

Republic of India

**Data Collection Survey for
Violence against Women
in India**

Final Report

June 2016

**Japan International Cooperation Agency
(JICA)**

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Executive Summary

The objective of the survey is to study and analyse the present status and issues of Violence against Women (VAW) with a specific focus on human trafficking, especially among women and children under the age of 18 in India. Collected data and information both quantitative and qualitative are analysed to recommend future direction and possible projects for JICA assistance in target areas in India.

The methodology of this survey was developed in order to meet the survey objective. Data collection was undertaken in three stages: a secondary document study and qualitative key informant interviews (KIIs) with stakeholders in National Capital Territory of Delhi (NCTD) and West Bengal (WB) state in India, and qualitative KII with NGOs and academics working on anti-trafficking in Japan. The secondary document study provided an overview of relevant academic literature as well as available reports and situational assessments of various governmental and NGOs. The experts who are dispatched in JICA anti-human trafficking projects in the Great Mekong Sub-regions (GMS) were also interviewed to share their outcomes and lessons learnt. The collected data are analysed from the viewpoint of Policy, Prevention, Prosecution, Protection and Capacity Building, in order to identify major issues and challenges of VAW and human trafficking of women and children in India.

Women suffer from multiple forms of violence such as female feticide, child marriage, domestic violence, dowry deaths, rape, honour killing and human trafficking. In Chapter 2, the situational analysis of VAW in India is conducted by analysing current policies, laws, categories of VAW, number of crimes and socio-economic/geographical background of victims. Among various types of violence against women and children, the current serious situation of human trafficking of women and children in India is thoroughly analysed in Chapter 3. The definition of trafficking, policies, laws, ratified treaties, number of victims/incidences, categories, geographical background of victims, modus operandi, and patterns of human trafficking are examined. In addition, situation analysis from the perspectives of Prevention, Prosecution and Protection is presented. In Chapter 4, role, responsibility and capacity of stakeholders in the area of anti-human trafficking is featured. Firstly, related schemes and activities of major government organisations such as Ministry of Women and Child Development (MWCD), Ministry of Home Affairs (MHA) and others are analysed. Secondly, collaboration and coordination mechanism among central government, state government, NGOs including advisory committees and with neighbouring countries and South Asia Association for Regional Cooperation (SAARC) is identified. Achievements and progress of programmes organised by development partners are also specified in the chapter. Successively, the findings from field survey in NCTD and WB, both destination, transit and source areas in India are summarised in Chapter 5.

From the data and information collected from the previous chapters, in Chapter 6, major issues on VAW and trafficking in women and children are analysed from 4Ps (Policy, Prevention,

Prosecution and Protection) and capacity building aspects. For each issue identified, achievements, challenges and way forward are analysed further to see the gaps between the present status and ideal situation.

Policy/Legislation

- Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women (Draft) has not been approved
- ITPA 1956 has not been amended to cater for comprehensive definition of trafficking
- Issues related to trafficking have not sufficiently been mainstreamed in legislations related to the women and children
- State level Action Plan is not formulated in most of the States

Prevention

- Awareness about rights of women and children as well as anti-trafficking is low at community level
- Concerned officials including police, security officers and other government authorities are not fully equipped with knowledge with regard to definition of trafficking, relevant legislations, recent changes in modus operandi and issues of violence against women and children
- Prevention has not been implemented in an integrated approach
- Helplines for women and children are not sufficiently equipped

Prosecution

- Arresting kingpins, master traffickers, brothel owners and end exploiters of human trafficking is difficult
- Conviction rate is low

Protection

①Rescue

- Police-NGO collaboration is not always available during the rescue operation
- Recent changes in modus operandi of traffickers makes rescue operation more difficult
- Information sharing and consultation with victims is not fully conducted

②Rehabilitation

- Quality of government run shelter homes is low
- Vocational training in protection homes and special homes run by the government does not meet the needs of victims and needs of market
- Number of homes is not sufficient

③ Reintegration

- Child Welfare Committees (CWC) are not fully functional
- Efforts to prevent re-trafficking are limited

④ Repatriation

- Repatriation of the victims is delayed

Capacity Building

- Human Rights based approach is not sufficiently adopted to tackle trafficking in women and children by the stakeholders
- Database does not reflect the real magnitude of trafficking in women and children in India
- Collected data are not effectively utilised for prevention activities
- Coordination among neighbouring countries needs further improvement
- Coordination mechanism at Central level, State level and District level is not fully functional
- Coordination among Central- State- District level is not sufficiently established
- Coordination between the government and NGO is not sufficiently established
- Capacity of MWCD/DWCD, MHA/Department of Home Affairs (MHA), AHTU, Police, NGO is limited

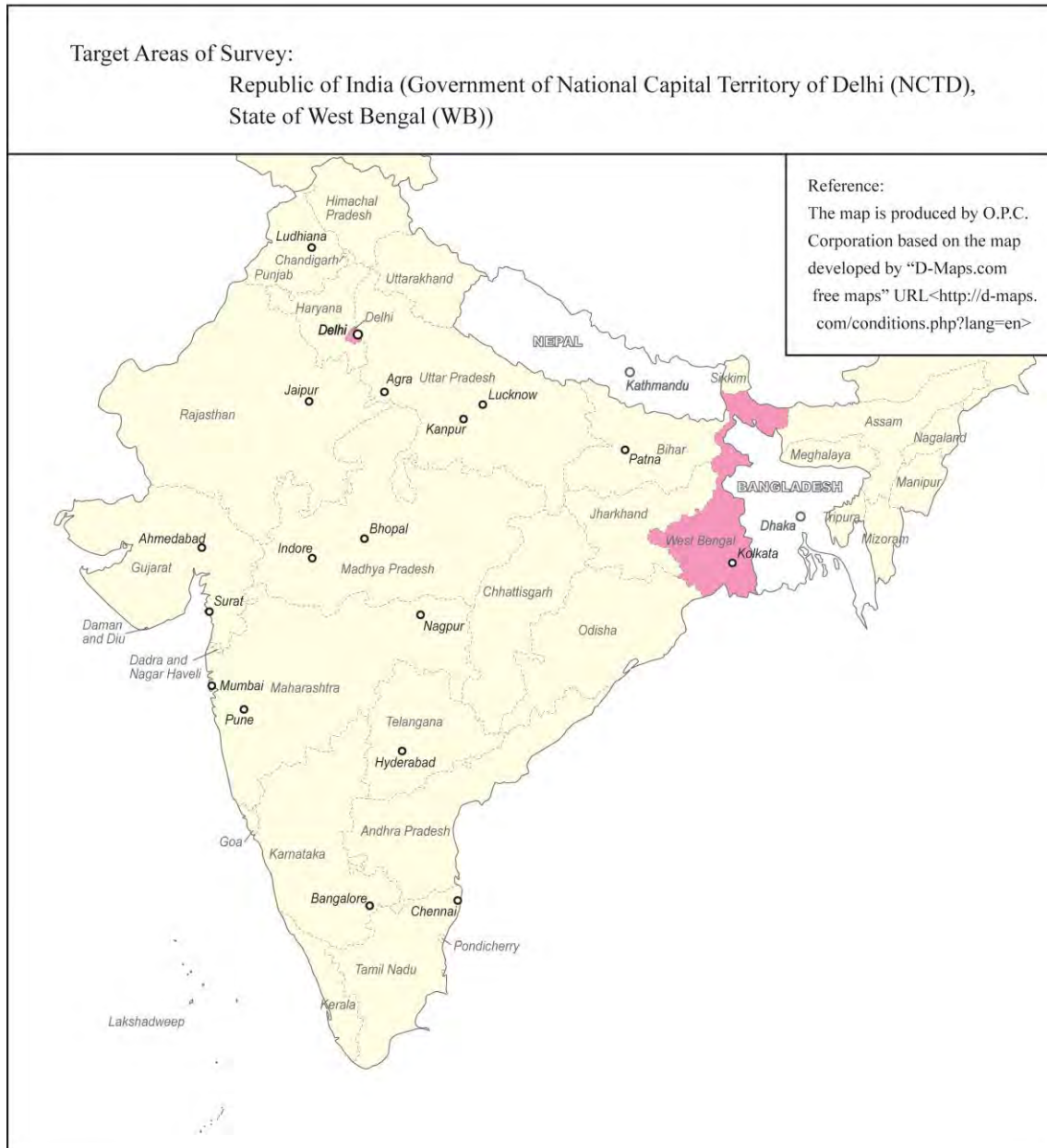
From results of the gap analysis, possible interventions on VAW and trafficking in women and children are recommended in Chapter 7. The following criteria/strategies were utilized to draw recommendations for possible interventions. (1) Organization that are motivated to work in these issues in collaboration with JICA, (2) Areas that JICA/ Japanese experience can be applied in the field, (3) Placing NGO as collaborating organization as they play an important role in India's human trafficking issues and (4) Activities that are relevant to policies and strategies of anti-human trafficking in India. Based on these criteria, following six approaches are recommended as possible interventions to tackle major issues identified.

- Recommendation 1: Training of Trainers of Various Stakeholders on Anti-Human Trafficking and Strengthening Collaboration between AHTU and NGOs
- Recommendation 2: Strengthening Collaboration between AHTU of Source State and AHTU of Destination State
- Recommendation 3: Strengthening Vocational Training for Prevention and Reintegration of Victims
- Recommendation 4: Strengthening Childline and Women's helpline
- Recommendation 5: Strengthening District Coordination Mechanism on Ending Violence against Women and Children as well as Anti-trafficking in women and in Women and Children
- Recommendation 6: Training Programme on Promoting Network to Combat Violence against Women and Trafficking in Women and Children in South Asia

There was a limitation in the survey that official cooperation from the MWCD, the Government of India, was not extended to the survey team. Absence of cooperation from the nodal ministry at central level has posed a great challenge to carrying out the survey. The survey team was unable to meet and directly collect information necessary for the survey from most of the related ministries both central and state level except the MHA in central level and DWCD&SW including CWC, CID and AHTU in WB. Considering the sensitive nature of the issue covered by the survey, some civil society organisations also expressed their hesitancy in being interviewed at times. Given such limitations, the survey has been completed with whatever alternative sources of information available, such as ministry existing documents, prior studies and second-hand information of other stakeholders.

Map

Target Areas of Survey: Republic of India (Government of National Capital Territory of Delhi (NCTD), State of West Bengal (WB))



Reference: The map is produced by O.P.C. Corporation based on the map developed by "D-Maps.com free maps" URL <<http://d-maps.com/conditions.php?lang=en>>

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Abbreviation

AHTU	Anti-Human Trafficking Units
ARZ	Anyay Rahit Zindagi (NGO)
BBA	Bachpan Bachao Andolan (NGO)
BSF	Border Security Force
C/P	Counterpart
CAC	Central Advisory Committee
CARA	Central Adoption Resource Authority
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigation Department
CSE	Commercial Sexual Exploitation
CSWB	Central Social Welfare Board
CWC	Child Welfare Committee
DAC	District Advisory Committee
DALSA	District Legal Services Authority
DCPS	District Child Protection Society
DCPU	District Child Protection Unit
DCRB	District Crime Record Bureau
DCW	Delhi Commission for Women
DEVAW	Declaration on the Elimination of Violence Against Women
DOIA	Department of Overseas Indian Affairs
DV	Domestic Violence
DWCD	Department of Women and Child Development
DWCD&SW	Department of Women and Child Development and Social Welfare
FCCs	Family Counselling Centres
FIR	First Information Report
FTC	Fast Track Court
G.B.Road	Garstin Bastion Road (at Delhi)
GO	Government Organisation
HIR	Home Investigation Report
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immuno-Deficiency Syndrome
ICDS	Integrated Child Development Scheme
ICPS	Integrated Child Protection Scheme
ILO	International Labour Organisation
IOM	International Organisation for Migration
IPC	Indian Penal Code
ITPA	Immoral Traffic (Prevention) Act
IUCAW	Investigative Unit for Crimes Against Women
JICA	Japan International Cooperation Agency
JJ Act	Juvenile Justice Act
JJB	Juvenile Justice Board
KII	Key Informant Interview
MEA	Ministry of External Affairs
MHA	Ministry of Home Affairs
MLE	Ministry of Labour and Employment
MOIA	Ministry of Overseas Indian Affairs
MoU	Memorandum of Understanding
MWCD	Ministry of Women and Child Development
NACG	National Action and Coordinating Group against Violence against Women and Children
NALSA	National Legal Services Authority

NCLP	National Child Labour Project
NCPCR	National Commission for Protection of Child Rights
NCRB	National Crime Records Bureau
NCW	National Commission for Women
NCTD	National Capital Territory of Delhi
NFHS-3	National Family Health Survey
NGO	Non Governmental Organisation
NHRC	National Human Rights Commission of India
NIPCCD	National Institute of Public Cooperation and Child Development
NPO	Non Profit Organisation
ODA	Official Development Assistance
POCSO Act	Protection of Children from Sexual Offences Act
POWC	Protection of Women and Children Cell
Rs. / INR	India Rupee
SAA	Special Adoption Agencies
SAARC	South Asia Association for Regional Cooperation
SAC	State Advisory Committee
SACG	South Asian Coordinating Group for Ending Violence against Women and Children
SAIEVAC	South Asia Initiative to End Violence Against Children
SALSA	State Legal Services Authority
SC	Scheduled Castes
SCPCR	State Commission for Women and State Commission for the Protection of Child Rights
SCRB	State Crime Records Bureau
SDPO	Sub Divisional Police Officer
SHG	Self Help Group
SJPU	State Special Juvenile Police Unit
SLL	Special and Local Laws
SOP	Standard Operating Procedure
SSB	Sashastra Seema Bal (Armed Border Force)
ST	Scheduled Tribes
STEP	Support to Training and Employment Programme for Women
TIP	Trafficking in Persons
TIP Report	Trafficking in Persons Report
ToT	Training of Trainers (Master Training)
UAE	United Arab Emirates
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drug and Crime
US	United States
VAW	Violence Against Women
WB	West Bengal

Photos of the Field Survey in West Bengal State



A busy street of Kolkata



The survey team with the Sashastra Seema Bal (SSB) staff at Jalpaiguri



Toy Train: one of the modes of transport in Darjiling



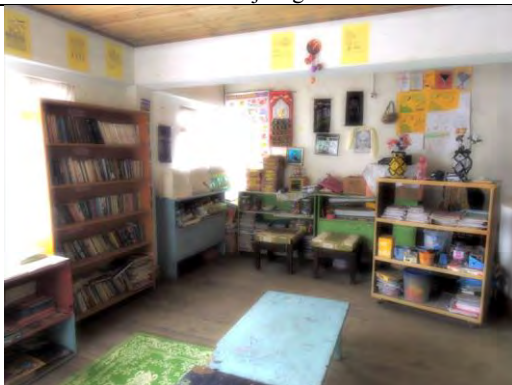
Tea garden in Darjiling, one of the vulnerable areas for human trafficking



A street play on human trafficking by MARG, an NGO in Darjiling



Anti-human trafficking awareness programme in Darjiling



Non-formal education centre of an NGO, Edith Wilkins Street Children's Trust



The survey team with an NGO Duars Expressmail working for anti-human trafficking at Odlabari

Chapter 1. Outline of the Survey

1.1 Background of the Survey

The inherent patriarchal society in India depicts dominance of men over women in almost all spheres of life. In addition, the discrimination based on the caste system and the differences of races and religions is deeply rooted. Women who belong to the socially vulnerable groups are further discriminated and marginalised. According to the report by the United Nations Development Programme (UNDP), the Gender Inequality Index (GII) in India was 0.563 in 2015, which was ranked as 130th out of 188 countries.

The Government of India protects not only the basic human rights and gender equality in accordance with the Constitution but also is taking measures for the “Positive Discrimination¹¹” towards women. In the 5th Five Year Plan (1974 to 1978), the empowerment of women was adopted in the development approach for the first time. In 1985, the Department of Women and Child Development was set up in the Ministry of Human Resource Development (and the Department was promoted to the Ministry of Women and Child Development (MWCD) in 2006) for the purpose of implementing the policies and programmes related to women and children and concreting the closer relationship with civil society. In 1993, the Government ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and set up the CEDAW Committee to make recommendations on the related governmental policies. In 2001, the “National Policy for Women” was formulated aiming at the realisation of the advancement and empowerment of women. In the current 12th Five Year Plan (2012 to 2017), the elimination of inequality, discrimination and violence based on gender is taken up as an important agenda and concrete policies are promoted.

In India, however, the status of women remains significantly marginalised and the violence cases against women including rape, female foeticide, child marriages, forced marriages, incidents related to dowry and human trafficking have increased. The Government of India has reinforced the legislation and the regulation by police, and expedited trials, but such measures have given no effective deterrent power. More efforts for solving gender discrimination and VAW are called for. Among others, human trafficking is a big business, with victims being intended for prostitution, child labour and marriages due to shortage of girls. In Trafficking in Persons Report (TIP Report) 2015 published by the Department of State, USA, India is classified as Tier 2. MWCD that has the jurisdiction over human trafficking designated as one of the issues to be dealt with for women and children in the Five Year Strategic Plan (2011 to 2016). The nodal Anti-trafficking Cell was founded in the MHA and AHTU were set up in all the States in order to cope with the prosecution of perpetrators and prevent human trafficking cases. These organisations are cooperating with NGOs to provide assistance such as rescue of victims, create temporary

¹¹ The term is synonymous with affirmative action for disadvantaged groups in the society. The action means preferable treatment to marginalise in the case of employment and promotion.

protection facilities, their re-integration and rehabilitation into the society and their return to their homes, however such programs and facilities are still insufficient. CEDAW Committee pointed out that the services and protective measures for the victims of human trafficking and sexual exploitation are limited and the approaches to solve the original causes of such crimes are lacking.

1.2 Objectives of the Survey

The objective of the survey is to study and analyse the present status of the problems of VAW with a specific focus on human trafficking, especially among women and children under the age of 18 in India.

The study will also focus on commitments by the Government of India, identify and evaluate the results and examine the related issues NGOs and the Government are dealing with, thereby provide advice and recommendations on the concepts of Japan International Cooperation Agency (JICA)'s future assistance for prevention of VAW and trafficking in women and children.

1.3 Methodology of the Survey

The methodology of this survey was developed based on the research objectives. Data collection was undertaken in two stages: a secondary document study and qualitative key informant interviews (KIIs). The secondary document study provided an overview of relevant academic literature as well as available reports and situational assessments of various governmental and NGOs. The review on secondary data helps to provide information for the following topics:

- VAW in India
- Human trafficking in India as a special form of VAW
- Existing legal framework and policy initiatives concerning VAW and trafficking in women and children
- Support services provided to victims in prevention, prosecution, protection and reintegration
- Related programmes and projects conducted by JICA, development partners and NGOs

Collected data and information both quantitative and qualitative are analysed to identify issues and challenges of trafficking in women and children in India, in order to recommend future directions and possible projects for JICA assistance in the area.

The Survey Grid created for the original plan of survey is attached as Appendix-1.

1.3.1 Methodology of On-site Survey

Employing a qualitative approach, semi-structured KIIs were conducted with relevant stakeholders at the central and state level in National Capital Territory of Delhi (NCTD) and West Bengal (WB). Relevant stakeholders such as NGOs working on anti-trafficking in women and children, UN agencies and various Government departments at the central and state level were approached to collect information on policies, programmes and projects related to anti- trafficking in women and children. Interviews were conducted in NCTD and WB. The KIIs provided firstly, situational assessment of human trafficking at source (WB) and destination (NCTD). Secondly, the KIIs provided with the review of the existing legal and policy framework as well as capacities of the national and state service provision systems related to prevention, protection and reintegration of victims and prosecution of perpetrators. The interviews were focused on the following areas:

- Scope and modus operandi of internal and cross-border trafficking in India
- Gaps and challenges related to existing legal framework and policy initiatives
- Scope of available support services at the national/state/district level
- Sensitisation and awareness (knowledge and attitude) of key stakeholders

On-site data collection including KIIs were conducted by a team of a Japanese and two Indian experts. Notes were taken during the interviews and records prepared. The organisations interviewed are shown in the following Table 1-1. (Refer to Appendix-2 List of Interviews (On-site survey) for more information)

Table 1-1: List of Interviewed Organisations (On-site Survey)

#	Area	Organisation
Government		
1	NCTD	Ministry of Home Affairs (MHA) Prison Reforms & Anti Trafficking Cell
2		Department of Women & Child Development and Social Welfare (DWCD&SW) , Kolkata, Directorate of Child Rights and Trafficking
3	West Bengal	Child Welfare Committee (CWC), Darjiling
4		Anti-Human Trafficking Unit (AHTU), Kolkata
5		Criminal Investigation Department, Kolkata
6		Sub Divisional Police Officer (SDPO), Malbazar Jalpaiguri
United Nations		
7		UN Women
8	NCTD	United Nations Office on Drugs and Crime (UNODC), Regional Office for South Asia
9		United Nations Children's Fund (UNICEF)
10		International Labour Organization (ILO)
International Organisation		
11	NCTD	International Organization for Migration (IOM)
NGO/NPO		
12		Apne Aap
13	NCTD	Counsel to Secure Social Justice (CSJ)
14		DMRC Shelter Home & Childline, Salaam Balak Trust
15		RBC Trust (recognised as STOP before the survey)

16		Shakti Vahini
17		Child in Need Institute (CINI)
18		Duars Express Mail
19		Edith Wilkins Street Children Trust
20	West Bengal	Mankind in Action for Rural Growth (MARG)
21		Sanjog
22		Sanlaap
23		Sashastra Seema Bal (SSB), MHA
24		Humming Bird Trust

1.3.2 Methodology of Survey in Japan

In addition to the on-site survey, Japanese expert team conducted KIIs in Japan with NGOs and academics working on anti-trafficking in India, Nepal, South Asian countries and Japan. The experts who are dispatched in JICA anti-human trafficking projects in the Great Mekong Sub-regions (GMS), such as Thailand, Myanmar, and Vietnam were interviewed by phone to share their outcomes and lessons learnt (See Appendix-3 List of Interviews (Survey in Japan) for more information).

Table 1-2: List of Interviewed Organisations (Survey in Japan)

#	Name of the Project/ Organisation
Anti-Trafficking Experts	
1	Department of Global and Transcultural Studies, Meiji Gakuin University
2	Institute of Developing Economies, JETRO
3	International Organization for Migration (IOM) Tokyo, Country Office with Resource Mobilization Function
4	Kamonohashi Project
5	Laligras Japan
6	Lighthouse Centre for Human Trafficking Victims (Former Polaris Project Japan)
JICA Experts on Anti-Human Trafficking Projects in Greater Mekong Subregion (GMS)	
7	Project for the Establishment of Anti-Trafficking in Persons Hotline in Vietnam
8	Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-Regional Countries (JICA-CM4TIP)
9	The Project on Capacity Improvement of Recovery and Reintegration Assistance for Trafficked Persons
Experts on South Asia	
10	Shapla Neer
Experts on Gender and Development	
11	Senior Advisor (Gender and Development), JICA
12	Terra People ACT Kanagawa (TPAK)
13	The National Women's Education Centre (NVEC) of Japan

1.4 Work Process of the Survey

1.4.1 Period of Survey

August² 2015 to June 2016

1.4.2 Target Area of the Survey

Republic of India (Intensive Field Survey: NCTD, WB)

1.4.3 Schedule of the Survey

This survey started from August 2015 and ended in June 2016. As mentioned above, the survey consists of two initial stages as secondary document study and qualitative KIIs both in India and Japan. The activities in each survey are shown in the following diagram.

Year	2015					2016							
Month	8	9	10	11	12	1	2	3	4	5	6	7	
Secondary Document Study	Both in Japan and India												
Qualitative KII Survey in India	■					■		■			■		*FU
Qualitative KII Survey in Japan						Interviews to Resource Persons							
Deliverables	▲ IC/R					▲▲ DF/R F/R							

Figure 1-2: Work Process of Survey

1.5 Limitation of the Survey

It was originally planned that an on-site survey would be conducted by all five members of the team of Japanese consultants who were versed with JICA' assistance schemes. The team planned to conduct KIIs of central ministries along with other stakeholders in Delhi such as international donors, State Governments and NGOs. After the grasping the overall situation of VAW and trafficking in women and children, the survey team was to move to WB for data collection.

However, due to unforeseen reasons, it was difficult to conduct on-site survey and alternatively, the field data collection was conducted by one Japanese expert with the help of Indian based NGO (FXB Suraksha India) contrary to our original plan. Therefore, the initial KIIs in Delhi was conducted in August 2015 covering some of the international donors and NGOs working in NCTD before the survey had to be temporarily suspended. The survey was resumed in December 2015 by bringing on board two Indian national members. The rest of the survey

² The interviews to Indian NGO, Shakti Vahini and UN Women were conducted in July 2015 before beginning of the survey.

covering data collections including KIIs in NCTD and WB was conducted by a three-member team from December 2015 to May 2016. Due to this change of operation, State of Maharashtra which was one of the original target states of the survey was eliminated.

There was also a limitation in the survey that official cooperation from the MWCD, the Government of India, was not extended to the survey team. Absence of cooperation from the nodal ministry at central level has posed a great challenge to carrying out the survey. The survey team was unable to meet and directly collect information necessary for the survey from most of the related ministries both central and state level except the MHA in central level and DWCD&SW including CWC, CID and AHTU in WB. Considering the sensitive nature of the issue covered by the survey, some civil society organisations also expressed their hesitancy in being interviewed at times.

Given such limitations, the survey has been completed with whatever alternative sources of information available, such as ministry websites and existing documents, prior studies and second-hand information of other stakeholders.

Chapter 2. Situation of Violence against Women in India

Violence against women and girls in Indian society is not a new phenomenon but was largely ignored until it was brought to the forefront after December 2012, when a 23 year old Delhi woman was brutally gang raped on a moving city bus. This incident generated widespread attention both in India and abroad and demonstrated that women and girls are at risk of sexual violence in their everyday life³.

According to the DEVAW, VAW is defined as “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life⁴.”

2.1 Current Policies, Laws, and Ratified Treaties on Violence against Women

2.1.1 Indian Constitution

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralising the cumulative socio-economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibit discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. The following Articles of the Constitution are of specific importance in this regard.

Table 2-1: Indian Constitutions Addressing VAW

Number of Article	Contents of Article
Article 14	Equality before law for women
Article 15 (i)	The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them
Article 15 (3)	The State to make any special provision in favour of women and children
Article 16	Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State
Article 39(a)	The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood
Article 39(d)	Equal pay for equal work for both men and women
Article 39 A	To promote justice, on a basis of equal opportunity and to provide free

³ Karp, A., Marwah, S., & Manchanda, R. (2015). Unheard and Uncounted: Violence against Women in India, Small Arms Survey Issue Brief, Number 5, *India Armed Violence Assessment*. Retrieved June 1, 2016 from <http://www.smallarmssurvey.org/fileadmin/docs/G-Issue-briefs/IAVA-IB5-unheard-and-uncounted.pdf>.

⁴United Nations. (1993) . *Declaration on the Elimination of Violence against Women-A/RES/48/104*. Retrieved April 20, 2016 from <http://www.un.org/documents/ga/res/48/a48r104.htm>

	legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities
Article 46	The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation
Article 47	The State to raise the level of nutrition and the standard of living of its people
Article 51(A) (e)	To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women
Article 243 D(3)	Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes (SC) and the Scheduled Tribes (ST) ⁵ of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different Constituencies in a Panchayat
Article 243 D (4)	Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women
Article 243 T (3)	Not less than one-third (including the number of seats reserved for women belonging to the SCs and the STs) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different Constituencies in a Municipality
Article 243 T (4)	Reservation of offices of Chairpersons in Municipalities for the SCs and the STs and women in such manner as the legislature of a State may by law provide

2.1.2 Special Initiatives for Gender Equality and Women Empowerment

The Government of India makes significant initiatives to eliminate all forms of discrimination against women. The following are measures to achieve gender equality and women empowerment and focus on alleviation of violence against women in India.

Table 2-2: Indian Initiative for Gender Equality and Women Empowerment

Area	Name	Description
Policy	National Commission for Women (NCW)	In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary.
	Reservation for Women in Local Self Government	The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.
	Guideline of Sexual Harassment at the Workplace	Reaffirming that sexual harassment at workplace is a form of discrimination against women and recognizing that this violates the Constitutional Right to Equality, the Supreme Court of India in the case of Vishaka and

⁵ Socially and economically disadvantaged group of people who are recognised by the Constitution of India

		Others. vs. State of Rajasthan and Others. (1997) provided guidelines to address this issue pending the enactment of a suitable legislation.
Plan of Action	The National Plan of Action for the Girl Child, 1991-2000	The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.
	National Policy for the Empowerment of Women, 2001	The goal of this policy is to bring about the advancement, development and empowerment of women.
Scheme	One Stop Crisis Centre for Women	The Centre serves as an integrated facility where the various needs of victims of violence, such as medical aid, legal assistance, assistance in filing a police case, counselling and emotional support, temporary shelter and basic necessities for the period of stay.
	<i>Priyadarshini</i>	The programme aims at holistic empowerment of vulnerable groups of women and adolescent girls in the project area through formation of women's SHGs and promotion of improved livelihood opportunities. Over 100,000 households are to be covered under the project and 7,200 SHGs will be formed during the project period ending 2016-17.
	Scheme for Financial Assistance and Support Services to Victims of Rape	The Supreme Court in Delhi Domestic Working Women's Forum vs. Union of India and others writ petition No.362/93 had directed the NCW to evolve a "scheme so as to wipe out the tears of unfortunate victims of rape."
	Support to Training and Employment Programme for Women (STEP)	The scheme aims to ensure sustainable employment and income generation for marginalised and asset less rural and urban women across the country, including training for skill upgradation, facilitating organisation of women into viable cooperative groups, and providing access to credit.
	Swadhar Greh	Under the Scheme, temporary accommodation, maintenance and rehabilitative services are provided to women and girls rendered homeless due to family discord, crime, violence, mental stress, social ostracism or are being forced into prostitution and are in moral danger.
	Swayamsidha	It is an integrated scheme for women's empowerment through the formation of SHGs. The long term objective of the programme was holistic empowerment of women through a sustained process of mobilization and convergence of all on-going sectoral programmes by improving access of women to micro-credit, economic resources etc.
	Women's helpline	At present Women's helplines are being set up and operated under the "Swadhar" scheme of MWCD in collaboration with several NGOs in some States. Apart from the helpline operated under the Swadhar scheme, there are some women's helplines operated by other agencies. Although it is not institutionalized across the country, some police has women's helpline to help

		women in distress. Delhi Commission for Women (DCW) also operates its own helpline.
	Working Women's Hostel	The objective of the scheme is to promote availability of safe and conveniently located accommodation for working women, with day care facility for their children. So far, 891 hostels have been sanctioned under the scheme since its inception with a sanctioned capacity of about 66,299 women and 8,532 children in 323 daycare centres.

2.1.3 International and Regional Movement addressing Violence against Women

The international and regional conventions addressing VAW to which the Government of India has committed is described below.

Table 2-3: International and Regional Movement against VAW

Name of Convention	Description
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	India signed the ratification of CEDAW on July 30, 1980, however it was deposited on July 9, 1993. Declarations and reservations made upon signature and confirmed upon ratification ⁶ .
UN Declaration on the Elimination of Violence against Women	It was the first international instrument explicitly defining and addressing violence against women. This document specifically refers to the historically forever-present nature of gender inequalities in understanding violence against women.
World Health Assembly	In 1996, the World Health Assembly declared violence a major public health issue, and included in the subtypes recognised were intimate partner violence and sexual violence.
Optional Protocol to the CEDAW	In 1999, the UN adopted the Optional Protocol to the CEDAW and designated November 25 as the International Day for the Elimination of Violence against Women.
Agreed Conclusions on the Elimination and Prevention of All Forms of Violence against Women and Girls	In 2013, the UN Commission on the Status of Women adopted, by consensus, Agreed Conclusions on the elimination and prevention of all forms of violence against women and girls.
Resolution calling for the protection of defenders of women's human rights	In 2013, the UN General Assembly passed its first resolution calling for the protection of defenders of women's human rights. The resolution urges states to put in place gender-specific laws and policies for the protection of women's human rights defenders and to ensure that defenders themselves are involved in the design and implementation of these measures.
South Asian Coordinating Group	SACG is a network of UN agencies, INGO's and other

⁶ United Nations Treaty Collection. (n.d.) Chapter IV Human Rights, 8 . Convention on the Elimination of All Forms of Discrimination against Women. Retrieved May 10, 2016, from <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY>

for Ending Violence against Children (SACG)	actors working together at the regional level in South Asia to coordinate actions against violence against children.
National Action and Coordinating Group against Violence against Children (NACG)	NACG is established in each South Asia Country (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka) and linkages are developed to SACG. The purpose is to strengthen inter-agency work including with Governments and children groups to end violence against children.

2.2 Situation, Problems, and Categories of Violence against Women and Number of Crimes

2.2.1 Situation and Problems of Violence against Women

Violence against women and girls in Indian society is not a new phenomenon but was largely ignored until it was brought to the forefront after December 2012, when a 23 year old Delhi woman was brutally gang raped on a moving city bus. This incident generated widespread attention both in India and abroad and demonstrated that women and girls are at risk of sexual violence in their everyday life⁷. The National Crime Records Bureau (NCRB) which is an attached office of the MHA collects and processes all crimes including human trafficking crime statistics at the national level. So far it remains the single source to understand clandestine crimes against women and children. According to the NCRB, crimes against women and against children increased 9.2% and 53.6% respectively during 2014. To provide a broader picture:

- 22 women die every day because of dowry related violence
- 45% of women have suffered at least one incident of physical or psychological violence in their life
- Around 77% of adolescent girls aged 15 to 19 who have faced sexual violence reported that their current husband or partner was the perpetrator⁸
- More than 50% of pregnant women have experienced severe violent physical injuries⁹
- 92 % of women reported having experienced some form of sexual violence in public spaces in their lifetime¹⁰
- 45% of girls and 48% of boys justify wife beating

⁷ Karp, A., Marwah, S., & Manchanda, R. (2015). Unheard and Uncounted: Violence against Women in India, Small Arms Survey Issue Brief, Number 5, *India Armed Violence Assessment*.

⁸ UNICEF. (n.d.) Violence Prevention and Response. Retrieved June 4, 2016 from <http://unicef.in/Whatwedo/23/Violence-Against-Children>

⁹ Dilaasa. (n.d.) Violence against women statistics. Retrieved April 20, 2016, from <http://violenceagainstwomen.cehat.org/ong-mumbai-help-center.php?page=Statistics>

¹⁰ UN Women. (2013). *Safe Cities Global Initiative Brief*. Retrieved 1 Jun, 2016 from http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2013/12/un%20women-evaw-safecities-brief_us-web%20pdf.ashx

Some of the ostracized forms of VAW include domestic violence, rape, trafficking in women and girls, commercial sexual exploitation (CSE), sexual abuse and violence in armed conflict, such as murder, systematic rape, sexual slavery and forced pregnancy. It also includes honour killings¹¹, dowry-related violence¹², female infanticide and prenatal sex selection in favour of male babies, female genital mutilation, acid throwing, and other harmful practices and traditions. These forms clearly indicate that VAW is a “continuum” occurring at various life cycle stages of a woman’s life. Figure 2-1 shows the type of violence experienced by girls and women in their life cycle.

Female Infanticide							
Excess Female Child Mortality							
Child Abuse							
Child Marriage							
Trafficking							
Honour Crims							
Non-partner Sexual Violence							
Sexual Harassment							
Intimate Partner Violence							
Maltreatment of Widowed and Divorced Women							
Elder Abuse							
	Infancy	Childhood (1-5 years)	Unmarried and Adolescent Girls	Married Girls and Women	Unmarried Women	Divorced and Widowed Women	Elderly Women

Figure 2-1: Types of Violence Experienced by Girls and Women by Life Cycle Stage¹³

With the advancement of technology, new forms of VAW, like early detection of sex of the child, have given rise to increasing instances of female foeticide. Easy access to new forms of information and communication technologies has given rise to new forms of harassment and violence such as cyber or phone stalking and increase in demand for pornography.

The consequences of these factors hazardously impact women’s and children’s health and well-being¹⁴. Beyond the intangible suffering and impacts on quality of life and well-being, they include costs to the survivor and her family in terms of health (mental and physical), employment and finances, and the effects on children.

11 Killing of a person by other family members based on the belief that she/he has brought shame on family.

12 Dowry is a system of giving money and/or property from a bride’s family to bridegroom’s family upon marriage.

Violence related to dowry can be harassment, torture, murder etc. of woman by her husband and/or in-laws in attempt to take more dowry from the woman’s family.

13 World Bank. (2014). *Violence against women and girls: Lessons from South Asia*, p.9.

14 WHO. (2012). Understanding and addressing violence against women. Retrieved April 22, 2016, from http://apps.who.int/iris/bitstream/10665/77431/1/WHO_RHR_12.43_eng.pdf

2.2.2 Categories of Crimes against Women

Women and children face the general crimes such as murder, robbery, cheating, etc. but only the crimes which are directed specifically against women are characterized as ‘crimes against women’ and offences committed against children or crimes in which children are the victims are considered as ‘crimes against children’ in the records of NCRB data. Various new legislation has been brought and amendments have been made in existing laws with a view to handle these crimes effectively. These are broadly classified under two categories: the Indian Penal Code (IPC) and crimes recorded under specific gender/child laws, called the Special and Local Laws (SLL)¹⁵. The following Table 2-4 shows the officially recorded crimes under two categories for crimes against women and also children.

¹⁵ National Crime Records Bureau. (2014). Chapter5 and 6.

Table 2-4: Categories of Crime

	Under Indian Penal Code (IPC)	Under Special and Local Laws (SLL)
Crime against women	Rape	The Dowry prohibition Act, 1961
	Attempt to commit rape	The Indecent Representation of Women (Prohibition) Act, 1986
	Kidnapping and abduction of women	The commission of Sati Prevention Act 1987
	Dowry deaths	The Protection of women from domestic violence Act, 2005
	Assault of women and intent to outrage her modesty (sexual harassment, voyeurism)	The Immoral traffic (prevention) Act, 1956
	Insult to the modesty of women (at office premises, at places related to work, in public transport etc.)	
	Cruelty by husband or his relatives	
	Importation of girl from foreign country	
	Abetment of suicide of women	
Crime against children	Murder	Prohibition of Child Marriage Act, 2006
	Attempt to commit murder	Transplantation of Human Organs Act 1994
	Infanticide	Child labour Act, 1986
	Rape	Immoral Traffic (Prevention) Act, 1965
	Unnatural offence	Juvenile Justice (Care and Protection of Children) Act, 2000
	Assault of women (girl child with intent to outrage her modesty (sexual harassment, assault of use of criminal force to women(with intent to disrobes, voyeurism, stalking)	Protection of Children from Sexual Offences Act, 2012
	Insult to the modesty of women (girl children)	
	Kidnapping and abduction	
	Foeticide	
	Abetment of suicide of child	
	Exposure and abandonment	
	Procurator of minor girls	
	Importation of girl from foreign country (under 18 years of age)	
	Buying of minor for prostitution	
Selling of minor for prostitution		

2.2.3 Number of Crimes

Reporting of crime against women has increased over years as shown in Figure 2-2, from fewer than 19 crimes against women and girls per 100,000 residents in 2011 to over 52 in 2013¹⁶.

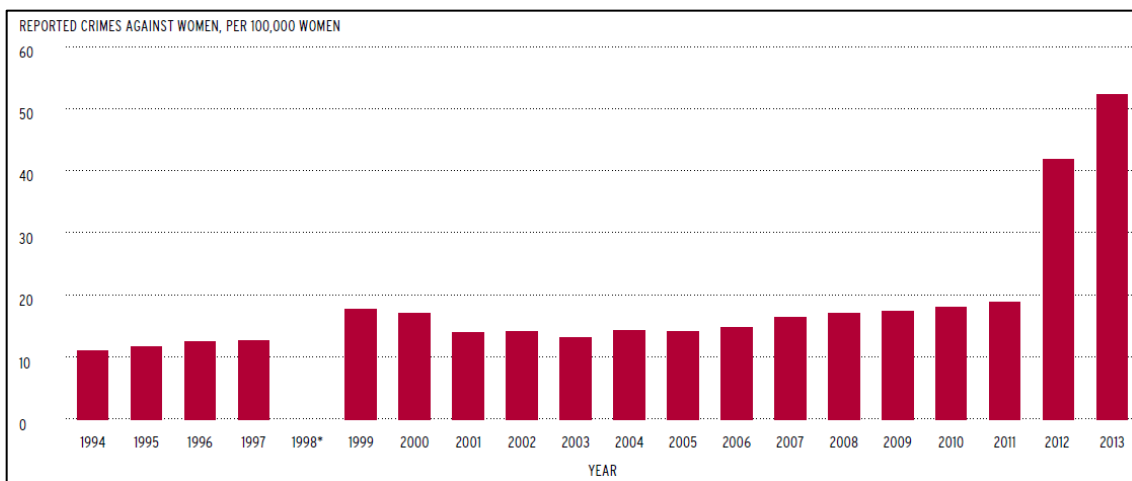


Figure 2-2: Crimes against Women Reported to NCRB, 1994-2013

A total of 337,922 cases of crime against women (both under various sections of IPC and SLL) were reported in the year 2014 as compared to 309,546 in 2013, thus showing an increase of 9.2%. In 2010, 213,585 cases were reported, which had increased to 337,922 in 2014, which means in the past 10 years crime against women had increased by 58.2%. The main crimes reported are cases of cruelty by a husband or his relatives (36.4%), assault with intent to outrage modesty (24.3%), kidnapping and abduction (17.0%) and rape (10.9%)¹⁷. (See Figure 2-3.)

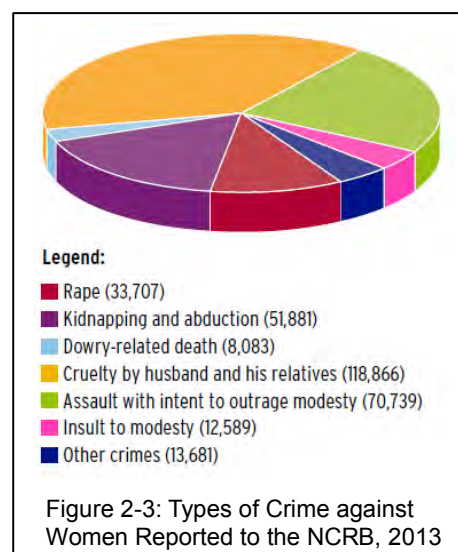


Figure 2-3: Types of Crime against Women Reported to the NCRB, 2013

For crime against children, a total of 89,523 cases were reported in 2014 as compared to 58,224 cases in 2013, thus showing an increase of 53.6%. The increase in number of crimes is because more cases of crimes such as unnatural offences and sexual harassment have been collected from 2014. Main crimes reported are kidnapping and abduction (42.3%), rape (15.4%), assault on children with intent to outrage their modesty (12.7%)¹⁸.

Though NCRB data is the most reliable, the number of incidents reported does not necessarily capture the ground reality as most of the crimes against women and children are

16 Karp, A., Marwah, S., & Manchanda, R. (2015). Unheard and Uncounted: Violence against Women in India, Small Arms Survey Issue Brief, Number 5, *India Armed Violence Assessment*.

17 National Crime Records Bureau. (2014). Chapter 5.

18 National Crime Records Bureau. (2014). Chapter 6.

underreported due to a culture of silence, shame and fear, and demands for bribes or abusive treatment by the police. In addition, the data collection system also has shortcomings such as different interpretation by police stations to report certain cases in the NCRB system and the data set not collecting victims and offenders segregated data by gender, age, nationality, purposes and motives of rescued victims. Thus, it hampers understanding the real picture of violence against women and children.

Even NCRB estimates that only one in 69 rape cases gets reported¹⁹ which means that approximately 2.3 million actual rape cases occur in one year, at a rate of 254 per 100,000 women and girls (actual reported cases are only 57 in 2013)²⁰.

2.3 Socio-economic and Geographical Background of Victims

Violence against women and children is an issue that crosses age, castes, classes, be it a girl, a married woman, a single woman, a working woman, refugees or those living in urban or rural areas. Women suffer from multiple forms of violence whether it is at home or in public places or workplace²¹. However, depending on the type of crimes, socio-economic and geographical background differs to some extent. In this section major crimes in India will be discussed from socio-economical and geographical features.

(1) Female Foeticide

Female foeticide - the selective abortion of female foetuses - is a discriminatory practice against girls that is manifested through sex ratio imbalances at birth. The Government of India prohibits sex selective abortions by Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002. However, the number of girls (0-6 years) in India has dropped down to 914 per 1,000 boys²², which used to be 927 in 2001 and 945 in 1991. The United Nations Population Fund (UNFPA) estimates that there are about 400,000 sex selective abortions per year²³. The most dominant contributory factors are the preference for son over daughter and the misuse of prenatal sex detection technologies. Culturally, Indians prefer sons because they will offer security to the families, protecting the family name and property and extending the family lineage. On contrary, girls are primarily considered as a liability until they are married off. In addition, paying a dowry to the future bridegroom only increases the economic burden for the family.

19Karp, A., Marwah, S., & Manchanda, R. (2015). Unheard and Uncounted: Violence against Women in India, Small Arms Survey Issue Brief, Number 5, *India Armed Violence Assessment*.

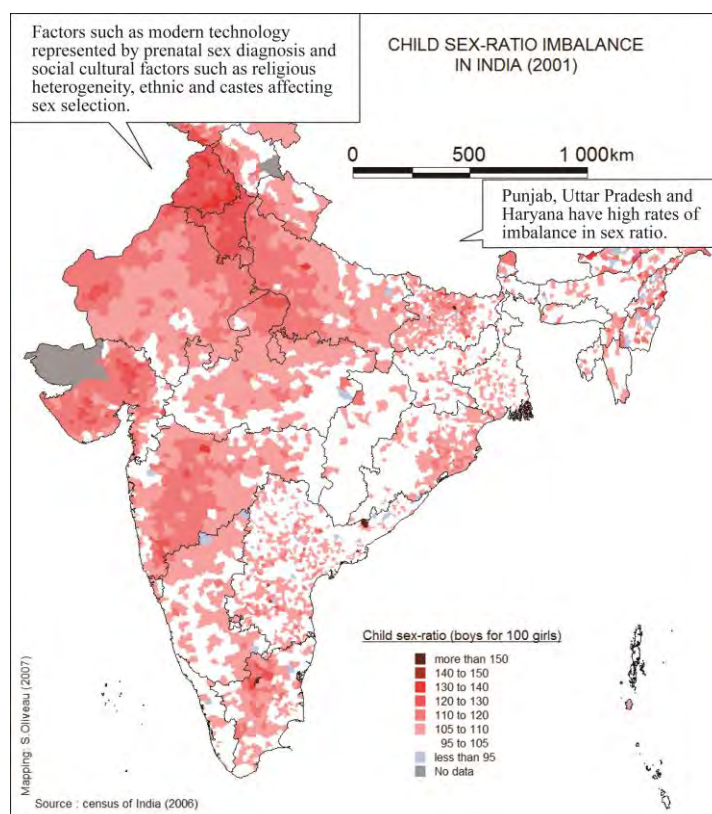
20ibid.

21 Latasinha's Weblog (2013) *Violence against women – causes and how to combat the menace*. Retrieved June 1, 2016, from <https://latacinha.wordpress.com/2013/10/20/violence-against-women-causes-and-how-to-combat-the-menace>

22Ministry of Home Affairs. (2011). *Population Census*.

23 UNFPA.(2012).*Sex Imbalances at birth: Current Trends, Consequences and Policy Implication*.

From the geographical perspective, variations can be seen between urban and rural areas. In rural areas preference for sons is stronger because of the dependence of sons in agriculture or sway of traditional institutions in the countryside. Therefore, it is often believed that more rural households opt for sex selection. However, the 2011 census depicts a different reality. In cities, there are only 902 girls per 1,000 boys of aged 0-6, whereas in villages it is 919²⁴. This is because socio-economic status is linked to sex ratio to birth. Rural households have higher fertility and poor access to modern technology, which act as brakes to the emergence of prenatal discrimination. In contrast, better off and affluent households want fewer children with the right gender composition, thus are opting for sex determination tests. There are also regional variations, Map 2-1 shows the child sex-ratio imbalance in India. It shows that in the northwest region, states such as Punjab, Uttar Pradesh, and Haryana have high rates of imbalance in sex ratio whereas in the south and central region it is close to normal²⁵. Regional disparity can be explained from two reasons. First it is because of lower access to modern technology, but the other reason is a social and cultural context of family values. In the northwest region, the birth of a boy is an indispensable component of family building and honour, but in the south and central region, gender bias appears weaker, therefore, sex ratio imbalances are near normal.



Map 2-1: Child Sex Ratio in India, Sub-districts²⁶

²⁴Ministry of Home Affairs. (2011). *Population Census*.

²⁵ UNFPA. (2015). *How many girls are missing at birth in India? Trends in Sex Ration at Birth (2011-2012)*.

²⁶ Guilmoto, C., & Oliveau, S. (n.d.). *Sex Ratio Imbalances Among Children At Micro-Level: China And India Compared*. Retrieved April 25, 2016, from <http://paa2007.princeton.edu/papers/71096>

Apart from geographical variation, there are other determinants of variation in explaining the sex selection, such as religious heterogeneity, ethnic and caste factors. The following Table 2-5 gives a brief overview of factors affecting sex selection.

Table 2-5: Social, Demographic and Economic Factors Affecting Prenatal Sex Selection²⁷

	Impact on Sex Ratio at Birth or Child Sex Ratio
Birth order	<ul style="list-style-type: none"> • Sex ratio increases rapidly with higher birth order • Sex ratio highest among final births
Reproductive health	<ul style="list-style-type: none"> • Sex ratio normal among women who have not performed an ultrasound test • Sex ratio normal among women who did not know the sex of their child in advance
Gender composition	<ul style="list-style-type: none"> • Sex ratio highest in families with no previous son • Normal sex ratio among families with a son
Ethnicity	<ul style="list-style-type: none"> • Ethnic groups exhibit very distinct sex ration levels • Most minority groups have lower sex ratio levels
Religion	<ul style="list-style-type: none"> • Hindu, Sikhs, Buddhist, and Jains have comparatively higher sex ratio levels than Muslims or Christians
Socio-economic status	<ul style="list-style-type: none"> • Lower sex ratio among the poorest households • Highest among the most affluent
Education Level	<ul style="list-style-type: none"> • Sex ration increasing with educational level

(2) Child Marriage

India has the highest number of child brides in the world with more than one-third of child brides globally but NCRB reports that there were only 280 cases in 2014²⁸. The legal age for marriage is 18 for girls and 21 for boys, but it is estimated that 45.6% of girls and 26.6% of boys are married before the legal age²⁹. (See Table 2-6.) Eight states have a higher rate of early marriage than the national average, namely, Bihar (63.7%), Jharkhand (60.2%), Rajasthan (58.4%), Andhra Pradesh³⁰ (56.2%), Uttar Pradesh (52.2%), WB (53.3%), Madhya Pradesh (52.2%), and Chhattisgarh (50.5%). In contrast, the states with low rate of child marriage are Kerala, Goa, Manipur, Punjab etc. (See Map 2-2.)

27 UNFPA. (2012). *Sex Imbalances at birth: Current Trends, Consequences and Policy Implication*, p.31, Modified by the study team.

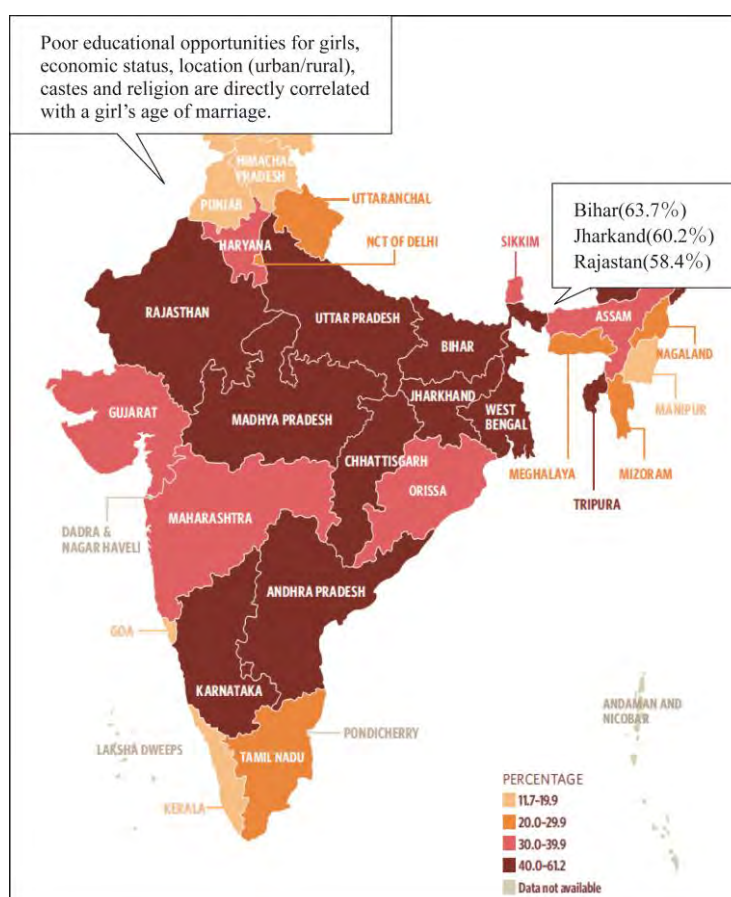
28 National Crime Records Bureau. (2014). Chapter 6.

29 UNFPA. (2015). *Early and Child Marriage in India*.

30 Andhra Pradesh was divided into two states; Andhra Pradesh and Telangana in 2014. Date used is before it was divided.

Table 2-6: Percentage of the Population Married Before the Legal Age³¹

State	Women (Urban)	Women (Rural)	Women (Total)	Men (Urban)	Men (Rural)	Men (Total)
India	29.7	53.4	45.6	14.6	33.9	26.6
Jharkhand	32.7	70.1	60.2	19.5	50.0	40.7
Rajasthan	36.3	67.4	58.4	27.8	59.4	49.2
Bihar	37.8	68.6	63.7	18.7	42.3	36.9
Andhra Pradesh	43.4	62.9	56.2	16.5	36.2	28.9
West Bengal	31.3	62.3	53.3	11.9	30.8	24.7
Madhya Pradesh	33.7	60.4	52.6	18.8	50.8	40.7
Uttar Pradesh	31.8	59.4	52.2	22.2	49.4	40.5
Chhattisgarh	26.4	57.6	50.5	15.2	46.6	39.9



Map 2-2: Percentage of Women 20-24 Years Old Who Were Married by Age 18³²

UNFPA conducted a survey comparing states with higher rates of child marriage with those with relatively low rates. The findings show that a girl's level of education, economic status and location (urban or rural), caste and religion are directly correlated with a girl's age of marriage³³. The following facts were ascertained:

31 UNFPA. (2015). *Early and Child Marriage in India*.

32 UNFPA. (2012). *Marring too Young*. (state of Orissa currently renamed to Odisha)

33 UNFPA. (2015). *Early and Child Marriage in India*.

- Poor educational opportunities for girls, especially in rural areas increase girls' vulnerability to child marriage. Among educated women (with at least 12 years of education) in the age group of 25-49, there is a seven-year difference in the marriage compared to those women without education.
- Level of teenage pregnancy is nine times higher for women without education than educated women.
- Marriage is the main reason for 6% of girls in rural areas and 2% of girls in urban areas dropping out of school.
- Women from the high income families marry four years later than women in the poor families.
- Women from urban areas marry more than two years later than women from rural areas.
- Child marriage is mostly rising with the lower castes because poor families cannot afford high expenses (dowry) so prefer to marry off their girls at a young age to reduce these costs.
- Matrilineal communities have higher age at marriage because property is transferred from mother to daughter and daughter remains close to her mother even after she is married.
- The median age at marriage by religion shows that the highest median age is among Jain (20.8 years) followed by Christian (20.6 years), Sikh (19.9 years), Hindu and Muslim (16.7 years).
- Teenage pregnancy is higher for Hindus and Muslims (16%) than other religions.

(3) Domestic Violence and Dowry Deaths

Domestic Violence (DV) is a crime perpetrated between spouses or by other family members. According to the National Family Health Survey (NFHS-3) conducted in 2005-06, approximately 40% of married women (15-49 years old) in India experienced violence from their husband in a form of slapping, twisting arms/pulling hair or in worst cases attempted burning³⁴. In fact, NCRB data shows that the percentage of DV is highest (36.4%) among all crimes against women, which indicates that it is the most common form of violence perpetrated against women³⁵. Figure 2-4 shows that number of reported cases of DV has increased from 50,703 in 2003 to 118,866 in 2013, representing 134% over 10 years³⁶. The cases far outstrip the rise in population over the same period³⁷. However, because DV takes place at home, cases are not reported officially, unless in the worst scenario. This makes DV the most critical category of VAW because systematic data is not available.

34 Ministry of Health and Family Welfare. (2009). Gender Equality and Women's Empowerment in India, *National Family Health Survey (NFHS-3) 2005-06*.

35 National Crime Records Bureau. (2014). Chapter 5.

36 *ibid*.

37 Pandey, G. (2014, October 29). 100 Women 2014: Violence at home is India's 'failing'. *BBC*. Retrieved April 22, 2016, from <http://www.bbc.com/news/world-asia-india-29708612>

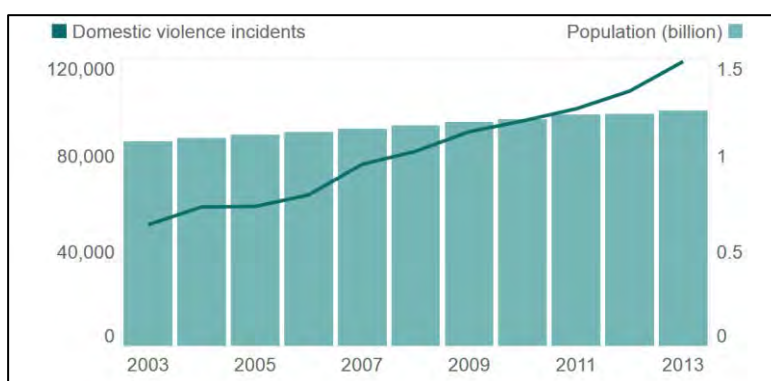


Figure 2-4: Domestic Violence Incidents³⁸

Another aspect of why crimes are under-reported is how women and men perceive DV. According to NFHS-3, more than 54% of men and 51% of women said it is acceptable for a man to beat his wife if she has disrespected her in-laws, neglected her home or children, or even over something as trivial as taste of food³⁹ (see Figure 2-5). There are several socio-economic factors affecting their perception on DV namely, woman’s age at marriage, education, employment, husband’s occupation, husband’s drinking habits, spousal educational differences, spousal age difference, type of family, residents, wealth quintile and mother’s experience of violence by father. Among these factors, women’s education, husband’s drinking habits and mother’s experience of spousal violence have higher relations⁴⁰. Figure 2-6 is the comparison between men and women agreeing on wife beating by level of education. It shows that two-thirds of both women and men with no education agree with wife beating, but for those who have more than 12 years of education it is one-third⁴¹.

38 ibid.

39 ibid.

40 Ministry of Health and Family Welfare. (2009). Gender Equality and Women’s Empowerment in India, *National Family Health Survey (NFHS-3) 2005-06*.

41 ibid.

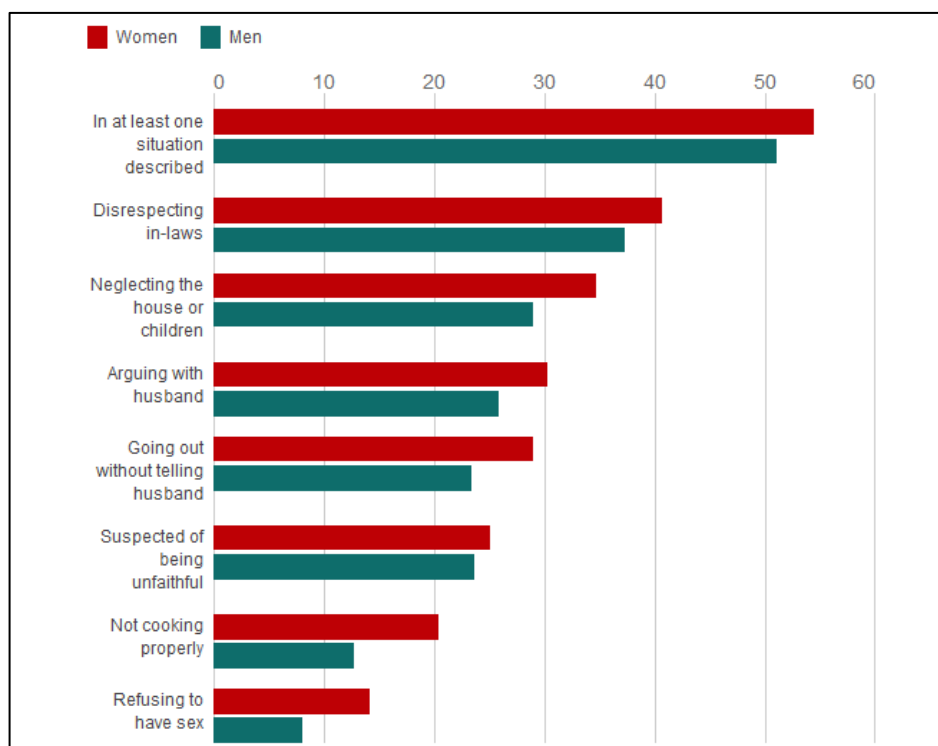


Figure 2-5: Attitudes on DV by Gender

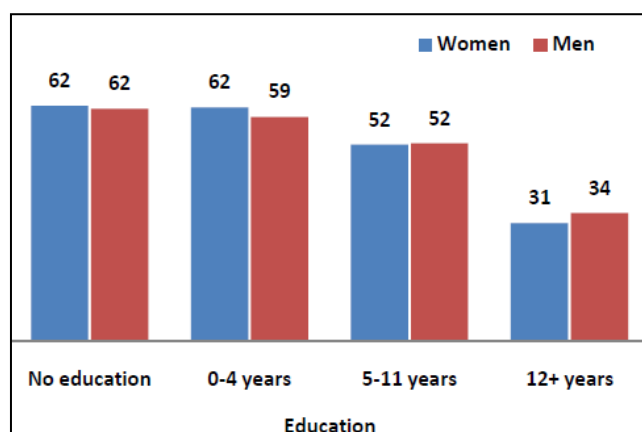


Figure 2-6: Percentage of Women and Men Agree with Wife Beating by Education⁴²

Women whose husbands drink are at much greater risk of spousal violence than women whose husbands never drink. NFHS-3 survey found out that if a woman’s husband drinks alcohol, her risk of ever experiencing violence is two to three times higher than that of women whose husbands do not drink. Also, if women have experienced physical, sexual and emotional violence in the past, her risk of suffering violence substantially increases. Similarly, if children have been brought up in an environment where their mother has been beaten by their father, it affects the children’s risk of experiencing violence or becoming abusive once they grow up. It will send a message that a woman's status in a family is inferior, and girls will think it is a fact and accept

⁴² NFHS-3 (15-49 years)

violence from her husband or in-laws. For boys, growing up seeing their father assaulting their mother, abusive behaviour becomes normalized and repeats once the boys grow up⁴³.

Dowry related violence is important to note in India. Dowry is a tradition from medieval times of giving a gift in cash or kind to the family of groom. The Dowry Prohibition Act 1961 prohibits giving and accepting dowry but in real life, it is still prevailing in the marriage system of India. However, with the booming economy, the price of a bride is becoming ever-higher in all socio-economic groups⁴⁴. Dowry expectation can amount to several times the annual income of a poor family and when the bride's family cannot afford dowry request, then conflict arises and frequently translates into violence against the bride. Most of the time, it is committed by husband and the family of the groom. The level of violence varies but in some cases involves burning her alive by pouring kerosene on her - which can be dismissed as a kitchen accident or suicide⁴⁵.

The number of dowry deaths increased by 4.6% from previous year and a total of 8,455 cases were reported. The states that have high dowry death rates are concentrated in the northern region namely Uttar Pradesh, Bihar, Madhya Pradesh, WB and Jharkhand as shown in Table 2-7. However, it is difficult to say that women from these states have higher risk of dowry deaths than other states because states such as Goa, Mizoram, Nagaland, and Sikkim report that there are no dowry related deaths, which is hard to believe. As with other forms of VAW, the figure is regarded as incomplete. The Asian Women's Human Rights Council estimates that trend is getting worse and dowry deaths are rising up to 25,000 annually⁴⁶.

Table 2-7: Five States with the Highest Reported Dowry-related Deaths, 2013⁴⁷

State	Dowry related death (incidence)	Dowry related death (rate per 100,000 residents)
Uttar Pradesh	2,469	2.5
Bihar	2,373	2.8
Madhya Pradesh	733	2
West Bengal	501	1.1
Jharkhand	350	2.2

43 UNICEF. (2012). *Progress for Children: A report card on adolescents*.

44 Ramakrishnan, V. (2013, October 23). The Dowry System in India: Is the Trend Changing?, *Pulitzer Center on Crisis Reporting*. Retrieved April 23, 2016, from <http://pulitzercenter.org/projects/asia>.

45 Karp, A., Marwah, S., & Manchanda, R. (2015). Unheard and Uncounted: Violence against Women in India, Small Arms Survey Issue Brief, Number 5, *India Armed Violence Assessment*.

46 Moon, S. (2015, January 9). emBODY India, *Harvard International Review*. Retrieved April 24, 2016, from <http://hir.harvard.edu/embody-india/>

47 National Crime Records Bureau. (2014). Chapter 5.

(4) Rape

Rape is the fourth most common crime against women in India. In 2014, 36,735 rape cases were reported against women, 38.6% of rape cases were children below 18 years old, including infants⁴⁸. Reported incidents have increased sharply from 22,172 cases in 2010 to 36,735 cases in 2014 - a 52.0% increase in five years. The reason behind this high reporting can be interpreted from two angles. One by the rising number of rape cases itself and another is more willingness/awareness among victims after the brutal gang rape on the Delhi bus to openly discuss the incidence of rape which used to be considered taboo⁴⁹. One characteristic of rape cases in India is the identity of attackers and that marital rape is not included. As shown in Figure 2-7, in 94% of cases, the victim reported that she knew the offender - parents/close family members (1%), relatives (7%), neighbours (32%) and other known persons (54%) - which means only 6% of rapes were committed by strangers⁵⁰. All these facts indicate that for Indian women, their home and neighbourhood are the most dangerous places for sexual assault and leads to under-reporting of the cases.

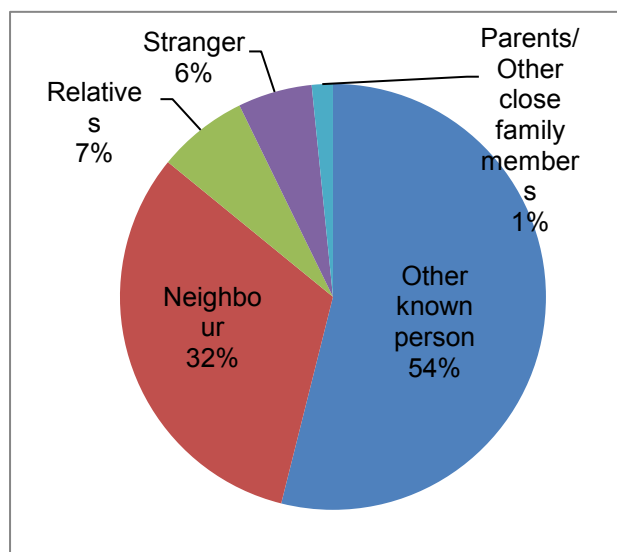


Figure 2-7: Relationship of Reported Rape Victims and Perpetrators
Source: NCRB (2013)

As shown in Figure 2-7, in 94% of cases, the victim reported that she knew the offender - parents/close family members (1%), relatives (7%), neighbours (32%) and other known persons (54%) - which means only 6% of rapes were committed by strangers⁵⁰. All these facts indicate that for Indian women, their home and neighbourhood are the most dangerous places for sexual assault and leads to under-reporting of the cases.

Geographically, Madhya Pradesh (5,076 out of 36,735 cases) followed by Rajasthan (3,759 cases), Uttar Pradesh (3,467 cases), Maharashtra (3,438 cases) in 2014. Mizoram, the north-eastern state reported the highest crime rate of 23.7%, followed by NCTD at 23.2% as compared to national average of 6.1%.

As more women and girls are starting to step out from the private sphere of home and family into public spaces for higher education, paid employment, and social engagement, they confront additional risks of sexual harassment. For example, for the first time, NCRB has collected data on sexual harassment of women at the workplace in 2014 and 526 cases were reported, in which 57 were at office premises and 469 were registered at other places⁵¹. Another study reports that 30% of men and 40% of women remember being sexually molested during childhood⁵². UN Women also reports that more than 85% of women fear sexual harassment in public. Although men and women know that sexual violence against women and girls in public

48ibid.

49 Karp, A., Marwah, S., & Manchanda, R. (2015). Unheard and Uncounted: Violence against Women in India, Small Arms Survey Issue Brief, Number 5, *India Armed Violence Assessment*.

50 National Crime Records Bureau. (2014). Chapter 5.

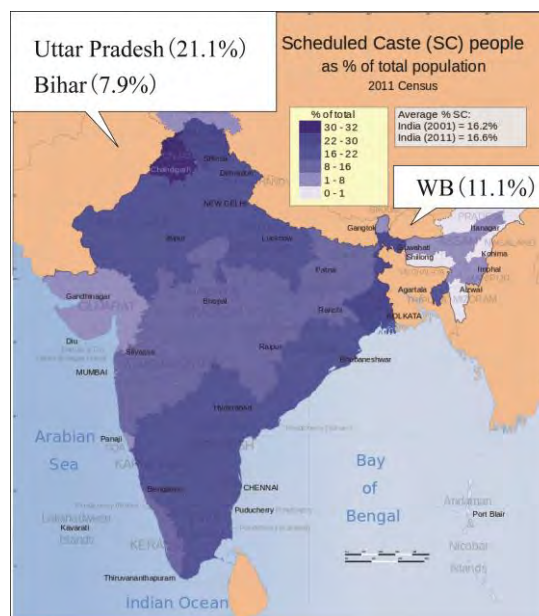
51ibid.

52 Iravani, M. R. (2011). Child Abuse in India. *Asian Social Science* 7 (3): 150–53 cited in World Bank. (2014). *Violence against Women and Girls: Lessons from South Asia*.

places is a crime, only 21% of women and 14% of men are aware of a law or act specifically against sexual harassment⁵³.

(5) Crimes against Person Belonging to Scheduled Caste and Scheduled Tribes

The total population of the SC and ST is about 166 million and 84 million, which constitute 16.2% and 8.2% of the total population of India. For SC, Uttar Pradesh (21.1%) has the largest population, followed by WB (11.1%) and Bihar (7.9%) as shown in Map 2-3. For ST, there is no specific state of origin, but they live in rural areas and their population is 10.4% of the total rural population of the country⁵⁴. Reported crimes against SC/ST increased by 31% from 2007 to 2013⁵⁵ but because sex-disaggregated data is not available, crimes against women and girls of SC/ST are not reported. According to the study conducted by the Ministry of Tribal Affairs, the percentage of SC/ST women suffering physical violence was 41.7% and 39.3% respectively, compared to 26.8% of those from other social groups. Also, percentages of sexual violence experienced were 11% for SC and 10.2% for ST, compared to 7.8% for other social groups (Table 2-8). These statistics show that women and girls from SC/ST face the double risk of being a female as well as belonging to a lower-caste. In addition, studies show that violence against SC/ST women and girls takes place not only between so called “upper-caste” people but women become victims even within their community and family. *Dalit*⁵⁶ women and girls who are at the bottom of the caste hierarchy are much more likely to become a target of sexual assaults from non-*Dalits* of their own community people. The prevalence of DV is 15% more likely to happen for SC/ST than other social group⁵⁷.



Map 2-3: Scheduled Caste People as % of Total Population (2011 Census)

53 UN Women. (2012). *Safe Cities free from violence against women and girls*.

54 Ministry of Home Affairs. (2011). *Census Data*.

55 National Crime Records Bureau. (2014). Chapter 7.

56 Discriminated against on the basis of caste and “untouchability”, previously referred to as “Untouchables”

57 Ministry of Tribal Affairs. (2013). *Statistical Profile of Scheduled Tribes in India*- Chapter 8.

Table 2-8: Experiences of Violence by Different Social Group⁵⁸

Background characteristics	Physical violence	Sexual violence	DV
SC	41.7	11	47.9
ST	39.3	10.2	47
Other backward class	34.1	7.4	40.4
Other	26.8	7.8	32.3
Don't know	28.5	8.7	31.7
Total	33.5	8.5	39.7

It is also important to note that even though SC/ST are more likely to be victimised, they are much less likely to have the crime accepted by the police, investigated, or the perpetrators prosecuted⁵⁹. In fact, 65.4% of ST women never told anyone about the violence experienced and only one out of ten women sought help from any source to end the violence⁶⁰.

(6) Honour Killing, Kidnapping and Abduction

Honour killings are another form of violence that spans the life course of women and girls. Honour killings are carried out in the name of tradition, which are usually committed by male family members who want to defend the reputation of their family or community. Women and girls have been killed for refusing to enter an arranged marriage, crossing caste/religious barriers, committing adultery etc. In some cases, a girl or women may be stoned, burned by acid or forced to commit suicide.

In 2014, 156 women were killed by witchcraft, while 28 were victims of honour killing⁶¹. For witchcraft cases, the State of Jharkhand (47 cases), Odisha (32 cases), Madhya Pradesh (24 cases), Chhattisgarh (16 cases), and Gujarat (10 cases) account for almost 90% of cases. This is because in these states, the majority of the population are tribal people and traditional norms are still strong. However, for honour killings, official cases are reported from Madhya Pradesh (7 cases), Punjab (5 cases) and Maharashtra (5 cases)⁶² but with family attitudes and community customs, honour killings can take place anywhere.

Kidnapping and abduction is the third most common crime against women. Among all kidnapping and abduction cases, 74.2% of the victims were women and 54% were kidnapped and abducted for the purpose of marriage in 2014⁶³ (see Figure 2-8). The highest age group being kidnapped for marriage is 18-29 years (50.2%), followed by 16-17 years (26.2%) and 12-15 years

58ibid.

59 Navsarjan Trust. (2011). *Gender-violence and Access to Justice for the Dalit Women*, cited in Karp, A., Marwah, S., & Manchanda, R. (2015). *Unheard and Uncounted: Violence against Women in India, Small Arms Survey Issue Brief, Number 5, India Armed Violence Assessment*.

60 Ministry of Tribal Affairs. (2013). *Statistical Profile of Scheduled Tribes in India- Chapter8*.

61 National Crime Records Bureau. (2014). Chapter 5.

62ibid.

63ibid.

(12%). Other reasons for kidnapping women were for illicit intercourse and for unlawful activities⁶⁴.

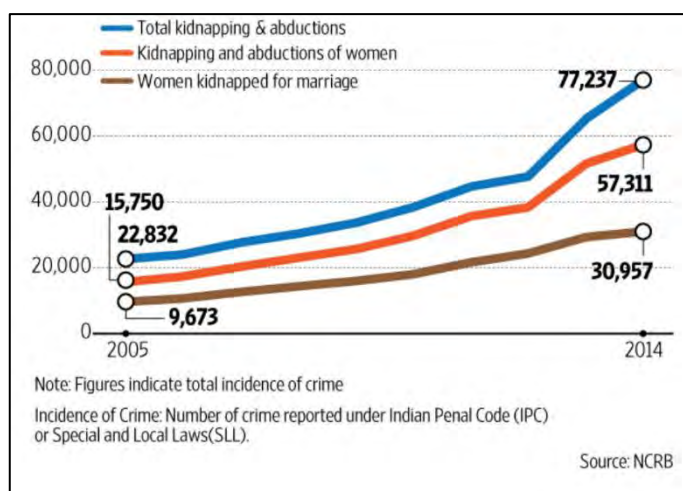


Figure 2-8: Trends of Kidnapping and Abduction (2005-2012)⁶⁵

Cities	Incidence	Rate	as % of total Kidnapping and abduction of women
Patna	359	37.4	59.9
Faridabad	190	29.1	49.5
Bhopal	224	24.9	77.2
Meerut	151	22.5	64.8
Kota	102	21.6	54.5
Ranchi	88	16.3	82.2
Jabalpur	93	15.4	25.9
Ludhiana	113	15.3	45.9
Varanasi	87	12.9	89.7
Ghaziabad	141	12.8	51.1

Figure 2-9: Most Dangerous Cities of Kidnapping and Abduction

Cities	Incidence	Rate	as % of total kidnapping and abduction of women
Uttar Pradesh	7338	7.3	69.1
Madhya Pradesh	2364	6.5	41.6
West Bengal	1198	2.7	24.1
Bihar	4641	9.4	98.0
Rajasthan	2360	6.9	53.4
Delhi	2	0.0	0.0
Assam	3883	25.0	99.7
Maharashtra	1046	1.9	42.6
Odisha	1313	6.3	53.9
Gujarat	1378	4.7	63.0

Data is for 2014

Figure 2-10: Most Dangerous States of Kidnapping and Abduction

City wise, Patna (359 cases), Faridabad (190 cases) and Bhopal (224 cases) has a high rates of women and girls being kidnapped and abducted (Figure 2-9)⁶⁶. State wise, Uttar Pradesh, Bihar, Assam, Madhya Pradesh, Rajasthan, and WB are the top six states and the percentage even goes up to 99.7% in Assam and 98% in Bihar (Figure 2-10)⁶⁷. According to the activists, even though offenders declare that they have kidnapped for the purpose of “marriage”, in reality it is for sexual trafficking. Unsurprisingly, the majority of trafficking takes place in poverty-stricken areas⁶⁸.

64 Jain, D., (2016, February 19). Marriage biggest reason for kidnapping of women in India, *live mint*. Retrieved April 21, 2016, from <http://www.livemint.com/Opinion/REOoSV3MKALdvQBtoi5m8L/Marriage-biggest-reason-for-kidnapping-of-women-in-India.html>

65 Ibid.

66 Ibid.

67 Ibid.

68 Sharma, V., & Johari, A. (2014, May 22). It's time for India to bring back our girls – 40,000 are abducted every year, *Scroll.in*. Retrieved April 26, 2016 from <http://scroll.in/article/664912/its-time-for-india-to-bring-back-our-girls-40000-are-abducted-every-year>

Overall these are the major types of crime committed against women and girls in India. However, crimes described above are just major crimes against women and girls. Easy access to new forms of information and communication technologies has given rise to new forms of harassment such as cyber or phone stalking and increase in demand for pornography. Also, as the numbers of nuclear families, working women and older people increase, there will be more demand for domestic workers in big cities. In most of the cases, women and girls are likely to take these unregulated jobs. Because their workplace is at employers' home, social isolation leaves them at greater risk of violence. It is also important to look at violence against women and girls in conflict situations because they are the direct victims of physical violence, sexual assault, mutilation, abductions and displacement. All these issues still need more systematic gathering of gender-specific data and critical analysis to understand the struggles women and girl victims face.

Chapter 3. Situation of Human Trafficking of Women and Children in India

Human trafficking is one of the worst forms of transnational organised crime in modern era. This crime violates the rights of men, women and children of box sex providing significant negative impacts to their lives, especially to women and children. India is also no exception for this, being ranked as Tier 2 country⁶⁹ on the TIP Report by the US Department of State as a major source, destination and transit country of human trafficking of women and children. .

3.1 Definition of Human Trafficking

In the Article 3, paragraph (a) and (b) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol), the trafficking is defined on the basis of the three elements -Action, Means and Purpose, as indicated in Figure 3-1. If the purpose is exploitation and the actions are taken as below details with the means such as threat or force, then it is defined as trafficking even if there was a consent of victim. However, all these three elements need to be present to define any incident as trafficking. In the Article 3, paragraph (c) of the Palermo Protocol, it is mentioned that use of means such as threat or force is irrelevant to prove trafficking and only two elements (Action and Means) are necessary to define trafficking for the case of children under 18.

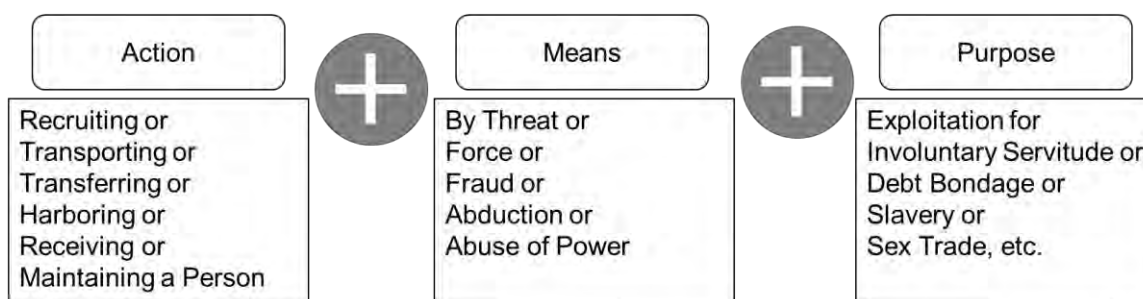


Figure 3-1: Constituents of Human Trafficking⁷⁰

The Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women developed by the Government of India in 2007 introduced the definition of Human Trafficking along with the definition of the Palermo Protocol.

“The victim is transported and transferred to a destination place where he/she is supposed to be maintained for coerced services. The services can be of different forms like sexual exploitation, slavery, for organs, forced marriages, etc. Victims are lured or abducted from their

⁶⁹ Tier 2 Countries in TIP Report are defined as ‘Countries whose governments do not fully comply with the Trafficking Victims Protection Act’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards’.

⁷⁰ Ibid, p9

homes and subsequently forced to work against their wish through various means in various establishments, indulge in prostitution or subjected to various types of indignities and even killed or incapacitated for the purposes of begging and trade in human organs”.

There are three important differences between human trafficking and smuggling of migrant⁷¹:

1) Consent

The smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.

2) Exploitation

Smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim in some manner to generate illicit profits for the traffickers. From a practical point of views, victims of trafficking also tend to be affected more severely and to be in greater need of protection from re-victimization and other forms of further abuse than are smuggled migrants.

3) Transnationality

Smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another State or only moved from one place to another within the same State.

⁷¹ UNODC (n.d.). Retrieved May 23, 2016, from <https://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html>

3.2 Current Policies, Laws, and Ratified Treaties of Human Trafficking

Overview of policy and law addressing human trafficking is shown in Table 3-1.

Table 3-1 Policy and Law Addressing Human Trafficking

Policy	<ul style="list-style-type: none"> • National Child Labour Policy, 1987 • National Plan of Action to Combat Human Trafficking and Commercial Sexual Exploitation of Women and Children, 1998_ • National Policy for the Empowerment of Women, 2001 • Integrated National Plan of Action to Prevent & Combat Human Trafficking with Special Focus on Children and Women, 2007(Draft) • National Policy for Children, 2013
Constitution	<ul style="list-style-type: none"> • Article 23 • Article 24 • Article 39 (e) • Article 39 (f)
Major Law	<ul style="list-style-type: none"> • Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 • Immoral Traffic Prevention Act (ITPA), 1956 • Indian Penal Code (IPC) ,1860
Law related to Women	<ul style="list-style-type: none"> • Foreigner's Act, 1946 • Bonded Labour (Abolition) Act, 1976 • Inter - state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 • The Indecent Representation of Women (Prohibition) Act, 1986 • The Transplantation of Human Organs (Amendment) Bill, 2009
Law related to only Children	<ul style="list-style-type: none"> • Young Persons (Harmful Publications) Act, 1956 • Child Marriage Prohibition Act, 2006 • Information Technology (Amendment) Act 2008 • Child Labour Act 1986 and Child Labour Amendment Bill 2012 • Protection of Children from Sexual Offences (POCSO) Act, 2012 • The Juvenile Justice (JJ) (Care and Protection of Children) Act, 2015 <p>State Law</p> <ul style="list-style-type: none"> • Goa Children's (Amendment) Act, 2005

3.2.1 Current Policies

(1) National Child Labour Policy, 1987

In pursuance of India's development goals and strategies, a National Child Labour Policy was adopted in 1987 following the Child Labour (Prohibition and Regulation) Act, 1986⁷². The national policy reiterates the directive principle of state policy in India's Constitution. It resolves to focus general development programmes to benefit children under the age of 14 years wherever possible and have project based action plans in areas of high concentration of child labour engaged in wage/quasi-wage employment.

The Ministry of Labour and Employment (MLE) has been implementing the national policy through the establishment of National Child Labour Project (NCLP) for the rehabilitation of child

⁷² Jayantilal Bhandari (n.d.). CHILD LABOUR – CHALLENGES AHEAD. Retrieved May 10, 2016, from <http://pib.nic.in/feature/feyr2000/fimar2000/f210320001.html>

workers since 1988. A renewed commitment to fulfil the constitutional mandate resulted in enlarging the ambit of the NCLP in 1994 to rehabilitate children working in hazardous occupations in child labour endemic districts. Under the Scheme, after a survey of child labour engaged in hazardous occupations and processes has been conducted, children are to be withdrawn from these occupations and processes and then put into special schools in order to enable them to be mainstreamed into formal schooling system. The strategy for the NCLP includes the establishment of special schools to provide non-formal education and pre-vocational skills training; promoting additional income and employment generation opportunities; raising public awareness, and conducting surveys and evaluations of child labour.

(2) National Policy for the Empowerment of Women, 2001⁷³

The goal of the National Policy for the Empowerment of Women, passed in the year 2001, is to bring about advancement, development and empowerment of women and specifically includes:

- Creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential.
- The *de jure* and *de facto* enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres-political, economic, social, cultural and civil. Equal access to participation and decision making of women in social, political and economic life of the nation.
- Equal access for women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office, etc.
- Strengthening legal systems aimed at elimination of all forms of discrimination against women.
- Changing societal attitudes and community practices by active participation and involvement of both men and women.
- Mainstreaming a gender perspective in the development process.
- Building and strengthening partnerships with civil society, particularly women's organisations.

⁷³ Retrieved on 4 Jun, 2016 from <http://www.un.org/womenwatch/daw/Review/responses/INDIA-English.pdf>

(3) Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women, 2007⁷⁴

MWCD in collaboration with the MHA, MLE, National Human Rights Commission and NCW, has drafted an “Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women” based on the National Plan of Action to Combat Human Trafficking and Commercial Sexual Exploitation of Women and Children developed by MWCD in 1998.

It is a Plan of Action which will guide and facilitate uniform action on the part of all concerned so that trafficking is prevented and trafficked victims are rescued, rehabilitated and reintegrated with their families and communities. The Integrated Plan of Action consists of action points grouped under:

- Ensuring Human Rights Perspective of the Victims of Trafficking
- Identification of Traffickers and Trafficked Victims
- Preventing Trafficking
- Emerging Areas of Concern in Trafficking – Their Patterns and Trends
- Special Measures for Identification and Protection of Trafficked Child Victims
- Rescue of Trafficked Victims Especially in Brothel-Based and Street-Based Prostitution with Special Focus on Child Victims
- Rehabilitation, Reintegration and Repatriation of Trafficked Victims with Special Focus on Child Victims
- Cross-Border Trafficking: National and Regional Cooperation and Coordination
- Legal Framework and Law Enforcement
- Witness Protection and Support to Victims
- Training, Sensitisation, Education and Awareness

The ultimate objective of the Integrated National Plan of Action is to mainstream and reintegrate all victims of trafficking in society. However, this Integrated National Plan of Action has not been approved yet as of June 2016.

(4) National Policy for Children, 2013⁷⁵

The National Policy for Children 2013 was adopted by the Government on 26th April 2013. It adheres to the Constitutional mandate and guiding principles of UN Convention of the Right of the Child and reflects a paradigm shift from a “needs-based” to a “rights-based” approach. It emphasises that the State is committed to take affirmative measures to promote equal

⁷⁴ Ministry of Women and Child Development. (N.D.). Draft National Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women. Retrieved May 10, 2016, from http://www.protectionproject.org/wp-content/uploads/2010/11/NAP-Draft-India_2006.pdf

⁷⁵ Retrieved 4 Jun, 2016 from http://wcd.nic.in/sites/default/files/National%20Plan%20of%20Action_0.pdf

opportunities for all children, and to enable all children in its jurisdiction to exercise all the constitutional rights. The National Policy for Children 2013 recognises that a child is any person below the age of 18 years.

As children’s needs are multi-sectoral and interconnected, and require collective action, the Policy aims for purposeful convergence and strong coordination across different sectors and levels of governance; active engagement and partnerships with all stakeholders; setting up of a comprehensive and reliable knowledge base; provision of adequate resources; and sensitisation and capacity development of all.

3.2.2 Legal Framework

(1) Indian Constitution

India has addressed trafficking both directly and indirectly in its constitution. There are Articles spread over fundamental rights in Part III and Directive Principles of State Policy in Part IV which addresses trafficking related issues. The following are the provisions of trafficking in the Constitution of India.

Table 3-2: Articles in Indian Constitution addressing Human Trafficking

Article 23	Fundamental Right prohibiting trafficking in human beings and forms of forced labour
Article 24	No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
Article 39 (e)	Directive Principles of State Policy directed at ensuring that health and strength of the individuals are not abused and that no one is forced by economic necessity to do work unsuited to their age and strength
Article 39 (f)	Directive Principles of State Policy stating that childhood and youth should be protected against exploitation

(2) Immoral Traffic Prevention Act (ITPA)

ITPA, 1956 is the only legislation specifically addressing 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 trafficking in women and girls for the purpose of prostitution, as an organised means of living. 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, as well as aggravated punishment when the offences are committed on children.

Table 3-3: Overview of ITPA

Section	Provisions Addressing Trafficking
3	Brothel Keeping
4	Linking on the earning prostitution of others
5	Procuring including of taking person for prostitution
6(1)	Detaining person in premises where prostitution is carried on
6(2)	Presumption of offence if a person is found with a child in a brothel
7	Prostitution in the vicinity of public places
8	Seducing or soliciting
9	Seduction of a person in custody

Source: UNODC (2011) Legal and policy Review,

However the Act mixes up issues of trafficking and prostitution and is currently still pending amendment after much effort taken to amend the bill since 2005.

ITPA Amendment Bill was once submitted to the Parliament in 2006 and the Bill was approved by Cabinet in 2007. However, due to lack of consensus among different stakeholders including different Ministries, lawyers and other civil society including sex workers, HIV/AIDS service organisations and health service organisations, the ITPA Amendment Bill lapsed in 2009.

The following are the key recommendations for the amendment of the ITPA⁷⁶:

- Re-define the age of the child from 16 to 18 years.
- Deletion of sections, which re-victimize the victims.
- In-Camera proceedings in Courts to safeguard privacy of victims.
- Enhanced punishment for traffickers, brothel keepers, pimps etc.
- Punishment for persons who visit brothels for CSE.
- Definition of ‘trafficking’ adopted from the UN Protocol.
- Setting-up of centre and state nodal authorities in the states for preventing and combating the offence of trafficking through coordination, investigation, rescue, rehabilitation, judicial support, research and training.

(3) Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016⁷⁷

In September 2015, responding to the Supreme Court order which asked MWCD to take necessary actions on anti- human trafficking including setting up central level investigation agency, MWCD reactivated the Central Advisory Committee (CAC) and decided to set up Standing Committee to prepare a plan of action covering amendments of ITPA, Standard Operating Procedure (SOPs) and new comprehensive legislation to combat all types of human

⁷⁶UNODC. (n.d.). Retrieved May 10, 2016, from https://www.unodc.org/documents/human-trafficking/2011/Responses_to_Human_Trafficking_in_Bangladesh_India_Nepal_and_Sri_Lanka.pdf

⁷⁷ Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill Retrieved June 7, 2016, from <http://wcd.nic.in/acts/trafficking-persons-bill-2016-draft>

trafficking⁷⁸. Since then, several Standing Committee meetings and Inter-Ministerial Committee meetings have been conducted to discuss the contents of new legislation. The first draft of Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill was recently released on May 30, 2016. MWCD is inviting public comments to the Bill and will reflect the comments and deliberate at the winter session of the parliament in this year.

The scope of the draft covers all aspects of human trafficking, labour trafficking, sex trafficking, organ trade and others, and it demands setting up of new special investigation agency at a central level. The new legislation is also to define the fund allocation for prevention, rehabilitation and victim compensation between the centre and state as 60:40.

(4) Indian Penal Code (IPC) 1860

The IPC 1860 also deals with criminalising of a number of offences not specifically dealt with in the ITPA. The Criminal Law Amendment Act, 2013, has amended the IPC specifically on trafficking. Section 370 defines trafficking in detail. These include penalising acts such as procuring, buying and selling of human beings, importing or exporting human beings, buying and selling minors, coercing or forcing marriage of minors, kidnapping, abducting, and using force for the purpose of trafficking, slavery, slavery like conditions, servitude, bonded and other unacceptable forms of labour, and others. Legislation deals with following issues.

Table 3-4: Section Relating to Human Trafficking

Section	Title
Section 366	Kidnapping
366A	Abducting or inducing a women to compel marriage
366B	Procuring a minor girl
367	Importation of minor girl below 21 for sexual exploitation
370	Buying or disposing of person as slave
372	Selling girls (minors)* for prostitution
373	Buying girls (minors)* prostitution
374	Compelling a person to labour

*: Modified in 2014, earlier data collected under “girls” whereas presently data collected under “minors”.

⁷⁸ Taftteesh Programme (HBF-Kamo) Mid-term Report for Hummingbird Foundation (31 Mar 2013) Submitted by Kamonohashi Project in collaboration with Sanjog. Provided from Kamonohashi Project.

(5) Other Legislation Relevant to Trafficking in Women and Children

Table 3-5: Other Legislation Relevant to Trafficking

Name of Legislation	Description
Foreigner's Act, 1946	It stipulates that foreigners who enter India inadvertently will be immediately handed over to origin country rather than charging on the ground of Section 14 of the Act.
Bonded Labour (Abolition) Act, 1976	It has made the practice of bondage a cognisable offence punishable by law. The Act addresses various forms of bonded labour and is being implemented by the State Governments concerned.
Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	It regulates the employment of interstate migrant workmen and provides for their conditions of service.
The Indecent Representation of Women (Prohibition) Act, 1986	It prohibits indecent representation of women through advertisement or in publications, writings, paintings, figures or in any other manner.
The Transplantation of Human Organs (Amendment) Bill, 2009	It regulates removal, storage and transplantation of human organs as well as transplantation of tissues of the human body. The Bill enhances the penalty for unauthorised removal of human organs and for receiving or making payment for human organs.
Children-specific	
Young Persons (Harmful Publications) Act, 1956	It penalises sale, distribution, public exhibition of harmful publications which may corrupt a young person by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner.
Child Marriage Prohibition Act, 2006	It provides provision to declare a child marriage void by the person who was a child at the time of marriage. Male adult contracting a child marriage, persons who performs, conducts or directs a child marriage are punishable
Information Technology (Amendment) Act, 2008	Under Section 67B of the act, publishing, transmitting of material in electronic form that depicts children engage in sexually explicit act or conduct is punishable. Further under the same section creating text or digital images, collecting, browsing downloading, advertising, promoting in any electronic form depicting children in obscene or indecent or sexually indecent manner is also punishable.
Child Labour Act 1986 and Child Labour Amendment Bill, 2012	The Child Labour (Prohibition and Regulation) Amendment Bill, 2012 prohibits employment of children below 14 years in all occupations except where the child helps his family after school hours. The Bill adds a new category of persons called "adolescent" i.e. person between 14 and 18 years of age.
Protection of Children from Sexual Offences (POCSO) Act, 2012	It strengthens the legal provisions for the protection of children defined as persons below 18 years, from sexual abuse and exploitation. People who traffic children for sexual purposes are also punishable under the provisions relating to abetment in the Act.
The Juvenile Justice (JJ) (Care and Protection of Children) Act, 2015	It defines a child as a person who has not completed 18 years of age. Section 26 addresses exploitation of juvenile employee. 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.

(6) State Level Legislation

Some states have taken special legislative measures to prevent trafficking. The Goa Children’s (Amendment) Act, 2005 is the only state level child welfare act in existence. The definition of trafficking has also been provided and is comprehensive though it focuses on child trafficking and is applicable to the state of Goa only. The Karnataka Devadasi (Prohibition of Dedication) Act, 1982 and Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1988 makes dedication of girls as Devadasi to be unlawful.

3.2.3 International Conventions and Regional Conventions

The United Nations has formulated various treaties and international conventions to protect the civil, political, economic, and social rights of people. The following table shows current status of ratification by India.

Table 3-6: International and Regional Instruments and Status of Ratification

International Instrument	Status of Ratification
Convention No. 29 to address implementation gaps to advance prevention, protection and compensation measures, to effectively achieve the elimination of forced labour	Ratified in 1954
Convention on the Rights of the Child, 1989	Ratified in 1992
Convention on the Elimination of All Forms of Discrimination against Women 1979	Ratified in 1993
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime 2000	Ratified in 2011
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002	Ratified in 2002
Optional Protocol to the Convention on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflict, 2000	Ratified in 2005
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000	Ratified in 2005
ILO Minimum Age Convention, 1973 (No.138) setting the age below which children should not be in work at 15	Not ratified
ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999	
ILO Convention 189 undertakes to protect the rights of domestic workers, promote equality of opportunity and treatment, and improve working and living conditions.	

The main bottleneck in the way of the Government of India to ratify Conventions 138 and 182 is appropriately raising the age of employment in hazardous occupations from 14 to 18 years in the Child Labour (Prohibition and Regulation) Act 1986. It is worth noting that a provision already exists in Section 26 of Juvenile Justice (JJ) (Care and Protection) of Children Act 2000 highlighting that whoever ostensibly procures a juvenile or child (an individual less than

18 years) for the purpose of any hazardous employment, keeps him/her in bondage, withholds his/her earnings or uses such earnings for his/her own purposes shall be punishable with imprisonment for a term which may extend to three years and shall be liable to fine. This in a way eases the job of the Government to ratify Conventions 138 on Minimum Age of Employment and 182 on Worst Forms of Child Labour which are two of the eight core ILO Labour Conventions that have been pending for a long time now reflecting poorly on India as a nation which is a founder member of the ILO⁷⁹.

3.3 Situation, Problems and Number of Victims/Incidences of Human Trafficking

3.3.1 Current Situation

India has a considerable in-country trafficking problem, intra-state or intra-district trafficking. It is estimated that up to 90% of India's trafficking problem is internal and 10% is cross border⁸⁰. Bangladesh and Nepal are the highest source countries. The pattern of cross-border trafficking in India is described in the following figure.

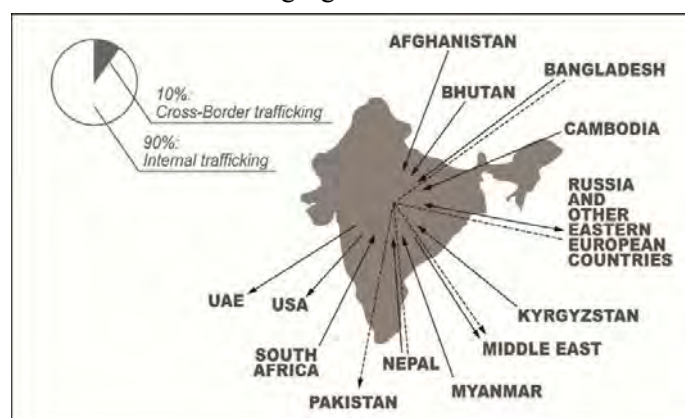


Figure 3-2: Patterns of Cross boarder Human Trafficking in India

The Global Slavery Index⁸¹, 2014 reported by the Walk Free Foundation, indicated that India was a destination to an estimated 14 million⁸² victims of human trafficking, including victims of trafficking for CSE, bonded labour, child labour, domestic servitude and forced marriage though the accurate total number of victims has not been revealed.

⁷⁹Global March Against Child Labour. (n.d.). Delay in Ratification of ILO Conventions 138 and 182 by Government of India Tarnishing Nation's Image . Retrieved May 10, 2016, from <http://www.globalmarch.org/content/delay-ratification-ilo-conventions-138-and-182-government-india-tarnishing-nation's-image>

⁸⁰ U.S. Department of State (2015). Trafficking in Person (TIP) Report 2015, Country Narrative, India, p.184. from <http://www.state.gov/documents/organization/243559.pdf>

⁸¹ It is an annual ranking of slavery conditions by countries world wide published by the Walk Free Foundation, the international organisation attempting to end contemporary slavery and human trafficking.

⁸² Walk Free Foundation (2014). The global slavery index in India, Retrieved 5 Jun, 2016 from <http://www.globalslaveryindex.org/country/india/#return-note-194-1>

There is also a data of number of victims. The Asian Philanthropy Forum has estimated there would have been 16 million. The Cruel Economics of Human Trafficking in India (2014, February 28). Retrieved May 03, 2016, from <http://www.asianphilanthropyforum.org/cruel-economics-human-trafficking-india/>

India also serves as a transit country for illegal migrants and trafficked persons from other neighbouring countries such as Bangladesh and Nepal to United Arab Emirates (UAE), Europe and the US. According to the AHTU, the victims are sold in the “red-light area⁸³” for about Rs. 30,000 to 40,000 (approximately USD 446 to 595)⁸⁴.

Column 1: Situation on Cross boarder Trafficking at the Indo-Nepal Border

Nepal is a supply country for human trafficking and 1,751 km-long open border between India and Nepal makes trafficking easy. A Large number of Nepali nationals work in India without being required to obtain work permits and vice versa for Indian nationals working in Nepal.

According to UNODC, approximately 12,000 children are trafficked every year from Nepal⁸⁵. The National Human Rights Commission of Nepal estimates that 11,500 persons were trafficked in 2011, up from 5,500 in 2010. Children constitute 36% of all Nepalese trafficked victims⁸⁶, with girls constituting 33% and boys making up 3%. Female victims make up 86% of the total number of trafficking victims from Nepal. As those background, areas in southern and south-western part of Nepal are especially vulnerable to traffickers. Limited economic opportunities, illiteracy or low education, low socio-economic and cultural status, caste distinctions, natural calamities are the main trigger factors behind trafficking in persons. Nepali girls are trafficked not only for red light areas but also for beauty parlours, herbal treatment centres, call services for friends and escorts, mobile girls, dance bands and domestic work.

On the other hand, there is reportedly trafficking from India to Nepal for working in the entertainment and carpet industries. The use of girls in beer bars in Nepal to “entertain” customers is a rapidly growing phenomena. Viratnagar, the second largest city of Nepal after Kathmandu has approximately 55 licensed beer bars that entertain Indian and Nepalese customers. Each of these beer bars employs 15 to 20 girls including quite a few Indians mainly hailing from WB and Bihar.

3.3.2 Categories of Crime against Human Trafficking

There are six crime heads against human trafficking classified under two categories: IPC and ITPA, namely;

- Section 366-A IPC Procuration of minor girls
- Section 366-B IPC Importation of girls from foreign country
- Section 370 and 370 A IPC Human Trafficking
- Section 372 IPC Selling of girls (minors)* for prostitution
- Section 373 IPC Buying of girls (minors)* or prostitution
- Immoral Trafficking (Prevention) Act 1956

*: Modified in 2014, earlier data collected under “girls” whereas presently data collected under “minors”.

⁸³ The areas with many brothels.

⁸⁴ SAVE The Children India (2014). Feasibility Study report NAGPUR Model Design for the Coordination Mechanism amongst Stakeholders for Anti Human Trafficking in Maharashtra, India. Provided from Kamonohashi Project

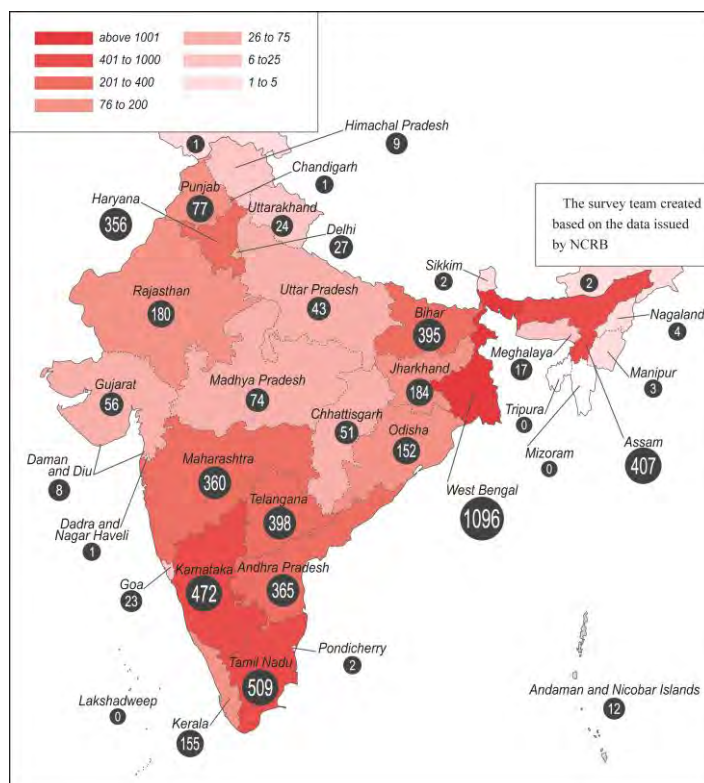
⁸⁵ There is also other estimates that the number between 7,000 and 15,000 each year.

⁸⁶ Stallard, R. (2014, July 15). Child trafficking in Nepal: Causes, consequences and education as prevention. Retrieved May 18, 2016, from <https://www.childreach.org.uk/our-publications>

There are the officially recorded crimes two categories for crimes against human trafficking of women and children.

3.3.3 Number of Incidences of Trafficking

According to Crime in India annually issued by NCRB, 5,466 cases relating to human trafficking were reported in 2014⁸⁷. The following map shows the number of incidences counted during 2014 segregated by states. WB, Tamil Nadu, Karnataka and Assam have high number of incidences.



Map 3-1: Total Incidence of Relating to Human Trafficking by States During 2014⁸⁸

The reported total number of trafficking incidences steadily rose for the period 2009 to 2014. 2,848 cases relating to human trafficking reported in 2009 increased to 5,466 cases in 2014⁸⁹. Thus, the total number of crimes under human trafficking during the year 2014 has increased by 59.7% over 2010.

⁸⁷Ministry of Home Affairs . Chapter 6 Human Trafficking, Crime in India, 2014.

⁸⁸The survey team created based on the data issued by NCRB

⁸⁹Ministry of Home Affairs . Chapter 6 Human Trafficking, Crime in India, 2014.

Table 3-7: Comparison Chart of Reported Incidences of Crime against Trafficking

	Crime head	Year					
		2009	2010	2011	2012	2013	2014
1	Procuration of minor girls (Sec.366-A IPC)	237	679	862	809	1,224	2,020
2	Importation of girls from foreign country (Sec.366-B IPC)	48	36	80	59	31	13
3	Selling of girls (minors) for prostitution (Sec.372IPC)*	57	130	113	108	100	82
4	Buying of girls (minors) or prostitution (Sec.373 IPC)*	32	78	27	15	6	14
5	Immoral Trafficking (Prevention) Act 1956	2,474	2,499	2,435	2,563	2,579	2,617
6	Human Trafficking (Sec. 370 & 370 A IPC)						720
Total		2,848	3,422	3,517	3,554	3,940	5,466

Source: NCRB, MHA

Data on Human Trafficking under section 370 & 370A of IPC has been collected for the first time in 2014.

Selling of girls for prostitution (Sec.372IPC) is newly included in 2014.

*: Modified in 2014, earlier data collected under “girls” whereas presently data collected under “minors”. Up to the age of 18 years is considered to be a child. Minor is a common term used to identify or define a victim till the age of 18 years in India.

3.3.4 Number of Victims of Trafficking

The latest numbers of victims of human trafficking and offenders segregated by gender, age, nationality, purposes, and motives of rescued victims have not been included in the published report yet. NCRB is in the process of collecting and compiling that information along with the Data Entry Module⁹⁰. The number of the victims of human trafficking is expected to be published in 2017.

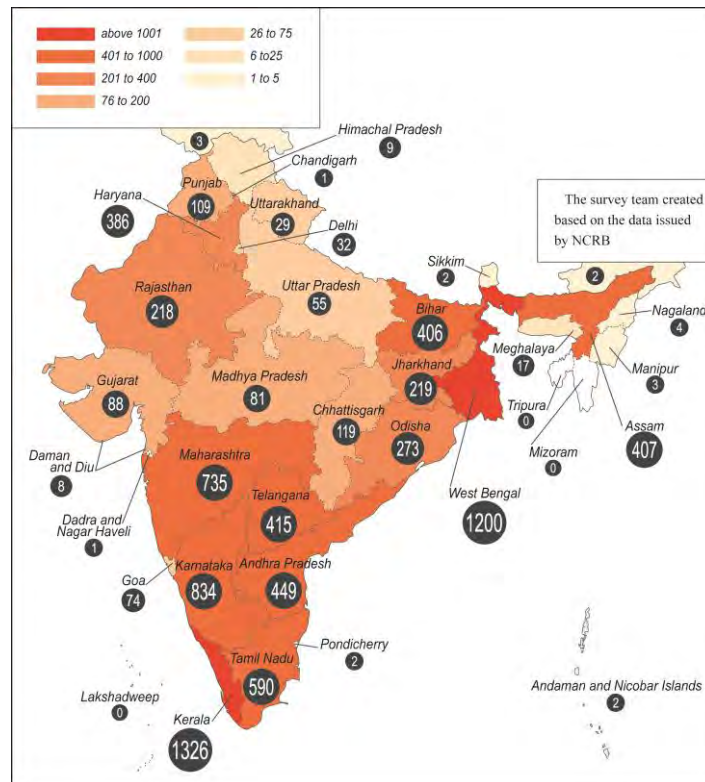
The NCRB had released that as many as 8,099 people were reported to be trafficked across India in 2014 (the following map shows the number of victims counted during 2014 segregated by states⁹¹). NCRB revealed that girls and women are the main targets of immoral trafficking in India, making up 76% of human trafficking cases nationwide⁹². Kelara and WB are ranked as having the highest number of victims during 2014.

⁹⁰ The latest “Anti Human Trafficking Data Entry Module Proforma” is available from the AHTU website: <http://www.ncrb.gov.in/StatPublications/Anti-Human-Trafficking-AHT/AHT%20Proforma%20v1%20English.pdf>

⁹¹ AHTU had also released the statistics on total numbers of victims reported trafficked during 2013. However, AHTU specified that the number of victims were higher than reported and there were several missing data which had not been sent from the states. The survey team relies on the data issued by NCRB.

The table of AHTU is available on their website (Data on Human Trafficking in India During 2013 (as on 21-01-2014) (2014, January 21). Retrieved May 17, 2016, from AHTU, MHA website: [http://stophumantrafficking-mha.nic.in/writereaddata/DATA ON HUMAN TRAFFICKING IN INDIA DURING 2013 \(As on 21_01_2014\).pdf](http://stophumantrafficking-mha.nic.in/writereaddata/DATA ON HUMAN TRAFFICKING IN INDIA DURING 2013 (As on 21_01_2014).pdf))

⁹² Ministry of Home Affairs . Chapter 6 Human Trafficking, Crime in India, 2014. (2015, August 26). Minor Girls, Women Chief Targets As Human Trafficking Surges. Retrieved May 9, 2016, from <http://www.indiaspend.com/cover-story/minor-girls-women-chief-targets-as-human-trafficking-surges-75107>



Map 3-2: Total Victims of Relating to Human Trafficking by States During 2014⁹³

The process of data collection on crime of human trafficking is as follows: each district police of India collects data on reported crime and it is stored with District Crime Record Bureau (DCRB). Each DCRB sends data to their State Crime Record Bureau (SCRB) located at state capital. SCRB finally compiles all the DCRB data and sends it to NCRB in New Delhi. The NCRB compiles the data under the following six headings of crime related to human trafficking.

The number of incidents and victims reported to NCRB does not necessarily capture the ground reality where many cases go unreported due to stigma and shame attached to this kind of crime. In addition, there is different interpretation by police stations to report certain cases in the NCRB system. Nevertheless, NCRB data remains the most reliable source.

3.4 Categories of Human Trafficking

According to Veerendra Mishra (2015), a national prominent researcher of human trafficking whilst at the same time being the secretary in charge of Central Adoption Resource Authority (CARA), MWCD, human trafficking has various forms that would be categorised as follows: “commercial sexual trafficking”, “labour trafficking” and “others”. Taking perspective into account, the most major prevalent sectors employing trafficked persons would be categorised

⁹³ The survey team created based on the data issued by NCRB

as follows based on the interviews to related organisations, and existing documents including issued by Asia Development Bank (ADB) in 2003:



Figure 3-3: Prevalent Sectors Employing Trafficked Victims

The most prevalent purpose is labour while CSE is recognised as the most common. The Organization for Security and Co-operation in Europe (OSCE) has also recently recognised the other forms of trafficking such as exploitation in agricultural sector as trafficking for labour.

Mishra (2015) mentioned that surrogate motherhood, organ trafficking, exploitation under the name of adoption and clinical trials etc. are newly revealed forms of trafficking; these have not yet become as common as the above, though there is a tendency to increase. In addition, it is also not prevalent but there are communities or groups which had been culturally sanctioned to practice prostitution, though prostitution is a basically prohibited norm in India.

Each category of human trafficking will be elaborated in the following sections.

- **Commercial Sexual Trafficking**

It is estimated that more than ten million women and children are victims of sex trafficking in India, of these 20% of the total number are under 16⁹⁴. Victims of trafficking for sexual exploitation are kept in captive both physically and psychologically⁹⁵.

Prostitution is the most known purpose of human trafficking. At the same time, sadly it is a highly profitable and low-risk business that exploits vulnerable populations⁹⁶. According to the report issued by the Asian Philanthropy Forum, most victims come from rural areas: over 70% are illiterate, and almost half are reported from families earning just about USD 1 per day. There is also data that 78% of trafficked victims in the country are from WB⁹⁷.

TIP Report issued in 2015 indicated that female trafficking for sexual exploitation victims are frequently exploited in Kolkata (state capital of WB), Mumbai (state capital of Maharashtra),

⁹⁴ Hameed, S., Hlatshwayo, S., Tanner, E., Turker, M., & Yang, J. (2010, March 12). Human Trafficking in India: Dynamics, Current Efforts, and Intervention Opportunities for The Asia Foundation. Retrieved May 3, 2016, from The Asia Foundation website: [StanfordHumanTraffickingIndiaFinalReport.pdf](#) (hereinafter “Hameed S. Human Trafficking in India”)

⁹⁵ Veerendra Mishra (2015). p.57

⁹⁶ Dasra, the INGO working for the adolescent girls revealed that a net profit margin of over 70% makes sex trafficking one of the most profitable businesses in the world. Moreover, the average price of sex act has been decreasing over time.

⁹⁷ ZERO TRAFFIC Eliminating Sex Trafficking in India. (2013, November). Retrieved May 3, 2016, from Dasra, The hummingbird Trust, Kamonohashi Project website: <https://www.dasra.org/cause/eradicating-sex-trafficking>

Delhi (NCTD), Gujarat state, and along the India-Nepal border⁹⁸. Prostitution is no longer primarily confined to traditional brothels in red light areas. Moreover it can be found in new venues such as mobile brothels, dance bars, escort services, friendship clubs, massage parlours, and huts or bath establishments along the national highways such as Kolkata-Siliguri-Guwahati-Shillong highway, Solapur-Hyderabad highway, Delhi-Kolkata-Chennai-Mumbai highway and the Grand Trunk Road between Bangladesh and Pakistan.

Trafficking for sexual exploitation does not only take place within the borders of the country. There are also a large number of trafficking victims from Bangladesh and Nepal who are forced into prostitution in India. The majority of them are the girls from 9 to 14 years old.

Sex tourism is another form of CSE. The prevalent areas are Agra-Delhi-Jaipur belt, so-called “pink (or golden) triangle”, as well as south and south-west India: Goa, Maharashtra (Mumbai in particular), Karnataka (Gokarna and Karwar in particular), Kerala (Kovalam, Cochin, Kumily, Varkala in particular), Tamil Nadu (Mammallapuram in particular), Odisha (Puri in particular), Himachal Pradesh and Rajasthan states. Mishra (2015) found that not only beach areas such as Goa and Kerala, but also any kinds of attractions such as sports events held in urban cities could be the destination of trafficked victims for the purpose of the sex industry.

According to UNODC⁹⁹, there are number of cases where forms of marriage have used trafficking, similarly forced and child marriage. Organised bride trafficking syndicates have been increasingly operating in Haryana, Punjab and Uttar Pradesh states with the unbalanced sex ratio¹⁰⁰. In some areas of those states, Rajasthan and Madhya Pradesh, there is a custom to purchase brides¹⁰¹. UNODC reported that most purchased brides are exploited, denied basic rights, duplicated as maids and eventually abandoned.

• **Entertainment Industries**

Entertainment businesses such as dance bars, strip theatres could be considered close to CSE. There are some reported cases of women working for such businesses trafficked to Gulf Countries¹⁰².

⁹⁸ TIP Report (2014, p.203)

⁹⁹ India: Country assessment highlights status of victim assistance and criminal justice initiatives on anti human trafficking . (2013). Retrieved May 15, 2016, from UNODC website:

https://www.unodc.org/documents/southasia/reports/Human_Trafficking-10-05-13.pdf

¹⁰⁰ The Guardian “India’s bride trafficking fuelled by skewed sex ratios” available at

<http://www.theguardian.com/global-development/2014/dec/17/india-bride-trafficking-foeticide>

¹⁰¹ Veerendra Mishra (2015). pp.67-pp.70

M.Shafiqur Rahman Khan (2013) “Chapter 2 Bride Trafficking within India” “Human Trafficking the Stakeholder’s Perspective” (SAGE publication, 2013)

¹⁰² As a related incidence, the Mumbai police rescued women aged between 22 and 27 years, former bar dancers in Mumbai on their way to Dubai from where they were supposed to be transported to different Gulf countries and than forced work as sex workers (Mishra, 2015, p75).

Similar to women, children who come from poor families are highly vulnerable to trafficking. Some of the trafficked children are recruited in circuses and travelling shows¹⁰³. Another case is the trafficking of boys to become camel jockeys for camel racing in the Middle East¹⁰⁴.

- **Forced and Bonded Labour in Different Industrial and Agricultural Sectors**

The most common purpose of trafficking worldwide is for labour. Forms of employment for forced or bonded labour including child labour found in agriculture sector, domestic workers, industry, small businesses, child soldiers, begging etc. Traffickers also use children for illegal activities like begging, the organ trade, drug peddling and smuggling, shoplifting, pick-pocketing, pornography, circuses and camel jockeying mentioned above¹⁰⁵.

Additionally, workers in agricultural sector are difficult to observe as victims of trafficking. Moreover, it often employs them seasonally that makes roundup unsuccessful.

- **Domestic work**

ILO which is promoting decent working practices, states that the employment of minors as domestic workers is still common practice in India despite the Government of India prohibiting hazardous occupations for them. In recent years, the demand for domestic workers in urban areas in India has grown. The increase of nuclear families and changes in lifestyle have contributed to rise in trafficking into domestic work and child labour. Domestic workers are vulnerable and subject to abuse due to being an indispensable yet unrecognised and invisible labour force.

There are two most frequented migration routes for female domestic workers: one emigration route from Kerala to Gulf countries and an internal route from Jharkhand to New Delhi. The majority of migrant domestic workers from Jharkhand are live-in workers, many of whom report physical abuse, use of abusive language, restriction of movement, long hours of work and lack of clarity regarding actual wages.

3.5 Causes and Geographical Background of Victims

Trafficking is basically an exploitation of victims' vulnerability. It is an exploitation of victims' situational, environmental, conditional vulnerability. As with prior studies by international donors and local research, vulnerability can be classified into two main factors: Push

¹⁰³ Hameed S. (2010). pp.14-pp.15

¹⁰⁴ Nair, P. M., & Sen, S. (2005). Trafficking in women and children in India. New Delhi: Orient Longman. pp.135-pp.136

International Labor Rights Forum (2004, June 25). Nepalese Get Trapped in Indian Circuses. Retrieved May 17, 2016, from <http://www.laborrights.org/stop-child-labor/news/10910>

Nepal's lost circus children. (n.d.). Retrieved May 17, 2016, from <http://www.aljazeera.com/programmes/peopleandpower/2011/09/201196121411147219.html>

¹⁰⁵ Research Direction, S.P. Rajguru, 2014 available at <http://researchdirection.org/UploadArticle/153.pdf>

and Pull. Push factors predominantly exist on supply side (the point of origin). Pull factors exist on demand side (destination).

Mishra (2015) expresses his opinion that “pull factors cannot be stopped, per se because these are by-products of growth and development, on the other hand, push factors can be minimised by way of development and growth” (ibid, p.121). Those factors are given detailed explanation below.

Additionally, the socio-demographic tendency of victims can be categorised as follows. FXB India Suraksha, an international NGO working for protection of post-rescue victims of trafficking in India recognised that victims tend to have these characteristics.

Table 3-8: Persons Easily Targeted to Trafficking

#	Category
Both Adult and Children	
1	Families where the father has migrated for work and the women are left alone.
2	Divorcee or deserted women having less status in society.
3	People living in areas prone to natural calamity, under developed areas with high prevalence of migration.
Children Specific	
1	Children from large families, especially the daughters.
2	Children from female householders, especially the daughters.
3	Girls needing financial help for various reasons.
4	Underprivileged and abandoned children.
5	Orphan girls or girls having step-fathers or step-mothers are neglected or taken least care. Girls living with relatives who are viewed as burdens.
6	Girl children at large who are given away by parents in lieu of money for marriage or work
7	Child beggars especially on the railway station premises.

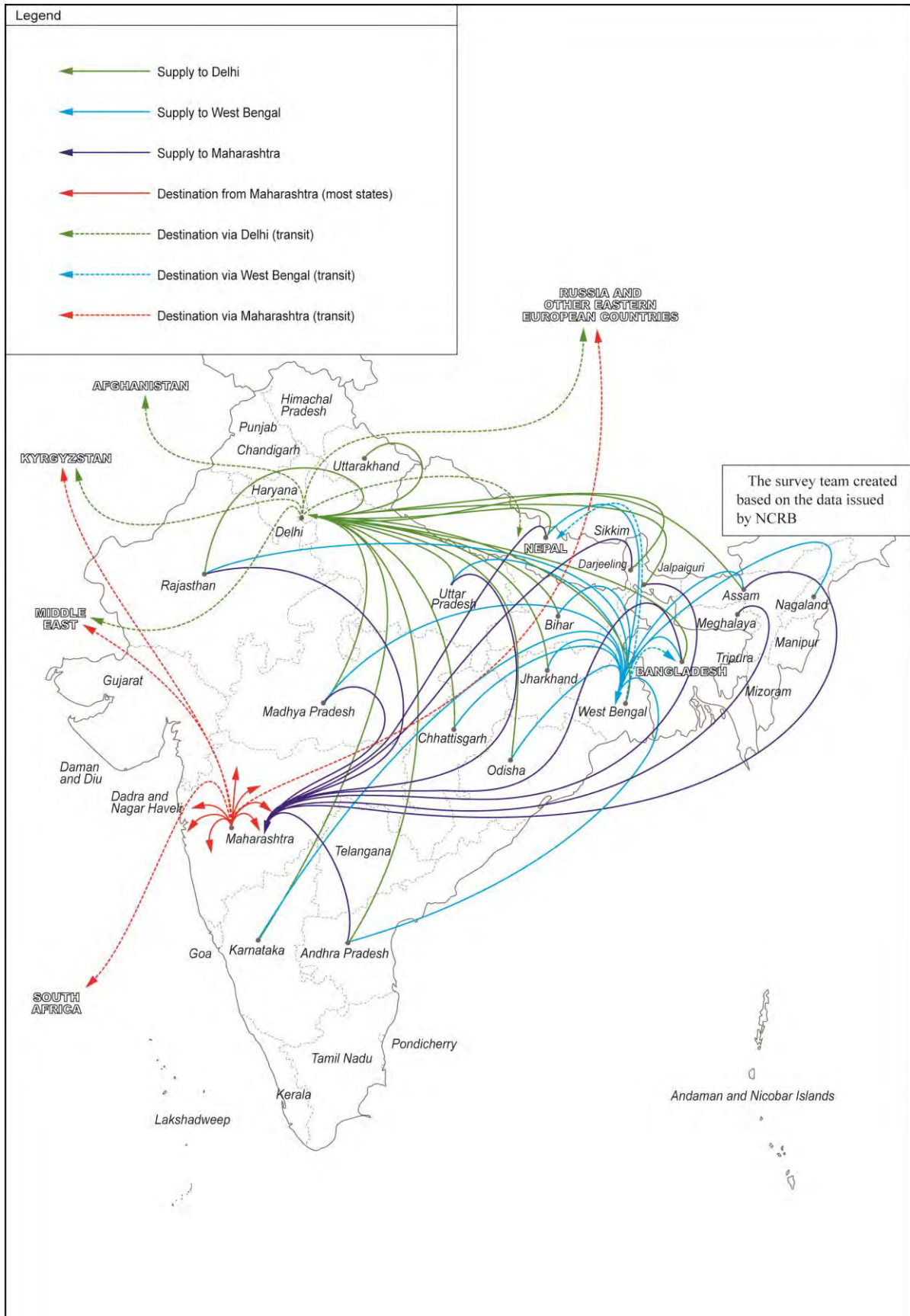
Source: FXB India Suraksha

3.5.1 Geographical Analysis

Some areas or cities are more prone to be affected by human trafficking than others due to their geographical location or socio-economic status. Considered as most vulnerable source states for trafficking are: Andhra Pradesh, Assam, Bihar, Chhattisgarh, Goa, Delhi, Jharkhand, Karnataka, Maharashtra, Meghalaya, Odisha, Rajasthan, Tamil Nadu, Uttar Pradesh and WB.

The major route from supply areas to transit and destination areas of NCTD, WB and Maharashtra are described on the following map. Rural districts and hill regions are particularly vulnerable. The northern part of WB and South and North 24 Parganas, the target states of our intensive survey and Sikkim where tea plantations are located have contributed to trafficking due to low wages and its isolated nature. Mumbai in Maharashtra state is the most likely destination¹⁰⁶. The map describing supply, transit and destination of trafficking over the whole of India is attached as Appendix-6.

¹⁰⁶ Bhat, U. (2006). BBC NEWS South Asia Prostitution 'increases' in India. Retrieved May 17, 2016, from http://news.bbc.co.uk/2/hi/south_asia/5140526.stm



Map 3-3: Supply, Transit and Destination Map Focusing on NCTD, Maharashtra, WB

3.5.2 Push Factors Causing Vulnerability to Potential Victims - Supply Side

Most literature points to poverty as the primary cause of trafficking. Meanwhile, collected data and records show that the source areas have a number of things in common such as low level of education, high poverty, caste and traditional practices, discrimination and a patriarchal culture, marginalisation of women, incidents of natural disasters or other trigger events like loss of livelihood, seclusion, marginalisation, lack of access to livelihood opportunities and high prevalence of out migration for jobs are the key push factors.

Major push factors in India causing vulnerability against human trafficking are elaborated as follows:

- **Social practices**

As mentioned in Chapter 2, discrimination of certain caste is also one of the push factors of trafficking in India. Most girls and women in India's urban brothels come from *Dalit* or 'untouchables', lower-caste, tribal, or minority communities¹⁰⁷. Similarly, the victims originated from Nepal and Bangladesh also tend to be lower caste. It shows that trafficking is negatively skewed towards historically disadvantaged groups. Particularly, rural areas are stratified in structure and the historically lower caste such as *Dalits* was subjected to discrimination, which was normalised in isolated villages. Their economic status could never be improved.

In Mishra's opinion¹⁰⁸, due to this caste representing the lower strata in the community, they are vulnerable to be victimised by the dominant caste and it causes feelings of being helpless, powerless, inferior and difficulty of self-identity while enhancing aspiration to social emancipation and improvement of economic status¹⁰⁹.

In India, there are age old traditions of engaging prostitution like *Devadasi*¹¹⁰(different names are used in different areas, including *Jogini*, *Basari*, *Venkatswami*). All these practices are outlawed, but they still go on which provide an alibi to trafficking. The most visible example is the *Devadasi* tradition commonly seen in Karnataka, Andhra Pradesh and Maharashtra in which parents from ST marry their daughters before puberty to a deity or temple where they are then forced to provide sexual services to upper caste community members¹¹¹.

¹⁰⁷ Forced Prostitution - International Dalit Solidarity Network (IDSN). Retrieved May 17, 2016, from <http://idsn.org/key-issues/forced-prostitution/>

¹⁰⁸ Veerendra Mishra (2015). p.124

¹⁰⁹ *ibid.* p.124.

Gershen Kaufman (1 January 2004). *The Psychology of Shame Theory and Treatment of Shame-Based Syndromes*, Second Edition. Springer Publishing Company. Retrieved May 17, 2016

¹¹⁰ *Devadasis* are women dedicated to Goddess Yellamma who are sometimes engaged in sex work.

¹¹¹ Hameed S. Human Trafficking in India

Moreover, the districts in states of Uttar Pradesh, adjoining Madhya Pradesh and Rajasthan are known for their communities like *Nat*¹¹², *Bedia*¹¹³, *Bachara*¹¹⁴, *Dereda* etc. where girls are traditionally engaged in CSE. Furthermore, de-notified tribes living in pockets of Agra, Jhansi, Lalitpur, Sitapur-Hardoi area are vulnerable to be trafficked. There is also *Nat* community in Rampur city of Kishanganj district, Bihar state.

• **Economy (Poverty)**

The principal push factor at the origin points is poverty. The percentage of the population below poverty rates (at USD 1.90 a day) has gradually shrunk, however approximately 21.3% of the population (2011) still remained below the poverty line¹¹⁵. Victims of human trafficking mostly originate from Odisha, Bihar, Jharkhand, Chhattisgarh, and WB which have high poverty levels¹¹⁶. Weak labour market institutions, inadequate social protection systems, poor-quality education, inadequate access to credit and land and excessive asset concentration are among the factors for widening income gaps.

Due to social and cultural factors mentioned above, better life and economical improvement are strong aspirations for those people. In financially limited areas, parents are too busy to keep eyes on their children so that they are vulnerable to recruiters or traffickers approaching them. Therefore, the traffickers use those 'fair' words to persuade parents and children. Even some children voluntarily ask recruiters for a job to help their family. It enables traffickers to avoid forced methods such as abduction and kidnapping. Unlike these areas, in the case of Delhi and Goa where there is less poverty level and high female literacy rate, abduction and kidnapping are the main modus operandi¹¹⁷.

The particular economic factor in WB is the closure of tea gardens due to disease damage to tea plants in Darjiling or subsequent layoff¹¹⁸. They are lured with promises of good jobs but many end up being exploited. Lack of opportunities for employment makes individuals or families more vulnerable to be trafficked.

¹¹² Nat Purwa: Where prostitution is a tradition (19 January 2013). Al Jazeera. Retrieved May 17, 2016, from <http://www.aljazeera.com/indepth/features/2013/01/20131161032441697.html>

¹¹³ This Indian Community Celebrates Birth of a Girl Child. Here's Why It's Not Good News. (2015, October 30). Retrieved June 25, 2016, from <http://www.thebetterindia.com/37287/bedia-community-madhya-pradesh-samvedna-prostitution/>

¹¹⁴ *ibid.*

¹¹⁵ Oxford Poverty and Human Development Initiative (2015) Global Multidimensional Poverty Index Databank. OPHI, University of Oxford. Global Multidimensional Poverty Index Databank. OPHI, University of Oxford. Retrieved 1 Jun, 2016 from <http://www.ophi.org.uk/multidimensional-poverty-index/global-mpi-2016/>

¹¹⁶ Poverty & Equity. (World Bank). Retrieved May 26, 2016, from <http://povertydata.worldbank.org/poverty/country/IND>

¹¹⁷ International Journal for Equity in Health. (2008, September 25). Sexual slavery without borders: trafficking for commercial sexual exploitation in India. Retrieved May 03, 2016, from <http://equityhealthj.biomedcentral.com/articles/10.1186/1475-9276-7-22>

¹¹⁸ According to the Japanese NGO attempting to poverty reduction of farmers in tea gardens in West Bengal, sudden close of gardens or collapse of tea businesses have been consequently occurred in recent years.

- **Gender**

Marginalisation of women and the low status of women in some societies is a major contributing factor to trafficking¹¹⁹. As mentioned in Chapter 2, India is a patriarchal society with male domination over women. Thus, the skewed sex ratio due to female foeticide caused by a desire to have a male child is promoting trafficking for forced marriage¹²⁰. In the areas with poor sex ratio, demand (pull factor) in commercial sex industry, domestic work and certain informal labour sectors is found along with high demand for young girls for marriages. Parents of girls are often cheated by traffickers who try to attract them by marriages without dowry.

Due to the social and cultural situation surrounding women, education and training for women are provided far less than for men. It limits girls and women to have options for alternative income generating opportunities for sustaining livelihood except relying on prostitution. According to the Asia Foundation's report (2010), as a recent economical trend in India, labour-intensive industries are shifting to capital intensive businesses which require higher skills or with expertise in a particular field. It indirectly promotes trafficking because women with low skills have fewer opportunities to be hired in those industries. Conversely, the demand for casual workers who complain less about working period, work place and treatment is increasing in both production and manufacturing sectors such as fishery, tobacco, cotton and textile. The unskilled people living in poverty tend to rely on this casual work. These constant unstable conditions make them vulnerable to be targeted by traffickers. At the specific timing of their joblessness, traffickers come close and offer promises of job placement though it is commercial sex or labour trafficking in reality.

- **Natural Disasters**

In the post-disaster or post-conflict period, marginalised communities become easily prey for traffickers (see the following section regarding conflict). Disasters such as famine, drought, cyclone, flood, and earthquake effects lead to child labour, child trafficking and sexual exploitation. During Bihar and WB flood (2008), Gujarat earthquake (2001), Tsunami hit eastern and southern coastal areas (2004), Odisha cyclone (1999) etc. thousands of people became homeless and destitute. For example, according to Banerjee, A (2011)¹²¹, 2,500 children were trafficked in North Bihar following damage caused by heavy rains in 2007. Since the Nepal quake in April 2015, it is estimated that tens of thousands of young women from areas devastated by the

¹¹⁹ Hameed S. Human Trafficking in India

¹²⁰ Veerendra Mishra (2015). p.127

¹²¹ Banerjee, A. (n.d.). Quake survivors vulnerable to human trafficking and child labour- Hindustan Times. Retrieved May 15, 2016, from <http://www.hindustantimes.com/india/quake-survivors-vulnerable-to-human-trafficking-and-child-labour/story-E15bSWjontEDxYcMRW16jO.html>

The relief camps of Bhuj city, Gujarat state opened after January 26, 2001, earthquake had become highly vulnerable to human trafficking, drug trafficking and sexual exploitation.

earthquake have been targeted by traffickers who abduct them and force into sexual exploitation. The majority of those found ended up in Indian brothels¹²².

The most vulnerable survivors of natural calamities are children and women who lost their parents/spouse, social-economical networks, and are suffering from disease and malnutrition. IOM has warned that people in the quake-hit area were in a situation where they had no options but to sell their children, especially girls to make ends meet.

There is a new revelation of children being trafficked from catastrophic areas and forced to become *jihadis* by Muslim fundamentalists. It is a matter of concern for the counter-terrorist agencies¹²³.

• **Insurgency**

Naxalite movements in Jharkhand and Chhattisgarh contribute to increase trafficking. The insurgency areas are in the heartland of India, where militant communism Maoism (Naxalism) has taken hold and boys and girls children have been forced to join child naxals. There is concern that those trafficked children are subjected to abuse, sexual assault, and other violations and bondage¹²⁴. Meanwhile, they are trained for such illegal activities as murder, homicide, arson, looting, destruction of property etc.

3.5.3 Pull Factors Causing Vulnerability to Potential Victims - Demand Side

There are no “push” factors without “pull”. The demand creates a market in which traffickers operate and gain profit. As mentioned above, the demand for trafficked persons comes from a wide range of sectors. A low gender ratio creates demand for brides and domestic workers. Various types of clients including businessmen, officers, students, tourists, bachelors, employees, pensioners, vehicle operators etc. demand the services from commercial sex workers and cheap labour. Lucrative employment propositions in big cities, easy money, promises of better pay and a comfortable life are the baits used by the trafficking touts and agents. These are some of the main pull factors¹²⁵.

Pull factors exploit those in vulnerable situations. Without the demand there would be no supply. For this reason, it is necessary to address root causes both on the supply and demand side, though there is currently less intervention on the demand side.

¹²² Burke, J. (2015). Nepal quake survivors face threat from human traffickers supplying sex trade-The guardian. Retrieved May 04, 2016, from <http://www.theguardian.com/world/2015/may/05/nepal-quake-survivors-face-threat-from-human-traffickers-supplying-sex-trade>

¹²³ Veerendra Mishra (2015). p.137

¹²⁴ P.M. Nair “The game plan: Tackling trafficking and Maoists” -News 18, September 21, 20.

From <http://www.news18.com/news/india/the-gameplan-tackling-trafficking-and-maoists-402826.html>

¹²⁵ Veerendra Mishra (2015, p.130) and science, technology and medicine publisher, BioMed Central pointed the mythical belief of virgin cure has been one of the pull factors (demand) for child trafficking. It is the beliefs that sex act with virgins will cure HIV/AIDS, Sexually Transmitted Diseases (STDs) and sexual dysfunctions.

Column 2: Situation on Cross boarder Trafficking at the Indo-Bangladesh Border

India is a destination and transit country for trafficking from Bangladesh where along with the over 4,339 km of border with India. It is estimated that nearly about 10,000 to 15,000 women and minor girls are trafficked into India annually. They come mainly through WB and en route to other parts of India and also to the Middle East. 99% women are trafficked out of Bangladesh through land routes along the border areas of Bangladesh and India, such as Jessore, Satkhira, and Rajshahi and 2.7% of sex workers in India are Bangladeshi.

Illegal migration is highly prevalent in search of better income opportunities. Boys from Bangladesh who had crossed over to India revealed finding work or improved income earning was the trigger for crossing the border in 49% cases. The second largest trigger (33%) has been looking for a relative. Vulnerability to unsafe migration is substantiated by lack of awareness on consequences of illegal migration and the fact that not all the boys entering India were clear about where to go and how to go. None of the boys in India could be clearly identified as being victims of trafficking, but it became clear that there were adults benefitting from their movements. Clandestine activities at the border areas are giving rise to corrupt practices among law keepers and administrators: fraud identity cards, voter cards, ration cards, etc. are issued. Even if trafficking is reported, anti-trafficking officials have difficult time identifying the victim, as they do not possess even a single document to prove their nationality or identification.

3.6 Modus Operandi and Patterns of Trafficking

(1) Methods Commonly Used by Traffickers

It is often the case that traffickers approach financially vulnerable women and minor girls and boys to offer them 'legitimate' work, money or the promise of an opportunity for education. The main types of work offered are in the catering and hotel industry, factories, in bars and clubs, modelling contracts, or domestic work. Traffickers sometimes make false promises of marriage, offer to take children and women to pilgrimages and other kinds of false promises. Some traffickers befriend with victims and their families by giving valuable gifts¹²⁶.

In many cases, the main motive of women and children to accept an offer from a trafficker is better financial opportunities for themselves or for their family. Very few victims have experienced coercion, threats, intimidation and kidnapping. It is pointed out that the methods adopted for trafficking women and children are influenced by the proximity of the trafficker to the victim. In the survey conducted with 160 traffickers in India, it was found that more than half of the women and children victims were lured by offering 'legitimate' jobs and/or money¹²⁷.

¹²⁶ Anjali Ganesh (2012) *Human Trafficking: Reality Bites and Issues* in A.K. Singh, A.P.Singh and P.A. Khan (ed.) (2012) *Trafficking in Women and Children in India: Emerging Perspectives, Issues and Strategies*, and Sen (2005) *Trafficking in Women and Children in India* etc.

¹²⁷ Sankar Sen (2005) *ibid.*, p.120-p.121

(2) Several Layers of Traffickers

Several perpetrators/traffickers are involved in different stages of trafficking from the source to the destination; i) master trafficker cum kingpin, ii) primary traffickers cum procurers, iii) secondary traffickers, and iv) spotters or the grassroots chain of intelligence gatherer¹²⁸.

For instance, the perpetrator who first takes the victim away from her/his place (called a spotter) tends to be someone who is known to the victim by way of family relation or living nearby. Sometimes, they can be local goons as well as petty criminals. They can also be called intelligence gatherers¹²⁹ who visit markets, villages, railway and bus stations and other places where they can collect intelligence about vulnerable persons. They give information to primary traffickers or the kingpin who deals with the secondary traffickers to arrange human cargo. The spotter, once succeeding to take the victim out of her/his place, may hand over the victim to secondary trafficker who may then transport the victim. Then there may be a primary trafficker who receives the victim and finally hands the victim to master trafficker cum kingpin who may be the one running a brothel at destination.

There are also several others who support the structure of trafficking in different ways, such as goons/goondas who provide security at various levels, hoteliers who provide accommodation during transfer, transporters who provide or arrange transport, paramedical persons who attend to the illnesses of the trafficked victims during transit, officials who provide several services including immigration clearance and security, and the final exploiters and abusers.

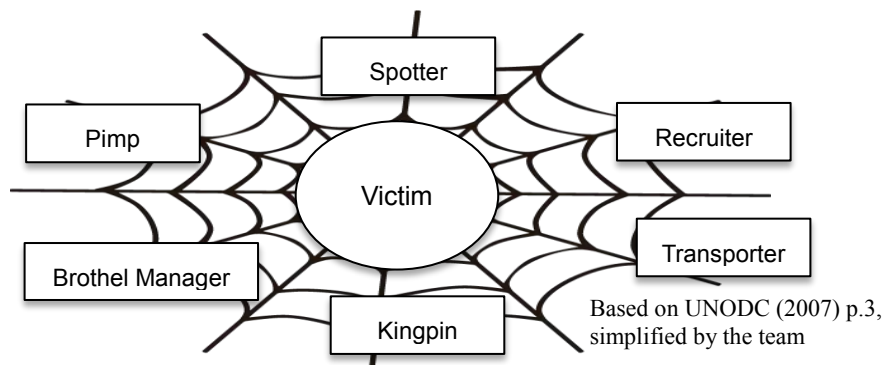


Figure 3-4: Layers of traffickers

(3) Women Traffickers and Traffickers of the Same Ethnic Background

It is often the case that women are involved as traffickers since they can be more trusted by women and children as well as by their families to convince them to go out of village. Middle-aged women who are involved as traffickers tend to be ex-victims of trafficking in many cases¹³⁰. During the field survey, a police officer in Jalpaiguri also pointed out that there are quite a few cases where traffickers are ex-victims of trafficking. There are often the cases that Nepali

¹²⁸ Sen (2005) *ibid.* p.116

¹²⁹ Sen (2005) *ibid.* p.117

¹³⁰ According to the NCRB data 2014, 753 women were convicted under relevant sections of human trafficking in year 2014.

traffickers are involved in trafficking of Nepali female and children and Bengali traffickers are involved in trafficking of Bengali female and children¹³¹. Traffickers of the same ethnic background are well equipped with the tactics to deceive victims.

(4) Recent Changes in Modus Operandi

Modus operandi is diverse and has been changed with time. Using social media is getting more common in recent years. During the field survey conducted in NCTD and WB, there was a report from many stakeholders interviewed that traffickers first befriend the victims using internet, mobile phones etc. Traffickers attract young women (minor girls as well) in different ways and make them elope with traffickers for the pretext of marriage and finally leave them deceived¹³².

According to Sanlaap, a national NGO working in WB, earlier trafficked victims were tortured violently, if they disagreed to act as per the traffickers' instructions. However these days, the traffickers have changed their strategies to roll out their activities. As the victims come from economically weaker families, the traffickers try to identify the day-to-day needs and fantasies of the targeted victims and fulfil them. By doing so, they are escalating a trap, which the victim is unwilling to escape. For example, victims being targeted as well as trapped for commercial sex work, are lured by providing high tech mobile phones, good clothes, scooters etc. by the brothel owners, which otherwise the victims would not have access to, had they been with their families in village¹³³.

Column 3: Modus Operandi of Trafficking at India-Nepal Border

Traffickers constantly change their routes and stop over points to evade the police and avoid suspicion. Trafficked victims are generally transported by long distance trucks from urban centres like Kathmandu, Pokhara, Dharan, Nepalgunj and Birgunj. They stay in guest houses and are thereafter transported by bus or truck across the border. After crossing the border, victims are transported by bus, truck, cars, train etc.

Traffickers use forged number plates for vehicles which are easily available in the border areas. These cars are often used for reaching destination or transit points by the traffickers. Generally the trafficked children and women are transported very early in the morning or late at night. Traffickers have networks or receive "tip offs" from petty vendors or rickshaw pullers strategically located at bus stands, rail stations etc.

At present, many women in the age group of 16-30 years are trafficked for commercial sex and children between 10-16 years are trafficked for labour. As per SSB, Indian Border Security Agency under MHA, the recent trend shows that most of traffickers who are nabbed in the past years are women. There are some Nepalese girls who are provided with forged documents and passport at Delhi and trafficked to the Middle East. There is also an increase in trafficking of girls from Nepal during local fairs like Ramnavami Mela and Chait Mela in Bihar.

¹³¹ Buswajit Ghosh and A.M. Kar (2008) Trafficking in Women and Children in West Bengal in *Socialist Perspective*, Vol.36, No.1-2

¹³² See Interview record with Marg, Humming Bird, Sanlaap, etc. (Minutes of Meeting No.11, 16).

¹³³ See details in interview record with Sanlaap conducted on 15 Jan 2016 Minutes of Meeting No. 17).

(Source: IMPACT (2013). Identifying Actionable Strategies to Minimize Vulnerabilities of Nepali Girls Trafficked to India and Repatriated as Survivors of Trafficking: Seeking Solutions for Improved Rescue, Recovery, Repatriation and Integration (RRRI) of Nepali Girls Victims of Trafficking -A Report of a Research Study. Retrieved June 20, 2016 from http://www.impactpartner.org.in/images/resources/Tdh_Foundation.pdf.)

3.7 Situation on Prevention

(1) Lack of Awareness about Rights of Women and Children as well as Anti-trafficking

Many people in rural communities are not well aware about the risks of trafficking and innocently push their children and women to the risks of trafficking. Not only about the issues related to trafficking, people in rural areas generally are not well aware of their human rights, thus they become vulnerable to trafficking and other violations of human rights such as Devadasi, Child Marriage, Honour Killing etc.

(2) Limited Human Rights and Integrated Approach Taken for the Prevention of Trafficking

Most of the community awareness activities are carried out by NGOs but in scattered manner. An integrated approach to prevent trafficking including initiatives to strengthen economic and social empowerment of women and children, alleviation of poverty increasing livelihood options among poor households, and providing literacy education and reducing school drop outs together with awareness raising activities has not yet become a mainstreaming approach¹³⁴. The human rights based approach keeping in view that the victim has a right to be protected, consulted and informed of all actions being taken on their behalf, based on the 'best interest of the victim' has not yet fully been commonly shared¹³⁵.

(3) Prevention on Trafficking Biased for the Anti-trafficking for the Purpose of CSE

There is a myth still strongly believed among community people as well as concerned Government officials that most of the trafficking has been taken place for the purpose of CSE. In reality, most of the trafficking cases are for the purpose of labour exploitation such as in agricultural sector, factory working, domestic labour, bonded labour, and child labour etc¹³⁶.

The nationwide Government initiated anti-trafficking efforts called Ujjawala are only limited to the prevention of CSE, partly due to the fact that the existing National Plan of Action

¹³⁴ Anjuli Ganesh (2012) and minutes of meeting with Kamonohashi Project (Feb 23, 2016)

¹³⁵ UNODC (2007) SOP on Investigating Crimes of Trafficking for Commercial Sexual Exploitation Sen, Shankar (2012) Trafficking in Women and Children: Human Rights Perspective in Singh, A.K., Sindh A.P., Khan P.A. (eds.) *Trafficking in Women and Children in India: Emerging Perspectives, Issues and Strategies, etc.*

¹³⁶ UNODC (2007) *ibid.*, US Department of State (2014) *ibid.*

Sarkar, S. (2014) Rethinking Human trafficking in India: Nature, Extent and Identification of Survivors in *The Round Table*, Vol. 103, No.5 483-495, Routledge etc.

on anti-trafficking is a plan of action for trafficking and CSE. Currently available SOP developed by MHA with the support of UNODC on investigation of crimes of trafficking is also for the trafficking for CSE.

(4) Lack of Appropriate Knowledge Shared among Police, Security Officials and Other Government Officials and Limited Coordination

Although there is a visible improvement in coordination between various stakeholders such as Government officials, police and NGOs and their achievements for the last several years, there is still much room for improvement in coordination and prevention activities. Definition of trafficking including the trafficking for the purpose of labour exploitation, trafficking and relevant legislation and investigation skills are not fully acknowledged among police, security officials and other Government officials.

While the border controls are relatively strict and border security officials such as SSB and BSF are trained and sensitised on anti-trafficking, state-borders can be easily crossed. Police officers stationed at district and community level have not been sufficiently trained to prevent trafficking in children and women due to the limited number of trainings conducted through AHTU and other concerned agencies¹³⁷.

In the on-site survey in WB, an interview to SDPO was conducted. SDPO mentioned the need for frequent training of police personnel on how to sensibly deal with child trafficking cases since the level of child trafficking is increasing in the tea garden area. Also mentioned that there is nobody in AHTU at the central level in Delhi who can be contacted directly any time. A police officer handling a possible case of trafficking in the source area may not necessarily have detailed information to which police jurisdiction the cases will fall under. In such cases, the police officer in source area who is investigating the trafficking case has to contact to persons in NGOs whose names are well known and with whom they have had prior and/or personal contact. Ideally, there should be an officer available in the AHTU Delhi not depending only on NGOs.¹³⁸

(5) Limited Preventive Activities at Destination and Transit Points

There are less preventive activities conducted in destination and transit points compared with the activities conducted in source areas¹³⁹. Raids are conducted only when information about the location of victims reach concerned law enforcement agencies. Such a reactive approach is not sufficient to effectively deter perpetrators and prevent future cases of trafficking. Although the AHTUs are mandated to act proactively, they fail to do so as they cannot act independently due to resource constraints and their dependence on the police for additional manpower¹⁴⁰.

¹³⁷During the interview with MHA conducted on 25th Dec 2015 (Minutes of Meeting 9)

¹³⁸During the interview with Jalpaiguri SDPO conducted on 11th Jan 2016 (Minutes of Meeting 15)

¹³⁹During the interview with Kamonohashi Project conducted on 23rd Dec 2015 and information given by FXB India Suraksha.

¹⁴⁰During the interview with AHTU conducted on 19th Jan 2016 (Minutes of Meeting 21)

3.8 Situation on Prosecution

(1) Difficulties to Arrest Traffickers Especially Master Traffickers

The NCRB 2014 data shows that 14,442 people were arrested for crimes relating to human trafficking all over India. Out of 14,442 people arrested, 3,478 were female. It has been a normal practice to arrest and charge sheet commercial sex workers, who often are victims of trafficking, mainly under section 8 of the ITPA for seducing and soliciting customers. Since most of the arrests are conducted during rescue operations and raids by police, there are some female victims of trafficking who get arrested as perceived traffickers.

The persons who are in control of the brothels (often called brothel keepers or managers or madams), many of whom were originally trafficked into CSE, are hardly ever caught and arrested. The brothel keepers/managers maintain direct or indirect links with the traffickers even though there are several underground tiers of trafficking hierarchy involving kingpin, procurers, purchasers, transporters, pimps, spotters and the like. Hence, stern and follow up actions against the brothel keepers/managers under section of the ITPA may to a certain extent expose the criminal nexus. But this does not happen in reality allowing the real traffickers in the sex industry to regroup and continue their operations with a new support system.

Even more difficult to arrest than brothel keepers or managers are the actual procurers, transporters, those who lure women and children in villages and transport them as well as the kingpins (owner of the brothels, master traffickers).

(2) Low Conviction Rate

The NCRB data shows in year 2014, 43,817 males and 9,245 females were put under-trial but trials were only able to be completed in case of 4,638 male and 1,665 female perpetrators. Among these, only 1,570 males and 753 females were convicted by the court. The rate of conviction accounts for only 3.5% in case of male perpetrators and 8% in case of female perpetrators.

Not only the pendency percentage of human trafficking cases stays very high, the objective of providing exemplary and quick punishment to the traffickers also remains largely unfulfilled. Inordinate delay in prosecution often leads to vital evidence going missing and witnesses turning hostile. Under the ITPA (to make the cases charged against the crimes of trafficking), police officers of the rank of Inspector and above can only investigate the trafficking cases. However, these relatively higher ranked police officers are not available in rural villages. Also under the ITPA, traffickers need to be handed over to concerned police officials which are usually difficult as it is difficult to identify the traffickers, thus the cases can be taken as the crime against rape or crime against kidnapping.

One of the reasons for a failure to punish the real culprit may be lack of witnesses to substantiate the accusations made by the police. Also, the living conditions of many of the

rescue/rehabilitation homes are so deplorable that the trafficked victims often prefer to opt for the old place of work as a better option to earn a livelihood with most of the civic amenities at hand.

Existence of Special Court as in Mumbai¹⁴¹ as well as appointing the same judges for all the cases of trafficking like in the case of Nagpur and Pune would effectively work in improving the conviction rate.

(3) Prosecution of Foreign Nationals

On several occasions, the victims from other countries are brought or facilitated by the persons of their respective country but it has been a challenge to book any case in India even if the victims disclose the involvement of foreign nationals to Indian legal authority such as police. Recently a judgment from Mumbai High Court directed to contact High Commission of Nepal or Office of Foreign Affairs in Nepal for the extradition of the perpetrator so that their trial could be completed according to the Indian existing legal provisions. Also recently the MoU signed between Bangladesh and India reflects upon ensuring the speedy investigation and prosecution of traffickers and organized crime syndicates in their country based on the database shared of traffickers through the designated focal points in the MHA in India and Bangladesh. However, prosecuting perpetrators of foreign nationals such as Nepali and Bangladeshi has been still a challenge.

3.9 Situation on Protection

3.9.1 Rescue

(1) Process of Rescue Operation

The main Government players in the context of rescue operations are the AHTUs functional at the state as well as district levels. AHTU has conducted more than 4,000 rescue operations during 2011-2014 since its establishment in 2011¹⁴². Victims are either rescued during sudden raids or raids based on information from NGOs or other sources. In many cases, victims manage to pass information about their location to their families who in turn contact the local police or NGOs.

Before conducting a raid in brothel for instance, police or NGO workers usually send decoy customers to ensure that missing persons are there. It is often the case that children less than 18 years old are rescued without their consent but for the women above the age of 18 years, 'in-brothel counselling' is conducted to confirm that they have been forced into prostitution and get their consent to be rescued¹⁴³.

¹⁴¹ According to the Kamonohashi project, there are two Special Courts functional in Mumbai.

¹⁴² 100 more Anti-Human Trafficking Units soon. (2014, June 20). Retrieved June 27, 2016, from <http://www.thehindu.com/news/national/100-more-antihuman-trafficking-units-soon/article6133605.ece>

¹⁴³ Activities. (n.d.). Retrieved June 27, 2016, from <http://www.rescuefoundation.net/activities.php>

After the successful rescue operations, victims are taken to concerned police station for recording their statement and filling the FIR. A court examines each case and decides which child/woman goes to which protective and rehabilitation home. For foreign nationals, repatriation process is started.

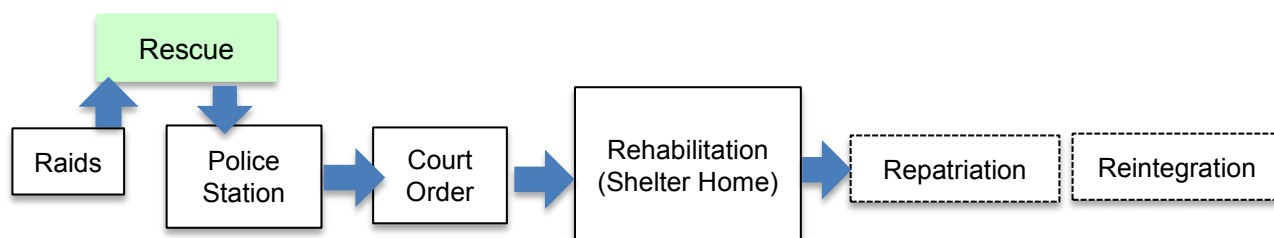


Figure 3-5: Process from Rescue to Repatriation/Reintegration

(2) Police-NGO Collaboration

The Indian Government mandates that rescue operations of trafficking victims have to be conducted jointly with the police and concerned NGOs. Some of the prominent NGOs on anti-trafficking such as ARZ (Anyay Rahit Zindagi) in Goa, Rescue Foundation in Mumbai, Sanlaap in Kolkata have been closely coordinating with the police and jointly conducting rescue operations. However, it is not a practice implemented in all over India.

ARZ in Goa has been appointed as a nodal agency in the Integrated AHTU which was set up by the Goa Police. ARZ has been conducting rescue operations along with the police, counselling of rescued persons, providing training and assisting in interviews of rescued persons, networking with NGOs for all activities, empowerment of rescued persons and ensuring their proper rehabilitation¹⁴⁴.

(3) Rescuing Victim of Foreign Nationals

Indian law does not make distinction between Indian and foreign nationals when it comes to rescue of trafficking victims. MHA has issued detailed advisory to the State Governments/Union Territories (UTs) administrations on preventing and combating human trafficking in India dealing with foreign nationals¹⁴⁵ which outlines the detailed procedure followed in case of foreign nationals who are apprehended in connection with Human Trafficking. According to this advisory, if a foreign national is apprehended on charges of human trafficking, a detailed investigation is conducted to ascertain if the person concerned is a victim or trafficker. Once the person is ascertained as victim, if the victim is a woman or a child even without valid passport or visa, he/she should not be prosecuted under the Foreigners' Act and be taken care of in an appropriate shelter home run by Government or NGO.

¹⁴⁴ More details in website of ARZ (<http://www.arzindia.org/>)

¹⁴⁵ Sub: Advisory on preventing and combating human trafficking in India - dealing with foreign nationals. (2012, May 1). Retrieved June 27, 2016, from <http://stophumantrafficking-mha.nic.in/writereaddata/AmdmntAdvForeign-030512.pdf>

(4) Recent Changes in Modus Operandi by Traffickers Make Rescue Operation More Difficult

It is getting more difficult to identify victims of CSE these days because they are kept in private houses, hotels, spas and even beauty clinics in residential areas, not only in red light areas. This is a recent trend reported in large cities with red light areas like Delhi, Mumbai and Kolkata. Brothels moving out of red light district and operating in suburbs and other areas in the city to deceive law enforcement has made rescue operations more difficult. Sanlaap also pointed out the difficulty of rescuing seasonal workers since their location is not static throughout the year.

3.9.2 Rehabilitation

(1) Rehabilitation Starts Right after the Rescue

Once a victim is rescued, the traumatised victim is interviewed by police officer to fill in First Investigation Report (FIR) at the police station. Counselling and other appropriate rehabilitation services such as interviewing by a female police officer or interviews being taken place in the presence of female member of an NGO as mandated under ITPA are to be provided.

An in-depth interview of the victim in a victim friendly manner can yield vital information about the traffickers and exploiters which can ultimately lead to the effective prosecution of traffickers. The police officers who are required to handle such victims are often not equipped with proper counselling techniques and sufficient knowledge on gender sensitive and child sensitive procedures. Social workers and trained counsellors are supposed to be involved in such processes but they are not always available and victim can get re-victimised due to the lack of rehabilitation services right after the rescue.

(2) Quality of Shelter Homes and Vocational Training

In the case of women above the age of 18 years, the victim is immediately taken to the protective home by the order of judicial magistrate. The protective home superintendent has to arrange for Home Investigation Report (HIR) mandatory under the ITPA Act within 21 days. In most of the cases, it is a difficult task as the victim is not supportive many times or in case if they manage to obtain the home address it is challenging to conduct HIR due to the lack of resources.

The protective home offers various services such as shelter, food, counselling and vocational training. The vocational training is not linked to the demand of victim's place of origin nor to the demand of the market. Even if the victim is from any part of India or even foreign national they all undergo same vocational training which in the long term fails to provide any sustainable livelihood. A mismatch between the kind of vocational training provided and skills actually required for the victim for future livelihood has been pointed out by various organisations during the survey.

It has been observed that Government-run shelter homes in many cases lack in providing quality services like counselling, health care as well as livelihood training to victims (However, consultants were not permitted by MWCD/DWCD&SW in WB to enter any Government-run shelters thus information was not verified). The general lack of shelter homes in India is accelerated by the fact that foreign victims often have to wait for months and years to be repatriated and are confined to the shelter homes during that time.

3.9.3 Reintegration

(1) Reintegration of Children and the Role of CWC

The rehabilitation, reunification and reintegration of children up to the age of 18 years must be directed, guided and supervised by CWC¹⁴⁶. But the existing practices involve immediate reunification of the victim to their parents, which may push children to the same structural vulnerabilities and may lead to re-trafficking. CWC before passing an order are mandated to conduct social investigation report¹⁴⁷ but they fail to conduct either in the lack of knowledge that it is necessary or due to the lack of human resource which could arrange for such report. Since the existing law mandates such cases shall be disposed within four months and pendency may invite inquiry over the CWC, CWC immediately passes order of transferring the child to their respective native place without carrying out the investigation report. Once the child is sent back to their native place, no effort is made to trace the progress of the child and, again, the major challenge to do so is the lack of human resource. In the case where family reunification is not possible as authority fails to trace the biological parents, in those circumstances victims are sent to protective home and linked with the offered services like education, vocational training etc.

(2) Birth Registration and Kanyashree

In India, around 42% of the children are not registered on birth¹⁴⁸. Without a certification to prove the age, a child under 18 can be misunderstood as an adult and treated in disadvantaged manner.

Kanyashree in WB is a scheme implemented by WB Government to try to keep girls away from re-trafficking by providing money as scholarship for girls to continue studying till the age of 18 years old. However, rescued girls (as well as girls vulnerable to trafficking usually from poor households) cannot always take advantage of this scheme, due to their inability to produce

¹⁴⁶ It is a statutory body constituted under the Juvenile Justice Act and holds the highest authority to pass necessary order for the children who are in need of care and protection.

¹⁴⁷ This report seeks information about the background of the family and assess the vulnerabilities of the native place. It is a standard format prescribed in the Juvenile Justice Act for the children in need of care and protection. This also suggests the CWC to ascertain that parents are found to be fit to take care of the child.

¹⁴⁸ Birth Registration - the picture in India | UNICEF. (n.d.). Retrieved June 27, 2016, from <http://unicef.in/Story/1133/Birth-Registration-the-picture-in-India>

the proof of identification. Schools also refuse to provide admission to girls without the birth registration certificate. Sanlaap pointed out the loopholes in the mechanism¹⁴⁹.

(3) Reintegration of Foreign Victims

With reference to rehabilitation and reintegration of victims of trafficking of foreign nationals, there has been limited involvement from governmental and non-governmental agencies from India. During the field research, it was found that only in few instances CWC issues requests to Indian NGOs which are involved in the repatriation of children to third countries to submit follow-up reports of the case. However, it is not binding on the Indian NGO given that the latter is dependent on receiving information from stakeholders at the source. In most cases, the Indian judicial magistrate does not ask for any follow-up reports. Only during the repatriation phase, India requests the NGO which is taking custody over the victim back in the source country, to explain in detail which reintegration services will be provided for the victim.

3.9.4 Repatriation

(1) No Standard Operating Procedures for Repatriation at the National Level

With regard to the repatriation of foreign victims, it is more difficult to deal with cases of Bangladeshi nationals rather than Nepali nationals. For the entry into India, there is no visa required for Nepali nationals thus there is no matter of illegal entry into India for Nepali victims. However for the Bangladeshi victims, the foremost important issue is to ensure that women and children victims of trafficking will not be treated as offenders of Foreigners' Act but treated as victims as described in the advisory issued by MHA of the Government of India.

A main challenge faced with repatriation is the complexity of the process due to the involvement of multiple stakeholders, most notably the Indian Ministry of Home Affairs, the High Commission of the foreign country within India, the Border Security Force (BSF), law enforcement agencies, NGOs and others. Due to the complexity and bureaucracy of the process, the repatriation of victims can take up to several months, sometimes even years in case of foreign nationals, which is clearly not in the best interest of the victims.

There are no exclusive laws on repatriation in India. Existing laws like Juvenile Justice Act or ITPA in India are not covering repatriation processes. The SAARC Conventions on Preventing and Combating Trafficking in Women and Children for Prostitution, though recognising repatriation as a vital element, fails to draft clear modalities for repatriation. The convention only refers to the responsibilities of its member states to take care of foreign nationals until they are repatriated and requests the states to implement their own mechanisms of repatriation. However, such mechanisms on a national level as well as on most state levels are missing except Maharashtra.

¹⁴⁹ During an interview with Sanlaap in Kolkata conducted on 15 Jan 2016 (Minutes of Meeting No.17).

NGOs like Rescue Foundation in Maharashtra, New Light and Sanlaap in Kolkata, STOP in Delhi and ARZ in Goa are at the forefront of providing repatriation services to victims.

(2) SOP in Maharashtra and MoU between Maharashtra and WB

The state of Maharashtra established a state level Task Force and prepared SOP related to rescue, repatriation, rehabilitation and integration (RRRI) under the chairmanship of Secretary, Women and Child Development Department in 2009 in the context with the repatriation of Bangladeshi trafficking victims. Although implementation and stakeholder coordination is still a problem, the process as such is a good model for other states in India.

Furthermore, the Governments of Maharashtra and WB have a MoU for repatriation of trafficked victims. The MoU encourages the law enforcement agency to ascertain the identity of the rescued victims so as not to send any Bengali-speaking victims to WB even if they were from Bangladesh.

Chapter 4. Role, Responsibility and Capacity of Stakeholders on Anti-human Trafficking

4.1 Government Organisation

Major organisations that are working for anti-human trafficking are MWCD, MHA, and MLE as they are drafted Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Women and Children, in 2007 and designated specific role to combat Trafficking. Department of Overseas Indian Affairs (DOIA) of Ministry of External Affairs (MEA) deals with safe migration issues and provides services for migrant women. Each organisation's activities on 4P: Policy and Law, Prevention, Prosecution and Protection summarised below.

Table 4-1: Each Organisation's activities Segregated by 4P

Policy	Prevention	Prosecution	Protection
Ministry of Women and Child Development			
<ul style="list-style-type: none"> National Policy for the Empowerment of Women, 2001 Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Women and Children 2007 (Draft) National Policy for Children, 2013 Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 Setting up of Central Advisory Committee (CAC) 	<ul style="list-style-type: none"> Ujjawala (Comprehensive Scheme for Prevention of Trafficking for Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for CSE) Integrated Child Protection Scheme (ICPS) Childline SABLA (empowerment of Adolescent girls, health and education) Swayamsidha programme (access to micro credit) 	<ul style="list-style-type: none"> One Stop Crisis Centre (legal service for victims) 	<ul style="list-style-type: none"> Ujjawala Swadhar Greh (shelter homes, short stay homes with Women's helpline) ICPS Childline One Stop Crisis Intervention Centre (legal service for victims) Support to Training and Employment Program for Women (STEP) Formulated protocol for the purpose of anti CSE.
Ministry of Home Affairs			
<ul style="list-style-type: none"> Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Women and Children, 2007 	<ul style="list-style-type: none"> Setting up of Anti Human trafficking Units (AHTUs) Issued SOPs MOU with neighboring countries (Bangladesh, UEA) 	<ul style="list-style-type: none"> Issued SOPs Setting up of Investigative Units For Crime against Women (IUCAW) 	<ul style="list-style-type: none"> Issued SOPs Setting up of AHTUs Setting up of Central Victim Compensation Fund Protection of Women and Child Cell (POWC,

			rescue operation)
Department of Overseas Indian Affairs, Ministry of External Affairs			
	<ul style="list-style-type: none"> Work with the State Government in awareness generation on safe emigration 		
Ministry of Labour and Employment (MLE)			
<ul style="list-style-type: none"> Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Women and Children, 2007 National Child Labour policy 1987 	<ul style="list-style-type: none"> Issued Protocol to all State Government National Child Labour Project (NCLP, rehabilitation and education) 		<ul style="list-style-type: none"> Issued Protocol to all State Government NCLP

4.1.1 Ministry of Women and Child Development (MWCD)

The MWCD is the nodal agency for managing anti-human trafficking and coordinating activities and processes at all levels and the nodal ministry in the Government of India dealing with issues concerning women and children. Schemes and policies relating to trafficking in women and children are being administered by the MWCD.

(1) Roles

The broad mandate of the MWCD is to have holistic development of women and children. As a nodal ministry for the advancement of women and children, the MWCD formulates plans, policies and programmes; enacts and 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 MWCD 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 sensitisation. 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.

(2) Function

Promoting social and economic empowerment of women through cross-cutting policies and programmes, mainstreaming gender concerns, creating awareness about their rights and facilitating institutional and legislative support for enabling them to realise their human rights and develop to their full potential.

Ensuring development, care and protection of children through cross-cutting policies and programmes, spreading awareness about their rights and facilitating access to learning, nutrition, institutional and legislative support for enabling them to grow and develop to their full potential.

(3) Administration

The Ministry has six autonomous organisations: National Institute of Public Cooperation and Child Development, NCW, National Commission for Protection of Child Rights (NCPCR), CARA, Central Social Welfare Board (CSWB), and Rashtriya Mahila Kosh¹⁵⁰. There are a few child related institutions such as the above Central Social Welfare Board (CSWB) and National Institute of Public Cooperation and Child Development (NIPCCD) that are associated with the MWCD.

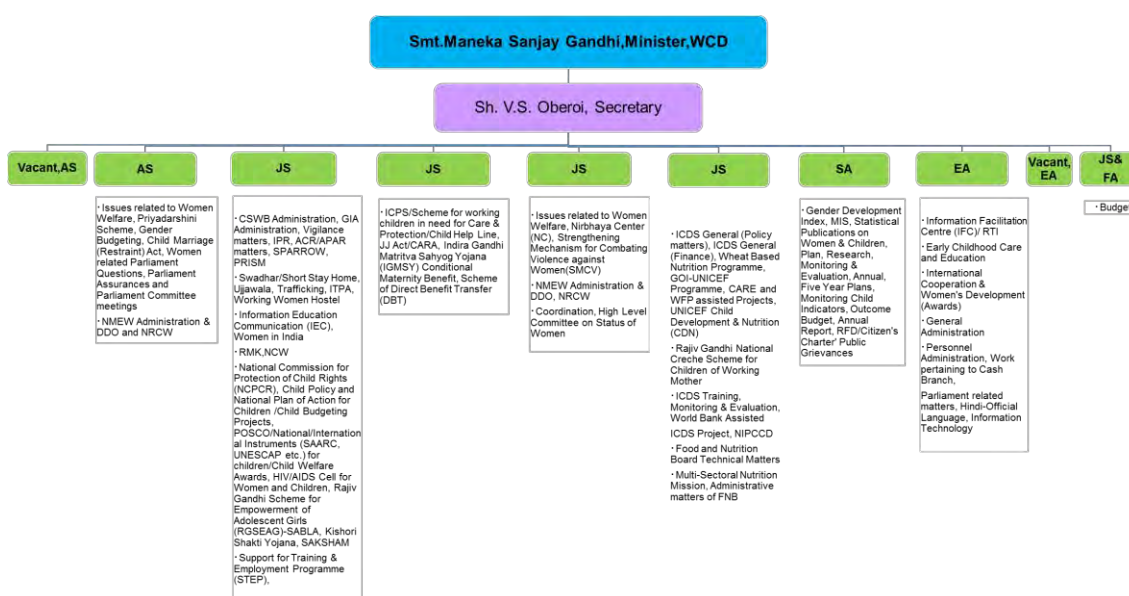


Figure 4-1: Organisational Structure of MWCD151

¹⁵⁰ Established in 1993 is a national level organization as an autonomous body under the MWCD for socio-economic empowerment of women.

¹⁵¹ Retrieved May 24, 2016, from Annual Report 2014-15, MWCD, <http://www.wcd.nic.in/sites/default/files/AR2014-15.pdf>

(4) Major Schemes Related to Anti-human Trafficking

The major schemes and their objectives, activities and achievements are summarised below.

Table 4-2: Major Schemes of MWCD

Objectives	Main Area of Activities	Achievements
Ujjawala¹⁵²		
Comprehensive Scheme for Prevention of Trafficking for Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for CSE.	<ul style="list-style-type: none"> Formation of community vigilance groups, adolescent groups, awareness creation and preparation of Information, Education and Communication (IEC) materials Safe withdrawal of victims from the place of exploitation Rehabilitation of victims by providing them safe shelter, basic amenities, medical care, legal aid, vocational training and income generation activities Re-integration of victim into society Repatriation, to cross-border victims for their safe repatriation to their country of origin 	In fiscal year 2014-15, the total budget for the scheme was Rs. 160 million and 289 projects including 165 protective and rehabilitative homes were sanctioned.
Swadhar Greh (A Scheme for Women in Difficult Circumstances)¹⁵³		
To cater to the primary need of shelter, food, clothing, medical treatment and care of the women in distress and to rehabilitate them economically and emotionally	<ul style="list-style-type: none"> Temporary residential accommodation with the provision of food, clothing, medical facilities etc. Vocational and skill up gradation trainings for economic rehabilitation of women Counselling, awareness generation and behaviourall trainings Legal aid and Guidance Counselling through telephone such as Women's helpline 	There were 322 shelter homes (as of January 2012) and 267 short stay homes (as of December 2011) available all over India. Collaboration and coordination between MWCD and NGOs became strengthened through the implementation of the scheme.
Integrated Child Protection Scheme (ICPS)¹⁵⁴		
To institutionalize essential services, strengthens structures, enhances capacities at all levels, creates database and knowledge base	<ul style="list-style-type: none"> Mapping needs and services for children and families at risk; Preparing child protection plans at district and state 	<ul style="list-style-type: none"> District Child Protection Society (DCPS) has been set up in all districts. ICPS includes the Juvenile Justice Board (JJB), the

¹⁵² Retrieved May 24, 2016, from <http://wcd.nic.in/sites/default/files/Revise%20Ujjawala%20Scheme-2.pdf>

¹⁵³ Retrieved May 24, 2016, from http://wcd.nic.in/sites/default/files/Guidelines7815_1.pdf

¹⁵⁴ Ministry of Women & Child Development Government of India.(n.d.). THE INTEGRATED CHILD PROTECTION SCHEME(ICPS) A Centrally Sponsored Scheme of Government- Civil Society Partnership. Retrieved May 10, 2016, from http://icds-wcd.nic.in/icpsmon/pdf/icps/final_icps.pdf

for child protection services, strengthens child protection at family and community level and ensures appropriate inter-sectoral response at all levels	<ul style="list-style-type: none"> levels; Strengthening service delivery mechanisms and programs including preventive, statutory, care and rehabilitation services; Promoting and strengthening non-institutional family based care options for children deprived of parental care, including sponsorship to vulnerable families, kinship-care, in-country adoption, foster care and inter-country adoption; Establishing an integrated, live, web based data base for evidence based monitoring and evaluation 	<p>Child Welfare Committees (CWC) and all those institutions and Departments that deal with children.</p> <ul style="list-style-type: none"> Block Level Child Protection Committee are being set up at block level to form Village Level Child Protection Committee (VLCPC), building awareness on the ICPS structures, training service providers at community level and coordinate with CWC and JJB in need.
Childline Service ¹⁵⁵ toll-free number 1098		
<ul style="list-style-type: none"> To respond to the emergency needs of the children in difficulty and provide referral services To provide a forum for networking among Government and non-government agencies To sensitize medical personnel, police, municipal corporations towards the needs of children 	<ul style="list-style-type: none"> Reaching out to every child in need of care and protection by responding to emergency call Awareness campaign of Childline Working together with allied organisations such as police, health care, Juvenile Justice, transport, education, media and community and strengthening network 	<ul style="list-style-type: none"> A 24 hour free emergency phone service operating in 366 cities/districts in 34 States/UTs through its network of over 700 partner organisations across India. Call details are recorded by each Childline operator and submitted to Childline India Foundation each month. The data at national level is compiled annually as well.
Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG) 'SABLA' ¹⁵⁶		
To enable the adolescent girls of 11-18 years (AGs) for self-development and empowerment	<ul style="list-style-type: none"> Iron and Folic Acid (IFA) supplementation Health check-up and referral services Nutrition & Health Education (NHE) Counselling/Guidance on family welfare, Adolescent Reproductive and Sexual Health (ARSH), child care practices and home management Life skill education and accessing public services Vocational training for girls aged 16 and above under National Skill Development Program (NSDP) 	Implemented in 205 districts from all the States/UTs.
One Stop Crisis Intervention Centre		
<ul style="list-style-type: none"> To provide free legal services exclusively for rape victims. 	<ul style="list-style-type: none"> Provision of crisis intervention services-immediate emotional and 	The Centre will be established in every State/UT on a pilot basis. In

¹⁵⁵Childline India Foundation.(n.d.). CHILDLINE 1098 SERVICE. Retrieved May 10, 2016, from <http://www.childlineindia.org.in/1098/1098.htm>

¹⁵⁶ ¹⁵⁶ Retrieved May 10, 2016, from http://wcd.nic.in/sites/default/files/1-SABLAScheme_0.pdf

<ul style="list-style-type: none"> ▪ To facilitate effective handholding of women affected by violence. 	<p>counselling support</p> <ul style="list-style-type: none"> ▪ Help in registration of police complaints ▪ Safety of the survivor and devise a safety plan for survivors (link with shelter home for women) ▪ Visiting lawyer for legal counselling ▪ Link the survivor with the Government scheme for her economic rehabilitation 	<p>the first phase, 36 One Stop Centres will be established One in each State/UT. So far 30 One Stop Centres have been sanctioned, out of which ten have become fully functional.</p>
Swayamsidha		
<ul style="list-style-type: none"> ▪ To demand women's rights from family, community and Government; ▪ To increase access to, and control over material, social and political resources ▪ To enhance awareness and improved skills of women 	<ul style="list-style-type: none"> ▪ Establishment of self-reliant women's SHG's ▪ Creation of confidence and awareness among members of SHG's regarding women's status, health, nutrition, education, sanitation and hygiene, legal rights, economic empowerment and other social, economic and political issues ▪ Strengthening and institutionalizing the saving habit in rural women and their control over economic resource ▪ Improving access to women to micro credit 	<p>The achievement is not found in existing documents.</p>

(5) Financial Capacity

Table 4-3 is extracted from the report titled “Connecting the Dots”: An Analysis of Union Budget 2016-17 published by the Centre for Budget and Governance Accountability.

Table 4-3: Outlays for MWCD (in INR Crore¹⁵⁷)

S. No.		2012-13	2013-14	2014-15	2015-16	2016-17
					RE	BE
Total allocations for Ministry of Women and Child Development		17,036	18,037	18,540	17,352	17,408
Allocations to Some Key Schemes						
i	ICDS	15,768	16,401	16,684	15,587	14,863
ii	Indira Gandhi Matritva Sahyog Yojana	82	232	343	234	400
iii	SABLA	504	602	622	476	460
iv	Rajiv Gandhi National Creche Scheme for Children of Working Mothers	106	100	98	132	150
v	Umbrella ICDS (i+ii+iii+iv)	16,459	17,188	17,747	16,428	15,873
vi	Beti Bachao Beti Padhao#			35	73	100
vii	Protection and Empowerment of Women**	86	110	68	127	313
viii	One Stop Centre	0	0	0	0	75
ix	Women’s Helpline	0	0	0	1	25
x	Other Schemes					400
xi	Schemes funded from Nirbhaya Fund* (viii+ix+x)	0	0	0	0	500

Note: As per the recommendations of the Report of the Sub Group of Chief Ministers on Rationalisation of Centrally Sponsored Schemes, ICDS has been restructured into an umbrella programme to include IGMSY, SABLA, Rajiv Gandhi National Crèche Scheme in 2016-17. For the sake of comparability, the allocations to the Umbrella ICDS scheme have been calculated for the previous years

Scheme was introduced in 2014-15

** Includes National Empowerment of Empowerment of Women, Swadhar Greh, Ujjwala, Working Women Hostel, Gender Budgeting, STEP, Research and Monitoring, Information and Mass Education. Allocations for the last two schemes are not available for the years preceding 2016-17

* In 2016-17, allocations to some schemes of MWCD are being met from Nirbhaya Fund.

Source: Compiled by CBGA from Union Budget Documents, various years

4.1.2 Ministry of Home Affairs (MHA)

(1) Roles

The MHA has multifarious responsibilities, the most important among them being- internal security, border management, Centre-State relations, administration of UTs management of Central Armed Police Forces, disaster management, etc. Though in terms of Entries one and two of List II ‘State List’ in the Seventh Schedule to the Constitution of India, ‘public order’ and ‘police’ are the responsibilities of States, Article 355 of the Constitution enjoins the Union to protect every State against external aggression and internal disturbance and to ensure that the

¹⁵⁷ One crore (unit) is 10,000,000.

Government of every State is carried on in accordance with the provisions of the Constitution. In pursuance of these obligations, the MHA continuously monitors the internal security situation, issues appropriate advisories, shares intelligence inputs, extends manpower and financial support, guidance and expertise to the State Governments for maintenance of security, peace and harmony without encroaching upon the constitutional rights of the States.

(2) Function

Functions of MHA essentially relate to the maintenance of peace and security within the nation. Among the main functions of the MHA are - Law and Order; Police, Public Security and Prisons; Administration of UTs; Centre-State Relations; Official Languages and Civil Defense and Miscellaneous.

(3) Administration

Under the Government of India (Allocation of Business) Rules, 1961, the MHA has the following organisation structure.

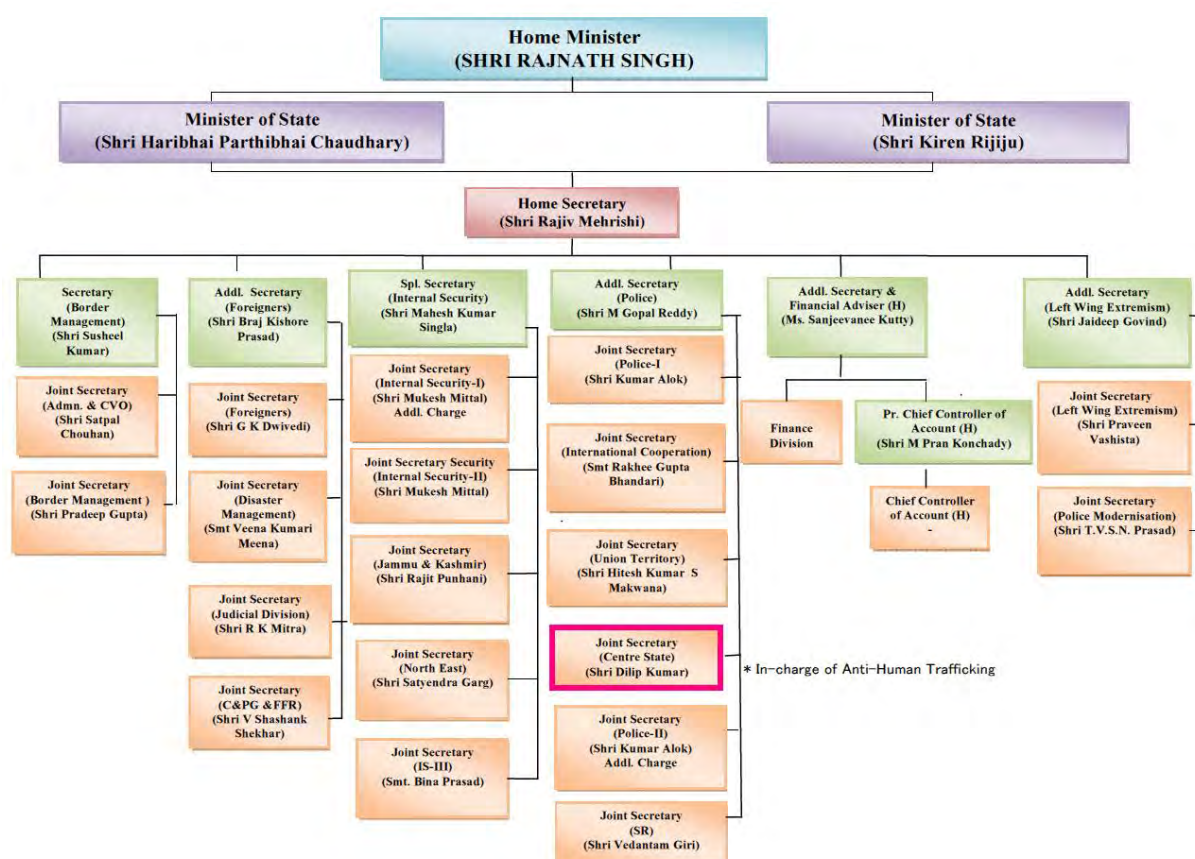


Figure 4-2: Organisational Structure of MHA¹⁵⁸

¹⁵⁸ [http://mha.nic.in/sites/upload_files/mha/files/OrganizationalChart\(E\).pdf](http://mha.nic.in/sites/upload_files/mha/files/OrganizationalChart(E).pdf)

(4) Activities on Anti-human Trafficking

Table 4-4: Major Activities of MHA

Objectives	Main Area of Activities	Achievement
Anti-Human Trafficking Nodal Cell		
To coordinate, network and provide feedback to the State Governments and other concerned agencies to prevent and combat trafficking in persons	Established in 2006 Documenting 'best practices' in preventing and combating trafficking in persons Sharing data with other stakeholders	The achievement is not found in existing documents.
Anti Human Trafficking Units (AHTUs)		
To take up the crusade against all criminal aspects of the crime of human trafficking particularly in women and children by creating an institutional mechanism and working with all the stakeholders	Established after 2009 Coordinated action for rescue of victims and post rescue care with a view to empower them and also prevent re-trafficking	Currently, more than 330 AHTUs have been established in districts under the supervision of district Superintendent of Police. These nodal officers are invited to Delhi for the nodal officers meeting where they are expected to present the progress achieved in their respective states and also to discuss strategies for improvement in various institutional machineries. Creation of consolidated database management system for sharing information across stakeholders for effective implementation of Anti-human trafficking measures.
Training for police, prosecutors and judicial officers		
To train and sensitize police, prosecutor and judge on addressing human trafficking for states and districts	Training on the concepts and dimensions of human trafficking, relevant penal and procedural laws, protocols on rescue operations, victim support, role of NGOs, various landmark judgements of the Supreme Court and court processes etc.	The achievement is not found in existing documents.
Investigative Units for Crimes Against Women (IUCAW)		
To assist the local police in investigation of heinous crimes against women	MHA set up Investigative Units for Crimes Against Women (IUCAW) in 150 police districts to assist the local police in investigation of TIP cases ¹⁵⁹ .	The achievement is not found in existing documents.
Protection of Women and Children Cell (POWC)		
The POWC acts as the Anti	Awareness programmes	POWC operates as a nodal

¹⁵⁹Delhi.(2015,January 5). MHA proposes to set up Investigative Units on Crimes Against Women. Retrieved May 10, 2016, from http://www.business-standard.com/article/government-press-release/mha-proposes-to-set-up-investigative-units-on-crimes-against-women-115010500654_1.html

<p>Trafficking Cell for districts. It keeps vigilance on traffickers and coordinates raid and rescue operations with the help of local police stations and authorised NGOs.</p>	<p>regarding violence against women and children in the vulnerable areas in the districts with the help of local police stations and NGOs</p> <p>Various training programmes on gender sensitisation</p> <p>Regularly arranging for special drives against eve teasing, sexual harassment, sexual exploitation of women and children, rescue of trafficked victims from various places</p>	<p>agency for crime against women and children and coordinates with Women Commission, Human Rights Commission and other agencies.</p>
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4.1.3 Department of Overseas Indian Affairs (DOIA), Ministry of External Affairs (MEA)

Ministry of Overseas Indian Affairs (MOIA) merged with MEA in 2016 and became Department of Overseas Indian Affairs (DOIA).

To regulate and promote safe migration, MOIA played a vital role. The ministry administered the Emigration Act, 1983 to protect the interests of emigrant Indian workers. It promoted legal migration and protects the migrant workers from exploitation by private recruiting agents and foreign employers. The MOIA pursued a proactive policy to transform the emigration system and empower the emigrants through systemic interventions on national, bilateral as well as multilateral fronts. The MOIA has created a helpline for providing immediate support to victims who may be caught in exploitative situations while they are abroad for work.

The MOIA has introduced a compulsory insurance scheme “*Pravasi Bharatiya Bima Yojana*” (Overseas Indian Insurance Scheme) to provide insurance cover to emigrant workers. In addition, the MOIA has requested the Indian missions to set up shelter homes for runaway or rescued women so as to provide temporary accommodation to household service workers while redressing their grievances, which would also act as a transit home before the worker is repatriated back to India. The MOIA has issued detailed guidelines, which include a minimum age restriction of 30 years, employment contract to be drawn between the worker and the employer, prescribed minimum wages and pre-paid mobile facility to be provided by the employer to each household service worker.

4.1.4 Ministry of Labour and Employment (MLE)

MLE works for the prevention of child labour, bonded labour and facilitates safe migration, protection and promotion of workers’ rights/exploitative labour.

NCLP is a major central sector scheme for the rehabilitation of child labour and covers 271 districts across the country. Child laborers engaged in hazardous occupations and processes

are withdrawn and put into special schools. Project Societies formed at the district level are fully funded for opening up of special schools and rehabilitation centres for the rehabilitation of child labour. There are about 6,000 special schools which are in operation under NCLP scheme. As of today more than a million children have been mainstreamed into the formal education system under the scheme.

The Government is also laying stress on the enforcement of the child labour (Prohibition and Regulation) Act. State Governments are the appropriate authority for implementation of the Act for areas under their jurisdiction and the Chief Labour Commissioner (Central) for areas under the central sphere. The Government took a major step in 2006 in the direction of elimination of child labour by banning the employment of children below the age of 14 years in two occupations viz., children working as domestic workers and in teashops, hotels, road side eateries, etc. For the effective enforcement of the ban and the rehabilitation of the affected children, the Government has been coordinating with the State Governments for taking appropriate measures in this direction.

4.1.5 Judiciary and Legal Services

(1) Supreme Court

The Supreme Court of India has issued verdicts from time to time for strengthening the implementation of the child rights legislation. The Supreme Court and the various High Courts have been taking up cases for strengthening of the institutional machinery and various statutory agencies mandated by various laws in combating human trafficking. The Supreme Court has also set up panels and committees to ensure that there are monitoring mechanisms are in place for the enforcement of rights of trafficked victims and also to ensure implementation of the law. The courts have also been creating mechanisms for victim protection and guidelines for victim's rights in terms of court procedure.

(2) Fast Track Court (FTC)

Fast track courts (FTC) have been proposed as a policy measure for securing speedy justice in cases of sexual violence against women and children. FTCs were first mooted by the Central Government under a scheme that sought to establish 1,793 FTCs for different offences across the States from 2001 onwards. As of March 31, 2011, there were 1,192 FTCs functioning across the country. The joint conference of Chief Ministers of States and Chief Justices of the High Courts held on April 7, 2013 also decided that the State Governments shall take necessary steps to establish suitable number of FTCs for offences against women, children, differently abled persons, senior citizens and marginalised sections of the society and provide adequate funds for the purpose.

(3) State Legal Services Authorities (SALSA)

In every State, SALSA has been constituted to give effect to the policies and directions of the National Legal Services Authority (NALSA)¹⁶⁰ and to give free legal services to the people and conduct *Lok Adalats*¹⁶¹ in the State. SALSA is headed by the Chief Justice of the respective High Court who is the Patron-in-Chief of SALSA. The primary objective of these bodies is to provide free legal services to the poor and weaker sections of society, especially in the far flung areas and promote protection of their rights. This includes payment of fees, providing advocates in legal proceedings etc. These entities also carry out schemes and programmes of promoting the cause of legal aid, legal literacy and other legal services¹⁶².

4.1.6 Rights Commissions

(1) National Human Rights Commission (NHRC)¹⁶³

The Commission is the national human rights institution, responsible for the protection and promotion of human rights and has designated one of its members to serve as the focal point on Human Rights of Women, including trafficking. The Commission has drawn up a comprehensive plan of action to prevent and end trafficking in women and children. The main objectives of the Plan of Action are:

- To operationalise the recommendations and suggestions of the ‘Action Research on Trafficking in Women and Children in India’.
- To promote steps/activities at the Central, State, District, Block and Village levels to prevent and end trafficking by involving all stakeholders.

(2) National Commission for Protection of Child Rights (NCPCR)

The Commission's mandate is to ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child.

The functions of the Commission include;

- to examine and review the safeguards provided by or under any law for the protection of child rights;
- to examine all factors that inhibit the enjoyment of rights of children ;
- to look into the matters relating to children in distress, marginalised and disadvantaged children without family and children of prisoners;
- to spread child rights literacy among various sections of society and promote awareness of the safeguards available for protection of these rights;

¹⁶⁰ A national level body that provides free legal services to weaker section of the society.

¹⁶¹ Peoples' Court

¹⁶² Welcome to BSLSA. (n.d.). Retrieved June 24, 2016. from <http://bslsa.bih.nic.in/legalaid.html>, <http://upslsa.up.nic.in/functions.htm>, <http://www.wbslsa.org/entitlement.htm>

¹⁶³ National Human Rights Commission. (n.d.). Retrieved May 10, 2016, from <http://nhrc.nic.in/>

(3) National Commission for Women (NCW)

It was constituted on January 31, 1992 as a statutory body at the national level, to safeguard the interests of women. It has a wide mandate covering almost all aspects of women's development;

- to investigate and examine the legal safeguards provided for women under the constitution and other laws;
- to review the existing provisions of the constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws;
- To look into complaints and take notice of matters relating to deprivation of women's rights and take up the issues with appropriate authorities;
- to take up studies/research on issues of relevance to women;
- to participate and advise in the planning process for socio-economic development of women.

At state level, there are the State Commission for Protection Human Rights, the State Commission for Women and the State Commission for the Protection of Child Rights.

4.2 Collaboration and Coordination Mechanism of Stakeholders

4.2.1 Collaboration among Central Government

The MWCD is the nodal ministry, which deals with the subject of prevention of trafficking in women and children for CSE. In its efforts, the MWCD works very closely with the MHA, MEA including DOIA and the MLE.

(1) Central Advisory Committee (CAC)

The MWCD has constituted a CAC to combat trafficking of Women and Children for CSE which functions under the chairpersonship of Secretary, MWCD. The objective of CAC is to:

- Suggest measures and actions to the Government for the eradication of all aspects of trafficking of woman and children for purpose of CSE.
- Suggest welfare programmes for the care, protection, treatment and rehabilitation of children rescued from CSE.
- Device and operationalize suitable machinery for the implementation and monitoring of the measures to combat human trafficking.

Though the CAC is supposed to meet every quarter in Delhi to discuss major issues and strategies for preventing and combating trafficking of women and children, the committee became

inactive and meetings were held irregularly. The CAC was reconstituted in 2013 and members were assigned as in the following table 4-5.

In September 2015, responding to the Supreme Court order which asked MWCD to take necessary actions on anti- human trafficking, MWCD reactivated the CAC and decided to set up Standing Committee and Inter-Ministerial Committee to prepare a plan of action covering amendments of ITPA, SOPs and new comprehensive legislation to combat all types of human trafficking. The members from DWCD&SW in vulnerable states also attend the meeting and exchange information with central Government

Table 4-5: CAC Members

Ministry	<ul style="list-style-type: none"> ▪ Ministry of Women and Child Development, chairperson ▪ Ministry of Home Affairs ▪ Ministry of Labor and Employment ▪ Ministry of Social Justice and Empowerment ▪ Ministry of Health and Family Welfare ▪ Department of Legal Affairs ▪ Ministry of Panchayat Raj
National Commission	<ul style="list-style-type: none"> ▪ National Human Rights Commission (NHRC) ▪ National Commission for Women (NCW) ▪ National Commission for Protection of Child Rights (NCPCR) ▪ National Institute of Social Defence ▪ Central Social Welfare Board (CSWB) ▪ Anti-Human trafficking Cell
State Level	<ul style="list-style-type: none"> ▪ Department of Women and Child Development and Social Welfare in West Bengal, Delhi, Maharashtra, Bihar etc.
Civil Society	<ul style="list-style-type: none"> ▪ NGOs such as Shakti Vahini are official members ▪ International agencies such as UNICEF, UNODC, UN Women are not official members

(2) Coordination between MWCD and MHA

The coordination and convergence between MWCD/DWCDs? with the AHTUs was initiated. A detailed advisory by MWCD has been issued in May 2011 to ask all the states to appoint nodal NGOs and nodal officers to coordinate with State AHTUs. The convergence is also ensured by highlighting the same in all the review meetings with the State Governments. Even for participation in the CAC the participating states are requested to coordinate with the State AHTU /Police. The Director, MHA is part of the Project Sanctioning Committee of Swadhar and Ujjawala Schemes.

4.2.2 Collaboration among State Government

(1) Convergence in the Fight against Human Trafficking

At the state and district levels, the AHTUs have promoted and facilitated convergence among various stakeholders like NGOs, Railway Police, Childline, Department of Social Welfare, shelter homes, protection homes, Labour Department, District Legal Services Authority, CWC, Child Protection Units and Prosecutors. The AHTUs have been actively working in collaboration with these agencies and creating partnerships that have helped in creating a unified approach in dealing with crimes of trafficking. As part of their implementation, the AHTUs are working in close partnership with civil society organisations.

(2) State Advisory Committees (SAC)

The State Advisory Committee (SAC) constituted under the orders of the Supreme Court is to monitor initiatives being undertaken on prevention, rescue, rehabilitation, reintegration and repatriation of victims of trafficking in their respective states. All State Women and Child Department Secretaries supposed to hold regular meetings of the SAC. In West Bengal state, there is also a State-level task force that has been functional since 2007¹⁶⁴ to expedite the repatriation process of Bangladeshi children staying at different Government and NGO run homes.

4.2.3 Collaboration between Central Governments, State Government and NGOs

Law enforcement is primarily a state subject. However, the MHA through Centre-State division deals with all the matters related to Law Enforcement, especially the provisions of the ITPA and specific provisions of the IPC. In addition, the MHA under its aegis works in close coordination with the States, such as Central Bureau of Investigation (CBI), BSF, and the NCRB, which compiles crime statistics.

Most of the central sponsored schemes are implemented by the state department. The state department receives financial support from the central ministries. The state department also sends special request/proposal for any specific need/objective. The central ministries and state ministries along with their secretaries meet at regular intervals to review the progress of the sponsored schemes.

The Government of India has built strong linkages and partnerships with civil society, NGOs, in all its endeavours to build an integrated response to prevent and combat trafficking in persons, especially of women and girls. NGOs receive grants in aid from the Government to implement programmes in and around the issues of appropriately addressing the issues of human trafficking. NGO's are involved in running Ujjawala homes, Swadhar homes, running Childline and like several others receive grants from the Government.

¹⁶⁴ Stakeholder interview of Smitha Pandey, joint Secretary WCD, West Bengal

4.2.4 Collaboration with Neighbouring Countries and SAARC

To combat trafficking, anti-trafficking policy and legal interventions must be promoted at the regional level. The status of collaboration with neighbouring countries and through SAARC is as follows.

(1) Collaboration with Neighbouring Countries

India since the 1990s has emerged as the economic giant of South Asia and its zones of economic prosperity like Delhi, Mumbai, Kolkata, Bangalore, Pune, Punjab, Gujarat etc. act as dominant pull factors for men, women and even children from impoverished families in Nepal and Bangladesh to seek better quality of life.

India has over 4,096 kilometres of border with Bangladesh¹⁶⁵ and over 1,751 kilometres of border with Nepal¹⁶⁶. Most of the border areas run across difficult terrain and rivers, making patrolling and surveillance difficult and also largely remain unfenced. With Nepal, the “Indo-Nepal Treaty on Peace and Friendship 1950”¹⁶⁷ provides opportunity to migrate and work in India without any valid documentation, but for Bangladesh, the Foreigners Act 1946¹⁶⁸, prevents such opportunity. However the poverty and the prospects of enhancing life prospects in India instigate people to take the risks of migration even under unsafe conditions with the help of agents operating on both sides of the Indo-Bangladesh border¹⁶⁹.

Recently the Government of India has started a coordinated approach between source and destination countries as the most effective way to abate human trafficking. In May 2015, the Governments of India and Bangladesh signed MoU on “bilateral cooperation for prevention of human trafficking especially trafficking in women and children; rescue, recovery, repatriation and re-integration of victims of human trafficking”¹⁷⁰. The MoU aims to strengthen cooperation and information sharing to ensure speedier investigations and prosecutions of traffickers and organised crime syndicates in both countries. In addition, it covers strengthening border checks to catch traffickers and save victims. Systematic and swift process of repatriation and rehabilitation of victims are also highlighted¹⁷¹. After the MoU, coordination between civil society

165 Ministry of Home Affairs, Board Management Division (n.d.). *International Borders*. Retrieved April 20, 2016, from <http://mha.nic.in/brdrmgmnt>
166 ibid.

167 Ministry of External Affairs (1950). *Treaty of peace and friendship between the government of India and the government of Nepal*. Retrieved April 20, 2016, from <http://www.mea.gov.in/bilateral-documents.htm?dtl/6295/Treaty+of+Peace+and+Friendship>

168 *Foreigners Act 194* (1946). Retrieved April 20, 2016, from <http://aasc.nic.in/Acts%20and%20Rules%20%28GOA%29/Passport%20Deptt/Foreigners%20Act1946.pdf>

169 CARE (2011). *Vulnerability to HIV & AIDS: A Social Research on Cross Border Mobile Population from Bangladesh to India - EMPHASIS Project*, Retrieved April 20, 2016, from http://www.carebangladesh.org/publication/Publication_694108.pdf

170 *Memorandum of Understanding Between The Government of The Republic of India and The Government of the People's Republic of Bangladesh* (2015). Retrieved April 20, 2016, from http://www.hcidhaka.gov.in/bi_doc/MoU_between_India_and_Bangladesh_on_Bilateral_Cooperation_for_Prevention_of_Human_Trafficking.pdf

171 Bhalla, N. (2015 October 7). After Bangladesh, India wants anti-trafficking pacts with Nepal, Gulf states. *Reuters*. Retrieved April 20, 2016, from <http://uk.reuters.com/article/uk-india-trafficking-idUKKCN0S11DI20151007>

groups in both countries concerning prevention is better organised but according to the organisation involved in the repatriating Bangladeshi victims of trafficking, MoU has not changed the process and still the overall process of repatriation is cumbersome.

The second MoU was signed in April 2016, between the Government of India and UAE to cooperate on the issues of prevention, rescue, recovery and repatriation related to human trafficking especially women and children expeditiously. In addition to above two countries, Bahrain is to sign in April 2016 and the Government of India is also approaching Nepal to sign the similar agreement¹⁷².

Beside bilateral MoU, in June 2015, India, Bhutan, Bangladesh and Nepal signed a Motor Vehicles Agreement for the Regulation of Passenger, Personal and Cargo Vehicular Traffic between Bangladesh, Bhutan, India, and Nepal (BBIN MVA). With this agreement, it will enhance regional connectivity by facilitating seamless movement of people, goods and vehicles among the four nations¹⁷³. However, easing the cross-border movement of people means it will also ease perpetrators/traffickers to cross the border with the victims but so far there is no information available on impacts on human trafficking.

(2) Collaboration through SAARC

The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was signed by SAARC Member States, namely, Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka on January 5, 2002¹⁷⁴ and came into force on November 15, 2005 after ratification. It stipulates the obligation of Member State to cooperation in dealing with various aspects of prevention, interdiction and suppression of trafficking in women and children for prostitution, and repatriation and rehabilitation of victims of trafficking. It also seeks for prevention of use of women and children in international prostitution networks, particularly where countries of the region are the countries of origin, transit and destination. Pursuant to the ratification, a Regional Task Force was constituted to implement and monitor the SAARC Convention. Five Regional Task Force meetings have been held so far in 2007, 2008, 2009, 2011, and 2013 and the following are major outputs:

- Adoption of the SOP on Combating Trafficking in Women and Children for Prostitution by all SAARC member states;
- Providing a platform for sharing best practices by the respective Governments, NGOs and members of the civil society to combat trafficking in women and children.
- Harmonising and strengthening legislation on trafficking;

172 Bhalla, N. (2015 October 7). After Bangladesh, India wants anti-trafficking pacts with Nepal, Gulf states. Reuters. Retrieved April 20, 2016, from <http://uk.reuters.com/article/uk-india-trafficking-idUKKCN0S11DI20151007>

173 Rahman, S. (2015, June 16). Four nations sign motor vehicles deal. *The independent*. Retrieved May 5, 2016, from <http://www.theindependentbd.com/post/3852>

174 SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. (2002). Retrieved May 5, 2016, from <http://www.saarc-sec.org/userfiles/conv-trafficking.pdf>

- Setting up regional toll free number for women and children survivors or victims of violence or discrimination;
- Training¹⁷⁵ and capacity building of stakeholders by providing national, state level and SAARC level training of trainers (ToTs) for police personnel (2009) and study tour for SAARC member States to learn from the experiences of the AHTU established in various districts of India (2013);
- Developing a mechanism to collect data on human trafficking; and
- Initiating a bilateral mechanism to combat human trafficking¹⁷⁶.

The Regional Task Force is now working on revising the Convention because current Convention does not comply with the internationally agreed definition of trafficking, as contained within the Palermo Protocols to the UNTOC and ILO Convention 2009 on Forced Labour. It only labels cases as trafficking where victims are sexually exploited or used for commercial purpose. It excludes boys and men as victims and also does not cover labour exploitation, organ transplant, domestic labour etc.

Apart from SAARC, the South Asia Initiative to End Violence Against Children (SAIEVAC) is a SAARC Apex body which is an inter-governmental regional body comprised of eight SAARC countries with the purpose to effectively implement measures to end all forms of violence against girls and boys including women¹⁷⁷. SAIEVAC works in partnership with children, civil society, INGO and UN. Through utilising SAIEVAC's regional and national mechanism, it influences policies, plans and programmes of the SAARC Member States to end violence against children. It also provides a platform to benefit from appropriate bilateral and multilateral sharing of information, experience, expertise and good practices.

4.3 Scope of Support from Development Partners and NGOs on Anti-human trafficking

4.3.1 Development Partners

Some of the development partners, particularly the UN agencies, have been working to end human trafficking in India. In the following section, the recent efforts of such agencies have been described.

¹⁷⁵National Institute of Public Cooperation and Child Development(NIPCCD) is a nodal agency for training and capacity building of SAARC functionaries to combat trafficking

¹⁷⁶ Ministry of Home Affairs (2013). *India's Presentation on Human Trafficking for 5th Regional Task Force*, Retrieved April 20, 2016 from <http://stophumantrafficking-mha.nic.in/forms/Sublink1.aspx?lid=264>

¹⁷⁷South Asia Initiative to End Violence Against Children. (n.d.). Retrieved April 20, 2016 from <http://www.saievac.org/>

Table 4-6: Major Development Partners

Project/Activities	Objective	Target Area	Activities (Description)	Progress/Achievement
1. UNODC				
Strengthening the law enforcement response in India against trafficking in persons through training and capacity building	To build capacity of law enforcement agencies and strengthening response systems to prevent and combat the problem of human trafficking, especially in women and children	Andhra Pradesh, Maharashtra, Goa, West Bengal and Bihar	<ul style="list-style-type: none"> • Training of law enforcement personnel • Establishment of nine AHTUs. • Networking between law enforcement agencies and NGOs. • Setting up of Nodal Training Cells. <p>Budget is US 2.58 million</p>	<ul style="list-style-type: none"> • Government of India is setting up of more AHTUs across the country. • Trained various personnel including police, prosecutor and NGO who can act as master trainers in the future. • Those personnel trained in the project have better understanding of trafficking issues and inculcated better attitude towards victims.
2. UN Women				
Anti Human Trafficking Programme	To reduce the number of internally trafficked women and children through the enhancement of Government protection and prevention mechanisms that focus on source areas, as well as through community action and participation.	Odisha, Jharkhand, Bihar, Rajasthan, Andhra Pradesh and West Bengal	<p>The Programme is a pilot initiative to address the issue of trafficking of women and girls at the source level through involvement of local governance at the panchayat level.</p> <ul style="list-style-type: none"> • Training of women and girls life skills and legal awareness • Forge collaboration with stakeholders and build capacities for effective awareness on save migration 	<ul style="list-style-type: none"> • Training of peer educators • Establishment of Vigilance Committees • Strengthened capacity of panchayat officials to keep record of migrants and to register employment agencies
Safe City Programme	To make public spaces safer for women through short, medium and long-term interventions	Delhi, Mumbai, Bhopal (Madhya Pradesh state)	<ul style="list-style-type: none"> • Conduct gender safety audits • Improving safety of girls within school 	The achievement is not found in existing documents.

	proposed based on research and surveys		premises ▪ Sensitizing of public bus drivers and conductors	
3. UNICEF				
Programme to support Child Protection System	To strengthen child protection systems at national, state, district, and sub-district levels through the roll out of the ICPS	15 States including Maharashtra, Rajasthan, Madhya Pradesh, Gujarat, West Bengal, Assam, Uttar Pradesh, Karnataka, Jammu & Kashmir	<ul style="list-style-type: none"> ▪ Development of human resource for child protection with focus on mid-level cadre ▪ Improving the quality of child protection services by setting standard, monitoring and strengthening capacity of medical personnel ▪ Establishment of community-based child protection mechanism ▪ Strengthening of data system for child protection 	<ul style="list-style-type: none"> ▪ Establishment of DCPU in 14 States ▪ Signing of MOU between Maharashtra and West Bengal on rescue, recovery and reintegration of trafficked victims ▪ Regional meetings conducted to assess the implementation of JJ Act
4. ILO				
Work in Freedom Programme	To prevent the trafficking of women and girls in South Asia to the Middle East, especially garment workers and domestic workers.	South Asia and Middle East. In India particularly in Jharkhand, Bihar and Northeastern States	<p>Programme is implemented in source countries of India, Nepal and Bangladesh and destination countries of Jordan and Lebanon.</p> <ul style="list-style-type: none"> ▪ Sensitizing women on safe migration and provide pre-departure 	<ul style="list-style-type: none"> ▪ Issued the report “Indispensable yet unprotected: Working conditions of Indian Domestic Workers at Home and Abroad”¹⁷⁸ in collaboration with Self Employed Women's Association in India (SEWA). Along with the survey results, advocating for the ratification of the Forced Labour Protocol by at least 50 countries by 2018.

¹⁷⁸ILO (25 June 2015) Indispensable yet unprotected: Working conditions of Indian Domestic Workers at Home and Abroad. Available from <http://www.solutionexchange-un-gen-gym.net/wp-content/uploads/2015/11/COMPRESSED-indispensable-yet-unprotected-min.pdf>

			<ul style="list-style-type: none"> training ▪ Strengthening of migrant workers association ▪ Fostering ethical practice on recruiting side 	
5. IOM				
Programme on Rehabilitation of Trafficked Victims	To provide support for re-integration and economic empowerment of trafficked women	Ten states across India	<ul style="list-style-type: none"> ▪ Provide psycho-social and medical care ▪ Provide support for vocational trainings, resource mobilization and employment opportunities 	Setting up and running of a café by victims as a result of entrepreneurial training.

4.3.2 NGOs

There are numerous NGOs working in the area of anti human trafficking in India. From prevention to rescue to reintegration, involvement of NGOs cannot be overlooked. Further analysis of NGOs that are working in NCTD and WB is shown in Chapter 5.

Table 4-7: NGOs Working for Anti-human Trafficking in States Other than WB and NCTD

Name of NGOs (Website)	Area of Activities
Apne Aap (http://apneaap.org/) (See Appendix-4 : Minutes of the Meeting No. 5)	Implementing rescue operations for women trapped in prostitution and filing suspects of traffickers to lead capture of the assassin. Providing skill development programmes for girls and women making and selling products supplementing their income. Particularly, de-notified tribes are the target of the programmes. Prevention of sexual exploitation of de-notified tribes, vocational trainings for adolescent girls. Since major effort is spent in prevention activities, creation of safety net for vulnerable social groups has been an achievement.
ARZ (http://www.arzindia.org/)	Based in Goa, ARZ is a social work organisation committed to combating trafficking of persons for the purpose of sexual abuse and CSE. ARZ has been appointed as the nodal NGO in the Integrated Anti-Human Trafficking Unit which was set up by the Goa Police for the purpose of providing witnesses, conducting rescue operations along with police, training and counselling of rescued persons, assisting in interviews of rescued persons, networking with other NGOs for all

	activities, empowerment of rescued persons and ensuring their proper rehabilitation.
Butterflies (http://www.butterflieschildrights.org/)	Running “Butterflies Resilience Centre”, the shelter home for boys and providing care, protection and restoration service such as psychosocial, medical and legal supports to a number of children in distress. The centre houses the Childline, a national toll free helpline for children in crisis supported by MWCD.
Counsel to Secure Social Justice (CSJ) (http://www.csjindia.org/) (See Appendix-4 : Minutes of the Meeting No. 25)	Providing supports on effective criminal justice and effective restorative justice for clients the survivor (minor/adult). Since major effort is spent in prevention activities, creation of safety net for vulnerable social groups has been an achievement.
FXB India Suraksha (http://fxbsuraksha.in/)	FXB India Suraksha is a member of National Action and Coordination Group (NACG) which is a SAARC level initiative to end violence against children. Working on improving the status of girls and women and addressing the incidents of VAW in partnership with UN Women, NCPCR and the MWCD. Approaching to Preventive activities both in community and domestic level
Laligrans Japan (http://www.laligrans.org/e_index.html)	Working to end trafficking and prostitution of Nepalese girls and women with the partnership between the prominent NGOs Rescue Foundation in Maharashtra, India, and Maiti Nepal in Kathmandu, Nepal. Major destination of trafficking in Nepalese women and children is Maharashtra state in India. It also support HIV positives and disabled women.
Oxfam (https://www.oxfamindia.org/subpage/228)	Conducting the campaign of “16 Days of Activism” to raise awareness on “ending violence against women” with other related partners in Delhi, Bihar, Jharkhand, Chhattisgarh, Odisha, Uttar Pradesh and Uttarakhand. Advocating for proper implementation of Protection of Women from Domestic Violence Act (PWDVA).
Plan International (MCA: https://plan-international.org/responding-cross-border-child-trafficking-south-asia https://plan-international.org/india/child-protection-india)	Implementing pilot projects the Missing Child Alert (MCA) programme against cross-border child trafficking in South Asia. Creating sustainable community-based child protection mechanism which provides safe spaces for vulnerable children, such as street children and children who work. Conducting life skills training, and awareness on sexual and reproductive health for adolescent girls and boys from the urban slums of Delhi and Mumbai.
Rescue Foundation (http://www.rescuefoundation.net/)	Based in Mumbai. The main goals of the organisation are combating human trafficking of girls and children. They rescue, rehabilitate and repatriate the victims. Rescue Foundation also works towards prosecuting criminals involved in trafficking and sexual abuse of minor aged victims. Till date, the Foundation has been successful in rescuing and repatriating more than 2000 trafficked girls and children.

<p>Salaam Balak Trust (SBT) (http://www.salaambalaktrust.com/index.html) (See Appendix-4 : Minutes of the Meeting No. 8)</p>	<p>Providing full time and short stay facility to children in need of care and protection. Operating three Childlines. Providing a sensitive and caring environment to street and working children in Delhi. Running 18 homes (13 contact points and 5 shelters home) providing full time and short stay facility to children in need of care and protection. Providing health protection, education and recreation for those children.</p>
<p>Save the Children (https://www.savethechildren.in/what-we-do/child-protection/child-trafficking)</p>	<p>Started in 2008 in India, Save the Children currently works in 20 states of India. Their work on human trafficking is based on the 3Ps strategy: Prevention, Protection and Prosecution. They work both in source and demand areas with a community based approach. In Mumbai, Save the Children India is closely collaborating with Department of Women and Child Development in conducting International Justice Mission on sexual and labour exploitation.</p>
<p>Terres des homes (https://www.tdh.ch/en/)</p>	<p>Working for child protection, children's health and children in humanitarian crisis. State level advocacy, development of tools and training, capacity building on CWC</p>
<p>The Asia Foundation (http://asiafoundation.org/where-we-work/india/)</p>	<p>Supporting youth at universities across the country to inform the students about the global movement to end VAW, and to gather their recommendations for ending VAW. In 2010, the Asia Foundation issued the report of a mapping study of current anti-human trafficking efforts in India with a team of Stanford graduate students in order to promise interventions based on current gaps and 'best practice' approaches.</p>

Chapter 5. Situation of Human Trafficking of Women and Children in NCTD and West Bengal

5.1 Current Situation and Status of Policy Implementation in in NCTD

5.1.1 Situation, Categories and Problems of Human Trafficking in NCTD

Delhi, officially the National Capital Territory of Delhi (NCTD), is the capital territory of India comprising 11 districts. Social development indicators related to women and children of Delhi are described in following Table 5-1.

Table 5-1: Social Development Indicators of Women and Children in Delhi

	Male	Female	Total
Population	8,987,326	7,800,615	16,787,941
Literacy Rate ¹⁷⁹	90.94% (All India: 82.14%)	80.76% (All India: 65.46%)	86.21% (All India: 74.04%)
Infant Mortality Rate ¹⁸⁰	21.66 (All India: 35 per thousand live birth)		
Child Sex Ratio ¹⁸¹	871 (All India: 940 Females per 1000 male 0-6 years old)		

(1) Magnitude and Categories of Human Trafficking in NCTD

Delhi is one of the largest areas for destination and transit of the trafficking. CSE and labour, including child labour, domestic labour and work force in factory are common purposes.

In 2014, 27 incidents of human trafficking out of 5,466 in all India were reported from NCTD according to NCRB¹⁸². However, the occurrence of crime against women was the fourth highest in India at 15,265 and crime against children in Delhi was 9,350 which is the third highest¹⁸³.

Table 5-2: Number of Crimes against Human Trafficking in NCTD during 2014

	Crime head	Incidence	Victim
1	Procuration of minor girls (Sec.366-A IPC)	0	0
2	Importation of girls from foreign country (Sec.366-B IPC)	0	0
3	Human Trafficking (Sec. 370 & 370 A IPC)	13	13
4	Selling of girls (minors) for prostitution (Sec.372IPC)*	4	4
5	Buying of girls (minors) or prostitution (Sec.373 IPC) *	0	0
6	Immoral Trafficking (Prevention) Act 1956	10	15
Total		27	32

*: Modified in 2014, earlier data collected under “girls” whereas presently data collected under “minors”.

¹⁷⁹ Population Census 2011

¹⁸⁰ Annual report of Registration of Births and Deaths in Delhi 2014 . (n.d.). Government of Delhi Directorate of Economics and Statistics Office of the Chief Registrar (Births & Deaths).

¹⁸¹ Females per 1000 male 0-6 years old. Population Census 2011

¹⁸² NCRB, MHA (2014). Crime in India MAP 2014. Retrieved from <http://ncrb.nic.in/StatPublications/MAPS-2014/ALL-MAPS-2014.htm>

¹⁸³ *ibid.* Delhi is the third highest following to Madhya Pradesh 15,085 and Uttar Pradesh 14, 835

(2) Major Source Areas to NCTD, Destination Areas in NCTD and Outside NCTD

Along with those data, the situation in Delhi has worsened as the trafficking rackets have expanded their operations in the guise of beauty parlours, friendship clubs, spas, massage parlours, escort services etc. At the same time, trafficking for labour especially domestic workers tends to be increased. Though concerted efforts of law enforcement agencies and organisations are being carried out, the traffickers have somehow managed to expand their trade by moving the area of operation to various satellite towns in Delhi. Major source, transit areas coming to Delhi and destination in Delhi are as follows.

Table 5-3: Major Source, Destination and Transit Areas Related to Delhi

Major source areas to NCTD	Nepal, Bangladesh, Rajasthan, WB, Jharkhand, Bihar ¹⁸⁴ , Uttar Pradesh ¹⁸⁵ , Madhya Pradesh, Uttarakhand, North India (Kanjars tribes ¹⁸⁶) Minor girls (in particular) : Andhra Pradesh, Bihar, WB, Rajasthan, Karnataka, Maharashtra, Uttar Pradesh, Assam, Tamil Nadu, Arunachal Pradesh, Delhi, Sikkim, Madhya Pradesh, Uttarakhand and Haryana
Major destination areas within NCTD	G.B Road (red-light area), brothel, residential colonies and other agencies providing sexual services. Pink (golden) triangle of Delhi-Agra-Jaipur (child sexual tourism in particular) Child Labour (in particular): New Delhi (Sangam Vihar, Khanpur Extension, Khanpur Village, Tughlakabad Village, Hamdard Nagar, Garhi Lajpat Nagar, Uttam Nagar, Kolda Mubarakpur, Arampark, Brijpuri, Zafrabad, Wazirabad, Jahangri Puri, Seelampur) Domestic workers (in particular): New Delhi
Major final destination areas via NCTD	Forced marriage (in particular): Haryana and Punjab Child labour, bonded labour (in particular): Haryana, Uttar Pradesh and Punjab Chennai (Tamil Nadu), Hyderabad (Telangana), Kochi (Kerala), Central Asian countries, Middle Eastern countries Domestic workers (in particular): Middle Eastern countries

¹⁸⁴ Including *Bedia*, a community in Jharkhand and Bihar.

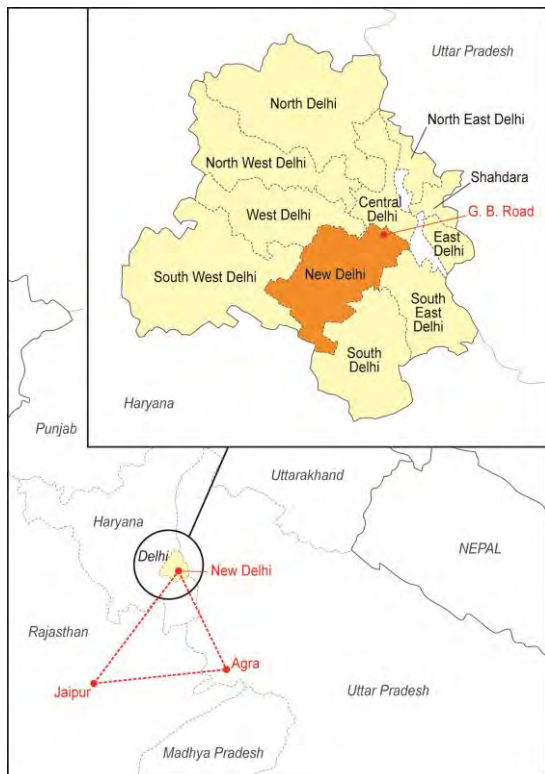
¹⁸⁵ Including *Nat*, a community in Uttar Pradesh.

¹⁸⁶ Kanjar tribes which is a traditionally nomadic ethnic group in North India and Pakistan.

(3) Problems on Human Trafficking in NCTD

• Problems of Trafficking for CSE in NCTD

There is large scale trafficking of minor girls from states mentioned in Table 5-2. In Delhi, the traffickers operate for supply of domestic labour in homes, child labour to work in factories,



Map 5-1: Map of NCTD

young girls for the sex trade in Garstin Bastion (G.B.) Road, the biggest red-light area in Delhi, in addition to the rackets operating from residential colonies.

G.B. Road has 92 brothels operating with at least 4,000 women (UNODC, 2013). These trafficked victims are forced into the sex trade in the G.B. Road red-light area and in other cities as well. Additionally, the victims of cross border trafficking mainly from Nepal are also being forced into flesh trade in G.B. Road¹⁸⁷.

However, the red light area is no longer the only place for commercial sexual trafficking. Along with the technology advancement, people can access to the adult information including prostitution in name of dating or escort services through internet such as SNS or a website¹⁸⁸.

• Problems of Missing Children in NCTD

Delhi also has a lot of missing children who are being trafficked for the sex trade by organised crime syndicates being operated from Rajasthan and Mumbai. The young victims who are being kidnapped by these gangs are kept at remote locations by the *Bedia*, *Nat*, and *Kanjar tribes* and once the girls attain puberty they are sent to Mumbai to work in bars and dance clubs. Many of these victims are sent to Middle Eastern countries for prostitution rackets.

As a recent trend, it is estimated that there are still millions of children trapped in middle and upper middle class Indian households with their employers completely unaware about the fact that they are committing a heinous crime¹⁸⁹.

¹⁸⁷ UNODC. (2013). Retrieved May 18, 2016, from UNODC website:

https://www.unodc.org/southasia/frontpage/2013/July/india_-country-assessment-highlights-status-of-victim-assistance-and-criminal-justice-initiatives-on-anti-human-trafficking.html

Deccan Herald "Paid sex and the city" (July, 2008) available at <http://www.deccanherald.com/content/343204/paid-sex-city.html>

¹⁸⁸ For example, the classified adverting website offering jobs listings, real estate and services advertisement including underage commercial sex trafficking.

¹⁸⁹ UNODC. (2013).

Table 5-4: Missing Persons Cases in Delhi

Year	Missing Children			Missing women		
	Reported	Traced	Untraced	Reported	Traced	Untraced
2008	6,268	N/A	276	N/A	N/A	N/A
2009	5,946	5,365	581(*312)	3,073	1,980	1,093
2010	5,091	3,937	1,154(*493)	3,456	2,203	1,253
2011	5,111	3,752	1,359(*504)	4214	2774	1,440
2012	5,248	N/A	(*597)	N/A	N/A	N/A
2013	7,235	N/A	(*1,402)	N/A	N/A	N/A
2014	(*2,700) up to May 14	N/A	(*355) up to February 15	N/A	N/A	N/A
2015	6944 ¹⁹⁰	N/A	N/A	N/A	N/A	N/A

Source: UNODC Report 2013 based on NCRB

Cases written in (*) are based on the Annual Report 2013-2014 issued by the Delhi Commission for Protection of Child Rights (DCPCR)¹⁹¹

• **Problems of Child Abuse in NCTD**

According to Crime in India from 2009 to 2014 issued by NCRB, since the POCSO¹⁹² 2012 was enacted, more and more children are reporting sexual abuse committed against them. In Delhi, the situation is even more dire as follows.

In 2014, across India 13,766 cases of child sexual rape cases were reported to police, an increase of 61% from 2012 when 8,541 child rape cases were reported. There were 7,849 incidents reported as sexual offences and 1,004 reported child rapes in 2014 compared to 415 reported rapes in 2012, an increase of 142%.

• **Problems of Domestic Workers in NCTD**

Furthermore, thousands of illegal placement agencies flourish where there is a high demand of live-in maids who can work even at odd hours according to the schedule of the employers. The employers are also specifically looking for younger children because ‘they are cheaper’, complain less and can be exploited. According to UNODC, most of the victims commonly report absence of regular payment of wages, financial exploitation, physical and sexual abuse and emotional stress exercised by their employers. It is estimated that many cases of sexual abuse of maids have been reported.

¹⁹⁰ MWCD and National Informatics Centre “Delhi State Portlet, No. of Children during the last one year”. Retrieved May 7, 2016, from <http://www.trackthemissingchild.gov.in/trackchild/delhi>,

¹⁹¹ Annual Report 2013-14 English Part 1, Part2. (n.d.). Retrieved May 8, 2016, from Delhi Commission for Protection of Child Rights (DCPCR) website: http://delhi.gov.in/wps/wcm/connect/doi_t_dcpcr/DCPCR/Home/AnnualReport

¹⁹² POCSO, the new legislation provides protection to all children under 18 years of age from offences of sexual assault, sexual harassment, pornography and offers child friendly procedures for recording of evidence, investigation and trial. The Children Courts already set up would also try all cases registered under the POCSO Act.

5.1.2 Status of Policy Implementation in NCTD

The Government of NCR of Delhi has included issues of women’s safety and empowerment in the social security and welfare sector of its 12th Five Year Plan (2012-2017). Although there are no specific programmes for anti-trafficking, the activities for a safer city for women and support for women in difficult circumstances were covered as missions and approaches. In the budget planning for 12th Year Plan from 2016-2017¹⁹³, the Government of NCR of Delhi proposed following budget for women’s safety and empowerment. This is largely draws from “Nirbhaya (fearless) Fund¹⁹⁴” targeted to strengthen the safety and security of women.

Table 5-5: Proposed Budget for Women’s Safety and Empowerment of the Gov. of NCTD

Proposed Plan	Budget (ten million)
Scheme for installation of CCTV cameras and surveillance system	INR 200
Adequate lighting on dark places	INR 114
Constitutions of Mohalla Rakshak Dal of Civil Defence Volunteers	INR 200
Functioning working women hostels at Dwarka and starting its services of Dilshad Garden, Pitampura and Vasant Village	N/A
Women’s safety and Empowerment	INR 1,068

Source: Government of NCT of Delhi,

DWCD is running a State Protective Home for women under section 21 of ITPA, 1956 for the women rescued from CSE and two Children’s Homes for girls at Nirmal Chhaya Complex. The minor victims housed in the children’s home are shifted to the After Care Home in the same complex on attaining the age of majority. At present, the Delhi Government is running 104 Gender Resource Centres (GRCs) as non-institutional measures to prevent the vulnerability among women and girls for falling prey to sexual abuse, trafficking etc. Through GRCs, the Government is also providing legal awareness to the women and girls, devising strategies to address safety issues concerning women and to provide immediate response to the women in distress. To save girls, the Delhi Government has a school scholarship scheme (“Delhi Ladli Scheme”, explained in following section). A Drop-in Centre and Day Care Centre are being run in the red light area in G.B. Road with the support of Women and Child Development Department for the children of women in prostitution. The department is planning to provide more space to the programme for extending the preventive services. Nari Niketan is a state-run Protective cum Corrective Home set up at Nirmal Chhaya Complex to provide safe shelter to the victims of CSE. The Government

¹⁹³ Budget 2016-2017, Planning Department, Government of NCT of Delhi. Retrieved from http://www.delhi.gov.in/wps/wcm/connect/DoIT_Planning/planning/budget+of+delhi/budget+2016-17

¹⁹⁴ Nirbhaya Fund is an INR 10 billion corpus announced by Government of India in its 2013 Union Budget. MWCD is a nodal agency which can be approached by various Ministries/Departments with the proposals/schemes, to be funded from “Nirbhaya Fund” targeted to strengthen the safety and security of women in the country. Government Issues Guidelines for Administration and Operationalization of 'Nirbhaya Fund' (2015, April 01). Retrieved May 19, 2016, from <http://pib.nic.in/newsite/PrintRelease.aspx?relid=117914>

has allocated Swadhar and Ujjawala homes in Delhi. The Government of NCT of Delhi has sanctioned Child Protection Homes under the ICPS. CWC has also been established.

DCW, DWCD, within the Government of NCTD is constituted with the aim to investigate and examine all matters relating to the safeguards provided for women under the constitution and other laws. DCW functions in the manner of a Civil Court and strives to ensure aims envisaged in the Act through its various programmes like Sahyogini, Mahila Panchayats, Rape Crisis Cell, Mobile Help Line and Pre Marital Counselling Cell to help women in distress within NCTD¹⁹⁵. Although there are no projects directly relating to human trafficking, DCW has partnership between NGOs, police and other Government agencies such as municipal cooperation and council at the same time, DWCD has know-how on establishing helplines and Crisis Intervention Centres (CIC), and counselling to women in difficult circumstances.

In October 2015, DCW stated that the Delhi Government will re-constitute a task force which will draft a rehabilitation policy for human trafficking victims¹⁹⁶. There was no policy for the rehabilitation of trafficking victims in the Government. Under this coming new policy, the victims would get skill development and professional placement to take effective steps to prevent children of sex workers from joining prostitution.

(1) Intervention Specific to Anti-trafficking

Interventions specific to anti-trafficking by the Government of NCTD are as follows:

Anti-Trafficking Committee¹⁹⁷

The state-level coordination committee to combat trafficking of women was constituted as per the direction of the Supreme Court in 2012. However, the first meeting of the committee was held on October 2015 after three years from establishment, probably due to it consisting of over 25 senior officers. According to DWCD which attended the first meeting, there were several progresses in the field of TIP in Delhi. Delhi Police was asked to form a strong information system so that trafficking victims from G.B. Road and other areas could be rescued. It also decided to develop a national database of traffickers. As mentioned above, the committee is under re-constitution by around 2020.

¹⁹⁵ Delhi Commission For Women, Retrieved from http://www.delhi.gov.in/wps/wcm/connect/lib_dcw/DCW/Home/

¹⁹⁶ Draft trafficking rehab policy soon - Times of India. (n.d.). Retrieved May 07, 2016, from <http://timesofindia.indiatimes.com/city/delhi/Draft-trafficking-rehab-policy-soon/articleshow/49234898.cms>
Taskforce formed for rehabilitation policy for trafficked victims, says Delhi Commission for Women. (n.d.). Retrieved May 07, 2016, from <http://tilakmarg.com/news/taskforce-formed-for-rehabilitation-policy-for-trafficked-victims-says-delhi-commission-for-women/>

As of May 2016, the policy has not yet issued.

¹⁹⁷ Ibid.

DCW is also starting a pilot project where it will be a partner with the private sector to provide training and jobs as well as set up residential schools for the children of sex workers¹⁹⁸. The beneficiaries are 50 rescued women and girls.

Anti-Human Trafficking Units (AHTUs), Delhi Police

Delhi Police has 12 AHTUs. The AHTU with the anti-kidnapping section of the crime branch is the nodal agency for the purpose. The AHTU works for all the three aspects of trafficking: prevention, protection and prosecution.

The District Crime against Women Cell acts as the District Special Juvenile Police Unit and Special Police Unit functions as the State Special Juvenile Police Unit (SJPU) at Nanakpura, Delhi police, which has been formed in all 11 districts in Delhi.

AHTUs are working in coordination with DWCD, Labour Department, Health Department etc. They conduct rescue operations with the assistance of NGOs whenever there is any information about human trafficking cases. Furthermore, the AHTUs in Delhi have been maintaining a close vigil in railway stations and bus stands in coordination with NGOs involved in service delivery for spotting and rescuing the victims¹⁹⁹. Patrolling and vigil at locations prone to trafficking are being undertaken by the AHTUs. Numerous criminal gangs indulging in prostitution, child labour, bonded labour and cross-border trafficking for prostitution and domestic workers has been busted by AHTU, Delhi Police.

Table 5-6: Partners of AHTUs

Government of NCR Delhi	Department of Women and Child Development, Labour Department, Health Department, etc.
NGOs for rescue operations	Baccpan Bachao Andolan, Butterflies, Delhi Brotherhood Society, FXB India Suraksha, Justice Venture International, Salaam Balak Trust, Shakti Vahini
Others	Railway stations and bus stands (via relating NGOs)

Traffickers are using Delhi as transit and destination area. The Delhi Police extends investigation to the source area to unearth the whole network involved in trafficking. At the same time, Delhi Police has been working in close coordination with various state police departments to link source and destination of human trafficking cases. Furthermore, the AHTUs have been providing support to all source area police teams. It has also undertaken steps to improve interstate police collaboration among police agencies across the country.

Regular training sessions on anti-human trafficking laws have been organized across Delhi for officers dealing with the cases of trafficking. Training session on JJ system is also being

¹⁹⁸ Delhi's trafficked sex slaves face sad and horrible life. (2016). Retrieved May 07, 2016, from <http://www.reuters.com/article/india-trafficking-prostitution-idUSKCN0VMODR>

¹⁹⁹ In 2011, AHTU rescued 148 girls and 675 boys and in 2012, more than 30 girls and 150 boys from various Railway Stations of Delhi.

regularly conducted in collaboration with the Special Police Unit for Women and Children, Delhi Police. Information, Education and Communication materials on human trafficking are circulated among the staff of Delhi Police. The Advisory issued by the MHA have been circulated to all senior officials.

(2) Interventions for Women in Difficult Circumstances Including Victims of Trafficking Delhi Commission for Protection of Child Rights (DCPCR)

Awaz Uthao Campaign²⁰⁰

Awaz Uthao (“raise your voice” in English) Campaign was launched in Delhi in March 2011 to address the safety concerns of women and girls in the city. The initiative involves formation of women and youth collectives (groups) at the grassroots level, to address the issues of women safety at public places and support women in distress including situations of sexual harassment, assault and rape.

Ujjawala

As same as mentioned in Chapter 4, Ujjawala is a national and comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking for CSE, under the MWCD. The Ujjawala Scheme provides victims with funding to meet the travel costs incurred en route to being restored with their families, as much as INR 5,000 (approximately USD 74.79) to each victim. In NCTD, there is only one Ujjawala home²⁰¹.

Swadhar Greh

The Swadhar Greh Scheme is also the national scheme under MWCD and beneficiaries of this scheme include trafficked women and girls rescued or runaway from brothels or other places where they face sexual exploitation. Presently, there are two homes functional within the Swadhar scheme in NCTD.

Family Counselling Centres (FCCs)

The Family Counselling Centres (FCCs) work in close collaboration with the local administration, police, courts, free legal aid cells, medical and psychiatric institutions, vocational training centres, short stay homes etc. There are 27 such FCCs operational in Delhi, providing both decentralized and centralized counselling services.

²⁰⁰ Government of NCT of Delhi “Awaaz Uthao Project”

http://delhi.gov.in/wps/wcm/connect/doiit_wcd/wcd/Home/Women+Empowerment/Awaaz+Uthao+Project

²⁰¹ Anti-human trafficking, MHA. Ujjawala scheme (Shelter homes) “Sanctioned Project under Ujjawala Scheme” Retrieved June 2, 2016 from http://stophumantrafficking-mha.nic.in/writereaddata/Ujjawala-comp-details%2031_3_14.pdf

Swayamsidha

The scheme was launched for five years during 2001-2005. This is being implemented in three blocks of Delhi- Mehrauli, Alipur and Shakurpur through NGOs as per the approval of Government of India. Till now, thirty villages in three Districts have been covered. 276 SHGs have been formed with 3,456 women members. They have started saving and inter-loaning amongst themselves as well as providing several training sessions for capacity building such as leadership and communication, experience sharing workshop for gender sensitisation, micro-entrepreneurship etc. In addition, Special Street Camps, a special feature of Department of Social Welfare under Bhagidari Scheme²⁰², were conducted for the members of SHGs to enhance their knowledge about legal awareness, health, social, economical issues addressing to women empowerment.

(3) Interventions for Children in Difficult Circumstances Including Victims of Trafficking Delhi Commission for Protection of Child Rights (DCPCR)

The Delhi Commission for Protection of Child Rights (DCPCR) constituted under the Commission for Protection of Child Rights (CPCR) Act, 2005, started functioning from September 2008. DCPCR deals with child labour, child marriage, missing children, difficult social norm of girls and prevention of sexual abuse of children²⁰³. DCPCR is investigating child trafficking and children in need of care and protection. It also runs children's shelter homes.

Integrated Child Protection Scheme (ICPS)

As mentioned in Chapter 4, 4.1 Government Organisation, the purpose of ICPS is to provide protection and safe environment for children in difficult circumstances. It also aims to reduce risks and vulnerabilities of children in abuse, neglect, exploitation, abandonment and separation.

Under ICPS, the Government of NCTD has been authorising following institutions²⁰⁴:

²⁰² The Bhagidari Scheme is an welfare initiative of the government of the NCTD to promote broad-based civic participation in local governance.

²⁰³ Delhi Commission for Protection of Child Rights (DCPCR), Govt. of NCT of Delhi, Retrieved May 08, 2016, from http://delhi.gov.in/wps/wcm/connect/doiit_dcpcr/DCPCR/Home/About+Us

²⁰⁴ Status of implementation of integrated child protection scheme (ICPS) by the state child protection society in Delhi, Govt. of NCT of Delhi, Retrieved May 08, 2016, from http://wcdel.in/pdf/UPDATED_ICPS_%20NOTE_MAR_2015.pdf

Table 5-7: Mapping of Institutions under ICPS in NCTD

	Institutions	Number and Location
1	Juvenile Justice Boards (JJB)	2 (Sewa Kutir Complex (Kingsway Camp), Delhi Gate)
2	Government Run Children's Institutions	23
3	Child Care Institutions (CCIs)	75 Child Care Institutions (CCIs) running by NGOs
4	CWC	8 CWCs at Mayur Vihar, Sewa Kutir Complex (Kingsway Camp), Kasturba Niketan Complex (Lajpat Nagar), Nirmal Chhaya Complex (Hari Nagar), Asha Kiran Complex (Rohini), Sanskar Ashram Complex (Dilshad Garden)
5	State Adoption Agencies (SAAs) ²⁰⁵	13
6	Childline	11 Centres at one each in administrative District of North, Central, South, New Delhi, Southwest, West, Northeast, East, Northwest, Southeast, Shahdara
7	Shelter homes	7 running by NGOs
8	Open shelters	12 running by NGOs
9	After care home	2 Nirmal Chhaya complex for girls and Alipur Home for boys

District Child Protection Units (DCPU)²⁰⁶

The ICPS under MWCD envisages setting up nine District Child Protection Units (DCPU) in each district as a fundamental unit for the implementation of the scheme. The DCPU shall coordinate and implement all child rights and protection activities at district level. The scheme includes in its purview the JJB, CWCs and all those institutions and Departments that deal with children. It also includes monitoring of adoption by Specialised Adoption Agency (SAA), Government-run and NGO-run child care institutes, observation homes, shelter homes etc.

Integrated Child Development Scheme (ICDS)

NCTD has already introduced the new system of distribution of hot cooked food and weaning food through SHGs and Mahila Mandals by involvement of NPOs as facilitators under Supplementary Nutrition Programme (SNP) component²⁰⁷.

A private reputed organisation such as Sri Ram Institute for Industrial Research was engaged for lifting samples by their representative along with the flying squad of the Department constituted for the purpose and for lab analysis of the same. Further, vehicles are being hired to enhance the mobility of the Project Officers so as to facilitate and strengthen the monitoring and Supervision of ICDS.

²⁰⁵ The List of Specialized Adoption Agencies in Delhi is available at :http://wcdel.in/pdf/List_AdoptionAgn_Delhi07072015.pdf

²⁰⁶ *ibid.*

²⁰⁷ ADDRESS OF SHGs KITCHEN . (2012, September 1). Retrieved May 20, 2016, from Department of Women and Child Development, NCT of Delhi website: http://wcdel.in/pdf/shg_addresses.pdf

Delhi Ladli Scheme

Delhi Ladli Scheme aims at enhancing the social status of girls in society as well in the family, ensuring proper education to make the girls self-reliant, ensuring their economic security and protecting them from discrimination and deprivation²⁰⁸. The scheme was launched by the Government of NCTD on January 2008 to empower girls born in Delhi²⁰⁹. Under this scheme, financial assistance is provided at each growth stage such as delivery, admission of class I~XII and passing class X²¹⁰. It also aims to promote birth registration of girls and control female foeticide to improve sex ratio.

Most of the schemes mentioned above have been implementing under the federal ministries as elaborated in Chapter 5. The state Governments of NCTD have implemented and followed-up those schemes at the state level.

²⁰⁸ Delhi Ladli Scheme - The India Post. (2012, May 08). Retrieved May 19, 2016, from <http://www.theindiapost.com/articles/delhi-ladli-scheme/>

²⁰⁹ EMPOWERMENT. (n.d.). Retrieved May 19, 2016, from http://wcdel.in/streesakti_3Ladli.html

²¹⁰ INR 11,000 for institutional delivery, INR 10,000 for delivery at home and each INR 5,000 for admission and passing of classes those mentioned.

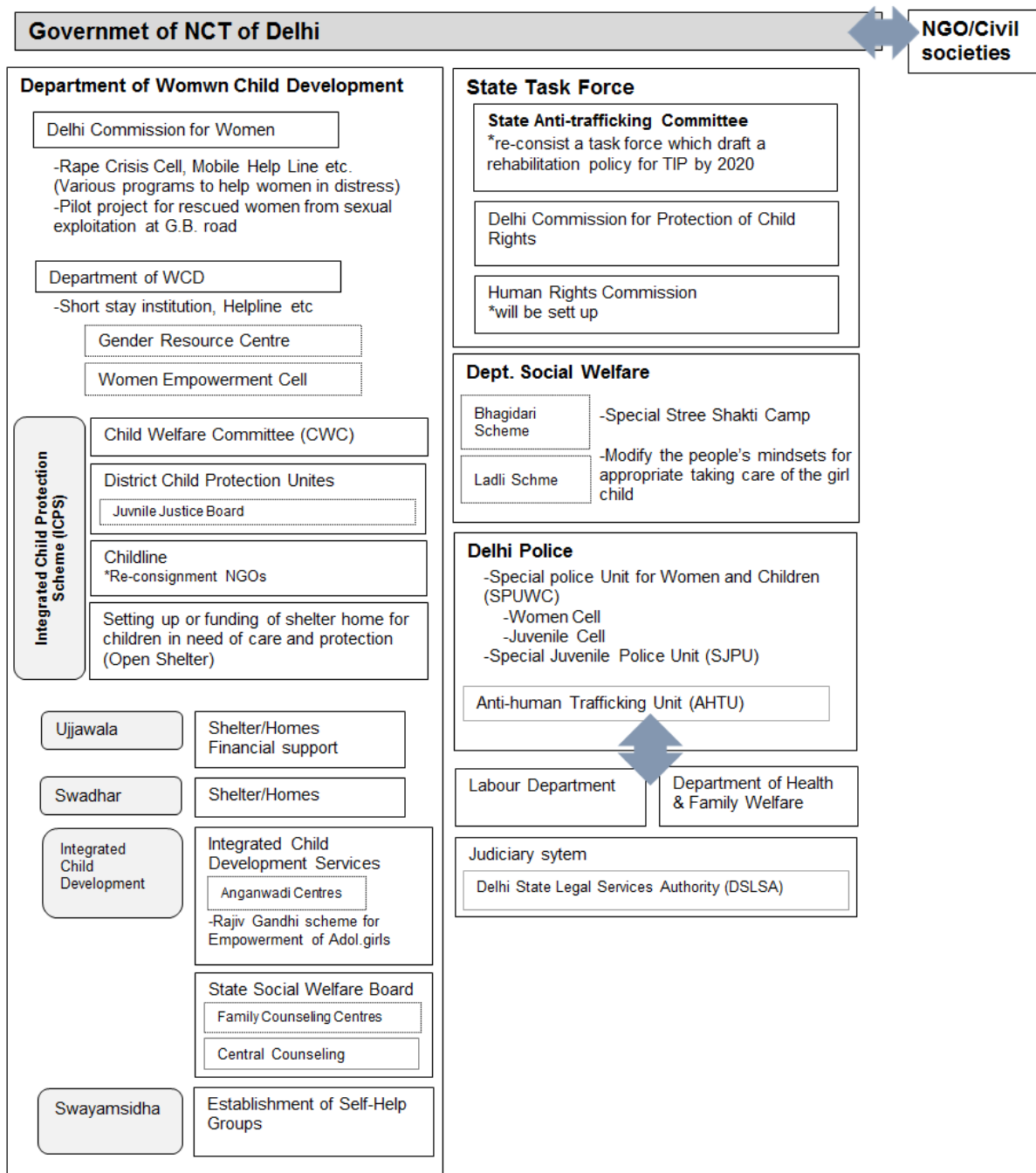


Figure 5-1: Stakeholders and the Schemes of the Government of NCTD

5.1.3 Scope of Support from NGOs in NCTD

The organisations and NGOs working for anti-human trafficking or other related activities from 4Ps and those specifically targeting their projects sites in NCTD had been selected.

Scope of support from development partners and NGOs both international and national is elaborated as following table.

(1) International NGOs

Table 5-8: International NGOs Specifically Targeting Their Projects in NCTD

Name of Donor (Website)	Area of Activities
Delhi Brotherhood Society (DBS) (http://delhibrotherhoodsociety.weebly.com/)	Offering shelter and meals for street children, as well as a 24-hour call-centre for children in distress and information and advocacy in the field of women empowerment and family relations. Providing education, vocational and technical training, both formal and non-formal.
Justice Venture International (http://www.justiceventures.org/our_work/india/)	Assisting partnered local NGO and local Government to rescue a minor girl from sex slavery in a notorious Delhi brothel. Conducting domestic violence awareness and legal training clinics for women such as minimum wages. Providing legal support and other technical services for Courage Homes, a short-term aftercare home for minor girls who have been rescued from forced prostitution in Delhi.

(2) National NGOs

Table 5-9: National NGOs Specifically Targeting Their Projects in NCTD

Name of Donors (Website)	Area of Activities
Bachpan Bachao Andolan (BBA) (http://www.bba.org.in/)	Focusing on bonded labour, child labour and human trafficking, as well as demanding the right to education for all children. Conducted campaign against child trafficking for forced labour (Mukti Caravan) and covered 158 villages in Delhi, Uttar Pradesh, Bihar and Rajasthan.
Joint Women's Programme (JWP) (http://www.jwpindia.org/)	JWP is a Delhi based NGO which is working with Devadasis. Conducting campaigns and advocacy conducted on VAW at the highest decision making levels. Running day care centres in red light areas and primary schools for children with early childhood care and education, health care, nutrition, placement in schools and vocational training for adolescent children in neglected areas to prevent trafficking.
RBC Trust *STOP (Stop Trafficking and Oppression of Children & Women) (http://stopindia.in/) (See Appendix-4: Minutes of Meeting No. 4)	Near Delhi, running Aashray home to at least 50 to 60 children including rescued girls who need protection and providing education, livelihood skills, vocational training etc. Established a "family home" where trafficked victims can live as long as they wish providing a sense of family. In the process of keeping proper profile record of rescued victims and setting up a resource centre for anti-human trafficking. Implementing community intervention programmes, welfare programmes in particular for the urban slum in southern part of Delhi with the underlying philosophy of combating human trafficking for CSE. Conducting both brothel and community based rescue operations across Delhi.

There are currently no interventions from any development partners in NCTD but UN Women completed the programme in partnership with DWCD during 2009-2015. The programme called “Safer cities free from violence against women and girls initiative” had conducted city wide advocacy for gender sensitivity and mainstreaming and focused work in municipal wards of south Delhi, Badarpur, Haus Khas, Malviya Nagar, Mehrauli and Molarband.

(3) Notable Activities and Involvements Implementing by NGOs in NCTD

Unlike above section, there are notable activities and involvements in NCTD by NGOs which engaging projects in other states too:

- National NGO: Butterflies

Butterflies is running a permanent night shelter in Daryaganj, Old Delhi for children from homeless and displaced families. Also taking initiative of “Delhi Child Rights Club” which is one mechanism whereby they could work together towards creation of a child safe and friendly city.

- National NGO: Shakti Vahini

Shakti Vahini has been appointed as the Member of the Delhi Advisory Committee to Combat Human Trafficking formed by the MWCD, Government of NCTD since December 2012. Shakti Vahini has been nominated as the Member of the Advisory Board of Social Worker as specified in Section 13 3(b) of the ITPA by the Government of NCTD. Shakti Vahini has a good relationship with Delhi police and AHTU to collaborate in rescue operations and also provides capacity building on rescue operations and its prosecution with the active support from the Government of NCTD.

- HAQ partnering CSJ

HAQ has provided legal aid to children who are the victims of child labour, child trafficking, child sexual abuse. Implementing a three-year project concentrating on providing psychosocial care and legal support to 400 child survivors of sexual abuse in Delhi partnering CSJ. Also, providing life skills training and other Interventions for rehabilitation of girls at State run children’s home in Nirmal Chhaya, in Delhi.

- International NGO: Laligrans Japan

The Japanese NGO, Laligrans Japan working to end trafficking and prostitution of Nepalese girls and women with the partnership between Rescue Foundation and Maiti Nepal. They are constructing a new shelter for rescued victims of human trafficking in outskirts of Delhi. Laligrans Japan

- International NGO: The Asia Foundation

The Asia Foundation has provided the mobile app and online platform “Safetipin” which collects information about public spaces in order to address women’s safety since 2013. Working with the Delhi Police on unsafe areas in the city to determine where more patrolling of their police vans is needed.

5.2 Current Situation and Status of Policy Implementation in West Bengal (WB)

5.2.1 Situation, Categories and Problems of Human Trafficking in WB

(1) Geographical Situation and Social Indicators of WB

The state of West Bengal (WB), in the Eastern region of India, consists of 19 districts. It is the fourth-most populous state in India with more than 91 million people²¹¹. The capital city Kolkata is seventh largest city in India with more than 4.8 million people.

WB shares 2,216.7 km with the Bangladesh border, 92 km with the Nepal border and 175 km with the Bhutan border for a total area of 34,267 square meters. It has also borders five states within India which are Odisha, Jharkhand, Bihar, Sikkim, and Assam states. Social development indicators related to women and children of WB are as described in below Table 5-6 below.

Table 5-10: Social Development Indicators of Women and Children in WB

	Male	Female	Total
Population	46,927,389	44,420,347	91,347,736
Child Sex Ratio ²¹²	947(All India: 940)		
Infant Mortality Rate	31 (All India: 35)		
Literacy Rate ²¹³	82.67% (All India: 82.14%)	71.16% (All India: 65.46%)	77.08% (All India: 74.04%)

(2) Magnitude of Trafficking in WB

Due to its strategic location in India, WB has a vast problem of human trafficking, both internal and cross-border. Its outstanding accessibility via railways, roads, airways, and waterways makes WB a convenient transit point for human trafficking to other states in India, as well as to overseas such as Middle East countries. WB’s high population density combined with economic stagnation and high levels of political and inter-religious violence have also created an environment conducive for human trafficking.

According to the Crime in India report annually issued by NCRB, -out of 5,466 cases relating to human trafficking in 2014, 1,096 cases were reported from WB (see Chapter 3.3 Map

²¹¹ Uttar Pradesh, Maharashtra, Bihar followed by West Bengal

²¹² Females per 1000 male 0-6 years old. Population Census 2011

²¹³ Population Census 2011

3-1 and Appendix-8: Incidence, Victims and Rate of Total Crimes Relating to Human Trafficking During 2014 in India Segregated by Crimes). With regard to the number of victims of human trafficking, 1200 victims were reported from WB according to the same report (see Map 3-2 in Chapter 3.3 and Appendix-8).

The state capital Kolkata hosts the most infamous red light areas such as Sonagachi in the whole of India and the trafficking of women and children for CSE is an apparent problem²¹⁴. In terms of procuration of minor girls, 852 cases were reported from the state of WB out of 2,020 cases reported from all over India in 2014 according to NCRB²¹⁵. As for the cases of selling minors for prostitution, WB has reported 67 cases out of 82 cases reported all over India (NCRB 2014)²¹⁶.

Table 5-11: Number of Crimes against Human Trafficking in NCTD during 2014²¹⁷

	Crime head	Incidence	Victim
1	Procuration of minor girls (Sec.366-A IPC)	852	852
2	Importation of girls from foreign country (Sec.366-B IPC)	4	4
3	Human Trafficking (Sec. 370 & 370 A IPC)	55	106
4	Selling of girls (minors) for prostitution (Sec.372IPC)*	67	69
5	Buying of girls (minors) or prostitution (Sec.373 IPC) *	1	1
6	Immoral Trafficking (Prevention) Act 1956	117	168
Total		1,096	1,200

*: Modified in 2014, earlier data collected under “girls” whereas presently data collected under “minors”.

(3) Major Source Areas in WB, Destination and Transit Areas in and Outside WB

Almost all districts in the state are vulnerable to trafficking. In North of the WB, Jalpaiguri, Darjiling, North Dinajpur, South Dinajpur, Koch Bihar and Maldah are most trafficking prone districts. These districts have international borders with Bangladesh, Nepal and Bhutan and have reported rampant trafficking from the tribal areas, tea estates and border areas.

The districts of North 24 Parganas and South 24 Parganas are other vulnerable areas prone to trafficking. The villages in these two districts are far flung, located in the Sunderbans (mangrove forest) area. Recent data reports that these two districts are the most significant source areas for trafficking in the state. Push factors include single crop growing fields, lack of livelihood opportunities and natural disasters such as cyclone and floods frequently hitting the area.

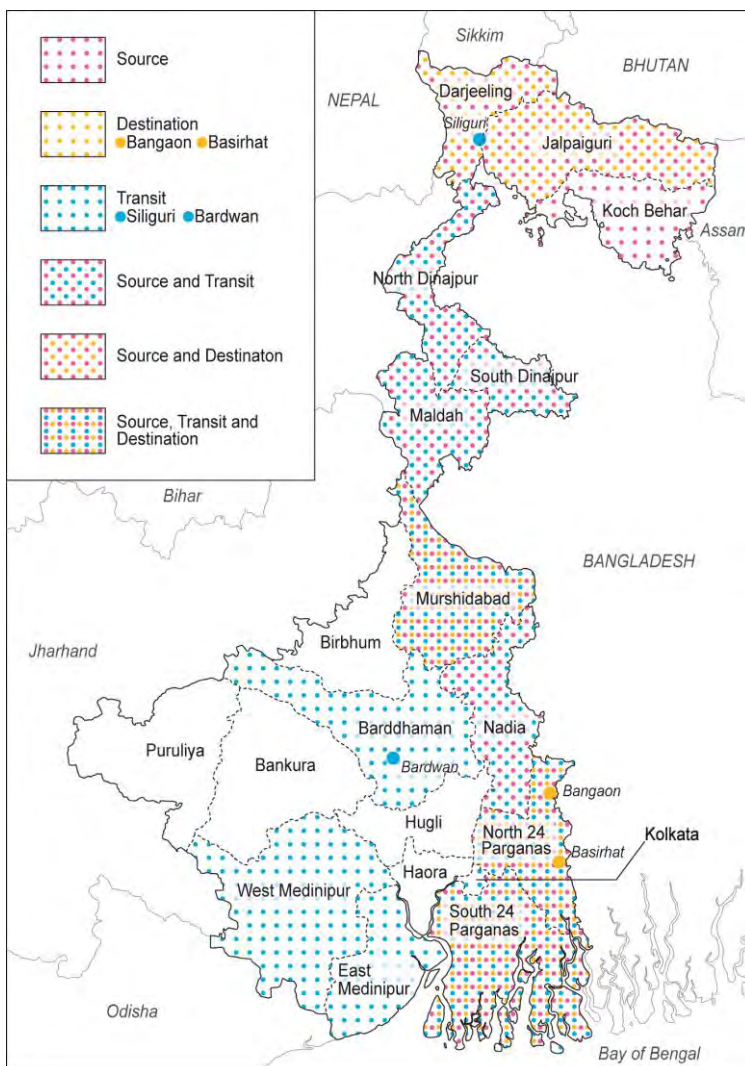
²¹⁴Human Trafficking on the Rise in West Bengal, Thousands go Missing Every Year’, Silicon India, 16 July 2013, available at <http://www.siliconindia.com/news/general/Human-Trafficking-on-the-Rise-in-West-Bengal-Thousands-Go-Missing-Every-Year-nid-150662-cid-1.html> (retrieved on 10 May 2016)

²¹⁵ Retrieved 15 June 2016 from <http://ncrb.nic.in/StatPublications/CII/CII2014/chapters/Chapter%206A.pdf>

²¹⁶ Retrieved 15 June 2016 from <http://ncrb.nic.in/StatPublications/CII/CII2014/chapters/Chapter%206A.pdf>

²¹⁷ NCRB Crime in India 2014. Retrieved 15 June 2016 from <http://ncrb.gov.in/>

The most common destinations for victims of WB are Delhi, Mumbai and Pune, followed by Haryana, Uttar Pradesh, Rajasthan and Punjab. New destinations that have been identified are



Ahmedabad, Bangaluru and Haridwar. Different districts of Haryana and Uttar Pradesh where female population is much below national average due to maltreatment of girls such as female foeticide have been also identified as destinations for forced marriages, dance troupes, prostitution and sex rackets. Within the states, Kolkata (Sonagachi, Lalbati etc.) is the most common destination district. Other destinations include Siliguri in Darhiling, Maldah, Murshidabad, Nadia, Map 5-2 Map of WB East Medinipur, West Medinipur, North 24 Parnagas, South 24 Parganas, Barddhaman, North Dinajpur and South Dinajpurt.

Map 5-2: Map of West Bengal

According to the AHTU under the CID of WB, North 24 Parganas, South 24 Paraganas, Murshidabad, Jalpaiguri and Darjiling are the most common transit points for trafficking in WB²¹⁸.

WB, especially cities like Kokata, is known as a destination for foreign women and children such as Bangladeshi and Nepali women and children but it is also known as a transit point for trafficking victims to be taken to other countries. Both Sanlaap, a national NGO based in Kolkata, and Hummingbird Trust, a British NGO working in WB pointed out that girls from India have been trafficked to Bangladesh in the last few years to use Bangladesh as a transit country to Dubai and other Middle East countries, because the migration laws seem to be less

²¹⁸ During the interview with AHTU CID on January 19, 2016 in Kolkata (Interview Record No.20)

strict as compared to India²¹⁹. Last year, Sanlaap could trace one out of around 17 girls trafficked to Bangladesh²²⁰.

Table 5-12: Major Source, Destination and Transit Districts in WB

Major source areas	Murshidabad, North Dinajpur, South Dinajpur, Naida, Jalpaiguri, Darjiling, Koch Bihar and Maldah, North 24 Parganas and South 24 Parganas
Major destination areas	Kolkata, Darjiling, Maldah, Murshidabad, Nadia, East Medinipur, West Medinipur, South 24 Parnagas, North 24 Parganas, Barddhaman, South Dinajpur and North Dinajpur
Major transit areas	North 24 Parganas, South 24 Paraganas, Murshidabad, Jalpaiguri, Darjiling

5.2.2 Status of Policy Implementation in WB

The Government of WB has taken several initiatives to counter human trafficking. The DWCD&SW is a nodal department working on anti-trafficking of women and children in WB in terms of providing victims with proper care, protection and rehabilitation while prosecution and prevention of trafficking have been mainly led by CID and DHA.

(1) Interventions Specific to Anti-trafficking

State Advisory Committee (SAC)

SAC has been formed by the initiative of DWCD&SW for combatting trafficking under the chairpersonship of the Chief Secretary, WB. SAC consists of members from concerned departments including DWCD&SW, DHA, Police and concerned NGOs. The committee is supposed to hold regular meetings every 3-6 months but the committee has not been so active in recent years. At the district level, it is mandated that a District Advisory Committee (DAC) is formed in each district under the chairmanship of District Magistrate. Although it was not possible to check actual existence and functions of the DACs in each district, it seems that most of the DACs are existent as a structure but actual functioning of the committee is uncertain since the issue of trafficking is not taken as a first priority issue at the district level²²¹. The Joint Secretary of DWCD&SW of WB is a member of CAC, thus there is a minimum coordination ensured between CAC and SAC. However, between SAC and DACs, not much coordination and collaboration is observed.

²¹⁹ During the interview with Sanlaap conducted on 16th Jan 2016 in Kolkata and Hummingbird on 14th January 2016 (Interview Record No.16 and No. 15)

²²⁰ During the interview with Sanlaap conducted on 16th Jan 2016 in Kolkata (Minutes of Meeting No. 16)

²²¹ According to Kamonohashi Project on telephone interview conducted on 3rd June 2016

Anti-Human Trafficking Unit (AHTU)

Anti-Human Trafficking Unit (AHTU) has been established in the CID of WB. AHTU investigates the cases of Human Trafficking, organises several training programmes to sensitise the district police personnel and other nodal agencies about the guidelines of the courts and investigation procedure in respect of Anti-Human Trafficking. CID has also established Protection of Women and Children Cell (PWCC) which deals with investigation of crimes against children and women except the cases of human trafficking. PWCCs are established in all the district police stations in WB and organise training programmes to sensitise police and concerned agencies on crimes against children and women. Other than State level AHTU located in CID, there are seven district level AHTUs currently functional in seven districts of WB which include Murashidabad, Jalpaiguri, South 24 Parganas and North 24 Parganas and Darjiling.

WB Task Force on Rescue, Recovery, Repatriation and Integration

There was a task force formed in 2008 headed by the Secretary of DWCD&SW to expedite the repatriation process of Bangladeshi children staying at different Government and NGO-run rehabilitation homes. In November 2013, as part of the Operational Guidelines for WB on Rescue, Safe Return and Repatriation of Women and Child Victims of Trafficking and Cross Border Movement from Bangladesh, the task force was reactivated with the changes of membership and reviewed terms of references of the Task Force activities²²². Activities of Task Force include 1) to support relevant authorities and focal points to expedite tasks of repatriation process, 2) to exchange information with NGOs, Police and Government Departments within India and Bangladesh, 3) to monitor and update information, 4) to take decision on repatriation, 5) to hold and archive the case management files of all repatriated child victims and 6) to monitor, oversee and expedite the repatriation process. However, quarterly meetings have not been conducted regularly as envisaged²²³.

Operational Guidelines for WB on Rescue, Safe Return and Repatriation of Women and Child Victims of Trafficking and Cross Border Movement from Bangladesh

In 2013, with assistance of UNICEF, DWCD&SW has prepared an Operational Guidelines for WB²²⁴. The Operational Guidelines illustrated and clarified the procedures with regard to rescue, family tracing, nationality determination, development of individual care plan, verification of identity and address, identity confirmation and repatriation of the child victims of trafficking. The Guidelines clarified the relevant stakeholders' roles and responsibilities and time spans to complete the whole procedures starting from rescue to repatriation within 21 weeks.

²²² Notification by Government of WB No. 3766-SW/o/3W-88/20013 dated on November 25 2013

²²³ It was pointed out by the DWCD&SW during an interview conducted on January 18th 2016 (Minutes of Meeting No.18)

²²⁴ Retrieved May 15 2016 from <http://www.dcpmurshidabad.org/Pages/GetPDFFile.aspx?id=111&download=0>

(2) Interventions for Women in Difficult Circumstances Including Victims of Trafficking Ujjawala

The Ujjawala Scheme was launched in WB in 2007 and has been implemented mainly through NGOs. In WB, there are two protective homes for women in difficult circumstances run under the cooperation between DWCD&SW and two NGOs (Haripur Amra Sabai Unnayan Samiti in 24 South Parganas and Women Interlink Foundation in Jalpaiguri). A protective home run by Haripur Amra Sabai Unnayan Samiti has been run since 2007 and so far 66 women who are ex-victims of trafficking, sexual abuse, child marriage, destitute and deserted women and ex-prisoners have been reintegrated with family²²⁵.

Swadhar Greh

Under Swadhar Scheme, women in distress under different situations are given admission in Swadhar homes (shelter homes). Children of these women below the age of 18 years can accompany and stay with their mothers in such homes and receive necessary rehabilitation support. Under Short Stay Home Scheme, women and girls in the age group of 15 to 35 years are given preference for admission. In WB, 19 shelter homes and 32 short stay homes are operational (see details in Table 5-9) contracted to implementing agencies such as NGOs by DWCD&SW.

Five toll free numbers (10921 to 10925) are also operational as women help lines in three districts including North 24 Parganas, South 24 Parganas and Hugly districts under the Swadhar Greh Scheme. These help lines are being run by NGOs such as Gana Unnayan Parshad, Association for Social Health in India, Jayaprakash Institute of Change, Saujatya and Society for Equitable Voluntary Action with the technical support²²⁶ of Social Welfare Advisory Board (State level CSWB) under the DWCD&SW.

²²⁵ Retrieved April 20th 2016 from <http://hasusindia.org/shelter-homes> (unavailable as of June 2016)

²²⁶ In house training or training through institutes is provided to the inmates of the shelter homes in various trades like tailoring, agarbatti and candle making, nursing, computer training, lab-tech, readymade garments, etc. to make them self-reliant with a view to rehabilitate them.

Table 5-13: Shelter Homes and Short Stay Homes under the Swadhar Greh in WB

Name of District	No. of shelter homes and name of implementing agencies	No. of short stay homes and name of implementing agencies
Bankura	0	1 (Purabudha Bharathi Shishu Tirtha)
Birbhum	0	4 (Sri Aurobindo Anusilan Society, Elmirst Institution of Community Studies, Association for Social Health in India, Jayaprakash Institution of Social Change)
Barddhaman	0	3 (Institute for Motivating Self Employment, Association for Social Health in India, Jayaprakash Institution of Social Change)
Darjiling	0	0
East Medinipur	2 (Vivekanand Lokshiksha Niketan, Buntiyru Tankuj Ybbatab Samiti)	1 (Pallikatha)
Haora	2 (Malikpur Samaj Unnayan Samity, Chiranabin)	2 (Malipukur Samaj Kalyan Samity, Malipukur Samaj Unnayan Samity)
Hugli	1 (Dulal Smiti Samsad)	2 (Association for Social Health in India, Janashikshan Prochar Kendra)
Jalpaiguri	0	2 (Human Development Center, North Bengal People Development Center)
Koch Bihar	0	1 (New Bharathi Club)
Kolkata	10 (Saujatya, All Bengal Women's Union, Janashiksha Prochar Kendra, Garden Reach Slum Development, Jaya Prakash Institute of Social Change, Sanlaap, Jabala Action Research Organisation, Mahila Seva Samity, Women Interlink Foundation, Socio Legal Information center (Human Rights Law Network)	5 (Association for Social Health in India, Gandhi Sarak Gram Siva Kendra, Navadiganta, Liberal Association for Movement of People, Saujatya)
Maldah	0	0
Murshidabad	1 (Netaji Park)	1 (Haripur Dr. Ambedkar Janaseva Mission)
Nadia	0	1 (Karimpur Social Welfare Society)
North Dinajpur	0	1 (Dakshin Malon Indra Samriti Sangha)
North Parganas	24 1 (Haripur Amra Sabai Unnayan Samiti)	4 (Gana Unnayan Parishad, Society of Equitable Voluntary Action, Seva Sangh Mahila Samiti, Jaya Prakash Institution of Social Change)
Puruliya	0	0
South Dinajpur	1 (Teor Dhiren Mohanta Public Charitable Society)	0
South Parganas	24 0	2 (Mahila Sewa Samiti, Association for Social Health in India)
West Medinipur	1 (West Bengal Scheduled Castes Tribes and minority Welfare Association)	2 (Pradudha Bharathi Shishu Tirtha, All India Women's Conference)
TOTAL	19	32

Information compiled by survey team based on the information provided in No. 8-37 (17)/2014-Swadhar Government of India, Ministry of Women and Child Development²²⁷)

²²⁷ Retrieved on 25 May 2016 from <http://wcd.nic.in/sites/default/files/WEst%20bengal.PDF>

Swayamsidha

It is a scheme by Government of India to empower women, enhancing women's access to micro-credit and participation of women at panchayat level through forming SHGs of women. In WB, DWCD&SW has been funding this scheme and it has been implemented in 4 districts (Bankura, Puruliya, South Dinajpur and Darjiling). More than 5000 SHGs have been formed in these 4 districts²²⁸.

(3) Interventions for Children in Difficult Circumstance Including Victims of Trafficking

Integrated Child Protection Scheme (ICPS)

ICPS has been a centrally sponsored scheme implemented by the MWCD to build a protective environment for children in difficult circumstances as well as other vulnerable children through Government-Civil Society Partnership.

DCPU²²⁹ has been set up in all 19 districts of WB as a fundamental unit for the implementation of the scheme. The DCPU has been mandated to coordinate and implement all child rights and protection activities at district level. ICPS has also set up variety of institutions²³⁰ as in below table.

ICPS have set up three different types of shelter homes - 1) shelter homes run by Government as well as by NGOs for children in need of support especially for children without parental care, runaway children, migrant children etc. 2) child protection homes under the JJ Act run by Government as well as by NGOs for the children in need of care as well as for the children in conflict with the law, 3) open shelters for children in need of care and protection including beggars and street and working children, orphaned, deserted, runaway and trafficked children in urban and semi-urban areas.

Childlines are also established in all the districts of WB under ICPS. In total 40 childlines in all 19 districts are operational, run by different NGOs and institutions contracted by DWCD&SW.

Table 5-14: Mapping of Institutions under ICPS in WB

	Institutions	Number and Location
1	DCPU	19 (One per district in all 19 districts)
2	Child Welfare Committees	19 (One per district in all 19 districts)
3	Juvenile Justice Board	19 (One per district in all 19 districts)
4	Government run shelter homes for children without parental care etc.	19 including 4 special units (One per district in all 19 districts)
5	NGO run shelter homes for children without parental care etc.	44 including 15 units (Location not available)
6	Child Protection homes for children in	55 (Location not available)

²²⁸ Retrieved 15 June 2016 from http://wbcd.gov.in/organization/west_bengal_women_development_un.htm

²²⁹ Retrieved 15 June 2016 from [http://www.cara.nic.in/InnerContent.aspx?Id=182#List of District Child Protection Unit \(DCPU\)](http://www.cara.nic.in/InnerContent.aspx?Id=182#List of District Child Protection Unit (DCPU))

²³⁰ Retrieved 15 June 2016 from <http://wcd.nic.in/paodata/pao/2014-15/feb2015/Advice%20267/Sanction%201.pdf>

	conflict with the law and children in need of protection under the JJ Act	
7	Open Shelters for children in need of care and protection in urban and semi-urban areas	26 (Location not available)
8	Childlines	48 in 19 districts (location attached in Table 5-15)

Table 5-15: Locations of Childlines

Name of the Districts	No	Name of NGOs contracted to run Childline
Bankura	1 (Rural)	Shamayita Math
Birbhum	3 (Rural)	Elmhirst Institute of Community Studies, Jayaprakash Institute of Social Change, Rampurhat Spastics and Handicapped Society
Bardhaman	3 (Rural)	Assansole Burdwan Sewa Kendra, Jayaprakash Institute of Social Change - Katwa, Jayaprakash Institute of Social Change - Asansol
Darjiling	3 (Rural)	Child In Need Institute, North Bengal Unit, Kanchanjungha Uddhar Kendra Welfare Society, Bal Suraksha Abhiyan
East Medinipur	1 (Urban)	Vivekananda Lok Siksha Niketan
Haora	2 (Urban)	Don Bosco Ashalayam, Don Bosco Ashalayam*
Hugli	1 (Rural)	Satya Bharati
Jalpaiguri	2 (Urban)	Jalpaiguri Welfare Organisation, Child In Need Institute, North Bengal Unit*
Koch Bihar	2 (Rural)	Society for participatory Action and Reflection (SPAR), Haldibari Welfare Organization
Kolkata	6 (Urban)	City Level Programme of Action for Street & Working Children, CINI ASHA, Loreto Day School, Bustee Local Committee & Social Welfare Center, Institute of Psychological & Educational Research, CINI Urban Unit, Sealdah*
Maldah	2 (Rural)	Haiderpur Shelter of Malda, Chanchal Jankalyan Samity
Murshidabad	3 (Urban)	CINI- Murshidabad Unit, Palsa Pally Unnayan Samity, Gorabazar Shahid Khudiram Pathagarh
Nadia	2 (Urban)	Chapra Social and Economic Welfare Association, Sreema Mahila Samity
North Dinajpur	1(Rural)	CINI Uttar Dinajpur Unit
North 24 Parganas	8 (Rural)	Centre for Communication and Development, Dhagagia Social Welfare Society, Katakali Empowerment & Youth Association, North 24 Parganas Sammyao Sramogibi Samity, Charuigachi Light House Society, Khalisady Anubhab Welfare Association, Joygopalpur Youth Development Center, Sayestanagar Swanirvar Mahila Samity
Puruliya	2 (Rural)	Centre for Enivornmental & socio Economic Regeneration, Manipur Leprosy Rehabilitation Center
South Dinajpur	1 (Rural)	Society for participatory Action and Reflection (SPAR)
South 24 Parganas	3 (Urban)	School of Women's Studies of Jadavpur University, Sabuj Sangha, CINI - Diamond Harbour Unit
West Medinipur	3 (Rural)	Vidyasagar School of Social Work, Prabuddha Bharati Sishu Tirtha, Chak-Kumar Association for Social Service

* Railway Childlines

Awareness Raising through Integrated Child Development Scheme (ICDS)

ICDS is a centrally sponsored scheme run by DWCD&SW implemented since 1975 for improving nutritional and health status of children in the age group of 0-6 years and for laying foundation or proper psychological, physical and social development of children. Under ICDS, awareness generation programme on anti-trafficking and other issues on violence against children and women have been conducted through community level.

In WB,²³¹ more than 350,000 people including children and women are targeted (355 communities projects are operational) throughout WB state. Since the entry point of awareness raising is on nutrition and health issues of children, which is everyone's interest, many women gather for the awareness session thus impact of the awareness raising has been found effective.

Kanyashree

Kanyashree is an original scheme in WB sponsored entirely by the WB Government, formulated and introduced by DWCD&SW in 2013 with technical assistance from UNICEF. The scheme is aimed to improve the status and well-being of girls, specifically those from socio-economically disadvantaged families through conditional cash transfers of yearly Rs.500 and providing incentives to continue education up to higher secondary or equivalent in technical or vocational streams, preventing marriage till the age of 18. One-time grant of Rs.25,000 is also provided once the girl student turns 18 years old.²³²

²³¹ Retrieved 15 June 2016 from <http://wbcd.gov.in/schemes/icds%20in%20west%20bengal.htm>

²³² Retrieved 15 June 2016 from http://www.wbkanyashree.gov.in/kp_objectives.php
http://westbengal.gov.in/BanglarMukh/Download?FilePath=/alfresco/d/d/workspace/SpacesStore/7ba151e4-61de-4a50-8052-141360470be5/Jul_Sept_15_29.pdf

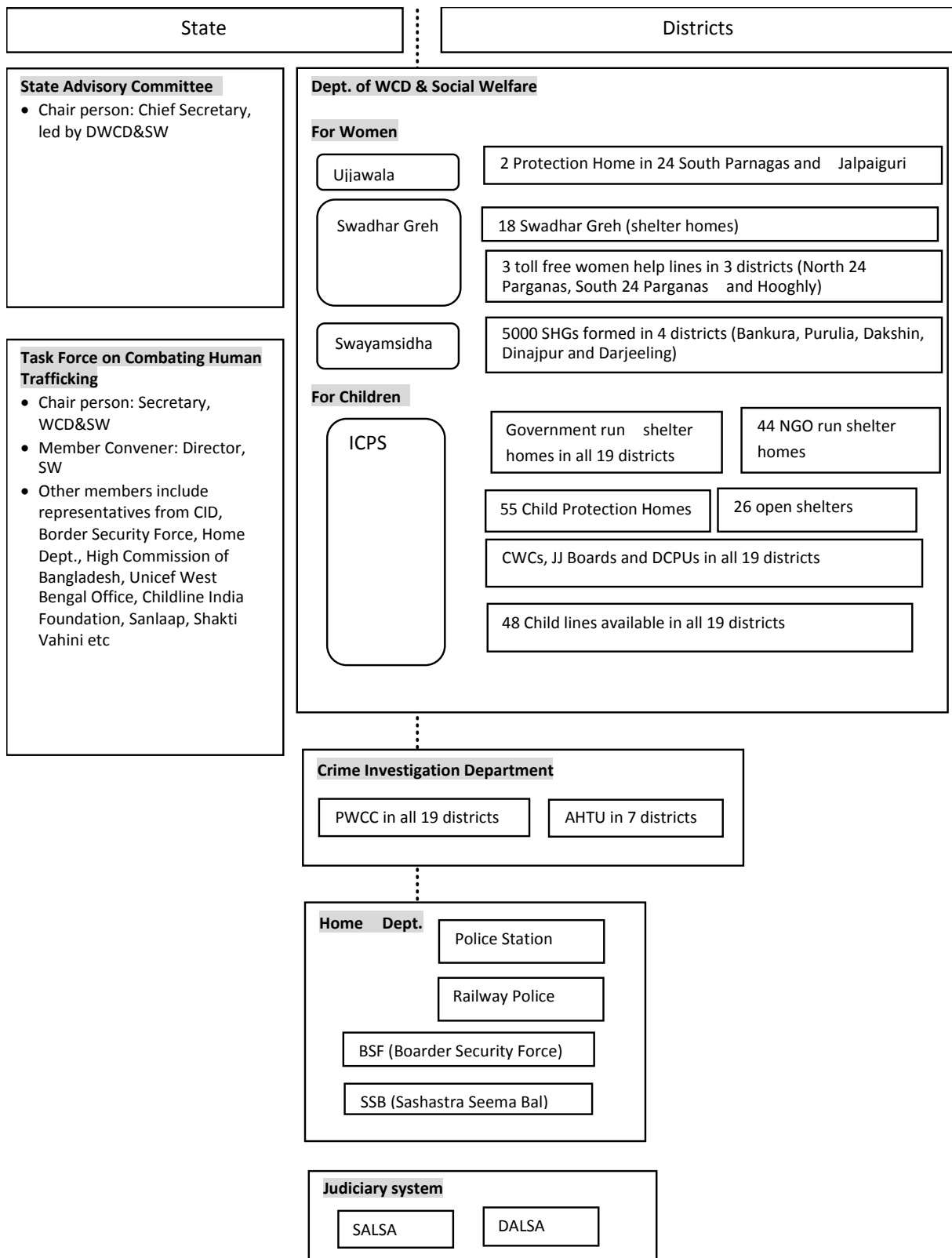


Figure 5-2: Stakeholders and the Schemes of the Government of WB

5.2.3 Collaboration and Coordination Mechanism between Government and Agencies, NGOs and Community Organisation in WB

(1) Collaboration and Coordination Mechanism among Government Departments

In WB, there is a SAC on anti-trafficking headed by Chief Secretary of WB. There is also a State-level Task Force that has been functional since 2008 to expedite the repatriation process of Bangladeshi children staying at different Government and NGO-run homes. Though it was initially constituted to handle repatriation of children of Bangladeshi origin to Bangladesh, it has been also enhancing a smooth repatriation of children and women of Indian origin from other states to repatriate to their original states. Quarterly meetings of Task Force have not been held regularly as envisaged but coordination and collaboration among concerned departments as well as between Government and NGOs have been facilitated especially since 2013 when the Operational Guidelines were developed.

In 2014, the DWCD&SW of WB signed an MoU with the DWCD of Maharashtra to strengthen inter-state cooperation on rescue, rehabilitation, safe return, transfer, reintegration of victims and prosecution of offenders. SOP to implement the MoU with detailed procedures to be taken for the process initiating from rescue to reintegration of children and women have been prepared separately with the support of UNICEF. While there is an MoU with Maharashtra state, no such arrangements are available with other states which results in some difficulty in inter-state coordination²³³.

(2) Collaboration and Coordination Mechanism between Government and NGOs

In WB, there is fairly a good collaboration and coordination mechanism observed between Government and NGOs in anti-trafficking efforts. Although there is no nodal NGO appointed like Goa's ARZ which has been actively involved through all the process of anti-trafficking, many of the NGOs in WB are part of the WB Task Force and were part of the consultation meetings to develop SOP and Operational Guidelines supported by UNICEF. Many of the NGOs working are also implementing partners of DWCD&SW and contracted to implement the programmes run by DWCD&SW such as for ICPS, Ujjawala and Swadhar as already described above. It is a characteristic of WB that some of the NGOs based in Kolkata like Sanlaap (national NGO), Sanjog (international NGO) have good networking with NGOs in Bangladesh and Nepal since they meet in international consultation meetings on CSE, sexual abuse, trafficking and other issues on violence against women and children. These good relationships with NGOs in neighbouring countries produce good results to expedite repatriation of children and women victims of cross-border trafficking.

²³³ There is a plan to develop an MoU among NTCD, Maharashtra, WB and Jharkhand according to a newspaper article (<http://timesofindia.indiatimes.com/good-governance/jharkhand/State-to-sign-MoUs-with-UP-and-WB/articleshow/47806011.cms>) Retrieved 15 June 2016.

5.2.4 Scope of Support from Development Partners and NGOs in WB

(1) UN Agencies and Bilateral Donors

As far as the UN agencies working in WB are concerned, UNICEF is the only agency based in Kolkata and is the most active agency working on anti-trafficking and violence against children. UNODC, based in Delhi, has been supporting DHA and Police through MHA in terms of law enforcement agencies' training to strengthen prosecution and prevention mechanism. UN Women used to implement an anti-trafficking pilot project till 2015 to strengthen both awareness raising and the capacity of panchayat officials to keep records of migrants and to register employment agencies. UNICEF has been supporting DWCD&SW on anti-trafficking of children and violence against children under the Programme to Support Child Protection System which has an objective to strengthen child protection systems at state, district and sub-district levels through the roll out of the ICPS including the establishment of DCPU. In the past, UNICEF facilitated the signature of MoU between Maharashtra and WB on rescue, recovery and reintegration of trafficked victims and supported DWCD&SW to develop SOP and Operational Guidelines. As for the bilateral donors concerned, there are no bilateral donors working actively in WB.

(2) International NGOs

Many of the international NGOs in WB have been concentrating their support in South 24 Parganas and North 24 Parganas. Both districts are areas prone to trafficking, not only as source areas but also as destination and transit areas. Located within the Ganges and Brahmaputra delta with almost one third of the areas under the sundarbans (mangrove forests), thus they are vulnerable to natural disasters such as cyclones and floods. Many international NGOs are working not only on anti-trafficking issues but also working on emergency support, which is one of the reasons why many international NGOs have been working in these two districts. Kamonohashi Project is an NGO based in Japan, working specifically focusing on anti-trafficking. It has an extensive network with other international NGOs and national NGOs working on anti-trafficking in different parts of India so that the issues of coordination and collaboration between the source areas and destination areas are addressed.

North part of WB is not easily accessible from Kolkata thus not many international NGOs are working in the North East. Below is a list of international NGOs working only in West Bengal. Edith Wilkins Street Children Trust has pointed out that meeting operational cost has been a challenge since the NGO is located in remote area and accessing available Government schemes has been difficult.

There are many more international NGOs working in WB but the NGOs working also in other states of India are listed in Table 4-7 (Chapter 4.3.2).

Table: 5-16: Name of International NGOs with Districts and Main Activities

Name	Districts	Main Areas of Activities
Hummingbird Trust (http://thehummingbirdtrust.co.uk) (Interview Record No.15)	South 24 Parganas and North 24 Parganas	Focusing on prevention of trafficking through conducting research and working with men and adolescent men (12-18 years old). Conducting training on working with me to other NGOs in WB
Kamonohashi (http://www.kamonohashi-project.net) (Interview Record No.6)	24 South Parganas and North 24 Parganas	Strengthening criminal justice system (in partnership with Sanjog), survivors' empowerment through dance movement (in partnership with banglanatak.com), and advocacy together with other NGOs in India, strengthening coordination mechanism between source areas and destination areas, supporting for micro business for victims as part of reintegration programme
Sanjog (http://www.sanjogindia.org/) (Interview Record No.17)	24 South Parganas	Strengthening criminal justice system (facilitating access to legal aid for trafficked victims), sex trafficking, resilience building in communities
Edith Wilkins Street Children Trust (http://edithwilkinsfoundation.org/) (Interview Record No.10)	Darjiling	Running shelter home for children which is the only shelter in Darjiling district (for 90 boys and girls of 6-18 years old, mainly from tea-garden areas), providing counselling sessions, vocational training in the shelter

(3) National NGOs

There are quite a few active national NGOs in WB. The list below is only a portion of NGOs and more national NGOs are working as described in the List of NGOs implementing Swadhar Greh (Table 5-9) and Childlines (Table 5-11). Sanlaap, based in Kolkata has been working on CSE and anti-trafficking extensively and has good networking with NGOs in other states as well as in Bangladesh to enhance repatriation of child victims of trafficking. NGOs working in remote areas such as Marg, Duars Expressmail have been facing challenges to ensure their funding source to continue their activities.

Table 5-17: List of National NGOs and Name of Districts and Activities

Name	Districts	Main Area of Activities
Sanlaap (http://www.sanlaap.org) (Interview Record No.16)	Kolkata	Running shelter home for the victim children of CSE, mental health intervention programme for trafficking survivors, advocacy, legal aid, Drop in Centers in Kolkata and suburbs
Haripur Amra Sabai Unnayan (http://hasusindia.org/)	South 24 Parganas	Running home for women in difficult circumstances under Ujjawala contracted by DWCD&SW of WB in South 24 Parganas
Women Interlink Foundation (http://womensinterlinkfoundation.org/)	Jalpaiguri, Kolkata	Running home in Jaipalguri for women in difficult circumstances under the ICPS contracted by DWCD&SW of WB
Marg (http://marg.org.in/) (Interview Record No.9)	Darjiling	Advocacy through groups such as "Students against Trafficking" and "Drivers against Trafficking", rescue of trafficked victims jointly with police
Duars Express Mail (http://www.duarsexpressmail.in/index.html) (Interview Record No.13)	Jalpaiguri	Awareness programme as well as literacy and education, rescue of trafficked victims with police and other Government offices
Jayprakash Institute of Social Change (http://www.jpoinstitute.org/jpisc/)	Kolkata, North 24 Parganas, Birbhum	Running a shelter in Kolkata and short stay home in Bardhaman and North 24 Parganas as well as women help line under the Swadhar Greh scheme contracted by DWCD&SW of WB. Running a MA course on social work together with Vidyasagar University

Chapter 6. Issues and Challenges in Violence against Women and Trafficking of Women and Children in India

6.1 Issues on Violence against Women

From the data and information collected in Chapter 2, major issues on VAW are summarised in Table 6-1. The critical problem of VAW is that it is hard to understand the real situation of the actual crime. Firstly, data on VAW is not comprehensive. Currently, the NCRB annual report is the only systematic data source available but reporting and recording of the crimes do not reflect the real magnitude of VAW. Secondly, reporting on rape in India is limited due to a legal exception that rules out marital rape. Thirdly, police officers are not able to handle VAW cases properly which leads to under reporting of cases and low conviction rate. Fourthly, raising awareness on VAW is necessary for a wider audience. In some communities, harmful customary practices are still practiced, the knowledge about specific laws and acts against VAW is not yet widely recognized and there is a need to transform inequitable gender attitudes among men, boys and girls. For each issue identified in VAW, achievements, challenges and way forward are analysed further to see the gaps between the present status and ideal situation.

Table 6-1: Gap Analysis on VAW

Issues	Achievements	Challenges	Way Forward
Data on VAW is not comprehensive	From 1989, NCRB has been collecting data on “Crime against women” in their annual report “Crime in India”. Number of crime heads used to be 11 but has increased to 14 from 2014.	1) Data needs to be disaggregating data by sex, age, caste, disability, religion, language and other relevant characteristics	1) Strengthen NCRB data to have more crime heads 2) Strengthen NCRB’s capacity to analyse data relating to crimes against women
	Ministry of Health and Family Welfare is developing the National Family Health Survey-4 (2014-2015) which will offer more information on VAW	2) Cause of crime not properly reported by police officers (death of women at kitchen accident could be dowry death)	Training for the police officers
	After 2012 gang rape case in Delhi, more public discussion on VAW and social media advocacy are on-going.	1) People hesitate to approach the police and feel inhibited by social mores (social stigma)	1) Awareness raising of the people to report the cases 2) Publicize helpline and other help seeking mechanisms nationwide 3) Establish One Stop Centers and improve its function
	Indian Government has announced to allocate one third of Delhi’s police force to be women so that victim feel easier to report.	2) People fear demands for bribes or abusive treatment by the police	Moral training for the police officers and system to punish dishonest officers
	Number of reporting cases of crime against women and children in 2014 increased by 9.2% and 53.6% respectively from 2013.	3) Rape cases are committed by close relatives or person acquainted with the victim 4) People (both women and men) do not perceive DV as a crime	1) Awareness raising of the people 2) Impose stronger punishment for the perpetrator
	Awareness programs to police officers are conducted by Indian Police Service to better handle women’s safety in some districts.	1) Police are uninterested or unwilling to report/ investigate allegations 2) Police are under pressure to suppress the reported crime rates of their districts	1) Set up police protocols and procedures for effective response to cases of VAW 2) Reconsider evaluation system of the police officers/police station
Data on VAW is limited	NCRB annual report is the only source to get information about VAW	1) Improving the data collection system of NCRB 2) Collecting VAW related data from other ministries responsible for gender-related work	1) Periodically conduct a thorough analysis of data to understand the different trends and evolutions of manifestations of VAW 2) Establish intergovernmental linkages among the ministries responsible for gender-related work to ensure consistent and standardized collection of data
Definition of rape is not specific	Definition of rape is based on IPC approved in 1860. IPC was amended in 2013, adding more specific definitions of rape, reducing ambiguity about the means and places of penetration.	1) Amendment of IPC in 2013 failed to include marital rape as a crime. Definition of rape needs to be re-examined. 2) Need further amendment for domestic cases	Need further legal reform to rectify legal paralysis in domestic cases
Police officers are not able to handle VAW cases properly in fair manner from the standing point of the female victim	Indian Government has announced to allocate one third of Delhi’s police force to be women to tackle widespread sexual abuse and VAW cases.	Improving the capacity of police officers in charge of accepting cases of VAW	1) Set up police protocols and procedures for effective response to cases of VAW 2) Training and awareness raising program for police officers 3) Increase the number of female police officers
Current legal system does not properly punish the perpetrator (Conviction rate for sexual assault and violence is only 26%, 77 -87% of cases are awaiting for trial)	The police is providing capacity development training to police officers in charge of investigations to handle the case properly. Criminal law was amended to add stronger punishments and has stated that all rape cases should be tried in fast-track courts and the trial to be completed within 2 months.	1) Legal system is slow, cumbersome, and riddled with corruption 2) Police officers do not register or investigate VAW cases 3) India does not have a witness protection program so witness turn hostile due to threats to life 4) Forensic evidence is vital in rape trials but police often fail	Improve the legal system to be more effective and accountable, both at the crime investigation and trial level

		to get the victim's medical examination in time.	
Harmful customary practices are still performed	<p>Many organizations are involved in 16 Days of Activism against Gender Violence Campaign to bring awareness in the society</p> <p>Posters, rally, street shows, drama with awareness messages for gender equality, end violence, dowry, child marriage, domestic violence etc. are implemented by several donors and I/NGOs.</p>	<p>1) Changing the traditional customary practices of the people</p> <p>2) Traditional practices and norms of female subjugation is still strong</p>	<p>1) Launch awareness-raising campaigns at the community level where harmful customary practices are still prevailing</p> <p>2) Train and sensitize media on issues relating to VAW</p>
Knowledge about specific laws and acts against VAW is limited	Criminal Law was amendment in 2013 to explicitly outlaw acts such as sexual harassment, voyeurism and stalking	New provisions not yet widely recognized by the people	<p>1) Launch awareness-raising campaigns at national level</p> <p>2) Train and sensitize media on issues relating to new provisions in the law</p> <p>3) Improve school curricula</p>
Gender equality is not yet understood by men and younger generation	<p>The Government initiated awareness videos preceding films at cinemas and radio spots to raise awareness to tackle VAW.</p> <p>Posters, rally, street shows, drama with awareness messages on VAW, campaign, research are implemented by several donors and I/NGOs.</p> <p>More media have started highlighting incidents of VAW after 2012 brutal gang rape in moving bus in Delhi.</p>	Need to transform inequitable gender attitudes among men, boys and girls (social change)	<p>1) Advocate for the discussion of gender equality and the use of violence within school curricula</p> <p>2) Launch campaign to transform inequitable gender attitudes targeting men and boys</p>

6.2 Issues on Human Trafficking

Issues on 4Ps (policy, prevention, prosecution, and protection) and capacity building concerning human trafficking are drawn up from the data and information collected in Chapter 3, 4 and 5 (see Table 6-2).

Table 6-2: Issues on 4P and Capacity Building

Note: ● are issues that will be discussed in Chapter 7.

Policy/Legislation	Prosecution
<ul style="list-style-type: none"> ▪ Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women (unapproved) has not been approved ▪ Immoral Trafficking Prevention Act (ITPA) 1956 has not been amended to cater for comprehensive definition of trafficking ▪ Issues related to trafficking have not sufficiently been mainstreamed in legislations related to the women and children ● State level Action Plan is not formulated in most of the States 	<ul style="list-style-type: none"> ● Arresting kingpins, master traffickers, brothel owners and end exploiters of human trafficking is difficult ● Conviction rate is low
Prevention	Protection
<ul style="list-style-type: none"> ● Awareness about rights of women and children as well as anti-trafficking is low at community level ● Concerned officials including police, security officers and other Government authorities are not fully equipped with knowledge with regard to definition of trafficking, relevant legislation, recent changes in modus operandi and issues of VAW and children. ● Prevention has not been implemented in an integrated approach ● Helplines for women and children are not sufficiently equipped 	<ul style="list-style-type: none"> ①Rescue <ul style="list-style-type: none"> ● Police-NGO collaboration is not always available during the rescue operation ● Recent changes in modus operandi of traffickers makes rescue operation more difficult ● Information sharing and consultation with victims is not fully conducted ②Rehabilitation <ul style="list-style-type: none"> ● Quality of Government run shelter homes is low ● Vocational training in protection homes and special homes run by the Government does not meet the needs of victims and needs of market ● Number of homes is not sufficient ③Reintegration <ul style="list-style-type: none"> ▪ CWCs are not fully functional ● Efforts to prevent re-trafficking are limited ④Repatriation <ul style="list-style-type: none"> ▪ Repatriation of the victims is delayed
Capacity Building	
<ul style="list-style-type: none"> ● Human Rights based approach is not sufficiently adopted to tackle trafficking in women and children by the stakeholders ● Database does not reflect the real magnitude of trafficking in women and children in India ● Collected data are not effectively utilized for prevention activities ● Coordination among neighboring countries needs further improvement ● Coordination mechanism at central level is recently reactivated but not fully functioned ● Coordination mechanism at State level is not fully functional ● Coordination mechanism at district level is not fully functional ● Coordination among Central- State- District level is not sufficiently established ● Coordination between the Government and NGO is not sufficiently established ● Capacity of MWCD/DWCD is limited ● Capacity of MHA/DHA is limited ● Capacity of AHTU is limited ● Capacity of Police is limited ● Capacity of NGO is limited 	

Regarding issues on policy, firstly, policy and legislation are not approved. The Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women and amended version of ITPA have been drafted but are yet to be approved. Secondly, definition of human trafficking and issues related to trafficking in India have not sufficiently been mainstreamed in legislation related to the women and children, thus this loophole hampers arresting and prosecuting traffickers. To initiate anti-human trafficking properly, a state level Action Plan and legislation needs to be formulated, but apart from the State of Goa, such action has not been taken.

Regarding issues on prevention, MWCD and many I/NGOs are conducting awareness raising programmes at community level, but because those programmes are implemented in scattered areas, the outcomes and good practices have not been properly accumulated. Most of the awareness raising programmes were to respond to trafficking for CSE and were not fully addressing trafficking for labour exploitation and recent changes in modus operandi of trafficking. In many programmes, awareness raising is the sole activity and does not offer any livelihood or income generation activities and education. An integrated prevention approach needs to be taken to address the push factors of the poverty issues. In addition, awareness on women and children's rights and VAW and children as well as social inclusion is still very low, especially in rural communities where Devadasi, child marriage, honour killing etc. and discrimination against SC/ST are still practiced. The next issue is regarding capacities of police and concerned authorities engaged in human trafficking. Most police officers are not fully equipped with the knowledge regarding trafficking and its definition, relevant legislation, recent changes in modus operandi and issues of VAW and children and thus have not been able to handle the cases properly. Also, there are 366 Childlines established across India, but helplines are still not fully informed to women and children who may be in need of support, and even though they seek help, because the referral system is incomplete, they are not able to receive proper support from staff of such women and child helplines.

Regarding issues on prosecution, capacity of police officers to investigate the trafficking cases is not sufficient and investigations are not conducted in a victim friendly manner. Involvement of social workers during investigation at the police stations is stipulated in ITPA but it is not always ensured and collaboration with NGOs in investigation is also minimal. Because of these issues, it is difficult to get testimony from the traffickers, which hampers the arrest of brothel owners. Above all, the most serious issue is the low conviction rate. The major reasons behind this are that inspectors and senior police officers are not available in rural areas and the crime is not handled as trafficking case but as a rape or kidnapping case. Also, there are limited collaboration mechanisms between police from source areas and destination areas, which becomes an obstacle for smooth investigation and arrest. In Mumbai, there are progressive models of Special Courts and there are more than 1,200 Fast Track Courts that are functioning nationwide

but those good practices are not disseminated across India. Thus, all these reasons lead to a disappointing rate of conviction in India.

Regarding issues on protection, there are four major issues namely, 1) rescue, 2) rehabilitation, 3) reintegration, and 4) repatriation. Major issues on 1) rescue include coordination and collaboration between AHTU/Police and NGOs not always being available during the rescue operation, changes in modus operandi of traffickers and lack of information sharing and consultation with victims which makes rescue operations more difficult. For 2) rehabilitation, under Ujjawala, Swadhar Greh and ICPS schemes, a substantial number of protection homes and other shelter homes are operating but healthcare services for HIV and STD, counselling for stigma experienced by the victims and life skill training for reintegration are not sufficiently provided. In addition, vocational training at shelter homes does not meet the current market needs so does not create new employment opportunities for women and girls. Therefore, there are several problems in the quality of services offered in homes. Furthermore, construction of new homes is also urged because existing homes cannot accommodate all women and children who seek tentative shelter after rescue and because of delay in repatriation, many victims have no other choice than staying in homes for months and years. For 3) reintegration, CWCs are established by the initiative of MWCD but they are not functional due to its lack of knowledge and human resources. Also, because rescued girls as well as girls who are vulnerable to trafficking do not have birth registration certificates they cannot benefit from the Kanyashree scheme. As already discussed, community awareness programmes are not comprehensive and are conducted in scattered areas, so these efforts are not enough to prevent re-trafficking. Moreover, skills of NGO workers on counselling and case management are not sufficient so they are unable to handle the cases properly. Lastly, for issues of 4) repatriation, it takes several months to years to confirm the victim's origin and take formal procedures, because coordination among stakeholders is not well functioning in many states.

Regarding issues on capacity building, there are five major issues. Firstly, a human rights based approach is not sufficiently adopted to tackle trafficking in women and children by the stakeholders. Secondly, the database does not reflect the real magnitude of trafficking in women and children in India and also collected data is not effectively utilized for prevention activities. Thirdly, coordination among neighbouring countries and SAARC needs further improvement. Fourthly, central level, state level, district level coordination mechanism is not fully functional and coordination among central - state - district level and coordination between the government and NGOs is not sufficiently established. Finally, capacity of personnel involved in human trafficking (MWCD, DWCD, MHA, DHA, AHTU, Police and NGO) is limited and needs to be improved immediately.

For each issue identified, achievements and current situation, challenges and way forward are analysed in Table 6-3 respectively to see the gaps between present status and ideal situation.

Table 6-3: Gap Analysis on Human Trafficking

(1) Policy and Legislation

Issues	Achievements	Challenges	Way Forward
The Draft Integrated National Plan of Action to Prevent and Combat Trafficking of Human Beings with Special Focus on Children and Women has not been approved	The Integrated National Plan of Action was drafted in 2007 Actions for prevention, rescue, rehabilitation, reintegration and repatriation of trafficked victims are identified Roles of MWCD, MHA, National Human Rights Commission and National Commission for Women are clearly mentioned and their collaboration has been strengthened.	Consensus for revising the Draft Integrated National Plan of Action to Prevent and Combat Trafficking of Human Beings with Special Focus on Children and Women, 2007 has not yet been reached among the stakeholders	Approval of the Draft Integrated National Plan of Action to Prevent and Combat Trafficking of Human Beings with Special Focus on Children and Women, 2007
Immoral Trafficking Prevention Act (ITPA) 1956 has not been amended to cater for comprehensive definition of trafficking	ITPA Amendment Bill was once submitted to the Parliament in 2006. Draft of Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill (May 2016) has been drafted and called for public comments to submit the Draft in the Parliament in this winter session.	1) Due to lack of consensus among different stakeholders, ITPA Amendment Bill lapsed in 2009. 2) As ITPA focuses only on sexual exploitation such as prostitution of women and children, new legislation which covers all aspects of human trafficking such as labour trafficking, sex trafficking, organ trade and others is needed.	1) Reactivate CAC to discuss on formulation of new legislation 2) Provide necessary support for the approval of the Draft of Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill (May 2016)
Issues related to trafficking have not sufficiently been mainstreamed in all legislations related to women and children	In IPC and Juvenile Justice Act, human trafficking is clearly mentioned as violation of fundamental rights of women and children	Human trafficking has not been fully mentioned yet in all legislations related to the rights of women and children including Child Labour Act.	Mainstream human trafficking issues into related legislations
State level Action Plan and legislation have not been formulated in most of the States	Only State of Goa issued Goa Children's (Amendment) Act in 2005, covering comprehensive child trafficking issue.	States need to draft Action Plan for anti-human trafficking in women and children.	Encourage DWCDs to formulate State Action Plan for comprehensive anti-human trafficking

(2) Prevention

Issues	Achievements	Challenges	Way Forward
Awareness about the rights of women and children as well as anti-trafficking is low at community level	Ujjawala under MWCD and many NGOs such as Oxfam, Save the Children India, BBA conducted awareness raising programme at community level	1) Awareness raising programmes conducted are implemented in scattered areas. 2) Most of the awareness raising programme were to respond to trafficking for commercial sexual exploitation and not fully addressing trafficking for labour exploitation and recent changes in modus operandi of trafficking. 3) Awareness on women and children's rights and violence against women and children as well as social inclusion is still very low especially in rural communities with practices of Devadasi, child marriage, honour killing etc. and discrimination against SC/ST.	1) More comprehensive awareness raising using media and other innovative tools to cover broader area 2) Conduct awareness raising programme on definition of trafficking with updated knowledge on legislation and modus operandi 3) Conduct awareness raising programme on anti-trafficking issues together with other human rights issues especially on VAW and children and social inclusion of SC/ST
Concerned officials including police, security officers and other Government authorities are not fully equipped with the knowledge with regard to definition of trafficking, relevant legislation, recent changes in modus operandi and issues of VAW and children	AHTU and other relevant authorities, donors and NGOs such as UNODC, Save the Children in India etc. conducted extensive trainings	1) Most of the trainings on anti-trafficking have been conducted in source areas but not much in destination and transit areas and at the State and District HQs level and not in remote areas. 2) There are officials still not fully aware of the definition	1) Conduct extensive training at District level especially in remote source areas as well as destination and transit areas 2) Modify the contents of training including proper definition of trafficking, recent changes in modus

		of trafficking which includes trafficking for labour exploitation, legislations and recent changes in modus operandi etc. 3) Awareness on women and children's rights and VAW and children as well as social inclusion is still very low among concerned officials	operandi etc. 3) Conduct training to concerned officials not only on anti-trafficking issues but together with VAW and children and social inclusion.
Prevention activities have not been implemented in an integrated approach	Some of the awareness raising activities at community level are conducted together with livelihood and income generation programme to address the root causes of trafficking and producing effective results	Awareness raising alone cannot contribute to the prevention of trafficking for the very poor community without offering any alternative means of livelihood	Implement an integrated prevention approach together with livelihood and income generation activities, education and poverty alleviation
Helplines for women and children are not sufficiently equipped	Childline is established in 366 cities/districts across India. Selected Government organization operate women's helpline.	1) Women helplines and Childlines are still not fully informed to women and children who may be in need of support. 2) Capacity of staff in women and child help lines are limited	1) Disseminate more information on helplines using media etc. 2) Strengthen the capacity of helpline staff

(3) Prosecution

Issues	Achievements	Challenges	Way Forward
Arresting kingpins, master traffickers, brothel owners and end exploiters of human trafficking is difficult	Police and concerned officials have been trained by AHTU, Police, MHA, UNODC etc. and other concerned agencies	1) Capacity of police officers to investigate the trafficking cases is not sufficient and not done in victim friendly manner. 2) Involvement of social workers during investigation at the police stations as stipulated in ITPA is not always ensured. 3) Collaboration with NGOs is limited.	1) Strengthen the capacity of the police for investigation/interrogation in victim friendly manner 2) Involve social workers and NGOs during the interview with victim and strengthen the coordination with them
Conviction rate is low	Two Special Courts have been established in Mumbai and more than 1,200 Fast Track Courts are functioning all over India.	1) Inspector and above level police officers are not available in rural areas and the crime is not regarded as trafficking case but as one of rape or kidnapping 2) Models of Special Court and Fast Track Court have not been extended to across India 3) Collaboration of the police between source area and destination area is limited	1) Need for further training for the police on investigation/interrogation 2) Extend the models of Special Court and FTC in other areas and provide training to the judges 3) Establish/strengthen the coordination mechanism between source area and destination area

(4) Protection

①Rescue

Issues	Achievements	Challenges	Way Forward
Police-NGO collaboration is not always available during the rescue operation	Coordination and collaboration between AHTU/Police and NGOs improved especially in some areas like Kolkata, Mumbai and Goa with the support of prominent NGOs such as Sanlaap, Resuce Foundation, ARZ, etc.	Coordination and collaboration between AHTU/Police and NGOs are not conducted in good manner across the country.	Strengthen the coordination and collaboration between AHTU/Police and NGOs
Recent changes in modus operandi of traffickers makes rescue operation more difficult	Some of the NGOs such as Hamming bird, Sanlaap are well aware of the recent changes of modus operandi	No realistic solution has been made so far to address the recently developed modus operandi of traffickers	1) Conduct further research on new modus operandi of traffickers 2) Conduct vulnerability mapping of each districts to identify vulnerable areas/people of trafficking

			3) Training for the police and concerned agencies to make aware of the recent changes of modus operandi of trafficking
Information sharing and consultation with victims is not fully conducted	Police officers have been provided some training on interviewing victims and it has been advised that social workers should be present during the interview	Police officers do not always conduct interviews in victim friendly manner and not well informed of the procedures or actions to be taken for the victims	Strengthen the accountability of police officers and concerned officials to interact with the victims

② Rehabilitation

Issues	Achievements	Challenges	Way Forward
Quality of Government run shelter homes is low	Under Ujjawala, Swadhar Greh and ICPS schemes, a substantial number of protection homes and other shelter homes are operational	1) Government run protection homes and special homes lack in providing services like counselling, health care and life skill training to the victims. 2) The homes provide insufficient services on healthcare such as HIV and STD and for stigma experienced by the victims.	1) Conduct training for shelter workers on counselling, healthcare and life skill training to be provided to the victims 2) Conduct training on case management to shelter home workers considering both physical and mental status of the victims
Vocational training in protection homes and special homes run by the Government does not meet the needs of victims and needs of market	Some of the NGOs such as Sanlaap shelter homes offer good quality vocational training.	Skills obtained at protection homes and special homes do not provide employment opportunities for women and girls	Conduct needs assessment and market research and develop minimum standards of care in national level as well as its implementation in district level
Number of homes is not sufficient	Under Ujjawala, Swadhar Greh and ICPS schemes, a substantial number of protection homes and other shelter homes are operational	1) Existing homes cannot accommodate all women and children who seek tentative shelter after rescue. 2) Because of delay in repatriation, many victims stay in homes for months and years.	1) Construction of homes to meet the needs of women and children. 2) Enhance smooth repatriation of victims

③ Reintegration

Issues	Achievements	Challenges	Way Forward
CWCs are not fully functional	CWCs established by the initiative of MWCD as a guiding committee for reintegration of children.	CWCs not always functional due to its lack of knowledge and human resources	Strengthen the capacity on home investigation and follow-ups etc. of CWCs
Efforts to prevent re-trafficking are limited	Government of WB has been implementing a scheme called Kanyashree in the area of education. Community awareness program is conducted by a large number of donors and NGOs. Follow up counselling of victims and case management is conducted by NGO social workers such as Laligrans Japan and Rescue Foundation.	1) Rescued girls as well as girls who are vulnerable to trafficking do not have birth registration certificates thus cannot be benefitted from Kanyashree scheme. 2) Community awareness programme is not comprehensive and conducted in scattered areas. 3) Skills of NGO workers on counselling and case management are not sufficient.	1) Facilitate birth registration for boys and girls in vulnerable areas. 2) Implement intensive community awareness programme in vulnerable areas 3) Provide training on counselling and case management for concerned officials and NGOs in Districts. 4) Disseminate good practices of prominent NGOs to other workers.

④ Repatriation

Issues	Achievements	Challenges	Way Forward
Repatriation of victims is delayed	SOP in Maharashtra and MoU between Maharashtra and WB have been made for enhancing the process of repatriation	Repatriation still takes several months to years to confirm the victim's origin and take a formal procedures, because coordination among stakeholders is not well functioning in many States.	1) Strengthen coordination among the stakeholders such as Embassy, etc. and keep an eye in regular task force meetings 2) Provide training opportunities for concerned officials to visit advanced States/Districts and exchange experiences

(5) Capacity building

Issues	Achievements	Challenges	Way Forward
Human Rights based approach is not sufficiently adopted to tackle trafficking in women and children by the stakeholders	Donors and NGOs have shifted to human rights based approach	Human rights based approach to tackle anti trafficking still not prevailing	Provide training to concerned officials, NGOs and other stakeholders on human rights based approach
Database does not reflect the real magnitude of trafficking in women and children in India	NCRB has established data collection system and publishes annual report. AHTU releases the data on trafficking through State AHTU	1) People hesitate to approach the police (social stigma) 2) Causes of crimes not properly reported by the police 3) Data is provisional due to under reporting from States	1) Need for sensitisation programme 2) Capacity building of State AHTUs personnel on data collection and reporting with knowledge of trafficking
Collected data are not effectively utilized for prevention activities	NCRB released the statistics including maps to the public	There is a mapping but need for redesign to utilise for awareness rising	Establish and publicise the mapping system indicating the incidence of trafficking on real-time
Collaboration among neighboring countries needs further improvement	India initiated a bilateral mechanism to combat against human trafficking (MoU with Bangladesh, UAE and (Bahrain)) Adoption of the SOP by all SAARC member countries and exchange of best practice among each other	1) Enforcement of MoU in practice 2) Revision of SAARC Convention to meet internationally agreed definition of trafficking.	1) Initiate further MoU with other source and destination countries 2) All SAARC countries needs to implement the SAARC Convention
Coordination mechanism at central level is recently reactivated but not fully functional	CAC was established in 2001 under the leadership of MWCD to combat commercial sexual exploitation of women and children. In order to draft and discuss on Trafficking of Persons Bill 2016, MCWD reactivated CAC and set up Standing Committee and Inter-Ministerial Committees in 2015. The committees also aims to establish special investigation agency for human trafficking in the central level.	1) CAC did not have clear objectives and was not active before 2015 2) Regular meetings are not held by CAC and not much coordination with SACs	1) Conduct study on capacity and functions of CAC, SAC and DAC. 2) Reactivate CAC in order to facilitate the approval of the drafted Bill 2016. 3) Facilitate CAC regular meetings to organise special investigating agency for human trafficking
Coordination mechanism at State level is not fully functional	SACs have been established	Functions of SACs depend on State Government and regular meetings not conducted in most of the States	1) Conduct study on capacity and functions of SACs and DACs 2) Facilitate coordination/collaboration with SAC and DACs
Coordination mechanism at District level is not fully functional	DACs were set up in many districts with the head of District Magistrate	1) Agenda of the DAC meeting is not only about trafficking. 2) Coordination among stakeholders especially source and destination districts is not fully functional	1) Conduct assessment on capacity and functions of DACs 2) Activate DACs in certain districts 3) Strengthen coordination mechanism especially between source districts and destination districts
Coordination among Central- State- District level is not sufficiently established	DWCDs are included as the members of CAC CAC is mandated to have advisory function to SAC in printed documents	1) Collaboration between CAC, SAC and DAC is scarcely reported 2) There is no advisory and technical supervision of SAC by CAC 3) Monitoring of State Government by central Government is rarely conducted	1) Conduct assessment on the functions of CAC, SACs and DACs. 2) Enhance collaboration among CAC, SACs and DACs.
Coordination between the Government and NGO is not sufficiently established	Government issued policy on close collaboration with NGOs in the area of anti-human trafficking project implementation There are national schemes /programmes re-consigned	1) NGOs have reported difficulty in receiving timely disbursements of national Government funding for their activities. 2) NGOs in remote districts are not well connected with State	1) Smoothen budget disbursement 2) Stakeholder meeting needs to be facilitated inviting NGOs in remote districts as well as district Government

	to NGOs (ex: Childeline, Ujjawala) NGOs in Kolkata have good relationship with DWDC & SW and DHA	Government	
Capacity of MWCD/DWCD is limited	MWCD, as a nodal agency for combatting trafficking in women and children, has been implementing schemes such as Ujjawala, Swadhar Greh and ICPS.	1) MWCD cannot avoid relying on human resources of MHA and state police to implement schemes in the area of prosecution and protection. 2) Most schemes implemented by MWCD focuses on prevention and protection against trafficking for commercial sexual exploitation.	1) Conduct further researches on MWCD and DWCDs to identify issues. 2) Strengthen the capacity of personnel on how to address the victims trafficked to sectors other than CSE. 3) Strengthen the capacity to conduct needs survey and develop victim centred programmes
Capacity of MHA/DHA is limited	Trainings for the police, prosecutors and judges to enhance their knowledge have been provided	Trainings are not regularly conducted and the contents do not correspond to the current trends and changes.	1) Conduct further researches on MHA and DHA on their training needs 2) Conduct ToT with updated training materials
Capacity of AHTU is limited	225 AHTU have been established across India	1) Not all AHTUs are well functioning. 2) There are Districts without AHTU.	1) Conduct further researches on AHTUs to identify the obstacles. 2) Support the existing AHTUs for better functioning by strengthening coordination and providing necessary resources. 3) Strengthen operation of AHTUs in the Districts
Capacity of the police is limited	Investigation has been conducted with partnership with other stakeholders The number of incidences and victims reported under the crime head of trafficking has been increasing since 2009.	1) People are afraid of approaching the police due to requiring bribes etc. 2) Brothel owners have connection with the police and get away with the crime. 3) Police fails to investigate due to lack of pre-survey or leak of information. 4) Corruption, poor evidence gathering and reluctant investigations have given negative impacts on compensation for the victims and prosecution. 5) Investigations last for months and trials for years, causing slow rehabilitation and reintegration of victims	1) Strengthen ethical responsibilities. 2) Conduct training on investigation by NGOs with expertise in rescue operation. 3) Need for victim centred and rights based approach. Particularly strengthening the perspective to address victims' needs in order to accelerate the rehabilitation and reintegration process.
Capacity of NGOs is limited	There are various international and national NGOs with substantial knowledge and experiences Some of the NGOs are the member of advisory committee Some of the NGOs have developed a good relationship with the Government and other NGOs	1) Difficult to conduct training of personnel in case of small scale NGOs 2) There are no common guidelines for practitioners who provide supports related to 4P of anti-trafficking. 3) NGOs working in remote areas suffer from shortage of funding to continue their activities 4) There is a need for collaboration between two NGOs of source and destination to collect evidences for trial and support safe repatriation.	1) Support human resource development of small scale NGOs. 2) Need for developing guidelines/manuals of necessary operations, good practices and lessons learnt to strengthen the capacity of personnel. 3) Facilitate establishing a forum of NGOs. 4) Small scale funding to NGOs in remote areas or to NGOs willing to work in the places where other NGOs are not working can be promoted 5) Encourage collaboration among NGOs for successful protection and prosecution

From the gap analysis above, there are several issues identified from 4Ps and capacity development perspectives. Among these issues, there are certain issues that are difficult to tackle under the bilateral cooperation such as approval and reformation of policy and legislation and repatriation of the victims. However, for prevention, protection and capacity building issues there are multiple ways that Japanese expertise and experiences can contribute to improving the current VAW and human trafficking issues in India. In Chapter 7, specific issues identified are further discussed to consider possible interventions by JICA.

Chapter 7. Recommendations for Possible Interventions on Violence against Women and Trafficking in Women and Children in India

In order for JICA to support the initiatives of Government of India in the field of VAW and human trafficking, following criteria/strategies were utilised to draw recommendations for possible interventions. Special considerations were given to issues discussed on VAW and human trafficking and the results of Gap analysis in Chapter 6, along with the limitations between potential counterpart (C/P) agencies to execute the programmes.

- (1) Organization that are motivated to work in these issues in collaboration with JICA
MHA in the central level and AHTU and DWCD in WB state are suggested to be counterpart because they were motivated and cooperative to provide information during the field survey.
- (2) Areas that JICA/ Japanese experience can be applied in the field
In the JICA anti-trafficking projects in Thailand, Vietnam and Myanmar, various support such as strengthening collaboration mechanism of related organisation, strengthening hotline operation, supporting shelter management and strengthening counselling capacity are already implemented. The knowledge and lesson learnt from these projects are adopted to possible projects.
- (3) Placing NGO as collaborating organization as they play an important role in India's human trafficking issues
In the field of anti-trafficking in India, most of Government schemes including MWDC are implemented by partner NGOs with the financial support from the Government and collaboration between Government organization and NGOs is essential to succeed the project activities. Partnership with NGOs is emphasized since capacity building of NGO workers would directly benefit victims.
- (4) Activities that are relevant to policies and strategies of anti-human trafficking in India
Relevance of the cooperation needs to be ensured and pilot projects are designed to make feedback to policy and legislation on VAW and human trafficking.

In order to tackle these issues and challenges analysed in the Chapter 6, trainings on counselling, reporting, case management and referral skills targeting MHA, and MWDC need to be conducted. The capacity building of governmental personnel at the provincial and district level and personnel at NGOs need to be done to match the situation of each field. Besides, coordination mechanism on central level, state level, and district level should be fully functional. The coordination and collaboration among neighbouring countries and SAARC needs to be further improved. Following six approaches are recommended as possible interventions to tackle major issues identified. The first and second recommendation is aiming for capacity development of MHA, AHTU and their partner NGOs in the area of protection. The third and fourth recommendation

is targeting MWCD, DWCD and Partner NGOs in order to improve quality of shelters, providing skill training and strengthening Childline and women's helpline. The fifth recommendation is to strengthen district coordination mechanism by establishment and support of District Advisor Committees in the pilot districts. In the sixth recommendation, the training programme both in Japan and Thailand is suggested for promoting network to combat violence against women in South Asia.

7.1 Training of Trainers of Various Stakeholders on Anti-Human Trafficking and Strengthen Collaboration between AHTU and NGOs

Developing curriculum on counselling, reporting, case management, referral skill, and updating of training materials to suit the changing situation of human trafficking. Some of the trainings should target both Government organisations (GO) and NGOs working on the common issues to build the network. It may also be good to identify and appoint nodal district police, counsellor and NGO at District level to establish formal coordination mechanism because they are close to the victims and needs much technical capacity to deal with each case.

Issues to tackle	<p>Prosecution, Prevention, Protection and Capacity building Approach</p> <ul style="list-style-type: none"> ● Arresting kingpins, master traffickers, brothel owners and end exploiters of victims is difficult ● Conviction rate is low ● Awareness about rights of women and children as well as anti-trafficking is low in community level ● Concerned officials including police, security officers and other Government authorities are not fully equipped with knowledge with regard to definition of trafficking, relevant legislation, recent changes in modus operandi and issues of violence against women and children. ● Police-NGO collaboration is not always available during the rescue operation ● Recent changes in modus operandi of traffickers makes rescue operation more difficult ● Information sharing and consultation with victims is not fully conducted ● Human Rights based approach is not sufficiently adopted to tackle trafficking in women and children by the stakeholders ● Coordination between the Government and NGO is not sufficiently established ● Capacity of MWCD/DWCD is limited ● Capacity of MHA/DHA is limited ● Capacity of AHTU is limited ● Capacity of Police is limited ● Capacity of NGO is limited
Objective	To strengthen the capacity of officers working in the area of prevention, prosecution and protection of anti-human trafficking to better deal with changing environment as well as to strengthen the coordination between the State and civil societies
Possible C/P	MHA, CID in WB ,NGOs
Target group	AHTU personnel, police, Childline operators, staff of SALSA, DALSA, SSB, BFS, CWC, health workers, NGO workers in single target state and districts (WB).
Outputs	<ol style="list-style-type: none"> 1.Capacities of stakeholders are developed 2.Collaboration mechanism between GOs and NGOs are strengthened 3.Issues on Human Trafficking are identified
Activities	<ul style="list-style-type: none"> • Review of existing training programmes and its contents • Identification of state and district workers and NGOs working in the area of human trafficking • Develop/update the training materials • Conduct TOTs • Follow up and revise training module • Appointment of nodal NGOs in trafficking vulnerable districts for coordination

7.2 Strengthen Collaboration between AHTU of Source State and AHTU of Destination State

Other stakeholders such as the police, shelter staff, helpline operators, and lawyers are trained on case management, referral skills to prosecute and protect the victims. The coordination mechanism in source and destination States is strengthened. It may also be good to identify and appoint nodal district police, counselor and NGO at district level to establish formal coordination mechanism because they are close to the victims and needs much technical capacity to deal with each case.

Issues to tackle	<p>Prosecution, Prevention and Capacity building Approach</p> <ul style="list-style-type: none"> ● Arresting kingpins, master traffickers, brothel owners and end exploiters of victims is difficult ● Conviction rate is low ● Concerned officials including police, security officers and other Government authorities are not fully equipped with knowledge with regard to definition of trafficking, relevant legislation, recent changes in modus operandi and issues of violence against women and children. ● Police-NGO collaboration is not always available during the rescue operation ● Recent changes in modus operandi of traffickers makes rescue operation more difficult ● Human Rights based approach is not sufficiently adopted to tackle trafficking in women and children by stakeholders ● Coordination mechanism of state level is not fully functioned ● Coordination between Government and NGO is not sufficiently established ● Capacity of MHA/DHA is limited ● Capacity of AHTU is limited ● Capacity of Police is limited ● Capacity of NGO is limited
Objective	To strengthen the capacity of officers working at AHTU in source area and destination area to strengthen the coordination between the States to prosecute perpetrators and protect victims of HT
Possible C/P	MHA/CID in WB, CID in NCTD, DWCD&SW in WB and DWCD in NCTD
Target group	State AHTU personnel, Childline operator, staff of SALSA, DALSA, SSB, BFS, CWC, health workers, NGO workers in the target states (WB and its destination state).
Outputs	<ol style="list-style-type: none"> 1.Capacities of stakeholders are developed 2.Coordination mechanism between source and destination states is strengthened 3.Issues on Human Trafficking are identified
Activities	<ul style="list-style-type: none"> • Select pilot states of source and destination • Identification of stakeholders working in the area of human trafficking in each district • Train case management to target groups • Train referral skills to target groups • Establish reporting mechanism between two states • Make referral guideline on protection of the pilot activities • Appointment of nodal NGOs in trafficking vulnerable districts for coordination

7.3. Strengthening Vocational Training for Prevention and Reintegration of Victims

Limited access to livelihood is one of the major reasons for trafficking and it is also the problem for rehabilitation of the victims. By leveraging existing vocational training schemes, the project can train people in vulnerable areas for trafficking (prevention) and victims in state shelters (rehabilitation and reintegration) while the larger goal would be to actually provide them employment opportunity by establishing tie-up with potential employers. Shelter and rehabilitation schemes such as Ujjawala Swadhar at MWCD and National Child Labour Project (NCLP) of MLE can be partly collaborated.

Issues to tackle	<p>Prevention and Protection Approach</p> <ul style="list-style-type: none"> ● Prevention has not been implemented in an integrated approach ● Vocational training in protection homes and special homes run by the Government does not meet the needs of victims and needs of market ● Number of homes is not sufficient ● Efforts to prevent re-trafficking are limited
Objective	To improve access to livelihood opportunities for trafficking vulnerable areas and victims of trafficking
Possible C/P	DWCD&SW Department of Labour and Employment, CWC, NGOs
Target group	<ul style="list-style-type: none"> • Adolescent girls and young women in vulnerable districts in WB (Prevention) • Trafficking victims in state shelters (rehabilitation and reintegration)
Outputs	<ol style="list-style-type: none"> 1. Awareness of vulnerable community is raised. 2. Facilities and services of shelter are improved. 3. Employment opportunities are provided to adolescent girls and young women and trafficking victims 4. Issues on Human Trafficking are identified
Activities	<ul style="list-style-type: none"> • Map vulnerable areas and shelters in target state • Conduct community awareness campaign in vulnerable areas • Construct or renovate shelters • Train shelter staff (GO and NGO) for counselling and management • Conduct appraisal of existing vocational training schemes • Conduct market research and assessment of livelihood opportunities and beneficiaries' needs in the state • Link the beneficiaries with vocational trainings • Develop curriculums and training materials • Conduct training • Identify potential employers and micro credit schemes • Work out employment details and appoint beneficiaries to the actual employment

7.4 Strengthening Childline and Women's helpline

Childline is an emergency helpline number that has been well institutionalized. However its operation is largely depended on NGOs who have limited resources and holds space for improvement. Helpline for women who may be vulnerable to or the victims of VAW and human trafficking does not have a well established system. Availability of the helpline also varies across the country and within the States.

Issues to tackle	<p>Prevention, Protection and Capacity building Approach</p> <ul style="list-style-type: none"> ● Helplines for women and children are not sufficiently equipped ● Police-NGO collaboration is not always available during the rescue operation ● Human Rights based approach is not sufficiently adopted to tackle trafficking in women and children by the stakeholders ● Capacity of MWCD/DWCD is limited ● Capacity of Police is limited ● Capacity of NGO is limited
Objective	To improve Childline services and establish Women's helpline model in West Bengal
Possible C/P	DWCD&SW, WB Police
Target group	<ul style="list-style-type: none"> • Existing Childline and Women's helpline operators (NGO) • Police personnel • Social workers/counsellors
Outputs	<ol style="list-style-type: none"> 1. Capacity of counsellors working at Childline and Women's helpline are strengthened 2. An institutional model for women's helpline is established 3. Awareness on Childline and women's helpline is raised among the general public
Activities	<ul style="list-style-type: none"> • Study and identify issues on existing Childline and Women's helpline • Identify pilot District(s) for strengthening Childline and Women's helpline services • Train social worker for counselling • Train target groups on referral skills • Develop manuals and guideline for operating Women's helpline by police • Train police for women's helpline operation • Conduct experience-sharing workshop to disseminate Women's helpline model to other Districts • Spread awareness on availability of Childline and Women's helpline to the public

7.5 Strengthening District Coordination Mechanism

Fight against human trafficking involves efforts of various stakeholders and coordination among them is essential for proper functioning. Coordination can take place at different levels - District being one such level. An integrated approach in dealing with human trafficking is suggested while strengthening the coordination mechanism at selected District through capacity building of stakeholders.

Issues to tackle	<p>Policy, Prevention, Protection and Capacity building Approach</p> <ul style="list-style-type: none"> ● State level Action Plan is not formulated in most of the States ● Conviction rate is low ● Awareness about rights of women and children as well as anti-trafficking is low in community level ● Concerned officials including police, security officers and other Government authorities are not fully equipped with knowledge with regard to definition of trafficking, relevant legislation, recent changes in modus operandi and issues of violence against women and children. ● Prevention has not been implemented in an integrated approach ● Police-NGO collaboration is not always available during the rescue operation ● Information sharing and consultation with victims is not fully conducted ● Vocational training in protection home and special home run by Government does not meet the needs of victims and needs of market ● Efforts to prevent re-trafficking are limited ● Human Rights based approach is not sufficiently adopted to tackle trafficking in women and children by stakeholders ● Collected data are not effectively utilized for prevention activities ● Coordination mechanism of state level is not fully functioned ● Coordination mechanism of district level is not fully functioned ● Coordination between Government and NGO is not sufficiently established ● Capacity of MWCD/DWCD is limited ● Capacity of MHA/DHA is limited ● Capacity of AHTU is limited ● Capacity of Police is limited ● Capacity of NGO is limited
Objective	To strengthen district coordination mechanism on ending violence against women and children as well as anti-trafficking in women and children in some pilot districts of West Bengal
Possible C/P	<p>State level: DWCD&SW, DHA, CID/AHTU, Police and other concerned departments</p> <p>District level: District Women and Child Development Office, District Collector's Office, NGOs in pilot districts</p>
Target group	<ul style="list-style-type: none"> • State Advisory Committee (SAC) and state level concerned officials on anti-trafficking in women and children • District Advisory Committee (DAC) and district level concerned officials on anti-trafficking in women and children • Women and children (girls and boys) from economically and socially disadvantaged groups
Outputs	<ol style="list-style-type: none"> 1. DAC is established/strengthened and coordination mechanism with SAC is strengthened in the pilot districts 2. Capacity of the concerned officials including Police, District Office staff,

	<p>NGOs, judges, shelter staff etc. are strengthened to deal with trafficking cases and provide quality support for the victims in the pilot districts</p> <p>3. Women from economically and socially disadvantaged groups are provided with literacy and life skill education, vocational training and other necessary support such as micro credit in the pilot districts</p> <p>4. Children from economically and socially disadvantaged groups are provided with basic education, vocational training and other necessary support including birth registration in the pilot districts</p>
Activities	<ul style="list-style-type: none"> • Conduct situation analysis and vulnerability research • Establish/strengthen DAC to implement the activities and SAC to monitor the activities • Conduct awareness raising training among community people on anti-trafficking as well as violence against women and children • Conduct training for DAC members and district level officials on definition of trafficking, relevant legislations and appropriate knowledge to deal with trafficking cases • Provide basic education for children and literacy and life skill education for women • Provide vocational training for women and adolescents • Develop district referral mechanism for supporting victims of trafficking and violence against women and children

7.6 Training Program on Promoting Network to Combat Violence against Women in South Asia

Since 2015, the Government of India has started to put emphasis on strengthening bilateral cooperation with neighbouring countries by signing MoU for prevention of human trafficking. In order to enhance mutual understanding among South Asian countries, it would be important to share situation and approaches of anti-human trafficking and learn from one another. Training programmes both in Japan and Thailand (The Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries: CM4TIP) will provide a chance for participants to enhance their network and develop each country's measures to tackle human trafficking.

Issues to tackle	<p>Capacity building Approach</p> <ul style="list-style-type: none"> ● Human Rights based approach is not sufficiently adopted to tackle trafficking in women and children by stakeholders ● Coordination among neighboring countries needs further improvement ● Coordination mechanism of central level is recently reactivated but not fully functioned ● Coordination mechanism of state level is not fully functioned ● Coordination mechanism of district level is not fully functioned ● Capacity of MWCD/DWCD is limited ● Capacity of MHA/DHA is limited ● Capacity of AHTU is limited ● Capacity of NGO is limited
Objective	To enhance mutual understanding on issues related to anti-human trafficking in South Asia. Through 2-3 weeks training, the participants will comprehend the role and cooperation system of concerning agencies working on prevention and protection and reintegration.
Possible participants / countries	<p>Participants:MWCD/DWCDs, MHA/CID and NGOs working in the area of anti-human trafficking</p> <p>Countries: India, Nepal, Bangladesh and Afghanistan (UAE and Bahrain)</p>
Outputs	<ol style="list-style-type: none"> 1. Participants gain understanding on the Japanese Government's initiatives on anti-human trafficking and JICA's initiatives in Mekong region (if possible visiting CM4TIP) 2. Participants understand the support measures for trafficked persons by Japanese NGOs 3. A series of procedures and the role of relevant organizations involved with prevention, prosecution and protection are identified and issues and good practices related to supporting trafficked persons are analysed 4. Situation and approaches of anti-human trafficking among participants are shared and each country's measures against human trafficking and approaches for strengthening the transnational network against human trafficking are considered 5. Issues on Human Trafficking are identified
Activities	<ul style="list-style-type: none"> • Prepare inception report • Conduct lectures on Government/NGO approaches against human trafficking • Site visits in Japan (shelters and hotline etc.) and Thailand (CM4TIP) • Conduct experience sharing workshop • Develop country specific action plan

Conclusion

The major issues on VAW and human trafficking are identified from the viewpoints of policy, prevention, prosecution, and protection and capacity building from the data and information collected during the survey.

Regarding issues on policy and legislation, the Integrated National Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women and amended version of ITPA have been drafted but are yet to be approved. The new legislation entitled the Trafficking of Persons Bill is expected to be further discussed among advisory committee members. To initiate anti-human trafficking properly, a state level Action Plan and legislation need to be formulated.

Regarding issues on prevention, the outcomes and good practices of awareness training at the community level have not been properly accumulated, because those programmes are implemented in scattered areas. Most of the awareness raising programmes were to respond to trafficking for CSE and did not fully address trafficking for labour exploitation, recent changes in modus operandi of trafficking and issues of VAW and children. An integrated prevention approach needs to be taken to address the push factors of the poverty issues, including training on income generation and education. Furthermore, the referral system of Childlines and helplines is incomplete and they are not able to respond to victim's needs.

Regarding issues on prosecution, the most serious issue is the low conviction rate. Capacity of police officers to investigate the trafficking cases is not sufficient, involvement of social workers during investigation at the police stations is not always ensured and collaboration with NGOs in investigation is also minimal. Also, there are limited collaboration mechanisms between police from source areas and destination areas, which becomes an obstacle for smooth investigation and arrest.

Regarding issues on protection, coordination and collaboration between AHTU/Police and NGOs are not always available during the rescue operations and changes in modus operandi of traffickers make rescue operations more difficult. In terms of rehabilitation, the quality of services of protection homes and other shelter homes are poor because healthcare services, counselling, life skill training and vocational training for employment are not sufficiently provided. Existing homes cannot accommodate all women and children who seek tentative shelter because of delay in repatriation. In terms of reintegration, lack of knowledge and human resources of CWC, limitation of community awareness programme and low skills of NGO workers on counselling and case management make it difficult to prevent re-trafficking. Repatriation of victims takes several months to years to confirm the victim's origin and take formal procedures, because coordination among stakeholders is not well functioning in many states.

In order to tackle these issues and challenges, capacity building of concerned government personnel belonging to MWCD, DWCD, MHA, DHA, AHTU, police and NGOs is

essential. Besides, coordination mechanism at central level, state level and district level should be fully functional and coordination among central - state - district level and coordination between the government and NGOs should be sufficiently established. The coordination and collaboration among neighbouring countries and SAARC needs to be further improved. Databases have to be upgraded and a human rights based approach should be adopted by all the stakeholders.

At the end of survey, gap analysis of major issues on VAW and human trafficking of women and children is conducted and as a result, six approaches are recommended as possible interventions to tackle major issues identified. The first recommendation is to conduct TOTs on counselling, reporting, case management and referral skills targeting MHA, AHTU and NGOs and to strengthen collaboration between AHTU and NGOs. The second recommendation focuses on coordination and collaboration of AHTUs and NGOs in source and destination states. The third recommendation takes an integrated approach to tackle poverty issues in vulnerable communities to strengthen vocational training for prevention and reintegration of victims. The beneficiaries of the project are women and girls in the community and shelter homes. Quality of shelter services is also improved. The fourth recommendation is targeting MWCD and DWCD to strengthen Childlines and women's helplines. The fifth recommendation is to strengthen district coordination mechanism by establishment and support of District Advisor Committees in the pilot districts. It may be necessary to strengthen concerned personnel at district level, because they are close to the victims and need much technical capacity to deal with each case. Finally, the sixth recommendation is a training programme on promoting a network to combat violence against women in South Asia. In order to enhance mutual understanding among South Asian countries such as India, Nepal, Bangladesh and Afghanistan, it would be important to share situations and approaches of anti-human trafficking and learn from one another by attending the training programme both in Japan and Thailand.

To start with, it is recommended to initiate a pilot project in the states that are highly motivated to work in the field of anti-human trafficking. Through action research, it will allow mapping out concrete problems and issues that stakeholders are facing in the field. A training programme in Japan and Thailand is another approach to develop a better relationship and network with key personnel working in the relevant government agencies. Through these approaches, it would allow a better relationship to develop with potential counterparts and to consider together further means to support India's anti-human trafficking initiatives in a strategic manner.

END

Appendix

Appendix 1 : Survey Grid

Appendix 2 : List of Interviews (Field survey)

Appendix 3 : List of Interviews (Survey in Japan)

Appendix 4 : Minutes of Meetings

Appendix 5 : Plan of Operation

Appendix 6 : Dispatch Schedule

Appendix 7 : Map of Supply, Transit and Destination Areas
Relating to Human Trafficking in India

Appendix-8 : Incidence (I), Victims (V) and Rate of Total
Crimes (R) Relating to Human Trafficking During 2014 in
India Segregated by Crimes

Appendix 1: Survey Grid

Survey Grid

Major item	Sub-survey Items	#	Survey Item Sub-topics	Information Source										Survey Methods		
				MHA	AHTU	MWCD	DWC	Development Partners	NGOs	SHGs	MLJ/DLA	Prosecutor	Police			
Basic Information Prevention Prosecution Protection	1. Situation and problems of violence against women and human trafficking	1-1	Categories of violence against women and number of crimes in India	○		○	○	○						○	• Document review • Interview	
		1-2	Socio-economic and geographical background of victims of violence against women (except human trafficking)			○	○	○								
		1-3	Number of victims of human trafficking and their socio-economic and geographical background (by sex, age, nationality etc.)	○	○	○	○	○	○	○	○	○	○	○		○
		1-4	Number of victims of perpetrators and their socio-economic and geographical background (by sex, age, nationality etc.)	○	○	○	○	○	○	○	○	○	○	○		○
		1-5	Modus operandi of crimes and patterns of human trafficking (internal and cross-boarder)	○	○	○	○	○	○	○	○					
		1-6	Prevention activities for human trafficking (internal and cross-boarder)	○	○	○	○	○	○	○	○					○
		1-7	Rescue and legal proceedings after the rescue for human trafficking (internal and cross-boarder) as well as the situation of arrest and conviction of perpetrators	○	○	○	○	○	○	○	○	○	○	○		○
		1-8	Protection, repatriation and process of rehabilitation of victims of human trafficking (internal and cross-boarder)	○	○	○	○	○	○	○	○	○	○	○	○	• Document review • Interview • Site visit
Policy	2. Laws and policies on violence against women and human trafficking	2-1	Laws and ratified treaties on violence against women and its contents	○		○	○								• Document review • Interview	
		2-2	Policies on violence against women (Central level) and its contents	○		○										
		2-3	Laws and ratified treaties on human trafficking and its contents	○		○	○									
		2-4	Policies on human trafficking (Central level) and its contents	○		○										
Capacity Building (CB)	3. Situation and problems of function, role, collaboration mechanism, and capacity of stakeholders	3-1	Role, function of organization in central level and its administration and financial capacity (Annual budget allocation and actual spending)	○		○					○	○	○	• Document review • Interview		
		3-2	Role, function of organization in state level and its administration and financial capacity (Annual budget allocation and actual spending)		○		○						○	• Document review • Interview • Site visit		
		3-3	Activities, problems and achievements of NGO and SHGs						○	○					• Document review • Interview • Site visit	
		3-4	Situation, role and qualification of staff of all stakeholders	○	○	○	○	○	○	○	○	○	○	○	• Document review • Interview • Site visit	
		3-5	Collaboration and coordination mechanism between government agencies, central and state, government and NGOs	○	○	○	○	○	○	○	○	○	○	○	• Document review • Interview	
		3-6	Collaboration and coordination mechanism with neighboring countries and SAARC on violence against women and human trafficking	○		○		○				○	○	○	• Document review • Interview	
Basic Information Policy CB Support 4P	4. Implementation of survey in target states	4-1	Situation of human trafficking in target states		○		○		○	○	○	○	○	• Document review • Interview		
4-2		Policies of state government and status of implementation		○		○								• Document review • Interview		
4-3		Collaboration and coordination mechanism between government agencies, NGOs and SHGs		○		○		○	○					• Document review • Interview • Site visit		
4-4		Scope of support from development partners and NGOs					○	○						• Document review • Interview • Site visit		
4-5		Issues related to human trafficking in target states		○		○	○	○	○	○	○	○	○	• Document review • Interview		

AHTU: Anti Human Trafficking Unit

Appendix 2: List of Interviews (Field survey)

List of Interviews (On-site survey)

#	Date of Visit	Area	Gov./UN/International Org/NGOs	Organization	Name	Position	URL
1	2015/7/2	NCTD	NGO	Shakti Vahini	Ravi Kant		http://shaktivahini.org/
2	2015/8/27	NCTD	UN	UN Women	Anju Pandey		http://asiapacific.unwomen.org/en/countries/india
		NCTD			Sonal Jaitly		
3	2015/8/31	NCTD	NGO	RBC Trust (recognised as STOP before the survey)	Roma Debabrata	Founder	http://www.stop-india.org/
4	2015/8/31	NCTD	NGO	RBC Trust (recognised as STOP before the survey)	Joanna Daniel Wrabetz	Director, Research, Data Collection and Analysis Unit	
5	2015/9/1	NCTD	NGO	Apne Aap	Nana Taw	Media Associate	http://apneap.org/
6	2015/9/1	NCTD	UN	United Nations Office on Drugs and Crime (UNODC), Regional Office for South Asia	Swasti Rana	Project Officer Anti Human Trafficking	http://www.unodc.org/southasia , http://www.unodc.org/toc
7	2015/9/4	NCTD	UN	ILO	Igor Bosc	Chief Technical Advisor	http://www.ilo.org/newdelhi/whatwedo/projects/WCMS_166809/lang-en/index.htm
8	2015/12/13	NCTD	NGO	DMRC Shelter Home & ChildLine Salaam Balak Trust	Praveen		http://www.salaambaalaktrust.com/index.html
9	2015/12/23	NCTD	Government	Ministry of Home Affairs (MHA) Prison Reforms & Anti Trafficking Cell	Rajnish Kwatra	Under Secretary	http://www.mha.nic.in/
10	2016/1/8 11:00	WB	NGO	Mankind in Action for Rural Growth (MARG)	Nirnay John Chhetri	General Secretary	http://www.ngo-marg.org/about/join-us-2
					Rohini Nicholas	Social Worker	
					Ashwini Chhetri	Coordinator	
11	2016/1/8 12:30	WB	NGO	Edith Wilkins Street Children Trust	Anuja Ghaley Namrata Sharma	Director Assistant Director	http://edithwilkinsfoundation.org/
12	2016/1/11	WB	Government	Malbazar Jalpaiguri Sub Divisional Police Officer (SDPO)	Shri N.N Bhutia	SDPO, West Bengal Police Station (since 03-03-2014)	http://calcuttahighcourt.nic.in/district_courts/jalpaiguri.htm
13	2016/1/8	WB	NGO	Sashastra Seema Bal (SSB, MHA)	Tapan Kumar Das	Commandant	http://www.ssb.nic.in/
14	2016/1/11	WB	NGO	Duars Express Mail	Raju Nepali	Director	N/A
15	2016/1/11 18:30	WB	Government	Child Welfare Committee (CWC) Darjeeling	Sister Sudeshna	Executive Member	N/A
16	2016/1/14 19:00	WB	NGO	The Humming Bird Trust	Rajiv Kumar Roy	Lead- India Programme	http://thehummingbirdtrust.co.uk/
17	2016/1/15	WB	NGO	Sanlaap	Pinaki Ranjan Sinha Tapoti Bhowmick	Executive Director	http://www.sanlaapindia.org
18	2016/1/16	WB	NGO	Sanjog	Roop Sen		http://www.sanjogindia.org/
19	2016/1/18 12:00	WB	Government	Department of Women and Child Development, Kolkata Directorate Child Rights and Trafficking	Richa Mishra	Director Child Rights and Trafficking	http://wbcs.gov.in/
20	2016/1/18 16:30	WB	NGO	Child in Need Institute (CINI)	Rajib Kumar Haldar	Additional Director	http://www.cini-india.org/
21	2016/1/19 14:00	WB	Government	Anti-Human Trafficking Unit (AHTU), Kolkata	Smt. Sarbari Bhattacharya (OC, AHTU)	Crime Investigation Dept., West Bengal	N/A AHTU: http://stophumantrafficking-mha.nic.in/
22	2016/1/19 15:00	WB	Government	Criminal Investigation Department, Kolkata	Shri. V. Kr. Goyal	Inspector, General of Police (IPS)	http://www.cidwestbengal.gov.in/
23	2016/2/2	NCTD	UN	United Nations Children's Emergency Fund (UNICEF)	Miho Yoshikawa	UNV Child Protection Officer	http://unicef.in/
24	2016/2/19	NCTD	International Organization	International Organization for Migration (IOM)	Amit Bhardwaj Radharani Thakuria	Programme Assistant	https://www.iom.int/countries/india
25	2016/3/7 10:00	NCTD	NGO	Counsel to Secure Justice (CSJ)	Eliza Rumthao	CSJ Director	http://www.csjindia.org/

Appendix 3: List of Interviews (Survey in Japan)

List of Interviews (Survey in Japan)

No.	Date of Visit/call	Gov./UN/NGO	Area	Organization/ Name of JICA Project	Name	Position/Title
1	2016/2/1 15:30-17:00	JICA Project	Myanmar	The Project on Capacity Improvement of Recovery and Reintegration Assistance for Trafficked Persons	KATSUKI Kyoko	Chief Advisor
2	2016/2/4 11:00-	JICA Project	Vietnam	Project for the Establishment of Anti-Trafficking in Persons (TIP) Hotline in Vietnam	OGAWA Yoshiko	Chief Advisor
3	2016/2/3 16:00-17:30	Expert	Japan/ Thailand/ Great Mekon Region	Department of Global and Transcultural Studies, Meiji Gakuen University	SAITO Yuriko	Associate professor
4	2016/02/08 14:00-15:00	JICA		Senior Advisor (Gender and Development)	TANAKA Yumiko	Senior Adviosr (Gender and Development)
5	2016/02/18 13:30-14:30	UN	Japan	International Organization for Migration (IOM) TOKYO, Country Office with Resource Mobilization Function	KISHIDA-KIYOTANI Noriko	Programme Manager
					SUDO Eiko	Counter Trafficking Coordinator
					Carina MORITA	Chief Caseworker Return and Reintegration Assistance, Counter Trafficking
6	2016/02/23 13:30-14:30	NPO	India/Cambodia	Kamonohashi Project	MOTOKI Keisuke	Co-founder
					SHIMIZU Tomomi	Senior Programme Manager
					TESHIMA Minami	
7	2016/02/25 10:30-12:30	Institute	Great Mekon Region	Institute of Developing Economies, JETRO	YAMADA Miwa	Law and Institution Studies Group, Inter-disciplinary Studies Center
8	2016/3/9 15:00-16:00	NGO	India	SHAPLA NEER	SUGAHARA Nobutada	
9	2016/03/16 10:30-11:40	JICA Project	Thailand	Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-Regional Countries (JICA-CM4TIP)	MOMOSE Shioko	Chief Advisor
10	2016/03/09 11:00~12:30		Japan	The National Women's Education Center (NVEC) of Japan	WATANABE Miho	Researcher
11	2016/04/05 10:00-12:00	NPO	Japan	Lighthouse Center for Human Trafficking Victims (Former Polaris Project Japan)	FUJIWARA Shihoko	
12	2016/04/22 11:00-(at Earth Day event)	NGO	Nepal/India	Laligrans Japan		
13	2016/05/6 15:00-16:00	NGO	Thailand/India	Terra People ACT Kanagawa (TPAK)	IGODA Yoshiyuki	Administrative Manager
					BUCKLEY Machiko	Vice-Chairpersonm, Project Manager for JICA Grassroots Technical Cooperation Project
					ITAKURA Reiko	Sub-manager for JICA Grassroots Technical Cooperation Project

Appendix 4: Minutes of Meetings

Appendix-4: Minutes of Meeting of Onsite-Survey

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Minutes of the Meeting 1: Shakti Vahini

Date	July 2, 2015 (before beginning of the survey)
Venue	Shakti Vahini Office in Delhi
Attendees	Mr. Ravi Kant (Shakti Vahini)
Purpose of the Meeting	
To collect basic information on human trafficking from Shakti Vahini	
Points Discussed	
<ul style="list-style-type: none"> • The government of India has been taking initiative to combat human trafficking since 2000 due to donor pressure. In 2004, the National Human Rights Commission prepared an report together with UNIFEM which is still relevant. In the same year, central committee to work on the issue of human trafficking was established. • Until 2009, the Ministry of Women and Child Development was the nodal ministry tackling the issue of human trafficking; however, from 2009, Ministry of Home Affairs become the nodal ministry. • Anti Human Trafficking Units (AHTU) were established, an effort started by UNODCD in 2007. They started with 5 Districts in Maharashtra and Andhra Pradesh and are now replicated across the country. • Since then, there have been a lot of trainings for AHTU and prosecutors by the government. However, the police is not aware enough to tread victims of human trafficking sensitively. • In 2013, cases on missing children started getting complied. The record prepared by the National Crime Record Bureau is reliable. • In 2012, Prevention of Sexual Offence Act was enacted and following year, the definition of human trafficking was added to the penal code. Also, a victim compensation scheme was notified by all State governments. • Issues on women and children are State subjects, and therefore, the Central government is only in position to advice the State. • States of Maharashtra and Andhra Pradesh have lots of good interventions in terms of rehabilitation and institutional framework. • West Bengal government has a Memorandum of Understanding (MOU) with Maharashtra, Delhi and Uttar Pradesh. Trafficking is a high priority issue for the West Bengal government. Women and Child Development Department is also active in the State. • Delhi government's response to human trafficking issues is lukewarm. • In terms of some interventions required in this field, one thing is to strengthen Integrated Child Protection Scheme (ICPS). Capacity of agencies implementing the scheme needs to be built. • Technical support for the government for providing shelter homes is also needed. Apart from infrastructure, skill development programme needs to be strengthened. • Strengthening of law enforcement such as police, judicial and prosecutors are also needed. 	

Minutes of the Meeting 2: UN Women

Date	July 3, 2015 (before beginning of the survey)
Venue	UN Women Office in Delhi
Attendees	Ms. Anju Pandey (UN Women)
Purpose of the Meeting	
To collect basic information on UN Women's activities in India	
Points Discussed	
<ul style="list-style-type: none"> • There are four areas in which UN Women is working and ending violence against women is one of the areas. • Currently, UN Women is running a global programme on Safe City which is partly funded by the government of Japan. In India, Delhi, Mumbai and Bhopal are the target cities. • To end violence against women in India, mindset and behaviour of both men and women need to change. Legal framework requires strengthening. Monitoring of implementation of various programme also needs to be done as such things are not really taking place. Infrastructure for One Stop Crisis Centre is required. Access to justice for the victims like shelter, police and judicial also need to be improved. • Government of Delhi is difficult to work with while Maharashtra is ahead of other States in this field and have many active NGOs. • There is an inter agency coordination for sex selection but limited to UN agencies and there is no official coordination mechanism in the area of trafficking. • UN Women focuses on prevention of trafficking and has worked with Panchayati Raj Institutions in source areas. • Data on violence against women may be collected from National Sample Survey Organization. Data on prevalence of violence may be with National Family and Health Services as well. • Under the support of UN Women, Tata Institute of Social Science is taking up a national research on changing trend of trafficking for the period of 2 years. 	

Minutes of the Meeting 3 (Summary): UN Women

Date	2015. 8. 27
Organisation	UN Women
Interviewee	Anju Pandey
Contents	<ul style="list-style-type: none"> • In ending violence against women, UN Women focuses on prevention. • UN Women has had a trafficking prevention programme with participation of Panchayati Raj Institutions. PRI officials were capacitated to strengthen the registry system for birth and marriage as well as to monitor people migrating from their village. National Commission for Women was the partner but they were not necessarily an active partner. Although UN Women wanted to expand the programme, it was not done so due to fund shortage. • There is a huge gap between the existing laws and their implementation. Although Immortal Trafficking Prevention Act is in place, most perpetrators are not prosecuted because the process takes too long for the victims, the victims are not aware of legal procedures, because law enforcement does not have enough capacity, etc. • There is no official coordination mechanism among the donor agencies for anti human trafficking although they do exchange information and coordinate as and when needed. • At SAARC level, there is a Gender Policy Advocacy Group and UN Women has a central role in it.

Minutes of the Meeting 4 (Summary): STOP (RBC Trust)

Date	2015.8.31
Organisation	STOP (RBC Trust)
Interviewee	Roma Debabrata and three of other staffs
Contents	<ul style="list-style-type: none"> • Main activities of STOP are advocacy in supply areas of trafficking and to rescue and rehabilitate girls and women. • STOP owns a “family home” which is different from shelter home. Girls and women who are rescued from prostitution can stay in this facility for as long as they want. • Skill training programmes are there. Some women started catering business and apparel business. • Based on STOP’s rescue experiences, 5-6% of victims are from Nepal and Bangladesh while the rest of the victims are Indians. The largest number of victims is from Andhra Pradesh, then West Bengal and Maharashtra. • STOP is taking a new initiative to compile the data on trafficking victims. Although the information on rescued victims has been with STOP, it was never organized. STOP is developing a format to compile information on victims such as their profile and how they have been trafficked.

Minutes of the Meeting 5 (Summary): Apne Aap

Date	2015.9.1
Organisation	Apne Aap
Interviewee	Nana Taw, Media Associate
Contents	<ul style="list-style-type: none"> • The main activity of Apne Aap is to prevent sexual exploitation of Denotified Tribes. • Apne Aap runs several programmes including “Safe House” where girls with

	<p>high-risk for trafficking are identified and put in hostel so they can continue education while they are taken care at the hostel.</p> <ul style="list-style-type: none"> • Trainings for livelihood skills are also provided. • “Nine Friends” is another programme in which women are organized into self-help groups. The group functions as safety net. For instance, if a member needs to borrow money, they can seek help from other group members instead of going to a moneylender. • Community mobilizers of Apne Aap are working in red light district of Kolkata as well. They conduct health awareness campaigns in red light district.
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Minutes of the Meeting 6 (Summary): UNODC

Date	2015.9.1
Organisation	UNODC
Documents Provided	Terminal Evaluation Report of Strengthening the law enforcement response in India against trafficking in persons through training and capacity building
Interviewee	Swasti Rana, Project Officer
Contents	<ul style="list-style-type: none"> • UNODC has had a capacity building programme with the Government of India from 2006 to 2009. During that time, police personnel and prosecutors were trained. Nine anti human trafficking units were established. • Main area of activity for UNODC is prosecution. Prevention is a difficult area to measure its effectiveness. • In terms of available statistics on human trafficking, the data published by National Crime Record Bureau is most reliable.

Minutes of the Meeting 7 (Summary): ILO

Date	2015.9.4
Organisation	ILO
Interviewee	Igor Bosc, Chief Technical Advisor
Contents	<ul style="list-style-type: none"> • ILO has five major programme. First is information campaign in origin of migrant workers such as Jharkand, Bihar and North Eastern States. ILO provides information to vulnerable women to help them understand and make better decisions related to labour migration. Second is an intervention on recruitment side where ILO compiles best practices and code of conducts for employers, particularly in garment sector and domestic works. Third is to organize workers in destination country so they can defend their rights. Fourth and fifth are policy and research. • Regarding trafficking, Ministry of Home Affairs takes criminal justice approach. However, ILO does not necessarily share the same perspective since they focus on empowerment of the workers. Recruitment of migrant worker is very diverse and long process. It is difficult to pin point criminals in this long chain and prosecute them. Given such situation, ILO puts more effort in creating space for dialogue between the workers and employers when any issue arises. Ministry of Labour understands this approach.

Minutes of the Meeting 8: Salaam Balak Trust

Date & time	13/12/2015	Venue	
Participants	Mr. Praveen, DMRC Shelter Home & ChildLine Salaam Balak Trust		
Contents	<ul style="list-style-type: none"> • About Salaam Balak Trust <ul style="list-style-type: none"> ✓ The Trust is operating 3 CHILDLINES. In Delhi, there are 4 other NGOs running 3 lines each. ✓ Twelve people are involved in operating 3 lines. This includes volunteers and counselors. ✓ For Child Home, there are 42 staffs. There are approximately 50 children who are sheltered for short-term and 100 for long-term. • According to the trafficking cases reported with the trust for last 2 years <ul style="list-style-type: none"> ✓ Ratio of girls is much higher than boys ✓ Girls are largely trafficked for domestic servitude while few cases have provided evidence of girls getting trafficked for the purpose of commercial sex work. ✓ Boys are generally from the state of Bihar, Uttar Pradesh and girls are from West Bengal and Jharkhand.¹ ✓ All the girls were found to be adults and above 18years of age. None of them were minor. ✓ Boys are majorly found to be trafficked for the purpose of factory work like bangle making, plastics, designing of gold ornaments. However, majorly they are involved in designing of gold ornaments. ✓ Most of these factories are situated near Karol Bagh area, which is commonly known as Delhi's Gold Market. ✓ These factories preferably have working hours in the night. ✓ Direct Entry to these factory premises is strictly restricted for outsiders. Further the premises are under CCTV surveillance. 2 broader reasons of the owners, behind this motive are: <ul style="list-style-type: none"> ➤ So that each and every movement of the trafficked persons as well as those entering or hovering nearby the factory could be traced ➤ If anyone among the trafficked persons tries to run away they could be caught easily. ✓ All these information were provided by the local residents of the specific area. ✓ In context of raids, either the ChildLine rescue workers were not allowed to enter the premise or the owners shifted the victims to some other place. • Trafficking for Prostitution <ul style="list-style-type: none"> ✓ Observed into 2 categories: <ul style="list-style-type: none"> ➤ Red light areas: Paid & victims have mentioned that they are in a position to take care of the needs of their families economically ➤ Factories: Unpaid, Forced ✓ Recommendations for preventing trafficking for the purpose of Prostitution <ul style="list-style-type: none"> ➤ State specific rehabilitation process needs to be strengthened ➤ Higher degree of attention/focus required towards evaluation and monitoring of the rescued victims, in 		

¹ Exact Data for the year 2015 will be shared in form of a ppt. waiting to receive.

order to ensure that they have no or lesser chances of they getting re-trafficked after repatriation

- **Feedback on working of AHTU**
 - ✓ Lack of coordination between AHTU and GRP(Government Railway Police)
 - ✓ Observed regular disinterest among police personnel in cases related to the above specified nature
 - ✓ Currently all the district in India considered as major source areas for trafficking don't have connectivity with CHILDLINE 24*7 helpline numbers(services) and this delays the overall process of coordination and timely repatriation of trafficked / missing children
 - Note: Juvenile Justice System for the state of West Bengal is seemingly active and the involved Police Personnel's has been observed to be accountable in such cases
 - ✓ **Recommendations:** In order to create an uniform structure for developing the rehabilitation process:
 - Because rehabilitation programme is weak, many victims end up in trafficking again. Government (both state and central) should appoint Nodal Officers, who would be responsible to provide information and coordinate with the stakeholders and rescue agencies. They should also follow-up on repatriated victims.
- **Feedback on working of Child Welfare Committee (CWC)**
 - ✓ Not every state have CWCs
 - ✓ Except few states, CWCs do not function effectively
- **General recommendations to prevent trafficking of children**
 - ✓ Poverty stands out to be one of the major causes for migration of children hence, raising awareness among the communities is required. Attention is required to spread the message that children should not be sent out of the state in pretext of any kind of labour.
 - ✓ Create vocational training options for regions largely affected by trafficking, in order to generate income. Further, initiatives of such nature ensure children are safe and not vulnerable, thereby reducing the risk of getting exploited.
- **Challenges faced by Outreach Workers**
 - ✓ Leveraging efforts in fake cases
 - ✓ Safety concerns of the outreach team is at stake, in certain situations

Minutes of the Meeting 9: Anti-Trafficking Cell, MHA

Date & time	23/12/2015
Participants	Mr. Rajnish Kwatra, Under Secretary: Prison Reforms & Anti Trafficking Cell Stakeholder: Ministry of Home Affairs, Govt. Of India
Contents	<p>Anti-Human Trafficking Unit (AHTU):</p> <p>Achievements</p> <ul style="list-style-type: none"> • Engagement among the officials and the coordinating units has been strengthened, as compared to previous year experience. • Wider and robust coordination among the agencies (dealing with trafficking) working in the ground • <p>Highlights</p> <ul style="list-style-type: none"> • It has been observed, that being able to deal with trafficking cases effectively generated a sense of motivation among the officials himself. He shared further that in this year (2015), Ministry launched One Month “Mission MUSHKAN” to look out for trafficked and missing children across India. Under this operation more than 25000 children were repatriated back to their families. Later Home Minister Shri Raj Nath Singh awarded the best officials from AHTU. This was experienced as a major success and generated motivation among the officials to achieve something. Learning from this, Ministry has re-launching the operation for the months of January 2016. <p>New Strategies</p> <ul style="list-style-type: none"> • Rigorous surveillance of highly prone trafficking regions • Railways roped in for better escalation among the coordinating units • 20 busy railway stations across India has been identified to open CHILDLINE (24/7 emergency helpline services for children in distress) and this will turn out to be major breakthrough in intercepting potential victim of trafficking. • Creation of child sensitization centres • Integrated response strategy • <p>Challenges</p> <ul style="list-style-type: none"> • Leveraging of funds: States are provided annually with approximately Rs. 200,000 for training but they are not able to spend the funds. <p>Recommendations:</p> <ul style="list-style-type: none"> • Organize comprehensive trainings and refresher courses for capacity building and knowledge transfer of the: <ul style="list-style-type: none"> • Civil society • Police personnel • AHTU officials • Judges • Judiciary needs to be more open and flexible in loopholes while framing judgments on cases of trafficking; with special attention to cases involving provisions Indian Penal Code (IPC) Section 370 & 370 A, the recent amendment in the law to address cases of trafficking. • Fabricating Judicial Colloquiums seems to be much more operational in comparison to creation of special courts in the case of Protection of Children from Sexual Offence (POCSO) cases, as the cases of trafficking needs detailed integrative in-approach for discussion, before framing judgments. Transfer of officials is another reason special court does not work. Judicial Colloquiums are already in place in 9 States.

	<p>Feedback for the Civil Society:</p> <ul style="list-style-type: none">• Though civil society has been making larger efforts in conducting trainings for capacity building and generates awareness, however the training contents provided for the capacity building and knowledge transfer lacks updated information. Even the anti human trafficking course offered by Indira Gandhi National Open University (IGNOU) is not up to date. <p>New Developments</p> <ul style="list-style-type: none">• A comprehensive legislation in human trafficking is to be presented in the coming year of 2016. Currently a committee has been constituted involving representatives from Ministry of Women and Child development, Ministry of Home Affairs, Ministry of Labour and Employment, Ministry of Law, Ministry of Health, civil society and academic institution• Recently a new MoU has been signed with Bangladesh, with major objective to suppress cross border human trafficking in Bangladesh and India and providing immediate post rescue and effective rehabilitation services to the victims of trafficking. Information on traffickers is shared with Bangladesh. Joint secretary (Centre –State relation) has been appointed as a nodal officer.
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Minutes of the Meeting 10: Edith Wilkins Street Children Trust

Date & time	8/01/2016, 12:30 pm	Venue	Edith Wilkins Street Children Trust, Darjeeling
Participants	Edith Wilkins Street Children Trust KII: Anuja Ghaley (Director), Namrata Sharma		
Contents	<p>Role and function of the Trust:</p> <ul style="list-style-type: none"> • The trust was founded in the year 2003 • Registered in the year 2006 • It is the only shelter home for children in Darjeeling • In 2007, the trust started with their first programme of the drop-in centre, where children are provided with non-formal education, food and medicines. Any children coming from the underprivileged background as well as rescued children, between the age group of 6-18 years receive required support services. After few years the trust started providing classes on art & craft for children, counselling sessions to both the children and their families, and vocational trainings on handicrafts and activities to work in beauty parlour were provided to adolescents/teenagers. • The rescued children come to the trust through the Child Welfare Committee and the police. Further the trust also has 1 outreach programme • Among the children who come here, not all of them require residential stay facilities. There are children who receive one or the other kind of support service provided by the trust and then they go back home. However, the rescued children form the majority who stay in the residential care • There have been instances where families of the rescued children could not be traced or due to the huge stigmatization and rejection by the communities, families deny accepting these children back. In such cases the children stay back with the trust • The trust has the capacity to accommodate 90 children at the age-group of 6-18years. It has separate facility for girls and boys. Currently 65 children are staying at the residential care, among whom 32 are girls and 33 are boys respectively. During summer the number of children coming for the residential care exceeds the normal accommodation capacity of the trust. • It has required amenities to accommodate children for short term as well as long term. However, maintaining a complete segregation between children (victims) staying for short terms and those staying for long term become difficult. <p>Socio-economic background of rescued victims:</p> <ul style="list-style-type: none"> • Most of the children were found to be in the rut of alcoholism • The trafficked victims have been largely found belonging to the tea gardens areas. The prospects for higher money and a better life and the genuine innocent nature of the people here make them more prone to trafficking as well as all other forms of exploitation. The rescued trafficked victims are under the age group of 16-18 years. • The trust has imprinted a framework of 4 categories, by which it segregates the rescued children. These include: <ul style="list-style-type: none"> -Abused Children -Neglected Children -Trafficked Children -Runaway Children • According to investigation reports of the police, the children rescued as domestic laborers and trafficking are largely from the state of West Bengal, and Nepal. • In most of the cases, boys were rescued from hotels and restaurants whereas girls as domestic help. 		

	<p>Challenges faced:</p> <ul style="list-style-type: none">• No leveraging of funds on behalf of the government, despite having drafted schemes to provide support on the above specified grounds. Even the Mid-Day-Meal scheme is also not active here.• Funds required to incur the nutrient enriched and hygienic food, fuel to make the food, medicines, and to fulfill the other basic needs are hence incurred by the trust itself.• Applied for funds in August 2015 for all the children, however funds are in the process of getting approved for the girls only.• Though there are vocational training programmes run by the trust to strengthen the skill building capacity of the effected children, however income generation or getting employment is a great issue in Darjeeling.
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Minutes of the Meeting 11: MARG

Date & time	8/01/2016, 11:00 am	Venue	MARG Office, Darjeeling
Participants	Mankind in Action for Rural Growth (MARG) KII: Mr. Nirnay John Chhetri (General Secretary) and MARG team		
Contents	<p>Interventions by MARG for prevention of trafficking</p> <ul style="list-style-type: none"> · Awareness programmes in schools, creation of Student against Trafficking (SAT) clubs. Engaging students from classes 6-10th, with 5-6 students per group from each class. Presently, MARG has coverage with more than 20 schools in Darjeeling. Activities involve making posters, performing arts like drama, etc. · Sensitization programmes with police, media, taxi drivers. · Help partner organizations to trace the social background of the victims · Sensitization programmes are largely focused on the urban settings, as most of the cases are reported from the urban settings. <p>Interventions by other organizations</p> <ul style="list-style-type: none"> · Anyay Rahit Zindagi (ARZ) Goa funded by DFID was the first Non-Governmental Organization (NGO) to organize awareness programmes on trafficking in Darjeeling, followed by Shakti Vahini in the later years. <p>Broader Challenges</p> <ul style="list-style-type: none"> · Local people are conservative and are not open to discuss/talk on issues like trafficking. However, change could be observed now and communities have become inquisitive. · So far, there has been no consensus on any kind of joint action by the NGOs functioning here or the Darjeeling Administrative services. However only recently, Darjeeling District Child Rights NGO Network (DDCRN) has started initiating efforts. · Due to the laid back nature of the police personnel's here, the requirement for more sensitization generating activities for them are needed. Moreover the police are not so updated on the guidelines and the newly formed legislations or even if they are aware there is huge uncertainty in their nature to follow them rigorously. · There is only 1 shelter home for rescued victims in Darjeeling. · Lack of counseling staffs. · There is lesser chances of follow ups on cases of rescued victims. · Due to the geographical terrain the functioning of the Child Welfare Committees (CWC) are irregular. CWC assembles for one day in a week in Darjeeling and 2 days/week in Siliguri . In case of crucial situations, hence the children are taken to Siliguri to be presented before the CWC and then again bring back to Darjeeling. · There is just 1 private shelter home; however the compound is not barricaded properly. Thereby leaving chances for the victims to run away. · Political instabilities in Darjeeling are largely responsible for the inactive anti trafficking initiatives by the government. <p>Social Background of the Victims</p> <ul style="list-style-type: none"> · According to investigation reports, largely the victims were found to be school dropouts, however there were cases where victims were literate. · Belong to economically weaker families · Victims are mostly from tea garden areas <p>Modus Operandi</p>		

	<ul style="list-style-type: none">· Due to their innocent nature, the victim's falls into the trap of fake marriage proposals, love affairs, and therein get trafficked to other states in India and in many instances taken to other countries with fake passport.· Most of the cases reported, highlights that victims were either trafficked to Cochin, Delhi, Haldia, 24 Paraganas and Basirhat in West Bengal or to Nepal and Middle East countries.
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Minutes of the Meeting 12: SSB, MHA

Date & time	11/01/2016, 11:30	Venue	Office of the Commandant Sashastra Seema Bal (SSB, Ministry of Home Affairs) 10th Battalion, Malbazar, Jalpaiguri
Participants	Sashastra Seema Bal (SSB, MHA) 10th Battalion, Malbazar KII: Mr. Tapan Kumar Das (Commandant)		
Contents	<p>Reasons of trafficking Trafficking of children has been possible because of 2 reasons:</p> <ul style="list-style-type: none"> ✓ For Compulsion: This draws attention towards trafficking cases where children falls within the trap of the traffickers in lieu to earn money for fulfillment of the family's basic daily necessities. Around 90percent of the trafficking are taking place due to this reason ✓ For Ambition: There are quite a few victims who due to their fair and sharp features are inclined to become actors and models. They are the ones who could get easily trafficked, with false engagements and later are at heavy risk of getting exploited. Around 5-10 percent of child trafficking cases has been observed of this nature <p>Recommendations</p> <ul style="list-style-type: none"> ✓ Creation of new employment opportunities and older ones with reasonable salary will be a push towards safe migration ✓ Promote and develop business practices like sericulture, cottage industries ✓ Skill development trainings for <ul style="list-style-type: none"> • driving, • mechanic • health services ✓ Establishment of government website providing follow up details of the persons getting trained in the above mentioned skills, so that whoever require to avail of their service, could connect to them directly to job ✓ Further, it should be made customary for those getting trained, to register them with the administration before leaving for the client location. Such a systematic monitoring mechanism can prevent trafficking to a certain extent. ✓ Try to develop other safe migration strategies <p>Gap/Loopholes</p> <ul style="list-style-type: none"> ✓ Lack of manpower, resources, and strategic planning ✓ For example: Even though there is availability of support services and resources with SSB in implementation of the above mentioned strategic models, practices like cottage industries, sericulture will only cater 10 percent of communities. In other words what is required is creation of integrated support services and not just one or two components <p>Modus Operandi</p> <ul style="list-style-type: none"> ✓ Traffickers come to this area to recruit for requirements from other cities ✓ Conversion into Christianity 		

Minutes of the Meeting 13: CWC

Date & time	11/01/2016, 6:30 pm	Venue	Convent School, Darjeeling
Participants	Child Welfare Committee (CWC) Sister Sudeshna (Executive Member)		
Contents	<p>Background of the victims</p> <ul style="list-style-type: none"> ✓ Large family's with disturbed family life like: <ul style="list-style-type: none"> • father having extramarital affair, • mother has eloped, • single parent ✓ Economically weak, unable to afford even two times meal in a day ✓ Majority of victims are girls between the age of 13-16 years however boys also get trafficked but the ratio is on the lower side <p>Challenges</p> <ul style="list-style-type: none"> ✓ Cases are reported by families under the category of 'missing child' or 'kidnapping' and not under the category of 'trafficking', and this is solely because until the victim is found and he/she has given their statement the details will be unknown ✓ It is difficult to find anyone from the community itself, who can accompany with the victim's family to get the First Information Report (FIR) done ✓ Sending children back to their own homes without proper counseling and support services like quality education and healthy livelihood, keep chances open for them to get re-trafficked ✓ Parents of the trafficked children belonging from the tea garden belts do not come for rehabilitation sessions, even if they are asked to do so. <p>Recommendations</p> <ul style="list-style-type: none"> ✓ No Short stay home for rescued victims ✓ Require proper counseling measures. Lack of proper counseling of the rescued children and their families, further leave the child with the similar degree of vulnerability to run away from home ✓ Implementation of policies and laws are limited to paperwork. All the legislated provisions on child protection should be executed properly ✓ Integrated Child Protection Scheme (ICPS) takes longer time (2-3years) to reach villages, hence NGOs are expected to roll out the ICPS according to their guidelines ✓ NGOs working with the child trafficking should be capable to provide support services (mentioned as above) to these children once they are rescued ✓ Follow ups after re-integration must be ensured ✓ Families of the victims need to be counseled ✓ All the child protection home to follow the Juvenile Justice Act purviews and get each and every child certified 		

Minutes of the Meeting 14: Duars Express Mail

Date & time	11/01/2016, 12:30 pm	Venue	Duars Express Mail Office, Jalpaiguri
Participants	Duars Express Mail, Raju Nepali (Director)		
Contents	<p>Prevention Strategies</p> <ul style="list-style-type: none"> ✓ Awareness programmes in colloquial language while getting friendly and thereby get engaged with the community. Components of engagement includes: <ul style="list-style-type: none"> • Stories • Plays/Drama • Speech <p>Background of victims</p> <ul style="list-style-type: none"> ✓ Majority of victims are minor girls between the ages of 8-13 years. ✓ Women at the age group of 25-30 years, has also been found missing <p>Modus Operandi</p> <ul style="list-style-type: none"> ✓ Missing reports of children and women have helped identified tea gardens run by the Goodricke company are prone to trafficking ✓ Love and Attraction has been found to be the major trap for trafficking in adivasi (tribal) culture ✓ In most cases victims were imported to NCT Delhi, Gujarat, Maharashtra, Himachal Pradesh ✓ It has been found that in Bengaluru, Chennai and Delhi, the trafficked victims are mostly engaged into Massage Parlours <p>Challenges</p> <ul style="list-style-type: none"> ✓ Communities are not aware about their existing rights ✓ Negligence within the government departments to implement sanctioned schemes for the communities ✓ There is no shelter home for children in the Odlabari area ✓ No leveraging of funds for rescue operations ✓ Many times, the outreach members has to wait in the police station for longer hours and thereafter has to return with no supportive actions provided ✓ Rescued Victims do not want to stay back at home due to 2 reasons: <ul style="list-style-type: none"> • The families has to live a stigmatized life • The unchanged economically weaker and Socially vulnerable conditions, genuinely pushes them not to stay back <p>Plight of the Victims</p> <ul style="list-style-type: none"> ✓ Sexually exploited by traffickers and their neighbouring known groups <p>Recommendation</p> <ul style="list-style-type: none"> ✓ Skill building of similar nature as suggested by the Sashastra Seema Bal (SSB) 		

Minutes of the Meeting 15: SDPO

Date & time	11/01/2016, 11:00	Venue	Sub Divisional Police Office, Malbazar, Jalpaiguri
Participants	Malbazar Jalpaiguri Sub Divisional Police Officer (SDPO) KII: Shri N.N Bhutia, SDPO, West Bengal Police (since 03-03-2014)		
Contents	<p>Background of trafficked victims</p> <ul style="list-style-type: none"> ✓ According to home investigation reports, most of the victims are from tea garden belts ✓ The daily wages of tea garden workers are Rs 130/-, thereby making the children from these communities more vulnerable in getting trafficked ✓ Further lack of employment opportunities and dire poverty in these belts push children towards relying on unknown agents, who make promises of better salaried employment opportunities. In this way, escalating channels for unsafe migration and trafficking in particular ✓ In majority of cases the trafficked victims are in the age group of 10-14 years <p>Modus Operandi of trafficking in Jalpaiguri</p> <ul style="list-style-type: none"> ✓ According to the police, till the time the victims receive their promised salaries from the particular jobs provided by the trafficker, they do not try to escape the traffickers catch. However, the moment there is discrepancies in earning the salary, or there is no flow of money, they tend to run away and come back to the families. This is purely based on the fact that with the hope for a better life for themselves and their family they chose to step out with the trafficker ✓ Once traffickers were also victims, this gives them idea of the internal social and economic vulnerabilities of the communities present here ✓ Placement agencies from other states have traffickers present here in disguise of agents who are involved in taking away both boys and girls in the promise of employment opportunities ✓ There is no exact statistics available on the ratio of boys and girls got trafficked ✓ Most of the victims are found to be trafficked for domestic servitude ✓ So far, the SDPO has come across 70-80 cases of trafficking since his tenure in 2014 ✓ Most of the traffickers were found to be from Delhi <p>Adopted Strategies to prevent trafficking</p> <ul style="list-style-type: none"> ✓ Mapping the traffickers ✓ Sensitizing communities through awareness programmes conducted by NGOs ✓ Sharing with communities the experiences of the victims from the victims himself ✓ Follow ups with the victim's family after re-integration are performed by the NGOs, however very rare. <p>Involved Challenges</p> <ul style="list-style-type: none"> ✓ So far suggestion were provided to communities on Dos and DONTs for making them aware on traffickers, however no concrete actions have been taken to solve their economic crisis, which prompts child trafficking. ✓ Every time there is a change of the nodal police personnel appointed to deal with child protection and specific to trafficking cases, the uncertainty of not being able to be equally accountable like his predecessor pertains 		

Recommendations for state governments for prevention of trafficking

- ✓ There is a need to increase in the daily wage of the tea garden workers, from current wage rate of Rs. 130 to a reasonable amount of Rs. 230-250. Rise in the wage rate will genuinely push the communities in fulfilling their daily ration and other basic necessities, thereby leaving lesser possibilities in the mind of the people to migrate to other places for better salaries. This eventually will reduce the chances of the children from vulnerable families getting lured to unsafe job and befriending proposals and get trafficked
- ✓ Generating 100 days employment opportunity within the Mahatma Gandhi National Rural Employment Guarantee Act 2005 (MGNREGA) for the unemployed tea garden workers
- ✓ As families do not encourage children to continue their secondary education and children are also not willing to go for education beyond class 10th above, and choosing some or the other forms of income to support their families, hence, providing vocational skill trainings may help
- ✓ The state of NCT Delhi should appoint one nodal authority in Delhi, who can be contacted directly while dealing with trafficking cases. So far, either the police personnel's had to contact Shakti Vahini and other organizations while investigation
- ✓ Frequent training of police personnel's on how to sensibly deal with child trafficking cases, following the legal boundaries, are needed.

Minutes of the Meeting 16: Humming Bird Trust

Date & time	14/01/2016, 7:00 pm	Venue	Pan Asia Hotel, Kolkata
Participants	Humming Bird Trust KII: Mr. Rajiv Kumar Roy (Lead- India Programme)		
Contents	<p>About the Trust</p> <ul style="list-style-type: none"> ✓ It was established in the year 2007 by the Mathias family ✓ Aimed to provide a formal vehicle through which to implement the family's philanthropic aims. In addition to learning about the responsibility that accompanies wealth, the aim of setting up Hummingbird was to encourage the family. They wanted to build something together that would achieve a significant social goal in a way that combined their passion with strategic professionalism. ✓ Major focus of the trust is to support community action in combating trafficking in the 24 North and South Paraganas in West Bengal. ✓ The trust primarily focuses on research as the major component of preventative initiative. It has been conducting data collection in the above mentioned districts, to understand the incidence and depth of the problem. Thereby, planning to initiate long term intervention programmes to prevent trafficking ✓ Engaging men and adolescent boys (12-18 years) to end violence and discrimination against women and girls ✓ One of the significant research works of the trust was conducted in partnership with Dasra ✓ Earlier it has also been associated in the Kamonohashi project, in studying the situation of the child sex trafficking ✓ The trust has collaborated with Equal Community Foundation at building the capacity of 20 organizations based in West Bengal over a period of 3 years to start engaging boys and men to end violence and discrimination against women and girls. Ultimately, the efforts of these organizations to involve men in their work will contribute to the prevention of trafficking of women and girls <p>Key Principles of the Trust</p> <ul style="list-style-type: none"> ✓ Operational plan to be inclusive and of participatory nature to understand the degree of the problem faced by the communities ✓ Focus on prevention of trafficking of girls ✓ Idea to create an intervention model at first, test it, check the scalability and do the impact evaluation study, in both the 24 North and South Paraganas. If the model proved to be reliable in the above 2 districts, it is to be implemented in other districts as well. ✓ Intervention model to have holistic integrated approach. ✓ Focus on creating empirical evidences ✓ Internally in-built Monitoring and Evaluation Component. ✓ Analyze the broader indicators channelizing for trafficking to take place <p>Modus Operandi</p> <ul style="list-style-type: none"> ✓ There has been shift in the purpose of trafficking: Earlier the major objective of the trafficking was commercial sex-work. However, now trafficking happens in the form of child labour, domestic labour, marriage ✓ Earlier: forced/early marriage, where alliance were known to the family ✓ In present context: the shift has been to child (13-17years) initiated marriage. Ex: adolescent girls getting lured easily in the trap of traffickers. Agencies include: love and attraction through social media websites, mobile phone 		

	<p>(traffickers buy SIM cards, do recharge and give it to the specific person they are trapping)</p> <ul style="list-style-type: none"> ✓ It has been observed, that in last few years girls are being trafficked to Bangladesh from India and from there to gulf countries as compared to the earlier context, where girls from Bangladesh were trafficked to India ✓ States like Haryana, Western Uttar Pradesh, Punjab, and Jammu & Kashmir are the major zones, where both trafficked girls and boys are taken to <p>Gap in the legal framework</p> <ul style="list-style-type: none"> ✓ Act is vague and poor in terms of defining the functionality of the provision ✓ There are other Acts, that has components of trafficking included in it, however, a legislation with comprehensive focus specific to trafficking is lacking ✓ FIR's of the cases on trafficking are poorly registered by the police. Terminologies used and efforts made to shape up a First Information Report in a particular case, depends upon the police personnel's beliefs, understanding, and available resources in terms of time and location. Most of the time they are confined within their comfort zone. In otherwords, making cases weaker that they get dismissed on the first day of hearing in the court itself. <p>Gap in crime statistics</p> <ul style="list-style-type: none"> ✓ The statistics of crime on trafficking available with the National Crime Records Bureau (NCRB) varied from the data obtained by one of the organizations, functioning very intrinsically with both the 24 North and South Paraganas. While the NCRB indications suggests 472 children were trafficked, the data for the local organization indicates 400 cases in 23 blocks) <p>Discrepancies in available support services</p> <ul style="list-style-type: none"> ✓ Unavailability of one specific scheme, providing comprehensive support services ✓ Schemes like Ujjwala, Integrated Child Protection Scheme, Sabla, and Kanyashree (West Bengal Govt.) are there but neither their reach nor their implementation has been given required attention ✓ Rolling out the compensations to the victim takes 2-3 years. Moreover, the compensation is in terms of money only, not based on the injustice happening with them. ✓ In West Bengal, Kanyashree has been able to retain girls from early marriage and school dropout rates ✓ Compensation received by the girls at the end of the year is huge on these grounds, and for a person belonging the economically vulnerable household, it is a sense of motivation <p>Challenges at Implementation Level</p> <ul style="list-style-type: none"> ✓ 'The erosion of Trust' is the constraint between the Government and the civil society. For govt. the latter are lower- miniscule functional units, while the latter consider govt. as corrupted system. ✓ Government is not flexible enough to risk innovative implementation plans ✓ Lack of evidence (statistics and qualitative data), is preventing government in making strategic recommendation. <p>Recommendations</p> <ul style="list-style-type: none"> ✓ Government need to invest more on research. For example: the Ministry of Women and Child Development conducts 9-10 research per year, however they are not published. The primary reason behind these remains that the
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	<p>research works are solely conduct to 20ulfil certain target of the ministry. Further there is huge uncertainty that the final reports of these research would be formulated</p> <ul style="list-style-type: none">✓ Need to conduct impact assessment of the available schemes on the present context✓ Government need to engage in private players and corporates for the above assessments, as corporates have already in-built capacities to evaluate, develop, propose, and promote required support services in terms of skill building, marketing linkage, and collaboration with other CSR partners
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Minutes of the Meeting 17: Sanlaap

Date & time	15/01/2016, 3:00 pm	Venue	Sanlaap Office, Kolkata
Participants	Sanlaap KII: Mr. Pinaki Ranjan Sinha (Executive Director), Ms Tapoti Bhowmick		
Contents	<p>General Information</p> <ul style="list-style-type: none"> ✓ Trafficking cases has increased in West Bengal ✓ Incidence of cases reported on trafficking, have also gone up ✓ Majority of victims are girls <p>Modus Operandi</p> <ul style="list-style-type: none"> ✓ There has been a huge shift in modus operandi for human trafficking in West Bengal ✓ Earlier trafficked victims were tortured violently, if they disagreed to act as per the traffickers instructions. However now, the traffickers have changed their strategies to roll out their activities. As the victims come from economically weaker families, the traffickers try to identify the day-to-day needs and fantasies of the targeted victims and fulfill them. By doing so, they are escalating a trap, which the victim is unwilling to move out ✓ For example: victims being targeted as well as trapped for commercial sex work, are lured by providing high tech- mobile phones, good clothes, scooters etc. by the brothel owners, which otherwise the victims would not have access to, had they been with their families ✓ Nowadays, trafficking largely takes place with the purpose of smuggling, forced labor and sexual exploitation, as compared to the earlier scenario where victims were largely trafficked for sexual exploitation ✓ According to the investigation conducted by police, it has been found that in last 2-3 years, girls from India are trafficked to Bangladesh. And in most of the cases the traffickers chose Bangladesh as a transit country to import victims to Dubai and Middle East countries, because the migration laws seems to be less strict as compared to India ✓ Last year around 17 cases of girls being trafficked to Bangladesh came into observation, however Sanlaap could trace and rescue only one of the victims <p>Challenges faced during Rescue and Post Rescue phase</p> <ul style="list-style-type: none"> ✓ Organizations are not capacitated enough to deal with the ideology of the victims who really wants to go back from where they are rescued ✓ Though there are few selective red light areas, however now the network for commercial sex-work has started developing in private houses, hotels, spa, and even beauty clinics ✓ Seasonal migrants from Jharkhand and Chhattisgarh for foot labour are the most unsafe form of migration leading to trafficking for sexual exploitation. It is very difficult to identify, rescue and rehabilitate such migrants who come for seasonal work ✓ As a mandate to the MoU signed between West Bengal and Maharashtra, victims from Bangladesh rescued in either of the states are not allowed to be kept in shelter homes. However, due to the assimilation of same language, the Bangladeshi victims would hide their real identity and stay back with the shelter homes. Later on organizations running the shelter home faces legal hassles, if the truth is disclosed thorough investigation ✓ Legislation were created for All West Bengal Task Force repatriation operation framed in 1999, however, it got operational in the year of 2014 <p>Gaps in Legal Framework</p> <ul style="list-style-type: none"> ✓ Law enforcing agencies have problem, implementing the legislated Acts 		

	<ul style="list-style-type: none"> ✓ These agencies are more comfortable in implementing provisions under Indian Penal Code (IPC) and give little or no focus on the created special Acts like Protection of Child from Sexual Offence (POCSO), Juvenile Justice (JJ) ✓ In fact, JJ Act and POCSO is not popular, police personnel's are not aware how to situationally implement them in trafficking based cases ✓ The rescued victims are presented before the district magistrate foremostly, than to the Child Welfare Committee <p>Gaps within Government</p> <ul style="list-style-type: none"> ✓ Lack of match between the policy-makers set of ideologies and the real grassroot systematic implementation work ✓ More flexibility required in policies <p>Gaps in Rehabilitation</p> <ul style="list-style-type: none"> ✓ In Integrated Child Protection Scheme, not a single term has been mentioned on rehabilitation of children ✓ There is only one scheme for retaining girls to trafficking in West Bengal, i.e. Kanyashree. However, rescued girls from the shelter homes could not avail this scheme, due to their inability to produce the birth registration certificate. Schools also deny providing admission to girls without the birth registration certificate. Hence government needs to provide attention towards the loopholes in the mechanism itself. <p>Recommendations</p> <ul style="list-style-type: none"> ✓ Rethink on the rehabilitation strategies, keeping focus on how the mental health of the victims could be improved ✓ Explore the potential of the rescued victims and develop space for age and individual specific rehabilitation support services. For example provide comprehensive support services like education, medical care, regular counseling, skill building and counseling of the communities. However, there should be multiple skill building options, like block printing, stitching, and etc. So that if someone is more interested to learn a particular skill, may pursue for income generation. Sanlaap works in cooperation with Ramakrishna Mission, so that the girls could be fixed up with units that has agency for the particular skill. Such intervention models are aimed at re-integrating the victims back to the society, where they are able to protect themselves from being vulnerable and re-trafficked ✓ Change in attitude required in the operation of the correction and shelter homes ✓ Ministry of Home Affairs should recommend in-depth orientation of the special acts related to child protection, in the refresher courses of training of Police, Army, Border Security Force, in order to develop their conceptual clarity and make them aware of the child protection mechanism ✓ Trainings should be a continuous component to facilitate knowledge transfer ✓ We have always been critical of the police and their inability to implement legislations; however the fact that even the judiciary have never been sensitized and initiated in any social orientation were never questioned. In trial courts, there is no maintenance of confidentiality in cases related to children. Hence, the prosecutors and the police should be sensitized enough how to present and deal with cases of above nature with utmost sensitivity. ✓ Mobility is required to prevent child trafficking. The government should go beyond the old support strategies to provide food, and clothes ✓ Advocacy is required
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Minutes of the Meeting 18: Sanjog

Date & time	16/01/2016, 10:00 am
Participants	Sanjog KII: Mr. Roop Sen (Secretary and Technical Advisor)
Contents	<p>General Information</p> <ul style="list-style-type: none"> ✓ West Bengal is the poorest implementer of Centrally Sponsored schemes ✓ Working with the vulnerable age group 14yrs-18yrs is most important ✓ Law and policies are changing <p>Gaps in Legal Framework</p> <ul style="list-style-type: none"> ✓ The current framework to address issue of trafficking is ineffective and needed major shift. ✓ Government (Ministry of Women and Child Development) has constituted a committee which is different from Central advisory committee and is currently looking in to the policy and legal gaps and soon come up with the recommendation. ✓ There has been numerous challenges faced in accessing legal aid service by the victim and this in result poor conviction rate. ✓ Law should be effective to check unsafe migration which in result in maximum number of trafficking cases. <p>Gaps within Government</p> <ul style="list-style-type: none"> ✓ Lack of proper data on the number of trafficked victims. NCRB is not the best data source to ascertain total number of victims. As NCRB only cite reported incidences and there are many examples where the cases doesn't get reported. ✓ Policies like UJWWALA scheme need to be monitored and sending victim to the rehabilitation is not the ultimate solution. ✓ There are no clarity about the different ministries/department of the government and there are numerous challenges faced in intergovernmental coordination and this result in ineffective implementation of policies and schemes. ✓ Role of Ministry of Panchyati raj and rural development should be clearly defined as they are one of the key departments which provide access to livelihood opportunities at rural level. ✓ Government department and officials lack technical expertise <p>Gaps in Rehabilitation</p> <ul style="list-style-type: none"> ✓ The service provider at the protective home need proper training as it is one of the key area which has not been addressed so far. ✓ Vocational skill based training need to provided with mindful decision while keeping in view the opportunities available at the place of origin of the victim and therefore providing single window of vocational training is not the key to success. For eg: providing tailoring classes to the victim during their stay in the home may not be profitable to continue with the same once the victim is repatriated to their families. <p>Recommendations</p> <ul style="list-style-type: none"> ✓ We are in the process of preparing policy draft and new law to address the gaps in the existing practices to prevent and combat trafficking effectively. ✓ Government is considering to set up "Organized Crime Investigating Agency" (OCIA) which will work like Central Bureau of Investigation and link all the existing AHTU's to it. This is a major step forward in addressing

	<p>the issue of trafficking provided government will provide its support and resource to set it up.</p> <ul style="list-style-type: none">✓ AHTU's in India should be provided with more resource and committed staff.✓ The training of Law enforcement officers should be a continuous process and it should be based on practical experiences and challenges.✓ Training of judiciary and public prosecutor is important and key to increase the conviction rate in India.✓ Strategies should be made to meet with intergovernmental coordination problem.✓ There should be a convergence model where all the scheme and policies of govt. should target at providing overall care and support to address the issue of trafficking.
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Minutes of the Meeting 19: DWCD

Date & time	18/01/2016, 12:00 pm	Venue	Department of Women and Child Development, Kolkata
Participants	Department of Women and Child Development, Directorate Child Rights and Trafficking KII: Ms Richa Mishra, Director Child Rights and Trafficking		
Contents	<p>Child Protection system in the State of West Bengal</p> <ul style="list-style-type: none"> ✓ West Bengal has 49,700 Gram Sansads (village level administrative units) ✓ UNICEF and Save the Children has been working with the state government for conducting trainings and developing a framework model for prevention of child trafficking ✓ District Child Protection Society (DCPS) has been actively functioning and organizing workshops for the local communities every year ✓ 19 Shelter homes has been functional, under the government banner in the state of West Bengal ✓ Government run shelter homes in the state are functioning within the MUKTI AALO framework ✓ Presently the government is rolling out trafficking prevention strategies on pilot basis, in 24 North and South Paraganas ✓ A new scheme is about to be launched by the government in the month of February to provide certain support services to the rescued victims of trafficking ✓ Further, 40 shelter homes are registered with NGOs working in the state and are functioning effectively <p>Challenges with the AHTU</p> <ul style="list-style-type: none"> ✓ A new anti-human trafficking task force has been set up by the West Bengal State Government, to stop trafficking of girls and rehabilitate the survivors. Christened as `3R`, the task force consist of police and Crime Investigation Department officials, representatives from the Bangladesh Deputy High Commission in Kolkata. The major challenge with this initiative lies in the fact that the despite being one of the major platform for discussion of all the convergence issues on trafficking, the quarterly meeting of the task force: <ul style="list-style-type: none"> • is either not conducted regularly (timely), or • all the appointed members are not present together, in the meetings with their stratified agenda's for discussion ✓ Lack of fixed nodal appointments in district and state, who could be contacted for collecting information of the victims and their communities ✓ Further, the transfer of nodal officers at state level, creates uncertainty of the fact, that whether the same attention would be given on respective cases, as they were dealt by the predecessors <p>Challenges with the Government</p> <ul style="list-style-type: none"> ✓ Lacking manpower and other resources at government run shelter homes. Most of the homes have been running with half of required number of staffs <p>Recommendations</p> <ul style="list-style-type: none"> ✓ Help the state with aftercare issues ✓ Generating awareness among communities at block, district, institution and state level about the available state government support service schemes like Kanyashree for girls, specifically those from socio-economically disadvantaged families, to improve their status and wellbeing, through Conditional Cash Transfers by: 		

	<ul style="list-style-type: none"> • Incentivizing girls to continue in education for a longer period of time, and complete secondary or higher secondary education, or equivalent in technical or vocational streams, thereby giving them a better footing in both the economic and social spheres • Dis-incentivizing marriage till at least the age of 18, the legal age of marriage, thereby reducing the risks of early pregnancies, associated risks of maternal and child mortality, and other debilitating health conditions, including those of malnutrition • It was also decided that the Scheme should confer more than just monetary support; it should be a means of financial inclusion and a tool of empowerment for adolescent girls. The scheme's benefits are therefore paid directly to bank accounts in the girls' names, leaving the decision of utilization of the money in their hands • To reinforce the positive impact of increased education and delayed marriages, the scheme also works to enhance the social power and self-esteem of girls through a targeted behaviour change communication strategy. The communication strategy not only builds awareness of the scheme, but includes adolescent-friendly approaches like events, competitions and Kanyashree clubs, and the endorsement of strong women figures as role models to promote social and psychological empowerment <ul style="list-style-type: none"> ✓ To make functioning of the Child Protection Committees in the state active in raising awareness and address the issue of child trafficking ✓ State has financial capacity to improve child protection initiatives however it lacks technical expertise. Hence, rigorous technical assistance is required from civil society and other development organizations ✓ Required strategic interventions in shelter homes for shaping the ideologies of the staffs and making the functioning of the homes more sociable both at pre and post rescue of victims. Focus to be given in developing a framework, where rescued victims are provided with choice to select a skill of their interest that could be later taken up for earning their livelihood ✓ Even though Integrated Child Protection Scheme has been functioning centrally, develop district-wise model shelter homes that would include, regular childcare plans like: <ul style="list-style-type: none"> • Proper health check ups • Nutritious food • Age-specific vocational trainings from early age, if a child is not willing to continue with formal education ✓ The main agenda behind developing such a strategic intervention is to re-integrate the victims back to the society, with a sense where they could establish an identity of their own.
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Minutes of the Meeting 20: CINI

Date & time	18/01/2016, 4:30 pm	Venue	CINI office, Diamond Harbour
Participants	Child in Need Institute (CINI) KII: Mr. Rajib K. Halder (Additional Director)		
Contents	<p>About the organization</p> <ul style="list-style-type: none"> ✓ CINI was founded in 1974 in Kolkata ✓ It works with central and state government, national and international donors, non-government organizations' and local communities to strengthen the capacity of deprived children and women. ✓ The 2 major verticals of the organization for intervention includes: <ul style="list-style-type: none"> • Maternal and child health (Prevention of HIV, enrolling Integrated Child Development Scheme (ICDS)) • Education and child protection (child trafficking, child abuse, sexual violence on children) ✓ Each vertical includes: <ul style="list-style-type: none"> • Quality controlled Child Friendly Schools (CFCs) • Knowledge management units • Technical assessment unit • Capacity building staffs ✓ The organization promotes education through CFCs which are non-formal coaching centres. These centres are focused on girls belonging from vulnerable families or either have been victims of trafficking. The purpose behind construction of such centres lies in reintegrating the victims back to the regular schooling ✓ Child protection initiatives of the organization is focused upon 2 perspectives: <ul style="list-style-type: none"> • Community counselling • Victim assistance <p>Intervention strategies for prevention of child trafficking</p> <ul style="list-style-type: none"> ✓ Extends coverage to over 5,000 children through institution-based services and 21,500 children through community-based services ✓ Conducts evidence based research in mapping cross border trafficking in West Bengal and also provides support services for children who are vulnerable to abuse, exploitation and trafficking in the metro areas of Kolkata through CINI Urban Unit and Siliguri through CINI North Bengal Unit, and in the districts of Murshidabad through CINI Murshidabad Unit, North Dinajpur and Jalpaiguri through CINI North Dinajpur Unit, in South 24 Parganas through CINI Diamond Harbour Unit and in Khunti District through CINI Jharkhand State Unit ✓ Runs 4 child protection centres, as per the Juvenile Justice (JJ) provisions and capacitated to run 6 ChildLine at railway stations in Kolkata ✓ Partnership with local service providers like gram panchayat, sansads and police in all the districts, has been the major agenda of CINI for generating awareness among the communities and working together in a convergent way in villages, slums, lanes for promoting gender equity ✓ Training and capacity building of local service providers ✓ Addressing the vulnerabilities of the children from economically weaker and socially vulnerable families with: <ul style="list-style-type: none"> • Making available proper food and nutrition through the ICDS • Encouraging families to register birth of the children 		

In otherwords, CINI is trying to develop a scalable holistic model to combat social vulnerabilities, that forms to be the root-causes for trafficking

Modus Operandi

- ✓ Earlier, majority of the trafficked victims were above the age of 18 years. However, as per the investigation reports of the trafficking cases in last 5 years, it has been observed that majority of the trafficked victims are children.
- ✓ Befriending with victims through social networking sites and mobile phones are the 2 approaches of the traffickers
- ✓ In West Bengal, about 62 percent of trafficking cases are girls eloping at a minor age for the pretext of marriage

Gap within the Anti Human Trafficking Unit (AHTU)

- ✓ Sedentary functioning of the police within the AHTU. Lacks required determination and inquisitiveness for case management and investigation
- ✓ Non-availability of data on repatriation of rescued victims. Even among the available data 90 percent are fake records

Gap within the Government Child Protection System

- ✓ Lack funding in the Integrated Child Protection Scheme (ICPS)

Recommendation

- ✓ To bring Sub Divisional Police Office within the AHTU
- ✓ To converge the ChildLine Programme with the AHTU and leveraging of the human resources in the programme
- ✓ To strengthen law enforcing agencies
- ✓ Preventive strategies for trafficking should be including components beyond one-way training and workshop sessions. Approach of trainings to be process driven, involving action, learning and capacity building
- ✓ Approach of ICDS to be replicated for the Integrated Child Protection Scheme (ICPS)
- ✓ National Crime Records Bureau (NCRB) to upload data including profiling of traffickers. Collaborations to be formed with NGOs in this context, for assembling more information
- ✓ Develop a frontline model for rescue, repatriation and reintegration of the victims
- ✓ In order to formulate policies with more holistic approach, developing a stringent association between the District Magistrate, Block Development Offices, and the District Child Protection Offices is required
- ✓ To focus attention on research and innovation for vulnerability assessment

Minutes of the Meeting 21: AHTU

Date & time	19/01/2016, 2:00 pm	Venue	AHTU Office, Kolkata
Participants	Anti-Human Trafficking Unit (AHTU) KII: Smt. Sarbari Bhattacharya (OC, AHTU) Crime Investigation Dept., West Bengal		
Contents	<p>General Informal</p> <ul style="list-style-type: none"> ✓ According to the National Crime Records Bureau (NCRB) data, West Bengal is indicative of one of the worst trafficking prone states in India ✓ The state is both the source and transit point for trafficking activities ✓ Bongaon, Basirhat, 24 North and South paraganas, Murshidabad, Jalpaiguri, Siliguri, Darjeeling are the transit points for trafficking ✓ Trafficking of both minor boys and girls are common: <ul style="list-style-type: none"> • Boys are trafficked mainly for the purpose of child labour • Girls are trafficked for commercial sex work and domestic servitude • Victims are at the age group of 12-18 years ✓ In majority of cases families are responsible for the children getting trafficked. The susceptible economic and social family backgrounds force them to break free from those settings and land up exploited under the lucrative offers in the name of jobs and marriage proposals <p>Challenges faced by the police</p> <ul style="list-style-type: none"> ✓ First Information Records (FIR) by the victim's family are lodged under the purview of 'missing' or 'kidnapped' ✓ Cross-border trafficking cases involving victims from countries like Bangladesh and Nepal are more complex in nature as often victims are misidentified as residents from West Bengal, due to their similar physical appearance and language. In other words, while these victims are rescued they portray themselves as mentioned, however after conducting thorough investigations in later stages real identities of the victims are found to be different from their provided statements ✓ Victims are found to be disinterested to return back to their families. The fact that they are able to eat good food, buy expensive accessories, clothes, high-tech mobile phones, etc. lure them to bend in front of the exploitative conditions ✓ Also, the traumatic experiences faced by the families also force them to reject the victim, if they return home. Hence, even after restoration both the mentioned causes are equally responsible and leaving heavy chances for the victims to get re-trafficked ✓ Due to lack of evidence about the major goons responsible for escalating the trafficking rackets, while investigation and post-rescue only mediators engaged in the rackets are identified and presented for conviction. Almost leaving negligible chances for them to get convicted <p>Gap within the child protection framework</p> <ul style="list-style-type: none"> ✓ Lack of resources in terms of manpower, infrastructure (separate office), logistics for the AHTU ✓ Lack of any structured mechanism/provision within the police stations for maintaining records of the recovered victims ✓ Lacking precise sensitization initiatives with particular local communities, post-rescue of victims ✓ Though the shelter homes have livable resources in terms of availability of meals, clothes, medical facilities, however they are guided under certain 		

	<p>rigorous mandates, making the social conditions almost equal to prison/jail. Thereby, laying space for the rescued children to runaway</p> <p>Recommendations</p> <ul style="list-style-type: none">✓ Strengthen the AHTU with:<ul style="list-style-type: none">• Manpower• Logistics support• Office set up• Vehicles✓ Public prosecutors dealing with trafficking cases have no sensitivity and lack knowledge on specific provisions that can be applied for conviction of traffickers. Leaving rare chances for the traffickers getting convicted or otherwise prevailing way for easy bail. In many of the cases :<ul style="list-style-type: none">• victims have been purchased• victims have been murdered• their family got purchased <p>Hence, it is utmost necessary for the judiciary and the public prosecutors to be sensitized</p>
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Minutes of the Meeting 22: CID

Date & time	19/01/2016, 3:00 pm	Venue	
Participants	Criminal Investigation Department, Kolkata KII: Shri. V. Kr. Goyal, Inspector General of Police (IPS)		
Contents	<p>General Information:</p> <ul style="list-style-type: none"> ✓ Anti Human Trafficking Unit (AHTU) is functional at state-district-village level ✓ Effective law and order management ✓ Remote areas are more vulnerable for child trafficking ✓ Traffickers continue develop new strategies to traffic victims, therefore identifying the victims of trafficking becomes challenging <p>Challenges with the police</p> <ul style="list-style-type: none"> ✓ Police stations are confined within a perspective area and with limited manpower, hence to follow up in cases situated 150-200 km's away is a rigorous task. Thereby receives not as much of attention ✓ Verification procedure of the victims and their families takes a much longer time as the police stations are curbed with multiple cases, hence officers are unable to offer undivided attention for a specific case on trafficking monitored with the anti-trafficking provisions <p>Preventive strategies</p> <ul style="list-style-type: none"> ✓ If cases get mobilized timely, there are greater chances of sensitization happening at faster speed with the police persons ✓ Identify the vulnerable localities for trafficking ✓ Organize aggressive campaign for generating consciousness among the communities <p>Recommendations</p> <ul style="list-style-type: none"> ✓ Strengthen local police stations ✓ Introduce provision to form Aadhar cards for shelter care victims 		

Minutes of the Meeting 23: UNICEF

Date & time	2/02/2016	Venue	NCTD
Participants	United Nations Children’s Emergency Fund (UNICEF) KII: Miho Yoshikawa, UNV Child Protection Officer		
Contents	<p>Guiding Principles and Mandate:</p> <ul style="list-style-type: none"> ✓ UNICEF is guided by the Convention on the Rights of the Child (CRC); ✓ In India, UNICEF’s programme to support Child Protection System is aimed strengthening the systems at national, state, district, and sub-district levels through the roll out of the Integrated Child Protection Scheme (ICPS) ✓ Measures are aimed at preventing the trafficking of children include increased educational opportunities for disadvantaged children, particularly girls; support to families at risk, appropriate social welfare, training of law enforcement officials and judicial authorities. It is also essential to raise awareness of the media, communities and families on the rights of child victims of any form of trafficking. ✓ Child victims of any form of trafficking require special protection and need to be treated with respect and in a manner consistent with their age and special needs. They are entitled to legal protection and to help integrating back into their communities. ✓ If children are used as witnesses, officials should secure their testimony in a manner that does not re-traumatize them and ensures their protection throughout the criminal proceedings and beyond as necessary. ✓ States should ensure that parents are provided with the necessary legal aid and financial assistance for a child's participation in legal proceedings. ✓ States should ensure that child victims have access to assistance that meets their needs, such as legal aid, protection, secure housing, economic assistance, counseling, health and social services, physical and psychological recovery services and that they are not discriminated against. Special assistance should be given to those who are suffering from HIV/AIDS. Emphasis should be placed upon family and community-based rehabilitation or placement in foster families rather than institutionalization. ✓ Children should be given an opportunity to express their views, particularly within the framework of any administrative or judicial proceeding affecting them; and no child should be discriminated against, including on the basis of gender, national or social origin. This is consistent with article 2 and 13 of the CRC. ✓ Efforts against trafficking should be aimed particularly at preventing vulnerable groups of children from becoming victims. While it is true that boys are increasingly involved in child prostitution and child pornography, girls comprise the majority of victims. Gender discrimination can place girls at greater risk of sexual exploitation, and also creates specific needs for their rehabilitation. <p>Focused strategies for addressing Child Trafficking</p> <ul style="list-style-type: none"> ✓ Raising awareness about the problem; ✓ Providing economic support to families; ✓ Improving access to and quality of education;and ✓ Advocating for the rights of the child. 		

Strategies to strengthen the Child protection System:

1. Develop Human Resources for Child Protection, focusing on mid-level cadres, which includes:
 - Facilitate development of a framework for Child Protection social workforce development
 - Develop core trainer groups in states
 - Develop standardized training modules
2. Improve quality of Child Protection Services
 - Set standards for services through Standard Operating Procedures, guidelines, pilot models of functional structures like Special Juvenile Police Units (SJPU), Special Courts etc.
 - Enhance monitoring and supervision of ICPS, JJA and Protection of Children from Sexual Offences Act (POSCO) through the judiciary and Commissions for Protection of Child Rights
 - Strengthen medical sector's capacity to respond to violence against children
3. Community-based protection mechanisms
 - Support formation and strengthening of community based structures from village, block and district level
 - Support the synergy of structures with other community structures like Panchayati Raj Institutions, School Management Committees etc.
 - Build referral linkages with child protection services
 - Develop safe communities model in two cities
4. Strengthen data systems for Child Protection
 - Create prototype and roll out on ICPS scorecard to advocate for greater investment in the quality of Child Protection Management Information Systems (CPMIS)
 - Generate, analyze and use data to advocate for policies and programmes to strengthen child protection systems

Globally Adopted Measures

- A proposed UN Convention on Transnational Organised Crime is now being drafted with a special protocol on trafficking. UNICEF has emphasized the importance of not criminalizing the victims of trafficking; children, who are the victims, must be protected. Similarly, where children are trafficked, particularly when they find themselves in an unfamiliar country, the first priority must be to treat them in an environment which fosters the health, self-respect and dignity of the child (as outlined in the CRC).
- UNICEF supports major studies of trafficking that are taking place around the world, including a study of trafficking in the NAFTA region underway at the University of Pittsburgh.
- UNICEF provides input to "The Global Programme Against Trafficking in Human Beings", a three-year study undertaken by the United Nations Office for Drug Control and Crime Prevention. It focuses on the role played by organized crime, trafficking patterns, the nature of the criminal syndicates involved, the role of corruption, the impact of clandestine migrant communities, the trafficking of women and children for purposes of forced/exploitative labour, commercial sexual exploitation and unlawful

	<p>adoption. UNICEF is concerned to ensure that the human rights aspects of the issue are not overwhelmed by the study's focus on the criminal aspects.</p> <ul style="list-style-type: none"> ➤ In the Asia and Pacific Region, UNICEF is a partner in a number of projects that specifically address the trafficking of women and children. They include: <ul style="list-style-type: none"> · the Mekong Regional Law Centre project, "Illegal Migration: The Case in Trafficking of Women and Children" (Cambodia, China, Laos, Myanmar, Thailand, Viet Nam), which aims to develop a practical program to improve legislation and law enforcement in the area of trafficking; · the ESCAP (Economic and Social Commission for Asia and the Pacific) Human Resources Development Section of the Social Development Division, "Project for the Elimination of Sexual Abuse and Sexual Exploitation of Children and Youth in Asia and the Pacific"(Cambodia, China, Laos, Myanmar, the Philippines, Thailand, Viet Nam, Bangladesh, India, Nepal, Pakistan, Sri Lanka), which will build capacity of local government and NGO personnel through research and networking, raising awareness of policymakers, development of curriculum and training materials and sub-regional training; · the ILO-International Programme for the Elimination of Child Labour (IPEC) project, "Combat Trafficking in Children and Women for Labour Exploitation in the Mekong Sub-region and South Asia", which aims to develop best practice guidelines based on the evaluation of pilot activities and train trainers as well as offering direct socio-economic alternatives to child and women victims of trafficking and to those at risk; · the UNDP project, "Trafficking in Women and Children in the Mekong Sub-region", which will do an inventory of UN agency, government, NGO and CBO activities addressing trafficking; assess gaps in these activities; establish mechanisms to improve communication and coordination; identify research needs and begin research; · the International Organization for Migration (IOM) project, "Return and Reintegration of Trafficked Women from China to Vietnam, Thailand to Cambodia and Cambodia to Vietnam", which will build research capacity, train border police and provide psycho-social recovery assistance to trafficking victims. ➤ UNICEF participates in the Regional Working Group on Child Labour (involving ILO/IPEC, Save the Children Alliance, and Child Workers in Asia). ➤ UNICEF supports the International Network for Girls (INfG). Organized by the NGO Working Group on Girls, the network comprises 400 NGOs in 86 countries who work with and for girls. Sexual exploitation and trafficking are two of its highest priorities. <p>Issues and Challenges</p> <ul style="list-style-type: none"> ✓ Finance and human resources as well as legal system is in place but not necessarily functioning. ✓ Monitoring and evaluation are not done properly to see the progress of implementation of child protection related acts. In case of ICPS, there is a monitoring format for budget implementation; however it is not being used properly. ✓ Capacity building of mid-cadre people like Child Welfare Committee members and social workers are needed. IPCS does not have mandatory training and quality of training needs to attention.
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Minutes of the Meeting 24: IOM

Date & time	19/02/2016, 11:00 am	Venue	NCTD
Participants	International Organization for Migration (IOM) KII: Mr. Amit Bhardwaj and Ms. Radharani Thakuria (Programme Assistant)		
Contents	<p>General Information</p> <ul style="list-style-type: none"> ✓ IOM works in the areas of overseas migration and internal mobility (migration) ✓ Operation in India started in 2007 when there was Gujarat earthquake. ✓ Main counterpart organization in India has been the Ministry of Overseas Indian Affairs. <p>Programme related to trafficking</p> <ul style="list-style-type: none"> ✓ From 2007 to 2011, IOM worked on rehabilitation of victims of labor and internal trafficking. One of successful model they have done is through the Ministry of Women and Child Development in training women victims and establishing a café called Café Kushi, run by those women. ✓ Currently, there is not programme related to trafficking; however, considering of reviving the café Kushi project. <p>Labour and migration related programmes</p> <ul style="list-style-type: none"> ✓ Earlier, migration was largely the South Indians going overseas; however, the trend is changing and now the largest migration is from States of UP, Bihar and West Bengal to South India. ✓ There are large number of people migrating from places like Punjab to Europe. Pre-departure orientation is given to such population for safe migration. Such programme is targeting overseas migration and not much is done for internal migration. ✓ The government of India is not capturing the exact number of people going abroad for work. The immigration system is often faulty and some people fake their age on passport and declare occupation other than the one they are actually taking up. ✓ Issue of internal migration is handled by the Ministry of Home Affairs. Data on internal migration is also not captured properly. IOM is getting ready for consultation on need analysis of internal migration to be addressed in Census 2021. 		

Minutes of the Meeting 25: CSJ

Date & time	7/03/2016, 10:00 am	Venue	NCTD
Participants	COUNSEL TO SECURE JUSTICE (CSJ) KII: Eliza Rumthao, CSJ Director		
Contents	<p>Key Objective of CSJ:</p> <ul style="list-style-type: none"> • Give survivors of sexual violence effective access to the criminal justice system. CSJ provides counsel, either on staff or through pro bono networks, who advocate for client interests throughout criminal proceedings. • Strengthen the criminal justice system so it delivers more compassionate and effective justice. CSJ strengthens the criminal justice system through strategies that target problems identified doing casework, so it delivers more compassionate and effective justice. • Develop advocates who are servant leaders. CSJ has a two-year fellowship program that develops young advocates into leaders who have refined and practical professional skills, high standards of personal and professional ethics and a heart to serve the poor and disadvantaged. <p>General Information:</p> <ul style="list-style-type: none"> ✓ There has been several cases of Domestic servitude (trafficked for domestic work) who has been victim of sexual abuse. ✓ Mostly they are between the age of 14-18 yrs ✓ Cases of Protection of Children from Sexual Offences Act (POCSO) has gone up but the conviction rate is too low. ✓ Challenges in obtaining victim compensation from government. <p>Gaps in Legal Framework:</p> <ul style="list-style-type: none"> ✓ Though Government has come up with Protection of Children from Sexual Offences Act (POCSO) in 2012 but there has been a discrepancy as under this act any sexual violence against any children up to the age of 18yrs is an offence but age of consent to have sex is 16 yrs. It has lot of challenges particularly how to address any sexual violent act where child marriage is still a big problem in India. ✓ In all the trafficked victim cases the POCSO act must be applicable. In some of the cases in our experience where only sections against human trafficking were applied. <p>Gaps within Government:</p> <ul style="list-style-type: none"> ✓ We have witness lack of coordination among the government department. ✓ Challenges particularly in coordination with Inter-state trafficking cases. For eg: In 2013 when 51 girls were rescued from Jaipur by FXB India Suraksha, there were children from different states like Manipur, Nagaland, UP and Nepal. But the Jaipur police failed to appropriate action and as a collective we had to pressurize the government of Manipur and Nagaland to take appropriate action. And finally it is because of Manipur and Nagaland police proactive investigation the perpetrator is about to be convicted. ✓ Confusion about who will release victim compensation money. <p>Gaps in Rehabilitation:</p> <ul style="list-style-type: none"> ✓ There has been no rehabilitation scheme in place which is effective to reintegrate the victim back to the society. 		

	<ul style="list-style-type: none"> ✓ Services at the shelter home is not efficient to rehabilitate the victim once they are back to their home. ✓ Shelter home service provider need more training in order to appropriately take care of the victim. ✓ Counseling service at the shelter home is not effective as there are not much trained counselor and under the current government sponsored scheme the honorarium of counselor is too low and probably that is the reason shelter home could not afford professional counselor. <p>Recommendation:</p> <ul style="list-style-type: none"> ✓ Strengthening of legal system. Though special court/bench has been set up in the district court but the capacities of judges are not satisfactory. ✓ Public prosecutor must be trained. ✓ Young advocates in India must be trained more in detail to take up the cases of sexual abuse and trafficking. ✓ Victim compensation should be immediately awarded to the victim. This should be immediately received by the victim soon a FIR is lodged in the case. ✓ Witness support system should be strengthened and victim during their trial period should be provided all support as how to face the court procedure.
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Appendix 5: Work Schedule

Work Schedule

Data Collection Survey for Violence against Women in India

Entire Period of Operation: August 2015 to July 2016

Operation	2015 Business year					2016 Business year						
	8	9	10	11	12	1	2	3	4	5	6	7
(1) Preparatory Work in Japan												
① Collection of literature/information	■											
② Drafting survey plan and list of questions	■											
③ Draft Inception Report	■											
④ Pre-departure briefing to JICA India Office	■											
(2) On-site Survey in NCTD												
① Briefing at JICA India Office		■										
② Survey to MHA, development partners and related activities by NGOs from the perspective of 4P		■	■	■					■	■		
③ Inquiry about non-availability of VISA		■	■	■	■							
④ Wrapping up the results of survey at Delhi									■	■		
⑤ Analysing the present situation of violence against women and human trafficking in Delhi									■	■	■	■
(3) On-site Survey in West Bengal												
① Survey to the state government, development partners and NGOs in WB from the perspective of 4P									■	■		
② Wrapping up the results of survey at WB									■	■		
③ Analysing the present situation of violence against women and human trafficking in WB									■	■	■	■
(4) Survey in Japan												
① Interview to NGOs, academics and JICA experts working on anti-trafficking in India, Nepal, South Asian countries and Japan												
② Survey with alternative sources of information including literature and existing documents												
(5) Make appointments to the Central and State Government (MHA, AHTU, MWCD, DWC, prosecutors, polices etc.)												
①		■	■	■	■	■	■	■	■	■	■	■
(6) Field operation report/re-briefing for the JICA HQ and India office												
①												
②												
(7) Minutes												
(8) Deliverables (ΔSubmission timing)												
① Submission of Inception Report		Δ										
② Submission of Draft Final Report												
③ Submission of Final Report and other deliverables												

In-country Operation  Field Operation 
 Reports 

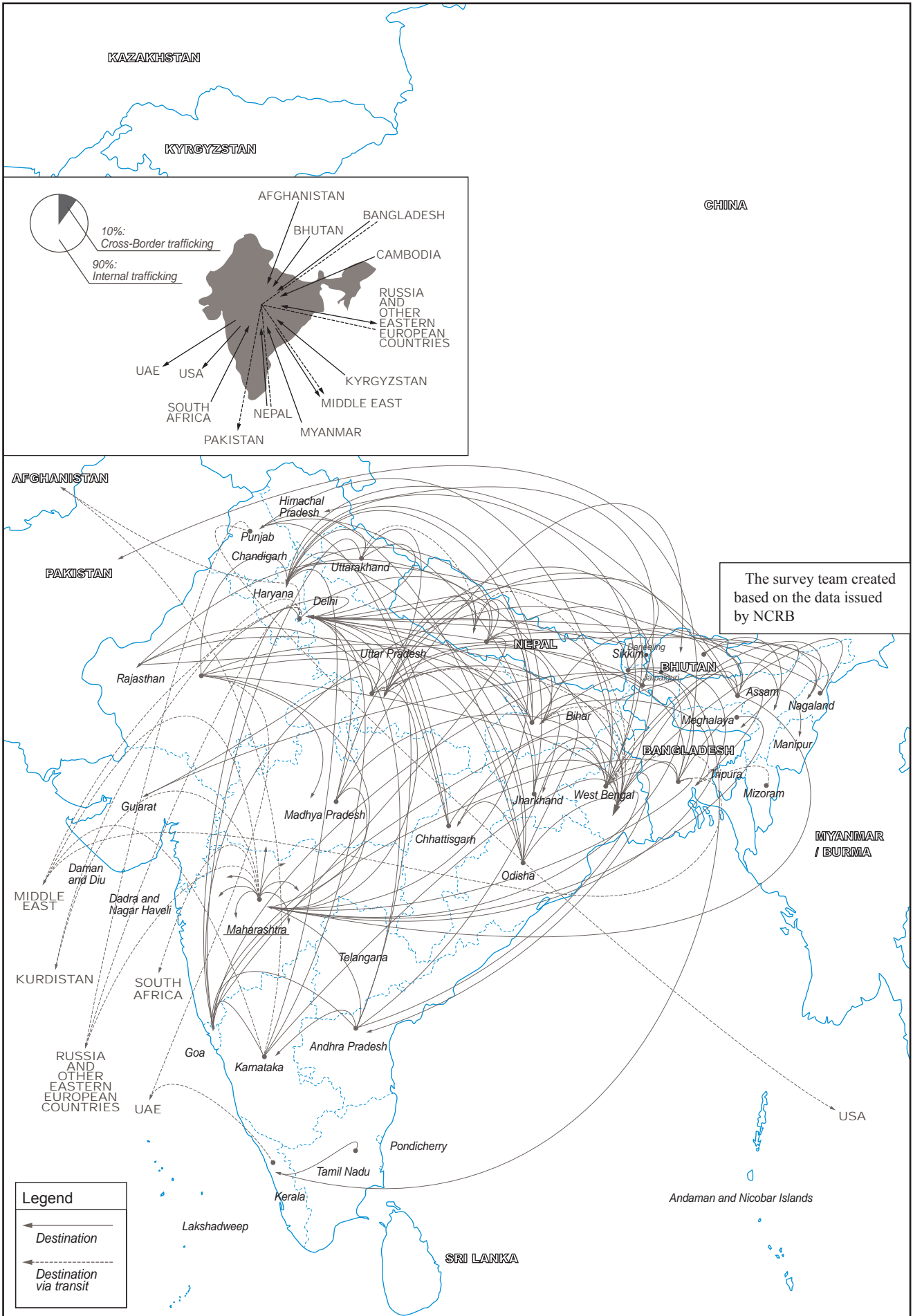
Appendix 6: Dispatch Schedule

Dispatch Schedule

	Work in Charge	Name	Organisation	Grade	Plan/Actual	2015 Business Year					2016 Business Year					M/MM						
						Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	FO	DO			
Field Operation (FO)	Project Manager/ Gender Mainstreaming1	Etsuko IKEDA	OPC	3	Plan												2.30	69days				
					Actual		30		30		9									0.00	days	
	Gender Mainstreaming 2	Hana (Kobayashi) INOMAF	IC NET	3	Plan													1.00	30days			
					Actual		30													0.00	days	
	Social Structure Analysis 1	Yumiko ONISHI (in India)	IC NET	3	Plan														2.00	40days		
					Actual																3.10	62days
					Plan																2.20	66days
					Actual																	1.10
	Social Structure Analysis 2/ Anti-human Trafficking 1	Michhiko ONO	IC NET	4	Plan														1.10	33days		
					Actual																	0.00
Anti-human Trafficking 2	Mirei SAKAMOTO	OPC	5	Plan														1.40	42days			
				Actual																	0.00	days
Field Survey on Violence against Women and Children 1	Mamta Borgoyary	OPC	3	Actual														2.90	87days			
Field Survey on Violence against Women and Children 2	Satya Prakash	IC NET	3	Actual														2.90	87days			
													FO Plan	8.00	2.00							
													FO Actual	6.90	3.10							
Domestic Operation (DO)	Project Manager/ Gender Mainstreaming1	Etsuko IKEDA	OPC	3	Plan													0.85	17days			
					Actual																0.85	17days
	Gender Mainstreaming 2	Hana (Kobayashi) INOMAE	IC NET	3	Plan														0.25	5days		
					Actual																0.25	5days
	Social Structure Analysis 2/ Anti-human Trafficking 1	Michhiko ONO	IC NET	4	Plan														0.80	16days		
					Actual																	0.80
	Anti-human Trafficking 2	Mirei SAKAMOTO	OPC	5	Plan														0.10	2days		
					Actual																	0.10
														DO Plan	4.00							
														DO Actual	5.10							
Report Submission Period (▲)					IC/R (Mid of Aug)					DF/R (Mid of Jun) ▲ F/R (Mid of Jul)					FO	DO						
Total										Total MM of Plan					8.00	4.00						
										Total MM of Actual					12.00							
															6.90	5.10						
															12.00							

Appendix 7: Map of Supply, Transit and Destination
Areas Relating to Human Trafficking in India

Appendix-7: Map of Supply, Transit and Destination Areas Relating to Human Trafficking in India



Appendix 8: Incidence (I), Victims (V) and Rate of Total Crimes (R) Relating to Human Trafficking During 2014 in India Segregated by Crimes

Appendix-8 Incidence (I), Victims (V) and Rate of Total Crimes (R) Relating to Human Trafficking During 2014 in India Segregated by Crimes
(Source: NCRB "Crime in India 2014")

S.No	State/UT	Mid-Year projected Population+ (in lakhs)	Importation Of Girls From Foreign Country (Section 366-B IPC)			Immoral Traffic (Prevention) Act, 1956								
			I	V	R	I T (P) Act - Total			Under Section 5			Under Section 6		
						I	V	R	I	V	R	I	V	R
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
STATES:														
1	Andhra Pradesh	509.2	0	0	0.0	326	410	0.6	36	42	0.1	0	0	0.0
2	Arunachal Pradesh	12.9	0	0	0.0	1	1	0.1	0	0	0.0	0	0	0.0
3	Assam	318.2	1	1	0.0	35	35	0.1	7	7	0.0	1	1	0.0
4	Bihar	1019.4	5	5	0.0	64	70	0.1	61	66	0.1	2	3	0.0
5	Chhattisgarh	253.4	0	0	0.0	5	5	0.0	2	2	0.0	0	0	0.0
6	Goa	19.3	0	0	0.0	9	22	0.5	5	11	0.3	0	0	0.0
7	Gujarat	615.9	0	0	0.0	53	79	0.1	19	41	0.0	8	10	0.0
8	Haryana	268.1	0	0	0.0	69	96	0.3	21	44	0.1	9	9	0.0
9	Himachal Pradesh	70.0	0	0	0.0	5	5	0.1	3	3	0.0	1	1	0.0
10	Jammu & Kashmir	122.0	0	0	0.0	1	3	0.0	1	3	0.0	0	0	0.0
11	Jharkhand	329.1	2	2	0.0	16	16	0.0	8	8	0.0	1	1	0.0
12	Karnataka	614.1	0	0	0.0	392	591	0.6	104	198	0.2	4	5	0.0
13	Kerala	353.3	0	0	0.0	140	155	0.4	20	20	0.1	1	1	0.0
14	Madhya Pradesh	760.0	0	0	0.0	17	19	0.0	2	2	0.0	0	0	0.0
15	Maharashtra	1176.9	1	1	0.0	233	360	0.2	100	171	0.1	5	22	0.0
16	Manipur	25.4	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	27.2	0	0	0.0	6	6	0.2	6	6	0.2	0	0	0.0
18	Mizoram	10.4	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	23.4	0	0	0.0	1	1	0.0	1	1	0.0	0	0	0.0
20	Odisha	419.1	0	0	0.0	36	41	0.1	8	8	0.0	1	1	0.0
21	Punjab	286.7	0	0	0.0	71	103	0.2	41	49	0.1	0	0	0.0
22	Rajasthan	713.2	0	0	0.0	105	140	0.1	20	25	0.0	8	8	0.0
23	Sikkim	6.4	0	0	0.0	2	2	0.3	1	1	0.2	0	0	0.0
24	Tamil Nadu	687.8	0	0	0.0	509	590	0.7	110	135	0.2	2	3	0.0
25	Telangana	362.7	0	0	0.0	311	328	0.9	105	107	0.3	29	43	0.1
26	Tripura	37.6	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	2123.9	0	0	0.0	39	51	0.0	23	31	0.0	10	14	0.0
28	Uttarakhand	104.1	0	0	0.0	20	25	0.2	12	16	0.1	0	0	0.0
29	West Bengal	921.9	4	4	0.0	117	168	0.1	24	41	0.0	6	6	0.0
30	TOTAL STATE(S)	12191.6	13	13	0.0	2583	3322	0.2	740	1038	0.1	88	128	0.0
UNION TERRITORIES:														
31	A & N Islands	5.4	0	0	0.0	12	2	2.2	11	2	2.0	1	0	0.2
32	Chandigarh	16.8	0	0	0.0	1	1	0.1	0	0	0.0	0	0	0.0
33	D&N Haveli	4.1	0	0	0.0	1	1	0.2	0	0	0.0	0	0	0.0
34	Daman & Diu	3.1	0	0	0.0	8	8	2.6	8	8	2.6	0	0	0.0
35	Delhi UT	202.8	0	0	0.0	10	15	0.0	6	11	0.0	0	0	0.0
36	Lakshadweep	0.8	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
37	Puducherry	15.9	0	0	0.0	2	2	0.1	1	1	0.1	1	1	0.1
38	TOTAL UT(S)	248.8	0	0	0.0	34	29	0.1	26	22	0.1	2	1	0.0
39	TOTAL ALL INDIA	12440.4	13	13	0.0	2617	3351	0.2	766	1060	0.1	90	129	0.0

S.No	State/UT	Immoral Traffic (Prevention) Act, 1956									Procurator Of Minor Girls (Section 366-A IPC)		
		Under Section 7			Under Section 8			Others			I	V	R
		I	V	R	I	V	R	I	V	R			
(1)	(2)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
STATES:													
1	Andhra Pradesh	0	0	0.0	3	3	0.0	287	365	0.6	37	37	0.1
2	Arunachal Pradesh	1	1	0.1	0	0	0.0	0	0	0.0	1	1	0.1
3	Assam	2	2	0.0	0	0	0.0	25	25	0.1	303	303	1.0
4	Bihar	0	0	0.0	0	0	0.0	1	1	0.0	280	280	0.3
5	Chhattisgarh	0	0	0.0	0	0	0.0	3	3	0.0	1	1	0.0
6	Goa	0	0	0.0	0	0	0.0	4	11	0.2	0	0	0.0
7	Gujarat	1	1	0.0	3	3	0.0	22	24	0.0	0	0	0.0
8	Haryana	1	1	0.0	0	0	0.0	38	42	0.1	277	278	1.0
9	Himachal Pradesh	0	0	0.0	0	0	0.0	1	1	0.0	3	3	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	0	0	0.0	0	0	0.0	7	7	0.0	12	12	0.0
12	Karnataka	39	40	0.1	21	27	0.0	224	321	0.4	61	61	0.1
13	Kerala	31	32	0.1	55	59	0.2	33	43	0.1	4	5	0.0
14	Madhya Pradesh	3	4	0.0	0	0	0.0	12	13	0.0	5	5	0.0
15	Maharashtra	33	50	0.0	7	7	0.0	88	110	0.1	7	10	0.0
16	Manipur	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0	11	11	0.4
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20	Odisha	1	5	0.0	0	0	0.0	26	27	0.1	74	74	0.2
21	Punjab	0	0	0.0	1	1	0.0	29	53	0.1	5	5	0.0
22	Rajasthan	1	1	0.0	1	1	0.0	75	105	0.1	61	61	0.1
23	Sikkim	0	0	0.0	0	0	0.0	1	1	0.2	0	0	0.0
24	Tamil Nadu	0	0	0.0	19	19	0.0	378	433	0.5	0	0	0.0
25	Telangana	11	11	0.0	0	0	0.0	166	167	0.5	26	26	0.1
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	6	6	0.0	0	0	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	8	9	0.1	0	0	0.0
29	West Bengal	5	5	0.0	2	2	0.0	80	114	0.1	852	852	0.9
30	TOTAL STATE(S)	129	153	0.0	112	122	0.0	1514	1881	0.1	2020	2025	0.2
UNION TERRITORIES:													
31	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
32	Chandigarh	0	0	0.0	0	0	0.0	1	1	0.1	0	0	0.0
33	D&N Haveli	0	0	0.0	0	0	0.0	1	1	0.2	0	0	0.0
34	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
35	Delhi UT	0	0	0.0	1	1	0.0	3	3	0.0	0	0	0.0
36	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
37	Puducherry	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
38	TOTAL UT(S)	0	0	0.0	1	1	0.0	5	5	0.0	0	0	0.0
39	TOTAL ALL INDIA	129	153	0.0	113	123	0.0	1519	1886	0.1	2020	2025	0.2

S.No	State/UT	Buying Of Minors For Prostitution (Section 373 IPC)			Selling Of Minors For Prostitution (Section 372 IPC)			Human Trafficking (Sec 370 & 370A IPC)			Total Cases Relating To Human Trafficking		
		I	V	R	I	V	R	I	V	R	I	V	R
(1)	(2)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)
STATES:													
1	Andhra Pradesh	0	0	0.0	0	0	0.0	2	2	0.0	365	449	0.7
2	Arunachal Pradesh	0	0	0.0	0	0	0.0	0	0	0.0	2	2	0.2
3	Assam	0	0	0.0	0	0	0.0	68	68	0.2	407	407	1.3
4	Bihar	0	0	0.0	2	2	0.0	44	49	0.0	395	406	0.4
5	Chhattisgarh	0	0	0.0	2	3	0.0	43	110	0.2	51	119	0.2
6	Goa	0	0	0.0	0	0	0.0	14	52	0.7	23	74	1.2
7	Gujarat	0	0	0.0	0	0	0.0	3	9	0.0	56	88	0.1
8	Haryana	1	1	0.0	0	0	0.0	9	11	0.0	356	386	1.3
9	Himachal Pradesh	0	0	0.0	0	0	0.0	1	1	0.0	9	9	0.1
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0	1	3	0.0
11	Jharkhand	4	4	0.0	0	0	0.0	150	185	0.5	184	219	0.6
12	Karnataka	0	0	0.0	1	1	0.0	18	181	0.0	472	834	0.8
13	Kerala	0	0	0.0	0	0	0.0	11	1166	0.0	155	1326	0.4
14	Madhya Pradesh	1	1	0.0	1	1	0.0	50	55	0.1	74	81	0.1
15	Maharashtra	7	11	0.0	4	6	0.0	108	347	0.1	360	735	0.3
16	Manipur	0	0	0.0	0	0	0.0	3	3	0.1	3	3	0.1
17	Meghalaya	0	0	0.0	0	0	0.0	0	0	0.0	17	17	0.6
18	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19	Nagaland	0	0	0.0	0	0	0.0	3	3	0.1	4	4	0.2
20	Odisha	0	0	0.0	0	0	0.0	42	158	0.1	152	273	0.4
21	Punjab	0	0	0.0	0	0	0.0	1	1	0.0	77	109	0.3
22	Rajasthan	0	0	0.0	0	0	0.0	14	17	0.0	180	218	0.3
23	Sikkim	0	0	0.0	0	0	0.0	0	0	0.0	2	2	0.3
24	Tamil Nadu	0	0	0.0	0	0	0.0	0	0	0.0	509	590	0.7
25	Telangana	0	0	0.0	1	1	0.0	60	60	0.2	398	415	1.1
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	0	0	0.0	4	4	0.0	43	55	0.0
28	Uttarakhand	0	0	0.0	0	0	0.0	4	4	0.0	24	29	0.2
29	West Bengal	1	1	0.0	67	69	0.1	55	106	0.1	1096	1200	1.2
30	TOTAL STATE(S)	14	18	0.0	78	83	0.0	707	2592	0.1	5415	8053	0.4
UNION TERRITORIES:													
31	A & N Islands	0	0	0.0	0	0	0.0	0	0	0.0	12	2	2.2
32	Chandigarh	0	0	0.0	0	0	0.0	0	0	0.0	1	1	0.1
33	D&N Haveli	0	0	0.0	0	0	0.0	0	0	0.0	1	1	0.2
34	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	8	8	2.6
35	Delhi UT	0	0	0.0	4	4	0.0	13	13	0.1	27	32	0.1
36	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
37	Puducherry	0	0	0.0	0	0	0.0	0	0	0.0	2	2	0.1
38	TOTAL UT(S)	0	0	0.0	4	4	0.0	13	13	0.1	51	46	0.2
39	TOTAL ALL INDIA	14	18	0.0	82	87	0.0	720	2605	0.1	5466	8099	0.4