

India: Strengthening Safety Nets to Counter Human Trafficking

United Nations Office on Drugs and Crime

SIX DAYS a week, ten-year-old Anima treks one kilometer to the only primary school in her village, in the border area of India adjoining Bangladesh. She walks barefoot with a torn satchel slung over her shoulders. Her father breaks stones in a nearby quarry while her mother works in the paddy fields. Anima is accompanied by her five-year-old sister. Braving the scorching heat, stone-filled roads and dust, they reach their school. The classroom is tiny and there are only two windows, an old table, a chair and a makeshift blackboard. Around a hundred eager children aged between five and twelve years attend class in this one room. Attending school may be an ordinary scene in cities, but in this remote village, it is a remarkable feat.

The children sit on the floor with books open on their laps and listen to the senior headmaster, who is from Kolkata, India. The headmaster dedicates all his time to helping the children stay in school and complete their education and, most importantly, to talk to them about human trafficking, why it occurs, its cause, who are the potential victims and how to take preventive steps.

The headmaster explains, “There have been several reported cases in this village, where girls as young as five years of age have been trafficked or sold by families. They become victims of sexual and labor exploitation in West Bengal. Approximately 7,000 girls and women are trafficked from Bangladesh to West Bengal annually. If we are to stop this crime, we have to teach them about human trafficking from the earliest age so that they do not become victims”.

Anima is the head girl of the class. Standing tall in front of her classmates, she urges them to recite in chorus a short poem in the local language. The poem centers around the heinous crime of human trafficking and how children are vulnerable but not helpless to act. In addition, Anima explains to the class “We should refuse to speak to strangers, especially men. If he offers us sweets and lures us with tales of a good life, we should report this to our elders or the police. Traffickers lure children like us. We are sold to brothels, sexually exploited and abused. We are forced to work in houses

and factories with no food and no money. This is not what we want. We want to be educated and aware.” The room fills up with claps.

“The children are always the best teachers,” adds the headmaster. He believes they are in a good position to help spread information on these issues and raise awareness among the whole community. Such initiatives, where life-saving messages are built into the education curriculum, help children grow safely and wisely in a world fraught with danger.

This initiative was undertaken by ATSEC (Action against Trafficking and Sexual Exploitation of Children), a network of over five hundred non-governmental organizations (NGOs) operating mainly in India with chapters in Pakistan, Bangladesh, Nepal and Sri Lanka, as part of their community policing intervention along the India-Bangladesh border. Peer groups from sixteen schools in the Basirhat sub division of the North 24 Parganas district of West Bengal state were formed, consisting of school teachers and students, from the primary, secondary and senior schools. Through discussions, posters, films and other education-communication tools, they were trained to educate each other on human trafficking and how to protect themselves from being trafficked. India faces both internal trafficking and cross border trafficking from the neighboring countries of Bangladesh and Nepal. India and Bangladesh share borders for thousands of miles, posing a challenge to law enforcement authorities to maintain vigilance over movements across the border. Illegal entries by traffickers, from Bangladesh into West Bengal in India, are common. The trafficked victims are usually kept in the border areas for few days and then sold to local traffickers, who in turn send them to different parts of the country or outside the country.

To bring together all stakeholders in the community and strengthen the safety net against this crime, ATSEC has been advocating the idea of community policing - a philosophy and an organizational strategy that encourages the police and community to work closely together to address the problems of crime and social disorder. The philosophy rests on the belief that law-abiding people in the community deserve to input into the police process. It also rests on the belief that solutions to contemporary problems demand freeing both citizens and the police to explore creative, new ways to address neighborhood concerns beyond a narrow focus on individual incidents of crime. It uses different approaches, such as foot patrol and problem-solving at the neighborhood level.

Under its community policing initiative in West Bengal, ATSEC India oriented the police and the Border Security Force (BSF) on human trafficking and law enforcement. It also trained members of the community, including school children, teachers, village council members, local NGOs, hoteliers, bus conductors and others. It regularly organized field level discussions in tea stalls, courtyards and even during village assembly meetings. Today, the entire community is more aware about the dangers of human trafficking. They work together in the border areas to ensure that any trafficker who brings women and girls is apprehended with the help of the police or BSF. Mr Manabendra Mandal, Chairman, ATSEC South Asia affirms, “Developing and strengthening community policing is essential to combat trafficking. Community policing gives us hope that we can prevent cross-border trafficking and also bring traffickers to book, so that they can be punished by the appropriate court of law”. This initiative was supported by the United Nations Office on Drugs and Crime, Regional Office for South Asia (UNODC ROSA).

The United Nations Office on Drugs and Crime (UNODC) has been established as the Principal United Nations (UN) agency to deal with the global challenges of drug trafficking and other forms of transnational organized crime, such as human trafficking, smuggling of migrants, firearms trafficking and terrorism. UNODC also works to address corruption and to ensure the implementation of universally accepted criminal justice standards, such as the fair treatment of prisoners. UNODC’s mandates are enshrined in five UN conventions like the UN Convention against Transnational Organized Crime and its three Protocols on Trafficking in Persons, on Smuggling of Migrants by Land, Sea and Air and on Illicit Manufacturing of and Trafficking in Firearms; the three UN Conventions on drugs; the UN Convention against Corruption, and the universal instruments against terrorism. These treaties and UN resolutions lay out comprehensive approaches to deal with the above mentioned issues that pose serious threats to human security and justice. With its headquarters in Vienna, Austria, UNODC operates in more than one hundred fifty countries around the world through its network of field offices. UNODC is present in South Asia since 1988, with its regional office based in New Delhi, India. The Office covers Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka.

UNODC’s work primarily rests on three pillars: research; efforts to implement the international conventions; and capacity-building operations in

the field. These three pillars are critical to UNODC's role in assisting Member States to formulate and implement policies. It is also worth emphasizing that at the core of UNODC mandates is a commitment to human rights, to the construction of effective, transparent and accountable systems of criminal justice, and to a preventive approach to protect individuals, families and communities from drug addiction and HIV, from being trafficked or smuggled, from being abused by corrupt practices and harmed by terrorism.

In its role as guardian of the Convention against Transnational Organized Crime, UNODC helps governments create the domestic legal frameworks needed to investigate criminal offences and adopt new frameworks for extradition, mutual legal assistance and international law enforcement cooperation, enabling States to tackle organized crime, prosecute and convict offenders, and assist and protect victims and witnesses. The Protocol to Prevent, Suppress and Trafficking in Persons, Especially Women and Children is the major international legal instrument for combating human trafficking. Human rights measures, for example, aim to protect victims but lack effective law enforcement mechanisms to deal with traffickers. The Protocol, however, takes a comprehensive approach, attempting to safeguard victims while improving control measures to investigate, prosecute and punish offenders.

UNODC's Response to Human Trafficking in South Asia

In South Asia, human trafficking¹ is often referred to as one of the fastest growing transnational organized crimes. Over 150,000 people are trafficked within South Asia every year for sex work, labor, forced marriages, and organ trade. It is often the very poor economic conditions that contribute to the vulnerabilities of young people, women and children. Countries in South Asia serve as prominent origin, transit and destination countries for women, children and men being trafficked. In South Asia, the largest numbers of women trafficked are within or from the region, and child trafficking is a serious concern. Most of the trafficking takes place for commercial sexual exploitation where women are being forced into unprotected sexual acts with multiple partners. In addition, there has also been a growing demand for domestic help at a time when human labor is becoming expensive. For this reason families, particularly in urban centres, seek cheap labor supply

and villagers often willingly turn their children over to middlepersons who promise them a better life in cities.

Human trafficking threatens human security and hinders human development. It has an economic angle as a majority of the victims are economically vulnerable. It has a social and a gender angle, as unequal power relations in society makes certain people more vulnerable to human trafficking. It is a crime, as victims are stripped of their human rights and often lack access to redressal for the crimes committed against them. Human trafficking also has a strong health angle, particularly as victims who are trafficked for commercial sexual exploitation are at risk of HIV and other sexually transmitted infections.

In South Asia, UNODC in collaboration with governments and civil society partners provides technical assistance for various interventions designed to address human trafficking in the region with a focus on three Ps. The three Ps stand for the prevention of trafficking crimes, protection of victims of human trafficking, thereby ensuring rehabilitation of survivors and the restitution of their rights and the prosecution all the offenders, conspirators and abettors.

Prevention: Empowering Communities to Address Human Trafficking

Prevention activities, through awareness generation and education, play a key role in protecting individuals who are potentially at risk of being trafficked. For this UNODC develops Information Education Communication (IEC) materials which are distributed among partner NGOs in the geographical areas of intervention, for further dissemination and awareness among the target population. Prevention also constitutes research activities, in order to understand both the scope as well as the nature of trafficking in the affected areas. The third form of prevention involves the development of social and economic interventions which offer support to those potentially at risk of being trafficked. Some of the activities include job skills training programs to promote local employment opportunities; empowerment programs to develop self-confidence, especially in children and assist them in developing their careers; community enrichment programs to discourage out-migration; and crisis intervention programs to provide support for women and children in abusive homes or facing other crises that might otherwise push them to migrate.

For instance, as part of one of its India-based interventions, UNODC in partnership with an NGO, supported initiatives in Jharkhand (a high source state for trafficking in India), to impart livelihood skills to women from tribal communities. To this end, nearly one hundred seventy-five young women, many of whom are also survivors of trafficking from tribal communities of Jharkhand, were provided training to become security guards and house-keeping staff. These young women have been placed at various government and private institutions across the country and have become 'role models' for other similar women in their community. This intervention has not only provided trafficked women and girls access to secure jobs, but also helped them regain their lost confidence.

Similarly, at Kishanganj district, in the state of Bihar (another high source state for trafficking), UNODC supported an NGO to strengthen community vigilance and impart livelihood skills. Through sensitization trainings for the community, the NGO has created awareness about trafficking, child and fake marriages in the area. So far, one hundred two village vigilance committees and fifty-five self-help groups have been formed to counter trafficking. The NGO, through its vigilance committees has been successful in preventing two hundred thirty-three fake marriages and one hundred eight child marriages. It has also prevented two hundred twenty-two boys and girls from becoming child labourers. Additionally, two hundred nine women who were victims of domestic violence were counselled and fifteen trafficked victims have been sent to their homes. Through street theater, a medium of communication which is easily understood by all the people, the NGO has been able to reach out to nearly 65,000 villagers with key messages on human trafficking and how to prevent it.

Additionally, UNODC through its partner network reaches out to its stakeholders in South Asia through various initiatives like orientation and sensitization programs for policy-makers, police officers, judiciary, government officials, women and children in distress including trafficked women and children; training needs analysis for different target groups (police, border security force, media, local self governments, NGOs); facilitation of rescue operations and advocacy with national and international organizations on trafficking issues.

Protection: Rehabilitation and Support for Survivors of Human Trafficking

Recovery of trafficked persons is a long and complex process. A core element of UNODC's mandate under the UN Trafficking Protocol is to increase the level of protection and assistance provided to survivors of human trafficking. After a trafficked person is rescued, the man, woman or child should be protected, during their stay in shelter homes/vigilance homes, before re-integrating them into the society. Sometimes, this re-integration may not be the right answer, since it may place them back into the same scenario from which s/he had tried to escape earlier, continuing their earlier vulnerability. Thus, protection activities, especially of women and children require enhancing their life skills, re-building their emotional structures, providing them with some basic skills with which they can eke out a living once out in the world again. Police and criminal justice staff need standard working procedures to guarantee the physical safety of victims, protect their privacy and make it safe for them to testify against their abusers. Protection also involves ensuring that the shelter homes are safe and meet the needs of trafficked persons - that they have access to primary health care and counseling, along with legal and other assistance, and that they are effectively protected from harm, threats or intimidation, and so on.

In India, UNODC provides livelihood and psychosocial support to survivors of trafficking in shelter homes, especially women and children. It also strives to ensure quality care and support services to victims of human trafficking, in close collaboration with state governments and NGOs.

As part of its interventions with women living in shelter homes, UNODC in collaboration with the National Institute of Mental Health and Neuro Sciences (NIMHANS), a premier mental health institute in India, supported trainings for over seven hundred caregivers from government-run shelter homes for women in the states of Andhra Pradesh, Kerala, Karnataka, Tamil Nadu and Uttar Pradesh, on minimum standards for care and protection and psycho-social support. The caregivers were trained on issues of self-esteem and emotional intelligence while dealing with women and children, addressing inter-personal relationships in the shelter home and even dealing with their own feelings as caregivers. They were also motivated to adopt stress management techniques apart from orienting them to child and women's rights. Family counselling was introduced in the women's home to ensure a better reintegration of women into their families and society, along

with counseling sessions for young women. UNODC is further collaborating with NIMHANS, Bangalore, to develop a manual titled, “Psycho-social care for women in institutions”, which will be used as resource material for capacity-building of staff working in institutions for women in India. The overall aim is to improve care and protection for women in shelter homes, by laying down concrete intervention strategies.

UNODC also initiated a project titled “Reducing Children’s Vulnerability to Abuse and Rehabilitation of Survivors” to provide quality care and support services to vulnerable children at risk of physical and sexual abuse and to provide comprehensive rehabilitation opportunities to trafficking survivors. The initiative was aimed at strengthening community structures and building institutional capacity of non-governmental and governmental organizations working with children, and initiate training on child protection for care providers. UNODC, through its engagement with the Ministry of Women and Child Development at the Centre and state governments of Tamil Nadu, Kerala, Andhra Pradesh, Uttar Pradesh and Karnataka provided psycho-social training to more than 650 care givers from government run children’s (including juvenile homes) homes. This was done to enable care-givers to understand the needs and emotions of children who need care and protection.

In the state of Tamil Nadu, with an aim to understand the psycho-social needs of children (including those with mental disabilities), UNODC is supporting an organization in partnership with NIMHANS to conduct a quick assessment and develop a model to enhance the quality of life of children living in government-run children’s homes—to assess their psycho-social condition, to identify children with mental health problems and start early intervention. This initiative has been appreciated since it addressed an area that is usually neglected—the mental health of children in shelter homes.

In a first of its kind program, more than four hundred children from government-run shelter homes in Kerala, Tamil Nadu and Andhra Pradesh were provided career guidance counseling, many of whom were juvenile delinquents from broken homes, victims of alcoholic parents and had endured various kinds of abuse. This training enhanced the self-esteem of children, helped them understand the options available to them and thereby choose their disciplines of study based on self interest.

As part of its efforts to strengthen victim/witness protection, UNODC collaborated with one of its partners in the state of Andhra Pradesh, to sup-

port nearly four hundred witnesses/victims with the aim of protecting them from being coerced into withdrawing her/ his evidence, and with the following envisaged outcomes: increased conviction of traffickers, increased number of witnesses attending court, increase in charge sheets filed, reduction in instances of re-trafficking, reduced adjournments and speedy disposal of cases. In addition to that, the NGO was supported to provide training to the judiciary to ensure speedy disposal of cases, thereby reducing the chances of traffickers going free without punishment. As a result, the conviction rate of traffickers and brothel keepers in the state has increased.

Prosecution: Strengthening Law Enforcement for the Prevention of Human Trafficking

Much of UNODC's work centers on strengthening criminal justice responses to human trafficking. It helps countries to develop effective law enforcement and criminal justice institutions and legislation to combat trafficking in persons, effectively.

Between 2006 and 2009, UNODC, in collaboration with the Ministry of Home Affairs, Government of India implemented a project that aimed to strengthen the technical capacities of law enforcement agencies and officers in India to prevent trafficking in human beings. Over a three year period more than 13,490 police officers and prosecutors were trained through three hundred ninety training programs in the five project states - Bihar, West Bengal, Andhra Pradesh, Maharashtra and Goa. Eight Nodal Training Centers (NTCs) were established in all the project states. The NTCs started imparting training to law enforcement officials on a regular basis and have also been assisting NGOs who conduct trainings on human trafficking.

A highlight of the project was the establishment of nine Anti-Human Trafficking Units (AHTUs) in the four project states of Andhra Pradesh, Bihar, Goa and West Bengal. An AHTU is a special Task Force, constituted within the Police department with the partnership of several stakeholders, including officials from the departments of prosecution, welfare and health, agencies that run shelter, protective and children's homes, as well as from civil society partners and the media. The AHTUs also seek to strengthen inter-departmental collaboration among the police and all other government agencies and departments, such as women and child, labor, health, etc.

The combination of AHTUs and trained law enforcement officials has contributed to an increased awareness and knowledge of the issue, skill enhancement, inter-agency coordination, and better victim/witness protection. The training material/knowledge products prepared on anti-human trafficking (Training Manuals, Standard Operating Procedures, Posters and the Training Curriculum) have been widely disseminated to law enforcement personnel during the national training programs and to training academies for institutionalization. The Government of India has also appreciated the knowledge products and has advised the States to carry out training programs utilizing these Manuals/ Standard Operating Procedures/ Compendiums and other training tools. In response to the demand for documents to be made available in vernacular languages, all the knowledge products have been translated into the national language, Hindi for dissemination in the North Indian States.

Considering the rationale and efficacy of the AHTU as the appropriate model to address human trafficking in a holistic and comprehensive manner, the Government of India issued an advisory to all the states in India to institutionalize the gains made by the project in two important areas: (a) Training of trainers on anti-human trafficking and (b) Setting up Anti-Human Trafficking Units (AHTUS). Work to this end has already begun, with over 50 AHTUS being functional across the country to date.

Joint UN Initiatives to Address Human Trafficking in South Asia

On 1 July 2010 the Ministry of Tourism, Government of India launched a National Code of Conduct on Safe and Honorable Tourism for the country. This code was a result of a collaborative effort of the Government of India, UNODC, the Pacific Asia Tourism Association (PATA) and Save the Children India, and initiated under the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). The UN.GIFT is a joint initiative of different UN and international agencies to address human trafficking at a global level.

The Code of Conduct lays down a set of guidelines for the travel and tourism industry to ensure that all tourism activities in India protect the dignity, safety and right to freedom from exploitation of both tourists and the local population. The Code is of immense significance to India, as it is a dominant tourist destination in the South Asian region as well as an emerging international one with an estimated arrival of more than five million

tourists per year. While tourism has opened up new business opportunities all over the country, instances of crimes and human right violations in connection with tourism, especially relating to the commercial sexual exploitation of children and women as well as to human trafficking have also come to raise questions about - inter alia - the image of the tourism industry. In the light of this, the Code forms a strong basis for joint commitment and organized action by the government, tour operators and other stakeholders of the tourism sector to maintain proper standards and an honorable image.

On 27 September 2010, World Tourism Day, nearly two hundred fifty members of the tourism fraternity along with the Hon'ble Minister of Tourism and other officials came together in New Delhi to sign a pledge, thereby agreeing to abide by the Code. In addition, the Ministry of Tourism has also revised the national criteria for classification and approval of tour and travel companies, integrating points from the national Code. Therefore, companies are now encouraged to follow the provisions of the Code of Conduct in order to move from one level of classification to another or for approval of new businesses.

Moving ahead, the Ministry is keen to focus on training and capacity building of stakeholders from the tourism sector like hotel staff, tour companies, taxi drivers, etc and generating awareness about safe and honorable tourism through a mass communication campaign. It is envisaged that two persons of every hotel or tour operating company will be appointed as focal points to monitor that all norms and guidelines of the Code are respected and adhered to.

Under the vision of increased joint UN cooperation, UNIFEM and UNODC have committed themselves to address human trafficking issues collaboratively by thinking, planning and implementing programs together. Under a Memorandum of Understanding (MoU) between UNIFEM and UNODC with regard to the South Asian countries of Bangladesh, Bhutan, India, Nepal, Maldives and Sri Lanka, UNODC and UNIFEM have commissioned a 'Legal and Policy Review of Response to Human Trafficking in India, Nepal, Bangladesh and Sri Lanka' with an aim to highlight the gaps in legislative, policy and institutional responses to human trafficking. The findings will help the four countries move closer to the provisions of the UNTOC and the Trafficking in Persons Protocol. In this context, UNODC in association with ATSEC India, organized for the first time in South Asia a three-day regional workshop on "International Cooperation in Trafficking

in Persons/Smuggling of Migrants Cases” in Kolkata, India in March 2010. The workshop brought together officers and representatives from the executive and the judiciary power in Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka, including police officers, prosecutors, judges and senior government officials, representatives from the International Justice Mission (IJM), International Organization for Migration (IOM), UNIFEM, ATSEC and UNODC experts in legal and criminal justice matters.

Currently, UNODC, in collaboration with IOM is developing a joint regional program to strengthen criminal justice responses to human trafficking in four countries of South Asia, namely, Bangladesh, Nepal, India and Sri Lanka. This program aims to strengthen responses of criminal justice actors, namely, the judiciary, public prosecutors and police officials to trafficking in persons in South Asia. Through a series of capacity-building and training programs, the project will, over a three-year period, raise the awareness of law enforcement officers, (i.e., police and public prosecutors) and judicial officers on the problem of human trafficking. The program aims to increase the number of cases filed in crimes of human trafficking and to better investigate and prosecute offenders perpetrating these crimes. It will also work on the development of tools for beneficiary countries on the basis of their identified needs, thus providing them with means to effectively self-implement their domestic laws. This, in turn, aims at further developing cross-border co-operation in identification of victims, investigation, victim - witness protection measures, repatriation of victims and extradition of criminals, through bilateral mechanisms between beneficiary countries.

Endnote

1. The United Nations Protocol on Trafficking defines human trafficking as:
 - The recruitment, transportation, transfer or receipt of persons, by means of coercion, abduction, deception, or abuse of power or of the exchange of payments or benefits to achieve the consent of a person for the purpose of exploitation.
 - Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

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