

Cause of a Smile



Code of Conduct for NGO Partnership
in Rescue & Rehabilitation of
Trafficking Survivors
in South Asia



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Foreword

The preparation of this document is an outcome of the regional consultation on NGOs Partnership in Rescue and Rehabilitation of Trafficking Survivors in South Asia. This consultation was held at the Prayas Institute of Juvenile Justice in July 2002. In many ways, this consultation was a result of the growing concern to combat trafficking in children and women not only in the south-east Asian region but also as a pointer to the realization of the global issue. A notable feature of this consultation was the realization of the fact that the stakeholders needed to become aware of the precise roles they had to play in addressing the issue in the human rights perspective. It also highlighted the need to generate advocacy about the specific steps that they could and should take in moving from rescuing the victims to supporting their rehabilitation.

In and after the consultation, Prayas received several requests for a document that could spell out the operational modalities/ guidelines. In response, we worked out the guidelines with key stakeholders. Here, undertaking this task also enabled us to redefine the boundaries of cooperation and collaboration among partners engaged in upholding the rights of the trafficking survivors.

This practice manual has been developed for use by the police, civil society organizations, judicial and government functionaries. It is also aimed at serving social workers who have been tirelessly fighting to promote the rights of the survivors of trafficking and to assist them to receive fair treatments and justice.

We sincerely hope that this manual will be welcomed by all the stakeholders and individual partners engaged in counter- trafficking. We again believe that it will be helpful in understanding various implementation issues and intricacies of interventions from the point of rescue to rehabilitation as a process. It is felt that such understanding will go a long way to usher in the well being of not only the victims of trafficking for commercial sexual exploitation but also others trafficked for slavery, servitude and forced labour.

Through this modest effort we look forward to strengthen the interventions of the stakeholders. By the same tone, we invite all of them to give us their feedback so that this kind of 'specific action oriented documentation' gets enriched.

In preparing this practice manual, we owe credit to all the participants of the international consultation 'NGO partnership in rescue and rehabilitation of trafficking survivors in South Asia'. Their candid and unflinching sharing of hard facts about the plight that trafficking involves and their insights on the way out convinced us that concerted and purposive action holds the key in resolving this problem.

We also wish to place on record our grateful thanks to the contributors and support of UNIFEM SARO team. Our special thanks are also due to Ms. Anupama Sahay, Research and Documentation Manager, Prayas Institute of Juvenile Justice and Ms. Gitanjali Shah, a freelance Consultant for their sustained efforts in enriching this project.

Last though not the least, we wish to acknowledge the unstinting efforts of the colleagues in Prayas, Prof. R. M. Varma, Member, Prayas Governing Body and our founder General Secretary, Mr. Amod K. Kanth who spared no efforts in realizing the goal of this consultation and in preparing this documentation.

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CODE OF CONDUCT FOR NGO PARTNERSHIP IN RESCUE AND REHABILITATION OF TRAFFICKING SURVIVORS IN SOUTH ASIA

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Background

Introduction

Trafficking of human beings is one of the most serious and widespread violations of human rights in Asia today. Human trafficking, also known as trafficking in persons, is modern-day slavery. After drug dealing, human trafficking is considered as the second largest criminal industry in the world today¹. Human trafficking refers to transportation of persons for forced labor, sexual exploitation or other illicit activities. Trafficking for commercial sex has been rapidly emerging as a major issue of concern all over the world. The United Nations estimates that nearly 1 to 4 million people are being trafficked worldwide each year with trafficking in women and children being an operation worth more than \$ 10 billion annually². Trafficking of persons is a world wide phenomenon that not only violates human rights, rule of law and democratic values but also is one of the most heinous crimes against humanity. With an increase in transnational and organized crime, there has been an alarming rise in human trafficking. It is also closely interlinked with money laundering and sex tourism practices. Trafficking in human beings, especially women and girls for the purpose of sexual exploitation, is a major concern for South Asian countries. The abuses of the basic human rights of trafficked persons, who are mainly women and children, arouse great concern.

In South Asia the evil of the exploitation of children and women for the purpose of commercial sex exists mainly because of wide spread poverty, illiteracy, lack of secure livelihoods and gender discrimination. South Asia is home to over 500 million people who live in absolute poverty, with an income of less than a dollar a day. Various studies and researches have shown that children, especially girl children and women bear a disproportionately large burden of the deprivation and exploitation resulting from such poverty related issues, often leading to situations of trafficking for commercial sex.

In the context of globalization, the problem of trafficking for sexual purposes is on the rise in the South Asia region. Like other trades, trafficking is also undergoing radical changes in its modus-operandi. With the advancement of technologies, the sale and purchase of human flesh has acquired more sophisticated and intricate forms. It is no more a domestic issue of a particular country; it has assumed a trans-national and international dimension. The trade of trafficking is organized, and profitable. It increases poverty, lack of educational and other developmental opportunities, child neglect, vulnerability to HIV AIDS and increasing gender disparity. These obvious causal factors call for a greater coordination amongst civil society organizations including the government agencies, in order to make a dent in the problem and initiate a process of collaboration to fight against the menace of human trafficking.

1. *United States Department of Health and Human Services.*

2. *Combating Child Trafficking, Handbook for Parliamentarians UNICEF and IPU.*

The role of the voluntary sector, in common parlance, NGOs has gained a momentum in addressing the problem of trafficking. Therefore, many national governments of the region have stressed the integral role of NGOs and civil society in combating the problem of human trafficking in their respective national policies, legal instruments and administrative mechanisms. NGO intervention and partnership has become imperative in rescue and rehabilitation of the trafficking victims as envisaged in these policies and programmes. Besides being an intermediary agency in government's efforts in prevention activities, a good number of NGOs in the region have focused on fight against domestic violence, including trafficking and child protection issues. These efforts are complementary and many times more crucial in rescue, law enforcement and judicial proceedings, planning and implementation of repatriation services, rehabilitation programmes besides building capacity of the affected children and women of trafficking for reintegration into the society.

The UN Optional Protocol to Prevent, Suppress and Punish Trafficking Persons, 2000 and the SAARC Convention on Trafficking 2002 are two examples of international recognition of the need to take collective action against traffickers and protect the rights of the trafficked persons. The South Asia region represents a unique position in anti trafficking initiative worldwide. In India, at the national level a plan of action to combat trafficking and sexual exploitation in women and children provides for action by central and state governments as well as the NGOs. Similarly, the national plan of action of Bangladesh and Nepal provides for framework for cooperation and joint action on part of governmental and non-governmental agencies.

Several voluntary organizations and agencies are now actively engaged in anti-trafficking programmes in the South Asian region particularly, India, Nepal and Bangladesh. These organizations have been making invaluable contributions in their respective area of work, from rescue to rehabilitation of the sufferers of trafficking either independently or in a collective manner. Researchers indicate that, NGOs tend to function independent of each other because they face challenges in networking. Today, there is an urgent need to understand that collective action matters more than individual initiative. NGO cooperation to combat trafficking for commercial sex is particularly important as this is a malaise which is wide spread and the evil has to be fought together to be destroyed.

Role of NGOs in Combating Human Trafficking

The role of NGOs in combating trafficking is of particular importance. Providing both research, and a wide variety of services, particularly regarding the protection of victims, NGOs are vital partners of state institutions. Well-defined relations, effective cooperation mechanisms and regular consultation are essential if their respective areas of expertise and competence are to reinforce each other. The fight against trafficking in general and children in particular, requires the active contribution of many different sectors. Greater cooperation is not only required between different actors at the national level but trafficking being an international concern also requires an international response. Trafficking networks operate transnationally and their effective prosecution requires greater levels of investigative and judicial cooperation, on the basis of commonly accepted principles and methods, than have been achieved till date. The need for the effective harmonization of offences and procedures is evident. Protection programmes also require greater transnational cooperation; repatriation, in particular, is dependent on effective coordination if the rights of victims are to be assured.

Efforts of Prayas in Combating Child Trafficking in India

Considering the anti-trafficking & juvenile justice efforts made in the NGO sector, it would be worth mentioning about Prayas JAC Society, a national level organization, started in collaboration with Delhi School of Social Work and Delhi Police in 1988. It now runs several sustainable and replicable programs for the disadvantaged, delinquent & neglected children, including the survivors of trafficking in Delhi, Gujarat and Bihar. Prayas is able to access nearly 50,000 children while providing alternative education to nearly 15,000 of them in Delhi alone through 150 slum based centers and 21 vocational training centers to provide occupational skills. It offers a wide range of need based non-institutional services such as, Childline, Mobile Health Service, Jan Shikshan Sansthan (skills training) etc. Prayas, either directly or in collaboration with dozens of partner organizations, is running multiple community based projects in six states, which cater to the requirements of the children besides the youth and the impoverished women through hundreds of SHGs - Income Generating & Micro Credit Programs for economic empowerment and rehabilitation.

Prayas has been constantly confronted by cases of hapless children who have been trafficked and severely exploited in India and has undertaken initiatives to combat trafficking of women and children. For this purpose it has established linkages with active organizations working in this area and the government of India. Prayas has been addressing the issue of Trafficking and Commercial Sexual exploitation of Children and Women through its various projects and the Anti Trafficking Unit in the rescue and rehabilitation of the children.

Networking with the Police and other key individuals provides the information regarding the induction of children in the flesh trade in the red light area. Children in moral danger can also seek help through a 24 hour toll free Childline service (1098) for children in distress. Calls received from children in distress immediately activate the Prayas rescue team to initiate necessary protective action. All information received in this context is used to rescue the affected children and thereafter provide shelter and other developmental measures. The rescued children undergo a holistic program of rehabilitation in the Prayas homes. Prayas has formed an Anti Trafficking Network in Delhi. The group works on various programs and policies related to the issue. Close linkages exist between Prayas and the South Asia Forum against Human Trafficking, a network of organizations, from countries like Pakistan, Nepal, Sri Lanka and Bangladesh (SAFAHT), which is also supported by UNIFEM and ATSEC.

Economic Empowerment through Livelihood Options

Since economic consideration, poverty and efforts for sheer survival remain the most important factor behind the vulnerability of women and children and a strong reason behind the phenomenon of trafficking. To address the problem Prayas has made valuable efforts to create livelihood opportunities and income generation through life-skills development programme, self-help group for the marginalized population both in the source as well as the destination areas. The Jan Shikshan Sansthan, Ministry of Human Resource Development and the Prayas Institute of Economic Empowerment has been working tirelessly to reach out to more and more marginalized youth and women by providing them skills training in need based market driven trades. The Economic Rehabilitation Programme (ERTV) partnership programme is yet another model practice initiated with the corporate world, for the survivors of trafficking to earn their livelihood in a respectable way. The organization has opened 10 Sanchay-Prayas business outlets in Delhi, which are being managed by the survivors of trafficking. These programs and the efforts of the placement cell has enabled a sizeable population from deprived community in becoming self-employed / employed.

Conceptual Framework

Rationale

Trafficking of persons is a worldwide phenomenon that adversely affects millions of human beings. It not only violates human rights, rule of law and democratic values but also involves the most heinous crimes against humanity, especially children and women. There are alarming trends in the growth of human trafficking with increased environment of trans-national and organized criminal syndicates. It has become an acceptable fact that the trafficking industry the world over is next to that in arms and drugs. It is also closely interlinked with money laundering and sex tourism practices. The civil society organizations and national governments of South Asian countries realize the magnanimity of the problem and are increasingly focusing on the issue of human trafficking, both in law enforcement, strengthening administrative machinery and also partnering with voluntary organizations for rehabilitation of the victims in a human rights perspective. Considering the role of NGOs in enabling the disempowered children and women to access their rights and needs of restoration and rehabilitation, it has been realized that the partnership of the key stakeholders involved in anti-trafficking initiatives be guided by certain common principles and approaches.

Scope

Keeping in view the important role of the voluntary organizations as representatives of the civil society, these guidelines are intended to provide a base for functioning as well as networking, not only amongst themselves but also with the concerned governmental agencies and concerned stakeholders.

Definitions

For the purpose of the Code of Conduct, trafficking will be defined as per the definition of this term in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000). The Protocol, adopts the following definition of 'Trafficking in Persons':

- (a) "Trafficking in Persons" shall mean 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 shall include, at a minimum, the exploitation of the prostitutions of others or other forms of sexual exploitation,

Need for a Common Code of Conduct

This Code of Conduct is the result of a series of regional consultative meeting hosted by Prayas in collaboration with UNIFEM, WOREC and ABC Nepal that concentrated on NGO partnership in Rescue and Rehabilitation of the persons affected by Human Trafficking in South Asia. Keeping in view the important role of the voluntary organizations as representatives of the civil society, this code of conduct is intended to provide a guideline for their functioning as well as networking, not only amongst themselves but also with the concerned governmental agencies.

This Code of Conduct is an attempt to form common guidelines for NGOs in South Asia, particularly Nepal, Bangladesh and India, to combat trafficking for commercial sex. Adherence to Common guidelines will foster greater cross-country cooperation and deeper understanding of the issue of trafficking.

The guideline has been chapterized in a manner that addresses the concerns in various areas requiring action in terms of conceptual framework, prevention, rescue, repatriation, treatment, social-reintegration, rehabilitation, and planning, research and programme development.

forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) (c) & (d) broadly cover 'consent' of victim for intended exploitation as being irrelevant.

Relevant Legislations

These codes are proposed to be operationalized within the laws of the respective countries, analogous to the laws enforced in India, Bangladesh and Nepal.

India

Main Laws dealing with prostitution, trafficking in women and children, etc, in India:

- Passport Act
- Immigration Laws
- Marriage Registration Act
- The Immoral Traffic (Prevention) Act, 1956
- Proposed amendments to Immoral Traffic (Prevention) Act, 1956
- The Indian Penal Code, 1860
- The Code of Criminal Procedure, 1973
- The Probation of Offenders Act, 1958
- The Juvenile Justice (Care and Protection of Children) Act, 2000

India is a source, transit, and destination country for women, men, and children trafficked for the purposes of sexual and labor exploitation. The annual 'Trafficking in Persons Report (TIP) 2005' released by the US State Department has placed India on the Tier-2 Watch list for a second consecutive year, for its inability to show evidence of increased efforts to address trafficking in persons, particularly its lack of progress in forming a national law enforcement response to inter-state and transnational trafficking crimes.

Bangladesh

Main Laws dealing with prostitution, trafficking in women and children, etc, in Bangladesh are:

- The Penal Code
- The Children (Pledging of Labour) Act, 1933
- The Suppression of Immoral Traffic Act, 1933
- The Children's Act, 1974
- The Women and Children Repression Prevention Act, 2000

'Trafficking in Persons Report 2005' has placed Bangladesh on the Tier-2 Watch list. Bangladesh is a country of origin and transit for women and children trafficked for the purposes of sexual exploitation, involuntary domestic servitude, and debt bondage. Bangladeshi women and girls are trafficked to India, Pakistan, Bahrain, Kuwait, and the United Arab Emirates (U.A.E.). A small number of women and girls are trafficked from Burma to India through the country. Bangladesh continues to face a huge trafficking problem, which is compounded by pervasive poverty, weak government structures, and generalized corruption. Bangladesh should expand its anti-corruption efforts to reduce the witting and unwitting complicity of officials in trafficking.

Nepal

Main Laws dealing with prostitution, trafficking in women and children, etc, in Nepal are:

- Children's Act
- Child Labour (Prevention and Regularization) Act
- Human Trafficking (Control) Act
- National Human Rights Commission Act

'Trafficking in Persons Report 2005' places Nepal on the Tier-1 Watch list. Nepal is a source country for girls and women trafficked to India for the purposes of commercial sexual exploitation, domestic servitude, forced labor and for working in circuses. Many victims trafficked to India are lured with promises of lucrative jobs or marriage. Others, including boys, are sold by family members or kidnapped by traffickers. Women are trafficked to Saudi Arabia, Malaysia, Hong Kong, the United Arab Emirates, and other

Gulf states for domestic servitude. Trafficking for forced labor and sexual exploitation within the country is also taking place and is on the rise. Maoist insurgents continue to abduct and forcibly conscript children. Reports indicate that internal trafficking is on the rise due to insurgency, as rural women and children leave their homes seeking for both employment and security in urban centers. Nepal has a National Plan of Action to combat trafficking, a draft Human Trafficking Control Bill to strengthen its 1986 anti-trafficking law, and a National Rapporteur on trafficking. However, these commendable anti-trafficking efforts are hindered by political instability and security problems associated with the Maoist insurgency affecting a large part of the country.

International Laws

The codes have been evolved in consonance with the provisions of various international instruments, including:

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others,
- SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002
- The Convention on Elimination of all Forms of Discrimination Against Women, 1979 (Relevant Extracts)
- The Convention on the Rights of the Child, 1989 (Relevant Extracts)

The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons (2000) specifically calls upon nations to address protection of the human rights of victims and to provide measures for the physical, psychological, and social recovery of victims of trafficking. It is important to protect the privacy and identity of individuals freed from traffickers especially during and following prosecution of their traffickers. Victims also require appropriate housing, counseling, medical and material assistance besides employment-oriented skill based training and opportunities to facilitate smooth transition and reintegration.

Part A: Prevention

Poverty and lack of economic opportunities make women and children potential victims of traffickers associated with international criminal organizations. They are vulnerable to false promises of job opportunities in other countries. Many of those who accept these offers from what appear to be legitimate sources find themselves in situations where their documents are either destroyed or they are bonded by a debt that they have no chance of repaying. The prevention of human trafficking requires multi-pronged interventions that range from community awareness to the effective implementation of the laws. The awareness campaign for instance can have an immediate impact by allowing high-risk individual to make informed decisions while the presence of stringent laws and their enforcement can act as an effective deterrent to the problem. Governments that are determined to crack down on trafficking organizations have to win the confidence of the victims, who are often the best informants about the details of trafficking operations. Protecting the identity of victims and providing for their safety are crucial to effective prosecution of traffickers. Laws and procedures that protect victims will encourage them to come forward and testify against traffickers and their organizations. Governmental agencies alone cannot meet the protection needs of all trafficked persons. In this context NGO intervention becomes especially important to support the rescued victim who are transported back to her home country for reintegration and rehabilitation. The issue of trafficking is all-pervasive cutting across socio-cultural and economic strata. To deal with the problem with an egalitarian approach, perhaps prevention becomes the foremost step. Prevention as a strategy to combat trafficking requires focusing on areas of sensitization and awareness among the public, especially those vulnerable pockets of trafficking at source areas and convergence of a development services to forestall the conditions responsible for it.

Role of State

- Government at local level and in source areas should create compulsory high quality education, employment opportunities, and income-generation programmes.
- Government should produce relevant Information, Education and Communication (IEC) programs for teachers in government schools, parents and community workers.

- Cultivate networks of informants to obtain specific information about trafficked under aged victims or women willing to be rescued from brothels. Specific information may be in the form of letters, emails, photographs, personality traits, identification marks and scars, addresses, physical presence of relatives and people known to child victim
- Awarding of a small remuneration to the informant to sustain their motivation.
- Identification and Prioritization of vulnerable areas and groups in consultation with the various agencies of the state and concerned NGO's, source locations/ areas and transit points needs to be identified, to reduce or eradicate the possibilities of trafficking of women and children.
- Creation and maintenance of statistical database of missing persons, by the state, at the regional, national, district/ taluka level, which will facilitate its dissemination with other stakeholders.
- Creation of a database of traffickers, brothel owners, informants, decoy customers, number of cases registered, status of each case, source and destination areas in the State/District and of any other relevant information. The information in the database should be kept confidential and should be parted only to genuine information seekers.
- Vigilant squads should be set up at prominent transport locations as a preventive measure.
- The state should take effective measures to battle those social customs, traditional practices that are directly fostering the trade of trafficking of persons.
- Government should include gender centered education curricula in schools and introduce subjects of child sexual abuse and trafficking.
- Government should keep the NGOs and the community informed about the plans and programmes like National Plan of Action that emphasizes economic empowerment of women. This would enable the benefits of the schemes to reach out to the victims.
- The system of micro-credit should be improved and grants should also be increased by the Government for poor families.
- Predominant display of signboards in hotels, tourist places, restaurants, beaches, airports, bus stands, railway stations and other susceptible places informing people about the menace of trafficking and use of children for commercial sexual exploitation. In case, any child is seen under suspicious circumstances in these

places, the informant should immediately report/inform the Police/Childline/NGO immediately.

- The state should adequately publicize the issue of Trafficking along with the ways to combat it, through print and electronic media, Childline and Women Help lines over a sustained period of time.
- Develop an Anti-Trafficking Policy with clear specifications about victim friendly provisions and structures.
- Create an Anti - Trafficking cell at the state and district level to coordinate with other relevant departments and NGOs on the issues pertaining to trafficking, especially on the rescue and rehabilitation of child victims trafficked for commercial sexual exploitation.

Role of NGOs

- NGOs should promote community networking and formation of Self-Help Groups among women and adolescent as a means for alternative economic options.
- The community should be sensitized about trafficking and the harm resulting out of this exploitative situation. They should also be told about the steps that they should undertake in case they come across such incidents. Community members should be motivated to keep a watch in the community for irregular movement of child victims to and from the area and the possible traffickers and their hideouts.
- NGOs working in the rural /source area (potential areas of trafficking) should ensure that parents are aware of safe migration practices.
- NGO Alert Groups (NAGs) should be formed at the community level.
- Assist the government in creation of a database on traffickers, brothel owners, informants, decoy customers, number of cases registered, status of each case, source and destination areas in the State/District and any other relevant information.
- NGOs should aid the contact centers set up by the government and also set up their own contact centers in major cities near railway stations and bus stations to give guidance and information about the addresses of shelter homes and NGOs working towards combating trafficking to women in need of temporary shelter.

Role of Media

- The media needs to be sensitized on the issue of trafficking as well as the ethical

aspects of case reporting associated with it. It should be their own ombudsmen in ensuring that the victim's anonymity is maintained.

The media should allocate special slots for reporting crimes against women and children and to highlight the issue of human trafficking.

The latest ruling and judgment should be discussed and debated so that the perpetrators are made aware of the consequences of such crime.

Regional and local channels should regularly flash messages condemning women and child trafficking.

Traditional as well as new forms of media can contribute in the battle, simply by informing the public about the nature and ramifications of human trafficking and forced prostitution networks, addressing the message first and foremost to the women who are potential victims.

Since media reaches out to millions of viewers it should therefore serve the following important functions:

- ◆ Transmit appropriate message to build trust in the victims and that they are not alone;
- ◆ Victims can be made aware of places and institutions where they can seek help;
- ◆ Create awareness that Human Trafficking is inappropriate and illegal and has negative consequences;

WARENESS AND ADVOCACY

Generating awareness, about the methods that the criminal groups use to coerce & traffic women and children, risks of trafficking, what women & children can do to protect themselves against illegitimate groups, what are victims' rights in their respective countries are some of the most essential tasks in combating human trafficking. The social perception of women and child victims of commercial sexual exploitation is conditioned by patriarchal attitudes and gender roles in South Asia. Such perceptions need to be changed gradually by creating awareness about the negative consequences of Human Trafficking on the sufferer & the society as a whole.

The Government should develop innovative community based pilots which foreground multi-level participatory approaches to prevent, care and support at different sites of trafficking.

- Awareness and advocacy at the policy level i.e. National Planning Commission, bureaucrats, politicians and the elites of the society is required. Awareness at the local level, in the community through workshops, songs, drama, poems, meetings, talk programmes, leaflets and posters especially in the rural areas is also extremely necessary for effective results.
- Removal of gender bias in textbooks, teaching methods and media messages.
- Training programmes highlighting role of gender in daily life and activities for gender sensitization must be conducted by NGOs. The key to prevent trafficking in children and their exploitation in prostitution is awareness among the children, parents and schoolteachers.
- The Government should launch Media campaigns that promote children's right and advocates elimination of exploitation of children in sexual exploitation and other forms of child labour.
- Police advocacy is an important intervention that needs to be fine-tuned. Mass campaign not only on trafficking but also on related issues like HIV/ AIDS need to be broadened including issues related to gender and causes and consequences of these issues. All stakeholders including corporate sector must be involved in the campaign on these issues.
- Government and NGOs should put up Anti-Trafficking social messages at all the important and prominent places like railway stations, airports, bus stands, hotels, beer bars, disco cinema theatres, market places, schools, colleges, gram panchayats etc.
- NGOs working in the rural / source area should ensure that parents are aware that before sending their children to work outside village they should verify the documents alongwith details and address of the person with whom the girl is being sent to work. If possible, photocopies of all the related documents must be obtained before sending the girl.
- Hotel owner should also be made aware that he should not allow any child inside his/her hotel room if the visitor is not the parent, close relative or legal guardian of the child. If the visitor fails to produce any document that shows the relation of the child, the hotel authority should hand over the visitor to the police station or inform the nearest police station.
- The Ministry of External Affairs at the borders, immigration points, must give wide publicity and information in the form of leaflet/booklet. These IEC materials must be supplied along with other documents in international flights, ships or surface

roads. Passengers must be informed about the Indian legal and penal provisions against commercial sexual exploitation and messages condemning commercial sexual exploitation.

- Various programmes run by the Government for the women's upliftment should be given wide publicity. Women should be made more aware of such programmes, about Rashtriya Mahila Kosh for micro credit to poor women in the informal sector and Mahila Samridhi Yojna, to enable them to exercise greater control over household savings.
- Wide publicity should be given regarding the legal and penal provisions against trafficking and the modus operandi of the traffickers through radio, television, banner on Buses etc.
- Reproductive health requirements of adolescents should be addressed adequately. NGOs must give adequate knowledge about the reproductive rights to children as they are most vulnerable to sexual exploitation.
- NGOs should contact school authorities and provide information regarding sex and reproduction to the children in the source area.
- Both the print and electronic media have a unique role to play in raising public awareness; for example, explaining how self help networks and hotlines work and how they can be accessed. Media can also have a deterrent effect by informing public about the challenges of trafficking by providing information on legal remedies to victims.

Research, Documentation and Dissemination of Information

- Government with the help of NGOs should conduct search and research on secret trafficking routes for example 'chor rastas' in India.
- Crimes of trafficking for commercial sexual exploitation and sexual abuse should be well documented. Records of the copies of these complaints should be maintained and made accessible to the competent authorities.
- Emphasis should be more on evidence and research that is necessary for the development of interventions in all the areas. Base line surveys, rapid assessments, and detailed situational analysis needs to be undertaken by Government and NGOs in order to analyze the lessons learnt and sharpen models of best practices.
- To combat trafficking, law enforcement, immigration and other concerned government offices should cooperate with one another and exchange information as per their existing laws. This exchange of information will help the State to determine:

- ◆ Whether persons crossing or attempting to cross the border are with or without travel documents, are perpetrators or victims of trafficking.
- ◆ The type of travel documents used for crossing border trafficking.
- ◆ The means and methods used by organized criminal groups for the purpose of trafficking i.e. the ways of luring, transportation of victims, routes and persons and groups engaged in trafficking.

- A Task Force should be created with the Ministry of Social Justice and Empowerment and Ministry Women and Child Development consisting of representatives from government and ministries of social welfare, health, education, labour, local development, police, private sector organizations, NGOs and international agencies such as ILO, UNICEF, and UNIFEM etc. The task force should formulate detailed guideline and norms for their own reference and for formulating and screening of proposals for the study of the trafficking and other programmes to combat it and supervision of implementation and co-ordination of the programme. Such task force should also be created at district level in the whole of country.
- There is an urgent need to review the existing regimes and beliefs and the analysis of lessons learnt to design sensitive and user-friendly programmes.
- Travel agents can also supply information in the form of leaflets/booklets and along with other documents in international flights, ships or surface roads and passengers must be informed about the Indian legal and penal provisions against commercial sexual exploitation and messages condemning commercial sexual exploitation.
- The Government of different nations must share the information with each other and create/evolve a programme that will help both the countries in preventing trafficking.

Part B: Rescue and Recovery Strategies

Whom to Rescue

- Children who have not completed the age of 18 years ("verified minors"), as verified by judicially- recognized age verification specialist, who are performing sex acts under the management, direction or control of adult persons, regardless of whether or not the children claim that they are voluntarily engaging in such acts.

- Adolescents who the judicially recognized age verification specialist has determined might or might not be a minor regardless of whether the adolescents claim that they are voluntarily engaging in such acts ("possible minors").
- Women above the age of 18 who claim that they, through force or threat of force were required to perform sex acts without their consent. i.e. an adult woman who desires to come out of a situation of commercial sexual exploitation.

Possible Places of Rescue

- Brothels.
- Places of detention such as hotels, slums, residential areas or any other place from where information is received
- Source areas where victims are in process of being trafficked
- Transit points such as, airports, borders, railway stations, bus terminals, places of detention, etc.
- Highways where flesh trade is carried out in wayside eateries, restaurants, etc.
- Any other place where coercive and forced exploitation of children and women is taking place.

In accordance with Laws

- According to the law every rescued victim who is taken into custody at the time of the search shall be produced before the legally competent authority.
- The First Information Report or the first report at the police station, as far as possible and practicable, be comprehensive and must include location of crime, description of offence, victim and accused, besides chronology of crime right from the time the child was trafficked. The victim should receive a copy of the FIR and it should be kept in safe custody of the NGO/Protective/children home, where the child is kept.
- Officials who carry out the rescue operations shall not dispose off the rescued victim, whether minor or major at their own judgment.
- All minors should be kept at a special facility for juveniles in need of care and protection and should be produced before the competent authority within 24 hours.
- Victims should be treated with compassion and dignity. No physical violence on the victims should be undertaken.

Identity of the rescued Victim

- Officials who carry out the rescue operations shall take complete precaution ensure that the facial and other identity of the rescued victim is not revealed to anyone except those who are legally competent to know the same.
- Particular care shall be taken to protect the identity of the rescued victims from publicity through media and use by the media for its own commercial end.
- Every victim shall be treated as a victim of crime in conformity with the provision of U.N. General Assembly Resolution 40/34 of 29th November 1985.

Training

- Government as well as NGOs shall provide and strengthen training programmes for law enforcement authorities, immigration and other concerned officials to prevent trafficking in persons. The objective of the said training programme shall be to evolve methods to prevent trafficking, prosecuting the traffickers and protecting victims from traffickers.
- Police Training Department and NGOs should conduct periodical sensitization and training programmes for police and other stakeholders directly dealing with such groups.
- The Task Force set up by the Government exclusively to combat trafficking should involve NGOs and experts. Special training may be given to the Special Task Force which should focus on sensitization and training on human rights.

Rescue Team

- The state should assign sufficient number of police personnel especially women police personnel for the rescue operations.
- The rescue team members should be accountable to the rescue team leader and a violation of the rights of the victim should be dealt in an appropriate manner.
- Need for involvement of NGOs, doctors, lawyers and other fit persons as recognized by law or otherwise as part of the rescue team to ensure observance, confidentiality and minimum human rights standards. Such teams should be recognized and empowered to represent the cases of human rights violation to appropriate authorities.
- Special Police Officer, Social worker, NGO or social activist and a person from the community must be present in rescue operation.

- Presence of Special Police Officer or NGOs may be made mandatory by amending the relevant laws in all South Asian countries.
- The conduct of the police during raids is often violative of human rights. Women police officers must be involved and present during raids.
- The trafficking police officer wherever available should deal with trafficked persons cases with sensitivity and dispose him or her in an appropriate manner to ensure that the victim is provided with necessary legal and social interventions. 3
- During raids while rescuing, the rescue team should focus on the target whether minor girls are to be rescued or pimps or clients or touts are to be arrested. • Special training to police officials suggesting ways to deal with the victims during raids/rescue must be given in their training sessions.
- During raids representative of NGOs should be present along with the police officials. In red light areas and other prominent areas Government should set up specialized police units.

Rescue Operation

- Rescue operations to be conducted with the objective to rescue victims as against the regular police raids that are conducted to apprehend criminals. This is more so relevant in case of the trafficked victims to respect their views and human rights.
- It should be made mandatory to rescue any mentally challenged or ill child victim or woman in the brothel, irrespective of their age.
- To prevent the accused from threatening or intimidating the child, the child and the brothel owner /trafficker should be taken in a separate vehicle. If this is not possible, they should be kept separate from each other.
- It should be ensured that the victim is immediately taken to a certified place of safety after a raid .He/ she should collect all his/her belongings. Incase she has a child or children of her own, it should be ensured that she is not separated from them.
- The rescue operation should be documented in the presence of two independent reliable witnesses and signed by them for authentication.
- The victims should never be kept overnight in the police station.
- Wherever possible the rescued person should be taken in vehicles other than police Vehicles.
- The State Government shall endeavor to provide physical safety to the victims of

trafficking in persons while they are in its custody i.e. when after rescue trafficked persons are in observation homes/remand homes/shelter homes etc.

- After the rescue operation basic facilities such as, shelter homes, protective homes along with facilities of first aid, food, clothing and opportunity for education and training should be made available.
- NGOs should make efforts to settle cases of minor victims under the separate justice system as available in the respective country, other than the adult's criminal justice system.
- The rescued girl should preferably be handled by a trained women and plain clothes
- Medical test for age (ossification test) may be done within a limited number of hours
- No HIV / AIDS test be conducted without the consent of the rescued person.
- It is to be ensured that a social worker or a support person, preferably a female be present when the girls are being interviewed by the police officers after the rescue
- The services for psycho – social well-being shall start immediately on rescue.
- Adult women in prostitution may be sensitized and motivated to assist recover minors.
- Relevant Information to the Victim - After rescue and before the presentation of the victim in the court, it shall be duty of the state to ensure that information relevant court and administrative proceedings is provided to the victim.
- Medical Board - For age verification of the minor rescued girls, Medical Board may be constituted for conducting medical examination.
- Counseling of Victim in Police Station - Immediately after the rescue when a girl is brought to the police station. The counseling should start from that moment. Special training can be given to police officers in counseling making her comfortable at the police station. The police can also identify such NGOs that can help the police and the victim in counseling and further course of action.
- Shelter Homes - The rescued girl/woman/boy can be housed either in Government Shelter Home and if the capacity is full, Government should permit housing the girl/boy in any fit/recognized NGO run Shelter Home.
- The total number of legal shelter homes that can be used to shift rescued girls/woman/boys are not sufficient. Therefore, an effort should be made by the

voluntary sector and the government to establish more shelter homes for such rescued persons.

- On receiving the girl/boy in the shelter home, immediate steps shall be taken by the organization to inform his/her family.
- The location should be such that it is well connected with other civic amenities such as institutions for primary and secondary education, recreation facilities, hospital, police station, market, post office and banks.

Bilateral Agreement and Training Programmes

- Government should conduct joint training and workshops for Border Police in combating trafficking of children
- Government should make and operationalize joint agreements to check trafficking in South Asian countries and try to harmonize the laws to deal with regional and international trafficking syndicates and networks.
- The Government should develop a joint plan of action to prevent and combat trafficking in South Asian region.

Part C: Repatriation, Reintegration and Rehabilitation

- The comprehensive rehabilitation programmes may include legal, socio-medical, financial and psychological support for the victims and their families. The rehabilitation centers should be well equipped.
- Government should fund NGOs in setting up more shelter homes for trafficked children that also undertake the responsibility of providing rehabilitation.
- Rehabilitation Centers, distinct from detention and remand homes should be set up by the Government and NGOs, equipped with necessary facilities and manned by trained personnel for proper rehabilitation of child victims.
- Legal assistance should be provided to the survivors and also to the prosecuting officers by the Government or concerned NGO. NGOs should collaborate with the police in prosecuting child abusers.
- Rescued girls and women, in case of shortage of space in Government run Homes can be shifted to Short Stay Homes and Shelter Homes run by NGOs. NGOs having all the facilities required for the rehabilitation of the girl can be identified by the Government for this purpose.

- For the rehabilitation of the girl a Board/Committee should be set up and the members in the Board can be from Department of Employment & training apart from having representatives from the voluntary sector.
- Separate shelter homes, short stay homes and drop in centers must be set up separately for minors and adults.
- The total no. of shelter homes are not sufficient and therefore the voluntary sector should establish more shelter homes for the rescued girls.
- The rescued girl/boy can be housed in the Government Shelter Home and if the capacity is full, the Government should permit housing the girl/boy in any NGO run Shelter Home.
- On receiving the survivor in the shelter home/ protective homes, the information shall be given to her relatives/friends etc. The girl shall be examined medically and social investigation report shall be made by the concerned Welfare Officer/Social Worker. Basic needs like food, clothing, toiletries, Medicare shall be taken care of by the NGO.
- Under re-socialization programmes the institution shall provide education/adult education, NFE, vocational trainings, skill development and also remunerative work to the survivor.
- Compulsory high quality education, employment opportunities and income-generation programme should also be provided by NGOs at local level and source areas.
- NGO shall have networking with specialists and specialist organizations for providing remunerative skills and training to the survivors.
- After Care services like counseling, medical check up, follow up, providing loan etc shall be done by the NGO in each case till the survivor is fully rehabilitated in the community.
- The NGO shall endeavor to provide physical safety to the victims of trafficking in persons while they are in their shelter homes.
- The NGOs shall protect the privacy and identity of survivors of trafficking in persons. The legal proceedings relating to trafficking shall be made confidential.
- Motivation and counseling should be done by NGO Counselors in source areas as well as in the areas where the girls are trafficked and rehabilitation support should be provided whenever and wherever needed.
- NFE programmes run by NGOs should also focus on self- protection skills.

Repatriation

- After rescue usually the girl/boy is sent to Government Observation Home or short stay home run by NGOs. On receiving the girl/boy in the shelter home, immediate steps shall be taken by the organization to inform his/her family. If possible, the Social Worker shall visit the residence of the victim and in case the victim is the resident of any other state/country, the NGO should inform any NGO in those areas to verify the facts and visit the family of the victim. In the mean time, the Counselor shall counsel the girl in reducing the trauma and in cushioning the stigma attached.
- Before repatriating the victim, the willingness of the family for acceptance shall be taken into consideration. No victim shall be sent back unless the family readily accepts him/her after motivation and counseling. In case the family does not accept the girl, every step shall be taken by the NGO to rehabilitate the girl by providing vocational/skills training and in setting up her business and in her marriage.
- In repatriation of the victim from the Destination State to the Home State, the State would be responsible for transportation and all expenses towards travel for the victim and escort. Besides, the expenses for food and incidental would also be met by the State Government. The State Government should therefore, provide a separate budget for repatriation of the victims.
- None of the rescued victim shall be sent back to the family without adequate assessment and without ensuring social acceptance and family support. State will ensure that repatriation is carried out depending on how safe nurturing the family environment is for the victim. If and when the victim chooses to return to an abusive family situation, the state would need to intervene and repatriate the victim to an institution which can protect and care for the individual. Repatriation will be done after the stay in a shelter
- State shall work out the details of the repatriation procedures and structure and mainstream them in order to facilitate the smooth and efficient repatriation of the victim and their dependent minors.
- The NGO shall approach all the concerned ministries/departments of the country and the receiving country.
- The Prosecution or NGOs shall assist the victim to express and present their views and concerns to be considered by the court in criminal proceedings against the traffickers, however, in a manner that is not prejudicial to the rights of the defence.

Reintegration

Victims of human trafficking face major problems being reintegrated into their home communities when they are freed from the situation into which they were trafficked. Social stigma and personal emotional scars must be overcome during the process of reintegration. Victimized women may have been treated by law authorities as criminals, either for prostitution or illegal migration, and, therefore face additional problems of employment or other forms of reintegration. Assisting victims to resettle and start a new life is a daunting challenge for concerned governmental agencies and NGOs. In addition to psychological and social considerations, the victim faces the practical financial consideration of providing for life's essentials. In many source countries, reintegration resources are not available in communities to assist the victim with work-related training or to provide financial support during the transition period. Poor economic conditions that contribute to the vulnerability of the victims to traffickers also prevent the provision of effective assistance for reintegration. However, there are some good examples of collaborative efforts of government agencies, international donors, and NGOs, to establish programs that provide practical assistance and help in returning victims reintegrate to become productive members of their communities.

The reintegration programs of the Governments should focus on facilitating the recovery of women and children from traumatic experiences and on their return to normal life. This assistance includes individual and group therapy sessions focusing on overcoming fear, shame, denial, guilt, and self-blame. These programs also provide information on options available to victims for work, continuing education, and vocational training in order to help address the economic aspects of reintegration. Several NGOs provide grants of financial and technical assistance for those interested in starting their own small businesses. Protection is also an important part of the process of rehabilitation and reintegration of the victim. There is a need to support the work of both national and international non-governmental organizations that are working to provide shelters and rehabilitation services for victims of trafficking. Governmental agencies alone cannot fill the protection needs of all trafficked persons. The NGOs are especially important to support the rescued victim who is transported back to her home country for reintegration and rehabilitation.

- All efforts should be made to persuade and motivate victims of trafficking and other forms of violence to be integrated and rehabilitated in society to lead a dignified life.

- Governments and NGOs need to promote and develop value systems and legal regimes that help empower the victim over a time. Chapter 3
- NGOs have to make sure that the victims are not discriminated against by the community.
- Protection against stigma should be ensured
- The State shall protect the privacy and identity of victims of trafficking in persons. The legal proceedings relating to trafficking shall be made confidential.
- Under re-socialization programmes the institution shall provide education/adult education, NFE, vocational trainings, skill development and also remunerative work to the survivor and if possible financial assistance in the form of loan should be arranged from the Bank or fund created by UNIFEM/NGO for the purpose.
- NGOs should make sure that the victim is accepted in the community and is not treated as an outcaste or by derogatory references or remarks.
- The NGO shall counsel the family of the victim and help the family in settling the victim in the family.
- In resettling the victim in her/his village the support of the community shall be taken by the NGO.
- After Care services like counseling, medical check up, follow up, providing loan etc shall be done by the NGO in each case till the victim is fully rehabilitated in the community.
- Every effort and precaution shall be taken by the NGO such that the trafficked girl is:
 - ◆ Treated with extreme care and sensitivity
 - ◆ Provided medical services including professional psychiatric and counseling services
 - ◆ Not treated as criminals
 - ◆ Not exposed to the accused/trafficker/offenders
 - ◆ Not deported or repatriated without her consent.
 - ◆ Not handed over to any claimant unless the authenticity and suitability of the claimant is ascertained.
 - ◆ Not handed over to any claimant unless psychiatrist and counselor certify that such a transfer is in interest of the victim.

LIST OF ABBREVIATIONS

ILO	INTERNATIONAL LABOUR ORGANIZATION
NGO	NON-GOVERNMENT ORGANIZATION
UNICEF	UNITED NATIONS CHILDREN FUND
UNIFEM	UNITED NATIONS FUND FOR WOMEN EMPOWERMENT
ITPA	IMMORAL TRAFFIC PREVENTION ACT
CBI	CENTRAL BUREAU OF INVESTIGATION
CR.PC.	CRIMINAL PROCEDURE CODE
IPC	INDIAN PENAL CODE
NGO	NON -GOVERNMENT ORGANIZATION
NFE	NON-FORMAL EDUCATION

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