

Chapter - VI

Conclusion and Recommendations

Chapter - VI

CONCLUSION AND RECOMMENDATIONS

6.1. In the previous chapter the problems and perspectives have been discussed in detail. To combat this problem of cross border trafficking steps has to be taken by various state organs. The laws has to be very much adequate as well as implementation process should be very much strong and the implementation agency in the government has to increase economic opportunities for potential victims and improve infrastructure facilities to provide minimum services needed to the victims of trafficking. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress and protection as provided for by national legislation, for the harm that they have suffered. To control and combat cross border trafficking of women and children specific legal as well as administrative measures are to be undertaken. These may be discussed in the following sub-heads.

1. Findings
2. Strategies developed at international level
3. Flaws
4. Recommendation.

6.1.2. FINDINGS

6.1.3. The study reveals that following initiatives have already been taken in India to combat crossborder trafficking.

1. 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 the NHRC, UNIFEM and the Institute of Social Science New Delhi. 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 sensitise the public and the 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 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.

2. 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 three

places near the Indo-Nepal open border to make migrants aware of their rights and, in the process, prevent trafficking. The Director Generals 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.¹

3. Joint Project for Combating Cross-Border Trafficking by NHRC, India and NHRC, Nepal: The National Human Rights Commission is negotiating a project with the Human

Rights Commission of Nepal to check cross-border trafficking and envisages taking all necessary steps for this purpose. In this context, 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. At present, a draft MOU on Cross-Border Trafficking between the two commissions is under preparation.

4. 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 that met in New Delhi on the 11th and 12th of November 2002, at its seventh Annual Meeting, 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.

¹ Op cit Nair at p 242.

5. Sensitisation Programme on Prevention of Sex Tourism and

Trafficking : In order to spread awareness on prevention of sex tourism and trafficking, the NHRC, in collaboration with UNIFEM and the Women's Institute for 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.

6. Special Police Officer under ITPA: All state governments were requested to forward a copy of the notification relating to special police officers and advisory body under section 13 of ITPA and also any other government orders, circulars, etc. issued by them and the details of any other initiative undertaken by them in implementing ITPA.

It was reported that Special police officer to deal with offences of trafficking, according to section 13(1) of the Immoral Traffic Prevention Act, there shall be for each area to be specified by the state government in this behalf, a Special Police Officer (SPO) appointed by or on behalf of the state government. The SPO shall not below the rank of an Inspector of Police. The section authorizes the District Magistrate to confer upon a retired police or military officer the powers of SPO. The Act also says that the SPO shall be assisted by subordinate police officers, including women police officers, wherever practicable. In West Bengal, a general notification has authorized all

officers not below the rank of Inspector of police under West Bengal Police and Kolkata police to act as SPOs in their jurisdiction.

7. Advisory Body: The advisory body under ITPA includes NGOs also. The state advisory committee was constituted in 1994. District-level committees have also been constituted in West Bengal with the District-Magistrate as Chairperson, District Social Welfare Officer as Convenor and ten other members.

8. Role played by NGOs: The West Bengal Milk Federation Cooperative Society has launched income-generating programmes under the STEPS scheme in the border districts of Murshidabad and Nadia, to prevent migration of destitute women from these areas. The rescue victims staying in short stay homes run by NGOs are provided with education, health counseling, vocational training, guidance, etc. Two homes, one at Kolkata and another at Hooghly are functioning exclusively for HIV- infected victims of CSE. Formal and informal education is being given to victim women in short stay homes. The Women Development Undertaking has also initiated programmes like computer courses for victims of CSE. Twenty juvenile homes are functioning under the JJ Act. NGOs like Durbar Mahila Samannaya Samiti, Jabala , Sanlaap are working with government agencies and helping in the rehabilitation of women victims. A study done by some judicial officers, reveals the following:

- 1) Victim perspective should be the key in justice delivery. The violation of rights of these persons should be taken into consideration before arriving at any conclusion.
- 2) Every criminal act should have not only actus reus, but also mens rea. If mens rea is absent, the person cannot be held guilty under section ITPA. Therefore, investigation and prosecution should see whether the person being charged under section 8 ITPA, the most commonly used section, did have the required intention or not. It is known that the trafficked women/girl is made to solicit under duress, coercion, lure, deceit or compulsion by the trafficker or other exploiters. In such cases, the women should be treated only as a witness and not as and not as an accused. If there was no informed intention, the person cannot and should not be prosecuted for soliciting.
- 3) Investigation and trial process need to be concluded in a specified timeframe. If the trafficked victim is an outsider, she may have to be detained in an after-care home till her evidence recording is completed and cross-examination is over. If she has been repatriated, she may have to be called to the court on and off. This causes a lot of inconvenience to the witnesses. Therefore, expeditious disposal is a must.

6.2. STRATEGIES DEVELOPED IN INTERNATIONAL LEVEL

6.2.1. Considering the inter-state and international ramifications of the organized crime of international trafficking, effective law-enforcement calls for

in-depth investigation by sensitive investigators, who may have to investigate beyond the state and, at times, even beyond national borders. The fact is that investigations have often been confined to the demand side and the visible face of exploitation, viz the brothel, thereby leaving behind a large trail of unearthed stories of exploitation, that characterize the various steps and processes of trafficking. Even at the demand site, it is often the victim survivor who has been accused and convicted. Through there has been a marked improvement in the scenario in recent times, especially in certain places like Delhi, Mumbai, etc, where traffickers have been convicted and survivors have been rehabilitated, the overall situation is yet to show signs of tangible improvement.

6.2.2. The UN protocol contains a number of provisions aimed at preventing trafficking-all of which are phrased in the UN's best, programmatic, non-oligatory style.

1. Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children supplementing the United Nations Convention Against Transnational Organised Crime.

State parties are required to establish policies, programmes and other measures aimed at preventing trafficking and protecting trafficked persons from re-victimisation. State parties are to endeavour to undertake additional measures including information campaigns and social and economic initiatives to prevent trafficking. These measures should include cooperation with NGOs, relevant organizations and other element of civil society.

The essential attributes of trafficking, which presuppose the very existence of vulnerable situations of inequality and injustice, coupled with the exploitation of these vulnerable circumstances by the traffickers and others, causing untold harm to the trafficked victims with a multiplicity of rights violations, provide a status of uniqueness to trafficking. Therefore, policies, programmes and strategies that address prevention of trafficking have to be unique, with focus and orientation to all these issues. Accordingly, prevention of trafficking needs to be addressed not only in relation to the source areas, but also the demand areas, the transit points and the trafficking routes. Strategies in all these areas have to be oriented to the characteristics of the situation and the target groups. The study shows that the following aspects need to be considered.

The best method of preventing trafficking is by integrating it with prosecution and protection. Prosecution includes several tasks like the identification of the traffickers, bringing them to book, confiscating the illegal assets created out of trafficking, making the traffickers compensate for the damages and ensuring that they do not cause any further harm. Protection to the trafficked victim includes all steps in the redressal of the grievances and violations, which may be tangible or intangible, that would help the victim to survive, rehabilitate and establish herself/himself. Thus, prosecution and protection contribute to prevention. However, considering the fact that prosecution and protection are the issues that come up only after trafficking has

taken place, prevention of trafficking has taken place, prevention of trafficking remains the bottom line.

Some steps relating to that :

6.2.3. Coordination and Cooperation: To review the existing countries and international and regional levels to prevent and to eliminate trafficking and violence against women and children.

To promote cooperation between countries and international organizations and other catalysts which have a role in preventing and eliminating trafficking and violence against women, including UNIFEM, UNICEF, the UN Centre for Human Rights, the UN Commission on Human Rights, ILO, UNESCO, UNDP, WHO, UNAIDS, INTERPOL, UN Crime Prevention and Criminal Justice Division, UNFPA, the World Tourism Organisation, the UN High Commission for Human Rights and the UN Special Rapporteur on Violence Against Women.

To develop and strengthen comprehensive, cross-sectoral 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.

6.2.4. Prevention Method To review and amend relevant laws to prevent trafficking and violence against women.

To strengthen national, social and economic policies and programmes to safeguard women vulnerable to trafficking and violence.

To develop special modules of sensitization for personnel manning homes for women, police officials, border police officials, health personnel and NGOs to prevent and combat trafficking and violence against women.

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

6.2.5. Protective Measures: To review, amend, strengthen and monitor implementation of laws, policies and programmes to protect the rights of trafficked women 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. The case of the victims the focal point would ensure that the trafficked women 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 services in all sectors, more particularly in the legal, social and health fields.

To strengthen families and family ties through family counseling. The Government policies should try to improve the income, health and housing so that the parents ability to care for children can be enhanced.

Primary prevention refers to programs targeted at the whole community with the aim of stopping abuse before it starts. It encompasses both children and adults by including such strategies as mass media advertising, education through the publication of pamphlets and personal safety programs for children. Secondary prevention refers to programs which target specific sections of the population considered to be more at risk of abuse and in greater need of support. Examples of such programs are young parent support services, isolated single parent services and respite services, including crisis care²

Legal protection like maintaining the confidentiality of legal proceedings, encouraging prosecutors to consult with experts on trafficking etc has to be there.

6.2.6 Repatriation and Reintegration: Effective action should be taken to ensure safe and voluntary return of trafficked women into their chosen communities.

To provide support to non-governmental organizations that have developed programmes to assist the safe repatriation and reintegration of trafficked women.

² Report, on *Analysis of laws related to trafficking of children, child protection and the existing situation in India from the perspective of the CRC, CEDAW and Other relevant state ratified international legal instruments*, SLARTC, on behalf of Save the Children U,K, WB, Save the Children Alliance South and Central Asia, 2000, p64

6.3. FLAWS IN THE IMPLEMENTATION OF TRAFFICKING LAWS

Implementation of laws relating to cross-border trafficking of women and children have many lacunas. The following points may be identified:

- 1) There is no definition of trafficking in the IT Act, resulting in the offenders to escape from criminal liability for cross border trafficking.
- 2) As there are overlapping provisions in IPC and IT Act, police and prosecution always prefer IPC rather than the Special law.
- 3) There is lack of adequate provision to combat cross border trafficking in the existing law. Section 406 IPC and Section 188 of Cr.P.C. are in limited way applicable to the offenders committed offence of human trafficking. But the said provision of Cr. P.C. requires previous sanction of the Central Government. But like Germany, Australia, U.S.A., citizens who exploit children in other countries are by legislation made legally accountable for their actions within their own country. Arrangement should be made to extradite offenders of child trafficking and child sexual abuse expeditiously by Mutual Assistance Treaty.³
- 4) Under the existing law if a child from other country becomes a victim of trafficking and detained in the Home under any order of court had to remain there for unusual period ranging from 4 to 14 years. Arrangements should be

³ Op cit Report on South Asian Consultation Of Trafficking In Children.

made to repatriate children who are victims of trafficking through diplomatic channels.

5) The priority placed by our law enforcement agency on illegal immigration has resulted treatment of cross-border trafficking as criminals. When police raid brothels women are often detained victimized and few victims dare testify against the traffickers or those who hold them fearing retribution for themselves and their families since most occasions the prosecutors do not offer protection for victims. The data relating to arrests under the ITPA during 1999 and 2000 in India also reveals the same facts. In 1999 out of total 14,799 persons arrested 13,225 (89.4%) were females and in 2000 out of total 13,876 person arrested 12,088(88%) were females. Thus the women become victim of offence as well as the legal process.

6) Trafficking is now a problem that affects virtually every country in the world. Generally the flow of trafficking is from less developed countries to more developed countries or towards neighbouring countries with marginallt higher standards of living. Trafficking is an organized criminal activities and also a transnational organized crime, but our criminal justice system and the law enforcement agency is not equipped to combat such organized crime of trafficking. Under Section 5(3) of ITPAct, the place of trial of cases for procuring, inducing, or taking for the sake of prostitution not covered cross-border trafficking.

7) Law enforcement agency register cases mostly under section 8 of ITPA, which deals with seducing or soliciting for purpose of prostitution. In 1999, 90% of registered cases under ITPA was under section 8 which undoubtedly established the fact that the law enforcement agency failed to apprehend the traffickers and prosecuted the ultimate victims.⁴

8) The victims of cross-border trafficking if arrested by the police are dealt with as offenders under the Foreigners Act and detained for indefinite period if the victim is unable to contact her family.

9) Through there is constitutional guarantee of free Legal Aid and there is a special law on it, i.e. Legal Services Authority Act 1987, yet the victims of trafficking are not getting the required legal aid services as envisaged in our law.

10) In the existing trafficking law in section 13 of ITPA there is a provision of appointment of Special Police Unit to enforce the law but the said provision remains only in the state book and ignored by most of the states in India. There is also other provision in the existing trafficking law, which are not implemented in our country like provisions of establishment of Protective Homes for the trafficked victims. Such homes where it exist is not maintained properly.

⁴ Op cit Report SLARTC at p 57

11) Neither the Immoral Trafficking(prevention) Act1956 nor the law enforcement machinery in our country are adequate and sufficient to deter trafficking and bring traffickers to justice, failing to reflect the gravity of offences involved.

12) Unlike in other countries in the region, the United Nations in India does not have an integrated, coordinated strategy to address trafficking. There is no inter-agency task force. However, UNIFEM, ILO and UNICEF, amongst others, have some very important regional programs with regard to trafficking which are also functioning in India.

13) UNAIDS has also formed a Regional Task Force on Trafficking and HIV/AIDS in order to develop and facilitate regional interventions. The UNDP Regional office has been assigned the role of coordinator of the activities under this initiative. The UNDP project on HIV and Development in South and South-West Asia was prepared in consultation with UNICEF, UNIFEM and WHO. The main objective is the empowerment of women and girls to enhance human security and mitigate factors that create their vulnerability to trafficking and HIV/AIDS including social, economic and sexual exploitation and discrimination.

14) UNIFEM provides technical assistance to the ministries concerned with women and children in the respective countries. UNIFEM has undertaken advocacy and sponsored action-research on trafficking in the region. It has

played a leading role in supporting advocacy on the part of NGOs on the SAARC convention.

6.4. RECOMMENDATIONS

6.4.1. International Level

(1) The International Community must continue to play a proactive role in preventing trafficking in the South Asian region. More resources should be given to the Governments to the region to meet this problem of human servitude and forced labour. In this connector, the Nepalese effort should be replicated in the other SAARC countries. There should be an Inter-Agency Task Force on Trafficking or a Joint Initiative on Trafficking involving all the international agencies. Cooperation among the agencies is essential if there is to be a coordinated effort to deal with the problem of trafficking in South Asia.

6.4.2. Regional Level

(2) The countries of the SAARC region should get together to collect comprehensive data on trafficking. There should be a central database and a regional survey to assess the nature of the problems, the numbers involved, the profile of the trafficking victim, the profile of the trafficker and the response of national Governments. The collection of data is absolutely necessary if the problem is to be dealt with effectively.

(3) The adoption of the SAARC Convention on Trafficking should be encouraged if the present draft Convention is signed, there should be an

amendment conference within a year to ensure that the definition of trafficking in the SAARC instrument is in conformity with the international language agreed upon at Vienna for the Convention on Organised Crime Protocol to prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention on Transnational Organized Crime. In addition to that the social and economic rights of the victims should be respected in the section entitled "Rehabilitation." A monitoring mechanism should be set up along with a regional fund to help victims of trafficking once they are rescued.

(4) There should be an intergovernmental regional task force on trafficking that will plan and implement a concerted strategy for the region. This task force could be linked to the women and child ministries of the respective countries. In addition, there should be an interregional police task force to fight trafficking, track traffickers and gather jointly intelligence on trafficking rings.

(5) Studies have revealed that in some villages of India, Bangladesh, Nepal the children of backward areas are without much opportunity for income. Not only this the natural disaster prone places are major victims of such crimes. Therefore capacity building, employment opportunity, health services, educational facilities, means of livelihood in rural areas along with knowledge, information, caution, strong vigilance of police and Panchayat leaders and local administration can definitely minimize the incidences of such offence as

because without active local connivance and support, trafficking of children is extremely difficult if not impossible.

(6) The human rights commissions in all the countries of the region should make trafficking a special focus of their work.

(7) The countries of the SAARC region should get together to collect comprehensive data on trafficking. There should be a central database and a regional survey to assess the nature of the problems, the numbers involved, the profile of the trafficking victim, the profile of the traffickers and the response of national Governments. The collection of data is absolutely necessary if the problem is to be dealt with effectively.

(8) Interpol in the SAARC Region be strengthen and entrusted to combat human trafficking on priority basis.

6.4.3. National Level

1) As per South Asian Countries are concerned, the Governments of the region should each have a national plan of action to combat trafficking. To prevent such a plan from being just a piece of paper, there should be a monitoring mechanism involving Governments, NGOs and international agencies.

2) There should be a nodal agency entrusted with implementing the plan. In some of the SAARC countries there is such a nodal agency for drug prevention. Human trafficking is a far more despicable crime than drug abuse.

The establishment of a nodal agency for drug prevention. Human trafficking is a far more despicable crime than drug abuse. The establishment of a nodal agency would give the world a sense that the countries take this issue seriously and that political will to prevent and control trafficking.

3) Legal Reforms to combat trafficking should be considered, but only if it complies with international human rights standards and does not violate the rights of women. Nothing should be done to prevent the freedom of movement of adult women. No law or regulation should place them at the mercy of the men in their families or in their villages. Their autonomy must be respected.⁵

4) In case of foreign national victims, the State must work facilitating towards their return, if that is appropriate, rather than detain them for long periods in that State, Jails or Shelter Homes.

5) All the States of the region should have training for their police forces on how to combat violence against women in general as well as trafficking. The training should consist of awareness raising on the issue as well as development of investigative skills so that crimes of violence against women are investigated and prosecuted with proper evidence.

6) Prevention programmes should exist in all three countries. Prevention should take the form of awareness raising through the media, through the education system and through social mobilizers in the villages. Prevention

⁵ Coomaraswamy Radhika, *Report on Violence Against Women, Its Causes And Consequences*, Commission on Human Rights, 2000 p 38

should not rely on social surveillance and neighbour spying on neighbour, as such surveillance can be subject to a great deal of abuse.

7) Extensive support should be given to NGOs working in this field. The NGOs working with the children of the sex workers should be given special encouragement along with those who work with the victims of trafficking. A partnership between Government and NGOs working in this field is essential if the problem of trafficking is to be dealt with the South Asian region.⁶

8) In Rule making by the State Government under the Foreigner's Act as well as Immoral Traffic (Prevention) Act it shall be provided that at the time of Detention Order against the victims in trafficking cases the copy of the said order be sent to the Social Welfare Directorate, Superintendent of Detention Home and Juvenile Welfare Committee (in case of child) and if the records in the court are lost, the copies Social Welfare Directorate of Superintendent of respective Home or Juvenile Welfare Committee be relied on to dispose of the case.

9) The State Government has to develop a network of NGOs and voluntary agencies throughout the state so that a community preventive and rehabilitation programme for the traffic victims can work effectively to combat trafficking.

10) There shall be more positive rehabilitation programs with vocational training facilities for trafficked children detained in the protective homes.

⁶ Ibid

- 11) More funds are to be allotted in the budget for child welfare programs in the area of education health nutrition as a preventive measures to combat trafficking of children.
- 12) Ministry of Law and Justice as well as Welfare Ministry should initiate awareness and legal aid legal aid program as a preventive measure against trafficking of children and violation of child rights should be taken.
- 13) Probation Officer working under Probation of Offender's Act be authorized to act as Probation Officer's under the Trafficking law as well in the line of JJ Act,2000.
- 14) National anti-trafficking action plan need to be modified.
- 15) Economic programmes particularly for those children most vulnerable to be recruited by traffickers shall be undertaken.
- 16) Centralized data collection on trafficking including incidence rates, trafficking routes, suspected traffickers, conditions of exploitation and related criminal activity.
- 17) Implementation of the principles contained in the Convention of the Rights of the Child.
- 18) Introduction of income generating rehabilitation programme for the victims of trafficking.

19) A search committee or Task Force at National Level be constituted to study the new framework of prevention protection and prosecution of trafficking of children and women. This committee may be formed as a permanent body by suitable amendment of commission for women act or Council of Child Welfare.

20) Federal crime----Trafficking in women and children is a crime which is committed without any restriction of boundaries. However, the government agencies are restricted in their response by boundaries of police station, district, state, country, etc. These geographical restrictions, coupled with the prevalent mindset, are serious impediments in preventing trafficking as well as in protecting the rights of trafficked women and children. Therefore, trafficking offences have to be made a federal crime as is the case with narcotic offences, over which the state police, CBI and Narcotic Control Bureau have contiguous jurisdiction. Unless it is declared a federal offence where CBI has suo moto authority to intervene, CBI will not be able to take over even international trafficking crimes till such time ⁷

21) Trafficked victims should not be exploited any further. Radical changes in the existing law enforcement scenario are needed to ensure this. It calls for (a) declaring trafficking offences as grave crimes or special report crimes, which are supervised by the officer of the rank of SP/DCP and above, and investigations are carried out properly, (b) sensitization of the police officers

⁷ Op cit Action research project, p390.

and prosecutors and (c) fixing accountability of the officers concerned for acts of omission and commission. Activities and initiatives that uphold the rights of the women and children should be publicly commended. All efforts are to be made to ensure that the law enforcement machinery functions within the paradigm of human rights. This necessitates appropriate circulars and directives by the government and police chiefs. The review of literature shows that such outfits like anti-vice squad, CID, CBI etc., have an important role to play in dealing with offences related to trafficking, their training in this area should be given priority.⁸

22) In trying to mainstream women in the development dialogue process prevention and control of trafficking of women and girls is utmost necessity and for this purpose government should use NGOs working with women to the fullest extent possible. It is important for policy makers to have accurate information on what women's NGOs agenda as well as modus operandi are so that they can be better used as consultative bodies to prevent and control immoral trafficking. Linking NGOS with local bodies like panchyat/ Municipalities by forming a committee or forum may be thought of in combating and preventing trafficking of children.⁹

23) At the National Level a Task Force has to be constituted to prevent trafficking and exploitation of the women and children.

⁸ Ibid

⁹ Supra project report by SLARC at page 66.

24) Witness protection schemes should be a concerted effort to deal with the problem of HIV/AIDs in the region. Resources should be allocated to deal sufficiently with the problem. Special centers should be set up in the red light districts to assist sex workers. International standards on voluntariness with regard to testing and confidentiality should guide the campaign. Gender training for the medical profession should be provided to ensure that women receive non-judgemental confidential treatment.¹⁰

25) 'Protective Custody', as a means of dealing with victims of trafficking should be reconsidered. Women who are victims of trafficking have not committed any crime. For this reason, they should not be detained. Any stay in a government home should be voluntary. In addition, conditions in these homes should be such that the women would want to stay and legal and psychological counseling and an effort to help the women and plan their future.

26) Witness protection schemes should be set up for women victims so that they will testify against their traffickers. Such schemes should assist the police in presenting evidence before the courts and would help to secure a higher rate of conviction.

27) Seminars and workshops with the person from all the concerned area to increase their awareness on issues relating to trafficking of women and children and all the related topics.

¹⁰ Supra Report by Coomaraswamy, p39.

28) Corruption in the state machinery has become rampant in the state particularly in the area of trafficking. There should be a clear direction from the top of the level that if found, such behaviour will not be tolerated and persons who are engaged in such activities should face severe consequences.