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Assessing efforts of the Government of India and the United Nations Office on Drugs and Crime in Tackling Bride Trafficking

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ABSTRACT

Bride trafficking is a form of human trafficking that severely affects women and girls. Although some literature has described the causes and impacts, there have been relatively few studies to shed light on the efforts to overcome the problem. By using a theoretical framework, this study limits the research scope and defines the specific viewpoint to analyse the topic. This article aims to examine the efforts of the government of India and the United Nations Office on Drugs and Crime (UNODC) in combating bride trafficking. It pinpoints the causes of bride trafficking in India, such as economic demands, the poverty level, high demand for dowry, the practice of foeticide, and social marginalization leading victims to re-trafficking, as well as the impacts: physical and mental health problems, social exclusion, infectious diseases, and the damage to India's reputation. This article found that the government of India and UNODC has been relatively effective in handling bride trafficking. The number of trafficked women (victims) cases in India declined significantly between 2016 and 2020. The UNODC also plays a pivotal role in strengthening the law enforcement capacity of the government of India.

KEYWORDS

Bride Trafficking; Government of India; UNODC

INTRODUCTION

Low politics is one of the discourses in the field of international relations. The critical concept of low politics is to cover all the topics that are not considered vital to the state's survival, or to focus on sub-unit level factors (Olsen, 2017). It includes social, economic, cultural, terrorist organizations, environmental, and humanitarian issues. Humanitarian issues cover a broad subject, including human trafficking. As it involves multiple actors (state and non-state) at all levels, national, regional, and global, this topic has become attractive in international affairs (Ministry of Foreign Affairs Republic of Indonesia, 2019). Human trafficking occurs in every region of the world, and India is no exception (Marburger & Pickover, 2020; Singh et al., 2019).

India remains one of the few countries having many victims of the crime of human trafficking. In 2019, the government of India reported 2,088 trafficking cases under the Indian Penal Code (IPC), in comparison with 1,830 trafficking cases in 2018 and 2,854 trafficking cases in 2017 (U.S Department of State, 2021). Although the given data did not specify what sections of the IPC were included, these figures clearly show a decreasing trend of trafficking cases in India between 2017 and 2019. Nonetheless, the government of India still needs to go the extra mile to reduce the number of trafficking cases.

Human trafficking is a transnational organized crime committed by a group of people across boundaries of nations. It can

be defined as "those activities involving the crossing of national borders and violation of at least one country's criminal laws" (Roth, 2014, p. 6). Surtees and Wijaya consider the act of human trafficking as a criminal syndicate, which is an association of several people formed to carry out criminal activities (Sulistyawati, 2018). Given the types of human trafficking like the sex trade, forced labor, and domestic servitude, this article will focus on human trafficking in the form of bride trafficking.

Bride trafficking is considered a part of human trafficking. The term *bride trafficking* may also refer to *mail-order brides* (Yoteni, 2021; AS et al., 2020), *marriage of convenience* (Saha, 2018), or *women trafficking* (Naik, 2018). It is the practice of trafficking women into marriage against their wishes. This activity occurs through the involuntary trafficking of women. It targets adult women and underage women who are still categorized as children. They are subsequently trafficked to men looking for wives. In so doing, this process sells the bride to be a permanent wife and forces the victim to be trafficked to other men. A woman sold is frequently treated inhumanely by the men who buy them, such as being tortured (Linden, 2021).

In India, the number of men outnumbers women, triggering the practice of bride trafficking (Denyer & Gowen, 2018; Cohen, 2000; Upadhyay, 2021). It has then prompted most male families to buy brides from relatively poor areas such as North East India (Assam),

Bihar, Jharkhand, Odisha, West Bengal, and Andhra Pradesh. They are sold or bought by families or groups in more developed regions such as Haryana, Punjab, Rajasthan, and Western Uttar Pradesh (Mukerjee, 2013). This bride trafficking activity continued to develop gradually, making the case a crucial issue in India.

Even though India has ratified several regional and international conventions, the practice of bride trafficking still occurs. The conventions include the United Nations Convention Against Transnational Organized Crime (UNTOC). It consists of three protocols, one of which discusses suppression, prevention, and punishment – more directed at women and children. The convention was initiated by the United Nations Office on Drugs and Crime (UNODC) and later ratified by the Government of India in May 2011 (UNODC, n.d.-a).

This article aims to examine the efforts of the government of India and the United Nations Office on Drugs and Crime (UNODC) in combating bride trafficking in India. It argues that the Indian government and UNODC have made progress in dealing with the practice of bride trafficking in India. The structure of this article begins with the description of the theoretical framework to define the specific viewpoint to analyze the topic. It then describes the methods, followed by presenting the results and discussion, and conclusion.

THEORETICAL FRAMEWORK

Irshad (2021) defines bride trafficking as “one of the worst forms of human trafficking” the world has ever seen. This type of trafficking is quite complex as it links to other crimes, such as child marriage, domestic violence, bonded labor, and prostitution. Irshad (2021) affirms that the phenomenon of bride trafficking has been pervasive in India for thousands of years; thereby, understanding the issue from a bigger picture and related laws is crucial. By the same token, Raj (2020) acknowledges bride trafficking as part of human trafficking due to the evolution of human trafficking today. Even though some women enjoy their right to opt for their lifestyle as well as for their partner, some others are forced and deprived of their rights to become involved in a circumstance to marry against their will.

The explanation of Bélanger (2010) is slightly different from that of Irshad (2021) and Raj (2020), underlining the phenomenon of bride trafficking may become a window of opportunity for a woman to settle overseas. She called that *voluntary migration*. Bélanger (2010) presented an example of a case study in Vietnam where the government is unwilling to support such trafficking because the women are considered the victims and open-up opportunity to leave the country. This phenomenon has finally influenced policies in several countries, such as Taiwan, which allows non-profit agencies only to undertake their business. At the same time, the government of

South Korea also requires each agency to obtain approval as part of the control system they introduce.

On the flip side, Naik (2018) considers bride trafficking part of women trafficking, which is a breach of human rights. Such trafficking is also considered the illicit trade in human beings nowadays. He further explains that the objective of such trafficking is to exploit the victims commercially and make them forced laborers. In short, the perpetrators harness the victims of trafficking like products and later throw them away. Naik (2018), therefore, recommends the importance of understanding the reasons and impacts behind the phenomenon of bride trafficking, as well as looking at social taboos related to trafficking women, particularly in India.

Another perspective that can contribute to the understanding of bride trafficking is from Upadhyay (2021). He defines bride trafficking as part of a 'crime against humanity' existing in society, given that it infringes the victims' rights, dignity, and freedom. Upadhyay (2021) emphasizes the importance of looking at the aspects causing bride trafficking and the potential solutions in India. He underlines the objective of bride trafficking activities is to exploit marriages under the pretext of an ordinary marriage. It means that someone would trade a woman or child for a wedding and exploit them afterward as marriage victims. The exploitation may include prostitution, polyandry, rape before or after marriage, re-trafficking, neglect, and forced living

conditions such as slavery, which is highly exploitative (Upadhyay, 2021).

Naik and Upadhyay's definitions are the most relevant to the aims of this study, given the emphasis they place on identifying factors causing bride trafficking and the repercussions of such a phenomenon. Yet, this article requires a comprehensive understanding of bride trafficking in India; thus, it expands the idea of Naik (2018) and Upadhyay (2021) to examine efforts taken by the government of India and UNODC to address the issue. The review also finds there have not yet been any studies that discern how the government of India, in tandem with UNODC, deals with bride trafficking.

Although other scholars like Irshad (2021), Raj (2020), and Bélanger (2010) present the essential explanations of the circumstances the woman/child encounter during the bride trafficking – like taking away their rights, the correlation with other crimes, and the possibility of going overseas – there is no explanation to assess the implications of the causes of the phenomenon, nor do they explore the way the government of India and UNODC deals with the issue specifically. As a result, this article attempts to fill the gap. It commences with the descriptions of the method utilized in this article, and then enters the results and discussion, which consist of three parts: causes of bride trafficking in India; the impacts and the efforts of government of India and UNODC in tackling the issue.

METHODS

This study is primarily based on qualitative approach. Aspers and Corte (2019) define qualitative research as “an iterative process in which improved understanding to the scientific community is achieved by making new significant distinctions resulting from getting closer to the phenomenon studied” (p. 139). From that definition, this article endeavors to grasp the research phenomenon – the case of bride trafficking in India – by expanding the work Naik (2018) and Upadhyay (2021) had conducted. They both emphasized discovering factors causing bride trafficking, whilst this article adds an extension to examine efforts of the government of India and an international organization (UNODC) to overcome the issue.

The data was collected via library research. Library research is one of the data collection techniques focusing on learning activities and understanding data, emanated from books, theories, notes, and documents in order to support a research study (George, 2008). This study collects data related to cases of bride trafficking in India, as well as other literatures that also discuss the topic of bride trafficking in different countries. Literature sources are limited in terms of the publication year, with the majority taken in the last five years, consisting of journals, books, government publications like The National Crime Records Bureau (NCRB), the website of UNODC, and other internet websites related to the topic. The data analysis process consists of three

activities: data reduction, data display, and conclusion drawing/verification (Miles & Huberman, 1994).

RESULTS AND DISCUSSION

Causes of Bride Trafficking in India

Naik (2018) observes that the number of bride trafficking, particularly among Indian women, has significantly grown in recent years. He explained that several factors encourage bride trafficking in India, one of which is the economic necessity. Many young Indians intend to fulfill their financial needs and those of their families, making them vulnerable to becoming victims. They also have a poor understanding of the recruitment process and merely think about how to immigrate easily to fulfill their economic needs. In this scenario, most perpetrators brainwash these young girls with false promises of a better life after marriage (Naik, 2018). These children do not even understand the risks and consequences they would face when they are involved in the circumstance of bride trafficking, which puts their life in danger.

Another thing that makes this bride trafficking case continue to happen in Indian society is a social custom in the community that considers it taboo for people who are once involved in bride trafficking (Naik, 2018). Consequently, women who have been rescued from prostitution or trafficking isolate themselves from the community, and this circumstance later encourages them back into the practice of trafficking. It occurs because society does not offer them a

chance to live freely after what they have experienced. Other factors contributing to bride trafficking in India include unemployment, lack of human and social capital, nexus of police and traffickers, marginalization, and many more. In addition, Naik (2018) noted that globalization also contributes to driving the occurrence of bride trafficking in India. It is due to a decrease in the sex ratio and increased demand for women in other regions.

Meanwhile, Upadhyay (2021) highlights three common factors contributing to bride trafficking in India: poverty, dowry, and female foeticide. After reviewing a sample size of 50 bride trafficking victims from different districts of Haryana in India, Upadhyay (2021) came up with the conclusion that poverty becomes the compelling reason for a family to sell their daughters. He found that about 70 % of the victims live below the poverty level before trafficking. Likewise, a non-governmental organization working in trafficking, Drishti Stree Adhyayan Prabodhan Kendra, conducted research with 318 women trafficked from other States to Haryana and found that around 92 women out of 318 had lived in poverty prior to the trafficking (Upadhyay, 2021).

The next factor influencing buyers and trafficked brides is the dowry system. Although the Dowry Prohibition Act was enacted in 1961 by the Indian government (Shukla, 2021), it was not effective to curb the practice of dowry, which has been inherent in the social life of Indian society

over the past decades. In this regard, the woman's family must go the extra mile to provide a large amount of money and gifts for the groom at the time of the wedding. This high demand for dowry somewhat drives families from poverty-stricken areas to find a groom outside their country who did not demand a dowry as part of the wedding. The traffickers take advantage of this situation by convincing the families of the trafficked brides that their daughters would have a wonderful life after the wedding. Ironically, excessive dowry requests, dowry abuse, and dowry death also become the primary factor for female foeticide in India (Upadhyay, 2021).

The practice of female foeticide in India has a detrimental effect on the gender comparison ratio in society which, in turn, increases the buying of brides. This circumstance subsequently encourages the perpetrators to organize the trafficking in the source and destination states. Upadhyay (2021) describes the nexus between the low population of girls due to female foeticide and the practice of bride trafficking as a supply and demand relationship. Owing to this, the right way to end bride trafficking is to stop female foeticide in India. The increasing practice of female foeticide is also endorsed by easy access to prenatal diagnostic techniques for women due to advances in science and technology (Upadhyay, 2021). Next, this article looks at the impact bride trafficking in India.

Impact of Bride Trafficking in India

It is undeniable that the practice of bride trafficking has a severe impact on women and children who are the object of becoming the victims. First and foremost is the impact on their physical and mental health issues. Physical or sexual abuse often occurs in victims of trafficking before or during exploitation, while mental health problems arise after they experience trafficking as brides. Physical health symptoms in bride trafficking victims often include drastic weight loss, headaches, sexual and reproductive health problems [leucorrhoea, pelvic pain, and infection], fatigue, and back pain (Naik, 2018). In addition, victims of bride trafficking naturally experience anxiety and fear when they return to their families and communities, worrying about how they will be treated and whether they will be accepted or not. Stress disorder is also another effect experienced by victims of this trafficking bride, given that they experienced violence, cheating, rape, beaten, and abuse (Rastogi, 2018).

Social exclusion or social marginalization is another impact experienced by victims of bride trafficking in India (Naik, 2018; Banerjea, 2020). Victims of trafficking can quickly become isolated from friends, family, and other social circles. It is because of the guilt and shame they feel. Victims can even lock themselves up and lose communication with many people outside. Some women who managed to return home may be shunned because of the public's judgment of their past life. They may be disregarded

by friends and family and even feel unwanted. When they are so embarrassed, it can take their minds too far, and they may think of going back into trafficking practice; some even have a dilemma that may lead to suicidal thoughts (Toney-Butler et al., 2021). In contrast, the men who bought brides from the trafficking practice do not face social stigma as much as the women experience in the community (Banerjea, 2020). It is an unfair situation for women.

The subsequent impact faced by bride trafficking victims in India is infectious diseases. In the sex business, trafficked women and girls commonly have minimal access to health services (Dovydaitis, 2011). This circumstance subsequently puts them at risk of contracting Sexually Transmitted Diseases (STDs) and HIV and increasing the prevalence of STDs/HIV after experiencing trafficking and returning home (Naik, 2018). The home community itself is frequently not equipped with enough knowledge either. Trafficked women for forced marriages causes sexually transmitted diseases because victims not only serve one man but also be trafficked again by their husbands. A study found that the chances of trafficked Indian women being re-trafficked were quite high, around 25.8 %, and 8.4% of this figure had been trafficked three times or more (Jobe, 2010).

The phenomenon of bride trafficking has not only an impact on the conditions of the victims but also on the reputation of India as a country. Indeed,

this phenomenon has made India quickly known as a source of trafficking among many South-Asian countries, as well as being a transit point and destination for traffickers (Roy & Chaman, 2017). Most Indian women and girls trafficked for brides are conducted in both national and international contexts (Upadhyay, 2021). In India, for instance, the perpetrators bought girls as brides from the states of Kerala and West Bengal and later moved to Haryana, Punjab, and parts of Uttar Pradesh and Rajasthan. At a global level, most bride trafficking victims from India are sold to the Middle Eastern countries, not only for forced marriage but also for sex work and forced labor (Upadhyay, 2021; Irshad, 2021). This situation negatively impacts India's future engagement with the international community as a country that has not been able to overcome the problem of bride trafficking. Next, this article will assess India's government's efforts and UNODC in combating bride trafficking.

The efforts of the government of India and UNODC in dealing with Bride Trafficking

The Government of India has introduced several regulations to reduce bride trafficking cases. The Constitution of India clearly forbidden all forms of trafficking under Article 23(1), "Traffic in human beings and begar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law" (Deka, 2015, p. 48). Section 366 in

The Indian Penal Code also affirms that anyone who kidnaps women with the intention of coercion into marrying anyone against his will or forced to have an illegal relationship will be punished with imprisonment for ten years and be subject to a fine (Borah, 2021).

India has affirmed its commitment at global level to combating and preventing trafficking in persons by signing the UN protocol to prevent, suppress, and punish trafficking, especially among women and children. India has also ratified the Convention on the Elimination of All Forms of Crimes Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The institutional National Commission for Women (NCW) was also established on 31 January 1992 as a legal entity at the national level to safeguard the interests of women. It has a broad mandate covering almost all aspects of women's development, such as investigating and examining the legal protections provided to women under the constitution and legislation law (Ningrum, 2020).

The Indian government also has institutional mechanisms at the state level, such as the Central Advisory Committee (CAC), to eradicate and prevent the trafficking of children and women for sexual exploitation (Firmaliza, 2014). The Ministry of Women and Child Development has established a central Central Advisory Committee (CAC) for family health and welfare, justice and social empowerment, law, and justice,

national women's commission, social welfare center, a national agency for public cooperation and child development, law enforcement agencies

such as the National Crime Records Bureau as well as international agencies like UNODC (United Nations Office on Drugs and Crime).



Figure 1. Map of South Asia. Source: UNODC (2018)

The case of human trafficking in India, including bride trafficking, has prompted UNODC to come into play. The UNODC Regional Office for South Asia is located in New Delhi, with field offices in Bangladesh, Bhutan, India, Maldives,

Nepal, and Sri Lanka. The objective of UNODC is to help member states combat illicit drugs and international crime (UNODC, n.d.-b). UNODC in South Asia has participated in efforts to end trafficking in persons since 2013 by

launching various initiatives, including strengthening collaboration between Bangladesh, India, and Nepal in responding to trafficking in persons in South Asia (see Figure 1). The regional program seeks to highlight the priorities and operations between 2018 and 2021 while providing sufficient flexibility to adapt to member states' evolving threats, needs, and specific constraints (UNODC, n.d.-c).

In India, the UNODC Representative of South Asia met with the Minister of State for Home Affairs in 2016. The Minister appreciated the role of UNODC in strengthening law enforcement capacity and acknowledged the effective collaborative relationships

between UNODC and India in eradicating international crimes, including bride trafficking (UNODC, n.d.-d). There have been many attempts by the government of India to reduce the rate of bride trafficking, such as introducing the Dowry Prohibition Act of 1961 and Section 366 of The Indian Penal Code (Darma, 2016). The government needs to step up the efforts, given the practice of bride trafficking is well-organized, and there is no specific law in India regarding bride trafficking so far. Yet, the Indian government's effort is not in vain so far. At least significant progress has been seen in the decline rate of bride trafficking, as shown in the figure below.

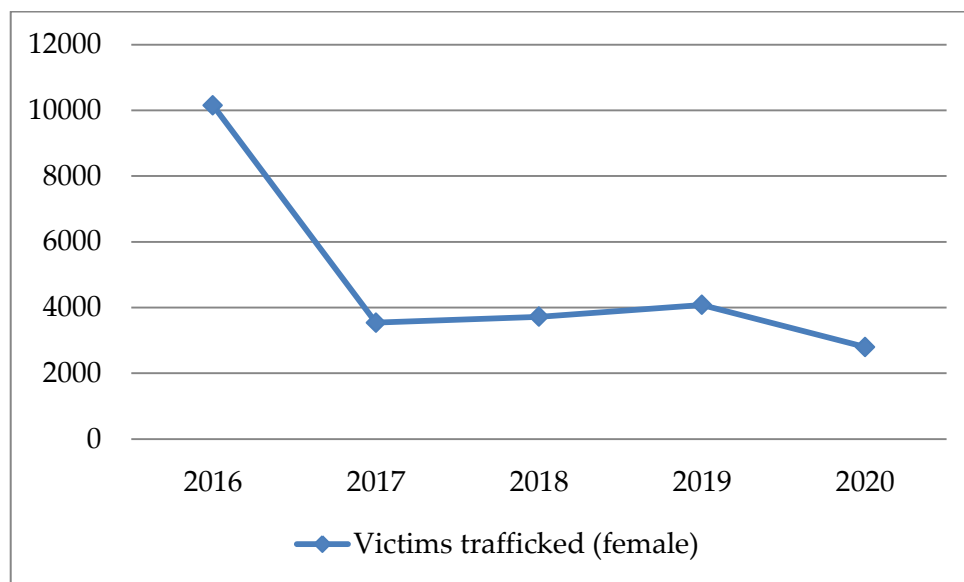


Figure 2. The number of trafficked women (victims) in India from 2016 to 2020.

Source: Author's compilation from information in the National Crime Records Bureau

Overall, the figure above depicted downward trends in human trafficking in India between 2016 and 2020. In 2016, the

number of trafficked women in India reached 10,150 victims, yet this figure dropped dramatically to 3,538 victims in

2017. The case of trafficked women in India subsequently remained stable during 2018 and 2019, reaching 3,719 and 4,079 victims, respectively. Nonetheless, the figure continued to decline in the last given period, recording 2,797 victims of trafficked women.

The Report for Trafficking in Persons from the U.S Department of State (2021) also indicated that even though the government of India does not fully demonstrate its ability to fulfill the minimum standard for the end of trafficking, it is making a crucial attempt to fight. In other words, the Indian government, in collaboration with UNODC, has endeavored to combat bride trafficking thus far. Figure 2 confirms the results of the government's hardworking in combating bride trafficking with the downward trends over the given period. It is also worth noting that specific statistics related to bride trafficking in India remain rare. Indeed, Upadhyay (2021) and Anand (2014) acknowledge that they found it difficult to figure out how many brides were trafficked due to the unknown number of brides exact number trafficked.

CONCLUSION

This article has examined efforts taken by the government of India and UNODC to eradicate the practice of bride trafficking in India. It is based on the expansion of the work of Naik and Upadhyay, focusing on understanding the factors causing bride trafficking and the implications. Bride trafficking is a form of human

trafficking in the 21st century, which is exploitative and well-organized, thus requiring a great effort to handle. The practice of bride trafficking is also highly detrimental to women and girls because it is against their will, and some are even trafficked three times or more. In many cases, the perpetrators brainwash the potential victims of bride trafficking by promising a better life after marriage. The trafficked victim's family also believes in the false promises given by the traffickers.

The causes of bride trafficking in India are triggered by several factors, including economic demands where teenagers desire to provide for their economic needs and their families, a social custom in society that isolates the victims thus opening up opportunities for the re-trafficking process, the poverty level among families from poverty-stricken areas, high demand for dowry, and the practice of female foeticide that cause gender imbalance and increase the buying of brides as a result. The impact of bride trafficking in India includes physical issues prior to and during the exploitation, mental health problems in post-trafficking, social exclusion or social marginalization from the society, infectious diseases among the trafficked victims, as well as damaging the reputation of India as a country.

After reviewing the causes and impacts of bride trafficking, this article found that the government of India and UNODC has been relatively effective in reducing cases of bride trafficking in India. It can be seen in the downward

trend of trafficked women (victims) cases in India between 2016 and 2020. Moreover, the role of UNODC is also crucial in strengthening the law enforcement capacity of the government of India regarding the practice of bride trafficking. This article recommends actions for the government of India, including the formulation of specific regulations in combating bride trafficking and the continuation of the collaboration between the Indian government and UNODC.

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