



***Preventing and Combating the
Trafficking of Girls in India Using
Legal Empowerment Strategies***

*A Rights Awareness and Legal Assistance Program
in Four Districts of West Bengal*

June 2010 – March 2011

International Development Law Organization (IDLO)

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1. Child Trafficking as a Global Threat

The trafficking of children, defined as the recruitment, transport, transfer, harboring or receipt of a person under the age of 18 for the purpose of exploitation (including prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs),¹ is widely recognized as presenting a threat of global proportions. While precise statistics concerning the scope of the problem do not exist, it is estimated that some 1.2 million children are trafficked each year worldwide.²

"Governments have to do more to guarantee children and young people their right to protection from trafficking. There is hope, and real and practical solutions exist. Trafficking of children for sexual purposes happens in virtually every country in the world — developed and developing — and we must see governments uphold their commitments to those solutions"

Carmen M Madrinan

Executive Director, *End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International)*

The causes of global trafficking are varied and complex, but notably include poverty, lack of opportunities, the economic gains to be made through the exploitation of children, entrenched gender discrimination and discriminatory/harmful cultural practices. Human trafficking, over 20 percent of which is trafficking in children, is believed to be a multi-billion dollar industry.³ Trafficked children have many faces. They are, to take only a few examples, prostitutes; mail order brides; beggars; child soldiers; and laborers in homes, on plantations and in mines. Increasingly, they are being recruited to aid in the manufacture of drugs and weapons.⁴ Children most in danger of being trafficked are those who are subject to pervasive discrimination, including minorities, stateless children, refugees and girls.⁵ A report produced by the **United Nations Population Fund provides the following assessment: "(a)s women and girls are, generally, less valued they are more often seen and used as commodities ... they are easy targets for traffickers"**.⁶

Where children lack stable home environments and financial security, and where the opportunities available to them are slim, trafficking tends to flourish. Rates of trafficking are frequently high in areas where there are limited job possibilities; where children have minimal education and vocational skills; and where children are

¹ *Protocol to Prevent Suppress and Punish, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, opened for signature 15 December 2000, 2237 UNTS 319, Annex II, (hereinafter the *Protocol*), Article 3.

² UNICEF, *End Child Trafficking*

<http://www.unicef.org.uk/campaigns/campaign_detail.asp?campaign=21> 16 June 2009.

³ ECPAT International, *Their Protection is in Our Hands: The State of Global Child Trafficking for Sexual Purposes* (2009), 6.

⁴ E. Harper, *International Law and Standards Applicable in Natural Disaster Situations* (2009) International Development Law Organization, 158.

⁵ *Trafficking of Children for Prostitution and the UNICEF Response* <<http://www.asiasociety.org/policy-politics/human-rights/trafficking-children-prostitution-and-unicef-response>> 16 June 2009.

⁶ UNFPA, *Trafficking in Women, Girls and Boys. Key Issues for Population and Development Programmes* (2002) 6.

living without parents or primary caregivers (including in orphanages).⁷ Porous borders and the presence of natural disasters/conflicts further enhance vulnerability to trafficking,⁸ as does forced migration.⁹ Children without birth registration or identity documents also face a heightened risk of trafficking.¹⁰

Victims of trafficking are frequently exposed to physical and sexual abuse, dangerous work environments, and denied access to education. They are also typically placed in situations of extreme dependence and conditioned to believe that they have no alternative life options.¹¹ UNICEF remarks that:

“Traffickers exploit the fact that children have a less-developed capacity than adults to assess risk, to articulate and voice their worries (about being exposed to danger), to distinguish right from wrong (when being required to commit a crime) and to look after themselves (including taking action to defend themselves from harm).”¹²

Unsurprisingly, trafficking frequently has devastating long-term effects on the mental and physical health of its victims, and a tendency to perpetuate poverty and marginalization.

2. The Problem of Child Trafficking in India

Although it is often difficult to obtain comprehensive data on the extent of human trafficking in India, it is generally accepted that India is a source, destination, and transit country for trafficking of persons, including young girls.¹³ A 2006 study found that 378 of the 593 districts in India were affected by human trafficking.¹⁴ It is estimated that ninety percent of trafficking in the country is internal, with victims of trafficking mostly being used for forced labor. Child victims of trafficking in India are exploited in many ways - including as factory and agricultural workers, domestic servants and beggars.¹⁵ Girls in particular are vulnerable to trafficking for the purpose of forced marriage and commercial sexual exploitation.

The porous borders in the region are often cited as a contributing factor to cross-border trafficking, including the trafficking of girls from Nepal and Bangladesh to India. ECPAT International estimates that 150,000 women and children are trafficked from South Asia annually, most from, through or to India.¹⁶ The combined estimates for Nepal and Bangladesh range from 500 to 10,000 girls being trafficked to India

⁷ UNICEF and Inter-Parliamentary Union, *Combating Child Trafficking: A Handbook for Parliamentarians*, no. 9 (2005) 17-18.

⁸ Harper, above n 4.

⁹ Save the Children, *Child Trafficking*

<http://www.savethechildren.in/india/key_sectors/child_trafficking.html> 16 June 2009.

¹⁰ UNICEF and Inter-Parliamentary Union, *Combating Child Trafficking: A Handbook for Parliamentarians*, above n 7.

¹¹ PLAN, *Because I am a Girl: Trafficking and Sexual Exploitation* <<http://www.plan-uk.org/becauseiamagirl/thefacts/growingup/trafficking/>> (hereinafter PLAN, *Trafficking and Sexual Exploitation*) accessed 11 March 2010.

¹² UNICEF, *Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe* (2006) (hereinafter *Reference Guide*) 27-28.

¹³ See, e.g., United States Department of State, *Trafficking in Persons Report 2010 – India* (2010) (hereinafter *Trafficking in Persons Report 2010 – India*).

¹⁴ “India is Transit Hub for Human Trafficking”, *The Times of India*, 22 June 2006.

¹⁵ *Trafficking in Persons Report 2010 – India*, above n 13.

¹⁶ ECPAT International, *Stop Sex Trafficking of Children & Young People*, <http://ecpat.net/EI/Publications/Trafficking/Factsheet_India.pdf> accessed 9 May 2011.

annually; another estimate puts the figure at more than 200,000 over a period of seven years.¹⁷ At present, there are no laws governing the repatriation of trafficking victims from India to Bangladesh and Nepal, and concerned organizations have sought to assist girls in reaching their homes by liaising with partner organizations in these countries.¹⁸

“Crossing the border between Bangladesh and West Bengal is a daily routine for many [...]. A well-organized bribe system also helps people to cross over the flat terrain. Further, a multiple passport system ‘[...] facilitates easy entry of Bangladeshi girls into Kolkata brothels and a close nexus exists between traffickers and border village communities’. After being ‘sorted and graded’, [girls] may be sold to pimps or sent to the Middle East, Kolkata, Bashirghat, Delhi, Mumbai or Agra”

S. Sen and P.M. Nair, *A Report on Trafficking in Women and Children in India 2002-2003, Volume 1*, Institute of Social Sciences, National Human Rights Commission and UNIFEM (2004), 11-12.

The National Crime Records Bureau (NCRB) collects data under the following heads of crime related to human trafficking: procurement of minor girls, importation of girls, selling of girls for prostitution, buying of girls for prostitution, child marriage and offences under the *Immoral Traffic Prevention Act* (1956), which deals with trafficking for the purpose of prostitution. The table that follows includes the number of reported crimes in these categories during 2005-2009,¹⁹ which is generally acknowledged to be far lower than the number of actual trafficking cases in the country.

Crime head-wise incidence of various crimes under Human Trafficking during 2005 - 2009 and percentage variation in 2009 over 2008

Sl. No.	Crime Head	Year					Percentage variation in 2009 over 2008
		2005	2006	2007	2008	2009	
1.	Procurement of Minor Girls (Sec. 366-A IPC)	145	231	253	224	237	5.8
2.	Importation of Girls (Sec. 366-B IPC)	149	67	61	67	48	-28.3
3.	Selling of Girls for Prostitution (Sec. 372 IPC)	50	123	69	49	57	16.3
4.	Buying of Girls for Prostitution (Sec. 373 IPC)	28	35	40	30	32	6.7
5.	Immoral Trafficking (Prevention) Act 1956	5,908	4,541	3,568	2,659	2,474	-6.9
Total		6,402	5,096	4,087	3,133	2,851	-9.0

¹⁷ S. Sen and P.M. Nair, *A Report on Trafficking in Women and Children in India 2002-2003*, Vol. 1, Institute of Social Sciences, National Human Rights Commission and UNIFEM (2004), <http://nhrc.nic.in/Documents/ReportonTrafficking.pdf> accessed 9 May 2011.

¹⁸ Ibid. 22.

¹⁹ National Crime Records Bureau, <<http://ncrb.nic.in/CII-2009-NEW/cii-2009/Chapter%206star.pdf>>.

3. Trafficking in West Bengal

Within India, the state of West Bengal is a major source, destination and transit point for victims of trafficking. West Bengal borders the Indian states of Sikkim, Bihar, Orissa, Jharkhand and Assam, and shares international borders with the countries of Nepal, Bangladesh and Bhutan. The capital, Kolkata, is the trade and cultural center of eastern India, and Siliguri in the northern part of the state "acts as the gateway to Nepal, Sikkim, Bhutan and also to the North-East due to its strategic location".²⁰

The National Crime Records Bureau reports that in 2009 there were 160 registered cases of trafficking in West Bengal,²¹ although the reports of both governmental and other actors suggest that the actual number of trafficking cases is much higher.²² Two thirds of all children who are trafficked in West Bengal are girls. Nearly 90 percent of those girls have either dropped out of primary school or have never attended school,²³ thus evidencing a strong link between lack of education and the risk of being trafficked.²⁴

Within West Bengal, the districts of Jalpaiguri, Darjeeling, North 24 Parganas and South 24 Parganas present particular challenges from a trafficking standpoint. Jalpaiguri and Darjeeling, which are located in the north of West Bengal, have long faced problems of unsafe out-migration by individuals bound for Kolkata and other metropolitan cities in search of livelihood opportunities. Kolkata for example, is generally considered as a major trafficking destination and center for brothel-based prostitution, along with Mumbai and Delhi. Trafficking of girls and women coming from the tea estates of these districts is prevalent. Jalpaiguri typically serves as a transit route for girls trafficked from Bhutan and Assam, and both Jalpaiguri and Darjeeling have an influx of children both from neighboring countries and neighboring Indian states. As for North and South 24 Parganas, recent data report these districts to be two of the most significant source areas for trafficking in the state.²⁵ Push factors include single crop growing fields, lack of livelihood opportunities and natural disasters. A 2003 study of trafficking in Madhusudanpur, a village in South 24 Parganas, showed that every second to third household in the village lives off the income of a trafficked girl between the ages of 13 and 15.²⁶ A study conducted by SANLAAP on the interconnections between migration, child marriage and human trafficking, highlights that, in 4 villages of North 24 Parganas alone, over 100 girls below 18 had been trafficked to Mumbai for forced prostitution during the preceding two years.²⁷ The authors of the study note that:

²⁰ Sen and Nair, above n 17, 35.

²¹ National Crime Records Bureau, <<http://ncrb.nic.in/CII-2009-NEW/cii-2009/Chapter%206star.pdf>>.

²² See, for instance, Global March Against Child Labour, *South Asian March Against Child Trafficking*, <<http://www.globalmarch.org/childtrafficking/010307.php>> and C. Bhattacharjee, "Trafficking's Second Haven", *The Sunday Indian*, 5 April 2009, reporting that: "It was nothing short of a sensation when West Bengal Chief Minister Buddhadeb Bhattacharjee admitted on the floor of the Assembly that over 60,000 girls have been trafficked out of the state in just four short years".

²³ D. Gupta, "Right to Protection: Decoyed Lives", *Tehelka* (2009), <http://www.tehelka.com/story_main43.asp?filename=cr071109right_to.asp>.

²⁴ Ibid. See also SANLAAP, *Trafficking Our Children: A Brief Situational Analysis on the Trend of Migration, Child Marriage and Trafficking in Eight Districts of West Bengal* (April 2006).

²⁵ S. Sen and P.M. Nair, *Trafficking in Women and Children in India* (Hyderabad: Orient Longman Private Limited, 2005) 35.

²⁶ Ibid., 681.

²⁷ SANLAAP, above n 24.

"When the parents of these young girls notice that their neighbors, who have sent their daughters to Mumbai, are able to buy land and properties they do not hesitate to force their daughters to go to Mumbai without considering the exploitative situation. Some of the parents expressed their willingness to send their daughters as soon as they get the chance".²⁸

Sending girls away is seen to have various advantages. It is one less mouth to feed, it provides an opportunity for families to obtain additional funds and often means that parents will not be obliged to pay marriage costs.

4. Causes and Consequences of Trafficking

The global problem of human trafficking is the result of a constellation of factors, including widespread poverty, lack of livelihood opportunities, entrenched gender discrimination, displacement, the demand for young girls (in part due to the fear of HIV/AIDS), the upheaval associated with natural disasters/conflict in parts of the country and the profits to be made. In some cases, socio-cultural and religious factors have an impact on child trafficking, as where religious figures have made use of their position to traffic girls for prostitution.²⁹ Frequently, trafficking is accomplished through the deception of girls and their families. In many villages in West Bengal it is reported that traffickers have obtained access to girls by pretending to be grooms without dowry demands.³⁰ In other cases, trafficking has been facilitated by relatives or 'friends' of the victims, as well as teachers and placement agencies.³¹ Girls who have been exploited are also commonly used to lure girls from source areas.

²⁸ Ibid.

²⁹ Save the Children, above n 9.

³⁰ A. Das, "Child Marriages, trafficking on the Rise in West Bengal", *The Hindu*, 19 July 2007, <<http://www.hindu.com/2007/07/19/stories/2007071956291300.htm>>.

³¹ S. Madhok, "Trafficking Women for Domestic Work", *Infochange Women*, <<http://infochangeindia.org/200803277013/Women/Features/Trafficking-women-for-domestic-work.html>>, informing that: "Recently, the Kolkata-based Shramjeevi Mahila Samiti tried to track down a number of missing girls and boys who had been trafficked to Delhi. They discovered that nearly a hundred of them had been placed by a single agency based in Lado Sarai. The rich agency owner, only five years ago, had been a vegetable vendor. The fortunes of this *tamatarwala* changed when his brother married a woman from West Bengal and they began trafficking women, girls and boys from her village to the city".

Manabendra Nath Ray, state programme manager for West Bengal with Save the Children, says: **"It starts in the villages and ends in the cities and happens through well-organised networks. Most people fall for the lure of money, jobs or marriage prospects"**. He recalls the story of 12-year-old Bindu from East Midnapore District. Bindu fell into the trap because her mother required an operation, which her family could not afford. A close relative promised her a job in Delhi to help pay for it. In the next four years, Bindu was sexually exploited (while in domestic service) in Delhi and Bengaluru, trapped by a placement agency to act as a trafficker herself and finally rescued by the Jai Prakash Institute of Social Change.

Ray reveals the **biggest challenge of their work: "Child trafficking has become a socially and culturally acceptable thing"**. For a family that earns Rs 500 a month, even a one-time bait of Rs 5,000 can be an overwhelming temptation. But it would be simplistic to think that poverty is the only driver. Most parents are not aware that **they are sending their children into harm's way** until it is too late. They realize only **when their kids stop sending money or stop calling**. **"They don't have any idea of the grim reality of city life"**.³²

Children at particular risk for trafficking include:

- orphans and children in custodial/educational institutions away from families
- children from broken families
- disabled children
- children living in rural poverty
- children living in slums or on the streets
- children in brothels
- children in communities practicing religious and cultural prostitution
- children stigmatized by abuse
- children born to victims of AIDS
- children of bonded laborers
- children from scheduled castes and tribes³³

³² D. Gupta, "Right to Protection: Decoyed Lives", *Tehelka* (2009), <http://www.tehelka.com/story_main43.asp?filename=cr071109right_to.asp>.

³³ Sen and Nair, above n 17 and HAQ Centre for Child Rights (HAQ CRC), *Still Out of Focus: Status of India's Children 2008* (hereinafter *Still Out of Focus*), <<http://www.haqcrc.org/about-us/publication/status-of-indias-children/2008-report.html>> last accessed 9 May 2011.

Local NGO SANLAAP, which is involved in the rescue and rehabilitation of trafficked girls in West Bengal, has noticed a shift in demand in recent years - from girls aged 14 and 15 to girls aged 9 and 10. It is common for trafficked girls to be subjected to verbal, sexual and physical abuse that approaches torture.³⁴ SANLAAP paints a disturbing picture: girls who have been trafficked for the purpose of prostitution are commonly held under lock and key, in debt to madams, and with little to no choice regarding **'customers' or condom use**. They frequently have a range of health problems (including as a result of forced abortions), coupled with poor access to medical care.³⁵ A recent study of trafficking survivors found that the girls were forced **to serve an average of seven 'customers' per day**. Nearly one third revealed that they were suffering from health problems, including HIV/AIDS and sexually transmitted diseases.³⁶

A 2007 study by Harvard School of Public Health of 287 Nepali females who returned home after being trafficked to India and forced into prostitution found that nearly 40 percent of the females were HIV positive when repatriated. Infection rates were much higher among the youngest girls, who are usually preferred by customers because they are often presented as virgins.³⁷ Girls who have been forced into prostitution are often only permitted to leave if they find replacements. In other cases, madams insist that the girls' children must remain in the brothel to repay debts that are owed. Where girls are able to return to their families and communities, they are frequently rejected, marginalized and vulnerable to being trafficked again.

5. Trafficking Law and Law Enforcement in India

The Indian Constitution explicitly prohibits trafficking of human beings and forced labor, and makes both offences punishable. Article 23(1) provides **that: "(t)raffic in human beings [...] and forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law"**. Meanwhile, Article 39(f) imposes a duty on the State to **direct its policy towards securing "that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment"**.

The *Immoral Traffic Prevention Act* (1956) (*ITPA*) is the main legal instrument addressing the trafficking of human beings in the country. It is supplemented by provisions in certain other domestic laws, including the *Indian Penal Code (IPC, 1860)*. The *ITPA* is focused on trafficking for the purpose of prostitution. Accordingly, it outlaws the running of a brothel; living on the earnings of a prostitute; procuring, inducing or taking a person for the sake of prostitution; and detaining a person in a place where prostitution is carried on.³⁸ The Act also provides for the rescue and rehabilitation of victims/survivors of trafficking, action against exploiters and increased punishment for trafficking offences involving children. In

³⁴ Sen and Nair, above n 17.

³⁵ Information provided by Tapoti Bhowmick, SANLAAP Legal Coordinator.

³⁶ Sen and Nair, above n 17.

³⁷ AFP, "High AIDS Rate in Nepali Sex Workers Returning from India", *The Times of India*, 1 August 2007. See also "High Rates of HIV Infection Documented Among Young Nepalese Girls Sex-Trafficked to India", *Science Daily*, 2 August 2007.

³⁸ *Immoral Traffic Prevention Act* (1956), Sections 3, 4, 5 and 6.

general, punishment is stringent under the Act, and ranges from seven years to life imprisonment.

The *IPC*, for its part, contains various provisions related to child trafficking. It imposes, for instance, criminal penalties for kidnapping, abduction (including for the purpose of compelling marriage), buying or selling a minor for prostitution, unlawful compulsory labor, importing/procuring girls and buying or selling a person for slavery. In addition, sexual assault on a child under 16 years of age, even with **formal 'consent', amounts to rape under the IPC**. The *Prohibition of Child Marriage Act* (2006) also seeks to address the issue of child trafficking and child marriages, by making involvement in the promotion of child marriage a punishable offence (Section 11), and by making a child marriage null and void if the child is married in connection with trafficking (Section 12(b) and (c)).

Also relevant for the repression of child trafficking is the *Juvenile Justice (Care and Protection of Children) Act* (2000) which includes prohibitions on cruelty to a child; employment of a child for begging; providing a child with narcotic drugs or psychotropic substances; and forcing a child into hazardous employment.³⁹ 'Child' is defined by the Act as a person under the age of 18. The *Juvenile Justice Act* also establishes a framework for providing care, protection, treatment, education, vocational training, development and rehabilitation to vulnerable children. To assist with this, the *Juvenile Justice Act* authorizes the establishment of Child Welfare Committees and protection homes in each state (Section 29). At present however, Child Welfare Committees and protection homes have been established only in selected districts of the country, and their operation is not without obstacles, especially as concerns the tracing of **children's families and** their possible return to their homes.⁴⁰ Also, in general, the rehabilitation mechanisms set up under the Act could benefit from better coordination among concerned bodies at the implementation stage.

In terms of judicial practice, there have been a number of High Court and Supreme Court decisions aimed at combating trafficking, and ensuring rescue and rehabilitation of victims.⁴¹ Currently, there are several cases pending before relevant courts that involve public interest litigation and seek the establishment of stronger safeguards for victims.⁴²

Prosecution and conviction of traffickers can also prove very difficult. Adequate training of law enforcement officers and immigration officials, and enhanced competence to act both within and across state borders, are fundamental elements in recognizing, preventing and combating trafficking cases on a global scale. It is also essential to provide support to families of trafficked victims in order to enhance confidence in law enforcement officials, and thus make sure that crimes are properly reported to the police. Finally, the training of public prosecutors in trafficking laws and procedures is a fundamental component in ensuring the effective prosecution of human **traffickers and the full enjoyment of victims' rights, including the right to redress for harm suffered.**

³⁹ *Juvenile Justice (Care and Protection of Children) Act* (2000), Sections 23, 24, 25 and 26.

⁴⁰ *Still Out of Focus*, above n 33.

⁴¹ Shakti Vahini, *Trafficking in India Report* (2004), (hereinafter *Shakti Vahini 2004 Report*).

⁴² See Trafficking, PILs and Cases, Human Rights Law Network

<http://www.hrln.org/hrln/index.php?option=com_content&view=category&layout=blog&id=142&Itemid=169>, 3 June 2010.

6. Legal Assistance and Rights Awareness

Human trafficking is usually exacerbated by the lack of legal assistance services available to victims and by the lack of awareness concerning the existing legal protection available to victims of trafficking. Victims and witnesses of human trafficking are often not aware of the mechanisms available to obtain justice and redress. On the other hand, law enforcement officials and judicial organs may not have adequate resources and training to ensure full victim protection.

A recent study of trafficking in India by the Indian National Human Rights Commission (NHRC) raises the alarm bell on the question of re-victimization of trafficked victims. For example, girls are likely to be re-victimized in cases where they have been:

- charged with solicitation and/or with undocumented status
- not notified of the charges against them
- not informed about their legal rights
- not informed of the progress and disposition of proceedings against their alleged traffickers
- kept in custody for long periods
- subjected to insensitive, traumatic cross-examination in court⁴³

The study found that, commonly:

victims and exploiters are 'rounded off' together by the police (sometimes along with NGOs) and thereafter, taken to the police station and kept together during the registration of [a first instance report], and during interview and other processes of investigation. This gives ample opportunity to the exploiters to terrorize the victims, and prevent them from speaking out and exposing the exploitation.⁴⁴

Under pressure from brothel keepers and other exploiters, girls tend to present themselves as adults. Exploiters then:

... lose no time in getting [the girls] released on bail [...] to re-traffic them back to the same or different brothel. Had they been held as children (under 18 years of age), they would have come under the purview of the [Juvenile Justice] Act, where the response mechanism is quite different. As per [this Act], **trafficked children are defined as 'children in need of care and protection'** and [...] are not to be produced before a court of law.⁴⁵

It should also be noted that, in the above-mentioned study, over half of females rescued from trafficking indicated that women police officers were not present while they were subjected to a body search, although this is required by law. More than 90 percent indicated that, following rescue, they were not informed of their rights by the police.⁴⁶

⁴³ Sen and Nair, above n 17.

⁴⁴ Ibid., 383.

⁴⁵ Ibid., 253.

⁴⁶ Ibid., 96.

The following case studies, involving trafficked girls who have been assisted by SANLAAP, further highlight the legal difficulties faced in this regard. **Zeenat's story**, which appears below, illustrates the common problem of age verification and its implications for child protection. False identity documents tend to complicate the situation. **Zeenat's story also points to the difficulties that can arise in terms of reuniting trafficked girls with their biological parents.**

Zeenat's Story

Zeenat is from the Bedia community in Madhya Pradesh, which has a tradition of placing girls into prostitution. When she was nine years old, Zeenat was rescued from Sonagachi, the biggest red light area in Kolkata, and brought to a SANLAAP-run home. **Individuals claiming to be Zeenat's parents sought to obtain custody of her through a prayer in the Kolkata High Court. The prayer was not granted due to Zeenat's claim that the individuals were not her biological parents. However, the individuals later filed a case against SANLAAP and prayed for custody of Zeenat before the Supreme Court. While this prayer was rejected as well, the individuals were given permission to meet Zeenat on a regular basis. When Zeenat reached 16, the individuals claiming to be her parents produced a false birth certificate purporting to prove that she was an adult. As a result, and given Zeenat's own seeming willingness to return 'home', the relevant organs allowed for her release. A few months later, Zeenat made a call to SANLAAP asking to be rescued from a brothel in Sonagachi. She has since filed a case against the individuals claiming to be her parents, as well as other individuals, and has returned to SANLAAP's home.**

Challenging legal issues also arise in cases where girls have been trafficked to India from other countries. The repatriation process is frequently long and complicated, hampered by difficulties with cross-border cooperation in such matters. Significant efforts in the area of mutual legal assistance are needed in order to protect victims' rights effectively. **As Jubeida's story (below) shows, the process of repatriation is further complicated where brothel owners and others involved in the exploitation of girls seek to conceal the girls' identities. It is common to 'rename' trafficked girls to avoid their identification by the police. Another challenge in this respect is presented where trafficking victims give birth to children in India.**

Jubeida's Story

Jubeida is 16 years old. She lived in Rongpur, Bangladesh with her mother and four younger siblings until a relative promised to find work for her in Dhaka. The relative ultimately trafficked her to West Bengal and sold her to a brothel. After two years of living in the brothel, where she became pregnant, Jubeida was rescued and taken to a SANLAAP home. She delivered a baby boy at the home, and began to make efforts to return her to her family. However, when she was rescued, Jubeida had given her **name as 'Ratna'** - the new name given to her in the brothel. Out of fear of her exploiters, she had also given the police false family information. This caused delays in the repatriation process. When Jubeida later shared her real name with counselors at the SANLAAP home, the relevant organs located her family, and an order was issued for her repatriation. Yet, because her son was born in India, he could not be **'repatriated' along with her.** SANLAAP is currently working to assist Jubeida.

While victims of trafficking can in principle serve as key witnesses in prosecutions, there are often practical difficulties in this regard. The *Criminal Procedure Code* (1973) provides that private lawyers may seek permission to represent child victims.⁴⁷ Where permission is granted, the child's lawyer may assist the prosecutor and file written arguments. Yet, child victims are often not provided with legal representation even when a formal application is made for this purpose. As witnesses, they commonly do not know whether they are being kept in protective custody or in prison.⁴⁸ When these problems are considered along with the fear of retribution and stigmatization, many child victims decide not to testify against their traffickers.⁴⁹ The following story highlights the type of challenges that can arise when seeking to encourage trafficking victims to assist with prosecutions, as well as provide appropriate witness protection.

Tuni and Shibani's Story

When Tuni was 12 years old and in Class V, she was taking private tuition with a woman named Mukta. One day, on the pretext of taking Tuni to a book fair, Mukta trafficked her into prostitution in Kolkata, along with three other girls - including Shibani (age 15). The police rescued the girls in a raid and arrested Mukta and four other individuals involved in the trafficking. Tuni, Shibani and the other girls were taken to a government-run shelter home, and were to be witnesses in the prosecution of their traffickers. However, after a few months in the home, Shibani ran away, and was re-trafficked into prostitution in Mumbai. Shibani was again rescued, this time by a SANLAAP partner organization in Mumbai, but she, Tuni and the other girls were extremely uncomfortable facing their traffickers in court. Only after SANLAAP provided legal counseling to the girls, and after a curtain between the girls and the accused was provided during court sessions, were the girls able to provide testimony. With the help of these interventions, Tuni and Shibani's traffickers were all sentenced to 7-10 years in prison.

As the cases above tend to show, one of the most formidable trafficking-related challenges in India relates to the lack of awareness on the part of victims, their families and communities regarding the existing legal protection for victims.⁵⁰ Sensitization and awareness at the grass roots level on what to do in cases of trafficking is needed to ensure that crimes are promptly registered in the area where trafficking takes place. In the above-mentioned study of trafficking in India by the NHRC, it was found that that 88 percent of individuals rescued from trafficking were not aware of any law against trafficking.⁵¹ Another 80 percent said that they were not aware of any law prohibiting child sexual abuse or commercial sexual exploitation of children.⁵² With regard to trafficked girls who continued to be subjected to commercial sexual exploitation at the time of the study, 80 percent were not aware of the existence of the *ITPA*, and those who were aware of its existence exhibited significant confusion about its contents. Over 70 percent believed that the law was meant to punish the victim of commercial sexual exploitation and nearly 20 percent believed that its sole purpose was to prevent solicitation. The remaining respondents

⁴⁷ *Criminal Procedure Code* (1973), Section 302.

⁴⁸ Information provided by HAO Centre for Child Rights, New Delhi.

⁴⁹ *Trafficking in Persons Report 2010 - India*, above n 13.

⁵⁰ "[...] as the parents of the victims are ignorant of the law and their rights, they seldom come to the police to lodge complaints". Sen and Nair, above n 25, 139.

⁵¹ Sen and Nair, above n 17, 93.

⁵² *Ibid.*

were not clear on the purpose of the law.⁵³

7. Anti-Trafficking Policies and Programs

Various actions have been taken to tackle child trafficking in India. In 1998, the Indian Prime Minister approved a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. The latter is concerned both with implementation of the *ITPA* and the rescue and rehabilitation of victims. A monitoring mechanism is intended to oversee implementation of the Plan from the district to the central level. The Central Advisory Committee on Child Prostitution monitors state implementation of the Plan of Action.

The specific interventions of the Indian Government in the area of trafficking have involved various departments and agencies, and have dovetailed with other interventions intended to ensure the protection of girl children in the country, including in the areas of labor and education. Notably, according to the United Nations Office on Drugs and Crime, the Indian Ministry of Home Affairs has initiated a comprehensive four-year anti-trafficking scheme focusing on two important areas: (a) the development of a cadre of master trainers through training of trainers of the police and (b) the establishment of Anti-Human Trafficking Units across the country, the funds for which have been committed by the government.⁵⁴ The latter are task forces within local law enforcement agencies, which are composed of specially trained officers responsible for human trafficking investigations. A 24 hour emergency phone service has also been created and can be accessed by children in need (or adults on their behalf). The aim is to link such children to support and care providers.

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

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

The 'Swadhar Scheme' of the Ministry of Women and Child Development also seeks to address the needs of females in difficult circumstances, including victims of sex trafficking. According to the above-mentioned Trafficking in Persons Report, 314

⁵³ Ibid., 111.

⁵⁴ Information provided by Swasti Rana, United Nations Office on Drugs and Crime, in an interview with HAQ Centre for Child Rights on 5 November 2009.

Swadhar projects have been funded by the Ministry.⁵⁵ The scheme is implemented through the Social Welfare/Women and Child Welfare Department of state **governments, Women's Development Corporations**, urban local bodies, public/private trusts and voluntary organizations. It aims to provide shelter, food, clothing, care, emotional support, legal aid, counseling and guidance, as well as to provide for social and economic rehabilitation through education, awareness and skill development.

State and Union Territory Governments, along with NGOs, have developed a variety of projects designed to address the trafficking of girls. Such projects frequently involve awareness raising, income generation, the provision of medical and other assistance and the training of law enforcement officials.⁵⁶ Community members are often enlisted in support of such efforts. For instance, Village Watchdog Committees constituted in Tamil Nadu to help address trafficking problems include village officials, NGOs and a member of the Self-Help Group active in the village.⁵⁷

To conclude, addressing the problem of child trafficking in India requires a multi-faceted approach, including the undertaking of legal reform to ensure compliance with international standards and protection for child victims. Training of law enforcement officers, public sensitization, efforts to reduce the financial insecurity that often pushes girls into trafficking, the strengthening of community vigilance structures and intensification of birth registration efforts are all essential components of the global effort to combat human trafficking. It also appears crucial to generate more accurate and detailed data concerning the trafficking of girls in the country.

In addition, rescue and repatriation protocols should be put in place, along with enhanced cross-border cooperation in the area of child trafficking. Finally, a variety of services must be made available to trafficking survivors, including shelter, counseling, health services, vocational training and help with repatriation and reintegration. Given the existing problems with the legal assistance facilities available to girls who have been trafficked, as well as larger problems with legal awareness, this appears to be a priority area for intervention. It is also the basis for the IDLO project in West Bengal, described below.

8. Expanding Rights Awareness and Legal Assistance in West Bengal

IDLO, in partnership with non-governmental organization SANLAAP in West Bengal, has sought to help prevent and combat child trafficking through a legal empowerment project in four districts of West Bengal: Jalpaiguri, Darjeeling, North 24 Parganas and South 24 Parganas. As noted, each of these districts faces significant trafficking-related challenges, with devastating implications for girl children in the districts and surrounding regions. In particular, SANLAAP has found that girls trafficked in these districts are often from villages with poor legal support structures. Police stations are, in many cases, far away, and the staff of community based organizations has a generally poor knowledge of anti-trafficking law. Where girls and their families are referred to local lawyers, the latter often compound problems due to lack of sufficient training and sensitivity to the issue. A description

⁵⁵ *Trafficking in Persons Report 2010 – India*, above n 13.

⁵⁶ For more information on such projects, see *India Country Report: Strengthening the Legal Protection Framework for Girls in India, Bangladesh, Kenya and Liberia* (IDLO 2010) <http://www.idlo.int/doccalendar/indiareport_final.pdf> last accessed 9 May 2011.

⁵⁷ Sen and Nair, above n 17.

of the IDLO project in the above-mentioned districts is provided below. A full evaluation of the project is also available from IDLO.

SANLAAP: Protecting the Most Vulnerable Members of Society

SANLAAP, which means 'dialogue' in Bengali, is a non-governmental developmental organization operating in West Bengal. Established in 1987, the focus of SANLAAP's work is the creation and implementation of programs designed to combat the trafficking of women and children for the purpose of commercial sexual exploitation, sexual abuse and prostitution. SANLAAP's approach is holistic in nature, encompassing campaigns and advocacy; prevention; stakeholder sensitization (including training of police and prosecutors); rescue, restoration and rehabilitation of trafficked persons; and socio-economic reintegration.

SANLAAP maintains two shelter homes in and around Kolkata for girls rescued from trafficking and commercial sexual exploitation, as well as drop in centers for children from red light areas. A major focus is on the provision of health assistance, education, skill development, leadership training and other assistance to vulnerable children. It works with a large network of partner organizations in order to ensure that its programs are appropriately contextualized and to ensure sustainability.

Ms. Indrani Sinha, SANLAAP's Executive Director, is a member of the Central Advisory Committee responsible for anti-trafficking initiatives throughout the country. SANLAAP has been given responsibility for writing the shadow report on trafficking submitted under the *Convention on the Elimination of All Forms of Discrimination Against Women*; it is a proactive partner in all debates and discussions regarding amendment of Indian law on trafficking and is part of the core committee created by the Ministry of Women and Child Development and UNICEF for the purpose of creating a standard operating procedure for repatriation of victims of trafficking between India and Bangladesh.

9. IDLO Project Overview and Objectives

The project developed by IDLO and implemented by SANLAAP in West Bengal has aimed at addressing child trafficking in the region (including cross-border trafficking), with a particular focus on the legal empowerment of girls who are victims of, or vulnerable to, trafficking. A long-term structural impact is envisaged at both the domestic and regional levels. The overall objective of the project has been to ensure that girls who are either exploited or at risk of exploitation are in a position to use existing legal mechanisms to realize and safeguard their rights. Specifically, the IDLO project has been designed to ensure that rescued girls in the four districts are provided with prompt, efficient and effective legal assistance. This has included making girls aware of their rights and privileges under existing laws and mechanisms available for **assistance, as well as ensuring that girls' procedural rights are guaranteed before, during and after legal proceedings** in which they are involved. Toward these ends, IDLO has provided girls in need with direct, straightforward access to trained legal and paralegal service providers. A priority has been to provide legal/paralegal services as soon as possible after the need for such services has arisen. Legal/paralegal service providers have also consulted and assisted girls on a regular basis in non-emergency situations. Finally, the IDLO project has also been

designed to prevent trafficking of girls at risk in the four districts by improving awareness of trafficking issues and basic rights among girls, families, communities and other stakeholders and by building anti-trafficking networks.

10. Project Description and Activities

Ensuring that trafficking victims in the four districts are provided with effective legal assistance and improving rights awareness among girls, families, communities and other stakeholders requires both intensive capacity building and the establishment of strong anti-trafficking alliances in the project districts. With this in mind, the project has employed a multi-faceted approach:

- Selected staff members of a number of community based organizations (CBOs) have been trained to work as barefoot legal counselors on trafficking laws and the problems faced by girls who have been trafficked.
- Selected lawyers in the four districts have been trained to provide assistance to victims of trafficking in connection with legal proceedings (for instance, where trafficked girls have been charged with crimes and where they are witnesses in trafficking prosecutions).
- District and State-level advocacy initiatives have been implemented, with the intention of improving awareness of the challenges faced by girls who have been trafficked and developing anti-trafficking networks.
- Rallies at the community level have been held in order to enhance awareness of trafficking issues, and to provide basic information on how to obtain legal assistance in cases of trafficking.
- Consultations have been held with girls who have been trafficked and their families to assess their needs and to provide them with information on their legal rights.
- Girls who have been trafficked, as well as families of trafficking victims, have been provided with legal assistance and support by CBO staff and lawyers trained under the project. This has involved assistance with trafficking prosecutions and the promotion of the safe repatriation of trafficking survivors.

Each of these project components is discussed in more detail below.

11. Developing a Cadre of Barefoot Legal Counselors

IDLO's legal empowerment project has supported the establishment of a cadre of individuals working at the grassroots level who are trained to provide girls rescued from trafficking situations with basic information concerning their rights. These '**barefoot legal counselors**' are also involved in raising awareness in vulnerable communities on girls' **rights and actions that should be taken when girls are missing** (e.g., lodging a first instance report with local police) and in disseminating information concerning existing statutory schemes and bodies meant to benefit trafficking victims.

As part of the project, **IDLO's local partner** SANLAAP first identified CBOs in the four project districts that work in areas with high levels of migration, trafficking and '**generational prostitution**' (areas where girls are used for prostitution purposes

generation after generation). Local organizations were chosen on the basis of demonstrated success in addressing concerns within their communities. None of the organizations had a lawyer on staff and, while they frequently came into contact with girls who have been trafficked and girls vulnerable to trafficking, prior to the IDLO project they had not received training on legal aspects of trafficking. Specific CBO staff members with good communication skills, involvement with target communities and previous contact with situations of trafficking/unsafe migration were selected to participate in an anti-trafficking training program held by SANLAAP. SANLAAP subsequently organized residential trainings for selected staff on the law related to trafficking and the rights of trafficking victims. A total of 23 CBOs were represented, including 22 CBO workers from communities in North and South 24 Parganas and 17 CBO workers from Jalpaiguri and Darjeeling.

The trainings, which were informal and highly interactive, included a discussion of the main legal provisions of relevance for trafficking in India, as well as basic information on the Indian legal system (including, notably, information on the difference between civil and criminal cases and the role of police and prosecutors). SANLAAP used a flow chart to walk participants through the different stages of a trafficking case. The training also included:

- A film examining the impact of trafficking in India.
- Discussions led by SANLAAP staff focusing on practical experiences in assisting trafficking victims **and the 'push factors' involved in trafficking**.
- Group discussions designed to clarify trafficking-related issues, including the **meaning of 'child', the role of 'consent', the role of 'force' in trafficking, the relationship between migration and trafficking and between trafficking and prostitution**.
- Case studies and role play meant to help CBO staff in the use of anti-trafficking laws, with the final aim of helping trafficked girls, families and communities to obtain justice.
- Group discussions regarding gender discrimination as an impetus to trafficking, designed to expose and break down gender stereotypes.

Throughout, SANLAAP trainers emphasized the need for gender-sensitive and child friendly services in handling trafficking cases. On this point, **SANLAAP's experience** demonstrated that reflexive discriminatory attitudes often have a negative impact on girls who have been trafficked, and that even well-meaning individuals can harm trafficking victims through comments and actions rooted in such attitudes. Trainees were provided with information, education and communication materials highlighting specific provisions of trafficking-related laws; discussing the drivers of trafficking; outlining the existing child protection infrastructure; and providing contact information for district protection officers, child welfare committees and shelter homes. The materials, which were developed by SANLAAP, also included recommendations for handling **cases of trafficking, based on SANLAAP's experience**, and information on repatriation of girls who have been trafficked. Finally, public prosecutors and police officers operating in the districts attended the trainings as resource persons, in order to help in creating an anti-trafficking network.

Initial feedback from CBO staff participating in the training was very positive. Participants highlighted, in particular, the usefulness of the role play and group work. It was noted that the training helped clarify issues such as where to go in cases of trafficking or presumed trafficking and what to do in such cases, as well as the **nature of victims' rights**. It was also noted that law enforcement officers have

sometimes been reluctant to take action in cases of trafficking, and that - where this has been the case - it would be **imperative for those advocating on girls' behalf to** have a basic knowledge of anti-trafficking law.

12. Creating a Network of Lawyers

In order to develop a network of lawyers trained in trafficking law and sensitive to the rights of victims in the four districts, SANLAAP organized residential trainings specifically designed for lawyers. By building a rapport with district based lawyers, SANLAAP has been able to create legal referral points for girls who have been rescued and their families.

CBOs participating in the IDLO project or otherwise familiar with SANLAAP's work proposed the lawyers to be selected for participation in the training. None of the selected lawyers had previously received specialized training on trafficking law. In South Bengal, 24 individuals attended the SANLAAP-held training and, in North Bengal, 16 individuals received training. Most trainees were lawyers, but members of the Juvenile Justice Boards from Jalpaiguri and Darjeeling, the Child Welfare Committee in Darjeeling and 3 CBO legal counselors attended the training as well. The lawyers' trainings, which included public prosecutors and police officers as resource persons along with SANLAAP staff, were broadly similar to those provided to CBO staff. Their aim was to familiarize trainees with anti-trafficking laws and the problems facing trafficking victims. As with the CBO training, sessions were highly interactive; they incorporated discussions meant to clarify common misconceptions concerning trafficking and expose and break down gender stereotypes that contribute to the victimization of trafficked girls.

There were, however, certain differences in the lawyer and CBO trainings based on the distinct needs of the two groups. Discussions on anti-trafficking laws were more detailed than those provided to CBO staff, and the participants in the lawyers' trainings participated in a mock trial designed, *inter alia*, to help them create a child-friendly, gender sensitive atmosphere for victims. Like CBO staff, lawyer-trainees expressed particular appreciation for the role play and group work aspects of the training. Trainees received, along with the information, education and communication materials discussed in the previous section, a handbook containing trafficking-related laws and regulations as well as a synopsis of Supreme/High Court judgments relevant to trafficking. Similar to the Barefoot Legal Counselors training, participant feedback was generally very positive.

13. Advocating for the Rights of Trafficking Victims at the District and State Level

District Consultations – South 24 Parganas and Jalpaiguri

In South 24 Parganas and Jalpaiguri, SANLAAP organized consultations aimed at highlighting the increasing number of missing/trafficking cases; the difficulties faced by rescued/restored survivors of trafficking; and the need for coordination between and among actors working in the districts on trafficking-related issues.

In South 24 Parganas, participants included a District Magistrate, a District Social

Welfare Officer, the Director of Public Prosecution, members of the Child Welfare Committee, the Deputy Superintendent of Police and other government officials, along with representatives of CBOs trained by SANLAAP under the IDLO project and several survivors of trafficking. The consultation in Jalpaiguri also provided an occasion for CBOs trained by SANLAAP and trafficking survivors⁵⁸ to interact with district-level officials, including a District Magistrate, District Social Welfare Officer, the Deputy Superintendent of Police, a Probation Officer, District Program Officer, District Protection Officer (Domestic Violence Act) and Child Development Project Officers responsible for coordinating and implementing child development services in the district.

The consultations featured presentations by SANLAAP and its CBO partners concerning their involvement in anti-trafficking work in the areas of prevention, protection, rehabilitation and reintegration, as well as discussions among participants concerning existing possibilities for stemming the trafficking problem in the districts and improving the services provided to trafficking survivors. It was agreed that:

1. Collaborative government/NGO efforts to rescue children trafficked from the district are needed as a priority;
2. Trafficking survivors must be provided with quality care and support through safe, effective institutions;
3. Relevant government departments and NGOs need to jointly organize awareness generation programs in trafficking prone areas;
4. Survivors should be included in Self Help Groups;
5. Efforts must be made to ensure that survivors are able to benefit from existing statutory schemes and programs.

In the Jalpaiguri consultation, it was also recommended that government schemes and programs be developed specifically for restored survivors.

State Consultation

In parallel with district-level advocacy efforts, SANLAAP organized a state-level consultation on 26 February 2011 in Kolkata, designed to examine ways to improve access to justice for victims of trafficking, including the question of delayed court cases, difficulties in the prosecution of trafficking cases, and the need for attitudinal changes vis-à-vis trafficking victims. Fifty-six individuals participated in the consultation. In addition to representatives of SANLAAP and IDLO, these included the Chairman of the State Human Rights Commission; a representative of the West Bengal Commission for Women; the Consul and Third Secretary of the Consulate General of Nepal; judges; public prosecutors; advocates; law enforcement officers; and NGOs and scholars working on issues related to child trafficking. Twelve survivors of trafficking also participated. During the consultation it was emphasized that there is widespread lack of awareness regarding anti-trafficking legislation on the part of the general public, which contributes to problems with prosecution and conviction of traffickers. It was also stressed that those working in the anti-trafficking field must receive additional training on how to access justice mechanisms and procedures, and be made more aware of how to use anti-trafficking legislation for the benefit of victims.

⁵⁸ It should be noted that the survivors who participated in the consultation had previously taken part in SANLAAP-held 'survivor consultations', during which their post-restoration needs were assessed and they were provided with information concerning their rights.

Payel's story

'Payel', a trafficking survivor from a SANLAAP shelter home, told participants her story:

I grew up in Barasat. When I was 15 years of age, I was duped by a relative and brought to Kolkata where I was sold to a madam of a brothel in Sonagachi. After two years of torture and abuse I was rescued by the Police and brought to SANLAAP's shelter home, Sneha. Here I saw many other girls [...] waiting to go back home. I made friends here and saw them making court appearances for 8-9 years without any respite or the perpetrators getting close to being convicted.

There is no ongoing case against the individuals involved in trafficking 'Payel', but she appealed to those participating in the consultation to support the thousands of girls like her who are seeking justice.

During the consultation, SANLAAP highlighted the various drivers of child trafficking in West Bengal, including poverty and obstacles to education/training, and drew attention to the need to address the stigmatization of trafficking survivors and their families. In this connection, many speakers mentioned the fact that girls who have been rescued are often reluctant to take action against their traffickers. They are, for instance, commonly reluctant to reveal their names and information that might lead to disclosure of their identities. It was generally agreed that those who interact with trafficked girls must work to provide a safe, comfortable atmosphere for the girls - both to guarantee **the girls' rights and to help ensure that those who have exploited them will be prosecuted.**

14. Raising Community-Level Awareness on Trafficking

SANLAAP, together with CBO staff trained under the IDLO project, organized and held rallies in the Sundarbans, a remote area in North and South 24 Parganas, and Jalpaiguri District. Rallies in Jalpaiguri were also extended to certain migration prone areas of Cooch Behar District, which adjoins both Jalpaiguri and the Indo-Bangladesh border. The rallies were designed to heighten awareness of the problem of trafficking at the community level, and to provide basic information on how to obtain legal assistance in cases of trafficking.

Jalpaiguri/Cooch Behar Rallies

Day	Date	Jalpaiguri District	Cooch Behar District
1	12.01.2011	Maynaguri, Dhupguri, Falakata, Sonerpur, Alipurduar, Barobisha	-----
2	13.01.2011	Kumargram, Chakchaka, Durgabari, Uttar Haldibari, Marakata Bazar	-----
3	14.01.2011	Dohomaoni, Lataguri, Kranti, Odlabari, Malbazar, Damdim Tea Garden	-----
4	15.01.2011	Rangdhamali, Raninagar, Belacoba, Fulbari, Ambari, Rajganj, Fatapukur	Haldibari
5	16.01.2011	Maynaguri Road Barnish, Helapakri	Mekhliganj, Tin Bigha, Changrabandha, Jamalda, Mathabanga

The rallies in Jalpaiguri began at a local shelter home. Led by a decorated vehicle, SANLAAP, CBO/NGO staff, Child Welfare Committee members and girls residing at the shelter home stopped at bus stands and market places and disseminated information about trafficking through slogans, songs, street dramas and discussions with community members. Leaflets in Bengali and Hindi were distributed, with information on trafficking, unsafe migration and information on how to file trafficking cases with the police. Contact details for local CBOs/NGOs were also provided.

Day	Date	Sundarbans
1	4.3.2011	Shankijahan Colony, Kantamari hat, Kultoli, Sonakhali
2	5.3.2011	Basanti, Pathankhali, Chunakhali, Sonakhali
3	6.3.2011	Gosaba, Gadkhali, Pakhiraloy, Dayapur
4	7.3.2011	Sajnekhali, Hemnagar, Satjele, Jatirampur, Biswabank
5	8.3.2011	Jharkhali, Bonny Camp, Kaikhali, Jamtala

Rallies were also organized in the Sundarbans, a high-risk area for unsafe migration and trafficking, due to the scarcity of livelihood options and the natural disasters that regularly affect the area. Parts of the region also serve as entry points for illegal migrants from Bangladesh. Because of its remoteness, government programs and schemes are commonly not implemented in the area and NGO/CBO coverage is problematic. The Sundarbans rally began from Kaikhali, with a hired boat draped in banners and flags. SANLAAP and local CBOs made speeches, chanted slogans, sang songs and performed dramas designed to sensitize community members on trafficking issues. Awareness programs were organized on the riverbanks and on adjoining hats (market places). Leaflets were distributed, with information in Bengali on trafficking and unsafe migration.

15. Providing Legal Counseling and Assistance to Trafficking Survivors and their Families

CBO staff and lawyers who participated in the SANLAAP training have begun providing trafficked girls with legal counseling and assistance. Assistance has been provided in CBO offices, as well as shelter homes run by SANLAAP and two CBO partners: Jalpaiguri Motivated Social Workers Organization (Jalpaiguri and Darjeeling) and Haripur Amra Sabai Unnayan Samity (South 24 Parganas). A number of families of missing/trafficked girls have also been provided with assistance under the project, including assistance with filling first instance reports at local police stations.

CBOs organized survivor consultations in each of the four districts covered by the project. Most girls were accompanied by family members, though some came with CBO staff. The consultations aimed to assess the specific needs of the girls and their families, in order to ensure that they are provided with appropriate legal assistance and to tailor further advocacy initiatives. Participating girls also received basic information on trafficking and related laws, as well as contact information for legal service providers.

District	Date	Venue	No. of Survivors	No. of Family Members	Program partners
South 24 Parganas	26th November 2010	Office of HASUS, Laxmikantapur	39	32	HASUS, NIRMAN, SAMADHAN, GGBK, SRDTC
North 24 Parganas	19th January 2011	Office of GP, Basirhat	18	15	GP, SUB, SIMANTA BANGLA & DA
Jalpaiguri	28th November 2010	Office of SANTANA, Mainaguri	18	5	SANTANA, SEBA SANGHA, JMSWO & DAMRI
Darjeeling	31st January 2011	Seba Kendra, Siliguri	25	10	KUK, RCHSS & HSWS

During the overall project period SANLAAP has:

- ensured the provision of legal assistance for 83 survivors of trafficking, sexual abuse/exploitation and other violence;
- facilitated the rescue of 69 girls from prostitution and other exploitative situations;
- aided in the arrest of 56 accused traffickers, 18 of whom have been convicted.

16. Conclusion and Follow-on Activities

The trafficking of girl children in India requires action on a range of fronts. As frequently observed, poverty alleviation and the expansion of opportunities for education are crucial to the fight against trafficking, as are campaigns designed to address the pervasive gender discrimination that frequently causes girls to be regarded as less worthy of care and protection.

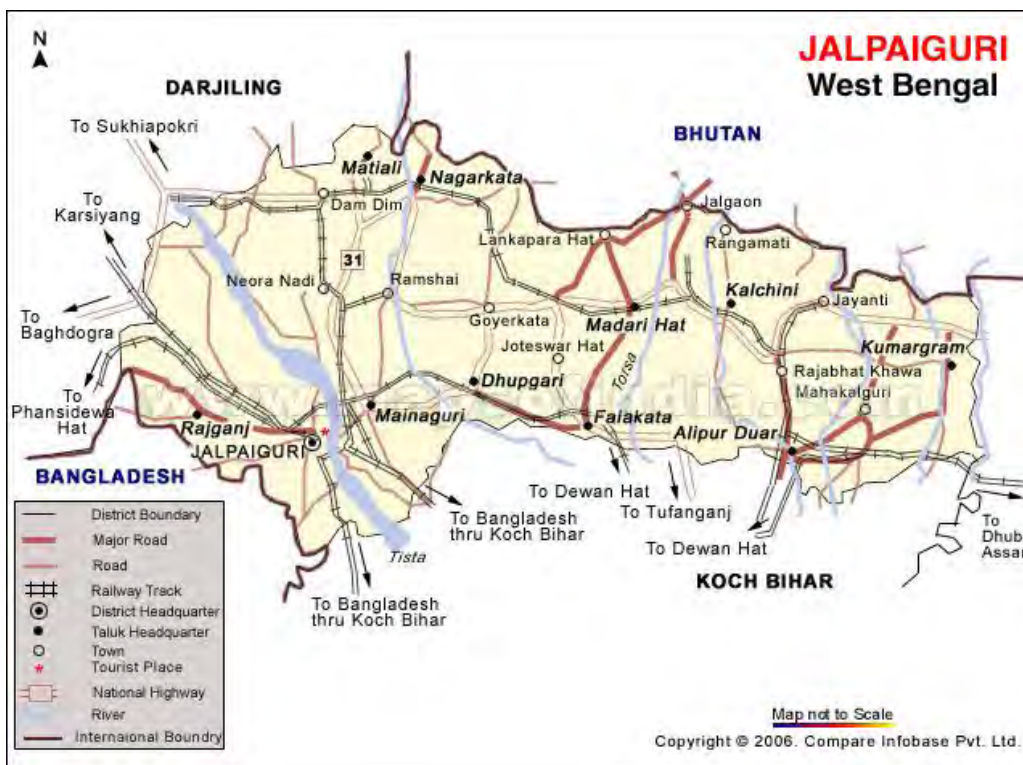
Based on legal empowerment approaches, **IDLO's project** in four districts of West Bengal (North 24 Parganas, South 24 Parganas, Darjeeling and Jalpaiguri), as implemented by local NGO SANLAAP, has aimed at combating human trafficking by providing girls with the tools to access existing legal mechanisms to realize and safeguard their rights. With the aim of providing effective, gender sensitive and child friendly legal counseling and assistance, SANLAAP has held anti-human trafficking training sessions for: 1) selected staff of CBOs working in areas with high levels of trafficking and migration and 2) lawyers working in the target areas. These trainings were intended to familiarize participants with the basic legal framework and **infrastructure applicable to trafficking in West Bengal; build participants' confidence** in addressing trafficking cases and create linkages among participants, law enforcement agencies, and other key stakeholders. Initial participant feedback has been very positive, particularly with regard to elements of the training designed to provide participants with practice in dealing with legal aspects of trafficking cases (for instance, mock trials, role play). Several participants indicated that these practical aspects of the training helped them to feel more confident about the prospect of aiding girls who have been trafficked and their families.

In parallel with its training of CBO staff and lawyers, SANLAAP has engaged in State and district-level advocacy designed to improve awareness of the challenges faced by girls who have been trafficked and to create anti-trafficking networks composed of NGOs, government officials, law enforcement officials, prosecutors, judges and other stakeholders. It has also held rallies at the community level to enhance trafficking awareness and provide basic information to community members on how to obtain legal assistance in trafficking cases. Finally, CBO staff and lawyers trained under the IDLO project have begun providing girls and their families with assistance. Notably, in the four project districts, CBO staff members have organized consultations with trafficking survivors in order to assess their needs and to help them access legal assistance.

During the course of the project, the widespread lack of awareness at the local community level concerning trafficking laws and procedures for reporting trafficking cases emerged as a significant obstacle both to the prosecution of traffickers and to the overall legal protection of victims. Based on this and other lessons learned, IDLO and SANLAAP decided to pilot a second phase of the project. Phase II (March – June 2011) focuses more intensively on community-level sensitization on legal aspects of trafficking, with the aim to ensure that communities are aware of basic anti-trafficking laws and procedures and are able to use them to realize their rights and prevent instances of trafficking. It includes a legal awareness program for female 'Self Help Groups' members in the four districts and legal trainings for youth leaders. **In reflection of the project's focus on legal empowerment of girls, Phase II also** includes legal awareness camps for girls residing in shelter homes in the project districts.

17. Map of Project Area

North Bengal (Darjeeling and Jalpaiguri)



South Bengal (North 24 Parganas and South 24 Parganas)



Annex I – Sanlaap Affiliations and Activities

Membership in Anti-Trafficking Networks

- Action against Trafficking and Sexual Exploitation of Children (ATSEC)
- Campaign Against Child Trafficking (CACT)
- Coalition Against Trafficking in Women - Asia Pacific (CATW)
- Cross Border Anti-Trafficking Network (CBATN)
- End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT)
- Maitree - **Network of voluntary women’s organizations**
- **National Alliance of Women’s Organizations (NAWO)**

Other Networking Partners / Supporters

- American Consulate, Kolkata
- Bangladesh Deputy High Commission
- Bangladesh National Women Lawyers Association (BNWLA)
- Border Security Force (BSF)
- Child Welfare Committee (CWC)
- Christian Aid
- Directorate of Social Welfare, West Bengal
- European Commission
- Evangelischer Entwicklungsdienst (EED)
- Ford Foundation
- Gana Unnayan Parishad (GUP)
- Government of India (GOI)
- Government of West Bengal
- Human Rights Law Network (HRLN)
- International Justice Mission (IJM)
- Kolkata Police
- Maiti Nepal, Nepal
- National Commission for Women (NCW)
- National Human Rights Commission (NHRC)
- OFFER, Kolkata
- Prajwala, Hyderabad
- Prerana, Mumbai
- Rescue Foundation, Mumbai
- Royal Nepal Consulate
- Save the Children Sweden and Denmark
- Shakti Samuha, Nepal
- Stop Trafficking, Oppression and Prostitution (STOP)
- Terre des Hommes Foundation (TdH)
- United Nations Development Programme (UNDP)
- United Nations Fund for Women (UNIFEM)
- **United Nations International Children’s Fund (UNICEF)**
- United Nations Office on Drugs and Crime (UNODC)
- United States Consul General - New Delhi and Kolkata
- West Bengal Police
- West Bengal State Commission for Women
- West Bengal State Human Rights Commission
- Women Power Connect (WPC)

Annex II – CBO Partners with Areas of Operation

1.	Kaikhali SAMADHAN Samity	South 24 Paraganas
2.	Haripur Amra Sabai Unnayan Samity (HASUS)	South 24 Paraganas
3.	NIRMAN Social Welfare Organisation	South 24 Paraganas
4.	Sundarban Unnayan Bhavan (SUB)	North 24 Parganas
5.	Gobindapur SIMANTA BANGLA Mahila Seva Samity	North 24 Parganas
6.	SATYANANDA MISSION	North 24 Parganas & Nadia
7.	Bhabna Association for People's Upliftment (BAPU)	South 24 Parganas & Murshidabad
8.	Gana Unnayan Parishad (GUP)	North & South 24 Parganas
9.	Institute of Social Work (ISW)	North & South 24 Parganas
10.	Sundarban Rural Development and Training Centre (SRDTC)	South 24 Parganas, Jalpaiguri & Cooch Behar
11.	Goranbose Gram Bikash Kendra (GGBK)	South 24 Parganas
12.	Shikarpur Swadhikar Society (SSS)	North 24 Parganas & Nadia
13.	SUCHETANA	South 24 Parganas
14.	Global Philanthropy (GP)	North 24 Parganas
15.	Shatmonisha Santi Sangha Mahila Samity (SSSMS)	South 24 Parganas
16.	Rajadighi Community Health Service Society (RCHSS)	Darjeeling & Malda
17.	Kanchanjunga Uddhar Kendra (KUK)	Darjeeling
18.	Hill Social Welfare Society (HSWS)	Darjeeling
19.	SEBA SANGHA	South 24 Parganas & Jalpaiguri
20.	SANTANA	Jalpaiguri
21.	Jalpaiguri Motivated Social Workers Organization (JMSWO)	Jalpaiguri & Darjeeling
22.	Gitaldaha Gram Bikash Samity (GGBS)	Cooch Behar

Annex III - International Legal Standards on Child Trafficking

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Convention on the Rights of the Child (1989) [ratified 1992], Art. 8.2

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Convention on the Rights of the Child (1989) [ratified 1992], Art. 35

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Convention on the Rights of the Child (1989) [ratified 1992], Art. 39

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) [ratified 2005], Art. 1

For the purposes of the present Protocol: (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) [ratified 2005], Art. 2

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:
 - (a) In the context of sale of children as defined in article
2. (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:
 - a. Sexual exploitation of the child;
 - b. Transfer of organs of the child for profit;
 - c. Engagement of the child in forced labour...
3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) [ratified 2005], Art. 3

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:
 - (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
 - (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
 - (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
 - (d) Providing appropriate support services to child victims throughout the legal process;
 - (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
 - (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
 - (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.
2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.
3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.
4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) [ratified 2005], Art. 8

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.
2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programs, including at the international level.
3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) [ratified 2005], Art. 9

The 'worst forms of child labour' include: all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict

ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) [not ratified], Art. 3

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) [not ratified], Art. 6

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under eighteen years of age.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) [signed 2002, but not ratified], Art. 3

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
 - (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
 - (b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
 - (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) [signed 2002, but not ratified], Art. 5

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
 - (a) Information on relevant court and administrative proceedings;
 - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defense.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
 - (a) Appropriate housing;
 - (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
 - (c) Medical, psychological and material assistance; and
 - (d) Employment, educational and training opportunities.
4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.
5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) [signed 2002, but not ratified], Art. 6

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.
2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) [signed 2002, but not ratified], Art. 7

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.
2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into

the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.
4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.
5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.
6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) [signed 2002, but not ratified], Art. 8

1. States Parties shall establish comprehensive policies, programmes and other measures: (a) To prevent and combat trafficking in persons; and (b) To protect victims of trafficking in persons, especially women and children, from re-victimization.
2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.
4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.
4. States Parties shall adopt or strengthen legislative or other measures such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) [signed 2002, but not ratified], Art. 9

1. The State Parties to the Convention shall take effective measures to ensure that trafficking in any form is an offence under their respective criminal law and shall make such an offence punishable by appropriate penalties which take into account its grave nature.
2. The State Parties to the Convention, in their respective territories, shall provide for punishment of any person who keeps, maintains or manages or knowingly finances or

takes part in financing of a place used for the purpose of trafficking and knowingly lets or rents a building or other place or any part thereof for the purpose of trafficking.

South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) [ratified 2002], Art. III

1. The State Parties to the Convention shall ensure that their courts having jurisdiction over the offences committed under this Convention, can take into account factual circumstances which make the commission of such offences particularly grave, viz...
 - e) the victimisation or trafficking of children.

South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) [ratified 2002], Art. IV

In trying offences under this Convention, judicial authorities in Member States shall ensure that the confidentiality of the child and women victims is maintained and that they are provided appropriate counselling and legal assistance.

South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) [ratified 2002], Art. V

The State Parties to the Convention shall sensitize their law enforcement agencies and the judiciary in respect of the offences under this Convention and other related factors that encourage trafficking in women and children.

South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) [ratified 2002], Art. VIII.2

1. The State Parties to the Convention shall work out modalities for repatriation of the victims to the country of origin.
2. Pending the completion of arrangements for the repatriation of victims of cross-border trafficking, the State Parties to the Convention shall make suitable provisions for their care and maintenance. The provision of legal advice and health care facilities shall also be made available to such victims.
3. The State Parties to the Convention shall establish protective homes or shelters for rehabilitation of victims of trafficking. Suitable provisions shall also be made for granting legal advice, counselling, job training and health care facilities for the victims.
4. The State Parties to the Convention may also authorise the recognised non-governmental organizations to establish such protective homes or shelters for providing suitable care and maintenance for the victims of trafficking.
5. The State Parties to the Convention shall encourage recognised non-governmental organisations in efforts aimed at prevention, intervention and rehabilitation, including through the establishment of such protective homes or shelters for providing suitable care and maintenance for the victims of trafficking.

South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) [ratified 2002], Art. IX

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

*Convention on the Elimination of All Forms of Discrimination against Women (1979)
[ratified 1993], Art. 6*

Appropriate measures should be taken as early and as quickly as possible to protect affected populations, in particular women and boy and girl children, against trafficking, forced labor and contemporary forms of slavery such as sale into marriage, forced prostitution, and sexual exploitation.

Inter-Agency Standing Committee Operational Guidelines on Human Rights and Natural Disasters (2006), A.3.3

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