CHAPTER 6

THE ROLE OF NATIONAL HUMAN RIGHT COMMISSION, NATIONAL COMMISSION FOR WOMEN AND THE NGOs – A STUDY
"Women found in flesh trade, should be viewed more as victims of adverse socio-economic circumstances rather than as offenders in our society. The commercial exploitation of sex may be regarded as a crime but those trapped in custom oriented prostitution and gender oriented prostitution should be viewed as victims of gender oriented vulnerability."

— Gourav Jain vs. Union of India 1

6.1 Introduction

Considering the gender and age dimensions involved in trafficking, the picture which emerges is one of the continued abuse of children and women especially girl children. Children are the most affected and marginalized section of our society, who needs safety and security as they are exposed to different types of adversity. They need a special focus in policy and for rehabilitation. Among the children the girl child is more affected. In a situation of complete break down of all social security systems and internal mechanism, children are often physically and psychologically exploited. She becomes vulnerable to trafficking into prostitution, especially, if she has no one to protect her. There is a clear undercurrent of gender discrimination and consequent exploitation. This can be addressed only if the issue of gender is integrated with schemes, programmes and policies in all relevant sectors. Counter-trafficking measures, especially those relating to prevention and rehabilitation should be integrated with the policies and programmes of all the related departments. Such

1. AIR 1990 8SCC 114
approach can in the long run provide the required empowerment to women and children especially those in vulnerable circumstances and equip them with safe livelihood options, rights awareness and guarantee against exploitation. The defence of human rights is, in essence, the defence of human dignity. An account of the policies and programmes initiated by the government, NHRC, NCW and the non-governmental agencies is been highlighted in this chapter.

6.2 The National Human Rights Commission

The Protection of Human Rights Act, 1993 has been passed pursuant to the directive under Article 51 of the Constitution and International Commitments and also emerging approach of the international community towards human rights. However, there has been a growing concern in the country and abroad about issues relating to human rights. Having regarded to this, changing social realities and the emerging trends in the nature of crime and violence, the Government has been reviewing the existing laws, procedures and system of administration and transparency in these and devising more efficient and effective methods of dealing with the situation. The Indian Parliament has enacted the Protection of Human Rights Act, 1993 and accordingly it also provided for the establishment of National Human Rights Commission by the Union Government. The Commission paid particular attention to


3. The NHRC was initially constituted under the Human Rights Ordinance of 28 September 1993. This ordinance was subsequently enacted into Act, known as the Protection of Human Rights Act, 1993.
the rights of the most vulnerable i.e. the woman and children, especially the girl children who are victims of trafficking in prostitution.

The NHRC is fully committed to the cause of anti-trafficking. Several initiatives have been made in this direction. As a follow-up recommendation made by the Asia Pacific Forum of National Human Rights Institutions in its meeting held in Manila in September 1999, and as per the request of the United Nations High Commissioner for Human Rights, a Commission has been set up with Justice (Mrs.) Sujata V. Manohar, member of the Commission, as the Focal Point. The NHRC has taken a multi-dimensional approach to the problem of trafficking with emphasis on the following aspects.

**Co-ordination and Co-operation**

- Review the existing commitments made at the international and regional levels to prevent and to eliminate trafficking and violence against child and women and suggest steps for their implementation.

- Promote better co-operation between countries and international organizations, and other catalysts which have a key role in preventing and eliminating trafficking and violence against women, including UNIFEM, UNICEF, the UN centre for Human Rights, the UN Commission on Human

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4. The United Nations High Commissioner for Human Rights, Ms Mary Robinson, has requested each National Institution in the region to nominate an appropriate individual to serve as a Focal Point on the Human Rights of Women, including matters related to Trafficking. The Commission considered the request and, thereafter, the chairperson nominated Justice (Smt.) Sujata V. Manohar, Member of the NHRC, to serve as the Focal Point.

Rights, ILO, UNESCO, UNDP, WHO, UNAIDS, INTERPOL, UN Crime Prevention and Criminal Justice Division, UNFPA, the World Tourism Organisation, the UN High commissioner for the Human Rights and the UN special rapporteurs on violence against women.

- Review / develop and strength comprehensive, cross-scrotal and integrated strategies and measures so that there are national and local level agenda(s) for action and indicators of progress, with set goals and time frame for implementation, targeted at preventing and eliminating trafficking and violence against women.

- Network with civil society organisation in the prevention and elimination of trafficking and violence against child.

On prevention:

- Review and amend relevant laws to prevent trafficking in prostitution and violence against child.

- Strengthen national, social and economic policies and programmes to safeguard child vulnerable to trafficking and violence.

- Develop special modules of sensitization for personnel manning homes for women, police officials, border police officials, health personnel and NGO’s to prevent and combat trafficking and violence against child.

- Initiate gender sensitive public information campaigns to raise awareness about the nature and degree of human rights abuses experienced by woman and child who are trafficked and subjected to violence.

- Mobilise the corporate, including tourism industry, against the use of its networks and establishment for trafficking in women.
• Sponsor studies to create a reliable and relevant database on women including child vulnerable to trafficking and violence, their exploiters etc.

On protection:

• Review, amend, strengthen and monitor implementation of laws, policies and programmes to protect the rights of trafficked women and child as well as those being subjected to violence of different kinds, bearing in mind that the different types of perpetrators and ages and circumstances of victims require different legal and programmatic responses. In the case of trafficking of child and women, the Focal Point would ensure that the trafficked child have the right to initiate relevant administrative and legal proceedings against traffickers as well as obtain redressal for all harms they have suffered and that they have full access to women friendly personnel and support series in all sectors, more particularly in the legal – social and health fields.

• In the case of trafficking of women, including child, ensure that certain procedural protection are guaranteed before, during, and after any legal proceedings involving the trafficked women. These protections could include for example, maintaining the confidentially of legal proceedings, encouraging prosecutors to consult with experts on trafficking, informing trafficked women and children of the progress and disposition of any proceedings against the alleged traffickers, and allowing trafficked women and children the opportunity to testify by special means where live testimony may cause harm, whether physical or psychological to the trafficked person.
• Identify, establish and strength networks between national and international law – enforcement authorities, including INTERPOL, and civil society to monitor the commercial sexual exploitation of women.

On Repatriation and Reintegration:

• Taking effective action to ensure safe and voluntary return of trafficked women and child to their homes/communities.

• Suggesting measures / programmes to facilities voluntary repatriation of trafficked women and child into their chosen communities.

• Providing support to non-governmental organizations that have developed programmers to assist the safe repatriation and reintegration of trafficked children.

• Suggesting provision of education, skills training and employment assistance to trafficked child and women in order to prevent re-trafficking.

During 1998, the NHRC, with the help of UNICEF and other organizations, carried out a campaign of public awareness on the issue of child prostitution and sexual abuse of children. Subsequently, the Commission held four workshops in partnership with Prasar Bharati and UNICEF and Sexual Violence Against Children and the Role of the Media. As an outcome of this workshop the NHRC released guidelines for the media to address the issue of child prostitution and child sexual abuse.

In order to inform the society about the various aspects of trafficking – its forms, the estimates, the causes, the consequences, the modus operandi and the role of
Among the activities initiated by the NHRC is the *Action Research on Trafficking in Women and Children* in India, which is being conducted jointly by NHRC, UNIFEM and the Institute of Social Sciences, New Delhi.\(^6\) The services of a senior officer from the Indian Police Service have been requisitioned by the Commission, as its Nodal Officer, for the research on trafficking. The research involves cooperation of state agencies, social scientists, the police, non-governmental organizations and victims. Through the action research, the NHRC endeavours to create an authentic database so as to strengthen the vulnerable groups in the supply zones both economically and socially. In the process, it also proposes to sensitize the public and law enforcement agencies to the grave dangers inherent in trafficking and the need for its prevention. Moreover, the Commission also hopes to strengthen laws and law enforcement processes to punish traffickers and revamp rescue and rehabilitation programmes. It also intends to help NGOs to take advantage of the *National Plan of Action* of the Government of India for this purpose.

*Steps for prevention of cross-border trafficking:*

An NGO in Gorakhpur, Manav Seva Sansthan ‘SEVA’ engaged in the prevention of cross-border trafficking of women and children along the Indo-Nepal border, has with the help of NHRC, successfully set up Rights Awareness Cells at

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three places near the Indo-Nepal open border make migrants aware of their rights and, in the process, prevent trafficking. The Director General of Police of Uttar-Pradesh, Bihar and West Bengal have been instructed to extend help and cooperation to the concerned NGO in prevention of trans-border trafficking of women and children.

**Joint Project for Combating Cross-border Trafficking by NHRC, India and NHRC Nepal:** The NHRC is negotiating a project with the Human Rights Commission of Nepal to check cross-border trafficking and envisage taking all necessary steps for this purpose. In this context, at present a draft MoU on Cross-Border Trafficking between two Commissions is under preparation.

**Seventh Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions:** The Advisory Council of Jurists of the Asia Pacific Forum of National Human Rights Institutions, deliberated on the role of National Human Rights Institutions in the prevention of trafficking in women and children, and also submitted its final report. NHRC is also negotiating with the APF to set up a network of Focal Points on Trafficking in the Human Rights Institutions in the Asia-Pacific region.

**Sensitisation Programme on Prevention of Sex Tourism and Trafficking:** In order to spread awareness on prevention of sex tourism, the NHRC in collaboration with UNIFEM and the Women’s Institute for Social Education, Mumbai in collaboration with UNIFEM and the Women’s Institute for Social Education, Mumbai, organized a

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7. The NHRC of India and NHRC of Nepal have had two preliminary meetings at New Delhi in November 2002 and June 2003 and one meeting at Kathmandu in September 2003.

one-day sensitisation Programme on Prevention of Sex Tourism and Trafficking on 12th January, 2003 at the Taj Hotel, Mumbai. The main objective of the programme was to sensitise senior representatives of the hotel and tourism industry on various issues relating to sex tourism and trafficking.

Manual for the Judiciary: A manual on Trafficking in Women and Children is currently being prepared for the judiciary under the joint aegis of the NHRC and DWCD. For this purpose, workshop have been conducted with Judicial Magistrates and representatives of NGOs in Karnataka, Andhra Pradesh, Goa, and Madhya Pradesh, West Bengal, Orissa, Tamil Nadu, Maharashtra, Rajasthan and Delhi.

Apart from the initiatives taken for the anti-trafficking the NHRC proposes to develop a training module on trafficking issues for incorporation in training programmes for administrators, police personnel and other functionaries.

6.3 The National Commission for Women

In India, the question of child abuse and sexual exploitation of children has been under active consideration of the National Commission for Women (NCW), India since 1995. The National Commission for Women is an apex body in India created by an Act of Parliament called the National Commission for women Act, 1990 (No. 20 of 1990). The Act came into force in January, 1992. The Commission consists of a Chairperson, five members and one member secretary -- all nominated by the Central Government. The main functions of Commission are to investigate and examine all matters related to the safeguards provided for women under the Constitution and other
laws; to forward recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or the State; to take up the cases of violation of the provisions of Constitution and of other laws relating to women with the appropriate authorities. The reports are laid before the Parliament along with the memorandum of the actions taken or the actions that have been recommended. The NCW has also the powers of the Civil Court like summoning, witnessing for any document as may be prescribed.

Keeping in mind the fact that commercial sexual exploitation of children and traffic in persons for commercial sex abuse is the worst form of violation of human rights and the number of children entering the trade is on the increase. Sexual exploitation of women and children became a key area of concern for the Commission. In view of it, studies were commissioned in different states to assess the magnitude of the problem which revealed a very dismal and horrible position.9

In order to focus attention on the problem, the commission organised conferences, workshops, debates, discussions and seminars during 1995. The chairperson and members of NCW made a nation wide tour and met more than 80,000 women and child in prostitution in different States of India, got acquainted with their problems, environmental conditions, health status their requirements and concerns.10 The Commission held several consultations with NGOs and activists. NCW also sponsored research studies in the States of Orissa, Goa, Andhra Pradesh, Kerala, Karnataka, Rajasthan, Delhi, West Bengal and part of Madhya Pradesh which

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10. Ibid
includes survey of sexual brothels and streets in order to get first hand authentic information regarding the status of child prostitutes.

The NCW through its studies have been acquainted with the fact that the network involves not only traffickers but pimps and brothel keepers also who work in connivance with the police. Alarmed by the situation the, NCW organised a National Consultation on Sexual Exploitation of children in Goa on 23-24th July 1997 which made several recommendations for the rescue and rehabilitation of prostitutes and prevention of entry of new girls into the profession. The recommendations have been sent to the concerned department of government of India and all the State Governments for follow up action. The State Governments are taking effective and prompt action on the recommendations of NCW with a view to eliminating the evil. The NGOs are being more actively involved.11

The commission has been resolutely striving to improve the condition of women and usher a new culture by trying to eliminate gender discrimination. In pursuance of its goals, the commission has constituted several Expert Committees to look into specific issues relating to women and to give their recommendation for further action. The NCW has also defined its priorities and thrust areas and has initiated several plans and programmes to implement them. The thrust areas of NCW includes speedy justice for women through Parivarik Mahila Lok Adalat, legal awareness programmes for Women’s Colleges by providing legal training to teachers and students to spread massive legal awareness; custodial justice in co-ordination

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with National Human Rights Commission trying to implement support and rehabilitation measures for women under-trials and prisoners, widows, destitute and recommend to government for rehabilitating women and children in prostitution by establishing network with NGO's, State Commission for Women, Law Commission University Women's Study Centre, UN and other international agencies and state coordinators.

To prevent entry of children in prostitution, NCW has involved the prostitutes themselves to undertake this onerous responsibility. The women themselves came forward and declared that they will be able to prevent it and that entry of children into this profession would be tackled. They were also ready to inform the new entries to the NCW on the State Commissions instead of the police.

Braving the mafia and its criminal nexus the women and children in prostitution offered to undertake this responsibility which is not only laudable but most welcome. The NCW firmly believes that this will be a feasible modality to save children from prostitution. While rehabilitation has to encounter numerous hurdles and handicaps, preventive measures are thought of as urgently needed and a practical solution.

The goal of NCW is to achieve zero level child prostitution. To achieve this, the commission have formulated a ten years National Plan of Action (1997-2006 A.D.). The NCW has since long been attending to issues related to trafficking in

women and girl children. It commissioned a socio-legal study of trafficking. This report, published in 2001, makes an effort to understand the various issues by holding state level consultations of various stake holders. In 2002, the NCW commissioned two studies on sex tourism and trafficking. In August 2003, the commission constituted an Expert Committee on ‘Women Trafficking’. This committee was headed by the chairperson of NCW, has several experts from the government as well as from non governmental agencies, who has been working in this field for a long time. Based on the recommendations of the expert committee, NCW will be initiating further steps. On the legal front, NCW has taken several initiatives. In March 2001, specific suggestion was forwarded to the Government of India. This includes 45 recommendations on the changes to be carried out in the existing law that is the Immortal Traffic (Prevention) Act.

6.4 The Department of Women and Child Development (DWCD)

In pursuance of the directions of the Supreme Court of India in its order dated 2nd May 1990 and 9th July 1997, the Government of India has taken several initiatives. A Central Advisory Committee has been set up to deal with the problem of commercial sexual exploitation of children. This committee has made several recommendations which have been forwarded to the concerned central ministries/administrations in the Union Territories for taking appropriate action. As directed by


15 Vishal Jeet – Vs – Union of India

16 Gaurav Jain – Vs- Union of India
the Supreme Court, the Committee on prostitution, child prostitutes and children of prostitutes, headed by the Secretary, DWCD, has made an in depth study of the problem of trafficking and commercial sexual exploitation of women and children and of the children of women victims to evolve such suitable schemes as are appropriate and consistent with the directions as given by the supreme court.

The committee has drawn up a *National Plan of Action (NPA)* to combat trafficking and commercial sexual exploitation of women and children, which was approved by the Prime Minister in 1998. Besides combating trafficking, rescue and rehabilitations of victims of trafficking and commercial sexual exploitation are also given priority under NPA. Under National Plan of Action, legal and law-enforcement systems are activated to strengthen the implementation of the IPTA, 1956. The Department has issued guidelines to the States and Union Territories (UTs) for effective implementation of the Plan of Action from the district level to the central level. At the central level, the central advisory committee on child prostitution monitors the implementation of the NPA with respect to States. At the State level, a state advisory committee has been constituted under the chairpersonship of the chief secretary /additional chief secretary for implementation of the Plan of Action. Review meetings have been held by the state advisory committees of all the major source and destination states / UTs where the problem exists, especially West Bengal, Bihar, Maharashtra, Delhi, Andhra Pradesh, Karnataka, Tamil Nadu, Rajasthan, Goa and Pondichery. These Committees have initiated steps to notify Special Police Officers, to set up Advisory Boards of Social Workers and NGOs in red light areas, to conduct regular raids and take measures for the protection and rehabilitation of rescued persons.
In 1996, DWCD, along with UNICEF carried out six regional consultations in India to understand the dimensions of child commercial sexual exploitation. This was a pioneering effort because it brought out focused discussion by various stakeholders, leading to a comprehensive document on the subject. The report brought to focus the issues of trafficking of children, missing children etc, which were hitherto not attended to in an integrated manner. The report also provided the material for assessment of the status of children in India. DWCD commissioned another major national – level study in the year 2002 on 'Women in Prostitution in India' to examine the extent and magnitude of problem and to identify areas in different status which can be termed as 'prone areas.'

Protective Homes have been established by the government under Section 21 of the Immoral Trafficking Prevention Act (ITPA) exclusively for girls/women detained under ITPA and also for those who seek protection from being forced into commercial sexual exploitation. The Government of India also has an extensive network of more than 351 short stay homes assisted by the DWCD and juvenile homes set up under the Juvenile Justice Act for protection and rehabilitation of the victims. In some red-light areas, the Government of India has sanctioned projects for starting centres under the Integrated Child Development Service Scheme (ICDS).

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A National Plan of Action for the SAARC Decade of the Girl Child (1991-2000), focusing on the survival, protection and development of the girl child, was formulated. A Special set of interventions in respect of adolescent girls was institutionalized through the ICDS infrastructure. The Government of India is in the process of amending the Immoral Traffic (Prevention) Act, 1956 with a view to making the laws victim-friendly and at the same time, making punishment for traffickers more stringent and putting greater criminal culpability on them. The National Law School University, Bangalore, has prepared two sets of drafts of legislation for amending the existing law. DWCD solicited comments from various governmental and non-governmental agencies.

The government is also considering the need for setting up a Central Nodal Authority under the Act to monitor inter-state and cross-border trafficking issues. The Government has approached the task of prevention of trafficking with a dual strategy, viz. awareness generation and economic empowerment of women. The awareness generation has two aspects. One is aimed at sensitising the major stakeholders in the process of combating trafficking and the other is oriented towards sensitising society in general. The major stakeholders who have been identified are government officers of the concerned departments, police, judiciary, social workers, medical officers, women’s commissions and media persons. The DWCD has also formulated a model grant in aid scheme for assistance to NGOs to combat trafficking.

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18. SAARC : 2001 Convention on preventing and combating trafficking of women and children into prostitution.

in source, transit and destination areas through prevention, rescue and rehabilitation.

DWCD has undertaken regional efforts, in alliance with NGOs, to create greater awareness of the dimension of trafficking and to increase sensitivity to the victims of trafficking among government department, police and judiciary as well as within civil society at large.20

6.5 The Central Social Welfare Board (CSWB)

The CSWB of the Government of India was concerned about the plight of persons subjected to commercial sexual exploitation. A national workshop was organised by CSWB and on that certain recommendation emerged.21 They are –

- The law enforcement mechanism should consider the phenomenon of prostitution as a socio-legal, economic and human problems, and thus accordingly take steps under the existing legislations and if necessary, the laws may be reframed. In their attempts to enforce the laws, they should not allow themselves to be influenced by vested interests and try to rise above personnel considerations if any.
- Specific legal and administrative steps should be taken to check, entrapping of girls/women for prostitution by the procurers and others. These should include

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21. Based on the recommendations of a national workshop organized by CSWB on “Prostitution and Their Children” on 28th to 29th May 1990, CSWB commissioned a study on “Prostitution and their Children in Six Metropolitan Cities in India.

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strict vigilance, administrative will and a human approach among the concerned authorities to make effective use of existing laws. Groups of social workers should be authorised to identify victims who wanted to remove from the red-light areas. Moreover, those persons who are found to be negligent in the implementation of the laws, etc. should be punished.

- The rehabilitation programme should be formulated initially for those who would like to out of this profession and these programmes should be integrated and comprehensive in nature. Under these programmes, social and economic rehabilitation should be given priority. This would require organisation of multiples activities. Such activities should include formal and informal education, awareness generation programmes, vocational training course, facilities for medical care and treatment, housing facilities combined with financial assistance for setting up of production centers, etc. It should include education for the children of prostitutes.

- The activities should be organised after withdrawing the willing prostitute from brothels. They should be provided with cottages and village homes, which should be run and administered preferably by non-governmental voluntary agencies. The government should help this organisation in different ways by providing financial assistance.

- Activities should be initiated exclusively for the children of the prostitutes regardless of whether they come out from the brothels or not. These may include; (a) making special provisions in the schools in terms of admission, including provision of scholarship; (b) arrangement of vocational training and of the assistance for gainful employment to children; (c) sending some of the
children to homes; (d) setting up coaching centre and condensed courses; (e) provision of medical care and treatment for children.

- There should be concentration of efforts in prostitution prone areas, with emphasis on counselling, integrated welfare services, supportive economic activities and proper implementation of laws against those who are involved in bringing girls to red-light areas.

- There are very few States those who run Protective Homes in the country. It is essential to increase their numbers. Besides, proper training for the staff of the Protective Homes is essential for better implementation of the rehabilitation programmes.

- Even if the society is unable to accept the victims of commercial sexual exploitation totally, the minimum it can do is to treat these women with compassion, sympathy and understanding. Adoption of this attitude by the society will go a long way in improving the condition of prostitutes.

- Mass awareness – building for attitudinal development with comprehensive rehabilitation programmes and intensification of administrative and legal action along with involvement of selected people, voluntary organisations and mass media, particularly electronic media, can prove very constructive in reducing the evil effects of commercial sexual exploitation as well as contribute to the rehabilitation of the victims.

Based on the recommendations in the report stated above, the CSWB is funding 'Development and Care Centres' for children of victims of commercial sexual exploitation at Banaras and Allahabad (both in U.P.) and at Raisen in M.P. These centers which are run by NGOs provide integrated services to these children. The
services include education, vocational training, nutrition, health check-ups, play and recreational facilities etc.\textsuperscript{22}

\subsection*{6.6 Role of NGOs}

The issue of trafficking in women and children, whether for commercial sexual exploitation or exploitative labour and servitude, has been brought to forefront by the initiatives of social activities like Vishaal Jeet, Gaurav Jain and others. The voluntary agencies have taken the initiative in the social sector. Even before independence, renowned social activists and philanthropists of both Indian and foreign origin created history through their efforts in the spheres of public mobilisation and social development. Several NGOs have espoused the cause of the down trodden and the vulnerable sections of society, taking up cudgels with those in power and authority in order to gain justice for the victims. They have been instrumental in establishing a social forum within the country, in nurturing the spirit of human rights and inculcating a human rights approach and orientation in all walks of life.

NGOs are non governmental contractors, not substitutes for government, or competitors of governmental actions. NGOs are important partners and collaborators of government and should be viewed as such. The partnership should not be symbolic and ritualistic but one that flows naturally and easily from both sides. It other words,

\textsuperscript{22} Central Social Welfare Board, 1996 Prostitution in Metropolitan Cities of India, New Delhi.
Neither should government dictate to NGOs on how to associate or involve themselves in governmental action nor should NGO seek partnership as a favour from government. Governmental should invite NGOs for an open-minded dialogue to plan out a strategy and methodology of partnership rather than expect NGO’s to approach the government to seek such a partnership. Similarly, when NGO receive an invitation for a dialogue from government they should positively and unhesitatingly respond to it without preconditions, accepting it as a challenge to contribute whatever they can to supplement and complement governmental action in areas of social concern.

This is an imperative and very urgent need. It is particularly important because government does not have the infrastructure to reach every cross-section of the society and particularly the millions who work and live in remote, interior, and inaccessible pockets, who represent the low visibility area of humanity, who continue to live on the hilltops or in remote forests in conditions that would appear to make the exiles of the civilization.

In civil society non governmental organisations have been playing significant role in generating awareness about various issues in society and undertaking development activities for the amelioration and betterment of the deprived sections of the society. These roles they are performing globally. NGOs have been a partner to the government in implementing programmes related to welfare and development of children. In India they have exerted a considerable influence on society through contributing to socio-economic development of people particularly the weakened sections. In the area of protecting to child’s rights they have also played a significant role.
The Convention on Rights of the Child has been ratified by 178 countries including India. It gives the NGOs lawyers, government officials and police officers no choice except to take all possible steps in ensuring protection of the rights of children. The NGO role has become a pattern of speech. The chosen rhetoric is that the NGOs are the closest to the target groups and its role is a critical one. It is a way of transferring responsibility from one sector to another. The problem of child prostitution has to be addressed not merely through rehabilitation, but with greater emphasis on prevention. There are backward villages and districts that are the source for the traffickers. That is where the real problem lies and even the brothels in the cities are a symptom of that problem.

Ideally, the NGOs inevitably involves an integrated approach towards legal protection, basic care, socio-cultural upliftment, educational development, training in gainful vocations and their reintegration into society. Even though the circumstances in which the children of prostitutes live for not morally, socially, psychologically or hygienically appropriate the bonds of motherhood are quite strong. The efforts taken by the NGOs are to provide service of high quality and reliability to the children of prostitutes in the very location in which they live.

The voluntary service includes setting up of an educational centre for the children or a crèche or a counselling centre. Once the mutual trust is created, it will motivate other prostitute mothers also to avail these services in greater number. Some efforts are already been made by establishing counseling cum crèche centers in one or two locations in the Calcutta red light areas. In Delhi, the Joint Women's Programme

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has set up a crèche cum Balwadi and counselling centre for prostitute women and their children. In Bombay, the Indian Health Association, an NGO has set up a centre for providing health inputs.\textsuperscript{24}

**NGO Intervention in the Area of Exploitation and Trafficking in India**

The *National Plan of Action* for children (1992) includes children of prostitutes in the category of children in especially difficult circumstances, but does not suggest any goals or activities for them. Based on a Supreme Court judgment in July 1997,\textsuperscript{25} a committee was formed to make an in depth study of the problems of prostitution, child prostitutes, and children of prostitutes, with the secretariat of the department of women and child development (DWCD) as its chairperson. The report of this committee\textsuperscript{26} includes a plan of action to combat trafficking and commercial sexual exploitation of women and children, aiming at bringing to the mainstream and reintegrating these women and child and child victims in the society.

The Plan includes actions points such as prevention of trafficking, awareness generation and social mobilisation, health care services education and child care, housing shelter and civic amenities, economic empowerment, legal reforms and law enforcement, rescue and rehabilitation and so on. It recommends setting up of night care shelter, education support programme, institutionalisation, *Anganwadi*-cum-day

\textsuperscript{24} Child Prostitution – In the Twilight, Report of the Central Advisory Committee, Govt. of India (1994), P.4.

\textsuperscript{25} Gaurav Jain Vs. Union of India.

\textsuperscript{26} Department of Women and Child Development (DWCD), 20\textsuperscript{th} May, 1994 - A Status and Action Report, Child Prostitution in the Twilight, DWCD, Ministry of Human Resources Development, Govt. of India.
care centres or *Balwadi*, non formal education, formation of self help groups by women victims, and community education based on experience of the Devadasi rehabilitation programme in Karnataka and *Prerana* in Mumbai. The DWCD has prepared guidelines for proposals for projects to combat trafficking of women and children and source areas, including trafficking under sanction of tradition. An NGO initiative in India has been restricted primarily to networking, lobbying advocacy, and welfare service to the victims and their children. There are some organizations which have tackled the issue of trafficking for prostitution but in different perspective like sensitizing and taking preventive measures among caste based communities of prostitutes, through programmes for their children specially girl child. There is much such organisation like *Abhivday Ashram, Morena, Sanlaap* in Kolkata, *Satya Sohan Ashram, Sagar* and *Vimochana* at Athni. Vocational training is imparted along with education to the girl child so that she does not became a prey to the traffickers. They also conduct community sensitisation programmes. *Sangram*, in Sangli, Maharashtra among the community where the devadasi practice is common. *Gram Niyojan Kendra* runs awareness generation and skill training programmes in Rajasthan and UP. Organization such as *Prerana* in Bombay and Joint Women’s Programme in Delhi and Allahabad run balwadis and health care centre for children of prostitutes.

Intervention by NGOs and women’s group on the issue of trafficking take the following forms.

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27. Patkar, Priti and Patkar, Parvin. Prerana’s Intervention for the Protection of the Rights of the victims of commercial sexual exploitation and Trafficking in India, Mumbai; Prerna.

• Advocacy for the rights of those who are trafficked for the purpose of prostitution
• Networking for united action to prevent trafficking by like minded groups
• Lobbying for changes in legislation
• Advocacy for rights of women in prostitution
• Providing welfare services for health education and children
• Running of shelter / safe homes
• Facilitation of rehabilitation and repatriation
• Providing information about laws, polices and programmes

Counter trafficking networks

There are some networks and organisation that work in the areas of trafficking. There are a number of NGO networks, which are committed to the cause of counter trafficking. These networks have initiated several programmes and projects aimed at prevention, protection and prosecution, some of which are listed below:

• **ATSEC (Action against Trafficking and Sexual Exploitation of Children)** provides shelter and assistance for victims of trafficking. ATSEC India's Plan of Action to prevent trafficking includes advocacy and lobbying, training, orientation and sensitisation, development of resource centers at the state level, compilation of a resource directory of NGOs working in the field of trafficking and reintegration and rehabilitation of child victims.

• The **Childline India Foundation** is concerned with issues regarding missing children and has launched several initiatives in this direction. The **National**
Initiative for child Protection (NICP) is a national campaign that involves the orientation of different allied systems (police, teachers, doctors, lawyers, concerned adults, etc.) to the problems and needs of vulnerable children, with the objective of creating a child-friendly world. The Foundation has anchored over 600 trainings with the police systems to orient them on issues of child rights and child protection.

- The South Asia Professionals Against trafficking (SAPAT) and The South Asia Forum Against Human Trafficking (SAFAHT) are two international fora created by the various stakeholders under the auspices and initiative of UNIFEM. The SAPAT is a forum of professionals, including law enforcement officials, medical and legal professionals, counsellors and intentional agencies. Activists, NGOs and community workers committed to the cause of anti-trafficking constitute the SAFAHT. These two fora, though nascent, have been able to forge a working partnership to increase awareness and strengthen the anti-trafficking movement, with the assistance of UNIFEM.29

- End Child Prostitution in Asian Tourism (ECPAT): It have been monitoring and acting against sex tourists30 in Asia and in recent times elsewhere. ECPAT promotes transactional governmental co-operation and extraterritorial legislation, which allows governments to bring their nationals to trial for crimes committed in other countries, and draws public attention to the arrest,

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30 ECPAT. 2001-2002 – Report on the implementation of the agenda for action against the commercial sexual exploitation of children.
detention and conviction of paedophiles engaged in sex tourism. ECPAT also engages the interest and commitment of world tourism authorities, travel agents, holiday guide publishers and tour promoters in actively working against sex tourism.

- The *Action against trafficking and sexual exploitation of children (ATSEC)* network deals with cross border activities between West Bengal and Bangladesh to facilitate advocacy, research, social mobilisation, technical assistance, and programme support at the national and regional levels. It also aims to develop capacity of the government and non governmental organisations to plan and implement advocacy programmes.\(^{31}\)

- The *Network Against child Sexual Exploitation and trafficking (NACSET)* is a major orientation and thrust which has given adequate importance to approaching organisations which can play a crucial role on this front. For example, village based organisations engaged in water conservation, drought relief, soil conservation work in the perennially drought prone areas along with women's organisations and youth organisations are encouraged to join the network. NACSET believes effective prevention can be achieved primarily by expanding in this manner to all the relevant organizations and social forces.

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31. ATSEC. 2001 National Consultation on trafficking and sexual exploitation of children 28 to 29 July, Kolkata.
• **Action Aid** is working to curb the trafficking of women and children. The Action Aid India campaign, aimed at promoting co-ordinate action against trafficking, looks closely at interventions at the grass roots and links it to policies and action at state, national and international levels. Prevention at source is attempted by using strong systems and a community based approach through exact mapping and tracking of the vulnerable areas from where trafficking takes place. A comprehensive analysis of the situation on the ground with respect to trafficking has been carried out. In the course of conducting sensitization and training exercises, a training manual has been developed for use by those doing prevention work. An assessment tool has been designed to go with the training manual. Rehabilitation and reintegration of trafficking persons is attempted through interventions which are sensitive to the situation of the trafficked persons and in keeping with their aspirations. Support has been given to create an organization of trafficked persons themselves to have self regulatory boards to present children from being trafficked into prostitution.

• The **Save Our Sisters (SOS) Movement**, recently launched by Save the Children India, Mumbai, has a major goal to seek out the feasibilities of establishing working partnerships among NGOs working at the city, state and national levels, corporate sector, media, government and the judiciary to combat the problem. Its objectives are grouped under advocacy, prevention, rehabilitation and legislation. It has started holding regional workshops,

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32. *Save Our Sisters (SOS) March 2000, Save the Children India UNIFEM Meet Report.*
developing awareness booklets, collecting resource material for a Central Resource and Documentation Centre, conducting a survey of various rehabilitation homes for the rescued children in Maharashtra, mapping of the traffic prone areas and so on.

- The Campaign Against Child Trafficking (CACT) has been initiated by Terre des Hommes aiming at developing a national strategy for combating child trafficking using three broad dimensions for addressing the problem: awareness, generation, legal interventions and projects at the grass roots creating and strengthening a region-specific intervention through database and building local strategies, and building partnership with the appropriate groups like decision-makers, media and citizens to ensure implementation of international conventions, initiating national legislature processes, and aiding its conversion into enforceable law.

- Sanlaap’s activities is mainly focused and centered in and on the red light areas of Kolkata and its suburbs. Sanlaap is particularly engaged in lobbying with the government, judiciary, and police to get access to the rescued children commercially abused in the prostitution, who are in custody, and the children of prostitutes, to support them with necessary counselling and care. An effort is also made to rehabilitate the young girls trafficked from suburban and rural areas of West Bengal, Nepal and Bangladesh.

• The SAARC Convention,\(^{35}\) which focused on trafficking for commercial sexual exploitation, also suggests a larger involvement of society in taking up preventive measures. The UN Trafficking protocol\(^{36}\) envisages a major role and responsibility for the community in countering trafficking. The NGO's have shown active involvement in combating trafficking of women and children. Many action programmes were initiated by the NGOs. These action programmes have shown the involvement of several other stakeholders from the community. Therefore, it has been found that there is mutual cause-and-effect linkage. In this context, various aspects of anti-trafficking have been done by the NGO's but it is impossible to enumerate all of them. A few significant ones are listed below:

**NGO response on prevention**

- In Nepal, the NGO, CeLRRd, has initiated the 'community surveillance system' and 'alternative lawyering', which have shown excellent results in preventing trafficking from Nepal to India.\(^ {37}\)

- Similar activities of Indian NGOs like the *Bachpan Bachao Andolan* and *Bandhua Mukti Morcha*, as well as agencies like CACL (Campaign Against Child Labour) have made a significant impact on prevention of trafficking of children for labour and servitude.

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\(^{35}\) SAARC Convention on preventing and combating trafficking of women and children into prostitution, 2002.

\(^{36}\) UN protocol to prevent, suppress and punish trafficking in persons especially women and children, supplementing the UN convention against transitional crime.

\(^{37}\) Chimera, Durga, Sexual Exploitation of Nepalee girls (with special reference to girls trafficking) Kathmandu ABC Nepal.
• In the *SEVA Model Initiative*, the Intervention Programme, through its ‘rights awareness’ campaigns in the border areas and public awareness campaigns by barefoot workers of the Manav Seva Sansthan, has had considerable success in the area of prevention, especially of trans-border trafficking from Nepal.

• The *Stree Adhar Kendra* is a Pune-based NGO with a powerful networking programme that brings together the community, police and other agencies in a collaborative effort to establish zero violence zones. The Kendra’s programmes include community participation through the creation of neighbourhood watch groups in partnership with the police, provision of counselling centres and other services.

• *Action Aid India* has initiated several programmes at several places in India for addressing the vulnerabilities in women and children, which could have resulted in their trafficking. The proactive steps have paid good dividends.

• *Panchayati Raj Institutions (PRI’s)* in anti trafficking: The governments of Tamil Nadu, West Bengal and Andhra Pradesh have taken steps in involving the PRI’s in preventing trafficking. Tamil Nadu has shown the example of setting up the Village Defence Committees and empowering them with awareness and mandate to address the issues has been widely appreciated. PRI’s can have tremendous impact in addressing the issues of missing children, dealing with the vulnerabilities in women and children, thereby, and preventing trafficking. It is therefore, essential that the government agencies and the NGOs recognise their potential and involve them in anti trafficking activities.
In contrast to areas where public awareness and action have had a marked impact, it has been found that trafficking is rampant in places where a ‘culture of silence’ prevails. The crime is abetted by the family and community’s passivity and their inability to respond to the situation. The problem is further compounded by social indifference. Criminals go scot-free largely due to an absence of concern or sensitivity regarding the welfare and rights of others as well as an all pervading sense of apathy. When a child goes missing, more often than not, the blame is apportioned to the child. In most cases, the child is retrieved during rescue operations carried out by the police/NGOs, but not before suffering weeks or even months of abuse in a brothel. It is only on repeated enquiries, often by an NGO, that it turns out that the child had not ‘gone missing’ at all, but had been sold. Trafficking can be tackled only when communities are made aware of the problem and organize themselves to protect their children.

NGO response on protection

There are, however, several instances where NGO’s have displayed initiative and dynamism in protecting the interests and rights of victims and survivors of trafficking. A few examples are listed below:

- **Prajwala**, in Hyderabad, undertakes rescue, rehabilitation, counselling and reintegration. It also networks with government agencies as well as corporations on various rehabilitative programmes. The Government of Andhra Pradesh, in consultation with Prajwala, has framed several guidelines and a detailed plan of action to address the problem of trafficking. This is a
unique instance of a dynamic and functional partnership between the
government and an NGO to combat trafficking in the different districts of
Andhra Pradesh.

- ARZ, an NGO working in the Baina red-light area in Goa, has successfully
rescued several young children trafficked from different parts of the country.
Sustained intervention, advocacy and an integrated approach has enabled the
organisation to effectively confront a range of trafficking related issues.

- In Delhi, STOP has for some time been tirelessly pursuing rescue operations.
In 2002, the High court of Delhi, acting on a *suo moto* motion and in
pursuance of a PIL pending in the High court, directed the Delhi Police to
associate this NGO with all rescue operations thereafter. STOP has been
entrusted with the responsibility of rehabilitating victims.\textsuperscript{38} The exercise has
shown that the survivor's integration into the community has a salutary impact
on the prevention of re-trafficking of rehabilitated persons. STOP has
contributed significantly to the prosecution of traffickers. Victims who had
already been repatriated to Bangladesh were brought back to Delhi to give
evidence in the court of law. Due to the care and protection received from
STOP, these victims proved to be excellent witnesses who ensured that the
traffickers were convicted. STOP has also rendered outstanding service to the
court in assisting as interpreters in case where the victims were trafficked from
Bangladesh.

- CORE, another Delhi -based NGO, focuses its activities on empowerment,
networking with corporations and sensitising police officers, especially those

\textsuperscript{38} STOP 2002 Analysing the Dimensions: Trafficking and HIV Aids in South Asia.
working at the field level, with the aim of making them receptive and accountable for the prevention of trafficking.

- The *Gender Training Institute (GTI)*, Delhi, has carried out training programmes for police officials in various parts of the country and has developed models for the prevention of trafficking.

- The *International Justice Movement (IJM)*, Mumbai, is fully involved in rescue operations as well in the prosecution of traffickers and other exploiters. They also provide survivors with legal counselling, rights awareness and other facilities. Such activities have made a big impact on the anti-trafficking situation in Mumbai.

- *Childline Foundation*, through networking in different parts of the country, has been instrumental in the rescue and rehabilitation of hundreds of children. Many of these children were reported missing or declared 'runaways from home'.

- The *HAQ Centre for Child Rights* works for the prevention of child trafficking. It seeks people's participation by apprising them of the evils of child trafficking. The centre also conducts sensitisation programmes for members of the executive and legislature as also for the media.\(^{39}\)

- *Prayas*, an NGO based in Delhi, has been working with street children for over a decade. Their rescue home provides sanctuary to a large number of children rescued from several exploitative situations, including victims of trafficking. The counselling and rehabilitative training imparted by Prayas has been able to provide appropriate livelihood options for many children.

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\(^{39}\) HAQ: Centre for children rights. 2002 Children in globalising India: Challenging our conscience.
• **SLARTC** has been providing alternative layering for trafficking victims. Their multi-dimensional activities directed at prevention of trafficking and rehabilitation of victims, especially those trafficked from Bangladesh, have been validated and supplemented by their efforts towards prosecuting the traffickers.

• **Anti Trafficking Network, (ATN)** a non governmental organization in latest finding said that nearly two million children are abused and forced into prostitution every year in India. This was the tabulated figures collected from all over India. The ATN is formulating uniform guidelines for various agencies working for victims of trafficking. It is calling for a joint effort by NGO’s, law enforcement agencies, shelter homes and policy makers, ATN has emphasized more on “after rescue” operations. The NGO is assisted by Department of Women and Child Welfare.\(^40\)

**Summary**

It can be stated that the National Human Rights Commission, National Commission for Women, and Department of Women and Child Development have taken several initiatives to address the various issues related to the trafficking of women and children. The Plan of Action by the Union Government and their monitoring of the implementation of the programmes made a notable impact in addressing several aspects of prevention, protection and prosecution. The NHRC in the follow-up recommendation made by the Asia Pacific Forum of National Human Rights Institutions has taken multi dimensional approach to the problem of trafficking

\(^{40}\) Statesman, The, "2 million children forced into prostitution every year: Study", New Delhi, 12th August, 2002.
in respect of prevention, protection, repatriation and reintegration. The NHRC gave special attention to the grave human rights violations inherent in the trafficking of women and children and the existing response scenario has been instrumental in raising public opinion against trafficking on a national scale.

The NCW has contributed immensely to the anti-trafficking movement. It played a larger role in specific fields especially in addressing child prostitution, sex tourism, tourist-oriented pedophilia, call girls rackets, etc., where trafficking is carried out under the facade of tourism and business promotion. The main government body dealing with protection and assistance policies and programmes is the department of women and child development (DWCD) under the ministry of human resource development. It is the national focal point for combating trafficking in women and children in India. The CSWB have taken efforts to create greater awareness of the dimensions of trafficking and to increase sensitivity to the victims of trafficking among government departments, police and within civil society at large.

NGOs played an important role to prevent and combat trafficking. The general perception that the only role for the NGOs is rescue and rehabilitation has been proved to be a myth. Although they cannot act as substitutes for the law enforcement and welfare agencies of the government, they certainly complement these agencies and put their best foot forward in prevention, protection and prosecution activities. Thus, every wing of the community has something to contribute to the anti-trafficking programme.