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Prevention of Trafficking - Role of Human Rights organizations and NGO's

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ABSTRACT

The vision of this investigation is to investigate the issue of human trafficking, how it influences India, and to make a feasible arrangement that will urge the country to viably decrease the occasions of human trafficking. Human trafficking is no uncertainty a gross infringement of human rights and accordingly a touchy issue which should be taken care of with most extreme consideration and security. It is one of the quickest developing exercises of trans-national criminal associations which require critical activity. This exploration paper examines about characterizing human trafficking, the present seriousness of the issue, the reasons of the issue, the current lawful system of the country, Role of Non-Governmental Organizations to battle the issue lastly prescribe moves that can be made to diminish the issue.



Introduction

The Human Rights Institutions and NGOs can play a vital role in combating trafficking. Human Rights Institutions can help by reviewing the Laws on trafficking, bringing to fore the human rights violations faced by victims, helping in evolving assistance and reintegration programmes and conducting research and documentation. Complaints filed with the National / International Human Rights Institutions help in not only clarifying the issues involved but also developing strategies for countering them. Bereft of political burdens of State Governments, Human Rights Institutions can be more realistic and humanistic in their approaches towards trafficked persons. They can act as strong pressure groups to bring legislation closer to the normative and also to help in changing the attitudes of the Government officials and agents by making them more proactive. This can be done by publishing guidebooks on trafficking for police, judges, immigration officials and NGOs and conducting workshops and seminars on trafficking.

Involving both domestic and international NGOs to take care of trafficked persons strengthens the task in dealing with and assisting trafficked persons. In fact NGOs have done a yeoman's work in the field of trafficking by spreading public awareness about the real dangers associated with trafficking, leading many advocacy campaigns for reform of Laws and more humane treatment of victims of trafficking, collaborating with States in repatriation and reintegration programmes and providing other necessary assistance and supports. NGOs like Global Alliance against Trafficking in Women, International Human Rights Law Group, Foundation against Trafficking in Women, have strongly lobbied for the protection of human rights of the victims of trafficking in the UN deliberation on the Draft UN Protocol on Trafficking. It is because of their

sincere efforts that the UN Protocol has much safeguards and protection provisions for the victims. They have also been instrumental in taking out "Human Rights Standards for the Treatment of Trafficked Persons", which includes all-encompassing definition of trafficking, and a set of State responsibilities which ensures that trafficked persons are promoted under human rights Law. Similarly, NGOs like Foundation for Women (Thailand), Maiti Nepal, Sanlaap (India), KOK - German NGO Network against Trafficking in Women (Germany) etc. all are working towards eradicating this modern day slavery.

The focus area for the NGOs can be summarized as follows:

- Spreading awareness about rights guaranteed by the constitutions of different countries.
- Providing information to vulnerable groups about the activities of traffickers.
- Sensitizing police and border control officials.
- Helping victims to repatriate by approaching administration, judicial system, embassy etc. and linking with counterpart NGOs in other countries.
- Helping in locating family.
- Providing shelter on repatriation.
- Helping in reintegration of the victim with the society.
- Providing legal aid to victims.
- Providing medical facilities and counseling to victims of trafficking.
- Lobbying nationally and regionally for changes in personal Laws, support to victims and criminal justice systems.

Prevention of human trafficking requires several types of interventions. Prevention as a strategy to combat trafficking has to focus on areas of sensitization and awareness among the public especially those vulnerable pockets of trafficking at source areas as well as convergence of development services to forestall conditions responsible for it.

Human Rights: NGOs in India:

There are numerous NGOs in India working in variety of fields including prevention of Human Trafficking. Most of them receive grants from Indian and Foreign Governments. Some are run on voluntary donation are financed by their members. There are many NGOs working for preservation, promotion and protection of Human Rights. Peoples Union for civil liberties, Help Age, Ideal children care organization, Indian Human Rights Association are examples.

Role of State:

Government at local level and source areas should create compulsory high quality education, employment opportunities and income generation programme. It should produce relevant materials to promote sensitization programmes for teachers in Governments schools, parents and community workers. It should also include gender centered education curricula in schools and introduce subjects of child sexual abuse and trafficking etc.

Role of Media:

Media attention reaches several hundred thousand viewers, therefore serve the important functions. The media should transmit appropriate message to ensure that the victims learn that they are not alone. Victims can be made aware of places and institutions where they can seek help by media. It can create awareness that human trafficking is inappropriate and illegal and has negative

consequences. Wide publicity should be given by the media regarding the legal, penal provisions against trafficking and the modes operand of the traffickers through radio, television, print media etc.

Awareness and Advocacy:

Awareness and advocacy is required for prevention of trafficking at the policy level in the National Planning Commission for bureaucrats, politicians and the alight of society. Awareness at the local level in the community through workshops, songs, drama, poems, meetings, leaflets and posters especially in the rural areas is required. The key to prevent trafficking in children and their exploitation in prostitution is awareness among the children, parents and school teachers. The Government must launch media campaigns that promote children's rights and elimination of exploitation and other forms of child labour Police advocacy is an important intervention that has to be fine tuned for the problems relating to immoral trafficking.

Role of Commission of India:

On 7th March, 1975 the Chairman of Law Commission of India - Justice P.B. Gajendargadkar submitted the 64th report of the Law Commission on the suppression of Immoral Traffic in Women and Girls Act 1956. The Commission has recommended for a revising the definition of prostitution as well as protective homes and corrective institutions. It has recommended to amend the terms prostitute and prostitution to cover all forms of clandestine prostitution including call girls and it has recommended for punishment to a male who indulged in prostitution i.e. person highly prostitute should also be punished.

Role of Judiciary:

The judiciary too has played an active role in preventing and combating trafficking by pronouncing some landmark judgments in "Public Interest Litigations". Prominent among them are the 1990 case of Vishal Jeet v. Union of India and the 1997 case of Gaurav Jain v. Union of India. In the former case, on the directions given by the Supreme Court, the Government constituted a Central Advisory Committee on Child Prostitution in 1994. Subsequently, State Advisory Committees were also setup by State Governments. The outcome of the latter case was constitution of a Committee on Prostitution, Child Prostitutes and Children of Prostitutes to look into the problems of commercial sexual exploitation and trafficking of women and children and of children of trafficked victims so as to evolve suitable schemes in consonance with the directions given by the Apex Court. These and subsequent case laws thereafter have influenced Government policies, programmes and schemes, as well as law enforcement. The detailed report of the Committee on Prostitution, Child Prostitutes and Children of Prostitutes is at 'Annexure I'.

Role of Ministry of Women and Child Development:

Based on the Report of the Central Advisory Committee on Child Prostitution, the recommendations of the National Commission for Women and the directions of the Supreme Court of India as well as the experiences of various Non-Governmental organizations working in this area, the Ministry of Women and Child Development, the Nodal Ministry in the Government of India dealing with issues concerning women and children drew up a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children in the year 1998. A Central Advisory Committee under the chairpersonship of Secretary, Ministry of Women and Child Development has also been constituted with members from Central Ministries like the Ministry of Home Affairs, Ministry of External Affairs, Ministry of Tourism, Ministry of Health, Ministry of Social Justice and Empowerment, Ministry of Information Technology and Ministry of Law and Justice to combat trafficking in women and children and commercial sexual exploitation as well as rehabilitate victims of trafficking and Commercial Sexual Exploitation and improve legal and law enforcement systems. This Committee meets once in every three months wherein senior representatives of State

Governments where the problem of trafficking is found to be rampant are also invited. Other invitees to the meetings of the Central Advisory Committee are representatives of prominent NGOs and international organizations working in the area of trafficking, National Commission for Women, National Human Rights Commission, Central Social Welfare Board, National Crime Records Bureau, Border Security Force, Intelligence Bureau, Central Bureau of Investigation, Sashastra Suraksha Bal, etc. The Ministry of Women and Child Development has requested all Secretaries of the Department of Women and Child Development in the States and Union Territories to hold regular meetings of State Advisory Committee constituted under the 1998 National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children and monitor initiatives being undertaken by them with regard to prevention, rescue, rehabilitation, reintegration and repatriation of victims of trafficking.

The Ministry of Women and Child Development has also undertaken a study in collaboration with UNICEF on Rescue and Rehabilitation of Child Victims Trafficked for Commercial Sexual Exploitation. The Report of this study was released to the public in 2005. The Ministry of Women and Child Development, in 2005, also formulated a Protocol for Pre-Rescue, Rescue and Post-Rescue Operations of Child Victims of Trafficking for Commercial Sexual Exploitation. This Protocol contains guidelines for State Governments and a strategy for Rescue Team Members for pre-rescue, rescue and post-rescue operations concerning children who are victims of trafficking and were sexually being exploited for commercial reasons. The Ministry of Women and Child Development in collaboration with UNICEF and various other organizations has developed three manuals - the "Manual for the Judicial Workers on Combating Trafficking of Women and Children for Commercial Sexual Exploitation", "Manual for Medical Officers for Dealing with Child Victims of Trafficking and Commercial Sexual Exploitation", and "Manual for Social Workers Dealing with Child Victims of Trafficking and Commercial Sexual Exploitation". The Manual for Judicial Workers has been developed in collaboration with the National Human Rights Commission.

Role of National Human Rights Commission

In view of the existing trafficking scenario and at the request of the UN High Commissioner for Human Rights as well as on the recommendations of the Asia Pacific Forum of National Human Rights Institutions, the National Human Rights Commission nominated one of its Members to serve as a Focal Point on Human Rights of Women, including Trafficking in 2001. Among the activities initiated by the Focal Point was an Action Research on Trafficking in Women and Children in India in the year 2002 in collaboration with UNIFEM and the Institute of Social Sciences, a research institute in New Delhi. The main focus of the Action Research was to find out the trends, dimensions, factors and responses related to trafficking in women and children in India. Besides, it looked into various other facets of trafficking, viz., the routes of trafficking, transit points, the role of law enforcement agencies, NGOs and other stakeholders in detecting and curbing trafficking. It also reviewed the existent laws at the national, regional and international level. The Action Research was completed in July 2004 and its Report was released to the public in August 2004. The recommendations and suggestions that emerged out of the Action Research were forwarded to all concerned in the Central Government, States/Union Territories for effective implementation. They were also requested to send an action taken report on the steps taken by them. In order that the recommendations and suggestions of the Action Research were implemented in true spirit, the Commission subsequently devised a comprehensive Plan of Action to Prevent and End Trafficking in Women and Children in India and disseminated the same to all concerned.

Before commencing the Action Research, an Information Kit on Preventing and Combating Trafficking in Women and Children was also published by the Focal Point. The main aim of the Information Kit was to inform the society about the various aspects of Trafficking - its forms, the

estimates, the causes, the consequences, the modus operandi and the role of the Commission in preventing and combating trafficking. Prior to the establishment of the Focal Point, the Commission with the help of UNICEF and other organizations had carried out a campaign of Public Awareness on the problem of Child Prostitution and Sexual Abuse of Children in 1998.

Pained with the plight of children who were victims of trafficking, the Commission and the Prasar Bharati, with support from UNICEF, collectively prepared a Guidebook for the Media on Sexual Violence Against Children. The main objective of the guidebook is to encourage media professionals to address the issue of sexual violence against children in a consistent, sensitive and effective manner, consonant with the rights and best interests of children. Further, to prevent cross-border trafficking, the National Human Rights Commission requested the Directors General of Police of Uttar Pradesh, Bihar and West Bengal to be vigilant about the issue. The National Human Rights Commissions of India and Nepal have prepared a Memorandum of Understanding (MoU) to prevent and check cross-border trafficking. However, the draft MoU is still pending with the Ministry of External Affairs, Government of India.

To spread awareness on prevention of sex tourism and trafficking, the Commission in collaboration with the UNIFEM and an NGO organized a one-day Sensitization Programme on Prevention of Sex Tourism and Trafficking in the year 2003. The main objective of the programme was to sensitize senior representatives of the hotel and tourism industry on various issues relating to sex tourism and trafficking. A National Workshop to Review the Implementation of Laws and Policies Related to Trafficking was also organized in 2004 in collaboration with PRAYAS, A Field Action Project of the Tata Institute of Social Sciences, Mumbai to work towards an effective rescue and post-rescue strategy.

Role of Ministry of Home Affairs

The Ministry of Home Affairs is also concerned with the problem of trafficking in human beings. It organized a two-day National Seminar on Trafficking in Human Beings in collaboration with the National Human Rights Commission and the United Nations Office on Drugs and Crime (UNODC) at the India Habitat Centre, New Delhi on 27 and 28 October 2005. The recommendations that emanated out of this Seminar have been sent to all concerned for compliance. In August/September 2006, the Ministry of Home Affairs set up a Nodal Cell for Prevention of Trafficking. The main function of this Cell is to coordinate, network and provide feedback to the State Governments and other concerned agencies on a sustained and continuous basis so as to prevent and combat trafficking in human beings. This Cell has also been made responsible to document 'best practices' in preventing and combating trafficking in human beings as well as share data inputs with other stakeholders. In order to review the overall status of trafficking in the country, the Cell proposes to convene regular meetings every quarter with all stakeholders.

Role of National Commission for Women

The National Commission for Women is also dealing with the problem of trafficking in women and children. In late 90s, it undertook two studies entitled 'The Lost Childhood' and 'Velvet Blouse - Sexual Exploitation of Children'. In 2001, it undertook another study entitled 'Trafficking - A Socio-Legal Study'. Later in 2004, a study on 'Coastal Sex Tourism' was carried out by it. Along with these research studies, it has organized various seminars, training programmes and conferences on the subject of trafficking. Based on the above, it suggested amendments to ITPA in order to have a comprehensive law on trafficking.

The Ministry of Women and Child Development, the Ministry of Home Affairs and the National Human Rights Commission have requested all Chief Secretaries and Directors General of Police to sensitize the subordinate functionaries at the cutting edge on trafficking as well as other

issues related to trafficking so that perpetrators of trafficking and its allied activities are severely dealt under the relevant provisions of law. The Ministry of Women and Child Development, the Ministry of Home Affairs, the National Human Rights Commission and the National Commission for Women on their own and in collaboration with the civil society are sensitizing the judicial officers, police officers, Government officers and various other stakeholders on issues related to trafficking in human beings for various purposes.

Conclusion

NGOs play a vital role in prevention, prosecution and rehabilitation of victims of human trafficking. Today, individual organizations are taking initiative to tackle the problems in the society. Even though law enforcement agencies are taking sincere efforts to curb this menace, NGOs contribution is complementary to combat trafficking. Corporate Sector has also voluntarily extended a helping hand in rehabilitation of the rescued victims, so that they become economically stabilized and are not subject to re-trafficking. Though the government has taken various measures to prevent, protect and rehabilitate the victims of human trafficking the benefits are not completely enjoyed by the victims as there is no follow up of the programmes or the working of various government run rehabilitation centers.

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