

# CONCEPT NOTE

## International conference on Trafficking in Person

Prayas Juvenile Aid Center, a national level child focused gender sensitive and humanitarian Development Organization, since its inception, it has remained deeply committed to address the issues pertaining to the children and women in difficult circumstances. Through the affiliations of thematic approach intervention based on Transformation of individuals for creating synonymous and integrated input mechanism opportunity for improved standards of life; this organization significantly has dealt with multiple issues pertinent to human trafficking, exploitation, slavery in the descriptions of its long experiences and a range of best practices equally has showcased and shared the issue of child protection and Trafficking in person at national and international forum. Prayas has carried out intensive care outreach programs for the children, youth and women through 252 community based centers in 9 states/ UTs across the nation and has direct intervention for the children and women in the need of care and protection through 22 Shelter Homes, Helpline for women, Crisis Intervention Centers, Rescue Teams, backward and forward measures for rehabilitation and repatriation of the survivors of Trafficking, Exploitation and Slavery. That aside, the organization has been running several programs for livelihood promotion, Life Skill, Women Empowerment, Health, Vocational Training, Placement/employment of the youth and women of the underprivileged individuals & community and survivors of trafficking of the present diverse social dilution in several states of the nation and directly has served more than 50000 beneficiaries and progressively encouraged their mainstreaming process.

Core concern over the vulnerable situation of children and women has remained the priority of the organization through Research & Publication, Advocacy and Survey in the distinctions of strategy to prevent abuse/ exploitation and slavery of children, youth and women. In this context, Prayas conducted a National Study on Child Abuse across 13 states in the nation to highlight the vulnerability of children in terms physical, sexual and emotional abuse. The Research report drew substantial attention of the government functionaries and civil society equally it paved the way for formulating Strategy and Action Plan to combat the bestial practices of exploitation, abuse and slavery of children at national and International platforms. Further, the study on the Railway Platform Children, Multispectral Seminars and Conferences conducted by the organization on the one hand raised awareness over the issue of child protection, Juvenile Justice System and human trafficking among the civil society and Law Enforcement Agencies; sensitized and oriented several stakeholders and functionaries of several organizations on the other. Prayas has conscious concern over the issue of Cross Border Human Trafficking; thousands of victims of cross border trafficking have been safely repatriated to their native places/ nation. Considering the long standing experience of the organization it was inducted as a member of the Central Advisory Board (Child Labor Ministry Govt. of India) for the Amendment of Child Labor Prohibition Act 1986. The organization shared its vast experience before 'Justice Verma Commission' for the amendment in the Criminal Law system of India.

### **Broad Objective:**

To attain strengthened Network amongst the NGOs and government agencies of SAARC Countries equally to showcase the mixed intervention to meet the global standard to minimize human trafficking.

### **Issue and situation in SAARC countries:**

Trafficking as an international legal concept is a twentieth century phenomenon, linked to the greater movement of people across borders. The basic elements of trafficking require that there be movement of a person from one location to another for the purpose of slavery, slavery like practices or exploitation. Earlier, conventions were not concerned with the means by which trafficking was conducted, but recent legislation focuses on the means when it comes to women and requires such elements as force, coercion or abuse of vulnerability. With regard to children, there is international consensus that the means and

consent are irrelevant. The mere taking of children across borders for the purpose of slavery, slavery like practices or exploitation is an international crime.

Human trafficking has emerged as a social dilemma in the SAARC region. According to estimation, every year 1 to 2 million women, men and children are trafficked worldwide; around 225,000 of them are from SAARC region. Other estimates show that over the last 30 years, trafficking for sexual exploitation alone has victimized some 30 million Asian women and children. The worst of all factors is the lack of implementations of the anti-trafficking laws among the member countries. Where laws are implemented, the punishments are not enough to put a positive effect on trafficking sensitization programs for general public and specifically for stakeholders. SAARC Governments should provide resources for training, technical assistance, and auditing to ensure that trafficking is fully eradicated from their supply chains.

Trafficking has been viewed with increasing concern in South Asia as a region and by individual South Asian countries as well. Many of them have already had provisions in their laws, which could be used to combat trafficking, since colonial times as in the cases of Bangladesh, India and Sri Lanka, or since the codifications of customary law as in Nepal. Many, however, felt these provisions in general criminal codes to be insufficient and sought to check trafficking by the passing of specific trafficking legislations. Due to the serious nature and the wide prevalence of trafficking for sexual exploitation in the region, many of these laws deal with this form of trafficking.

Amongst the countries; India is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Children and Girls are being brought from Nepal and Bangladesh to work in India as well as for being trafficked to other countries esp. Middle East. Similarly boys from India are being trafficked to work in the factories and industries in Nepal and Bangladesh. As with the increase in the tourism industry domestic as well as foreign large number of children esp. girls are being trafficked for the purpose of sex tourism to tourist centres. The problem of trafficking faced by the SAARC countries is both international as well as national. There is cross border trafficking as well as within the country.

There is no common definition of trafficking at the SAARC countries level. The definition currently applicable to the region under this situation is the one adopted in the SAARC convention which is a limited and covers only trafficking for commercial sexual exploitation. Trafficking is defined as moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with, or without, the consent of the person subjected to trafficking. Domestic laws even now lack a shared understanding of trafficking. How far is the SAARC definition used? Except for international conferences and manuals prepared for different stakeholders, the definition has little practical significance where the punitive law continues to follow a different definition. However, it is useful in cooperation efforts and in making future policy for the South Asian Region which would help to combat trafficking. It would make it far more relevant if it were mirrored in domestic laws. The definition of trafficking under Article of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 clarifies that the consent of a victim of trafficking in persons, to the intended exploitation, is irrelevant where the means specified above have been used. Also, where a child is concerned, the recruitment, transportation, transfers, harboring or receipt of a child for the purpose of exploitation shall be considered trafficking, even if it does not involve any of the means laid down in the definition of trafficking.

On this basis, and given that in South Asia child trafficking is increasingly addressed through adoption of a children's rights approach, there is an urgent need to develop comprehensive regional child protection systems in the region. Which have to be operated at national and community levels to prevent child trafficking, investigate and prosecute perpetrators and assist trafficked children? Child-friendly legal, medical and psychosocial services, community mobilization for child protection, training of service providers, development of child friendly reporting mechanisms, good data collection and analysis, and monitoring and evaluation are all key components of a regional child protection system.

Such a system needs to be inclusive to cater for the diversity of children (for example, in terms of age, gender, ability status and ethnicity) and to address the root causes of this phenomenon, such as discrimination and poverty. Involving children and adolescents in the development and evaluation of such systems is also crucial. Unfortunately, the insufficient approach by SAARC countries to address the very problems tactfully has aggravated the avenue for organized criminalization in terms of human trafficking .

### **Initiative of the organization:**

Working with Children in crisis and need Care and Protection since 1988, Prayas constantly confronted cases of these Homeless, streets, working and exploited children who had been trafficked and exploited. Recognized that the nexus of the trafficking is very organized and to combat the problem along with the rehabilitation of Victims of trafficking by a single initiative, there is need of cohesive networking, convergence amongst different Government and Non Government Agencies and departments. Strong networking with Allied Systems (Government and Non-Government agencies) Prayas forms an important area for the success of any intervention undertaken especially for care, rehabilitation and reintegration with biological/ adoptive families. As a member of anti-trafficking Network in Delhi it has made active contributions on various programmes and policies related to this issue. Organization is also a proactive member of South Asia Forum against Human Trafficking (SAFAHT), a network organization of south Asian countries and is being supported by UNIFEM and ATSEC in Delhi and is jointly addressing the issues along with member organizations on a national and cross border level by practicing integrated model of three P's: Prevention, Protection and Prosecution as well as 3 R's: Rescue, Rehabilitation and Reintegration of trafficking victims.

Prayas with Indian Railways and Railway Protection Force has initiated a new scheme of RPF Mitra Yojana, piloted by Prayas in Delhi and Bihar. This scheme appropriately highlights the need to establish a mechanism for rescue and follow-up of children either found in the trains or in the platforms. Several thousand migrant, missing and trafficked children rescued by RPF and Prayas team have been rehabilitated to their families, the latest being 2 one- month 'Home placement, De-addiction & Orientation Camps' under highly conducive environment. Under the anti-trafficking program, Prayas has started Child Assistance Booths at the New Delhi, Bagaha and Samastipur Railway Stations in Bihar under the Railway Children Project to save a large number of children who are trafficked through Railways. It has successfully rescued more than 8,000 child trafficking (labour) victims with RPF collaboration, rehabilitated 5,000 trafficking survivors, placed 2,000 young entrepreneurs in the previous financial year.

Beginning with a presentation and moderating the legal session of different participating countries in 2003 International Conference on 'Path-breaking Strategies in Global Fight Against Trafficking' hosted by the then Secretary of State Mr. Colin Powell, Prayas was declared as one of the best global practices and the General Secretary as a 'Global-Hero' in TIP Report 2006. The subsequent visit of the First US Lady Ms. Laura Bush to Prayas on 2<sup>nd</sup> March 2006 who was overwhelmed by the innovative intervention and care of the trafficking girl child survivors, there was an opportunity to visit the White House for a discussion on the subject. Following the Federal Assistance Award 2008, the organization contributed significantly to combat forced labour amongst the women and children, activated and directly worked with the police and law-enforcement agencies in different states, created and implemented systems and linkages in both Criminal Justice and Juvenile Justice Apparatus. In the said project thousands of trafficking survivors were identified, rescued and rehabilitated through above-mentioned projects and the highly innovative programs like Crisis Intervention Centre (CIC), Child & Women Helpline, Special Juvenile Police Units (SJPU), even alongwith Commission for Protection of Child Rights and Children's Courts of Delhi, - all initiated by this organization. Prayas has conducted the Ministry of Women & Child Development's 'National Study on Child Abuse' in 13 States/UTs of India associating 18,000 respondents that has directly resulted into the Sexual Offences Children Bill 2010. Recently, Prayas has prepared the Manual including the Standard Operating Procedures (SOP) for Police interface with the Children as victims, witnesses and offenders besides the missing and exploited children, which is soon to be implemented in all 700 police districts and 15000 police stations of the

country. Coupled with these initiatives and the on-going efforts, alongwith the National Crime Records Bureau (NCRB), Ministry of Home Affairs, Ministry of WCD, Statistics & Program Implementation, serious effort is underway to create a National Level Child Tracking System, which is directly connected to the issues of missing children (62,000 in 2010 : NCRB) and the human trafficking.

Through looking around the emerging initiatives made for trafficking all over the world and past concerns of organization Prayas understand that to address the issue of combating Trafficking in Person among the members countries along with restoration of survivors, there is urgency to raise the issue at the international platform through organizing an International level workshop over the issue to serialize the inhesions and confirmation support by the government agencies, law enforcement agencies , voluntary organizations, stakeholders and other significant interveners of the member countries committed to prevent the practices of human trafficking and deliver designated need bases services to the victims/ survivors of trafficking. Since Prayas as well as the Network has been working in the bordering areas of India and Nepal it has gained experience to address cross border human trafficking in multiple forms. Further, it has distinction in progression to attain concerted efforts and vertical minimization of the practices through transformation voiced with formulation of addressable recognized measures at international and national level including the practices of cross border trafficking .

### **Objectives of the conference:**

- To attain sustainable and practical common convergence and cooperation amongst the NGOs and government agencies over prevention, protection, prosecution, Repatriation, Rehabilitation and Reintegration of survivor.
- To raise the issue of country specific Action Plan/ Methodology and its implementation to repatriate and rehabilitate the survivors of TIP of member countries.
- To assess the procedure undertaken by government agencies of the member countries to combat issues related to trafficking, exploitation and slavery and the way forward by civil society.
- To draw out case management report, inter organizational collaboration, Cross monitoring policies and liaison with the organizations working on the issues of trafficking among the member countries.
- To attain a network for Advocacy over the review and revision of the existing government polices and commitment related to the issue of human trafficking in SAARC Countries.
- Exploring the avenues of research on the theme of trafficking with other agencies/countries.
- Analysis of new trends & anti- trafficking initiatives In the Region
- Safer Repatriation to minimize re-trafficking
- To evolve an uniform strategy for easier implementation of existing legislation for child protection and human trafficking
- Developing a Databank for the SAARC countries in order to meet the Global Standard to monitor the actual data related to TIP