UNIT 4  ROLE OF DIFFERENT STAKEHOLDERS

Structure

4.1 Introduction
4.2 Objectives
4.3 Role of Stakeholders
  4.3.1 Police
  4.3.2 Prosecutor
  4.3.3 Judiciary
  4.3.4 Medical Professionals
  4.3.5 Forensic Expert
  4.3.6 NGO
  4.3.7 Corporate Industrial Houses
  4.3.8 Political Leaders
  4.3.9 Media
  4.3.10 Parents/Guardians
  4.3.11 Labour Department Officials
  4.3.12 Labour Contractors
  4.3.13 Officials of Women and Child Development Department
  4.3.14 District Magistrate/Sub Divisional Magistrate
  4.3.15 Panchayat Raj Institutions (PRI)
  4.3.16 Any Person Concerned with Human Rights
4.4 Summary
4.5 Terminal Questions
4.6 Answers and Hints
4.7 References and Suggested Readings

4.1 INTRODUCTION

In the context of a dismal reality of human trafficking, the efforts to address issues from a human rights perspective, in a comprehensive manner and from a holistic and now organized perspective are gaining momentum. No doubt the armada of NGOs has been instrumental in kick-starting this process. Government agencies and outstanding individuals, both in governmental and non-governmental sectors, though far and few, have undertaken several initiatives which have started paying dividends. Synergy by all stake holders is the core mantra. And, inevitably, everybody is a stake holder in the mission of anti-human trafficking. No body can escape being a part of the solution, lest they should become, or be part of, the problem. In the context of this universalization of the problem and response, the role of different stakeholder is only illustrative and not exhaustive. Each stake-holder can do this and more and even attend to some of the activities mentioned against other stake-holders. The roles are never static nor stipulative as there are neither turfs nor turf wars in the arena of human rights. Most of these roles may apply mutatis mutandis to all types of exploitation; nevertheless some of them are
specific to the type of exploitation resulting from trafficking, viz, commercial sexual exploitation of exploitative labour or other types of exploitation. The crunch of the matter is also that no stakeholder can work in isolation, it is only in partnership that effective results can be achieved in these intervention. In the particular instance of human trafficking at times role of one stakeholder can be deciding factor for the effectiveness of another stakeholder’s intervention. To site an example the role of the NGO could be the deciding factor for effective prosecution.

4.2 OBJECTIVES

After going through the unit, you should be able to:

1. discuss the various stakeholders involved in anti human trafficking;
2. describe the role of different stakeholders; and
3. discuss the synergy among stakeholders.

4.3 ROLE OF STAKEHOLDERS

Although each one of us is a stakeholder in the mission to fight human trafficking some stakeholders have distinct role to play. An effort is made to illustrate the role of most of the stakeholders.

4.3.1 Police

As the primary responder legally mandated to attend all aspects of combating and preventing human trafficking, the role of the police is indeed paramount. However, there are few prominent ones that need mention.

*Intelligence collection* about victims, likely victims, vulnerable persons as well as about traffickers, exploiters, abusers, conspirators. There is an urgent need to share intelligence with all concerned and act on the same without delay.

*Rescue* victims and likely victims and thus prevent further exploitation.

*Apprehend* all offenders and take all stringent actions as per law.

*Register crimes* as and when any reliable information is received about any activity related to human trafficking and entrust investigation to a competent officer (under Indian law, sex trafficking can be investigated only by a special police officer notified by the state government or the union government).

*Conduct professional investigation* from the organized crime perspective, investigate, into the source-transit and destination areas, bring all facts at all these places on evidence and ensure legal action against all offenders at all these places.

*Attend to all legal steps* required to ensure that the offenders do not cause any harm to the victim/witnesses. This includes steps like segregation of rescued persons to prevent intimidation, etc.

*Ensure victims are not victimized* by anybody; ensure all steps regarding victim/witness protection.

*Ensure human rights*. The police station can and should be the gateway to human rights. Victim should be treated with empathy. Validate her harm. Make her feel she is only a victim and not an accomplice. Assure her of redressal of grievances as a matter of right that it is her right to have care and attention and that it is your duty to provide the same.
Ensure gender rights. A female victim may not be comfortable with a male police officer. So take a lady police official along. If not available, take a lady NGO during the entire process of response, including escort for medical care, etc. Do ensure that the lady NGO remains present if it is a male doctor/expert attending to the female victim.

Network with counselors/NGOs/other governmental departments to ensure proper counseling of victims, and to ensure appropriate steps are taken for post-care and attention of victims, including rehabilitation, restoration/repatriation, etc.

Take steps to record statement of victim/witness u/s 161 and 164 Cr. PC. Though this is to be done without delay, let it be done only when the victim is in a proper frame of mind to do so.

Ensure prosecution of the case is facilitated/exploited, especially by ensuring production of witnesses, documents, exhibits, etc.

Present entire facts before the court in a comprehensive case file which should also include crime map, sketch of scenes of crime including places of source, transit and destination. Use electronic format also wherever feasible.

Liaise with all concerned to expedite the process of justice delivery; take all steps to remove the bottlenecks, if any

Ensure all actions are initiated for post conviction steps, like cancellation of industrial licence, hotel licence, etc. Closing down places of exploitation, surveillance of offenders, confiscation of illegal assets, compensation to the victims, etc.

Address demand by a two fold strategy. One the one hand, ensure stringent legal action against the traffickers and all exploiters and, on the other hand, address demand among adolescents by sensitizing them to the issues of gender, child rights, human rights, etc.

Link up with the concerned departments like missing persons’ bureau, etc. and integrate the data of trafficking and facilitate proper follow-up on missing persons.

Give priority to the issues of human trafficking, address colleagues on the best responses, empower them with knowledge, skills and appropriate attitudinal orientation, facilitate them getting proper resources, appreciate good work, reward them, depreciate poor/bad work and there by make them accountable. Utilize the training curriculum, training manual, resource materials, films, posters, handbooks, SOPs, protocols and reference materials produced by UNODC ROSA (2006-08) ON anti-human trafficking.

Ensure human rights paradigm in the entire process. Ensure all steps taken are from the best interest of the victim.

Document, disseminate and replicate good practices and thereby ensure good governance.

Self Assessment Question

1) What is the rule of police as a stakeholder while fighting human trafficking?

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4.3.2 Prosecutor

Considering the multifaceted nature of a human trafficking crime and the multiple violations and depredations on the victim, the prosecutor has to be sensitive to the issues and needs to take proactive steps in the redressal of grievances, in victim care and in getting offenders punished with celerity and certainty. In this process the prosecutor, which ever court he is working with, has the following role to play:

*Ensure expeditious trial,* and bring to the notice of the court all dilatory tactics by the accused and ensure remedial action.

*Ensure victim-witness care and protection,* seek intervention of court and communicate directives to all concerned and ensure action by them. If they are not responsive, let it be brought to the notice of the court and there by compliance ensured.

*Ensured compliance of all provisions in the law* and in the decisions of the Supreme Court and the jurisdictional high court regarding victim/ witness care and protection. This includes in-camera trial (as envisaged in S.327 Cr.PC, judgements of the Supreme Court Like *Sakshi vs. UOI, Praful Desai vs. UOI* etc. judgements of high courts like *Prerana vs Government of Maharashtra* etc.)

The prosecutor should bring it to the notice of the court if the chargesheet has been filed by the police officer against the victim of trafficking. The court whereupon can discharge the case, direct fresh/further investigation by the same investigator or different investigation or different agency of police or advise the police managers for appropriate remedial action.

Seek the indulgence of the court in geeing NGO/ counselor support to the victim so as to help the victim get over the trauma. Court may be requested to direct the NGO, if required, to assist the court in the trial proceedings especially to communicate the victims’ views/replies/queries, etc.

Move the court for all legal steps envisaged under the law, especially ‘Home verification’ under ITPA, ‘Release certificate’ under BLAA compensation to the victim under the existing government orders, etc.

Link-up with police and ensure timely production of witnesses, documents, materials, exhibits, expert reports, etc. and also appearance/deposition by all experts who are required to depose as witnesses, which includes medical professionals, forensic experts, etc.

Link-up with police to ensure safety of persons and materials.

Utilize the best provisions of law to get charges framed against the accused under all possible sections of all relevant laws, even if they do not find mention in the police charge-sheet.

Move the court for stringent punishment, minimum mandatory punishment, fine along with punishment, etc. for convicted persons. If it is a repeat offender seek enhanced punishment.

Move the court for closing down and eviction of places of exploitation as per the existing laws (e.g. S.18(1) ITPA) as and when the accused is convicted. Move the SDM, wherever law provides, for closing down and eviction of places of exploitation as per the existing laws(e.g.S.18(2) ITPA).
Advice the police to move papers for closure/eviction as mentioned above as well as for cancellation of hotels licence u/s 7ITPA, and for cancellation of industry/factory/workplace where labour has been exploited.

Move the court to direct the rehabilitative agencies for taking steps for extending appropriate rehabilitation to the rescued person.

Help police in getting statement u/s 164 Cr. PC recorded, in carrying out TIP (Test Identification parade) and such other legal processes.

Prosecutors can be instruments in ensuring accountability of responders. It has got two facets—first is rewarding the good work and second facet is punishing the wrong-doer. The prosecutor should move the court for recording appreciation of good work done by the investigator, counselor, medical officer, forensic expert, other service providers, and thereby communicate these commendations to all concerned including the supervisors/managers/senior officials, etc.

Simultaneously move the court to castigate wrong deeds or acts of omission which has hampered/adversely impacted justice delivery process; communicate such comments to all concerned to ensure appropriate action against the erring officials and also take preventive steps.

As the officer of the court, assist the court in all manners to ensure proper and timely delivery of justice. This calls for a proactive prosecutor.

As the law officer handling the case for the state, assist, orient, guide the investigator on legal issues in the investigative process. It is a fact that prosecution is independent of police since 1973, nevertheless there is no bar anywhere on the prosecutor, as a legal professional, to orient the investigator on the law points in the process of delivery of justice. It will not only be in the best interest of the victim, as examples in the AHTU have shown.

Carry out capacity building and empowerment of prosecutors by regular in-service/refresher trainings on AHT utilizing the training curriculum, training manual and resource materials developed by UNODC ROSA (2009-08).

4.3.3 Judiciary

The last and final word in the delivery of justice and redressal of grievances lies with judiciary. In this context, the role of the judiciary include the following:

Control on unwarranted adjournments

Fix priority for trial and other issues in the justice delivery process, viz. TIP, disposing of bail matters etc.

Schedule the dates/days/time of trial. Court can decide to do it once a week, may be on a particular day when only AHT cases will be heard, etc. If the matter is kept in the morning, the victim/witness can complete their task and move on. If no time is stipulated, they may have to come in the morning and wait for long, may be till the end of the day.

Ensure a friendly not intimidatory court room. Efforts should be made to avoid harassment by court staff and all concerned. Provide a victim-friendly ambience in the court, especially when the victim is a child (refer Sakshi vs. UOI) or when the victim is traumatized person.
In-camera trial proceedings wherever required and possible.

(Refer S.327 Cr. PC and Sakshi vs. UOI)

Provide a safe ambience to the victim in the court by special provisions, wherever required. For example by providing a screen to ensure that the victim is not exposed to the accused of dependants (Sakshi vs. UOI).

Give the adequate recess/reflections/recoupment time for victims/ witnesses who are traumatized so that they could be helped to depose properly.

Utilize the services trained counselors/trained NGOs/child minders, etc. as ‘friend of the court’ to assist the victim to develop confidence and trust in oneself and the system, thereby enabling the victim to address the court with full and true facts.

Direct the appropriate agency (mostly police and sometimes the authorities of the ‘Home’ where the victim is lodged, maybe governmental of non governmental) to provide security to the victim/witness, production on time, provide safe entry/exit to the court, provide safe travel/transit, attend to other requirements like food, toilet, etc, and for providing travel costs to them, wherever possible, day’s wages/honorarium/compensation for the loss of earnings may also be ordered to be provided to the victim/witness.

Record the statement in the chamber if the victim is traumatized, as is the case with most of the trafficking crimes. Court may decide the appropriate time, the method of recording, as well as the limited number of persons, including the dependants, who need to remain present.

Ensure that the victim/witness is not intimidated of harassed/embarrassed by defence by unwanted/unwanted questions or gestures or other tactics. Cross-examination should not be allowed to be a scene of demolishing the person.

Ensure that the question regarding the character and past conduct of the victim/witness are not allowed. Similarly those questions which make the victim recall and relive the traumatic past need to be modulated in such a way that questions do not exacerbate the victim’s trauma/harm.

Minor discrepancies in the investigative progress should be condoned, keeping the best interest of the victim.

Delay in the registration of the FIR should not be allowed to be the sole cause for dismissal of the version; it should be seen on merits. In human trafficking crimes, delay is common, especially when the rescue takes place at one place and FIR is lodged at another place.

Ensure that the convicted traffickers/offenders are extended maximum punishment, including fine, as provided in the law. Also direct agencies to produce evidence of past conviction, if any, so that enhanced punishment be awarded. Agencies concerned may be directed to take steps for surveillance, etc. as per law. Closure and eviction of places of exploitation is a necessary concomitant u/s 18(2) ITPA. Court needs to ensure that such action entails the conviction of the offender.

There is a need for regular refresher training for the judicial officers also, especially with respect to advancements in the justice delivery process, victim care and protection, forensics as well as on the latest ruling of the supreme court of India as well as the judicial high court. The resource materials and curriculum prepared by UNODC ROSA (2006-08) may be utilized for this purpose.
4.3.4 Medical Professionals

Though the role of medical professionals in AHT seems to be secondary, often it borders on the boundary of, or treads into, the realm of a primary service provider. The victim who is physically or sexually wounded looks forward to medical redressal as the first need. However the medical professionals are called upon to perform a vast array of functions including age verification, expert opinion regarding the injury on the person etc. Therefore, their role is also multifaceted:

*Give priority of attention to a trafficked victim* as this person is a victim of multiple abusers, multiple exploitation and multiple harm by multiple abusers.

*Appreciate the victim's position and respond with empathy,* even when the victim may be violent, angry, abusive, etc due to the high level of trauma.

*Respect human rights.* The victim is a person whose human rights have been deprived and denied. The initial responders need to validate the harm, make the victim feel that she is only a victim and that she has a right to redressal and that it will be done. Also ensure that there will not be any further violation from your side. Tell her that it is her right and your duty. And she has a right to demand best care and attention.

*Respect gender rights.* If it is a female victim who is not comfortable with a male doctor attending to her, do take the services of a female doctor attending to her, do take the services of a female doctor or, if a female doctor is not available, keep a female nurse or another person to be with the victim during the entire process of examination, treatment and related activities.

*Do not delay.* Response delayed causes more trauma and harm. If there are several steps involved in medical attention, e.g., check-up by specialized doctors like gynaecologist, paediatrician, etc., line up the appointments so that all activities move in a chain without break. Do not delay in giving reports of medical examination to the police/others concerned, as such delays defeat justice delivery process.

*Age verification* is an important task the medical professionals are required to attend to. Age of the victims has a lot of bearing on deciding about the nature of offence and the gravity of punishment to the offender. Further it has several legal implications. If it can be proved that the victim was trafficked at an age when she was less than 16 years and that she was sexually assaulted, the offender becomes liable for rape even if the victim had consented. Moreover, if the offence was done in a hotel, the licence of the hotel can be cancelled u/s 7A ITMA. Therefore, the age of the victim may be ascertained carefully. Benefit of doubt should go to the victim. If she/he is in trauma or if he/she is illiterate, the child may give a wrong age. The exploiters may coerce her to say she is an adult. Doctors have to go for scientific evidence, both direct and circumstantial. The Ossification test may not give a complete result, hence it may be seen along with other scientific parameters.

*Be a good human being also.* Doctors are healers before being treatment providers. More than medicine their words, demeanour and feelings towards the victim make all the difference.

4.3.5 Forensic Expert

The role of forensic expert in AHT is also multifaceted. This expert gives opinion on the technical issues which are called in question. At the same time the expert is also a counselor, one who helps the victim to come out of trauma, validates her harm and
Role of Different Stakeholders

damage and, thereby, help the victim to gain confidence. Gaining confidence has a large role to play in empowering the person to not only lead her own life but also in facilitation the victim to become a witness who can speak and present evidence in a court of law, nevertheless, more often, victims are not ready to come forward as witnesses due to the various issues, and mostly due to lack of confidence and trust in others and also in oneself. Even though the forensic expert may not be trained counselor, the very fact that this expert provides relief and harm reduction to the victim makes the victim feel comfortable and confident. Therefore, the menu of services of such an expert would include an array of things.

Act promptly on all requests/requirements/of expert opinion, as and when called for. Delay causes serious damage to the victim and the case, therefore the mandate of the expert should be to give opinion without any delay.

An expert may be called upon to carry out several tests on the body of victim/witness. The expert should keep in mind the dignity of the person and see that no further harm or damage happens.

Inform the victim/witness about the role and actions which the expert is going to conduct or carry on and take the informed concurrence of the person.

Keep in mind the gender dimensions. For example if a particular test is to be conducted on a female person, do associate a female expert. If only male person is available, associate a lady staff/NGO.

Keep in mind the child perspective. Children need to be handled with special care and attention and need to be understood from their perspective.

Any test which would require intrusive action should be done with due care, caution and notice.

The forensic expert should obtain and study in detail the profile of the victim or the witness before any test or action is attempted. Expert should also have adequate understanding of the case and the crime so that the questions and examination can be oriented accordingly.

Psycho-social Professional, including Counselors

The counselor should be a trained person and a psycho-social expert. In fact such an expert is the appropriate counselor in any given situation. The counselor gives strength and life to the victim/witness.

Attend to the victim at the earlier available opportunity.

Validate the harm of the victim. Make the victim feel that he/she is only a victim and not an accomplice.

Try to avoid overwhelming expressions and physical contact with the victim. Many victims are comfortable without physical contact. It is a male counsellor and the victim is a female person, it would always be advisable not to touch the person. Do keep a safe distance.

Counselor’s role does not conclude at any point of time. It goes on and on.

Counselor will be required to assist the law enforcement agency, the prosecutor and also the judiciary. Counselor’s services would be required by the medical professional also in carrying out various tests/examination.
Rehabilitation

*Counselor gives strength to victim* and, therefore, should be physically present wherever possible and required.

*The counselor can take on the role of a mentor, if the situation so warrants.*

Counselor can be the interpreter in the court of law vide judgement of the supreme court *sakshi vs. UOI*. Courts have appreciated the role of independent counsellors in helping the victim/witness to communicate with the court.

Counselor is not an advocate or a lawyer. Therefore, the counselor should keep in mind that the job/task is to help the victim to overcome the trauma and develop confidence in oneself and speak out. They are not to decide as to what the victim should or should not say. This is a legal question which should be left to the court of law to decide. Counselor can help the victim to discover oneself, reinvent oneself, and identify the work/task/field in which the victim can be empowered. This is a great source of a use and utility for deciding the rehabilitation package/pattern.

Counselors help the victim/witness to move on. It means that their task is to help the victim to see and move to a better feature. Therefore, the task is not to shrink and be repentant.

Counselor should have the right perspective and be positive.

**4.3.6 NGO**

NGO’s have perhaps the longest role in a victim’s life cycle in terms of rehabilitation. Their roles include:

*To help law enforcement agencies carry out rescue* as a source of information.

*Assist in the process of rescue* as a witness.

To assist law enforcement officials in interviewing the victim. If the victim is a female and the police officer is a male, there is a legal requirement of a female person to be present during interview. In this situation, women NGOs can be of tremendous help

*Home verification is a best done by a competent NGO*. This verification report is called for by the court to take a decision as to whether the victim can be rehabilitated in her own domestic environment.

NGOs can help in investigating the crime by giving adequate information and intelligence about the accused persons, the witnesses, the materials and all other issues concerned.

NGOs can utilize their close contact with victims and witness to interview them and pass on any intelligence to the police to carry out further rescue or apprehend abusers and traffickers.

The NGO’s can be main link for all protection services including shelter support, rehabilitation options, reintegration processes.

The NGOs may network with the government departments dealing with welfare, labour, and development and help the victim to get the best benefit from the various schemes and programmes that these departments and ministries have.

Therefore, they are appropriate contact point and referral points for a victim to get release rehabilitation and redressal.

NGOs can help prosecution in many ways. Mock trial can be of help of victim in overcoming the lack of confidence to face the court scene.
NGOs can be the trigger in the process to empower the victims and make them confident to attend the court and speak out the truth.

NGOs can network with corporates and industrial houses who have a social responsibility towards society and utilize their corporate social responsibility (CSR) for the rehabilitation of trafficked persons and to bring out programmes in preventing human trafficking.

NGOs are sent to be the best medium of getting various stakeholders together. This includes police, other government departments, corporates, Industrial houses, other NGOs, etc. Wonderful initiatives by NGOs in several parts of India have seen the integration of all stake-holders joining hands together and coming out with wonderful deliveries in the rehabilitation of trafficked person and also in preventing human trafficking.

NGO role in prevention of human trafficking cannot be under-estimated. It is indeed a major contribution. There are enough examples of best practices where the NGO initiatives have prevented human trafficking, documented or even not documented. The counseling centre set up on the Indo-Nepal border by an NGO, SEVA of Gorakhpur, has been instrumental in preventing transborder trafficking. There are any number of such outstanding examples of prevention.

NGOs can be a great source of check and balance on the response by the various stake-holders. Rather they can function as ombudsman in ensuring prompt and effective delivery of services to the victim.

**Self Assessment Question**

2) List out five roles of NGO’s in terms of rehabilitations.

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**4.3.7 Corporate/Industrial Houses**

Corporates and Industrial Houses with a corporate social responsibility (CSR), which may be officially notifies or otherwise, are important stake-holders in AHT. Their role is gaining momentum by the day:

*Corporates can be a great source of empowerment* to the rescued victim for extending all help, care and attention.

*Corporates can provide appropriate rehabilitative measures and mechanism* and, thereby help the victim to lead a decent life with dignity and confidence.

*The corporates can help the law enforcement agencies to empower themselves* and also in capacity building. In the AHTU project vehicles, computer systems, cellphones and such other infrastructural facilities had to be provided by UNODC which made the unit functional, effective and also gave them an identity. Corporates can undertake the responsibility for setting up such units in other districts in India.
Rehabilitation

Corporates can be effective in prevention of human trafficking. This could apply to those corporates who are/were utilizing child labour or trafficked labour and also trafficked persons for different activities. The prevention strategy should be to empower the persons who are vulnerable and to ensure that no trafficked person is ever put to work/labour/exploitation. Also the corporate or industrial house makes it a policy that they are human rights oriented, do not employ child labour, are free from exploitative labour, and are child-friendly, etc.

The corporate-NGO-Government linkage can be a tremendous source of responding to human trafficking in an integrated manner, involving prosecution, protection and prevention at the same time. The corporates can take initiative in addressing the issues accordingly. For example, children used to be regularly trafficked for employment in a carpet factory and other places. It was observed that despite repeated rescue operations and returning the children to their native place, their re-trafficking continued incessantly. If the corporates decided to set up a residential school at the same place, empowered the children with formal education for half a day and with vocational education for the rest of the day, it could indeed make a difference. In fact the second half spent on vocational training could also be spent on teaching them how to make carpet and thereby producing the best carpet weavers in the days to come. However, at the same time they must also ensure that the children learn and are taught and trained, not exploited. When these children pass out of school, they are not only equipped with formal education but also trained in a vocational field. Such corporate initiatives can have tremendous impact in the existing scenario of human trafficking.

4.3.8 Political Leaders

Political leaders are not only policy-makers, framers of laws and statutes, but are also grassroots functionaries in several respects. Their contribution to AHT has myriad possibilities.

*Bring in an effective, comprehensive and holistic legalization* to address issues of human trafficking through the best possible method and by incorporation the best provisions across the world.

*Bring appropriate rules and regulations based on the law* and developing a timeframe for implementation.

*Monitor the activities of the response agencies* and ensure appropriate delivery.

Facilitate the functioning of the response agencies by providing rewards commendations and other felicitations as and when required.

*Notify the failures and the shortcoming in response* at the appropriate time and ensure that corrections and remedial actions are not delayed.

*Political leaders are very good at bringing the various stake-holders together.* This includes the different government departments, the police agencies, NGOs, the media, corporates, etc. All stake-holders can be brought together and made to function together in an integrated manner. Their synergy can be brought about by political intervention. Political leadership can be a binding factor in the synergy.

*At the grassroots level political leaders have a lot of public appeal.* This could be appropriately oriented in making the public aware of the issues and dimensions of human trafficking. Public awareness is a major requirement in responding to and preventing human trafficking.
The grass roots workers of the political parties can be oriented and trained to understand the dimensions of trafficking and be made volunteers in the process.

The political leaders can contribute to prevention of human trafficking, by identifying the vulnerable persons and areas, notifying the government departments to take prompt action and ensuring that this is done. Leaders are the best motivators and monitors when they transform speeches to action to delivery to achievement.

4.3.9 Media

Media has multiple roles to play in a society. They are the watchdogs that can find out, highlight, spread awareness, and apply pressure on appropriate agencies through their reports on social issues like human trafficking.

Media being the eyes and ears of the public should bring about write-ups presentation, both audio and visual, making the public aware of the dimensions of human trafficking. Media is the best source of public awareness and public empowerment. An aware public can be the best source for prevention of human trafficking. Therefore, media can be the most effective tool in this process.

Victims are not aware of their rights, media can help by bringing out regular columns or audio visual programmes on different issues.

The vulnerable section of society can be empowered by media intervention. Once empowered, Vulnerability is contained or removed. This is the best way of prevention.

Media intervention can be appropriately oriented to facilitate the law enforcement process. They could be ombudsmen as well as whistle-blowers and also facilitators in the process. Media should ensure that the victim’s rights are protected and not violated. It should ensure that the anonymity of the victim is maintained and that the victim is not traumatized or harassed by intrusive unwanted interviews. Media can indeed bring about a major change in the entire scenario of perception and also response.

Media should highlight the best practices by the law enforcement agencies, by the corporated, by the NGOs and all other stake-holders including the media. Report and publicity of such good work will entail similar activity by other responders, develop trust in the response agencies, develop confidence in the victim, and also facilitate proper mechanisms of law enforcement, justice delivery and grievance redressal.

Media can be a great source of information and intelligence in law enforcement agency. Appropriate media intervention has led several people to pass on intelligence to the law enforcement agencies, thereby helping the agency in arresting traffickers, rescuing victims and undertaking preventive steps.

Media can develop synergy among the agencies concerned and bring about a holistic approach to the problem concerned. For example, this linkage of missing persons to human trafficking can be cross thematic linkage which media can establish and awaken the responders to address the issues in a comprehensive manner.

4.3.10 Parents/Guardians

The role of parents/guardians is extremely crucial, because they have the basic responsibility for ensuring their children or wards are safe, sound and are not violated. In the context of human trafficking they have a significant role to play.

Ensure that the child is not exploited/violated at home by anybody.
Watch the child to see if there is any indication of vulnerability or exploitation anywhere at any point of time and help the child to come out of the difficulty, which may even be traumatic. Do maintain constant communication with the child.

Empower the child on the issues of gender rights and human rights, etc., and make the child aware of respecting oneself and others or not violating anybody, in anyway.

Charity begins at home. Parents need to be models in their prophecies and directives on rights by their own acts in respecting the dignity of others.

There is a need of link up with the teachers and tutors, etc., and ensure that the children are not violated by anybody at home or outside.

Orient the child with basic issues of awareness of rights and empower them to face the challenges in a very positive manner so that no body can violate them.

### Self Assessment Question

3) Do parents and guardians have a role in combating human trafficking?

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### 4.3.11 Labour Department Officials

Considering the fact that trafficking for exploitative labour and forced labour is a major issue of concern, it is essential that the labour department is proactive.

Identify places and areas of exploitative labour/force labour and take immediate action for the rescue of the persons. Do not delay rescue.

Associate NGOs and other government departments and officials like police in the process of rescue and post-rescue care.

Interview the rescued person and ensure proper redressal mechanisms.

Identify the vulnerable areas and vulnerability factors and take remedial steps and also advise other departments concerned to take appropriate action in preventing human trafficking.

Take steps to empower the rescued persons so that they are not re-trafficked.

Labour department officials should liaise with the SDM and ensure due process of law as and when any issue of exploitation comes to their notice. SDM has powers to issue ‘Release Certificate’ under the Bonded Labour Abolition Act. Such certificates carry lot of weight because the rescued person is entitled for monitory benefit and also for other rehabilitative packages decided by the Govt. of India and the state government.

Labour department should file complaints against the violators with the police and ensure that proper legal steps are taken.

Labour department officials should ensure compensation is paid to the victim at the appropriate time and without delay.
Labour officials should take steps to network with all departments concerned and undertake comprehensive packages for prevention of trafficking of labour.

4.3.12 Labour Contractors

In the world of exploitative and forced labour, labour contractors do have a role to contribute in preventing human trafficking.

Ensure that no child is ever recruited or put for any labour.
Ensure that no body is recruited for any hazardous labour.
Ensure that the labour is made aware of their rights at the recruitment stage itself and are given regular orientation about their rights.

Bring in zero tolerance to exploitation among the labour, Orient them about the rules, regulations and protocols and empower them. Consider their human rights as prime and important.

Notify law enforcement agencies and ensure appropriate remedial action and legal action if any violations take place or are likely to take place.

Act as Whistle-blowers for law enforcement agencies and notify them of any issue or likely issue of human trafficking.

Treat labour with dignity and human rights and ensure that their best interest is protected when their services are being taken for labour.

4.3.13 Officials of Women and Child Development Department

This is the key department with a primary and positive role in all cases of human trafficking involving women and children, whatever be the purpose of trafficking. Since women and children constitute a major percentage of the trafficked victims, the role of this department is pivotal. There is no function which they cannot perform and therefore it is futile to list out a few and diminish their responsibility. Nevertheless, the following are illustrative actions that these officials can be expected to perform.

1. Identify places of exploitation and facilitate rescue and law enforcement.
1. Identify vulnerability factors and take steps to address them.
1. Identify vulnerable persons and address vulnerabilities.
1. Identify demand factors and take steps to address them.
1. Work as the nodal agency in bringing in synergy of all stakeholders, especially, police, NGOs, rehabilitation agencies etc.
1. Facilitate counseling of rescued persons by trained counselors.
1. Facilitate rehabilitation of rescued persons by involving all stakeholders in government and non governmental sector, including corporates.
1. Facilitate/ undertake research, review, and amendments in the protocols and procedures in the fields of prevention, protection and prosecution (PPP)
1. Bring out Rules, advisories under the ITPA.
1. Take steps to involve the political leaders, PRIs (Panchayat Raj Institutions) and media in all the steps of PPP.
1. Set up Nodal centre for coordination of all efforts across the country.
Rehabilitation

1. Set up Nodal Resource Centre for collation, analysis and dimension of all resource materials and knowledge on anti human trafficking.
2. Attend to all the tasks on anti human trafficking that are not in the domain of other departments or agencies.

4.3.14 District Magistrate/Sub Divisional Magistrate

Under both substantive and special laws the executive magistrates have been empowered to take action to combat and prevent human trafficking. There are specific roles envisaged with respect to commercial sexual exploitation, exploitative labour and other types of trafficking. The Executive Magistrates (DM/SDM) can render a host of services in this regard.

DM/SDM can, under the ITPA, direct rescue of a person who has been trafficked and any person who is likely to be trafficked.

DM/SDM can act on the statement/report of a police officer or any other source including an NGO. When any such information comes to SDM/DM, form an NGO or police or otherwise, they are duty bound to act and rescue the person.

The police has to produce the rescued person before the magistrate who ordered rescue. Therefore, the DM/SDM has a responsibility to ensure post-rescue care and attention of the rescued person. The victim’s care should be done from the best interest of the victim. Therefore, the victim needs to be consulted. In that process the victim needs to be counseled, educated and made aware of the dynamics of post-rescue care and attention, the options available and thereupon take an objective and balanced view.

The SDM/DM has powers to evict/close down a place of exploitation, vide powers u/s 18(1) ITPA. The law prescribes certain procedures and once those procedures are compiled with, the order of the DM/SDM becomes final, vide S.18(3) ITPA. There is neither a stay nor appeal against the order of SDM/DM. Therefore, this is a stringent provision in the law of address the issue of exploitation for sexual offences. DM/SDM should utilize the section to effectively address human trafficking.

The DM/SDM, as a person in charge of development, has a role to play in addressing the vulnerability, the major cause of trafficking, and removing them. This ensures prevention of trafficking.

DM/SDM should ensure appropriate rehabilitation of the victim in such a way that the victim is not exposed to any further challenges and threats and that she is not re-trafficked. Therefore DM/SDM has a creative role in preventing re-trafficking.

The DM has vide powers under Cr. PC. Preventive steps u/s 107-116 Cr. PC lie under the authority of the DM. These are effective section for taking stringent action against the likely exploiters.

Sec 133 Cr.PC provides powers to the DM to address the issue of misuse of public places. If a trafficker is exploiting or violating anybody and the place happens to be public place, which more often is true, the power under S.133 Cr. PC can be easily invoked. This again is a stringent provision in addressing the issue at the initial stages.

DM/SDM has powers under various special and local laws including labour laws, to take action for rescue, or for any person trafficked for labour or any person subjected to hazardous labour. DM/SDM has powers to initiate punitive action against all those who are involved in exploitative labour and also call for criminal action against them by police.
Under the Bonded Labour Abolition Act, SDM has power to rescue any person subjected to bonded labour, proceed further, issue a certificate of release and sanction all the benefit that the government have provided for.

The DM (as the coordinating person in charge of administration of the district) and the SDM (Similarly placed in a sub-division), can facilitate the activities of police departments, by linking AHT work with other development departments, welfare departments and NGO as well as industrial houses in the district to bring in synergy among the stake-holders in addressing the issues of human trafficking in all respects, i.e., prevention, protection and prosecution. The DM has powers to appoint special police officers from retired police and retired army officers, of a particular rank and above as mentioned ITPA, When there is shortage of special police officers. In most of the states, shortage of regular police officers is a major impediment in addressing human trafficking.

As the coordinator of the activities in the district, DM can address the media and bring in their cooperation in preventing and combating human trafficking.

4.3.15 Panchayat Raj Institutions (PRI)

The grassroot democratic institutions can be a great source in prevention of human trafficking.

Identify vulnerable areas and vulnerable sections of population who are likely to be trafficked. Take appropriate remedial action without delay.

PRIs can take steps to empower the vulnerable sections of society and thereby prevent human trafficking.

Address issues of missing persons, drop-outs, etc., and workout the linkage with human trafficking and facilitate appropriate law enforcement. Associate NGOs and civil society in identifying vulnerabilities, addressing vulnerabilities and in preventing human trafficking.

PRIs should undertake initiatives to address the precursors of human trafficking, especially female infanticide, female foeticide, gender discrimination in the society, deprivation of education and care to girl children, etc. By undertaking such initiatives, the PRIs can remove the trigger factors or the precursors which eventfully lead to human trafficking.

PRIs can be the best source of undertaking proper rehabilitative mechanisms. Once the rescued person is restored and repatriated, PRIs can step into address the issues of stigma, etc., and create a congenial atmosphere for the survivor to live on.

PRIs can associate with the police agencies and provide all support and help to them in taking action against the traffickers and recruiters who came to the source areas for trafficking human beings. In this process, PRIs can be whistle-blowers and informants to the law enforcement agency.

4.3.16 Any Person Concerned with Human Rights

Human trafficking affects everybody, and, therefore, AHT is everybody’s business. In this context each one of us and all of us can and should understand the initiative in prevention, protection and prosecution.

Be ‘whistlebowers’ against traffickers, violators, exploiters, and conspirators.

Be ‘whistlebowers’ against vulnerability, deprivation and exploitation in society.
Network with the law enforcement agencies and notify them about the processes involved in human trafficking. For example, about the trafficking routes, transit points, etc.

Network with law enforcement agencies and notify the presence of victims or likely victims, may be in isolated places, public places or even in private places.

Notify the law enforcement agencies about any specific acts of crime committed by any person against a trafficked victim and ensure criminal action is initiated against the exploiters.

Act against offenders, if it is called for. For example, any citizen can arrest a trafficker or abuser of a trafficked person (vide S.43 Cr. PC). Once arrested, produce him to the nearest police unit. One can use the right of private defence (refer S.100 Cr. PC) to protect the life and property of another person and in this process, can even cause fatal harm to the offender, if there was no option.

Undertake public awareness campaign against human trafficking and empower the masses.

Be on the lookout for good practices by the responders. Notify this to all concerned including media and facilitate wide dissemination of such good practices. In this process the responders will be commended, appreciated and accepted.

This will make them more accountable and eventually develop public trust and confidence in the responders.

Network with all possible persons including Corporates, industrial houses, media, political leaders, teachers and others. Solicit their cooperation and participation in providing good governance, in removing vulnerabilities and in ensuring a society free of exploitation and violation.

4.4 SUMMARY

1. All of us have a role to play in the fight against human trafficking.
2. Some stakeholders have a distinct role to play as it is connected to legal provisions, judicial mechanisms, provision of institutional and non-institutional mechanisms for rehabilitation and social reintegration.
3. There is a need for all stakeholders to work in synergy as their roles are inter-related and symbiotic.
4. None of the stakeholders can work in isolation partnership and collaboration is the foundation for anti trafficking interventions.

4.5 TERMINAL QUESTIONS

1) Who are some of the important stakeholders in anti human trafficking interventions?
2) What are the roles of different stakeholders?
3) How are the different roles of the stakeholders inter-related?
4.6 ANSWERS AND HINTS

Self Assessment Questions
1) Refer to Sub-section 4.3.1
2) Refer to Sub-section 4.3.6
3) Refer to Sub-section 4.3.10

Terminal Questions
1) Refer to Section 4.3
2) Refer to Section 4.3
3) Refer to Section 4.1 and 4.3

4.7 REFERENCES AND SUGGESTED READINGS
1) Human Trafficking-Dimensions, Challenges & Responses, PM Nair, Konark Publishers.