking cases.” —Trained Judge, In-depth Interview

Adoption of victim-sensitive judicial practices and provision of on-going support can encourage victim engagement in trials

Qualitative findings confirm the successful adoption of victim-sensitive practices in courtrooms of trained judges and lawyers. At baseline, there was a distinct lack of prioritization of victim rights and welfare observed in project districts, with interviewed stakeholders reporting frequent instances of long waiting hours and a lack of child-friendly waiting rooms for victims during hearings, a lack of adherence to in-camera trials, and demonstrated rude and dismissive behavior towards victims by both lawyers and judges. These findings are reflected in the low rates of victim testimony and participation at baseline. Analysis of case data prior to the intervention between 2017 and 2020 indicated that, of the 20 CSE cases resulting in acquittals, only 14 of the 37 victims were made witnesses in their own cases and summoned to court. Twelve of this group turned hostile and did not want to engage further, negatively affecting case outcomes and hindering their access to justice.

Evidence collected at project-end found consistent instances of trained stakeholders displaying victim-centric practices during trial proceedings, including the adoption of in-camera trials, approvals for remote or private victim testimonies, and willingness to grant trial extensions in instances where victims were unavailable. End-of-project interviews indicated positive individual-level shifts among trained judges in all five project districts with regard to their perceptions of CSE victims as well as their attitudes towards CSE as a crime. In particular, technical experts reported judges “taking cognizance” of character-damaging references to victims by defense lawyers in the courtroom, a marked transition from baseline. Empathetic and trauma-informed judicial attitudes play a critical role in encouraging victim engagement and testimony in trials. Stakeholders reported that support and training on victim preparation and counseling helped build victim trust and investment in their trials, with fewer victims withdrawing from cases across project districts, strengthening the prosecution. Seven CSE victims testified in court against their traffickers, and 10 victims supported by trained legal stakeholders came forward to participate in the prosecution efforts for their cases.

“Currently, I have an opportunity to conduct 2 CSE cases, in which there are four victims and I got to examine these victims, all of them are from different states... During the pandemic, we were not able to collect their evidence... It is because of the [project’s] support and effort that they stick to their stand and give their examination in the court.” —Trained Public Prosecutor, In-depth Interview

However, improvements in awareness and attitudes towards CSE victims were not observed uniformly across all project stakeholders, highlighting the need for longer-term sustained engagement and sensitization. Interviews with a sample of trained DLSA lawyers in two of the five project districts

10. The baseline assessment accessed publicly available e-courts data to examine details of both disposed and pending CSE cases in the five Vipla Foundation project districts for a period of up to 3 years prior to the intervention—a total of 103 cases (23 disposed and 80 pending) were analyzed through this process.
GFEMS has observed the benefits of facilitating coordination mechanisms and collaborative training among law enforcement and child welfare stakeholders through its programming in similar contexts in South Asia. In Bangladesh, GFEMS partnered with Justice and Care to train border guards and police on victim identification, trauma-informed care, and referral pathways to other critical child welfare stakeholders. Through these efforts, 497 border guards and 382 police personnel were trained, resulting in the effective identification of 67 trafficking victims by these stakeholders in 2021. Training on cross-systems referral protocols further enabled these personnel to link these victims with relevant and appropriate aftercare service providers in a timely manner.

11. CWCs are quasi-judicial statutory bodies responsible for the welfare of children in need of care and protection under the Indian Juvenile Justice (Care and Protection of Children) Act, 2015.

12. Specifically, the project was unable to roll out planned district-level quarterly convergence meetings in all five target districts; and was unable to conduct a state-level cross-stakeholder CSE consultation due to pandemic-related restrictions.
Recommendations

The insights in this brief represent perspectives and inputs from a range of stakeholders combating CSE in Maharashtra, including police personnel, judges, public prosecutors, lawyers, para-legal volunteers, anti-trafficking practitioners, technical experts, child welfare stakeholders, and trafficking survivors themselves. Drawing on these inputs, the recommendations in this section aim to inform future programming to improve the delivery of justice for survivors and increase deterrence for traffickers.

**Integrate sensitization modules into training for police and other stakeholders that interact with CSE victims through the judicial process.**

It is essential that victim-sensitization and trauma-informed principles are integrated into regular training modules for stakeholders at every stage of the judicial process beginning with rescue operations through the conclusion of trials. These efforts can help police and other auxiliary stakeholders better understand CSE victims and overcome existing biases or misperceptions. As the first point of contact for victims, and as the stakeholders responsible for laying the foundation for trafficking cases, it is critical that police are trained to employ trauma-informed approaches when collecting victim statements, explaining judicial processes, and gathering information for chargesheets. Similar training modules should also be routinely administered to medical examiners and courtroom clerks to support victims in providing evidence and sharing their experiences in the absence of fear or intimidation.

**Implement reporting and data-sharing mechanisms to improve accountability among criminal justice actors**

While publicly available online tools such as e-court services have an important role to play in terms of documentation and accessibility of case information, these platforms are not updated frequently, limiting their utility as real-time information sharing channels for stakeholder collaboration. Mechanisms to allow judicial stakeholders to regularly deliberate CSE cases, and to enable prosecutors to effectively leverage the competencies and support functions of DLSA lawyers and PLVs could improve the efficiency of trafficking prosecutions, particularly in the context of heavy prosecutor caseloads across districts. Moreover, channels to streamline internal processes such as timely evidence documentation and knowledge sharing among different agencies could help address existing coordination gaps and support prosecutions.

**Institutionalize periodic capacity building workshops for judicial and law enforcement stakeholders.**

This will help ensure that these critical stakeholders are kept up-to-date on legal developments and nuances of CSE case laws and precedents, as well as on enhanced investigative techniques and documentation protocols respectively. Sustained engagement over a long term through refresher trainings is also likely to prove more effective at addressing deep-seated biases and engendering more lasting behavioral and attitudinal shifts among key stakeholders. Further, the routinization of training can help address the issue of skill and knowledge shortfalls caused by the regular transfer of police and judges between districts, allowing for a more systemic approach to strengthening investigative and prosecutorial capacity.

**Develop collaborative training opportunities for CSE stakeholders**

The judicial process for CSE cases involves multiple interdependent components, and requires a range of actors to work in tandem since errors or gaps at any stage of this process is likely to have consequences for the strength of the prosecution and case outcomes for victims. Opportunities for collaborative multi-stakeholder training could enable greater coordination among police, judiciary and child welfare stakeholders to align on roles and responsibilities through these stages, ensure protection of victims, and the mitigation of risks and loopholes associated with the prosecution of perpetrators. Joint training platforms would allow for all these stakeholders to be equipped on the same concepts and protocols, encourage peer-learning and problem-solving, help diminish inter-personal hierarchies, and could potentially support the development and adoption of cross-systems-level SOPs for trafficking cases.

**Acronyms:**

- AHTU: Anti-Human Trafficking Units
- CWC: Child Welfare Committee
- CSE: Commercial sexual exploitation
- DLSA: District Legal Services Authority
- PLVs: Para-legal Volunteers