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Case Study of a Child Survivor of Human Trafficking for Social Work Professionals in Juvenile Justice Administration

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Abstract:

The Paper describes a qualitative narration of a case in which the author as honorary magistrate and chair person of Juvenile Welfare Board, ensured protection of a girl child trapped in the hands of human traffickers. Along with case study, the author as a trained social worker explains how she used her knowledge and skills of social work profession. Human trafficking is a global problem. Social Work practitioners and Educators may find tips from this case study for appropriate intervention strategies to solve similar cases. The intervention is illustrative to both administrators and educators in delivering justice and in preparing a young trainee to the correctional social workers.

Keywords: Children, human trafficking, juvenile justice, social work, case study

1. Introduction

Juvenile Justice Administration is one of the prime settings where social work professionals play a key role. Unlike the fields of Industrial social work and Medical and psychiatric social work, where trained social workers act as Para professionals or as supportive team members, correctional Administration and Management-of which Juvenile Justice is an important branch-is a setting wherein social work professionals have a direct and leading role to play.

The core philosophy behind having a separate justice system for children and juveniles was out of the realization that a different yardstick is needed to be applied to children than that to adult offenders. The special legal provisions for children were clearly recommended by the Indian Jail Committee which expressed need for special children's Acts and Juvenile courts. Handling children is a subtle, sensitive, complex task involving special responsibility. It requires trained and qualified personnel who have skill of moulding a Child's behavior and who have high degree of sensitivity, competence and commitment for the cause.

1.1. Juvenile Justice Administration in India - Then and Now

Prior to 1986, different states in India had separate Children's Acts. Out of 22 states, 17 states had their own Children Acts; and for the union territories, the Central Children Act 1960 applied. The lack of uniformity in the definition of a Child created a lot of difficulty, especially when the matter required inter- state transactions. It was increasingly felt that we needed to have a common law which could be uniformly applied to the whole country. This is how the Juvenile Justice Act 1986 came into being. It aimed at providing for the treatment, care, protection and rehabilitation of children. The basic structure of this law is more or less reflected in the Juvenile Justice (Care and Protection of Children Act) 2000 – as amended in 2015 and brought in force from 15th January 2015. Though the philosophical approach has been substantially changed. The Juvenile Justice Administrators and Managers, thus, primarily are required to deal with the two major categories of beneficiaries: (1) Those in need of care and protection and (2) Those in conflict with law.

Child victims of trafficking are covered under the first category.

1.2. Trafficking in Women and Children

Sale and commoditization of human beings for commercial exploitation has become a thriving business world over, and it is proven beyond doubts that a massive network of organized crime operates across nations to keep the supply chain undisturbed. India is no exception to this.

The protocol under UN Transnational Organized Crimes (UNTOC, 2000) describes Trafficking as “The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or of receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the

exploitation of the prostitution of others or other forms of sexual exploitation, forced labor services, slavery or practices similar to slavery, servitude or the removal of organs...”

1.3. Juvenile Justice Act: Child in Need of Care and Protection - A Case study

Following is a case from the case diary of the Chair Person, Juvenile Welfare Board – **Dr. Leena Mehta**, prepared originally for TOT Programme organized by NISD at New Delhi from 20th to 24th Jan., 2003. (For using this case study, written permission of the writer should be taken). The social work theory, role and concerns are shown in box.

NOTE: 1. Synonyms used-

- Victim = client, child. Rukhsana (name changed).
- J.W.B. Authority = Chair person, Juvenile Welfare Board, Author(I), Fieldwork Supervisor as a post graduate faculty in Social work.
- Home = Shelter home, Protection Home

2. Who = Direct Stakeholders

3. What = Social Work KAP, Social work ethics

4. How, Why = Issues of concern for social work intervention.

2. Case of Rukhsana

1. It was as late evening when Rukhsana was brought to my residence by two lady constables of railway police for obtaining a remand warrant. She was around 12 years old girl, fair complexioned, little plump and slightly short for her age. She was clad in a dark colored Punjabi suit. She wore a broad hair band and her hair was neatly done. She was holding a cloth bag “Theli” in her hand which she never put down during the whole proceeding.

- Who?: Victim, Railway Police, Chairperson- Juvenile Welfare Board.
- What?: Knowledge of Legal Provisions of J.J. Act, procedural rules. Observation of child’s physical mental status & behavior Preliminary assessment for intake.

2. The constables reported that she was brought to them by a lady railway passenger who was residing in Baroda, who after giving her identity and address had left. She had found Rukhsana crying in her compartment and Rukhsana had told her that she had come to Surat from Mumbai to participate in an ‘Urs’ (a religious event), and while returning, got separated from her parents, as before she could board the train to Mumbai, the train started off, carrying her parents. By then, the train which she boarded now also started. The lady consoled her and decided to report this to the Baroda railway police so that Rukhsana could be handed over in safe hands.

- Who?: Railway police, victim, JWB Authority, a responsible public spirited civilian.
- What?: Procedural compliance: civilian extended help to a child in need, took care to promptly report in the police, police in turn ,promptly approached to authority as the girl child could not be kept in police custody at night. Human right principle was followed, child’s security safety was given highest priority both by the civilian and the concerned law implementing machinery.
- Why?: Parent’s negligence? —Did they report to police-If not why?

3. While the constables were narrating the case history, one could observe that Rukhsana was listening carefully what they were saying but unlike other ‘missing’ children, she never even once gave an expression of anxiety or fear. All the while she carried her neatly packed ‘Theli’ in her lap. When asked whether she could give any clues about the address of her parents, who according to her lived in Mumbai, or relatives in Surat, she said she could not recollect anything.

- Who?: J.W.B. Authority, Child victim
- What?: Social work skills: observation & interviewing
Social work ethics: child was not unnecessarily subjected to long questioning nor pressurized to give details. It was left to her if she wanted to disclose, observation: preliminary assessment was that the case resembled more to a runaway or absconding case rather than the case of a lost or deserted child. A mental note was made to child’s refusal to disclose more and the statement that she did not know address did not match with the poise, confidence and sharpness. The ‘theli’ perhaps contained her personal belongings? Was it a planned act? What is the true story? Patience.... unlike a lay person, a professional must control natural curiosity and wait for the client to develop trust in her well wishers
- Why?: Was Rukhsana lying? What did her theli contain-her clothes? If so, did she abscond willingly?

4. Knowing well that these children need a long time to open up, I instructed the constables to admit her in the government home. I offered her food, but she said that she was given snacks by the lady who brought her to the police and that she did not feel hungry. She happily went to the (shelter) “home”, and seemed in no hurry to go back to her parents. At the institute, she repeated the same facts to the lady superintendent.

- Who?: J.W.B. Authority – Superintendent of observation home.
- What?: Issuing appropriate orders to the police; to observation home.
Be sensitive to child's basic needs: offer food if she needed it.
Child's ready willingness to go to govt. home instead of her own parents was noted again.
- Why?: How come she remained so calm despite the crisis? Why did she look almost prepared to go to the institution?

5. Besides giving my honorary service as the chair person of the District Juvenile Welfare Board, I also work as a faculty of social work in the M. S. University, which enabled me to keep in touch with the progress of such institutionalized children. One of my own postgraduate students was placed for her fieldwork training in the same institution where Rukhsana was admitted. In absence of a case worker, my student assisted the superintendent in conducting intake interviews, counseling and group work sessions.

- Who?: Social work student (a fieldwork trainee), J.W.B. authority, (Now acting in the capacity of a field work supervisor).
- What?: In absence of a counselor, the student trainee assumed a case / group workers' role and also assisted the Superintendent in conducting intake interviews and maintain case files. As a case worker, she was instructed to facilitate child's adjustment in the new environment.

6. Initially, Rukhsana stuck to the same story. After a few days, however, she confided in the student worker that she faintly recollected the name of the Masjid near which her parents lived. A few days later she also gave her paternal aunt's name who, she said, lived in Junaghadh, a town in Saurashtra (Gujarat). Through the Gujarat police and the Child Helpline at Mumbai, the student worker tried to trace her family, but failed. The Mumbai child helpline however, confirmed that there did exist a masjid at a place which Rukhsana had described.

- Who?: Student caseworker – child victim, police, child line.
- What?: Once rapport was built, child started giving additional information in bits & pieces sounding casual to the client, the worker acted fast outside the shelter home to verify the correctness of the information by roping in the Child Helpline network and the local police.
She, however, took care not to reveal the child presence in the shelter home but requested the govt. and voluntary network to help her know whether such locations did exist in the city / town...=Social work Ethics: She did want to respect child's choice of whether to go home & when to go back..., maintain confidentially to keep up her faith.
It turned out that while the aunt's address was fake the "masjid" described by the child did exist... in some way the place seemed to have some connection with this case!
- Why?: What made Rukhsana reveal additional information? Why was she still lying?

7. Rukhsana adjusted quite well in the agency and became friends with inmates of her age. When some older inmates tried to bully her, she firmly and strongly resisted. The student worker found that she could read and write Hindi and Gujarati, and once in a while borrowed her friend's pencil and paper to draw pictures. Once she told the worker that on some trivial matter she received physical punishment from a lady guard and that whenever she differed from the older inmates, the lady guard would take their side and threatened to punish her. She requested the worker not to share this with the superintendent as she feared that guard would punish her more harshly if she learnt that Rukhsana had complained about her. It was really difficult to sort out the matter without breaking Rukhsana's confidence. Instead of taking formal steps, I decided to pay a visit to the institution at night which would indirectly convey a message to the guard. My visits to the children's home on the same campus were common.

- Who?: Child victim, other inmates in the shelter home, peers supporters and bullies, lady guard, student worker, J.W.B. authority and Field Work student.
- What?: The typical problems in closed custodial care institutions- worker had an additional task to respond to the clients' catharsis – control bullying of older inmates and prevent the lady guard to take sides and prevent the child being subjected to physical punishment. Complaining to the superintendent would only worsen the situation. -Worker could not cope as she had no authority. Besides, she did not want to break the client's confidence in her. She sought field work supervisors' guidance and help on how to manage this newly popped up crisis and prevent Human Rights violation within the institution.

8. When I went to each room one by one, I found Rukhsana drawing some design on a notebook paper with a bangle. I asked her how she liked her new friends and new home. She first glanced at the guard who was following me closely and after a gap of a few moments said "... Rest all is fine but..." I could see the lady guard getting tense and without my asking anything, she said that Rukhsana keeps borrowing papers and color pencils from the school going inmates and if they refuse, she snatches it from them, and then it becomes difficult to control them all. The guard explained that stationery grant is only for the school going girls and hence Rukhsana cannot be given a separate set. I asked Rukhsana if she loved drawing and would like to have a set of color pencils of her own, her eyes sparkled and she said that she would love to have one, as she felt lonely when all her fellow inmates went to school. She expressed her desire to go to school. I promised her to give a pencil set and papers the next day.

- Who?: J.W.B. Authority/ field work supervisor, client, other inmates and lady guard.
- What?: As a field work supervisor there was little I could do except to guide the student trainee to deal with the situation tactfully. However, as J.W.B. authority, I could definitely intervene. Social Work Ethics: In normal circumstances, I did not prefer to mix up the two professional roles and did not cross boundaries of either role. However, this was a situation wherein circumstances were NOT normal. Protecting human rights of an already once victimized child did call for immediate solution... I decided to use my authority.
Social work skills: observe, interpret, make use of non verbal communication-My visit conveyed the desired message to the guard. Stopping by the client was a gesture which was enough to convey that the client had a support outside the agency client's half completed response to my casual query coupled with her silence and meaningful glance at the guard said it all. As expected, without any confrontation, the guards' behavior... of not leaving me alone with inmates... of the rising tension (while client was talking to me) seen from her facial expressions and defensive accusations of client's aggressive behavior confirmed that she subjected client to physical punishments
Important observation for psychosocial need assessment: client liked drawing activities... felt deprived when she was not given pencil papers were notable. I could understand and accept agency's procedural limitations about stationery grant, individualized attention given to the client increased her faith further in her well wishers.

9. The student worker later reported that Rukhsana was happy to receive the drawing material, she also confided in the worker that the shouting and beating from the guard had stopped after my visit. My indirect message to the guard seemed to have worked. The regular counseling sessions helped the worker to know two additional facts; one, that Rukhsana studied till third standard and that her school was at Surat (and not in Mumbai!!!).



Figure 1

- Who?: Client, peer inmates, student worker
- What?: The problem of “beating” by guard was controlled drawing material gave client another opportunity to express At times she had imaginary telephonic talks with me.
(Clients' imaginary telephonic conversation with the author: Seeking emotional support: “Hello Leena Madam”)

10. The worker was advised to continue with her counseling sessions patiently and let Rukhsana take her own time to open up. She was asked to encourage Rukhsana to write down her complaints and send them to me instead of quarrelling with peers. She occasionally sent me lists of peers, her paintings (Shown alongside) ...her adjustment with peers was reported to have improved.

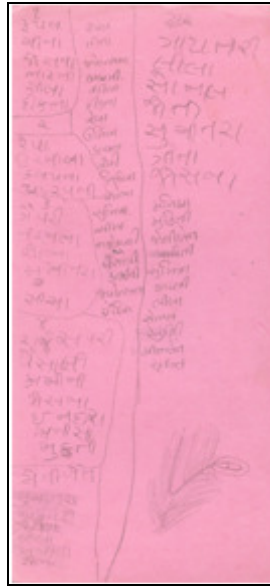


Figure 2

- Who?: The client, the student worker the fieldwork supervisor.
- What?: Worker was consciously reminded constantly not to lose patience and work at the client's pace and let her decide when and how much to confide in the worker....

11. Meanwhile the superintendent tried to trace Rukhsana's whereabouts through a press note in the local newspapers. Sharp as she was, Rukhsana asked and confirmed from the worker whether such a press note was actually published. She now looked a little confused and preoccupied.

- Who? : The superintendent, the local print media, the worker, the client.
- What?: The superintendent's decision to use print media for locating child's parents was perhaps an important turning point. Client's gesture of repeatedly requesting the worker to let her know about the developments after the press note could otherwise have meant that she was eager to return home... but the confused looks on her face and preoccupation certainly did not convey that positive anxiety and hope... a mental note was made by the worker of this contradictory behavior.



Figure 3

12. Once when the worker was taking the group of inmates out of the building, for an outdoor game session, Rukhsana stayed behind and pressed the worker's hand requesting her to stay back too. As she opened her mouth to say something, the superintendent entered the hall and Rukhsana told the worker that she had a headache and needed medicine. The worker got a feeling that she wanted to tell her something. After asking the group leader to start the game, the worker sat near the steps and called Rukhsana over there. She asked her what was wrong with her. Rukhsana replied that there was no headache but she wanted to share something with the worker and take her advice. She then revealed that she lived in Surat with her father and five younger siblings. When she was in third standard her mother died and she left school as she had to take care of her younger brothers and sisters. Her grandmother lived nearby

but she was too old and too poor to support them. Her father was a hawker and sold small household items in the villages on the outskirts of Surat. Her parents had frequent fights and her mother actually committed suicide and died of burns. She received frequent beatings from her father. She also shared that although life in the institution was better, now she remembers her two youngest siblings for whom she had special feelings.

- Who? : The client, the worker, the superintendent the client's peer inmates.
- What? : Workers' sharp observation skills helped in quickly responding to client's non verbal communication of staying behind the group, of pressing the workers' hand and suggesting her to stay back worker also could notice that superintendent's sudden entry deterred client to say what she actually wanted to convey to the worker. Worker also noticed that the perhaps changed the topic because of superintendent's presence... what was it that she wanted to hide from the superintendent, but confide in the worker?

Worker managed to steal some moments of privacy with the client, respected the client's need for confidentiality... and the client for the first time narrated who she was and where she came from Mother's suicide, fathers' meager income, their unpleasant married life and the responsibility to care for five younger siblings compelled her to drop her studies... all the pathogenic factors that would make a child run away were present. She had seen too much, suffered too much at such a small age...

13. When the worker politely asked her why she gave a false address of Mumbai and a false name of her aunt, she said that a lady from the neighborhood lately used to meet her regularly and would buy her chocolates and ice cream. She used to sympathize with Rukhsana and praised how she ran the house at such a young age. She asked Rukhsana if she would become her daughter and live with her at Mumbai. She could enjoy all pleasures of life at Mumbai and that if Rukhsana liked the place then her brothers and sisters would also be called to live with them. She instructed Rukhsana not to share their plans with anyone else till she once went to Mumbai with her and decided to stay with her. One day she asked Rukhsana to get ready with all her belongings and leave the house quietly. Rukhsana did so. On the Surat railway station, while they were waiting for the train, they observed that two policemen were constantly taking rounds. The lady pushed Rukhsana into a train on the opposite side of the platform and quickly whispered in her ears that if anyone asked her, she should say that she was separated from her parents. If she can escape she should come to a masjid at Mumbai and she would find her. If Rukhsana failed to reach Mumbai, the lady would herself find out where she was and bring her to Mumbai. She strictly instructed her to tell the same story to all or the police would send her to jail for leaving home.

- Who?: The worker – the client, the kidnapper – trafficker
- What?: ...the worker decided that this was the right time to ask her about the contradictions in her earlier talks... and the findings were really shocking!! She was lured by a middle aged lady to go to Mumbai where she was promised to have a rosy life... was actually taken to the railway station but the fear of the railway police made the lady desolate the girl. She quickly uttered her address in case they separated for long. The "Masjid" and the "Mumbai" story was now demystified!
The child did not tell the truth as she was threatened by the lady in the name of police and jail Worker removed her fear, gave insight, and convinced the client to tell the true story to officials and reassured her that she would never be sent to jail and that she should at least meet her father once.

14. Rukhsana said that she waited enough for the lady hoping that she would find her and take her to Mumbai. She told that now that her name and photograph is published in the newspaper everyone would know that she ran away from home and she would be punished. The worker assured her that children are never kept in jail and if she wanted she could still stay in an institution and study. She was explained that it would be good for her to inform her father and take his permission to live in an institution. If she wanted she can occasionally visit her home to meet her brothers and sisters and her grandmother. The worker encouraged her to give her true story to the welfare board members and the superintendent.

- Who? : The media, the caste leaders, the superintendents the JWB authority.
- What? : The media attracted local caste leaders' attention... they expressed concern tried to take client's custody.
The "tilak" on client's forehead was misinterpreted as an attempt to convert the client's religion.
The JWB authority welcomed the caste community's support in locating the parents through caste network where the formal system failed caste network was used as an indigenous network. Their feelings were respected; insecurity of religious conversion was removed.
But, their demand for child's custody without due legal process was firmly denied... ..despite the social and political pressures they brought on the JWB authority... a professional cannot compromise with the legal compliance...

15. On the other hand, seeing the press note, local leaders from the Muslim community contacted the authority and offered to find out Rukhsana's father through their caste network. A message was sent to the Surat community leaders who easily located Rukhsana's father and grandmother and they were asked to be present in the next session of the juvenile welfare board. The community leaders visited Rukhsana frequently in the institution and insisted that till her father took her custody; Rukhsana should be handed over to them. (They once noticed that Rukhsana had applied a kumkum tilak on her forehead like other fellow inmates as there

was some celebration and puja in the institution. They strongly resisted it and hence, did not want Rukhsana to stay in this institution). They tried to contact the juvenile welfare board members for releasing Rukhsana.

16. The superintendent too was fed up with the excessive attention Rukhsana's case had drawn and hence was keen to send her back to her place. She therefore asked the local print media to remain present in the court room.

- Who?: The superintendent, the press media
- What?: Predicting the Board members' stand, the superintendent in order to get rid of the client and to bring social pressure on Board members invited the print media in the courtroom. Of course without the Board's approval and knowledge!!

17. On the day of the board's session, I was surprised to see that unlike other days, the court room was full of the local community leaders, Rukhsana's father and grandmother, govt. officers from the information department as well as reporters from the local print media.

- Who?: The JWB Authority clients' father & grandmother, govt. officials and local community pressure groups.
- What?: The unusual crowd in the court room surprised the Board Members confident about their ability to handle the case, they proceeded with the case... the superintendent openly expressed her desire to send the girl away from the shelter home... the JWB however, was firm that the child's interest should be the only prime consideration in deciding the case...

18. When the board met, and Rukhsana's father was interviewed thoroughly, unlike what Rukhsana had described, he turned out to be a very mild person. He said that he was very poor and had five children, Rukhsana being the eldest daughter. Rukhsana's mother committed suicide and hence Rukhsana had to drop her education and take over household responsibilities at an early age. He honestly admitted that although he loved Rukhsana very much, he "had to" beat her up several times because she had developed a habit of lifting things from the neighbor's house. She also had tried to run-away from home once or twice under the influence of bad company, but somehow returned home soon. This, he said, was the reason why he did not report about Rukhsana to the police. He plainly declared that he had to earn and feed five children and could not afford to waste his time after her. He was open for both-taking Rukhsana back or keeping her in an institution. The grandmother too expressed her inability to control Rukhsana. While the community leaders and the superintendent of the institution wanted to finish the case by handing over the custody of Rukhsana to her father. We, the board members strongly felt that for Rukhsana's own long term interest. It was not advisable to send her back in the same vulnerable environment. (Surat city has the oldest sex market in the state and off and on cases of trafficking minor girls take place). The community leaders pressurized Rukhsana's father to remove her from the institution as they saw this as threat to their religious identity.

- Who? : Client's parent – grandmother – JWB member and others.
- What? : Statements of client's guardians clearly revealed that they were unable to control client's early signs of deviant behavior of indulging in petty thefts from the neighbors they also expressed the fear that since Surat was a city with a Red-light area, they had heard of similar cases where young adolescents were lured by lady pimps and traffickers. The father openly expressed his limitations and readiness to institutionalize client. But the caste group's pressure was so high that he actually declared his inability to take any decision. The Board members maintained that it was not safe for the child to go back to the same unsafe environment especially when the traffickers had already set an eye on her. Besides, looking at the IQ level and personality traits of the child given a safe and healthy environment she could do well in studies and hence must be sent to school at least to complete primary education.

19. After long discussions and negotiations, they too were convinced that if Rukhsana was sent back, she would end up in a red light area of Surat or Mumbai. They advised Rukhsana's father to admit Rukhsana in a residential institution in a nearby town, which was being run by their own religious trust.

- Who?: JWB, Client's Guardian, local caste leaders and elites.
- What?: The father as a legal guardian was asked to find an alternate solution, if he was not willing to keep the child in the government home. He agreed to admit client into a residential school run by their own religious trust and undertook the responsibility for the... child's education and safety. The community leaders assured about their support not only for this, but for all the five younger siblings' rearing and caring.

20. The Board inquired about the credibility of this institution and after taking surety from the local Muslim elites handed over Rukhsana's custody to her father on a condition that at least for sometime he would admit Rukhsana in the residential institution and would permit her to study further. With the help of the others the father was counseled to think about his other children and to put them too in a residential educational institution where their educational, health and developmental needs would be ensured.

- Who?: Residential school run by a religious trust, parent, client, JWB, community leaders.

- What?: While the father was given the formal custody of the child, the JWB, with the powers vested in it gave him a conditional custody only after ensuring that the child was straightaway admitted to a school of the commonly agreed choice in a nearby town. A responsible member of the school management and one of the elite community leader gave a written bond to ensure that the child completes her primary education and special care would be taken to ensure her safety from trafficking.
- By using community resources and by seeking support from the civil society, the JWB tried to prevent future victimization of the child

In this case, the role of social workers, the list of allied systems, and basic principles of combating trafficking are applied sensitively and judicially. These are relevant to all such cases. The core principles which-though intuitively- motivated the JWB authority to give the unconventional-so called 'land mark'- decision as described in bold letters in one local daily. Those which should ideally have been addressed to but could not be addressed as they fell outside the purview of my jurisdiction.

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