

GOVERNMENT OF ORISSA
WOMEN AND CHILD DEVELOPMENT DEPARTMENT

Resolution

No 22171
V. Exp. Misc - 6/09

Date 21-12-09

The problem of trafficking in women and children for the purpose of commercial sexual exploitation has assumed serious proportion in recent years. Commercial exploitation of women and children takes place in various forms including brothel-based prostitution, sex tourism, entertainment industry and pornography in print and electronic media. In some cases the victims are taken to other States, while in some other cases, the trafficking takes place within the State. After careful consideration, the Government has decided this Policy for combating trafficking of women and children for commercial sexual exploitation, including labour exploitation.

2. Human trafficking is a multi-dimensional problem encompassing a whole range of economical, social and cultural issues which are varied and complex. Most of the victims are lured with promises of jobs, better career prospects and marriage. Some are inducted forcibly through abduction. Poverty and deprivation, secondary status accorded to women in society, prejudice against the girl child, weakening of the family structure, changing public attitudes towards sex and morality, the caste structure, urbanization, recurrent disasters such as floods and drought and migration are other factors, which have contributed to the commercial sexual and labour exploitation of women and children.

3. Trafficking of women and children results in serious violation of human rights. It leads to very adverse physical, psychological and moral consequences for the victims, which are serious, life-long and also life-threatening. About 60-70% victims suffer from more than one disease including sexually transmitted diseases including HIV/AIDS. The rescued victims are invariably penniless, physically ill and psychologically broken. It is an organised crime involving multiple abuses and abusers. Human trafficking is a matter of serious concern in cases of sexual exploitation as well as those of forced/labour exploitation.



4. Taking into consideration the above, it is necessary that the comprehensive policy should cover various aspects such as prevention of trafficking, intelligence sharing, rescue, rehabilitation, economic empowerment, health care, education, housing, legal reforms and creation of corpus fund for addressing the problem of trafficking. There is also need for planning and co-ordination both at the district level and the state level for addressing the deep rooted and underlying causes of trafficking and also taking adequate measures for psychological support, economic empowerment and re-integration so that the victims do not get drawn into the trade again on account of non-availability of other options for livelihood.

5. As the Prime task of bringing offenders to book is that of the Police, an 'Integrated Anti Human Trafficking Unit' (IAHTU) will be set up in the office of the I.G. (Crime Branch), with the following mandate:

- Ensuring focused attention in dealing with offences of Human trafficking;
- Providing a multi-disciplinary approach and a joint response by all stake holders, such as police, prosecutors, NGOs, civil society and media;
- Bringing about inter-departmental collaboration among the police and all other government agencies and departments, such as women and child, labour, health, etc.;
- Bringing about collaboration among government agencies and the civil society;
- Bringing about effective networking among various civil society partners, especially those working on specialized aspects of anti human trafficking;
- Ensuring a human rights approach in the response systems;
- Ensuring a victim-centric approach which takes into account the 'best interest of the victim/survivor' and prevents 'secondary victimization/re-victimization' of the victim;

- Ensuring a gender sensitive and child rights sensitive approach in dealing with the victims;
- Ensuring an 'organized crime' perspective in dealing with trafficking crimes.

6. Apart from the office of I.G. (Crime Branch) IAHT Units will also be set up in Commissionerate of Bhubaneswar-Cuttack and in the offices of I.G. (Rourkela), DIG, Sambalpur and Dig, Berhampur in the first phase, so that the units will be able to pay focussed attention to specific places requiring such response.

7. Staff, equipment, infrastructure and resources.

IAHTU should have representation of police, prosecutors or advocates and NGOs as well as other departments, viz. labour, health, welfare, etc. as per the requirement of the situation. A module is provided in the Appendix with respect to the staff, equipment, infrastructure and resources of the IAHTU.

8. Role of Police in IAHTU

There should be one senior police officer earmarked as the Nodal Officer on anti-human trafficking. Such an official notified u/s.13 ITP Act 1956 as Special Police Officer (SPO). The Nodal officer will exercise command and control over the IAHTU and ensure effective functioning and best possible performance. The strength of the IAHTU will depend on its jurisdiction and responsibility. Ideally, there should be adequate representation of women police officials and officials of different ranks. Police officials in the IAHTU will perform the following tasks, within its given jurisdiction:

- Timely collection, dissemination and utilisation of intelligence regarding missing persons; use of effective tracking software with database to be shared across different police stations, with continuous updation
- Intelligence collection regarding suspected offenders
- Maintain database of all categories of offenders including recruiters, traffickers, buyers, sellers, transporters, harbourers, 'customers', financiers, suspected photographers/videographers etc.

- Maintain database of all places of exploitation, including the source, transit and destination areas as well as places where exploitation takes place under the façade of legal activities (like massage parlours, beer bars, friendship clubs, tourist circuits, film clubs, video parlours, etc.).
- Diligent rescue operations after undertaking through research and groundwork (the aim should be the rescue of maximum number of trafficked persons).
- Attend to post-rescue care and rehabilitation of rescued victims by involving government agencies and NGOs.
- Close liaison with Mahila and Sishu desks functioning in the police stations of respective jurisdiction
- Carry out professional investigation on all aspects of the crime.
- Ensure effective prosecution and strive for maximum and expeditious conviction of offenders.
- Undertake all post-prosecution/conviction actions, as per the law.
- Initiate action for restoration and rehabilitation of victims, in consultation with concerned authorities and NGOs.
- Work closely with the prosecutors and legal advisors on all aspects of law enforcement including drafting charge sheet and other such documents and attend to the legal aspects that come up during investigation.
- Work closely with the prosecutor in monitoring the trial of cases including post-trial requirements (like compensation to victim, closure of brothels, etc.).
- Undertake community policing in vulnerable source areas to prevent trafficking.
- Keep vigil at transit areas, such as railway stations, bus stops, etc. to spot trafficked victims and carry out all steps for timely intervention.
- Maintain constant liaison with other government departments and agencies and associate them for all activities on anti human trafficking.
- Maintain constant liaison with NGOs working on anti human trafficking and associate them for all actions.

- Associate the civil society, corporates and other willing agencies for effective rehabilitation of victims.
- Maintain linkages with the media, subject to the administrative guidelines in the state, so as to ensure non-victimization of victims as well as rights-oriented reporting
- Conduct regular workshops/ seminars to update knowledge, skills and share best practices in tackling the problem
- Any other activity, as deemed necessary, in preventing and combating human trafficking.

9. Role of Public Prosecutors or advocates

Public prosecutors have a vital role to perform in crimes of human trafficking. An ideal situation is when the public prosecutor is involved in the functioning of the IAHTU at all stages, beginning with the drafting of the First Information Report (FIR) and culminating in prosecution/post-prosecution activities.

Therefore, the IAHTU will associate/involve public prosecutors in:

- Drafting the FIR and other legal documents.
- Providing legal counselling to rescued victims.
- Assisting the IAHTU during investigation, to ensure that legal protocols are complied with, including matters relating to chain of custody and all legal requirements that arise during investigation (eg. Opposing bail, cancellation of bail, cancellation of surety, etc.).
- Assisting Investigation Officer (IO) to draft legal documents like the charge sheet.
- Ensuring victim-witness protection before, during and after trial.
- Coordinating with the police for eviction of offenders and closure of places of exploitation.
- Providing compensation/relief to rescued persons as per the law/administrative regulations.

10. Role of other government agencies

Government agencies which perform various tasks in AHT include officials of the Department of Women and Child, Welfare, Labour, Health and Medical, and those running Children's Homes and Shelter Homes set up under the

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Juvenile Justice Act (JJ Act), as well as Protective Homes set up under the ITPA. Their mandate includes the following activities:

- Respond promptly to any request from the IAHTU in all activities particularly those pertaining to care and attention of victims.
- Hold regular meetings to review the progress of work and share contact addresses, telephones, etc, so that a prompt response can be ensured.
- While conducting raids to rescue trafficked victims, the Labour Department can utilize the services of IAHTU police officials not only to provide security but also for diligent investigation of trafficking linkages, which can lead to the rescue of more victims.
- Jointly identify, along with identified partners from the civil society, vulnerable areas and families vulnerable to human trafficking by clear mapping so that focussed livelihood support activities can be planned in advance
- Ensure that relief is provided to the rescued victims without delay.
- Ensure that state provisions for interim relief/compensation to rescued children/women victims of trafficking are expedited. The District Collector is required to ensure immediate relief for the purposes of travel, clothing, medicine and other immediate necessities.

11. Role of NGOs/ nodal NGO

The ITPA foresees NGOs/social welfare organizations as significant constituents/components in the implementation of the legislation as brought out in Para 2 above. The Bonded Labour System (Abolition) Act, 1976 also provides a specific role to social welfare organisations in the constitution and functioning of the Vigilance Committees in the rescue and rehabilitation of victims of trafficking for forced labour. Similarly, the JJ Act envisages a role for NGOs in the rehabilitation and integration of 'children in need of care and protection', who could be victims of trafficking for any type of exploitation. NGOs can facilitate all activities of AHT starting with intelligence collection up to conviction of the trafficker. They also have a major role in prevention of trafficking and re-trafficking of victim-survivors. Therefore, the mandate of the NGOs in the IAHTUs is clear:

- Share intelligence and information about victims, vulnerable persons and vulnerable places with IAHTU.
- Act as whistle-blowers against any exploitation and exploiter. Share intelligence and information about the traffickers and all exploiters with IAHTU.
- Support the IAHTU in all steps pertaining to pre-rescue, rescue and post rescue activities.
- Assist the IAHTU in providing medical care and help, legal counselling and psychosocial counselling to rescued victims. Assist the victims to get interim compensation granted by the state governments.
- Assist the IAHTU in liaising with the Shelter Homes, both government and NGO supported, and ensure safe care of rescued persons.
- Undertake efforts for post rescue care and attention of rescued victims, by maintaining proper liaison with concerned state government agencies.
- Take initiative and involve the IAHTU in all prevention activities of trafficking at the source, transit and destination areas.
- Associate other appropriate NGOs and corporates for various activities, especially rehabilitation, providing livelihood skills and employment to rescued persons.
- Provide counsellors, translators, support personnel and witnesses as and when required and possible.
- Advise IAHTU on any improvement in functioning.
- As ambassadors of the IAHTU appreciate and recognize good work/best practices.
- *The NGOs having Ujjwala project are to be actively participate at the district / block level to provide necessary support through their activities.*
- *The victim of trafficking required the counselling along with medication on drug de-addiction. To reduce their trauma and dependency on drug and the drug de-addiction centres available in the district should provide necessary service in a pro-active manner.*

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12. Role of local government/ Panchayati Raj Institutions

Local governments and PRIs have a major role in identifying vulnerable persons/ places and referring them to the IAHTU. They can also be whistle blowers against recruiters and traffickers; alert IAHTU about missing persons; and work with NGOs to empower vulnerable persons,. The synergy of IAHTU with local government institutions and PRIs can help to reduce the harm done to rescued persons. Such initiatives are of tremendous value in preventing re-trafficking.

In long term Gram Panchayat has to develop a mechanism to register all those vulnerable persons moving out of the area. They may keep in touch with the families to get the communication in case of emergency for rescue.

13. Role of media

Media can perform a responsible function in the field of anti human trafficking by sensitive reporting. The JJ Act and the IPC prohibit the disclosure of the identity of the trafficked victim vide s.21 (in case of child in need of care and protection) and 228A (in cases of all victims who have been raped), respectively. In collaboration with the IAHTU, the media can undertake the following activities:

- Create awareness among the masses on all aspects of trafficking and develop zero tolerance to human trafficking.
- Empower vulnerable persons by providing relevant information and thereby prevent trafficking.
- Generate publicity for the IAHTU by reporting its achievements.
- Generate whistle blowers in society against traffickers and encourage people to report instances of trafficking to the IAHTU. The 'culture of silence' should be substituted with 'zero tolerance' to human trafficking.
- Develop synergy among all stakeholders in all aspects of Prevention, Prosecution and Protection.
- Ensure that media follows protocols and regulations in protecting the rights of the victims and survivors.
- Take steps to protect the anonymity of the victims

14. Database

Developing and sharing a database on traffickers and victims should be one of the major activities of the IAHTU. Building Up a comprehensive database on traffickers and exploiters (including recruiters, buyers, sellers, harbourers, transporters, financiers, 'customers', suspected photographers/videographers etc.) will help in breaking their 'organized crime networks'. Similarly, a database on missing persons, victims and vulnerable persons/communities will help in prevention of trafficking.

This database must be shared with all concerned police agencies to ensure prompt action, when required. The IAHTU database should contribute to the district database and to the state database which should eventually be amalgamated into the national database in the National Crime Record Bureau. The data must be updated at all levels on a monthly basis and disseminated to all concerned, without any delay. It may be data for just one person, but it could be critical intelligence for another. Hence, no time should be lost in dissemination.

15. Preventive and rehabilitation measures

As some components of the Action Plan have to be implemented at the District level, Government have decided to constitute District-level Committee with the following composition, for taking up activities for prevention, rescue and rehabilitation of victims:

District Collector	- Chairman
Superintendent of Police	- Vice-Chairman
Circle Inspector of Schools	- Member
District Labour Officer Project Director,	- Member
District Rural Development Agency	- Member
District Social Welfare Officer	- Member
3 NGOs/prominent Social Workers Working in related areas	- to be nominated by District Collector

District Social Welfare Officer

- Member-Convenor

The following activities shall be taken up by the District Level Committees:

Prevention of Trafficking in women and children can be achieved only by addressing the root causes. Poverty and illiteracy have been identified as two primary causes of trafficking. It is, therefore, necessary to ensure that the various schemes for eradication of poverty are focused at benefiting families in which women and children are vulnerable or are at high risk of being trafficked for sexual exploitation and commercial purposes.

The District Committee shall meet at least once every quarter. The minutes of the meetings shall be sent to Women and Child Development Department, Home Department and to DG & IG of Police.

The District Committee shall ensure that the following actions are taken:

- (i) – Create a reliable and relevant database with the help of NGOs on the high supply areas, routes, destinations, causes of trafficking, exploitation and the magnitude of the problem.
- Create public awareness and motivate public resistance to trafficking both at demand and supply end through programmes in educational institutions, self-help groups (SHGs), Women Groups, youth groups using print and visual media extensively.
- Take steps to identify vulnerable girls in poor families, who require economic support; take steps for skill upgradation, training and livelihood support in order to reduce their vulnerability.
- Adopt a campaign approach/mode to combat the evils of trafficking and sexual exploitation with the help of local bodies, educational institutions, NGOs, etc.
- Set-up community vigilant groups in every Gram Panchayat especially in high-risk areas to monitor, report and take action if necessary against persons involved in trafficking.

- Set entry/exit helpline centres at railway stations, bus stops with police support to disseminate vigilance information - Commerce & Transport Department.
 - Create a proper convergence of various benefit schemes for women and girl children to empower high-risk groups.
- (ii)
- The District Committee shall prepare and oversee implementation of special schemes, which will converge with existing schemes to economically empower a victim.
 - Provide guidance and assistance through Self-Help Groups (SHGs) of victims for micro credit facility and income generating facilities.
 - Provide special assistance schemes for training and employment or self-employment on priority basis by the victims.
 - Establish livelihood training programmes and training-cum-production centres for victims with collaboration and support of private institutions.
 - Establish adequate marketing tie-ups and ensure necessary backward and forward linkages.
- (iii)
- The District Committees shall oversee that the following health related measures are taken:
 - Provide health cards to women and child victims ensuring free medical treatment, adequate drugs and medications in all Government Hospitals.
 - Provide care and support for HiV positive victims of trafficking so as to ensure holistic and non-discriminatory un-biased access to health services.
 - Establish homes or support reputed NGOs to establish homes wherever required for terminally sick victims by utilizing existing infrastructure under various Departments/Agencies.

- Start mental Health Intervention centres/Counselling Services and De-addiction centres for victims for effective reintegration back to the mainstream society.

16. Rehabilitation Fund

The Government have decided to set up rehabilitation fund for providing relief to victims of trafficking. The fund shall be utilized for -

- Facilitating the repatriation of victims rescued from brothels and other places of trafficking to their homes
- Providing immediate and timely relief to the victims of trafficking
- Meeting expenditure towards travel, clothing and other immediate necessities, urgent medical care and other contingencies for victims of trafficking or their children
- Supporting and networking with NGOs who are engaged in rescue and rehabilitation.

This non-lapsable fund will be created within Mahila Bikaas Samabaya Nigam with a Grant-in-aid support from the State Government to the tune of Rs 1 crore per year for a period of five years. The fund will be utilised mostly at the district level, as per the norms which may be fixed from time to time by the State Level Committee.

17. A State Level committee has already been constituted under the Chairmanship of Chief Secretary to coordinate the measures needed to combat human trafficking. The Committee will meet once in three months to review the situation relating to trafficking and the implementation of measures for rescue, rehabilitation and mainstreaming of the victims of trafficking. The Committee will fix financial norms on rescue/rehabilitation components and facilitate implementation of this policy.

BY ORDER OF THE GOVERNOR

CHIEF SECRETARY TO GOVERNMENT

(AJIT KUMAR TRIPATHY)

1. Structure of IAHTU

An officer of the rank of Deputy Superintendent of Police (Dy. SP) would head each IAHTU. He/she will be the anti-human trafficking officer (AHTO) and would be supported by adequate number of inspectors/sub-inspectors of police, head constables/constables. The IAHTU should necessarily comprise of women police officials. The overall supervision of the IAHTU will be with an official designated by the state government/DGP.

A nodal NGO identified by the state police will support each IAHTU. In consultation with the AHTO, this nodal NGO can associate other local NGOs as and when required, restricting the number to three NGOs per IAHTU.

2. Staff of IAHTU

The State Police will provide the required manpower to run the IAHTU (s). Efforts should be made to ensure that at least 30% of the IAHTU personnel are women. It is advisable that officials of IAHTU are selected from the personnel already trained by the UNODC in the anti-human trafficking project. An Inspector, two Sub-Inspectors and six constables will be provided. Necessary creation of posts will be done by Home Department. In order to operationalise the policy at an early date, the personnel will be deployed by the DGP from among existing personnel. The posting of personnel may be made for fixed term tenures, to the extent possible.

3. Infrastructure and Resources of IAHTU

3.1 Accommodation

The state police will provide the necessary accommodation for each IAHTU. Keeping in view the nature of the work, especially in relation to assistance provided to victims of trafficking, it is advisable to provide for one dedicated interview/counseling room within each unit. The fund for building of infrastructure

within the concerned Police office premises will be provided by Home Department.

3.2 Logistics and other infrastructure

Each IAHTU needs to be provided with the following equipment:

- One vehicle per IAHTU (One desktop computer with accessories per IAHTU (including printer-fax-scanner, UPS, modem for internet connection).
- Three mobile phone equipments for each IAHTU.
- Equipment for conducting videography, photography, etc. during rescue and for collection of evidence.

Fund for this purpose will be met from the Women and Child Development Department budget towards the non-recurring components.

3.3 Contingency Fund

Each IAHTU will be provided a consolidated grant of Rs.1,00,000/- (Rupees one lakh) for meeting expenditures on contingency items (which include non-expendable, expendable and contingency items) on an annual basis from the budget of Women and Child Development Department. The following are the essential items:

- Basic furniture, if required.
- Purchase of essential books including law books required for the IAHTU.
- Purchase of stationery for the office and for computer systems in the IAHTU.
- Contingency expenditure towards the care and attention to victims and survivors, including expenditure on food, clothes, medicines, psychosocial support, legal support etc.
- Honorarium to NGO partners (subject to a maximum of three per IAHTU), a minimum of Rs.5,000/- per month per NGO, totaling Rs.15,000/- per month, per IAHTU.

3.4 Expenditure

The expenditure on running costs and repairs etc. of vehicles and other equipment will have to be borne by the state police. The drivers of the vehicles are also to be provided by the state police. Depending on the specific requirements, the state police will provide any other resources required by the IAHTU(s).

3.5 Training

Officials supervising the IAHTU should ensure that all stakeholders in AHTF (police, government officials, executive magistrates, NGOs etc.) are given regular training on all aspects to enhance/refresh their knowledge (of the law, procedures, human rights principles, etc.) skills (technical and scientific as well as psychosocial methods in attending to victims/witnesses etc.) and all related aspects.

Memo No. V(WP)Misc.6/09- 22172/WCD Dated 21-12-09

Copy along with the Notification forwarded to the Director, Printing Stationery and Publication, Orissa Government Press, Madhupatna, Cuttack for information and necessary action.

He is requested to publish the Notification in the next Extra Ordinary Gazette and supply 500 (Five hundred) copies of the same to this Department for reference.

S. Nanda
18/12/09
Under Secretary to Govt.
(SUBHASHREE NANDA)

Memo No. 22173 /WCD Dated 21-12-09

Copy forwarded to all Departments/Heads of the Departments for information and necessary action.

S. Nanda
18/12/09
Under Secretary to Govt.

Memo No. 22174 /WCD Dated 21-12-09

Copy forwarded to all Collectors /RDCs for information and necessary action.

S. Nanda
18/12/09
Under Secretary to Govt.

Memo No. 22175 /WCD Dated 21-12-09

Copy forwarded to all DSWOs / Programme Officers, W & C.D. Department for information and necessary action.

S. Nanda
18/12/09
Under Secretary to Govt.

Memo No. 22176/WCD Dated 21-12-09
Copy forwarded to all D.I.G. of Police / Supdt. of Police for
information and necessary action.

S. Nanda
18/12/09
Under Secretary to Govt.

Memo No. 22177/WCD Dated 21-12-09
Copy forwarded to Additional D.G., H.R.P.C., Cuttack for information
and necessary action.

S. Nanda
18/12/09
Under Secretary to Govt.