



HUMAN TRAFFICKING

A VISION DOCUMENT

HUMAN TRAFFICKING: VISION DOCUMENT

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Foreword

Trafficking in human beings, including trafficking of women and children has become a matter of grave concern which, off late, has taken a shape of an organized crime having trans-national character. India, in particular serves as originator/source, transit and at times final destination of trafficked victims. Victims are allured, abducted, confined, intimidated and pushed into illegal activities. Apart from problem of internal trafficking, cross border trafficking from Nepal, Bangladesh & other bordering nations is also widely prevalent. People of poor economic background are generally targeted by the traffickers who work individually or in gangs and larger syndicates. The human trafficking has reached three top transnational organized crimes. The other two being drug trafficking and arms smuggling.

Combating and preventing human trafficking requires holistic approach by all stakeholders and integrated action on prosecution, prevention and protection.

SSB been assigned mandate to guard the Indo-Nepal and Indo-Bhutan borders and to keep vigil to check all forms of anti-national-social activities has become the lead agency to take on this challenge too. In order to have the required understanding of the subject and to formulate effective ways to keep a check on human trafficking through the porous borders, this book is an effort which would provide an in depth knowledge about the problem and would serve as a SOP for SSB personnel deployed along Indo-Nepal-Bhutan borders. An attempt has been made to make it exhaustive by incorporating all relevant information; however, it being a dynamic process would be up-graded periodically as per changing scenario.

Human trafficking syndicates have significant influence and financial Leverage over their operation and victims and so also can engage best legal minds in their defense at every stage of the trial, if they are caught. They have high degree of success in tampering with the victims once they are rescued by the police. An attempt to tamper takes place at every stage of the trial. They are in a position to manipulate the evidences in the case.

Since, Sashastra Seema Bal (SSB) is deployed on the Indo-Nepal and Indo-Bhutan Border, they are the one who are the first to detect cases of human trafficking from across the border. Human Trafficking from across the border, particularly from Nepal has become a growing menace over the years. The trafficking of children and females for economic exploitation, bonded labour, forced labour, physical / sexual abuse and misuse is a heinous crime which needs to be curbed with active involvement of SSB deployed on the borders. For making more effective contribution towards anti-human trafficking efforts, the SSB officers and personnel needs to be fully aware about the legal provisions, procedures and set up established / expected to be established in the states.

Broad Overview

Human trafficking, which is the world's third largest organised crime after drug trafficking and arms smuggling, has become widespread and a complex one. Though men and women, both are victims of this problem but primary victims all over the world are women and children. Majority of women and girls are trafficked for multiple exploitation including commercial sexual exploitation. The hapless women and children who are trafficked by vested interest are victims of grave human right violations. It also violates right to liberty and security of a person, right to health and health care, right to freedom from torture, violence, cruelty or degrading treatment, right to education, employment and self determination. The traffickers lure, deceive, threat or coerce them by misuse of power and manipulation of the vulnerabilities before pushing them into the cruel world of sexual exploitation or other form of bondage labour. Vulnerability situation and gender discrimination, which prevail in societies, do not only promote and facilitate it but do perpetuate it. The victims are subject to physical and emotional exploitation, from sexual exploitation to the economic deprivation and violation of human dignity. Some studies show that the exploitation of women and children takes place not only before trafficking but during and after the trafficking too.

Trafficking in persons has become a phenomenon operating within regular and irregular migration across national boundaries. Migrating populations have become most vulnerable to exploitation by traffickers. The large segments of populations which move from one country to other ones in search of livelihood, to escape poverty, persecution or war often end up being exploited by organized groups of criminals. The victims are subjected to sexual exploitation and abuse, exploitation for forced labour and for organ trading. As recorded by UNODC "human trafficking alone accounts for trafficking of persons in 127 countries for exploitation in 137 countries". Human Trafficking is a growing organized crime that specializes in commercial exploitation to ensure a continually high degree of profitability during the lifetime of its victims. India serves as a source, transit and destination country in the global context of human trafficking. The phenomenon of human trafficking has increased significantly over the past two decades both globally and in South Asian countries. Subsequently, human trafficking was also recognized within geographical boundaries of several nations including India. India is a source, destination, and transit country for men, women, and children trafficked for the purposes of forced labour and commercial sexual exploitation. According to a study conducted by Shakti Vahini in 2006, "Trafficking in India", 378 of the 593 districts in India are affected by human trafficking. 10% of human trafficking in India is international, while almost 90% is interstate. Andhra Pradesh, Karnataka, West Bengal and Tamil Nadu and Bihar are the states from where the maximum numbers of people are trafficked to other states.

There are several studies which establish that there are linkage between migration and trafficking. Whereas trafficking is never consensual, migration always has an element of consent. The consent is obtained before or during the trafficking by allurement, coercion or deception. This is the key area where the law enforcement agencies find themselves helpless to establish charges against the "victim" as he/she is moving from one

place to another with his consent though he/she may or may not be knowing that he/she is being trafficked. Certain cultural and social practices in several parts of the country are also responsible to promote this crime. There are certain areas where the sexual exploitation of girls is legitimised by conducting some religious ceremonies.

The commonplace understanding of trafficking as akin to 'prostitution' is often responsible for the general ignorance to the other forms of exploitations such as child labour, child pornography, forced labour, slavery, adoption, organ trading, sex tourism and entertainment & sports etc. The complexity of the phenomenon, its multidimensional nature, its rapid spread worldwide and the confusion surrounding the concept has made a very urgent and essential need to understand the various aspects of the phenomenon.

In its dictionary meaning, the concept of trafficking denotes a trade in something that should not be traded in. The concept of trafficking in people refers to the criminal practice of exploitation of human beings where they are treated as commodities for profit and after being trafficked, are subjected to long term exploitation. For the purpose of study, the working definition of trafficking which was adopted has been stated in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, 2000, to which India is a signatory. It defines trafficking as: "the recruitment, transportation, transfer, harbouring 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 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 labour or service, slavery or practices similar to slavery, servitude or the removal of organs".

Unfortunately, there is little awareness of the ramifications of trafficking as a transnational organised crime. The money generated by human trafficking is comparable to the money generated through arms and drug trafficking. Moreover, lack of adequate laws which should recognise that the trafficked person is a victim and not a criminal makes it difficult to see the plight of the victim from humanitarian angle. Laws do not adequately target traffickers and their associates or provide adequate punishments. The laws do not address clients too. It is also unfortunate that the infrastructure for rescue and rehabilitation is grossly inadequate. Both the law as well as administrative policies have not addressed these issues adequately and with imagination. As a result, many rescued victims are re-trafficked.

Notwithstanding the problems of conceptual clarity in the definitions of trafficking, there is broad agreement on the stages involved in trafficking. They are listed as recruitment of people from a village or city; transportation to a designated location/transit point; possible shift to a central location; before the move to their ultimate destination. Sometimes the trafficked persons are shifted several times before they arrive at their final destination, where the 'sale' takes place. The different elements involved in this process seem to create an impossible number of permutations and combinations.

Cross border trafficking from neighbouring countries such as Nepal, Bhutan and Bangladesh has been a matter of great concern for the Govt of India. The recent

earthquake and its adverse affect of Nepal's economy which is predominantly tourism based, has opened new challenges before the enforcement agencies. There has been sharp increase in the human and drug trafficking from Nepal to India as the foreigners from all over the world fear from visiting Nepal. The demand and supply ratio has taken a sharp upward turn.

The fact that notwithstanding this stark reality, such gross violations of human rights continued to be a low priority area with law enforcement agencies. Lack of clear definitions, ambiguity in differentiating between the status of trafficked person as "victim" or "suspect" and a general tendency of not reporting the matter make the task of these agencies a complicated one. Although there are various non governmental organisations who are working outstandingly in this field and the governments are serious on the issue and are adopting stringent measures to tackle the problem, there are several areas where a focussed approach by all stake holders are essentially required. This must be done by changing society's perceptions and by imposing severe punishment on perpetrators of laws and human rights. There needs to be better understanding and coordination among various law enforcement agencies, local administration, NGOs and of course the general public.

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Differences Between Human Trafficking and Migrant Smuggling

Human trafficking has developed into a mainstream issue in international, regional and local policy arenas. The governments are formulating frameworks and policies to check the problem of trafficking but at the same time the nexus between trafficking and migration must be recognized in policy formulation, particularly in immigration policies and related laws, as the two are interrelated. The relationship between the two phenomena is far more complex and overlapping. The two phenomena are distinct as the migration is generally dealt more with labour rights whereas trafficking of persons more with human rights. According to the Trafficking Protocol, “transfer” and “transportation” are integral parts of trafficking of persons suggesting that migration is also a part of trafficking. Migration is understood simply as a process of movement by people from one place to another, with an objective in mind and thus “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.

The potential problem which arises from this “labour migration as trafficking” is the approach governments adopt. Normally they disregard the human rights angle of human trafficking. For example, if government officials interpret human trafficking as a type of illegal immigration, they are more likely to tackle it with a criminal approach. The treatment of human trafficking as a criminal justice issue alone results in an agenda that places national interest over the needs of trafficking victims. This can result in secondary victimization in which victims are misclassified as criminals or are treated in a manner which further reduces their dignity and agency. It is therefore crucial for officials to recognize that human trafficking is a human rights issue as well.

Human trafficking and migrant smuggling are often confused with each other. These differ in three key elements:

1. Movement across borders, 2. Consent, and 3. the purpose of exploitation.

One of the main differences is that migrant smuggling necessarily involves the crossing of international borders. Human trafficking may involve the crossing of international borders but can also occur within the borders of one country as internal human trafficking. Second, migrant smuggling occurs with the consent of the person(s) being smuggled. The persons agree to cross the border illegally and often pay large sums of money to smugglers for the service. Upon arrival at their destination, they are free to go. In contrast, victims of human trafficking may have agreed to migrate and work initially out of their own choice, but are prevented from leaving, often by physical or psychological coercion as well as legal and financial constraints. Whatever initial consent may have existed becomes irrelevant when any of the means (threat, force, coercion, fraud, etc.) are used to enslave the trafficked persons during the trafficking process. Finally, a key difference between smuggling and trafficking is the purpose for which a person is recruited.

Migrant smuggling involves illegal entry of a person into a country for financial or other material benefit only, whereas trafficking occurs in order for sexual or other labour exploitation, or the removal of organs.

Key Differences:

| | Trafficking | Migrant smuggling |
|---|---|---|
| Action(s) | Recruitment, transportation, transfer, harbouring or receipt of a person 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 receiving of payments or benefits | Procurement of illegal entry of a person into a country of which the person is not a national or permanent resident |
| Transnationality | Not required | Required |
| Consent of the trafficked or smuggled person | Irrelevant once the means are established | For children, the consent is irrelevant regardless of the means |
| The smuggled person consents to the smuggling Purpose | Exploitation which includes: a) Prostitution and other forms of sexual exploitation b) Forced labour and services c) Slavery and similar practices d) Involuntary servitude e) Removal of organs | For financial or other material benefit |

Some of the similarities between migration and trafficking which stand out are that they both involve movement; usually have some kind of an agency or network involved in this movement; thrive in poverty, unstable conditions and disruptions created by different factors; and follow similar directions in space. They are both influenced by factors like labour demand and supply, globalisation and state policy.

The differences are that the intention of the agent in trafficking is always exploitation, it is non-consensual; always exploitative; and unlike migration, is totally demand driven. Even if there is consent, it is not “informed willing” consent, obtained after apprising the person of the entire situation. Thus migration and trafficking directly influence each other in matters of direction, volume, and the nature of the process. The relation is manipulative in terms of opportunities, recruits and exploiters. Exploitation is the hallmark of this relationship, as trafficking occurs, subsumed under this ongoing movement of people, driven by its own demand for people and exploiting the migration process to achieve its agenda.

Migration and trafficking are inextricably linked to each other, although they are different processes. Besides providing the base for trafficking, it is observed that the situations and circumstances influencing people to migrate are the same factors that make them vulnerable to traffickers. Migrants form one of the potential target groups for traffickers, making them vulnerable at all stages of the migration process. Traffickers use the uncertainties and risks involved in the migration process to their own advantage. To turn a normal human being into an obedient slave, they commit the grossest forms of human rights violations. Trends in the migration process influence trafficking because of the links between the two processes.

In conclusion, one can say that migration is an important phenomenon that influences and sustains trafficking by providing an easy supply of people. Understanding the relationship between migration and trafficking is crucial to helping us understand the process of trafficking and in mapping the vulnerability of geographical areas. It is a critical component in planning effective preventive and other strategies to combat trafficking, while still protecting the people's right of movement.

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Human Trafficking and the Role of Local Governments
- *Good Practices, Challenges and Ways Forward* –
By UNITAR

(Action Research Report 2002-03 by PM Nair/SankarSen)

CROSS BORDER TRAFFICKING

Trafficking in human is a growing organized crime which ensures a high degree of profitability for the traffickers as right from the day a victim is picked up, money starts coming by selling and re-selling before reaching to the final destination. The commercial sexual exploitation of the victim continues to generate money for the offenders. Because of its character as a high profit with minimum risk business the human trafficking, off late, has taken a shape of transnational organized crime. According to UNODC report “human trafficking alone accounts for trafficking of persons in 127 countries for exploitation in 137 countries. These countries are from all over the world, right from USA and Latin American countries in far West to Central Europe, Middle East, Central Asia and South and South East Asia. Trafficking happens everywhere, but some reports show that most victims are trafficked close to home, within the region or even in their country of origin, and their exploiters are often fellow citizens. Most trafficking flows are intra regional, meaning that the origin and the destination of the trafficked victim is within the same region; often also within the same sub region. And this is the reason because of which it becomes sometimes difficult to identify major global trafficking hubs. It has been seen that the victims are trafficked from poor countries to relatively richer countries within the same region. The “pull factor” works here when the rich countries attract victims from different origins, including from other continents, whereas relatively poor countries are mainly affected by domestic or sub regional traffic flows. Most victims are foreigners in the country where they are identified as victims. In other words, these victims might have been trafficked across at least one national border.

Among South Asian countries, India, in particular serves as origin/source, transit and at times final destination for victims of trafficking in person. In the Indian context, Nepal and Bangladesh are the two main suppliers.

There have been several instances when it has been found that the young girls from Eastern Europe particularly from the countries which were earlier part of Soviet Union visit India and other Western countries on student or tourist visa for a definite period and get involved in the sex trade. There have been several rackets and organised groups which work for them and facilitate their legal entry, their stay, their movement, their “use” and finally the payment. The “Demand” and “Supply” factors play key role in this. There has been a big controversy over the alleged exploitations of the girls from European countries who visit India to work as cheerleaders during IPL.

Trafficking from Nepal:

In South Asia, Nepal remains the top country that carries the burden of worldwide child and women trafficking followed by India. As far as cross border trafficking from Nepal to India and then to the middle East is concerned, it has become a big challenge to the governments and the law enforcement agencies and social activists. The recent earthquake in Nepal and its adverse affect on its tourism industry and the overall economy has coupled the problems.

Nepal, a landlocked country bordered to the north by Republic of China, and to the south, east, and west by the Republic of India has always been a favourite hunting ground for the traffickers. Trafficking in girls and women in Nepal for commercial sexual exploitation to India has been a long history. The trafficking problem is particularly acute in Nepal, with 42% of its citizens living below the poverty line. In Nepal, women and children are trafficked internally and to India and the Middle East for commercial sexual exploitation or forced marriage, as well as to India and within the country for involuntary servitude as domestic servants, and/or factory workers. The widespread poverty, lack of proper and dignified living conditions, social bindings, dearth of large scale livelihood opportunities are some of the factors which are predominantly present in Nepal which act as “Push Factor” for the people in general to migrate to India and the other parts of the world for a better and secured life.

Although migration does not necessarily lead to trafficking, it can create conditions which make migrating women and children more vulnerable to being trafficked into different kinds of bonded labour, including sex work. Under the 1950 Treaty with India, citizens of each country are guaranteed equal treatment, including the same privileges in the matter of residence, participation in trade and commerce. This means in practice that there is no immigration control for Nepalese travelling or migrating to India, and hence no records are maintained.

As already said that India has become the biggest foreign destination for victims of human trafficking. According to an estimate, around 10,000–15,000 Nepali women and girls being sold in India annually and between 7,000 and 10,000 girls, between the ages of 9 to 16 years, are trafficked each month from Nepal to India. Over 200,000 girls have been trafficked to India’s red light areas alone. Some reports say that India, on a daily basis, receives children from Bangladesh and Nepal and sends the women and children to Middle Eastern countries. An estimated 7,000 Nepalese women and girls are trafficked for prostitution to the Asia Pacific area alone. India, along with Thailand and the Philippines, has 1.3 million children in its sex-trade centers. The increased movement of people and goods has also made it easier for traffickers to transport women and children across borders.

In terms of destination of trafficking, the human trafficking in Nepal can be categorized into i) internal trafficking within its geographical boundaries, ii) cross border trafficking to India and iii) cross-border trafficking to other parts of the world specially the Gulf countries. This is further categorised according to the form of exploitation as trafficking for commercial sexual exploitation, labour exploitation and trafficking for entertainment and other purposes. Each type and form of trafficking has age and gender dimension. Where the children are victims both internally as well as cross-border to India for sexual and labour exploitation and other purposes, women are victims in all three types of trafficking and for all purposes of trafficking especially for sexual exploitation. Men are victims especially for labour exploitation, especially in Malaysia and Gulf countries.

The most vulnerable groups in Nepal include the following: (1) migrant workers and their families (mainly women and children); (2) women and children from illiterate households; (3) bonded and forced laborers such as *Haliya* and *Haruwa*; (4) endangered and highly marginalized indigenous groups; (5) rural landless and land poor households;

(6) Dalit; (7) religious minorities; (8) people with disability; (9) urban slum dwellers; (10) conflict affected and missing persons' families and (11) people living in the lowest performance districts in term of human development and those residing in a place/area vulnerable to climate change and natural disasters.

Trafficking from Bangladesh:

The South Asia-Gulf Region trafficking route affects Bangladesh too. Bangladesh shares a 4,156 km border with 30 districts on the Indian side. India has 20 official checkpoints guarded by the Border Security Force (BSF). Being few and widely dispersed, law enforcement agencies find it difficult to keep a check over movements across the border. It has become a sort of daily routine for many Bangladeshis to cross the border between Bangladesh and West Bengal. Several people have entered into businesses and facilitate these cross-border movements by charging a meagre amount of just Rs. 50 per person. A well-organised bribe system also helps people to cross over the flat terrain. Further, a multiple passports system 'facilitates easy entry of Bangladesh; girls into Kolkata brothels and a close nexus exists between traffickers and border village communities'. Once the women enter India, they are kept in West Bengal and Orissa. After being 'sorted and graded', they may be sold to pimps or sent to the Middle East and Indian cities.

The main trafficking route is the Dhaka-Mumbai-Karachi-Dubai route. There are people on both sides of the Bangladesh-India border involved in this trafficking chain. Just like in other parts of Asia, Bangladeshi girls (under 18 years of age) from the villages are trafficked for about 1,000 US dollars and sold to the sex industry. But human trafficking is not confined to the sex industry. Bangladeshi children (aged about 4 to 15 years) are also largely trafficked:

- a. To work in dirty, difficult and dangerous jobs as bonded or forced labor,
- b. To get their body parts, such as kidneys and other internal organs,
- c. To become "camel race jockeys" in the Arab Gulf countries that expose them to serious physical injury (even death), misery and loneliness.

Estimates on the number of trafficked women and children are difficult to make. The crime is largely hidden despite its pervasiveness. Nevertheless, an estimated 200-400 young women and children are smuggled and trafficked every month from Bangladesh to Pakistan and Arab Gulf countries. An estimated 10,000-15,000 women and children are trafficked from Bangladesh to India annually whereas an average of at least 70-80 women and children are trafficked daily from Bangladesh to other countries. An estimated 200,000 women have already been trafficked in different countries including girls as young as 9 years old.

(Ref: Asia Pacific Human Rights Information Centre)

Trafficking from Bhutan:

However, there is no significant trafficking cases are come into notice from Bhutan side but there have been some cases where trafficking of children for cheap labour from Duar region in Darjeeling District Indian side has taken place.

Following situational factors are quite prevalent in Indian subcontinent which are mainly responsible for trans border and internal trafficking.

- (a) Child labour and trafficking
- (b) Child trafficking for domestic help and maids
- (c) Trafficking for forced marriages
- (d) Trafficking for commercial sexual exploitation
- (e) Kidnapping rackets and De notified Tribes
- (f) Supply of victims for prostitution in Middle East
- (g) Trafficking and adoption rackets
- (h) Trafficking of children by unregistered Homes in South India
- (i) Trafficking for Child Labour in the name of education
- (j) Child Trafficking and Begging Rackets
- (k) Organ Trafficking
- (l) Missing Children and Human Trafficking
- (m) Trafficking through Illegal Recruitment Agencies

Factor Responsible for Cross Border Trafficking:

In order to understand the complex issue of human trafficking, there is need to analyze the problem from the “Supply” and “Demand” factors. Both these factors are usually seen in the society and are responsible to make people particularly vulnerable to trafficking. The supply of victims for trafficking is supported by a high demand for the exploitation of these victims in various sectors, especially the sex industry.

Supply Factor:

Poverty, coupled with lack of employment opportunities, is the major factor contributing towards a persons’ vulnerability to being trafficked. Traffickers lure poor women and girls from Nepal with false promises of a job or marriage and once they enter into India, sell them in different brothels in India. A widespread poverty in Nepal drives women and children in situations where they are forced to exchange sex for food, shelter, and survival.

The trafficking of young girls and women from Nepal linked to the low cultural and economic status of Nepali women and girls also contribute significantly to their trafficking. According to the UN classification on the status of women in Nepal, the country was shown as a rigidly patriarchic society, and in almost all phases of life, women were commonly subordinate to men in the context of their access to knowledge, economic resources, political power and their personal autonomy in the process

of decision making. Due to these limited economic opportunities, girls are especially vulnerable to being trafficked generally by allurements and in most cases forcibly.

Other reasons for the high rate of trafficking can be attributed to the fact that in Nepal and India, child marriage is accepted and considered the best way of acquiring girls for prostitution.

India's budding sex industry also makes young Nepalese women susceptible to trafficking. Sex trade through brothels, sex tourism and transportation to Middle East with the false promises of better life attract young Nepali girls and make them vulnerable to trafficking.

Another reason for the high rate of trafficking could be attributed to the open border of 1,751 kms that Nepal shares with India. The open border agreement between Nepal and India was designed to facilitate trade and transit between the two countries but now merely enables traffickers to easily transport victims from Nepal to India.

The Demand Factor:

The demand factors as identified by the UNODC are as follows: "changes in the informal economies of countries, growing involvement of criminal syndicates, and illegal activities in the sector, globalization, migration, and development; better transportation and communication; internet, cell phones, etc., increased demand for cheap labour, and an increase in demand for sex with children."

Children who are generally compelled to provide their services at quite cheaper wages are always a profitable bargain for traffickers as they are often unaware of their rights or are powerless to seek assistance. There have been instances when the children who are exploited as forced domestic or commercial labourers are often subject to cruel child abuse by their employers.

The demand for sex with virgins in some regions means that younger and younger children are being trafficked and prostituted. This kind of exploitation leaves a permanent devastating impact on its victims. It includes HIV infection and other sexually transmitted diseases, health consequences, physical abuse, psychological trauma, and the stigma of sexual abuse. These all create incredible challenges for the victims' return and reintegration into society.

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National framework of laws related to trafficking in India

The legal framework

The Constitution of India:

Under Art. 23 (1), prohibits trafficking in human beings and forced labour. This right is enforceable against the State and private citizens.

The Indian Penal Code, 1860:

Relevant provisions under the Indian Penal Code are Sections 293, 294, 317, 339, 340, 341, 342, 354, 359, 361, 362, 363, 365, and 366, 370, 371, 372, 373, 375, 376, 496, 498, 506, 509, 511. The most significant sections are;

- 1) Sections 366A, which makes procurement of a minor girl (below the age of 18 years) from one part of India to another punishable;
- 2) Section 366 B, which makes importation of a girl below the age of twenty-one years punishable;
- 3) Section 374 provides punishment for compelling any person to labour against the will of that person.

Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA):

The Act was enacted under Article 35 of the Indian Constitution with the object of inhibiting or abolishing the immoral traffic in women and girls. It was also in pursuance of the **Trafficking Convention**, which India signed on 9 May 1950. The Act aimed to rescue exploited women and girls, to prevent deterioration of public morals and to stamp out the evil of prostitution, which was rampant in various parts of the country. In 1978, SITA was amended by the **Amendment Act 46 of 1978**, which took effect from 2 October 1979. This was owing to the realisation that the social evil needed to be curbed and that existing provisions failed to do so. In 1986, **SITA** was drastically amended and renamed as the **Immoral Traffic (Prevention) Act, 1956**.

The Immoral Traffic (Prevention) Act, 1956:

This Act is a special legislation that deals exclusively with trafficking. The Act defines the terms 'brothel', 'child', 'corrective institutions', 'prostitution', 'protective home', 'public place', 'special police officer' and 'trafficking officer'. The purpose of the enactment was to inhibit or to abolish commercialised vice, namely the traffic in women and girls for the purpose of prostitution, as an organised means of living. Offences under the Act are:

- i) Punishment for keeping a brothel or allowing premises to be used as a brothel (S.3)

- ii) Punishment for living on the earnings of prostitution (S. 4)
- iii) Procuring, inducing or taking persons for the sake of prostitution (S. 5)
- iv) Detaining a person in premises where prostitution is carried on (S. 6)
- v) Prostitution in or the vicinity of public places (S. 7)
- vi) Seducing or soliciting for the purpose of prostitution (S. 8)
- vii) Seduction of a person in custody (S. 9).

The law confers wide powers on the concerned authorities in matters of rescue and rehabilitation of victims and survivors and provides for stringent action against exploiters including the eviction of brothels, surveillance, externment, as well as aggravated punishment when the offences are committed on children.

Probation of Offenders Act, 1958:

This Act is aimed at offenders. Its important features are:

- a) The Act empowers the court to release certain offenders after admonition and place certain other offenders on probation for good conduct, and
- b) The Act puts a restriction on the court, forbidding the imprisonment of any offender below the age of 21 years, who has not committed an offence punishable with imprisonment for life, unless the circumstances of the case or nature of the offence requires that the offender be punished.

Indecent Representation of Women (Prohibition) Act, 1986:

It defines “indecent representation of women” as the depiction in any manner of the figure of a woman, her form of body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating of women; or is likely to deprave, corrupt or injure public morality. The Act puts a restriction on the publishing or sending by post, of books, pamphlets, etc., containing indecent representations of women, and prohibits all persons from getting involved directly or indirectly in the publication or exhibition of any advertisement containing indecent representations of women in any form.

The Child Marriage Restraint Act, 1929:

It defines the terms ‘child marriage’, ‘child’, ‘contracting parties’, ‘minors’, etc. It sets down the legal age of marriage as 18 years for girls and 21 years for boys. The Act empowers the court to issue injunctions prohibiting child marriage.

The Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989:

A large number of victims, especially those trafficked for bonded labour, belong to schedule castes and schedule tribes. The relevant provisions of the act will be applied in case perpetrators do not belong to schedule castes or schedule tribes. All offences under this act

are cognizable.

The Arms Act, 1959:

In case, arms are used by offenders at any stage before, during or after trafficking, relevant sections of the act will also apply. All offences under this act are cognizable. In case a trafficked child under 16 years of age has been used to ferry or smuggle arms, the act should be invoked to punish the person who transferred arms to the child and not the child.

The NDPS Act, 1985:

The act will apply to “use of drugs” and “smuggling of drugs” that may be observed through the process of trafficking or as a separate crime committed by traffickers or by trafficked victims due to circumstances arising out of/during trafficking. Many reformatory and rehabilitative provisions of the act can be invoked for the benefit of a trafficked victim.

The Excise Act:

Many a times, victims are forced to have alcohol, in such a case, this act will apply.

The Prevention of Corruption Act, 1988:

The unholy nexus of some public officials with organized gangs of traffickers has come to notice in some cases. In such circumstances, provisions of the act can be applied against public servants supporting/assisting the gang through their corrupt practices. The act defines a public servant as a person “who is in the service of the government, a local authority, or a corporation, under a Central, Provincial or State act, or an authority or a body owned, controlled or aided by the government or a government company, who is paid or remunerated by fees for his services in the official capacity”.

The Citizenship Act, 1955:

If a naturalized citizen is convicted for offence of trafficking in India or anywhere else within five years of naturalization, under the act, his/her citizenship can be revoked (Section 10). Refugees are not governed by the act.

The Foreigners Act, 1946:

If an offender is a foreigner, he/she should be booked under the act and punished and then deported under this act. Under the act, he/she may also be barred from visiting India for a specified period.

Immigration (Carrier's Liability) Act, 2000:

The provisions of this act can be used to prosecute offenders who indulge in the illegal transport of human beings from other countries by air or by sea. The act also punishes persons who own charters such aircrafts or ships used for the committing a crime under the act.

Indian passport Act, 1920:

Persons who are required to carry valid passports as per the act (and the rules) can be booked for violating relevant provisions, most notably not having a valid passport or other travel documents. However, a victim who has been trafficked across border and has no valid travel documents, should not be booked.

The Religious Institutions (Prevention of Misuse) Act, 1988:

Some provisions can be used to address trafficking for prostitution of women arising out of social/religious sanctions and taking place inside religious institutions (such as Devdasi or Jogini traditions in some of the country).

Hindu Adoption and Maintenance Act, 1956:

All adoptions by Hindus are governed by this act. It criminalizes buying for adoption. There is provision of direct adoption between families. The act provides understanding of procedures and thus guides differentiation between fake and genuine adoptions.

Guardian and Wards Act, 1890:

The act governs all aspects of adoption of non-Hindus (Muslim, Christian, Parsi etc) and does not have provision for direct adoption. All adoptions have to go through courts. Understanding of the act is critical to differentiate between fake and genuine adoptions.

The Child labour (Prohibition and Regulation) Act, 1986:

It defines a child as a person under the age of 14 and prohibits employment of children in many occupations and processes. It regulates employment in other occupations and processes specifying working conditions and welfare measures. It prohibits employment in certain sectors and processes including domestic work, restaurants, dhabas, hotels, motels, tea shops, resorts, spas, or in any recreational centers.

The Children (Pledging of labour) Act, 1933:

The Act defines an agreement to pledge the labour of child to be an agreement by a parent or guardian who allows the services of his/her child to be used for employment in return for some payment or benefit for himself/herself. It deems and declares every such agreement to be void. The child for this purpose is below 15 years. It lays penalties for the parent or guardian and any person contracting with such parent or guardian and any person who employs a child with the knowledge that the child has been pledged. However, an agreement that can be terminated with no more than a week's notice and that is not to the detriment of the interest of the child is not prohibited under this act, as long as it provides for the payment of reasonable wages for the services of the child.

The Criminal Law Amendment Ordinance, 1944:

It provides for attachment of property in case of commission of a scheduled offence.

The Young Persons (Harmful Publications) Act, 1956:

It defines the term 'harmful publication' as "any book, magazine, pamphlets, leaflet, newspapers or other like publication which consists of stories told with the aid of pictures or wholly in pictures, being stories portraying wholly or mainly, a) the commission of offence, b) acts of violence or cruelty, and c) incidence of a repulsive or horrible nature".

The Bonded Labour System (Abolition) Act, 1976:

It defines the terms 'advance', 'agreement', 'ascendant or descendant', 'bonded debt', 'bonded labour', 'bonded labour system' and provides for initiating appropriate action.

The Indian Evidence Act, 1872:

Sections 114 A and 151 are relevant in this context.

Criminal Procedure Code, 1973:

Section 51(2), 53(2), 98, 160, 327(2) and 357 have relevance in this context.

The Transplantation of Human Organ Act, 1994:

The two-fold objectives of this Act are:

- i) to provide for the regulation of removal, storage and transplantation of human organs for therapeutic purposes
- ii) to prevent commercial dealings in human organs. The Act also provides for regulation and registration of hospitals engaged in removal, storage and transplantation of human organs.

The Information Technology Act, 2000:

It extends throughout India and also has extra-territorial jurisdiction. Section 67 penalises the publication or transmission of any material, in electronic form, which is lascivious; or appeals to prurient interests; or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied therein.

The Juvenile Justice (Care and Protection of Children) Act, 2000:

This important Act was passed in consonance with the Convention on the Rights of the Child, to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection. The definition specifically includes the child who is found vulnerable and is, therefore, likely to be inducted into trafficking. The focus of the Act is to provide for proper care, protection and treatment by catering to the child's development needs and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interests of children and for their ultimate rehabilitation through various institutions established under the Act.

'Child' means a person, either male or female, who has not completed his or her eighteenth year of age.

Section 29 of the act empowers state governments to constitute child welfare committees for such areas as they may deem fit. It also outlines the powers of the committee and the procedures to be followed.

Section 31 gives them the ultimate authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights.

Under Section 34, a state government may establish and maintain children's homes for the care and protection of children.

Under Section 39, the primary objective of the children's home or shelter is the restoration and protection of childhood. This law is essentially in the form of a Code and incorporates in itself not only punitive and rehabilitative provisions, but also spells out the detailed procedures to be followed.

Goa's Children's Act, 2003:

The Government of Goa has brought out the **Goa Children's Act, 2003** notified in the official Gazette of 14 July 2003. This addresses several child rights issues in an integrated manner. Under the new legislation, the owner and manager of a hotel or other establishment will be held solely responsible for the safety of the child on the premises as well as all the adjoining beaches and parks. The owner and manager are also held accountable if any child is allowed to enter a room without registration. It provides for strong action against making children available for commercial exploitation including

posing obscenely, selling or abetting sale of children even under the garbof adoption or dedication of a girl child as a Devadasi. Some of the salient features of the Act are:

- i) Trafficking has been given a legal definition, for the first time in Indian jurisprudence
- ii) The definition of sexual assault has been expanded to incorporate every type of sexual exploitation
- iii) Responsibility of ensuring safety of children in hotel premises has been assigned to the owner and manager of the establishment
- iv) Photo studios are required to periodically report to the police that they have not shot any obscene photographs of children
- v) Stringent control measures have been introduced to regulate access of children to pornographic materials.

Besides these, the act also provides many proactive measures.

State Measures to Prohibit the Devadasi System:

State governments have taken some steps towards curbing the system, but they do not seem to beadequate so far. Mysore was the first state in pre-independent India to take steps against thispractice. In 1924, the Indian Penal Code was amended. Sections 372 and 373 declared as illegal,the practice of dedicating girls for the ultimate purpose of engaging them in prostitution.

The**Karnataka Devadasi (Prohibition of Dedication) Act, 1982** declares unlawful, the very act ofdedication, whether the dedication is done with or without the consent of the dedicated woman.

Under the **Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989**, whosoever performs,promotes, abets or takes part in a dedication ceremony is liable to punishment with imprisonmentfor three years and fine.

In India, the **ITPA** and the **Juvenile Justice Act** have been revamped in consonance with theinternational instruments of the time. There are some good provisions in both the acts but there are some areas where there is enough scope for improvement and necessary amendments.

The Juvenile Justice Act recognises a child, who is foundvulnerable and is likely to be inducted into trafficking, as a child in need of care and protectionand includes elaborate provisions for rescue and rehabilitation. It gives NGOs powers and positionin the child welfare committees and the Juvenile Justice Board. The ITPA provides for the settingup of special courts by state governments, as well as by the Government of India. TheApex Court, in a decision in 2004, has brought out child-friendly procedures in the trial processinvolving girl children who have been sexually assaulted.

However, ‘trafficking’ has not beendefined under the Indian laws except in the **Goa Children’s Act**, which is specific to the state ofGoa. The ITPA has not made mandatory provisions regarding the role of NGOs and the integrationof rehabilitation with rescue. The age verification of the victim, which is an important issue indeciding the culpability of the accused, often meets with difficulty, because the law has not madespecific and time

bound provisions in this regard. Although the ITPA is a special law, it has no express provision for the confiscation of assets amassed by the traffickers, nor provisions for victim protection.

These points need to be considered by the concerned authorities so that the laws and provisions are made victim-friendly, gender sensitive, child sensitive and are in complete resonance with human rights.

(Copied from "Action Research Report 2002-03 by PM Nair/ SankarSen)

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International Legal Framework

The trafficking of women and children is a matter of global concern as it involves the violation of fundamental human rights. Although numerous separate abuses are committed during the course of trafficking, which themselves contravene both national and international law, it is the combination of displacement from the community and commercialised exploitation that make trafficking a violation distinct from its component parts.

There is a large body of existing international and national instruments in the form of declarations, conventions and resolutions prohibiting trafficking. The Constitutions of India (Article 23), Nepal (Article 20) and Bangladesh (Article 18 and 34) contain provisions prohibiting trafficking and forced labour. Undeniably, there is a legal responsibility on the states to institute measures to combat trafficking and ensure their implementation. The national laws of the South Asian countries have been inspired by developments at the international level. International instruments have tremendous bearing on the States Parties and their national laws. Upon ratification of a convention, a State Party must suitably amend or frame laws so as to implement the treaty. In the event of a void in the domestic law, the courts can look into the provisions of international law as long as they are consistent with the Constitution or the laws of the land. Article 51 of the Indian Constitution requires the state to foster respect for international law and treaty obligations. Here is a brief discussion of the international legal framework on anti-trafficking in the following paragraphs;

International framework of laws related to trafficking:

An overview of selected international conventions regulating trafficking in human beings is presented below.

Universal Declaration of Human Rights, 1948:

Article 4 of the Declaration prohibits all forms of slavery and the slave trade. Article 13 recognises the right of persons to freedom of movement and residence and Article 15 recognises the right to nationality.

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949:

This convention is a compilation of four previous international conventions (Conventions of 1904, 1910, 1921 and 1933). This convention made procurement, enticement, etc. for purposes of prostitution punishable irrespective of the age of the person involved and his/her consent to the same (Article 1). Brothel keeping was also denounced to be illegal and punishable (Article 2). The convention provided for repatriation (Article 19) and rehabilitation (Article 20) measures. However, the 1949 Convention is limited to trafficking for prostitution and related activities.

Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices of Slavery, 1956 (Slavery Convention):

This convention condemned a variety of slavery-like practices, including debt bondage and forced marriage. States Parties undertook to establish suitable minimum ages of marriage and registration of marriages.

Abolition of Forced Labour Convention, ILO, 1957:

Under this convention, States Parties undertook to suppress any form of forced or compulsory labour as a means of political coercion, economic development, labour discipline, or racial, social, national or religious discrimination.

International Covenant on Civil and Political Rights, 1966

Forced labour and slavery are prohibited by Article 8 of the ICCPR. Article 24 outlines the rights of children.

International Convention on Economic, Social and Cultural Rights (ICESCR) 1966:

Article 10 of this convention stipulates that States are responsible for protecting children from exploitation and must lay down the minimum age for their employment.

Minimum Age Convention, 1973:

The aim of this convention was to prohibit and regulate child labour and restrict engagement of children in hazardous work.

Convention on the Elimination of all forms of Discrimination against Women, 1979 (CEDAW):

Article 6 of CEDAW requires States Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women.

United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984:

The convention provides against the expulsion or return of a person to another state if there are substantial grounds for deeming her to be in danger of torture. Victim compensation measures are also stipulated in the convention.

Tourism Bill of Rights and the Tourist Code 1985:

Adopted by the WTO, the Code enjoins that the State should preclude any possibility of the use of tourism to exploit others for purposes of prostitution.

Convention on the Rights of the Child, 1989

Article 11 requires States Parties to take measures to combat the illicit transfer and nonreturn of children abroad. Under Article 34 and 35, States Parties must take appropriate national, bilateral and multilateral steps to protect the child from all forms of sexual exploitation and sexual abuse as also to prevent the abduction, sale of or traffic in children.

Convention on Protection of Rights of Migrant Workers, 1990

This Convention seeks to put an end to the illegal or clandestine recruitment and trafficking of migrant workers and lays down binding international standards for their treatment, welfare and human rights.

The ILO Convention 182 on the Worst Forms of Child Labour (1998)

Article 3 of this Convention defines the worst forms of child labour comprising all manifestations of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and servitude and forced or compulsory labour, etc.

Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, 1999:

The Protocol enables individuals or groups who have exhausted national remedies to directly approach the Committee under the Protocol.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000:

The UN Trafficking Protocol seeks to create a global language to define trafficking in persons, especially women and children, assist victims of trafficking, and prevent trafficking in persons. It supplements the **United Nations Convention Against Transnational Organised Crime, 2000**. Article 3(a) of the Protocol defines 'trafficking in persons' as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation". This victim-friendly protocol provides for preventive measures (Art. 9), victim compensation and privacy protection (Art. 6),

repatriation (Art. 8) and strengthened border control measures (Art. 11 & 12). However, the Protocol does not provide protection from prosecution for the acts victims are forced to perform. Therefore, victims could be prosecuted for a crime they were coerced into committing – such as prostitution, working without a permit, or having false identification documents – and be summarily deported for these violations. Also, most of the positive measures, especially victim assistance, are discretionary. Thus, victims who remain in a country in order to serve as witnesses for the prosecution could be detained for months without critical services or employment. This could create unwillingness in victims to offer testimony, which would be detrimental to the case and undermine the law enforcement objectives of this Protocol. Also, these victims are still at risk of physical harm from the traffickers. There is no mention of ‘reintegration’ or providing services upon repatriation to ensure that a victim is able to re-enter mainstream society. The Protocol refers only to cooperation between States Parties to ensure safe repatriation of victims to their countries of origin. The victims are, in effect, likely to be delivered back into the same conditions from which they were trafficked and are at risk of re-victimisation.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography:

This process seeks to raise standards for the protection of children from all forms of sexual exploitation and abuse.

Recommended Principles and Guidelines on Human Rights and Human Trafficking:

These standards were developed by the UN High Commission for Human Rights so as to strengthen the human rights principles and perspective of the Trafficking Protocol. The document sets down 17 Recommended Principles and 11 Recommended Guidelines, which are meant to facilitate effective implementation of the key provisions.

Regional instruments

At the regional level, there have been several initiatives by the governments of South Asia and Asia-Pacific regions. The Bangkok Accord and Plan of Action to Combat Trafficking in Women, 1998; Asian Regional Initiative Against Trafficking in Persons, especially Women and Children, (ARIAT) 2000; The ASEM (Asia Europe Meeting) Action Plan to Combat Trafficking in Persons, especially Women and Children, 2000; The Bali Conference Co-chair’s Statement on People Smuggling, Trafficking in Persons and Related Transnational Crime, 2002; are illustrations of their concerted efforts. Conventions in this context are;

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002:

The aim of this convention is to promote cooperation amongst member states to effectively deal with various aspects of prevention, interdiction and suppression of trafficking in women and children; repatriation and rehabilitation of victims of trafficking and preventing the use of women and children in international prostitution networks, particularly where the SAARC member countries (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) are the countries of origin, transit and destination. The convention is legally binding on its signatory parties and is the first regional anti-trafficking treaty to emerge from the Asian continent. As of March 2004, the convention has been ratified by all member countries except Nepal and Sri Lanka.

The SAARC Convention defines 'child', 'prostitution', 'trafficking', 'traffickers' and 'persons subjected to trafficking' under Article 1. It provides for 'aggravating circumstances', which are factual circumstances that enhance the gravity of the offence (Art. 4). It also provides for the protection of victims (Art. 5), mutual legal assistance (Art. 6), training and sensitisation of enforcement officials (Art. 8), rehabilitation of victims (Art. 9). Offences under the Convention are extraditable (Art. 7). Article 8(3) requires the States Parties to establish a Regional Task Force comprising officials from the Member States, to facilitate implementation of the provisions of this Convention and to undertake periodic reviews.

The main criticism levied against the SAARC Convention is its narrow definition of trafficking, which is limited to prostitution, also that it makes no distinction between women and children. Trafficking has been defined to include the moving, selling or buying of a person, but does not include recruitment, labour, transfer or receipt that does not essentially constitute buying or selling.

Convention on Regional Arrangement for the Promotion of Child Welfare, 2002:

This Convention seeks to create regional arrangements among SAARC countries in order to promote understanding and awareness of the rights, duties and responsibilities of children and to develop the full potential of the South Asian child.

INTERNATIONAL RAMIFICATIONS

The main difficulty with anti-trafficking legislation is that there is no clear definition of trafficking. A UN treaty to denounce trafficking in persons is the 1949 Convention on the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (the 1949 Convention). This international instrument saw, for the first time, prostitution and the traffic in persons to be incompatible with the dignity and worth of the human person and to endanger the welfare of the individual, the family, and the community. Under this treaty, nations agreed to punish traffickers and illegal brothel owners or their accomplices. They also pledged to protect and safely repatriate trafficking victims. The 1949 Convention defines trafficking as the:

“illicit and clandestine movement of persons across national and international border for slavery from developing countries and some countries with economies in transition, with the end goal of forcing women and children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labor, false marriages, clandestine employment and false adoption.”

This definition is problematic because it overlooks two basic aspects of trafficking. Firstly, men can be victims of trafficking as well as women; secondly, sometimes, there is no coercion at the time of trafficking. The 1949 Convention is a compilation of four previous international conventions. These four previous conventions, as well as the 1949 Convention, are based upon the idea that women are especially vulnerable to trafficking. Further, there seems to be a relation between trafficking and prostitution only and not other forms of trafficking. The relationship between prostitution and trafficking is the root of the difficulty with anti-trafficking legislation. The 1949 Convention is based upon a prohibitionist position, which tries to abolish prostitution entirely through criminalizing all acts associated with prostitution. The Convention itself does not regard women as “independent actors endowed with rights and reason”; rather, the Convention views them as vulnerable beings in need of protection from the “evils of prostitution”. The definition of trafficking is limited to trafficking for prostitution. Therefore, the 1949 Convention does very little to protect women from and provide remedies for the human rights violations committed in the course of trafficking. This increases trafficked women’s marginalization and vulnerability to human rights violations.

Under the 1949 Convention, trafficking of women, for example, for domestic help and marriage brokering, is not included; the Convention equates trafficking with the exploitation of prostitution. As a result, many women are excluded from the protections of the Convention. The 1949 Convention equates anti-trafficking legislation with anti-prostitution legislation. As a result, countries which oppose trafficking but still have legal prostitution, like India, are caught in a double bind with respect to the Convention. Unless they change their laws to make prostitution illegal, they cannot ratify the convention. As a result of the Convention’s definition, only 73 countries have ratified the Convention since it has come into force.

The Convention itself is poorly enforced. No independent treaty body has been established to monitor the enforcement of the Convention. However, the 1949 Convention constitutes a decisive step in the struggle for women’s human rights. It could, however, be strengthened further by a stricter monitoring mechanism. Even though prostitution is illegal in Nepal, the government of Nepal has still not adopted the 1949 Convention. Ratification or accession of UN treaties is the primary way to hold countries accountable for their actions. There are four UN conventions

that Nepal has ratified which have provisions related to girl trafficking. These are: the Convention on Civil and Political Rights (ICCPR), the Convention on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Rights of the Child, and the Convention on the Elimination of Discrimination against Women (CEDAW).

Since 1949, the concept of trafficking has been extended to include trafficking for the purpose of other forms of exploitation of women. This wider view of trafficking is reflected in the Beijing Declaration and Platform for Action, which also includes forced marriages and forced labor within the concept.

Palermo Protocol:

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) is an international instrument that deals comprehensively with the issue of trafficking in persons. The Palermo Protocol addresses the crime of trafficking in persons on a transnational level. According to article 3 of this Protocol, which supplements the United Nations Convention against Transnational Organized Crime 2000, trafficking in persons is defined 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 receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. Accordingly, trafficking invariably involves the forcible movement of a person from one place to another and forcible utilization of their services with the intention of initiating them into trade for commercial gains. The word “forcible” signifies that the action is against the person’s will or that consensus has been obtained by making deceptive claims and false allurements. In some cases, consensus is obtained because of the victim’s social conditioning, where the victim is not even aware that s/he is being exploited.

The common denominator of trafficking scenarios is the use of force, fraud, or coercion to exploit a person for profit. Traffickers can subject victims to labor exploitation, sexual exploitation, or both. Trafficking for labor exploitation includes traditional chattel slavery, forced labor, and debt bondage. Trafficking for sexual exploitation includes abuse within the commercial sex industry. In other cases, individuals exploit victims in private homes, often demanding both sex and work. The use of force or coercion can be direct and violent or psychological.

The advantages of article 3 of the Palermo Protocol are twofold. It gives effect to the rights of victims, and it establishes a common definition for trafficking. According to the first part, the trafficked persons are seen as victims and not as perpetrators of the crime. In addition, the consent of the victim is irrelevant. This provision is a response to the fact that sex traffickers often lure their victims, most of who are suffering in poverty, with false promises of a better life elsewhere. The crux of the trafficking process is recognized by the article as the exploitation of the victims and not their physical passage from one place to another. Regarding the second part, there is now an accepted definition of trafficking. The article casts a very wide and comprehensive definition of trafficking. This will make it easier for governments to harmonize anti-trafficking legislation.

There are, however, two main criticisms of the definition article of the Palermo Protocol.

First, the definition of trafficking in persons is “enumerative”. This means that the Protocol gives a rather too broad list of the various activities that constitute human trafficking. It may be technically possible for traffickers to find a loophole in the article by arguing that an act of his actually falls outside this list. Admittedly, there is very little scope for any trafficker to find such a loophole as the definition is drafted quite widely, but the possibility remains.

Second, it becomes very difficult to design assistance mechanisms for victims of trafficking if too many related criminal activities are included into the definition of trafficking. It has been argued that this overly broad attempt to crowd together a variety of other crimes within the trafficking definition may ultimately result in distracting assistance designed uniquely for victims of a more narrowly defined trafficking.

Despite its criticisms, the Palermo Protocol provides an internationally accepted definition on human trafficking and is the primary international legal instrument addressing the activity as a crime. The definition contained in article 3 of the Palermo Protocol is meant to provide uniformity and agreement around the world on the occurrence of trafficking in persons. Article 5 requires that the conduct set out in article 3 must be criminalized in domestic legislation. Domestic legislation does not need to follow the language of the Palermo Protocol exactly but should be tailored in accordance with domestic legal systems to give effect to the concepts contained in the Protocol (UNODC 2010). Its purposes are to prevent and combat trafficking, paying particular attention to the protection of women and children and to promote and facilitate cooperation among State parties in order to meet this objective.

The UNODC has furthermore highlighted the fact that the definition of trafficking is broken down into three elements: acts, the means used to commit those acts, and purposes or goals (being forms of exploitation). **MoloSongo** breaks down this definition into different easily detectible elements as follows:

“Trafficking involves the recruitment, transportation, harboring, transfer and receipt of persons by means of threat, other forms of coercion, abduction, fraud, deception, abuse of power, abuse of position of vulnerability, the giving and receiving of payments or benefits, achieving the consent of a person who has control over another person, for the purpose of exploitation, forced labor, servitude, slavery or the removal of organs and illegal adoptions” (South African Government Information 2009).

In addition to the criminalization of trafficking, the Palermo Protocol requires criminalization also of the following actions as well: attempts to commit a trafficking offense; participation as an accomplice in such an offense; and organization or direction of others to commit trafficking. Indeed, countries’ national legislations should adopt the broad definition of trafficking prescribed in the Protocol. In addition to the criminalization of trafficking, the Palermo Protocol requires criminalization also of the following actions as well: attempts to commit a trafficking offense; participation as an accomplice in such an offense; and the organization or direction of others to commit trafficking.

Optional Protocol:

Another international instrument dealing with trafficking is the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2000 (Optional Protocol) which supplements the Convention on the Rights of the Child of 1989 (CRC). The Optional Protocol calls on state parties to protect the rights and interests of child victims of trafficking, child prostitution, and child pornography. It promotes international law enforcement cooperation with provisions covering diverse issues such as jurisdiction, extradition, mutual assistance in investigations, criminal or extradition proceedings, and seizure and confiscation of assets. Unlike the CRC in terms of which state parties commit themselves to take only “appropriate measures” to prevent certain practices, the Optional Protocol places an explicit obligation on state parties to make certain activities relating to the sale of children a criminal offense. The UN, therefore, calls on all state and non-state actors to eradicate human trafficking by: (a) reducing both the vulnerability of potential victims and the demand for exploitation in all its forms; (b) ensuring adequate protection and support to those who do fall victim; and (c) supporting the efficient prosecution of the criminals involved, while respecting the fundamental human rights of all persons (UNODC 2008). In carrying out this mission, there will be an increase in knowledge and awareness on human trafficking. It will also help promote effective rights-based responses; build capacity of state and non-state actors; and foster partnerships for joint action against human

trafficking.⁷⁹ It is imperative that Governments implement the Palermo Protocol to address this crime.

(Ref: SankarSen/PM Nair-Action Research Report-2002-03)

Role of Stakeholders

Human Trafficking is an organized crime and one of the gravest violations of Human Rights which is transnational in character. It is considered as a business of high profit with minimum risk. Very often, victims remain un-noticed, un-cared for and their concerns not addressed. People are often not concerned because they are unaware of the extent, dimensions and implications of Human Trafficking.

Trafficking is not only a human rights issue but at the same time is a social issue too as it affects not only the rights and dignity of the individuals concerned, but also has a direct bearing on the community and society at large. It is quite evident that exploitation and violations of rights commence before trafficking and continue during and after trafficking causing serious social problems. It traumatises deprived sections of society, leaving them to live with the stigma, indignity and contempt. On the other hand, certain sections of society capitalise on their vulnerability and exploit them in ways that are both illegal and morally reprehensible. It is in this context that these issues assume significance and meaning for the community at large. Trafficking can in no way be considered as just a criminal issue or a law and order problem. It is primarily a matter of the protection of human rights, especially those of women and children. Prevention of trafficking cannot be successful without the involvement of the community.

The prevailing 'culture of silence', 'culture of tolerance' and the 'culture of non-concern' in our society not only permits but, promotes and perpetuates Human Trafficking. Trafficking is rampant in places where all the three prevail. The crime is abetted by the family and community's passivity and their inability to respond to the situation. The problem is further compounded by social indifference. Criminals go scot-free largely due to an absence of concern or sensitivity regarding the welfare and rights of others as well as an all pervading sense of apathy.

Human trafficking undermines the safety and security of all nations it involves. Law Enforcement Agencies are mandated to respond to the challenges of this trans-national organized crime. However, the very complex nature and manifold dimensions of human trafficking requires concerted and synergic response. Therefore, the anti-human trafficking response cannot be exclusively left to the domain of a police official at the police station. What is appropriate is an integrated and holistic response by all the stakeholders, which include national governments, national government agencies (e.g. law enforcement, immigration, and judiciary departments), health and public services, social welfare and development, international organizations (e.g. United Nations agencies, such

as UNODC, IOM, and ILO), Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs), the media, corporations/businesses, academics, and individuals. A synergy of efforts is therefore indispensable during the '3 Ps' of anti human trafficking, namely, **Prevention**, **Prosecution** and **Protection**.

The stakeholders who can play an important role in all the '3 Ps' stages with integrated efforts can be broadly categorised in two classes i.e. the first one are National Actors who have the direct bearing of this menace at national level and the second category is of International Actors who play a bigger role where the trafficking takes transnational nature. Both these categories are described in detail in following paragraphs;

1. National Actors

(a) Governments:

Efforts undertaken by the government to combat human trafficking vary in each country. Some governments acknowledge the problem of human trafficking by ratifying the Palermo Protocol and adapting laws to criminalize human trafficking activities. Governments can develop a national strategy responding to internal, regional and international human trafficking as well as create a system to coordinate the efforts of government agencies and NGOs.

(b) Governmental agencies:

Combating the crime of human trafficking requires collaboration among all of the stakeholders, particularly law enforcement, immigration and judiciary agencies. The primary responders to human trafficking are often law enforcement agencies, which then coordinate with the judiciary office to prosecute traffickers. If the victims of human trafficking are from other countries, they work with the immigration office to provide the temporary visa to stay in the country or repatriate the victims to their own country.

(c) Health and public services:

Once human trafficking victims are rescued from traffickers, victims need access to basic services, such as shelter, legal assistance, transportation, medical exams, and psychological counseling. These services help in bringing the victim out from mental trauma and agony.

(d) NGOs and CSOs:

NGOs and CSOs have long been active in the anti-human trafficking movement before governments and international community start realizing the severity of this issue. NGOs and CSOs mainly focus on carrying out awareness raising campaigns, conducting research, helping law enforcement on victim identification, and providing basic services to victims of human trafficking. There are a number of NGO networks which are committed to the cause of counter trafficking. These networks have initiated several programmes and projects aimed at prevention, protection and prosecution and continuously playing important role by educating people, providing help to law enforcement agencies in pre and post rescue operations and finally in protection and rehabilitation of the victims.

(e) Media:

The media, both print and electronic, is no doubt a powerful instrument of social change. The media plays an indispensable role in educating the public about the reality of

human trafficking and illuminating the problems via films, theatre, photographs, newspapers, magazine articles and so on. The media is used as one of the most effective

ways to inform communities around the world about different aspects of human trafficking. It has been an effective tool in breaking the culture of silence as also in generating positive community activism. The only restraint from media required is their temptation to sensationalise the issue and putting the victim in further humiliation before the public.

(f) *Private Sector/ Corporate Sector:*

The social responsibility of the private/ corporate sector has given an impetus to the anti-trafficking movement. The private/Corporate sector plays an important role to further prevent human trafficking. Corporations and businesses can create job opportunities for trafficking victims and financially support the other organizations' activities to protect victims. Several initiatives launched by NGO-corporate partnerships have been instrumental in ensuring the appropriate rehabilitation of a large number of survivors. More than a mere welfare activity, corporate houses have espoused this cause as a human rights issue, hence the partnership has worked well. Many businesses have started adapting codes of conduct that would implement measures to prevent labour exploitation and human trafficking.

2. International Actors

(a) *UN System and agencies:*

Since the Palermo Protocol entered into force in December 2003, 117 countries have signed the Protocol. Led by UNODC, the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was created to promote the global efforts to fight against human trafficking and managed in cooperation with ILO, IOM, (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR), the Organization for Security and Cooperation in Europe (OSCE)

(b) *Multilateral Development Banks:*

The Asia Development Bank (ADB) and the Inter-American Development Bank (IDB) are most active at working on human trafficking issues in their loan and grant projects as well as regional and country-specific technical assistance projects. ADB focuses on preventive measures of human trafficking and monitoring of impacts, especially those related to cross-border road corridors and regional economic integration activities. IDB has established an inter-institutional framework to define a plan of action and support Latin American governments in fighting against human trafficking. Even though other Multilateral Development Banks may work on this issue, project information on human trafficking and its related issues is not available on their websites.

(c) *INTERPOL:*

INTERPOL works with governments to help them strengthen their capacity to fight against global human trafficking. In February 2009, INTERPOL signed an agreement between Nigeria and Italy, coordinating the efforts of both countries and providing tools and resources to national law enforcements to target organizations behind illegal immigration and human trafficking.

(d) *Bilateral/multilateral and regional initiatives:*

A number of governments are participating in multilateral, regional and sub-regional initiatives to protect migrant workers from forced labour trafficking.

(e) *International NGOs:*

International organizations, such as Amnesty International, Human Rights Watch, and the Global Alliance against Traffic in Women (GATW) have been leading the global anti-human trafficking movement. NGOs have been successful in bringing public and government attention to this issue.

(f) *Academic and Research Institutions:*

Academic and research institutions around the world conduct useful research on the various aspects of human trafficking and provide recommendations to policymakers and service providers.

A multi-pronged **prevention** strategy for creating awareness, sensitization and dealing with vulnerability factors of specific areas/communities can be effectively implemented with the involvement of the concerned government departments, law enforcement agencies, NGOs, media and corporate/business houses. Preventing re-trafficking is an area where NGOs along with the assistance of corporate/business houses can play a stellar role by ensuring the economic rehabilitation of rescued victims/survivors. Prevention also calls for addressing the demand factors, which includes demand for child labour, demand for children in sex tourism, etc. Captains of industry and the tourism sector can play a substantial role in this area.

An effective and successful **prosecution** is not the responsibility of law enforcement agencies alone, but can be brought about by the combined endeavours of NGOs (for e.g. by preparing a victim to face a court room situation, etc.) and the media (for e.g. by a continuous follow-up on the progress of the trial, by being vigilant to ensure that justice is delivered with celerity, certainty and surety).

Protection of the rights of the victim during the criminal justice system processes (investigation and trial) can be effectively undertaken by all the stakeholders involved. The care and attention of the rescued person can be broadly classified into two; firstly, counselling, de-traumatization and psychosocial and medical attention. Secondly, empowerment programmes and providing sustainable livelihood options. In these areas, every one can be a stakeholder, with a specific role to play.

Ref:

1. **Action Research Report 2002-03 by PM Nair/Sankar Sen**
2. **<http://www.ungift.org/knowledgehub/about/multi-stakeholder-response-to-human-trafficking.html>**
3. **http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1239390842422/6012763-1239905793229/Human_Trafficking.pdf**

SSB's Efforts in checking Human Trafficking

Pursuant to “one border One force” recommendation of Kargil Security Review Committee report, SSB was assigned the responsibility of guarding the 1,751 kms of Indo-Nepal border in 2001. Later, in year 2004, the border security responsibility was further extended to 699 kms of Indo-Bhutan border.

Unlike other BGFs where borders are well defined and fenced, Indo-Nepal and Indo-Bhutan borders are open, and relations among the countries are guided by Friendship Treaties which envisage restriction/ visa free cross border movement of citizens of both countries. Besides, the populations of both countries enjoy centuries old socio-religious and economic relations. The job of these borders is more complex, intricate, painstaking, challenging and demanding.

Primary objectives of SSB as envisaged in the MHA order defining Role and Charter of Duties for the Force are-

- (a) To promote a sense of security among the people living in the border areas;
- (b) To prevent trans-border crime, unauthorised entry into or exit from the territory of India, and
- (c) To prevent smuggling and any other illegal activities.

In order to meet these objectives, SSB has set up ----number of border out posts with several check posts on both the borders which keep constant vigil on any illegal or trans-border criminal activities. Since flow of human trafficking from Nepal to India and other countries is fast increasing and the Indo-Nepal border being a porous one, to keep a check on this migration/movement has become a great challenge for SSB. The Force has taken up various preventive and remedial measures to apprehend the traffickers, keep a watch on movement of victims, coordination with other law enforcement agencies and local administration in both the countries and post rescue operations with local NGOs. At the same time various awareness programmes have been carried out among local population and seminars/workshops have been organised even upto the ground level.

At operation level SSB has in recent years has rescued----victims and apprehended ---traffickers before handing them over to police authorities for further necessary actions.

From SSB's point of view, the gravest challenge which emanates is from the the 'Siliguri Corridor' or 'Chicken neck' in Siliguri Frontier. This part is the tri-junction of Nepal, Bhutan and Bangladesh and is the 'Gateway to the North East of India' and has the dubious distinction of being the thoroughfare and fertile ground for Human trafficking.

Ten border districts such as Darjeeling, Jalpaiguri, Alipurduar, Coochbehar, North 24 Parganas, Nadia and malda etc are considered to be highly trafficking prone areas in West Bengal. People in this region are mostly agro based labourer and so have no special skills for employment and hence people, in general are gullible and prone to exploitation and being misguided.

The efforts carried out by SSB to check the trafficking in person from Nepal and Bhutan and bring awareness among Force personnel and population are as follows:

1. Establishment of border check posts with specific directions to keep a watch on such attempts of trafficking
2. Awareness programmes right from Force personnel to the deep inside local population
3. Workshops organised to sensitize SSB personnel and the population
 A workshop on “Human Trafficking: was organised in Siliguri Frontier to refresh and reorient Force personnel to the prospects of traffickers taking advantage of the devastating earthquake in Nepal to traffick women and children. Earlier on, Smt SreerupaMitra Chaudhary, Chairperson of National Institute of Gender Justice was invited in 2013 to conduct a workshop on ‘Women’s Right, Safety of Girl Child, Prevention of Trafficking on INB’ for educating the Force personnel.
4. A brochure in Bengali was released on ‘Human Trafficking’ by Sri arun Chaudhary, IPS, Ex-DG, SSB on 26th of April, 2014.
5. The field units have been asked to work in close coordination with the NGOs working in this field in their AsOR.
6. A three day’s workshop on ‘Gender Sensitization’ was organised in March 2013 at ITS, Ghitorni, New Delhi with the help of NGO ‘Jagori’ to sensitise our personnel on women’s rights and sexual harassment at workplace.
7. Seminars organised in different field locations and interaction held with resource personnel from various NGOs and law enforcement agencies.

Seminar on Human Trafficking

One such seminar was organised by SSB in VigyanBhawan, New Delhi on 26/12/2014 in which following resource persons working in this field participated. They are as follows:

1. Ms Snehlata Kumar, Secretary(BM), MHA
2. Ms MeenakshiLekhi, Member of Parliament
3. Dr PM Nair, Chief Professor, TISS
4. Mr Rais Ahmad, Director, MHA
5. Ms AnuradhaKoirala, Chairperson/Founder, Maiti, Nepal
6. Ms TruptiPanchal, Asstt Professor, TISS
7. Mr AmodKanth, General Secretary, PRAYAS

Extracts from the presentations in the seminar

MsSnehlata Kumar, Secretary(BM), MHA

She started her note by showing concern over the organised crime of human trafficking in the region which has its deep roots in those areas of Nepal and India which are under economic deprivation. She highlighted the Govt’s commitment to check it by making all out efforts right from bringing up tough regulations to the awareness and income generating programmes for the affected people. She gave a detailed account of the various programmes started by Govt of India to eradicate mass base poverty which is one of the main causes of human trafficking. She ended her address with hope that this seminar

organised by SSB will help law enforcing and other non governmental agencies to come up with coordinated efforts and new measures to check this menace.

MsMeenakshiLekhi, Member of Parliament

MsLekhi showed her concern over the human trafficking especially the girls trafficked from Nepal and transported to Indian cities and gulf countries. She described the widespread poverty as the root cause of the trafficking and urged to concentrate upon efforts to book the so called “customers” and bring awareness to discourage people to do so. According to her the SOP is required not for the victim but for the so called “customer”. She out rightly rejected the idea of legalisation of prostitution. She pressed for the necessity of border check posts where the effective measures to check the trafficking can be put into force.

Dr PM Nair, Chief Professor, TISS

Dr Nair started his address with the mention of constitutional mandate of preventing and combating all forms of human trafficking. He gave a brief account of various laws specially article 23 of Indian constitution and Section 370 of IPC which give a comprehensive dimensions to the definition of human trafficking. He discussed at length the modus operandi and the purposes of this organised crime which, according to him, can be termed as “basket of crimes”. He put forward his views on trafficking for commercial exploitation and discussed various actions which constitutes trafficking. He showed concern over sex tourism along Indo-Nepal border and highlighted the vulnerable factors responsible for trafficking.

He ended his presentation with emphasising the need for holistic and integrated functioning and suggested some measures for SSB to help in preventing and combating trans border trafficking.

MrRais Ahmad, Director, MHA

Mr Ahmed gave an elaborate presentation on the initiatives taken by Govt of India to combat trafficking of human beings. In the beginning he gave a brief account of constitutional and legislative provisions related to trafficking in India and then gave a detailed account of administrative measures and interventions, comprehensive schemes of MHA, introduction of the web portal ie “stophumantrafficking-mha.nic.in”, judicial colloquiums and awareness programmes.

MsAnuradhaKoirala, Chairperson/Founder, Maiti, Nepal

She started her note with sincere concern over human trafficking in global and regional context and common forms of violence against girls and women in South Asia including CSEC ie commercial sexual exploitation of children.

In the second phase she highlighted the need of her NGO Maiti which is committed to a society free from trafficking of girls and women and has been, according to her, crusading against abuse, exploitation, neglect and violence of children, girls and women. She discussed in detail all the awareness and vocational programmes run by Maiti and its efforts in eradicating the menace.

MsTruptiPanchal, Asstt Professor, TISS

MsTruptiPanchal started her address with introduction of UNTOC which is UN sponsored multilateral treaty against transnational organised crime is often known as Palermo convention. She discussed the instruments of Palermo protocols which is mainly to prevent, suppress and punish trafficking in persons, especially, women and children, smuggling of migrants, illicit manufacturing and trafficking in firearms, parts and ammunition etc. She threw light upon the salient features of the protocol and highlighted the strategy to tackle trafficking in protocol.

She ended her presentation with the mention of the challenges in addressing trans border trafficking and comprehensive anti-trafficking scheme for enforcing law enforcement introduced by the MHA.

MrAmodKanth, General Secretary, PRAYAS

MrAmodKanth discussed in brief the SAARC conventions on combating human trafficking and gave valued account on various laws and regulation related to the issue. He laid emphasis upon the necessity of restoration, rehabilitation and repatriation strategies and highlighted the efforts of his NGO PRAYAS in this direction. He gave detailed description of the coordinated interventions of PRAYAS and SSB along Indo-Nepal border which has been very successful in addressing the issue upto certain extent. He read out the challenges and suggested a way ahead which can be guiding measures in order to check the trafficking.

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What should be our response ?

In order to fight the organised crime of trafficking in person with the help of all stake holders, the United Nations supports the famous Three ‘P’s’ of anti human trafficking – prevent, protect and prosecute. Where the responsibility to prevent trafficking starts right from the level of constitutional and governmental agencies ie local administration, law enforcement agencies and other designated offices to the civil society, NGOs, individuals from the public and the people in general, the efforts in this direction range from strict vigil, apprehension of traffickers, post rescue operations to the grass root awareness campaign and rehabilitation programmes. The governments should also draw various policies to improve the economic conditions and provide quick, effective and all out support in the eventuality of natural or man made disaster. On the protection, we have to provide the victim of the trafficking the support he/she needs at that stage when his/her is undergoing mental and physical duress. It starts from treating him/her with humanly approach, sheltering him/her to rehabilitate him/her or make him/her reach back to his/her community. In both the ‘P’s’, where role of civil society, public and NGOS is quite important, off course, with coordination with the law enforcement agencies, it is third ‘P’ where law enforcement agencies are expected to leave no efforts in order to prosecute the offenders and bring them to book.

Some studies have suggested that another area which should be added while dealing with human trafficking issues and that is the ‘C’ ie Capacity Building Initiatives. It refers to those activities that improve the functionality and absorptive capacity of organisations, institution and/or groups. Sensitization of force personnel or the research projects can be seen as capacity building measures.

Principles in the response to human trafficking :

a) Human right approach :

Trafficking in human is a grave violation of human rights, which deprives and demolishes the dignity of the victim. Therefore, it is critical that response systems are rights-based and human rights oriented.

b) Victim friendly approach :

The law enforcement agencies, while dealing with human trafficking issues, should ensure that the trafficked person is a victim not offender and therefore, should not be arrested or branded ‘as a soliciting person’. He/she should be extended all possible help and assistance. The greatest concern should be that he/she is not ‘re-victimized’.

c) Multi-disciplinary approach :

Human Trafficking entails several acts of commission and/ or omission involving multiple offenders. Accordingly, the response to trafficking requires simultaneous attention by various agencies mandated to carry out different tasks, viz. police agencies, other government departments (like welfare, women and child development,etc.), the prosecutors, Counsellors, NGOs, etc. all of whom perform several functions in the process of Anti Human Trafficking (AHT). Therefore, the law enforcement agencies need to coordinate with these stakeholders to develop a synergy and partnership with them.

d) Gender Sensitive Approach :

Though the victim could be any person, but majority of victims of commercial sexual exploitation (CSE) are females. Hence, the responders should always take care of gender sensitivity while addressing Human Trafficking.

e) Child rights approach :

Being in high demand for commercial sexual exploitation and more vulnerable, children are subjected to extreme violations during and after trafficking and an improper response aggravate the harm already inflicted on them. Therefore, the law enforcement response has to be specifically oriented to their specific rights.

f) Organized crime approach :

Trafficking is an organized crime extending beyond national and state boundaries. It is multidimensional because:

- (i) It involves the elements of several crimes, like selling, buying, sexual abuse and exploitation, criminal confinement, abduction, etc.
- (ii) The scenes of crime extend from the Source area through the Transit area to the Destination area.
- (iii) It entails multiple abuses and abusers, who are networked and organized.
- (iv) It is a 'continuing offence', starting with recruitment/ procurement and continues till the victim is rescued.
- (v) By 'trading' in human beings, offenders make 'profits' at various levels of their activity.

Since SSB is mandated to guard the entire Indo-Nepal and Bhutan border which witness a surge of human trafficking, the responsibility to check this menace becomes manifold for all of us. Here are some guideline for all SSB personnel who are deployed along both the borders in the form of a standard operating procedure (SOP) while dealing with the cases of human trafficking. These guideline would be helpful for them to discharge their duties right from identification of the suspect/victims to the facilitating the police and local administration in prosecuting the offenders.

Stage wise expected response is broadly envisaged as under:

1. On receiving an information
2. Identification of victim
3. Rescue Planning and Preparation
4. Conducting Rescue
5. Seizure of SOC and evidences
6. Interview/Interrogation of victims/offenders/witnesses
7. Post rescue operations
8. Screening tool to help identify a potential victim of human trafficking
9. Guidelines for interrogation
10. Media Briefing

All the above steps are discussed in detail in the following paragraphs-

1. On receiving an information

Normally information about a crime of human trafficking (HT) is received from any of the following categories:

- a) Family members/parents or relatives of the victim
- b) Police sources/ local sources/neighbours/ villagers
- c) Government functionaries/ bodies
- d) Civil society/ media
- e) NGOs who get to know about incidence/victim through their network or Interventions on the ground

All information should be treated with equal importance and necessary action as per statute should be taken by the concerned unit under intimation to their immediate supervisors and the officer specially designated as the Nodal Officer (NO) for the district.

Efforts should be there to collect and develop more details of the information; especially whenever there is strong suspicion of an organised gang running a racket in an area—within AOR or beyond.

2. Identification of victims :

Anyone found at a scene of crime could be a victim or a witness or an accused for the case. A victim has to be clearly identified in every situation. Identification of a victim in a trafficking situation is rather difficult as, usually the identity of a victim is not known in advance, or a close or credible relative/neighbour is not present for any assistance in the matter, or a victim may not identify oneself or readily cooperate with law enforcement agencies at the SOC.

Due to the complexity of the trafficking phenomenon, the final identification of victims becomes a prolonged and ongoing process. Failure in identifying victims at an early stage can result in insufficient protection of victims and violation of their rights. In the absence of factual evidence, the authorities may be unwilling to treat the trafficked persons as a victim. Self-identification might be difficult, especially in cases where a position of social vulnerability has been exploited by traffickers. In addition, there are many barriers for victims to come forward such as fear for reprisals against them or their children or families, fear of deportation, or the situation of dependency in which they find themselves. Therefore, a pro-active approach to identification, is required especially for child victims, and to strengthen policy aimed at empowering trafficked persons and encouraging them to come forward and denounce exploitation.

3. Rescue planning and preparation :

The first key step is to make a clear assessment about the place where search is to be conducted. A search operation may be conducted in a brothel, any house, hotel, lodge, beauty or massage parlour, cyber cafe, bar or any other public/ private transport or place.

The next step is to identify legal provisions and requirements for search/rescue as mandated by relevant laws. The requirements for search/rescue under CrPC and ITPA apply to closed places as well as to the personal search of suspects at such places.

However for open places, where SSB is normally expected to operate under its normal deployment on the border / BOPs and public places, as far as possible, two independent witnesses for search must be arranged for. And if it is not possible to arrange for two such witnesses, then the reasons must be recorded in writing and placed before the Court.

Following the two key steps mentioned above, the details of planning and preparation must be worked out as per the facts and circumstances of a case.

3.1 General Guidelines for Planning and Preparation :

- (i) Collection of all possible, relevant and authentic information required for making assessment about the planning and preparation for search/rescue and should be made.
- (ii) Assessment of all available information for planning and preparing for the correct timing of search/rescue; constituting teams required for; outer cordon; inner cordon; search and seizure; rescue of victim; handling of witness; handling of suspects/accused ; law and order; working out the strength and composition of teams ; establishing communication network suited for the area; ensuring presence of a Executive Magistrate, if required for a specific purpose; including forensic teams for general and/or specific purpose; detailed logistical requirements.

3.2 Additional guidelines for a trafficking case :

- (i) Big or sensitive operation should be led by a senior officer, preferably by an officer of the rank not below a DySP. The exact role of an informant/source/identifier/decoy must be clearly identified for an operation.

For trafficking for labour cases, suitable labour officials may be included in a search party.

- (ii) The team should include women police officers and/or women NGO personnel or social worker, especially whenever there is a possibility of, rescue of a female or a child victim.
- (iii) The team should also include a trained counsellor to support a victim right from the first contact, especially a child victim.
- (iv) The police and non-police members should be selected carefully for such operations. The roles and responsibilities of police and non-police personnel must be clearly defined and articulated.
- (v) The identity of an identifier accompanying a search party must be established beyond doubt. This could be achieved with a genuine identity card such as Panchayat's certificate, voter ID card, ration card or driving licence.

The contact details of the competent authority under the JJ Act or any other Act applicable to a case and/or the Court of competent jurisdiction must be obtained in advance.

Check list for pre rescue planning

| SINo | Check Points |
|------|--|
| 1 | Are you legally empowered to conduct rescue under the ITPA? <ul style="list-style-type: none"> • Notified under Section 13 ITPA • Authorized under Section 16 ITPA • Obtained warrant under Cr. PC |
| 2 | If not, do you have at least a police officer legally empowered under ITPA to conduct rescue? |
| 3 | Have you obtained a search warrant from the jurisdictional Magistrate? |
| 4 | Have you verified source information? |
| 5 | Have you entered source information and the steps taken therein, in the GD? |
| 6 | Have you carried out recce of the place to be searched for rescue? |

3.3 Briefing :

All members of a search/rescue team, including non-police personnel, should be briefed by the officer in charge of the operation. Key points for briefing should include:

- (i) The purpose of search/rescue operation
- (ii) The contours of the plan of action
- (iii) The victim assistance plan
- (iv) The role and responsibilities of teams and individuals
- (v) The communication and coordination mechanism among various teams
- (vi) Instructions about requirement to maintain complete secrecy about the operation
- (vii) Maintain confidentiality about the identity of persons involved.
- (viii) To remain calm if there is non-cooperation/hostility from the side of the victim
- (ix) Show due courtesy towards women and children and to observe utmost caution with respect to usage of words/expressions and body language i.e. nothing should look insulting or offensive or intimidating to a victim.

4. Conducting rescue :

For successful rescue operation, it is crucial for police to pay attention to some of the key issues including identification of victims in practical situations and operational approach towards search of places for rescue of victims- especially of women and children.

4.1 Non-cooperation from victim :

In most common situations of trafficking, a victim is 'controlled' by traffickers through coercion/intimidation/blackmail/fraud. A victim of trafficking specially of Commercial Sexual Exploitation (CSE), develops deep concerns about social stigma and lack of options for rehabilitation and thus, loses any desire to come out of the situation.

A victim of cross-border trafficking without any legal status (authentic documents for travel/work/stay) is particularly vulnerable to be blackmailed by traffickers and invariably suffers from the fear of being handed over to police for ‘perceived’ violation of immigration laws.

Therefore, in practical situations, a victim may inadvertently make the process of identification very difficult for police by:

- (i) giving false information about his/her identity or age or nationality or parents or home address
- (ii) denying exploitation
- (iii) refusing to identify traffickers/exploiters; or
- (iv) being out rightly hostile towards police

4.2 General guidelines for rescue :

Given the complexity of the task, a team dedicated for the purpose of rescue (rescue team) should be constituted and should be provided all the required input for the same. Reliable identification details may be obtained from parents/guardians though in most practical situations, it may not be possible to do so.

Whenever a complaint is filed by an NGO, it would either have useful details for identification of the victim or would be able to provide a credible identifier. If such an identifier is willing, then s/he should be made part of the rescue team. However, if no details or credible identifier is available and if time so permits, then the IO should employ an informant or use a decoy for the purpose of victim’s identification.

If it is known or suspected that a victim is not from the state and/or speaks a particular language then the presence of an interpreter in the rescue team would greatly facilitate the process of identification.

The rescue team should systematically start the search for a victim by processing each and every nook and corner of a SOC including the hide-outs, if any. It should, however, be ensured that minimum disturbance is caused to a SOC through the process. There may be a situation where a victim other than the one being searched for, is also identified. All identified victims, whether Indian nationals or foreigners, adults or children, **MUST** be rescued (*for detail please refer the Advisory issued by MoH-GoI dated 01st May, 2012*).

In the absence of identification details or credible identifier, rescue of a victim from an open public place such as a railway station or from a public transport such as from a train or bus; should be conducted by first of all isolating children from adults and males from females.

Each person should be interviewed separately to elicit basic information including the name, age, home address, parents’ names, plan and purpose of travel, relationship with others found at the spot. By cross-checking the answers a trained police officer would be able to prima facie identify a potential victim (as well as a suspect) in most situations. In case it is not expedient to do so at the spot, everyone should be taken into custody and brought to a PS for detailed interviewing.

5. Seizure of SOC and evidences

Following three basic steps should be taken for effective Crime Scene Investigation:

- (i) Protection and security of a Scene of Crime (SOC)
- (ii) Adequate number of cordons should be placed around a SOC to isolate it, restrict access and prevent persons entering/leaving the SOC at will.
- (iii) Everyone present at a SOC should be advised to remain calm and stay wherever they are, within the “view” of the team members tasked with the responsibility.

Once entry is obtained, the team members should offer themselves for personal search to the owner/occupier/manager of the place or anyone present there. All exits should immediately be identified and covered by the team members to ensure that nobody can leave the SOC without permission of the officer in charge or tamper with any relevant piece of evidence.

5.1 Search for evidence :

The search team should divide itself into sub-teams and systematically start searching the place from one end to another in each room/open space. Depending upon the nature of a case (purpose of trafficking), the Investigation Officer (I/O) should proactively look for relevant evidence at a SOC. Three types of evidence may be found at a SOC, namely-

- (i) documentary evidence,
- (ii) forensic evidence and
- (iii) material evidence.

5.2 Seizure of evidence :

The seizure list and memo must be prepared on the spot itself in the presence of two independent witnesses. The witnesses should sign the lists and memos giving their full details including temporary and permanent addresses. Any NGO person or social worker or counsellor or labour official accompanying a search team could be an independent witness for the purpose of search and seizure.

5.3 Victim assistance at SOC :

A victim of trafficking usually experiences multiple exploitation including physical abuse, mental torture and emotional trauma. Over a long period of time it also leads to psychiatric disorder in a person. A victim is often found in extremely pitiable conditions-s/he may not be adequately dressed or may have been starved for days or may have been seriously ill.

A female victim may be pregnant or a nursing mother. A victim, therefore, requires immediate assistance at the SOC to meet the basic and specific needs. The following assistance should be rendered to a victim at the SOC, dictated by circumstances and availability of resources:

- (i) Reassurance about (a) the personal safety (b) the status of the victim, not of an accused and (c) all possible options for assistance including post-rescue relief and rehabilitation.
- (ii) Counselling to help reduce impact of psychiatric disorders, if any
- (iii) Services of an interpreter, if required
- (iv) Basic resources such as clothing, blankets, water, food, medicine, first aid
- (v) Identification and reunification with the family including parents or children present/captive at the same place

(vi) Identification and recovery of personal belongings including cash, jewellery, personal documents, passports, property papers.

A seizure memo should be prepared by police and victim's signature should be obtained on the same. Such a seized item is not a case exhibit and must be produced before the Competent Authority at the time of production of the victim with a prayer for restoration of the belongings to the victim.

5.4 Identification and handling of witnesses at SOC :

A victim is also a witness (victim-witness). Practically, at every site witnesses other than a victim-witness would also be present.

All adults present at a CSE site should be isolated and interviewed individually by a trained police officer in order to identify potential accused persons (suspects) and potential witnesses. If it is not possible to do so at a SOC, then every adult must be brought to a PS for follow up interview required for identification.

For forced/bonded/child labour situation, any adult who is not an owner/occupier/employer/ agent or a client/relative/business partner, but is present at the SOC is a potential witness.

Every child found at a SOC may either be a victim or a witness. Since children are isolated and interviewed individually, it may be possible to identify potential witnesses amongst children. A potential witness should not be treated as a suspect and should not be mixed with suspects.

Every potential witness must be brought to a PS in order to identify the personal details and to obtain a statement about the case. An experienced police officer should be deputed to escort witnesses to a PS, who should also explain to them the purpose of taking statements.

In addition to potential witnesses present at a SoC, other potential witnesses in the neighborhood should also be identified rather discreetly. This includes anyone located around or engaged in some activity in the neighborhood such as shopkeepers, tea shops owners, NGOs, vendors, maids and servants. Such witnesses may be approached later on, and as a rule, should not be exposed in the neighborhood.

5.5 Identification and handling of suspects at SOC :

At a SOC anyone not identified as a potential victim or witness is a suspect. A suspect should be interviewed by a trained police officer in order to:-

- assess his/her involvement in the case or any other crime;
- identify/verify information about the victims/witnesses/accused persons for the case, including the ones present at the SOC;
- identify/collect relevant evidence from the SOC, and
- obtain information required for "hot pursuit"

In case a suspect shows active resistance, she / he should be dealt with, strictly as per procedures laid down in the CrPC and IPC. S/he should be brought to a PS for thorough examination to correctly determine his/her personal identity, to get as much details as possible about the case and to arrest him/her, if found involved in a/the case.

5.6 Dealing with law and order at SOC :

As has been observed the possibility of a 'law and order' situation arising before, during and after a search/rescue operation is high while dealing with an organised gang, especially for a SOC located in a red-light area or in a prominent commercial area. The outer and inner cordon teams should deal with every such situation. The teams should collect all possible advance information in this regard and keep a strict vigil on the development before, during and after the search/rescue operation.

5.7 End of search/ rescue :

Before announcing formal termination of a search/rescue operation the officer-in-charge must ensure that;

- (i) Every child victim (segregated from adult victims as appropriate) / adult victim, is safely escorted out of the SOC and transferred to a PS or a suitable location/home, depending on the circumstances. The family of a victim rescued from the SOC should always be sent along with the victim.
- (ii) Every potential witness is safely escorted to a PS with an officer deputed for the task.
- (iii) The Suspects should be escorted safely out of the SOC and transported to the PS or to other SOC for further search and/or recovery, if required.
- (iv) It is to be ensured that all evidence collected at the SOC is properly packed, sealed, marked and labelled.
- (v) Belongings of victims are identified, seized, properly packed and given in the custody of the IO.

6. Examination/Interview/Interrogation of victims/suspect/witness

6.1 Examination of witnesses :

A detailed statement of a witness brought to a PS from the SOC should be recorded by the IO as soon as possible and definitely on the same day. Every point relevant to the search/ rescue operation should be clearly brought out in the statement. If a witness is not able to give out details on his/her own then the IO should use a question- answer format.

A witness statement in relation to search/rescue should include the following details:

- (i) Personal details about oneself including verifiable name and address, age, occupation, educational qualifications and mother tongue. A witness should be asked to furnish reliable identity document, but the IO should be aware that a witness may or may not be able to produce such a document readily.
- (ii) Personal knowledge about the identification details of victims rescued from and witnesses, suspects and accused present at the SoC. This should include name, age, nationality, parents/guardians' name, home address, mother tongue, physical appearance/features, identity marks such as tattoo and also knowledge about identification document that may be obtained by the IO.
- (iii) Personal knowledge about the identity of victims/suspects/accused who may not have been present at the SOC
- (iv) Purpose of being found at the SOC
- (v) Relationship with victim/suspects/accused/other witnesses;
- (vi) Details about activities at the SOC before search/rescue;
- (vii) Observation/knowledge about usual activities at the SOC;
- (viii) Personal knowledge about the crime and related events/people/evidence.

6.2 Examination of detained suspects :

A suspect brought to a PS should be examined by the IO to ascertain his/her role in the commission of crime committed at the SOC, any crime committed elsewhere in relation to the victim and as a member of the gang of traffickers. The examination can be conducted effectively with the help of special techniques. If a suspect is foreigner then the IO must immediately inform the district SP about it. The district SP should depute police officers entrusted with the responsibility of handling issues related to foreigners in the district, to conduct joint examination with the IO. The team should also seek the help of Interpol to quickly verify the identity and other details furnished by such a suspect.

6.3 Examination of adult female suspect brought from a CSE site :

In relation to trafficking for CSE, an adult female suspect taken into custody from a SOC must be thoroughly examined. Such a person may belong to any of the five following categories:

- i) She is part of a trafficking gang.
- ii) She is not part of a trafficking gang, but has committed an offence against a victim.
- iii) She is found carrying on prostitution in violation of Sec 7 or 8 ITPA.
- iv) She is found carrying on prostitution, but the act does not constitute an offence under Sec 7 or 8 ITPA.
- v) She is found living in such a place (usually as a dependent of a victim/accused).

A person from category (i) or (ii) or (iii) will be an accused of a case, but a person from category (iv) or (v) cannot be accused for any crime.

7. Post Rescue Operations:

7.1 post rescue recording of the victim's statement :

The IO should record the first statement of a victim, preferably in the presence a social worker or NGO person accredited by the Department of Social Welfare (DSW). The presence of a social worker or an NGO person would be useful to provide moral support to a victim. However, such a person is not a witness to the statement made under 161 CrPC.

7.2 Post rescue victim assistance :

Given the peculiar circumstances of trafficking, post-rescue a victim requires specific assistance. This is referred to as 'Post-Rescue Victim Assistance'.

7.3 Assistance at police station/safe house/shelter home:

Immediately after rescue, a victim is either transferred to a PS or to a safe house or Shelter, depending on the circumstances (*Short Stay Homes/ Swadhar Home/ Ujjawala Home*). The following assistance should be rendered to a victim at a PS/safe house/shelter, dictated by circumstances and availability of resources;

Reassurance about (a) the personal safety, (b) the status of a victim (and not of an accused for the case) and (c) all possible options for assistance including relief and rehabilitation.

Counselling to help reduce impact of psychiatric disorders, if any Services of an interpreter, if required and possible Basic resources such as clothing, blankets, water, food, medicine, first aid,

Identification of and reunion with the family (parents, children, siblings) rescued from the same SOC or otherwise,

Establishing contact with other family members,

Establishing identify of the victim (a photo may be taken with the permission of a victim only to correctly identify the victim 'at the source' during investigation).

Sashastra Seema Bal (SSB) will primarily be dealing with cross border human trafficking involving non-national victims. For a non-national victim, help of the concerned police officers of the district (the ones tasked with dealing with the issues about foreigners and Interpol) should also be sought in order to establish the identity of such a victim as well as for contacting the family / relatives.

7.4 Assistance with medical examination and treatment;

Every victim and every relative of a victim rescued from a SOC should be taken for medical examination without any delay, for the purpose of;

- (i) Recording and treatment of physical injuries;
- (ii) Recording of signs of sexual assault, including any history of abortion and related disease and its treatment;
- (iii) Administration of PEP treatment, if required;
- (iv) Recording and treatment of any addiction- drugs or alcohol;
- (v) Any mental health conditions demanding attention and treatment;

The IO should personally brief the doctor about the circumstances of a case and request for all possible assistance for detection and treatment of physical and mental health issues. Immediately after a medical examination, the victim (and his/her family) should be transferred to a suitable home and should not, as a rule, be made to stay overnight at a PS.

7.5 Assistance in handing over custody to competent authority :

A victim of trafficking is usually rescued hundreds of miles away from home. Such a person is found in a vulnerable state and has no support of family or friends- within easy reach. A child or an adult victim trafficked as a child years ago, is usually unable to recall or provide full or correct details about the native place or home address or names of the parents/guardians. A victim handed over by the parents/relatives/guardians to traffickers is most circumspect about divulging details about such persons for the fear of reprimand or re-trafficking. A non-national victim without proper travel / stay / work documents would have no support mechanism at all to defend him/her-self. A victim may be a destitute or a mentally disturbed person and thus, may not be able to furnish any details about home address/relatives. Many such situations are peculiar to trafficking.

Therefore, it is essential as well as a requirement of the law that a rescued victim is produced before a Competent Authority with the purpose to:

- (i) Apprise a Competent Authority about the rescue;
- (ii) Transfer to a Competent Authority 'the process of identifying and handing over the custody of a victim to an appropriate person/institution in accordance with the legal provisions as applicable to a case';
- (iii) Get a Competent Authority to initiate 'the process of restoration/rehabilitation of a victim in accordance with the mechanism in place';
- (iv) A victim must be produced before a Competent Authority with all the required documents within a period of 24 hours excluding the time of journey. A victim should be produced along with any family member rescued during/following rescue of the victim and with all the personal belongings recovered from the SOC.

8. Screening tool to help identify a potential victim of human trafficking:

The questions set out below are merely guidelines. There is no substitute for the judgment and intuition of the interviewer in determining whether an individual is a victim of trafficking. The critical concepts to be discerned are those of exploitation and loss or severe limitation of liberty.

a) Collaborative Materials: In relation to all key points, ask if there are any witnesses; police; any documentation or travel tickets; reports of any medical treatment provided in respect of injuries prior to referral; documents showing victim acting in a nominee role (i.e. beneficial owner is really the trafficker); copies of bogus employment contracts or copies of the original advertisement; materials produced by the victim during exploitation or diary entries, letters, etc. written by the victim.

b) None of the answers to any of the questions will on their own resolve the issue.

c) They must all be considered collectively together with the indicators highlighted above.

A. General Information

Victim's name, age, nationality, professional and educational background

B. Recruitment

1. What is the victim's native place?
2. What location was the victim last residing in?
3. How long was the victim residing at that location?
4. How old was the victim when he/ she left the native community?
5. Do members of the family know the victim's whereabouts?
6. Was the victim forcibly transported to another location in his/her native place? If yes, how?
7. Who recruited the victim?
8. What was the purpose of the recruitment?
9. Was initial contact with recruiter voluntary or not?
10. If not, was the victim forcibly transported out of his/her place of origin? If so, how?

C. Use of Force or Threat

11. If force was used in the recruitment please respond to the following questions:
12. Was the victim abducted or kidnapped?
13. Was the victim threatened with harm to his or her self or family?
14. Was the victim sold? By whom?
15. What were the circumstances of the forcible removal?
16. Who initiated the contact? How?
17. What was the method of recruitment (e.g. by advertising, acquaintance, family, study, training, etc.)?

D. Employment

18. If the recruitment was for employment, please answer the following questions:
19. What kind of work was offered to the victim or what activities did the victim believe she/he would be engaged in following arrival at the new location?
20. How much money was promised to the victim and by whom?
21. Did the victim sign a contract? (e.g. an employment contract) This screening tool has been adapted from Human Trafficking Reference Guide for Canadian Law Enforcement, 2005SOP on Investigation of Crimes of Trafficking for Forced Labour.

22. If so, what are the terms of the contract? Does the victim know them (e.g. was the contract in a language the victim understood)?

23. Does the victim possess a copy of the contract?

24. Was the victim coerced into signing the contract? How?

25. Was anyone paid a fee for recruiting the victim for work?

E. Travel and Identity Documents

26. Does the person have a passport?

27. If so, is it their own legitimate passport or is it a fraudulent passport?

28. How did they acquire this passport?

29. Was it provided to them by the trafficker?

30. What kind of employment authorization was promised to the victim and by whom?

31. Was the victim promised permanent residency upon arrival in India/ another state in India or after a certain period? By whom?

F. Movement

32. Was the victim coerced into moving? How?

33. If any travel costs were incurred before departure, who paid them?

34. Did the victim pay money in advance or agree to pay the costs or remainder of costs upon arrival?

35. Did the victim sign a loan contract? If so, does the victim have a copy?

36. What means of transport was used?

37. Was the vehicle stopped at any check-point?

38. Was the vehicle examined by check-point officials?

39. Did the victim change handlers during migration?

40. Was a fee paid for organizing the victim's transportation? By whom and to whom?

41. Was the victim threatened, sexually or physically assaulted or confined during transportation?

G. Working Conditions (Exploitation)

42. Does the victim believe that she/ he is subject to some form of debt bondage? (Debt bondage refers to the status of a debtor arising from a pledge by the debtor for his/ her services or of those of a person under his control as a security for debt)

43. Does the victim believe that she/ he owes money to recruiters/ transporters/ exploiters?

44. Was the victim paid and at what rate?

45. Who has the possession of these earnings now?

46. How many hours a day did the victim work?

47. Was the victim allowed any time off? Allowed to rest if sick?

H. Restriction of Freedom

48. Was the victim unable to quit working for the employer and get a job somewhere else?

49. Was the victim's movement restricted? How? (e.g. did the victim have a key of the house)

50. Was the victim allowed to communicate with family members? Other workers?

51. Was the victim living and working at the same place?

52. Was the victim chaperoned, guarded, incarcerated?

53. When did the victim realize that he/ she was not free?

I. Living Conditions

54. What were the living conditions of the victim? (e.g. no. of rooms, no. of people living together)

55. Did the victim have friends?

56. Did the victim have money? Could the victim buy his/ her own belongings?

J. Physical Coercion

57. Was the victim subject to physical assaults or torture? (pinching, hitting, slapping, punching, kicking, shaking, burning, branding, chained, etc.)

58. Was the victim subject to sexual assaults? (forced sexual contact, rape, forced prostitution etc.)

59. Was the victim forcibly confined or isolated?

60. Was the victim denied essential medical care?

61. Was the victim denied food/ clothes and other basic necessities including ability to maintain basic hygiene?

K. Psychological Coercion

62. Was the victim threatened with violence, harm or retaliation against victim or the victim's family members (or friends)?

63. Were there threats to report the victim to authorities?

64. Did the victim view or hear others being physically or sexually assaulted?

65. Was the victim deceived regarding the employment, activities or basic conditions of his or her employment?

66. Was the victim subject to verbal abuse, name calling, degrading remarks about victim's ethnicity/ social group?

67. Was the victim photographed and filmed while being physically or sexually assaulted, humiliated or degraded?

68. If so, did the traffickers threaten to use the images against the victim?

69. Was the victim threatened with confinement or isolation?

L. Risk Assessment

70. Do the traffickers know the victim's home/ work address or contact details?

71. Is the victim married? Does the victim have any children?

72. Do the traffickers have any details about the victim's family or loved ones?

73. Do the traffickers claim to know these things?

8.1 While interviewing victims - look beneath the surface:

The following points illustrate a number of challenges that law enforcement officials confront when having to interview victims of trafficking:

(i) Victims come from different social, cultural and ethnic backgrounds, which may be different from that of the investigating officers; so the investigating officer should be a trained person to handle the situation and seek the information gently and correctly.

(ii) There may be a language barrier between the victim and the investigating officer. As far as possible, suitable translator(s) should be taken along for the rescue operation and the subsequent investigation.

(iii) Victims may be completely unaware of their rights or may have been intentionally misinformed about their rights. A briefing with the victims ought to be done to inform them about what is happening with them, what their rights are, what would eventually be the process of repatriation and rehabilitation.

(iv) The victims may fear not only for their own safety but also for that of their families. All such fears must be listened to and addressed with utmost care and compassion. If the suspicions are found valid, necessary actions must also be taken.

8.2.1 DOs (Victims)

1. Assurance Policing: inform the victims that they are not accused.
2. Do treat victims with dignity.
3. Do use the services of translator for victims speaking different languages.
4. Do take complete precaution to ensure that the identity of the victim is not revealed and anonymity is maintained.
5. Keep victims away from accused. Ensure compliance of provisions of S. 21 JJ Act and S. 228 A of IPC (at the time of rescue, sexual exploitation may not be known).
6. Do keep the victims informed of the various stages of the investigation.
7. See that the victim's children/ wards (if any) are also rescued along with the victim.
8. See that the victim's belongings are also taken along with the victim.

8.2.2 DON'Ts (Victims)

1. NEVER treat any victim as accused in cases where a victim has been coerced/ forced to traffic others.
2. Do not get offended if the victims, who are in trauma, use abusive language or do not cooperate.
3. Avoid insulting and humiliating language/ demeanour/ gestures, etc.
4. Do not allow media publicity of victims such that it reveals their identity.
5. Do not allow media to take pictures of the rescued persons.
6. Do not let the accused/ offender intimidate, threaten, or harm the victims.
7. Exploiters may try to hide the children (if any) of victims as a bait to ensure that the victim returns. Do not allow this.
8. Exploiters may hide and/ or hold back victim's belongings, including earnings of the victim. Do not allow this.

Remember: - A rescue is a legal process that involves release/ liberation and assistance to the victim and legal action against the trafficker/ employer. An NGO or any person cannot conduct a rescue by themselves. They need help/ assistance from the law enforcement agencies.

9. Guidelines for interrogation:

9.1 Guidelines for interrogation of the suspects/ accused :

This is an essential requirement in any crime. In crimes of human trafficking, interrogation should be focused on the following:

1. To know the entire organized linkage (Source - Transit - Destination) of trafficking and its dimensions.
2. To know the entire process of human trafficking, the dimensions, the demand and supply patterns, the 'push and pull factors', etc. which will not only help locating evidence against the offenders but also provide intelligence in prevention of such crimes.
3. To explore contacts in the Source - Transit - Destination areas.
4. To find the means, routes, methods used for transportation of victims.

5. To know the communication channels (land line phones, cell phones, internet, etc.) of traffickers.
6. To understand the details of procurement, i.e. advance paid to parents of victim, advance paid to the victim and force used, if any.
7. To know whether others were trafficked with the victim.
8. To investigate the modus operandi of traffickers (all operational ways and means, such as, placement agencies, false marriage, jobs, work in cinemas, etc.).
9. To know the criminal antecedents, investigating the various dimensions of organized crime, nexus etc.
10. To know the details of the victims who have been trafficked earlier and/ or are likely to be trafficked (vulnerable sections).
11. To understand the motive/ intentions/ incentive of the traffickers.
12. In case trafficked victims are involved in production of goods and services, to find out the entire chain of demand and supply in order to prove vicarious liability.
13. To ascertain the financial transactions between the offenders.
14. To locate the illegal assets and take steps accordingly.
15. To ascertain the extent of harm done to the victim.

Considering the organized crime linkages in human trafficking, it is advisable that simultaneous investigations are carried out into all linkages of the offenders by:

1. Associating other agencies for interrogation such as -
 - (i) The income tax department and financial institutions where huge assets are disclosed or likely to be disclosed.
 - (ii) The immigration department, when foreign accused are involved.
2. Using scientific techniques/ methods in interrogation.
3. Carrying out scientific interrogation (1st degree = interrogation and 2nd degree = confrontation)
4. Interviewing the accused before interrogation, etc. to elicit themes and ideas for interrogation.
5. Using flow charts to depict the movement of persons trafficked, the mode of transportation and financial transactions.
6. Team interview has been found successful in interrogating organized criminals.

9.2 Working with witnesses/ informer/ complainant:

1. The witnesses/ informer/ complainant should be protected from unwanted exposure, threat, intimidation or harassment by the trafficker, employer, or any other offender and her/ his people.
2. S/he should be provided transportation, residential facilities, where ever possible and required.
3. Rights of witnesses should be ensured. Do not detain them if not required.

MEDIA BRIEFING :

The Raid & Rescue team should carry out the media briefing. Anonymity is a legal right of the victim as provided u/s 327 CrPC and S.21 JJ Act. However this is applicable to all the victims of the trafficking. And , therefore, it should be ensured that the **anonymity** of the victims and witnesses, be maintained. Alerting the public about the interstate

linkages of the traffickers will alert the masses against such traffickers and in turn, help, in preventing and combating trafficking.

As a border guarding force SSB has been given mandate to check all types of anti national and anti social activities either from Indian territory or from across the border and in order to safeguarding our borders from all these threats, we should not forget that Human trafficking is not only a threat to our national security but also a threat to our socio-economic structure which paves the way for a better and prosperous future to our next generations. We, in the capacity of a BGF along Indo-nepal and Indo-Bhutan borders can play a divisive role in combating all kinds of illegal activities including the trafficking in person which has taken a shape of an organised crime and has posed new challenges for the society.

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INTELLIGENCE COLLECTION AND SHARING

From various researches and studies, it has been established that there is requirement to see the problem of human trafficking from two perspectives- one is the criminal and the other one humanitarian. We should not neglect the humanitarian angle while dealing with the trafficking cases as in most of the cases trafficked persons are victims notwithstanding the fact that they might be directly or indirectly committed an offence under laws related to human trafficking. But at the same time a specific case has to be dealt firmly and thoroughly from the perspective of organised crime. No efforts should be left out in early detection, taking appropriate measures in prevention and finally prosecuting the traffickers or the other people involved.

As human trafficking involves multiple crimes and multiple criminals, the investigation one suspect may lead to other suspects or can reveal the entire network. This is possible only if we have an effective intelligence network for collection, analysis and timely dissemination of the intelligence for initiating further course of action. The intelligence includes both strategic and tactical components.

Strategic intelligence:

The strategic intelligence is essential to assess the trends and dimensions of trafficking. It is required for policy making at the top level, for mobilising resources, for carrying out awareness campaigns, to prepare data base and formulating training plans for enhancing the performance level. It should also include the socio-economic profile of the vulnerable areas and persons, a data base of people who can be of importance and helpful, potential sources and Collection of information about the various factors including geographical or social factors responsible for trafficking.

Tactical:

This type of intelligence is useful in launching rescue operations, rehabilitation of victims and contributing in investigation process. These should necessarily carry information about vulnerable areas, persons, recruitment methods, safe houses, routes, places and time of transit, media advertisements, finance involved, as well as, the problems and challenges which are noticed.

For having an effective intelligence network human intelligence is of prime intelligence. Dedicated and reliable sources are to be raised with keeping in mind all intelligence principles. They can be spotted and recruited from different areas of society. They can be social workers, influent persons, smugglers, ordinary people, disgruntled lots or sometimes even from among the criminal nexus. Interviewing/ interrogation of the victim/ witness/ suspect is also a good source of intelligence.

Some NGOs have developed their own mechanism for getting information. These NGOs can be roped in the process of collection and investigation. Since there are various intelligence agencies operating in a particular area, there should be a synergy and coordination among them in intelligence sharing.

Following are some guidelines which are expected to be followed in the field of establishing an effective intelligence network, raising of sources, collection and processing of information and finally the action or dissemination.

1. Sources can be selected from different walks of life assessing their access to the information and utility.
2. Secrecy and protection of the source is of utmost importance.
3. Thorough area assessment is to be done in order to have a clear picture of all socio-economic-geographical or man made factors responsible for trafficking.
4. Prepare a data base of information about all criminals in the area.
5. Spot sensitive and vulnerable areas from trafficking perspective and keep a watch there.
6. Develop an effective method of communication of information.
7. Develop coordination with other intelligence/ law enforcement agencies and civil society people.
8. Keep a vigil on all probable routes/transit points and safe houses.
9. Periodical or random search of hotels/lodges etc with the help of police and NGO/local people.
10. Keep watch on railway stations/bus stations or other suspected public places.
11. Keep watch on small restaurants, shops or factories for information about child labour or child abuses.
12. Have sufficient information about placement agencies, domestic maids/workers operating in the area.
13. Keep close watch the activities of migrants or daily visitors from across the borders.
14. Use of technical gadgets, with due permission from the appropriate authority, at transit routes can be helpful in profiling of suspects.
15. Have a close rapport with the population with the help of perception management programmes and other useful campaigns.
16. Keep a watch on the people who use their influence for the traffickers to get away from the clutches of law and report to higher hqrs.
17. Close watch on the activities of some of the NGOs is also required as there are instances where some NGOs itself are indulged in the trafficking.

Effective intelligence network and timely action on actionable inputs will certainly create an atmosphere in the area in which the traffickers will not be able to indulge in this organised crime freely without any fear. The need of the hour is to have better coordination among stakeholders, close rapport with the public and constant vigil on suspicious activities.

Above mentioned points are suggestive and not exhaustive. There is enough scope for improvement and periodical review of the situation will certainly help in checking the problem of human trafficking.

Measures taken by Government of India to Prevent and Combat Human Trafficking

As India has been considered a ‘source’, ‘transit’ and ‘destination’ country and the menace of human trafficking, internal or cross border, in India has become an organised crime, the Government of India has taken various actions to Combat Trafficking and Commercial Sexual Exploitation of Women and Children.

The specific interventions of the Indian Government in the area of trafficking have involved various departments and agencies, and have dovetailed with other interventions intended to ensure the protection of girl children in the country, including in the areas of labour and education. Notably, according to the United Nations Office on Drugs and Crime, the Indian Ministry of Home Affairs has initiated a comprehensive four-year anti-trafficking scheme focusing on two important areas: (a) the development of a cadre of master trainers through training of trainers of the police and (b) the establishment of Anti-Human Trafficking Units across the country. There are task forces within local law enforcement agencies, which are composed of specially trained officers responsible for human trafficking investigations. A 24 hour emergency phone service has also been created and can be accessed by children in need (or adults on their behalf).

(1) Constitutional and Legislative Provisions related to Trafficking in India:

Trafficking in Human Beings or Persons is prohibited under the Constitution of India under **Article 23 (1)**.

The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.

Criminal Law (Amendment) Act 2013 has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.

Protection of Children from Sexual offences (POCSO) Act, 2012, which has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.

There are other specific legislations enacted relating to trafficking in women and children Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 dealing with selling and buying of girls for the purposes of prostitution.

(2) Government Ministries and Departments:

There are some ministries and departments which are assigned specific responsibilities to work in this direction. They are as follows:

The Department of Women and Child Development (DWCD):

An “Integrated National plan of Action to Prevent and Combat Trafficking in Human Beings Specially Women and Children” (nhrc.nic.in/planofaction.doc), In 1998, which has been worked out through a consultation process of all related Ministries and other stakeholders, has been adopted by Government of India in the Ministry of Women and Child Development. A monitoring mechanism is intended to oversee implementation of the Plan from the district to the central level. This plan deals with all aspects of prevention, rescue, registration of cases, investigations, prosecution, conviction, cross border trafficking issues, rehabilitation, repatriation and reintegration of victims etc.

The National Commission for Women (NCW):

The Commission has, since long, been attending to the issues related to trafficking in women and girl children. Several workshops, conferences, training programmes and intervention programmes were carried out at different points of time. It has facilitated several studies, conferences, workshops, discussions and activities relating to advocacy. It commissioned a socio-legal study of trafficking. This report, published in 2001, makes an effort to understand the various issues by holding state-level consultations of various stakeholders. In 2002, the NCW commissioned two studies on sex tourism and trafficking. In August 2003, the Commission constituted an Experts Committee on ‘Women Trafficking’. This committee, headed by the chairperson of NCW, has several experts from the government as well as from non-governmental agencies, who have been working in this field for a long time. Based on their recommendations of the expert committee, NCW will be initiating further steps. On the legal front, NCW has taken several initiatives. In March 2001, specific suggestions were forwarded to the Government of India. This includes 45 recommendations on the changes to be carried out in the existing law, i.e. ITPA.

Ministry of Labour:

The policy of the government is to ban employment of children below the age of 14 years in factories, mines and hazardous jobs and to regulate the working conditions of children in other forms of employment. The Child Labour (Prohibition & Regulation) Act, 1986 seeks to achieve this basic objective. It prohibits employment of children in 13 occupations and 57 processes. The Act also regulates the working conditions of children in all other kinds of employment, which are not prohibited under the said Act. Section 14 of the Act provides for penalties for contravention of the various provisions under the Act. Any person who employs a child in contravention of the provisions of Section 3 of the Act shall be punishable with imprisonment and fine. Any subsequent offence will invite grave punishment and fine.

National Child Labour Projects (NCLPs) have been set up in different areas to rehabilitate child labour. Under the scheme, Project Societies are set up at the district level under the Chairpersonship of the Collector / District Magistrate for overseeing implementation of the project. The major activity undertaken under the NCLP is the establishment of special schools to provide non-formal/formal education, vocational training, stipends, health check-ups, supplementary nutrition, 302 Action Research on Trafficking in Women and Children etc. to children withdrawn from employment.

The National Human Rights Commission (NHRC):

The NHRC is fully committed to the cause of anti-trafficking. Several landmark initiatives have been made in this direction. As a follow-up of a recommendation made by the Asia Pacific Forum of National Human Rights Institutions in its meeting held in Manila in September 1999, and as per the request of the United Nations High Commissioner for Human Rights, a Focal Point on the Human Rights of Women, Including Matters Related to Trafficking, has been set up in the Commission with Justice (Mrs.) Sujata V. Manohar, Member of the Commission, as the Focal Point. The NHRC has taken a multi-dimensional approach to the problem of trafficking with emphasis on the following aspects:

- (i) Coordination and Cooperation
- (ii) On Prevention
- (iii) On Repatriation and Reintegration

The Ministry of Women and Child Development:

The broad mandate of the Ministry is to have holistic development of Women and Children. As a nodal Ministry for the advancement of women and children, the Ministry formulates plans, policies and programmes; enacts/ amends legislation, guides and coordinates the efforts of both governmental and non-governmental organisations working in the field of Women and Child Development. Besides, playing its nodal role, the Ministry implements certain innovative programmes for women and children. These programmes cover welfare and support services, training for employment and income generation, awareness generation and gender sensitization. These programmes play a supplementary and complementary role to the other general developmental programmes in the sectors of health, education, rural development etc. All these efforts are directed to ensure that women are empowered both economically and socially and thus become equal partners in national development along with men.

The Ministry has 6 autonomous organisations viz.

- (a) National Institute of Public Cooperation and Child Development (NIPCCD)
- (b) National Commission for women (NCW)
- (c) National Commission for Protection of Child Rights (NCPCR)
- (d) Central Adoption Resource Agency (CARA)
- (e) Central Social Welfare Board (CSWB)
- (f) Rashtriya Mahila Kosh (RMK)

Anti Trafficking Cell (ATC):

Anti-Trafficking Nodal Cell was set up in Ministry of Home Affairs (MHA) (CS Division) in 2006 to act as a focal point for communicating various decisions and follow up on action taken by the State Governments to combat the crime of Human Trafficking. The Cell is, inter-alia, responsible for identifying problem areas and analyzing causes for their being source/transit/destination areas.

Ministry of Home Affairs has sanctioned a Comprehensive Scheme “Strengthening law enforcement response in India against Trafficking in Persons through Training and Capacity Building” wherein it is proposed to establish 330 Anti Human Trafficking Units (AHTUs) throughout the country and impart training to 10,000 police officers through Training of Trainers (TOTs) component.

UJJAWALA Scheme:

Another key anti-trafficking intervention is the ‘UJJAWALA’ scheme for trafficked women and children, launched by the Ministry of Women and Child Development in December 2007. UJJAWALA, which focuses on females trafficked for the purpose of commercial sexual exploitation, is concerned with the following:

- (i) Prevention, including the formation of community vigilance groups/adolescent groups, as well as awareness generation and sensitization of police, community leaders and other relevant actors
- (ii) Rescue and safe withdrawal of victims
- (iii) Rehabilitation, including the provision of safe shelter, food, clothing, counseling, medical care, legal aid, vocational training and income generation activities
- (iv) Reintegration, involving the restoration of victims into families/communities (where they so desire) and payment of accompanying costs
- (v) Repatriation, including the provision of support to cross-border victims for their safe return to their countries of origin

Swadhar Scheme:

This scheme of the Ministry of Women and Child Development also seeks to address the needs of females in difficult circumstances, including victims of sex trafficking. The scheme is implemented through the Social Welfare/Women and Child Welfare Department of state governments, Women’s Development Corporations, urban local bodies, public/private trusts and voluntary organizations. It aims to provide shelter, food, clothing, care, emotional support, legal aid, counseling and guidance, as well as to provide for social and economic rehabilitation through education, awareness and skill development.

(3) Administrative measures and interventions:**Coordination meetings:**

MHA conducts periodic coordination meetings with the Nodal Officers of Anti Human Trafficking Units of all States/UTs. Since 2007, nineteen coordination meetings have been held and minutes of these meetings are available at web portal (stophumantrafficking-mha.nic.in). These meetings have been very instrumental in according priority to the crime of human trafficking at the ground level and for effective Inter-State coordination and have been

a success as the government has been regularly monitoring the implementation of the AHTUs and MHA outlines various action areas to each state which becomes the focus of the work in these States. The Nodal officers meetings has also led to exchange of information among various states and strengthening of interstate investigations.

Web Portal on Anti Human Trafficking titled www.stophumantrafficking-mha.nic.in was developed by MHA on 20th February, 2014. The Portal is a vital IT tool for Sharing of information across all stakeholders, States/UTs and civil society organizations for effective implementation of Anti-Human trafficking measures more so relating to its criminal aspect and promoting best practice in this area. This web portal will enhance cooperation between law enforcement agencies, and concerned government departments as well. One of the major advantages of this web portal is that nodal officers of all States and UTs are inter connected with each other and are provided a login ID through which they can access this web portal and upload real time statistics and success stories and other case studies. This will help in tracking large number of cases having inter-state ramifications. The portal acts as one stop information repository on issues relating to trafficking. It provides an important link to National Portal on Missing Children, ‘TrackChild’ which is operational in many States.

Facebook page on Anti Human Trafficking: Facebook page has recently been set up on “Anti Human Trafficking by Ministry of Home Affairs”, another IT tool for interactive session and for live actionable tips for the Nodal Officers (Anti Human Trafficking Units) of all States/UTs, other stakeholders and civil society.

Project with UNODC: A Project on “Strengthening law enforcement response in India against trafficking in persons through training and capacity building” was taken up in the Ministry of Home Affairs as a joint initiative of the Government of India and the United Nations Office on Drugs and Crime, in select States (A.P, Goa, Maharashtra, West Bengal and Bihar) the project began in April, 2006 and come to end on 31st Dec 2009. The joint project contributed towards developing of 12 very important resource books about Protocols and Standard Operating Procedures (SOPs), and in setting up of Anti Human Trafficking Units (AHTUs) under the police department of the project States. The project had given very positive outcomes in some of the States especially in raising awareness. 396 training programmes were conducted and more than 13,670 persons (Police and prosecutors) were trained. Besides, 9 Anti Human Trafficking Units involving government officials and NGOs were set up in the states of Goa, West Bengal, Andhra Pradesh and Bihar and they are all functional. In addition, the Governments of Tamil Nadu and Bihar on their own set up 38 and 21 AHTUs, respectively.

(4) Strengthening capacity building Measures:

To enhance the capacity building of law enforcement agencies and generate awareness among them, various Training of Trainers (TOT) workshops on “Combating Trafficking in

Human Beings for Police officers and for Prosecutors at Regional level, State level and District level were held throughout the country.

Judicial Colloquium : In order to train and sensitize the trial court judicial officers, Judicial Colloquium on human trafficking are being held throughout the country at the High court level. The aim is to sensitize the judicial officers about the various issues concerning human trafficking and to ensure speedy court process. So far, nine Judicial Colloquiums have been held at Chandigarh, Delhi, Himachal Pradesh, Maharashtra, Chhattisgarh, Tamil Nadu, Andhra Pradesh, Bihar and Uttar Pradesh. Because of these Judicial Colloquiums, effective prosecution and convictions are happening in the cases relating to Human Trafficking.

IGNOU Certificate Course: To develop a comprehensive and functional understanding on anti human trafficking and to build practical skills a certificate course in partnership with Ministry of Home Affairs has been launched by Indira Gandhi National Open University (IGNOU). The said course has been made mandatory for the Officers/Officials who are dealing with the subject of human trafficking. In this regard an advisory dated 12th January, 2011 has been issued.

Resource tools for Investigation Officers:

At the behest of MHA, the Bureau of Police Research and Development (BPR&D) has prepared a training manual on “Human Trafficking-Handbook for Investigators” for sensitizing police personnel and these handbooks are being used in the National, Regional and State Police Training Institutes. BPR&D have also prepared a syllabus on the subject and circulated to the States. These handbooks have been translated in regional languages. BPR&D is also organizing regional workshops for sensitizing police personnel (SHOs/Dy.SP/ACP) as regards the criminal activity of trafficking. BPR&D is conducting such workshops cum seminars in various cities regularly. All these resource tools for Investigation Officers are on BPR&D website.

Data collection by NCRB

At the behest of MHA, the National Crime Records Bureau has added a separate new chapter on Human Trafficking statistics in their annual publication “Crime in India” for the first time in 2006. Chapter 6 of the “Crime in India” gives the details of cases registered under the Immoral Traffic Prevention Act and all the relevant sections of the Indian Penal Code as well as the trends.

Bilateral mechanism

- (i) MHA, MWCD and UNICEF prepared draft protocol and SOP for dealing with cross border trafficking between India and Bangladesh to address the various issues relating to prevention of Trafficking, victim identification and repatriation and make the process speedy and victim-friendly. Two bilateral meetings between India and Bangladesh have already been held to discuss the protocol. A Task Force of India and Bangladesh was constituted. First Task force meeting between Task force , India and

Bangladesh was held in Delhi, India on 18th and 19th October, 2010. Second meeting of the Task Force was held on 8-10th April, 2012 at Kolkata. Third meeting of the Task Force was held at Cox's Bazar, Bangladesh from 8-9th December, 2012. Fourth meeting was held on 6-7 April, 2014 in Mumbai(India).

- (ii) Draft MoU with Bangladesh also sent to other SAARC countries and gulf countries about the heavy traffic of immigrants who end up being victim of Human Trafficking.

(5) Implementation of International Conventions on Trafficking

- India has ratified the United Nations Convention on Transnational Organised Crime (UNTOC) which has as one of its Protocols Prevention, Suppression and Punishment of Trafficking in Persons, particularly Women and Children. Various actions have been taken to implement the convention and as per Protocol, "Criminal Law Amendment Act, 2013" has been enacted wherein human trafficking has specifically been defined.
- India has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. A Regional Task Force was constituted to implement the SAARC Convention on Preventing and Combating Trafficking in Women and for prostitution. The Regional Task Force of SAARC met for the first time in New Delhi on 26th July, 07 in New Delhi, second time in 13 May 2008 and third time on 28-29 May 2009 at Shimla. The main achievement of this conference has been the adoption of the SOP on Combating Trafficking in Women and Children for Prostitution by all SAARC Member States. A Special Session of RTF for implementation of the SAARC Convention was held at Kathmandu on 1st April, 2010. Fourth Meeting of the Regional Task Force was held in Kabul, Afghanistan from 25-26th November, 2011. Fifth meeting of the RTF was held at Paro, Bhutan from 11-12th April, 2013.

(6) SAARC level TOT workshop/Study tour on Human Trafficking

- BPR&D also organized a three day (27-29 May, 2009) International Training of Trainers for Police Personnel of members belonging to SAARC countries wherein 34 officers participated.
- A workshop for representatives of SAARC Member countries for capacity building in combating Human Trafficking was held at NDCC Convention Centre, New Delhi from 19-20 November, 2012 in which representatives of all SAARC Member countries participated.
- A workshop for representatives of SAARC Member countries for capacity building in combating Human Trafficking was held at NDCC Convention Centre, New Delhi from 19-20th November, 2012 in which representatives of all SAARC Member Countries participated.
- As offered in Fifth Meeting of the Regional Task Force to implement the SAARC Convention, a study tour for SAARC Member countries was conducted from 18-22nd November, 2013 to learn from the experiences of the Anti Human Trafficking

Units (AHTUs) established in various districts of the country. Representatives of Sri Lanka, Bhutan and Afghanistan participated in the study tour.

(7) Initiatives by other Ministries for intervention in the matter:

- Ministry of Women and Child Development with MHA, NHRC, NCW formulated a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children in 1998, with the objective to prevent, mainstream and to reintegrate the women and child victims of commercial sexual exploitation in society. MWCD is in the process of finalizing an Integrated National Plan of Action so as to address all forms of trafficking in persons (such as sexual exploitation, child labour, bonded labour, etc).
- The Ministry of Women and Child Development constituted a Central Advisory Committee (CAC) under the Chairpersonship of Secretary, MWCD, Government of India to advise on issues relating to trafficking. Members of the CAC constitute select Central Ministries, State Governments, NCW, NHRC, NCPCR, CSWB, NIPCCD, law enforcement agencies, international organizations such as UNIFEM, UNICEF and UNODC.
- MWCD has issued an advisory on measures to be taken by States/UTs for combating trafficking of women and children for commercial trafficking on 12.10.2011.
- The MWCD is implementing “Ujjawala”- a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-Integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation. The Schemes provide for shelter, food, clothing for victims, counseling, medical care, legal and other support, vocational training and income generation activities. Trafficked victims are also given shelter in Short Stay Homes and Swadhar Homes for women in difficult circumstances.
- The Integrated Child Protection Scheme (ICPS) which has various components including extending emergency outreach services through Childline toll free number 1098, open shelters for children in need in urban and semi urban areas, support for family based non-institutional care through sponsorship, foster care, adoption and after care and institutional care for children and juveniles. It caters to all children in need of care and protection, particularly beggars, street and working children, rag pickers, small vendors, street performers, orphaned, deserted, trafficked and run – away children, children of migrant population and any other vulnerable group of children.
- MWCD has formulated a protocol for Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation. The MWCD in collaboration with UNICEF has developed Handbooks for various stakeholders like Social Workers, Judicial Officers, Medical Officers and Counselors dealing with victims of trafficking.
- The Ministry of Women and Child Development in collaboration with National Institute of Public Co-operation and Child Development (NIPCCD) is organizing

workshops for NGOs on issues relating to trafficking of children for commercial sexual exploitation.

- Ministry of Labour has developed and circulated to all States and UTs a protocol on prevention, rescue, repatriation and rehabilitation of trafficked and migrant child. The protocol laid emphasis on close cooperation of Departments of Labour, Police, Women and Child Development, NGOs etc. at the State level during rescue operations.
- To tackle the root causes of the problem, the Government of India is making number of socio-economic interventions to prevent circumstances and forms of exploitation of persons, especially women and children that leads to trafficking.” Economic Empowerment Programme, like National Rural Employment Scheme, SampuranGraminRojgarYojanaand others are being implemented in rural areas to reduce vulnerabilities of women and children to trafficking.
- Government of India has passed ‘The Right of Children to Free and Compulsory Education Act, 2009,’ which envisages free and compulsory education to children in the 6-14 age groups.
- The Ministry of Railways has recently issued a Standard Operating Procedure (SOP) in accordance with the Juvenile Justice (Care & Protection Act) 2000 and the related rules, for better care and protection of the “child in contact with railways”.

(8) Compendium of Advisories, Booklet and Calendar on measures taken by MHA to prevent and combat Human Trafficking:MHA has prepared a Compendium of advisories on Human Trafficking and Crime Against Women, Children, Senior Citizens and SC’s/STs issued by MHA.In addition,Home Secretary released a Booklet on the comprehensive measures taken by Ministry of Home Affairs to tackle the crime of human trafficking and a calendar 2015 on the theme of crime of human trafficking.

Advisories:To improve the effectiveness in tackling the crime of human trafficking and to increase the responsiveness of the law enforcement machinery, MHA has issued following comprehensive advisories to all States/UTs:

- Advisory for preventing crime of human trafficking dated 9.9.2009.
- Advisory on crime against children dated 14th July, 2010
- Advisory on missing children dated 31st January, 2012.
- Advisory on Preventing and Combating cyber crime against children dated 4.1. 2012.
- Advisory on Human Trafficking as Organised Crime dated 30th April, 2012.
- Advisory on Preventing and combating human trafficking in India-dealing with foreign nationals dt 1.5. 2012
- SOP to handle trafficking of children for child labour dated 12.8.2013
- [Advisory on MHA Web Portal on Anti Human Trafficking - dated 5.5.2014](#)

These advisories/SOP are available on MHA’s Web Portal on Anti Human Trafficking at www.stophumantrafficking-mha.nic.in.

International Response to Trafficking

A Regional Perspective

In recent years, human trafficking has become a global phenomenon with transnational in character. It has reached to epidemic proportions and almost no country is unaffected by it. According to some estimates around 700,000 persons are trafficked every year globally and the global trafficking industry generates up to US \$ 8 billion every year, making it the third largest international organised crime after arms smuggling and drug trafficking.

The UN system has taken an important step forward in coordinating an international response to trafficking. The General Assembly has adopted a package of instruments against various forms of transnational organised crime, including the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.

Various UN agencies and organs like UNIFEM, UNICEF, ILO, UNDP, UNODC, among others, have been active in anti-trafficking.

International Labour Organisation (ILO):

The International Labour Organisation (ILO) has, for a long time, addressed child trafficking through its 'Forced Labour Convention'. This powerful instrument confirms child trafficking as a practice similar to slavery and calls for countries to take immediate action to secure the prohibition and elimination of the worst forms of child labour.

The ILO has been undertaken an International Programme for the Elimination of Child Labour (IPEC) since 1992 guided by the United Nations Convention on the Rights of the Child and ILO Convention 182. IPEC works towards the effective elimination of trafficking of children by addressing its root causes.

United Nations Children Fund (UNICEF):

The United Nations Children's Fund is a United Nations Program that provides long-term humanitarian and developmental assistance to children and mothers in developing countries. UNICEF is guided by the Convention on the Rights of the Child (CRC), which has been ratified by most countries.

The UNICEF strategy for addressing child trafficking focuses on four main areas:

- Raising awareness about the problem,
- Providing economic support to families,
- Improving access to and quality of education, and
- Advocacy for the rights of the child.

The primary focus of UNICEF has been on preventing child labour through primary education. It has provided financial and technical support for legal enforcement studies along with workshops and discussions on child labour at the national and state levels. It is working with the National Human Rights Commission to coordinate policy and do advocacy work.

United Nations Office on Drugs and Crime (UNODC):

The UN Office on Drugs and Crime (UNODC) is the United Nations office responsible for crime prevention, criminal justice and criminal law reform. It pays special attention to combating transnational organised crime, corruption and illicit trafficking in human beings. The UNODC Crime Programme cooperates with a network of international and regional institutions, allowing for a more comprehensive approach and an exchange of expertise. UNODC works with Member States to strengthen the rule of law, promote stable and viable criminal justice systems and combat the growing threat of transnational organised crime through better cooperation.

The Office of the High Commissioner for Human Rights (OHCHR):

The Office of the High Commissioner for Human Rights (OHCHR) has taken an active interest since 1998 in the problem of trafficking in persons, focusing in particular on trafficking in women and children. OHCHR action in the area of trafficking is currently taking place on two fronts. On the one hand, the Office continues to enhance the quality of its support to the relevant mechanisms dealing with trafficking and related exploitation. Secondly, OHCHR has developed an anti-trafficking programme.

OHCHR's work in the area of trafficking is based on two fundamental principles:

- Human rights must be at the core of any credible anti-trafficking strategy, and
- Such strategies must be developed and implemented from the perspective of those who most need to have their human rights protected and promoted.

United Nations Development Fund for Women (UNIFEM):

The core agenda of the United Nations Development Fund for Women (UNIFEM) has been to promote women's human rights, political participation and economic security. Towards this end, it provides technical and financial assistance to innovative programmes and strategies. Within the UN system, UNIFEM promotes gender equality and links women's issues and concerns to national, regional and global agendas by fostering networks and alliance building across governments and civil society. UNIFEM's regional anti-trafficking programme has been focusing on the following priority areas:

- Increasing political and community support at different levels in high-risk (both source and demand) areas,
- Increasing use of reliable data and research findings in advocacy, protective and prosecution work,
- Improving monitoring and lobbying for implementation of conventions/laws etc.,
- Bringing together different alliances and networking, and
- Enhancing the understanding and focus on trafficking

United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP):

The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) is the regional arm of the United Nations Secretariat for the Asian and Pacific region. Its primary focus is on the economic and social development in the region.

United Nations Programme on HIV/AIDS (UNAIDS);

UNAIDS is the global joint United Nations Programme on HIV/AIDS. It brings together seven UN agencies in a common effort to fight the epidemic, viz. the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations International Drug Control Programme (UNDCP), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the World Health Organisation (WHO), the World Bank and the International Labour Organisation (ILO).

UNAIDS leads, strengthens and supports an expanded response aimed at preventing the transmission of HIV, providing care and support, reducing the vulnerability of individuals and communities to HIV/AIDS and alleviating the impact of the epidemic.

The Special Rapporteur:

The other relevant UN mechanisms include the Special Rapporteur on the Sale of Children and the Committee on the Rights of the Child. All of these mechanisms are serviced and supported by the Office of the High Commissioner for Human Rights.

The United States Agency for International Development (USAID):

The United States Agency for International Development (USAID) provides economic and humanitarian assistance in more than 100 countries. It has taken up trafficking in persons as an important area of concern. Internationally and domestically, the U.S. Government's approach to combating trafficking in persons is an integrated one, based on prevention, protection and assistance for victims, and prosecution of traffickers. Successful anti-trafficking initiatives are reinforced by programmes that support economic development, good governance, education, health and human rights, and flow from country-based collaborative frameworks that have the committed participation of civil society, government, and law-enforcement.

The Australian Agency for International Development (AusAID):

The Australian Agency for International Development (AusAID), is the Australian Government's official overseas aid programme which aims to help developing countries reduce poverty and achieve sustainable development.

ASIA FOUNDATION:

The Asia Foundation's programmes focus on: building the capacity of women and women's groups to participate in political processes and public life, expanding women's economic opportunities and legal rights, increasing access to education, supporting efforts to reduce trafficking and violence against women, and mobilising women for broad societal reforms. Foundation programmes help local organisations develop effective strategies to advocate for their agendas and build networks within and across borders.

PLAN INTERNATIONAL:

This is an independent organisation dedicated to working with and for children. It is working in the line of CRC and believes that every child should have an equal chance to go to school, grow up healthy, live in safety and security, and to realise his/her full potential in life. In Asia, Plan works in twelve countries spanning diverse cultures and languages. In India, Plan is working under the following heads □ □ Building Relationships; Livelihood; Learning and Growing up Healthy; focusing on the all round development of children.

Beyond trafficking: a joint initiative against trafficking in women and girls (JIT):

A Joint Initiative in the Millennium against Trafficking in Girls and Women has been an innovative programme of Government of Nepal and United Nations System (UNS) Task Force against Trafficking to support a pioneering initiative that will reduce the incidence of trafficking in Girls and Women. This programme was launched in November 2000. The UNS Task Force comprises UNDP, UNICEF, UNFPA, ILO, UNIFEM, OHCHR, UNHSTF, UNDP Regional Programme and NORAD. JIT is operational at district, national and cross-border levels.

Population Council:

The Population Council is an international, non-profit organisation that conducts research on biomedical, population and social policy, reproductive health and family planning, and HIV/AIDS. The Population Council has been working on trafficking in women and girls as one of its responses to the HIV epidemic in South and East Asia, among other concerns.

Ref: Action Research Report 2002-03 by PM Nair/ Sankar Sen

Rights of Trafficked Persons-Recommended Principles and Guidelines on Human Rights and Human Trafficking

Office of the high commissioner for human rights has recommended some guidelines and principles with regard to protection of rights of a trafficked person. They are as follows:

Recommended Principles

(A) The primacy of human rights

1. The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.
2. States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.
3. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers.

(B) Protection and assistance

7. Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.
8. States shall ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings.
9. Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. States shall provide protection and temporary residence permits to victims and witnesses during legal proceedings.
10. Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times. Child victims of trafficking shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.
11. Safe (and, to the extent possible, voluntary) return shall be guaranteed to trafficked persons by both the receiving State and the State of origin. Trafficked persons shall be offered legal alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and/or to the safety of their families.

Recommended Guidelines (Relevant portions only)

Guideline 1: Promotion and protection of human rights

Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential to place the protection of all human rights at the centre of any measures taken to prevent and end trafficking. Anti-trafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum-seekers. States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Taking steps to ensure that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including those who have been trafficked.
4. Taking particular care to ensure that the issue of gender-based discrimination is addressed systematically when anti-trafficking measures are proposed with a view to ensuring that such measures are not applied in a discriminatory manner.
5. Protecting the right of all persons to freedom of movement and ensuring that anti-trafficking measures do not infringe upon this right.
6. Ensuring that anti-trafficking laws, policies, programmes and interventions do not affect the right of all persons, including trafficked persons, to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through the effective application of the principle of non-refoulement.
7. Establishing mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions. Considerations should be given to assigning this role to independent national human rights institutions where such bodies exist. Non-governmental organizations working with trafficked persons should be encouraged to participate in monitoring and evaluating the human rights impact of anti-trafficking measures.

Guideline 2: Identification of trafficked persons and traffickers

Trafficking means much more than the organized movement of persons for profit. The critical additional factor that distinguishes trafficking from migrant smuggling is the presence of force, coercion and/or deception throughout or at some stage in the process — such deception, force or coercion being used for the purpose of exploitation. While the additional elements that distinguish trafficking from migrant smuggling may sometimes be obvious, in many cases they are difficult to prove without active investigation. A failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights. States are therefore under an obligation to ensure that such identification can and does take place. States are also obliged to exercise due diligence in identifying traffickers, including those who are involved in controlling and exploiting trafficked persons. States and, where applicable, intergovernmental and non-governmental organizations, should consider:

5. Ensuring that trafficked persons are not prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons.
6. Ensuring that trafficked persons are not, in any circumstances, held in immigration detention or other forms of custody.
7. Ensuring that procedures and processes are in place for receipt and consideration of asylum claims from both trafficked persons and smuggled asylum seekers and that the principle of non-refoulement is respected and upheld at all times.

Guideline 9: Access to remedies

Trafficked persons, as victims of human rights violations, have an international legal right to adequate and appropriate remedies. This right is often not effectively available to trafficked persons as they frequently lack information on the possibilities and processes for obtaining remedies, including compensation, for trafficking and related exploitation. In order to overcome this problem, legal and other material assistance should be provided to trafficked persons to enable them to realize their right to adequate and appropriate remedies. States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Ensuring that victims of trafficking have an enforceable right to fair and adequate remedies, including the means for as full a rehabilitation as possible. These remedies may be criminal, civil or administrative in nature.
2. Providing information as well as legal and other assistance to enable trafficked persons to access remedies. The procedures for obtaining remedies should be clearly explained in a language that the trafficked person understands.
3. Making arrangements to enable trafficked persons to remain safely in the country in which the remedy is being sought for the duration of any criminal, civil or administrative proceedings.

Relevant portions of the book are produced here. The book can be accessed at <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

Challenges, Barriers and Gaps

In spite of considerably larger awareness of the issue of trafficking than of some years back and the all out efforts in formulating various redressal mechanism at national or global level, the problem of human trafficking has become a matter of grave concern and challenge before the modern society. There have been several instances which have exposed the existing vacuum in the response scenario due to various factors which need firm address. There is need to work jointly at every level and overcome these barriers/gaps which are posing hindrance in checking the human trafficking all over the world.

Some of the challenges which are quite prevalent at all levels, be it local, national or international, are discussed below;

National Level

In national arena, particularly in India's case lot of pitfalls are experienced while dealing with the problem of trafficking. These problems are generally noticed in every stage of human trafficking, right from the identification of victim to the protection and rehabilitation. Some of the problems/barriers are discussed in following paragraphs;

A general lack of awareness:

There is lack of awareness of the issue by the public as well as with front line workers, law enforcement officials, the judiciary (i.e., prosecutors and judges) and the various levels of government (i.e., central or state). This can be attributed to the lack of common understanding and differing definitions of human trafficking across the various actors involved. While significant progress has been made in the field of raising awareness amongst front-line service providers and enforcement officials, there is still a lack of knowledge and uptake of the human trafficking provisions by police, prosecutors and judges, which limits both the number of charges being laid and successful prosecutions.

Identification of Victim:

Because of its clandestine nature and complexity the final identification of victims might require a prolonged and ongoing process. While trafficking victims may sometimes be identified by organizations and stakeholders who are aware of the various forms of human trafficking and the different methods of exploitation used by traffickers, challenges remain related to the fact that many trafficking victims, whether they identify themselves as such or not, are scared to report wrongdoing or exploitation because of, among others, threats to their physical safety, their immigration status, or a lack of awareness of their rights. This in turn creates challenges in responding to the crime effectively.

Insensitiveness in treating 'victim' as 'offender':

In cases of cross border trafficking, when the victim is made to cross the border by traffickers without valid documents, the trafficked person is generally harassed by law

enforcement agencies by treating the victim as offender who has entered that country illegally. In the situations where the victim needs protection and humanly treatment, s/he has to suffer badly and gets continuous humiliation at every stage.

Lack of proper data base of information:

There is no proper mechanism to prepare a data base of all information about the cases of trafficking, about victims or about the traffickers. Victims are trafficked and re-trafficked without notice of agencies responsible. Same is the case about the traffickers. Traffickers or the chain of people involved in trafficking do the crime many times but there is, normally, no information about their hideouts, identity, modus operandi or the transaction of money.

Lack of training to police personnel:

Many cases have come to notice where the lack of proper training to law enforcement personnel with regard to handling of cases of trafficking have weakened the case against the traffickers and slowed down the process of prosecution or sometimes spoiled the case completely. They are found to be clueless about their duties and responsibilities from the very stage of receiving an information about the trafficking.

Gaps in protection and support:

As has been experienced and according to some studies, there is a gap in relation to protection and support to the victims. There is, in general, lack of specialized services for victims of trafficking (taking into consideration the differences between female and male victims; and children and youth) after their immediate needs are met (within the first 24-72 hours), including trauma counselling, secondary housing and shelters, job skills and employment training, and an overall sustainable continuum of care that is in place from the moment an individual is identified through the entire recovery process.

Inordinate delay in Justice delivery:

Many a cases have come into the notice where the justice to the victim is impaired due to various reasons or not delivered for long years making the life of the victim miserable. S/he has no option but spend his rest of the life without being repatriated to the country or area of origin and him/her vulnerable for the re-trafficking.

Unnecessary Duplication:

As number of efforts and initiatives focusing on education and awareness in particular, from governments or NGOs , lots of resources and funds get wasted by unnecessary duplication. This duplication results in the ineffective use of limited available resources towards common outcomes and/or these funds not being used to support areas requiring more focus, such as support and services for victims.

Lack of coordination and synergy:

Lack of necessary coordination and synergy among various stakeholders is also responsible for not getting fast and required results. There have been instances where disputes arise over the area of jurisdiction in which the crime has taken place even

between the offices of same agency. This gap in understanding affects the efforts towards anti trafficking adversely.

Problems being faced at every level in SSB

1. The demographic profile and the socio-economic condition of people is not very encouraging in the entire INB and IBB. Poverty and inadequacies of income is all prevailing and is omnipresent to compel the people to think about finding greener pastures for a happier existence. This makes the entire belt fertile for the brazen exploits of human traffickers who extricate the poverty ridden, undernourished and underemployed by selling dreams of high income jobs in big cities.
2. Open and porous border provides enough scope for the traffickers to sneak through relatively less guarded or unguarded crossing points.
3. At many places, people, though not ignorant about the surreptitious activities of their neighbours, deliberately behave as bystanders or sometimes do oppose in execution of bounden duties by Force personnel.
4. Consent of the parents/relatives/ guardians of the victims for pecuniary considerations often hinders rescue and rehabilitation efforts.
5. Dispute among various law enforcement or other governmental agencies over jurisdiction with respect to response, providing relief and rehabilitation of victims is an issue.
6. Force personnel, in general, are not trained enough to read the body language and profiling of the suspects or the victims. This creates a big problem in identifying the victim who is being trafficked and launch of rescue operation.
7. It is also found that our personnel, in general, are quite ignorant about the prevalent laws related to human trafficking. There is no training nor set SOP to help them to act in a desired manner whenever any information is received.
8. In many cases it has been seen that the victims, specially the girls between age group of 12 to 20 years provide misleading information to delay or defeat the rescue operations as they have normally been lured for better job prospects and living conditions in the destination city or country.
9. In most cases, SSB is more of a dependent partner restricted to respond and play its role after information is received from our sources ie NGOs. There is need to be proactive in gathering into first and our own steam.
10. Police stations, in most of the cases, are in remote areas and are inadequately equipped with respect to communication gadgets and mobility. Police response, as reported from field units, is not very encouraging.

List of Nodal Officers of various states in India

| Sl No | State/UT | Name/ Designation, Address, Phone No. and email ID |
|-------|-------------------|--|
| 1 | ANDHRA PRADESH | Mr TirumalaRao, Addl. Director General of Police, C.I.D. Office Phone No. : 040-24599001 Mobile No. : 94406 27588 Fax No. : 040-24499012 |
| 2 | ARUNACHAL PRADESH | Mr Hibu Tamang, IPS SP(Crime), PHQ Itanagar, PO RK Mission Distt Papum Pare, Arunachal Pradesh-791113 0360-2291065, 2212567 Fax: 0360-2212621 Mob: 099436041789 Email ID: sptelecomapp@gmail.com |
| 3 | ASSAM | Mr YK Gautam, IGP, CID Assam, Ulubari, Guwahati 0361-2524494 Fax:0361-2462480 Mob: 094350348231 Digp-cid@assampolice.gov.in |
| 4 | BIHAR | Mr SantoshPreetverma, IG(WS), CID, Bihar, CID Police Hqrs, Old Secretariat, Patna Phone No. 0612-2217994 Fax No. 0612-1217020 Mobile 089431854550 Email ID: igwscid@gmail.com , igweaker-bih@nic.in |
| 5 | CHATTISGARH | Mr PN Tiwari, IPS OSD(CID) ,PHQ, Naya Raipur, Chhatisgarh Phone No. 0771-2228622,Fax No.0771-2221022 Mobile No. 9479190015, 9425508127. email ID.- cidphqraipur@gmail.com , tiwari.pradeepn@gmail.com |
| 6 | GOA | Mr OP Mishra, DIG Crime, Dona Paula, Panaji, Goa 0832-2456688 Mob: 7875756019 Digpgoa.gpol@nic.in |
| 7 | GUJRAT | Mr Anil Pratham IGP (CID crime and Women cell) O/O Inspector General of Police 4 th Floor, Police Bhavan, Sector 18, Gandhinagar, Gujarat |

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| | | Phone No. 079 -23254431 079 -23254432(PA) Fax No. 079 - 23257545 Mobile No. +919978405257 Email id:- apratham@gmail.com cor-crime@gujarat.gov.in |
| 8 | HARYANA | Mr B Barbib Doon, IPS Crime , Panchkula, Haryana 01733-253880 08427755800 Cor-crime@hy.gov.in |
| 9 | HIMACHAL PRADESH | Mr Rakesh Aggarwal, Inspector General of Police CID/Crime, Police Headquarters, Nigam vihar, Shimla-171002 Fax No.0177-2626945, 936 Mobile No. 09418013229 email ID- igp-cid-hp@nic.in |
| 10 | JAMMU & KASHMIR | Mr Johnny William, IPS, DIG of Police, State Crime Branch(J&K) Winter(Nov to Apr) CPO Complex, Panjthirthi Jammu(181001), J&K Phone/Fax 0191-2561694 (Jammu) Summer (May to Oct) Royal Appartments, Near Police Station, Rajbagh, Srinagar(190001) J&K Phone/Fax 0194-2310940(Srinagar) Mobile No - 09419213851 Email ID: digcrime-jk@nic.in , Johnny_williamArediff.com |
| 11 | JHARKHAND | Ms Sampat meena, IG CID CID HQ, Raja Rani Kothi, Doranda, Ranchi Jharkhand PIN 834002 Phone No. 0651-2490046 Fax No. 0651-2490046 Mobile: 09771432101 Email ID: cidjharkhand@gmail.com , ig-orgcid@jhpolice.gov.in , sampatmeena71@gmail.com |
| 12 | KARNATAKA | Mr Padam Kumar Aggarwal, ADGP, Crime & Tech Services, 2, Nrupathunga Road, Banglore-560001 Fax : 080-22212227, 22942102 Mobile: 09480800022, 09480800007 Email ID: adgpcts@ksp.gov.in |
| 13 | KERALA | Mrs Srilekha, IPS, ADGP |

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| | | Spl Service & traffic, PHQ, Kerala Phone: 0471/272202 Mob.: 09497998998 Igpcrimes.pol@kerala.gov.in Spspl. keralapolice@gov.in |
| 14 | MADHYA PRADESH | Mrs M Aruna Mohan Rao IGP, PHQ, Bhopal, Madhya Pradesh 0755-2443533, 2443434 Mob: 09425053434 Maruna45@hotmail.com |
| 15 | MAHARASHTRA | Mr Anant D Shinde, IGP CID, Crime, Sangam Bridge, Pune-411005 Phone: 020-25541550 Fax: 02025638443 Mob: 9822190787 anantshinde@hotmail.com , ahtu.maharashtra@gmail.com , ig.powmahapolice@yahoo.com |
| 16 | MANIPUR | Shri K T Vaiphei Inspector General of Police (INT/Narco/BA) Phone No: 0385-2450575 (O), Mobile No. 8974052523 E mail ID :-ktvai@rediffmail.com |
| 17 | MEGHALAYA | Mrs CA Lyngwa, IPS SI, Superintendent of Police, CID Office of the Additional Director General of Police, Meghalaya, Shillong Phone : 0364-2224181 Mob: 09863021516 email id: claudialyngwa@yahoo.co.in ahtu.meghalaya@gmail.com |
| 18 | MIZORUM | Mr joseph Lalchhuana, SP, CID CRIME CID Complex, Bungkawn, Aizawl - 796001, Mizoram. Phone No: 0389-2334082 Fax No: 0389-2333364 Mobile No: 9436140735 Email Id: josephlalchhuana@gmail.com ahtumizoram@gmail.com |
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| 20 | ORRISSA | Mr ArunBothra, IGP |

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| 21 | PUNJAB | Mr Jaskaran, DIG (Crime) Phone: 0172-2741188 , 2740901, 2740757 Mob: 09414152551 Email ID: jaskarannibber@yahoo.com |
| 22 | RAJASTHAN | Mr N Morris Babu, IGP, CID, PHQ Rajasthan, Jaipur Phone: 0141-2604216 Mob: 09414152551 nallimorrisbabu@rediffmail.com |
| 23 | SIKKIM | Ms ShardaraniLepcha, SSP (CID) Police Hqrs, Gangtok, Sikkim Phone: 03592-202087 /42 Mob: 09734999634 spcid@sikkimpolice.nic.in |
| 24 | TAMILNADU | Mr Karan Singha, Dy SP Anti Trafficking Cell, Crime Branch, CID III Block SIDCO Electronic Complex, Guindy, Chennai-32 Phone: 044-22502508 Fax: 044-22502510 Mob: 094433730250 Email ID: adgpcbcid.tnpol@nic.in , atccbcid@gmail.com |
| 25 | TELENGANA | Mr satyanarain, IPS Addl DGP, CID 3 rd Floor, O/O DGP, Lakdikapool, Hyderabad Phone: 040-23242424, 23237676 Fax: 040-23237575 Mob; 9491045353 Email ID: adgpcidts@gmail.com |
| 25 | TRIPURA | Mr sanjay Rai, SP, CID, Tripura, PO AD Nagar, Agartala Tripura-799003 Phone: 0381-2376963 Fax: 0381-2376979 Mobile: 09436120064 Email ID: spcid-tri@nic.in |
| 26 | UTTARAKHAND | Mr satish Kumar Shukla, IPS, DIG (Law & Order) C/O PHQ, 12 Subhash road, Dehradun-248001 Phone: 0135-2712597 Fax: 0135-2712080 |

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| | | Mob: 09412058559 |
| 27 | UTTAR PRADESH | Mrs SutapaSanyal, IG(Crime Branch) Crime ID, Viaklpkhand 2, Gomtinagar, UP, Lucknow Phone: 0522-2305805, 2305808 Fax: 0522-2729011 Mob: 09454400119, 09454400220 Email ID: cbcid@up.nic.in , uphrclko@yahoo.com |
| 28 | KOLKATA POLICE | Sri Pallab Kanti Ghosh, IPS Joint Commissioner of Police (Crime) Detective Department 18 Lalbazar Street Kolkata-700001 Ph No:- 033-22145737/22505089 (O) Fax: 033-22141052 Mob:-09432610011/09830300449 Email ID: jtccrime@kolkatapolice.gov.in |
| 29 | WEST BENGAL | Mrs Sabyasachiraman Mishra, Spl SP, CID Bhawanibhawan, Alipur, Beldigderi Road, Kolkata-27 Phone: 033-24791409 Fax: 033-24506174 Mob: 08145454545 Email ID: sabyasachi@yahoo.com spligspl@cidwestbengal.gov.in , cidwb@gmail.com |
| 30 | ANDAMAN & NICOBAR | Mr Sa, SP, CID O/o CID, Aberdeen bazaar, Port Blair-744101 Phone: 03192-23307, 03192-236108 Mob: 09434288536 Email ID: spcid.and@nic.in |
| 31 | CHANDIGARH | Mr AS Cheema, SSP AHTU, Home guard Building, UT, Chandigarh, sector-17 Phone: 0172-2740541, 2740735 , 2749900 Fax; 0172-540322 Mob: 08283835493 Email ID: dig-chd@nic.in |
| 32 | DADAR & NAGAR HAVELI | Mr pramod Kumar Mishra, SP, UT, Silvassa, DNH -396230 Phone: 0260-2643022, Fax: 0260-2643023 Mob: 08141100666 Email ID: sathiyasundaramips@gmail.com , Policedept-dnh@nic.in |

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| 33 | DAMAN & DIU | Mr pramod Kumar Mishra, SP, UT, Silvassa, DNH -396230 Phone: 0260-2643022, Fax: 0260-2643023 Mob: 08141100666 Email ID: sathiyasundaramips@gmail.com , Policedept-dnh@nic.in |
| 34 | DELHI | Mr Dinesh kumar Gupta, DCP (Crime) Crime Branch, North office, Kamla Market, Second floor, Delhi Police Phone: 011-23239959 Mob: 08289841984 Email ID: dcpcrime@ymail.com |
| 35 | LAKSH DWEEP | Mr rajivranjansingh, IPS,SP, Lakshadweep Phone: 04896-262624 Mob: 09446504227 Email ID: lak-sp@nic.in |
| 36 | PUDUCHERY | Mr AK gavas, SSP (C&I), PHQ No 2, Dumas Street, Puducherry-1 Phone: 0413-2334368 Fax: 0413-2336149 Mob: 09087715811 Email ID: sspci.pon@nic.in |

NGO Profiling

The list contains names and addresses etc of NGOs which are in AORs of SSB. Local addresses are also given.

Ranikhet Frontier:

Under the AOR of 5th Bn

REEDS

(Rural Environmental and Educational Development Society), REEDS PatniChaurana near Telephone Exchange, PO Chandni, Distt. Champawat (UK), Contact No-8477090554, 9897737974.

Fund is provided by Mahila & Bal Vikas Ministry, Govt. of India

Under the AOR of 26th Bn

KumaunSevaSamiti

near international Hotel, Sitarganj, U.S. Nagar (UK) organised under command by M.S. Jaya Mishra, Contact No-9411168213

Under the AOR of 57th Bn. (Indian side)

REEDS

(Rural Environmental & Educational Society)

PatniChaurah near Telephone Exchange, Banbasa market, PO Chandani, district Champawat (UK), Contact No-8477090554, 9897737974

Under the AOR of 57th Bn. (Nepal side)

Kingdom Investment of Nepal (KI)

GaddaChaowki, Distt. Kanchanpur, Nepal, Contact No-9802621474.

Fund is provided by USA to run the NGO.

Maity Nepal

GaddaChowki, Distt. Kanchanpur, Nepal, Contact No-07799524624.

Fund is provided by USA to run the NGO

REEDS

(Rural Environmental and Educational Development Society), REEDS PatniChaurana near Telephone Exchange, PO Chandni, Distt. Champawat (UK), Contact No-8477090554, 9897737974

Kingdom Investment of Nepal (KI), GaddaChaowki, Distt. Kanchanpur, Nepal, Contact No-9802621474.

Fund is provided by USA to run the NGO.

ii) Maity Nepal, GaddaChowki, Distt. Kanchanpur, Nepal, Contact No-07799524624.

Pilibhit Area

(Indian Side)

REEDS

PatniChaurana near Telephone Exchange, PO Chandni, Distt. Champawat (UK), Contact No-8477090554, 9897737974.

Fund is provided by Mahila & Bal Vikas Ministry, Govt. of India.

(Nepal Side)

i) **Kingdom Investment of Nepal (KI)**,GaddaChaowki, Distt. Kanchanpur, Nepal, Contact No-9802621474.

Fund is provided by USA to run the NGO.

ii) **Maity Nepal**, GaddaChowki, Distt. Kanchanpur, Nepal, Contact No-07799524624.

NGOs functioning under Palia Sub Area) (Nepal side)

i) K.I. Nepal, Dhangarhi, Distt. Kailali, Nepal HQ at Kathmandu, Nepal, Coordinator Jyoti Maya Tamang, Contact No-9811622149.

ii) Maiti Nepal, Dhangarhi, Distt. Kailali, Nepal HQR at Kathmandu, Nepal, Coordinator Shiv Charan Chaudhary, Contact No-984821915.

iii) Tri Anchal, Dhangarhi, Distt. Kailali, Nepal HQR at Kathmandu, Nepal.

iv) Shanti PunarSansthapanaDhangarhi, Distt. Kailali, Nepal HQR at Kathmandu, Nepal, Coordinator BasudharChatt.

v) Sana Hath Tharu, Dhangarhi, Distt. Kailali, Nepal HQR at Kathmandu, Nepal, Coordinator Surinder Deuba.

Pithoragarh Area:-

i) Shri Hira Bhatt, R/o Mazirkand, P.S. Jhulaghat, Distt. Pithoragarh, Mob-9675210992.

ii) Smt. Suman Verma run by NGO WardanSewaSanstha, Near Roadways Bus Stand Dharchula, Contact No-05967-222017.

iii) Smt. Shanti Viswakarma run by NGO Mahila TathaBalbalika office, Khalanga-4, Distt. Darchula, Nepal, Mob-093420114.

iv) Shri Manorath Joshi run by NGO Bal BalikaKalyanSamity, Khalnaga-4, Distt. Darchula, Nepal, Mob-09434420290.

Ftr. Hqr. Lucknow

Name of NGO of Balrampur Shri Sarad Kumar Srivastav, Child Welfare Committee, Balrampur (UP), Contact No-9532431832.

Ftr. Hqr. Patna

NGOs (Indian side):-

- i) **Be RozgarSangh**, Village Pipra, P.S. Valmikinagar, Distt. West Champaran, Contact No-09661614757.
- ii) **Fakirana Sister Society**, Sr. Mary Elise Banuchhapar, Bettiah, Distt. West Champaran, Bihar, Contact No-06254-242950.
- iii) **Jai Vikas Kendra**, Contact Person Jai Prakash Savera, Bettiah (shelter home run by Bihar Govt. under integrated Child Protection Scheme, Contact No-9801158564.
- iv) **For Male Child “Baal Grih”**, Contact person Krishan Kumar Gupta, Deptt. Of Social Development Bettiah, Contact No-7762961025.
- v) **For Female Child “Baal Grih”**, Deptt. Of Social Development Bettiah.
- vi) **Adithi**, Contact person Rajesh Kumar, Sitamarhi Bihar, Simra Narayan ChowkDumra, Distt. Sitamarhi, Bihar, Contact No-9470816388.
- vii) **Pratham**, Contact person Rabindra Kumar, Simra, Narayanpur, P.S. Dumra, Distt. Sitamarhi, Bihar, Contact No-9771024357.
- viii) **PrayasSanstha**, Mai Sthan, Contact person Sonala Thakur, MoujeRaxaul, Distt. East Champaran.
- ix) **Prayas Mai Sthan**, Raxaul, P.S. Raxaul, Contact No-9973270726.
- x) **Jan JagranSansthan**, Contact person Raj Kumar Pandey, Khetan Market, Raxaul, Distt. East Champaran, Contact No-9430493207.
- xi) **SarvoPrayasSansthan**, Contact person Ms. Nirmala, PO and P.S. Madhubani, Bihar, Contact No-09835004323.
- xii) **Jan Vikash SewaSansthan**, Contact person Ms. Narmada Jha, VPO Madhwapur, Distt. Madhubani, Bihar, Contact No-09934932375.
- xiii) **Jyoti Shree SewaSamiti**, Contact person Ms. PoonamMallik, ChiechariKanungo, P.S. Rajnagar, Distt. Madhubani, Bihar, Contact No-09931004775.
- xiv) **Jan SahyogSewaSamiti**, Contact person Mr. Chandra Kumar, Vill-Bathneh, P.S. Pandaul, Madhubani, Bihar, Contact No-09471845099.
- xv) **JiwanAadhar Vikas Samiti**, Contact person Ms. Durga Devi, GosalaChowk, Madhubani, Bihar, Contact No-08877797802.
- xvi) **GyanSewaBhartiSansthan**, Contact person S.K. Jha, Village Kamalpur, P.S. Nirmali, Distt. Supaul, Bihar, Contact No-09934251400.
- xvii) **GramyaSheel**, Gandhi Path, Distt. Supaul, Bihar, Contact No-06473-266111.

- xviii) **Atsec Bihar**, C/o JanjagaranSangsthan, 30 B Patilputra Colony, Patna, Contact No-0612-2273957
- xix) **MinatSamiti**, Contact person Yusuf Kawal, Village Islampur, Ward No.12, P.S. Jogbani, Distt. Araria, Bihar, Contact No-07250797441.
- xx) **Tip-India-Project**, Araria, Contact No-09430682613.
- xxi) **ADRA India**, Contact person Abhay Shrivastava, Jogbani, Distt. Araria, Bihar, Contact No-9546396218.
- xxii) **Teep India**, Contact person SaketShrivastav, Teen India Project, Araria, Bihar, Contact No-9430682613.
- xxiii) **JogbaniManav Vikas SewaSanstha**, Indra Nagar Jogbani, Contact person DileepSha, Jogbani, Distt. Araria, Contact No-8092023139, 7250741953.
- xxiv) **SnehaWel Care Society**, Netaji Market, Jogbani, Distt. Araria, Bihar, Contact No-9934726249.

Nepal Side:-

- i) **Maity Nepal**, Rani, Distt. Biratnagar, Nepal, Contact No-021-435794.
- ii) **ABC**, Nepal, Rani, Distt. Biratnagar, Nepal, Contact No-021-472174.
- iii) **K.I. Nepal (Kingdom Investment Nepal)**, Contact person Kishor B.K., Rani, Distt. Biratnagar, Nepal, Contact No-9802621562.
- iv) **Sanahatharu Nepal**, Contact person Ishwar, Rani, Distt. Biratnagar, Nepal, Contact No-9842129730.

Ftr Hqr. Siliguri

- Child In Need Institute (CINI)**, 45 MeghnathSarani, Hakimpara, Siliguri Contact No-09434058442.
- ii) **Shakti Bahini**, Near RadhaGobindaMandir, PO East Bhaktinagar, Jalpaiguri, Contact No-9775271842.
- iii) **SebaSangha**, VPO Kumargramduar, Distt. Jalpaiguri, Contact No-9733123170
- iv) **Rural Aid**, VPO Kumargramduar, Distt. Jalpaiguri, Contact No-9733180145.
- v) **CDHI (Goal India)**, Mainabari, Turturikhand, P.S. Samuktala, Distt. Jalpaiguri, Contact No-9126011848.
- vi) **Prisam**, VPO Kalchini, Distt. Jalpaiguri, Contact No-9002119058.
- vii) **Being Free NGO**, Rangpo, Upper Bazar, Sikkim, Contact No-9832018611.
- viii) **Mamatalaya**, AMDO-Golal, Gangtok, Sikkim, Contact No-03592-281288.
- ix) **DOORS NGOs** at Odlabari, Distt. Jalpaiguri, Contact No-9733282506
- x) **Corak Shelter Home**, under the authority of Govt. of WB in Jalpaiguri, Contact No-03561-222116.
- xi) **Metal Nepal**, Pashupatinagar, Nepal, Contact No-1660-01-9999/9742600826.
- xii) **Kriti Organisation**, Okaity, Darjeeling, West Bengal, Contact No-9775461221.
- xiii) **KanchanJhungaUdhar Kendra**.
- xiv) **Rahat Mahila Helpline**, Karalamanir Road, PO & PS & Distt. Kishanganj, Behar, Contact No-9431093983.

- xv) **Bhumika Bihar**, Mahila Help Line Management Centre, Mitra Vihar Colony, Western Boaring Road, Patna-I, Help Line-9431093983.
- xvi) **Salah**, Thakurbari Road, VPO Kishanganj, Distt. Kishanganj, Bihar.
- xvii) **AASIF Service Chile, Help Line (NGO)**, Sarsayad Nagar, Kajlamani, Bihar, Contact No-9430467700

Ftr. Hqr Guwahati

- i) **Eight Brother's Social Welfare Society**, Tezpur, Contact No-9864025972
- ii) **Nedan Foundation**, Ward No. 11, BodofaNwgwrKadamtola, PO Titaguri, District Kokrajhar, Bodoland Territorial Council (BTC), Assam.
- iii) **AASA (All Adivasi Student Assocation) organisation** under State Govt. is functioning at Godhuli bazaar near Bansbari, P.S. Gobardhana, District Baksa, Head Office located at Guwahati-24 Chandmari. Name of President MansukSankharika contact No-09678871446 are also working against the human trafficking

List of AHTU in India

List to be incorporated

Conclusion

Realizing the ever-growing problems of human trafficking, laws are promulgated to combat the problems. However, existing laws have had very little effect on curbing trafficking. There are many non governmental, governmental, regional and international agencies which are doing a lot to curb the crime, yet there is enough scope to carry out a lot of work at every level. The problem is that if there is no real commitment to implement the laws or no increase of international pressure, then trafficking will continue to be on the increase. It is quite apparent that trafficking and the abuses suffered by its victims violate not only internationally recognized human rights, but also the laws of involved countries. To avoid condemning and denouncing victims of trafficking, society must be sensitized to the vulnerability of women in trafficked situations. Morally incorrect and inhuman social rituals and customs, the marriage of young girls to older men, illiteracy, poverty, discrimination, and violence against women must be eliminated. This must be done by changing society's perceptions and by imposing severe punishment on perpetrators of laws and human rights.

One should not ignore that trafficking in Nepal occurs mainly through the open international border between Nepal and India. Therefore, onus to check and keep vigil on the trafficking lies upon SSB, being the border guarding force and act as the Lead Intelligence Agency. The need of the hour is that our jawans and officers right up to the remotest BOPs should work in coordination with other law enforcement agencies & NGOs and develop a close rapport with the local population. There should be increased efforts to carry out awareness generation programmes in order to sensitize the border population on trafficking issues. At the same time timely and effective action oriented approach with the help of a well established intelligence network should be primary requirement. No stone should be left unturned to expose and book the perpetrators and victims to get justice. Sympathetic and humanly approach should be there to help the victim start a new life with dignity and honour.