

Draft Policy on Rehabilitation and Combating Trafficking of Women and Children

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Government of NCT of Delhi

All Stakeholders and Departments are requested to provide your valuable comments on **Draft Policy on Rehabilitation and Combating Trafficking of Women and Children** to the email address wcd@nic.in within 30 Days.

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(with particular reference to nature, types and contents of livelihood requirements and measures for its effective implementation by the respective departments of Delhi Govt.)

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INTRODUCTION

1. The problem of trafficking of women and children for the purpose of sexual exploitation has assumed alarming proportions in recent years. Trafficking is prevalent at various levels- local, inter-District, Inter-State and Cross-Border. There are major obstacles in assessing the exact magnitude of the problem of trafficking. The reasons for the increase in this global phenomenon are multiple and India is no exception to this. According to the National Crime Records Bureau (NCRB), trafficking of minor girls — the second-most prevalent trafficking crime in India – has surged 14 times over the last decade. It increased 65 percent in 2014 alone (NHRC, 2016).
2. Girls and women are the primary targets of immoral trafficking in India, comprising 76 percent of all human trafficking cases nationwide over a decade, reveals NCRB. In addition to traditional red light districts, women and children increasingly endure sex trafficking in small hotels, vehicles, and private residences. Human trafficking for sexual exploitation is turning from brothels based to non brothels based activity. Traffickers increasingly use websites, mobile applications, and online money transfers to facilitate commercial sex. Children continue to be subjected to sex trafficking in religious pilgrimage centres and tourist destinations. The reasons behind this flesh trade are poverty, unemployment, illiteracy, family financial problems, rape, kidnapping and abduction, allured for marriage purpose, superstitions, craze to enter the entertainment industry such as TV serials, media and cinema etc. An incredibly disturbing fact is that the age of the women/girls entering prostitution has seen a progressive decline in the last decade.¹ (Prajwala Annual Report 2012-13).
3. Sex trafficking not only results in severe violation of human rights but also causes adverse physical, psychological and moral consequences for the victims. The damage done is deep rooted and often irreversible. Skewed identity, poor self-worth and learnt helplessness also make her believe that there is no hope for her in the outside world and her destiny is to sell her body. About 60-70% victims suffer from more than one disease including sexually transmitted diseases such as HIV/AIDS. The rescued victims are invariably with no financial and material resources, physically ill and psychologically broken.
4. Various reports have highlighted the fact that Delhi is one of the emerging hubs and transit points for trafficking ('Current Status of Victim Service Providers and Criminal

¹ Prajwala Annual Report 2012-13

Justice Actors in India, UNODC, 2013). The report highlighted how girls are often kept in remote locations in the NCR, especially by people from tribes like Bedia, Nat and Kanjar, who sell them once they attain puberty. "The demand for children for domestic work is very high in Delhi.

5. It is imperative that systematic and co-ordinated efforts involving a range of services such as police assistance, legal aid, medical assistance, support for their children, livelihood opportunities, shelter homes etc. are made to address their concerns.
6. There is now a much broader recognition of the need for support services for women in prostitution; however the availability and quality of such services varies considerably. There are a number of emergency services such as shelter homes and helplines run by women's organizations and, State Governments, which need strengthening besides better policy provisions.
7. The Hon'ble Supreme Court of India in the appeal matter of Buddhdev Karmasker V/S State of West Bengal had directed the State government and Central government to prepare schemes for women and girls in prostitution on following issues:-
 - i. Prevention of trafficking
 - ii. Rehabilitation of sex workers who wish to give up sex work and
 - iii. Creating conditions conducive for sex workers to live with dignity.

Hon'ble Supreme Court of India directed the for state / Union Territory to carry out survey through their agencies and assess if sex worker given an opportunity would opt for rehabilitation or whether they would choose to continue in the profession voluntarily.

8. Taking into consideration the dynamics and changing scenario, a comprehensive policy as well as its action plan covering various aspects such as prevention of trafficking, rescue of victims, repatriation to their native place, economic empowerment, health care, education, housing, legal reforms and creation of corpus fund has been drafted in order to address the problem of trafficking holistically.
9. The Policy suggests ways and means for planning and coordination 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.

The Policy shall be implemented at state and district level with an involvement of various stakeholders:

1. ROLE OF THE STATE GOVERNMENT:

In addition to being a Source and Transit Area for Trafficking, Delhi has been identified as destination area for trafficking of women and children from various parts of the Country and neighbouring countries.

- i. In such cases, the GNCT of Delhi shall take care of the immediate needs of the victim for shelter after rescue, medical aid, counselling and psychological support, some degree of non formal education and vocational training till such time as the victim is repatriated to her home state. The home State shall bear the ultimate responsibility for the rehabilitation in all its aspects; emotional and physical well being, economic empowerment, shelter and restoration and reintegration in family where possible.
- ii. Govt of NCT of Delhi supports initiatives like video conferencing to enable the victim to narrate her story to the Court without being physically present and efforts will be made to prevent the re-victimisation of the victim.
- iii. The GNCT of Delhi recognizes the problem with respect to neighbouring countries especially Nepal and Bangladesh and endeavours to develop a mechanism for repatriation of such hapless victims to their countries through the intervention of Ministry of External Affairs, Government of India as well as NGOs active in the field of inter Country repatriation. Provision will be made for providing the skill based training to the rescued victims till her repatriation to her Home country.

Need for multi pronged approach

- i. While recognizing the multi faceted nature of the problem, the State Government believes that the problems can be tackled only by a coordinated approach between the Police, State Governments of Source States, GNCT of Delhi, Government of India and NGOs based in Delhi as well as inter departmental coordination between the concerned Government Departments.

- ii. The State Government recognizes the need to address gender inequality through furtherance of education, employment opportunities for women and advocating positive image projection of women through the media.
- iii. It aims to encourage new initiatives like community-based rehabilitation to complement and supplement institution-based rehabilitation of the victim.
- iv. It recognizes the linkages between trafficking and HIV/AIDS and that the menace of HIV/AIDS can be tackled only by a sustained attack on trafficking.
- v. Considering the seriousness of the problem, the **State Government shall have a comprehensive Action Plan covering all the aspects such as Prevention, Anti-trafficking, Rescue, Repatriation, Health Care, Education, Economic Empowerment etc.**

2. REHABILITATION FUND:

2.1. The Government shall create funds/ non-lapsable corpus fund for combat trafficking of women and children for their rehabilitation, repatriation, for providing shelter and for immediate relief to the victims of commercial sexual exploitation (including victims housed in a protective home).

The Fund shall be utilized for:

- Facilitating rescue operations
- 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.
- Adequate counseling facilities in shelter homes with the help of NGOs, Delhi Social Welfare Board and Delhi state AIDS Control Society. Interaction with survivors of trafficking for building up self esteem.
- Prevention through awareness campaign in innovative ways in mass media.
- Advocacy through NGOs and trafficked survivors.
- Any other activity as deemed fit by the State Advisory Committee.

The fund may be created in the name of Rehabilitation fund for rescued trafficking victims in Delhi. Government may provide corpus in the form of annual grants for the implementation of this scheme and will accept volunteer contribution from individuals, from Organisations, Trust, Corporate houses and institutions all such contribution shall be kept in bank account and may be jointly operated by Chairperson of State level Committee and Divisional Commissioner. All contributions made to the funds shall qualify for exemption under section 80G of the Income Tax Act.

This fund further be allotted to each District Level Committee on the basis of estimated requirement and shall be managed by the Chairperson of the District Level committee. The District Level committee shall utilize the funds for above-mentioned purposes and submit details of the same to the Chairperson of the State Advisory committee.

2.2 Component of the Scheme

i. Institutional Care

Right from the day when any trafficked victim leave her occupation for joining the program or is rescued, she will be accommodated in Nirmal Chhaya or Swadhar Grah/ Ujjwala Home. She will be provided wage employment training or technical /vocational and skill up gradation training for economical rehabilitation.

ii. Non Institutional Care-(who wish to leave independently)

From corpus fund victims may be provided stipend of Rs. 3000/- a month after they are rescued or have exited form commercial sexual exploitation. The stipend may be paid for one year covering her period of training until she is able to adopt alternative livelihoods. One time deposit amount of Rs. 20000/- may also be given apart from monthly stipend. An assistance of Rs. 30000/- may be provided for those who want to start their own business enterprise after completion of vocational training. The entrepreneur may further be assisted to assess loan on low interest to further assist their business.

Education: - If the candidates is interested in pursuing her education then she will be supported up to the class 12th or beyond as per her area of interest. The government will bear all expenses related to her education, boarding, travel, fee, books and for articles of daily use.

CONSTITUTION OF DISTRICT AND STATE-LEVEL COMMITTEES

The Government shall set up Committees at the District Level (Revenue) with representation from concerned Government Departments and NGOs to achieve effective coordination at the field level.

Further, the activities of the various District Committees (Revenue) shall be monitored at the level of the State Advisory Committee headed by chief Secretary of Delhi, which shall be the Nodal Body to achieve coordination among all stakeholders.

3. CONSTITUTION OF DISTRICT-LEVEL COMMITTEES

Most of the components of this Policy shall be implemented at the District level. State Government shall constitute District-Level Committees with the following composition for taking up activities for prevention, rescue and rehabilitation of victims:

District Magistrate (Revenue)	Chairperson
Deputy Commissioner of Police (AHTU)	Member Secretary
Member Secretary, at District legal Services Authority	Member
District Women and Child Development Officer	Member
Chairperson and Members from Child Welfare Committee	Member
District Child Protection Officer	Member
Superintendent of any residential institutional functional under DWCD	Member
02 Representative from reputed NGO involved In Anti Trafficking activities nominated by DM	Members

- District Committee may also call special invitee(s) as per its own discretion.
- **Frequency of meetings** - The District Level Committee shall meet on Quarterly basis or earlier in case any issue arises for immediate resolution.

District Level Committees shall undertake the following activities: -

3.1. Preventive Measures:

- 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 emphasis must be on prevention of women and girls from falling into the

hands of traffickers. Implementation of program to prevent re-exploitation of rescued victims, sensitization of machinery involved in rehabilitation of rescued victims for preventing re victimisation.

- ITP Act provides a framework for police and Non Government organisation to conduct raids and rescue operations. Magistrates are authorised to close brothels.

The District Committee shall, therefore, among other measures, take the following PREVENTIVE ACTIONS: -

- 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.
- ii. The District Committee will ensure that biometric identification system for rescued victim should be in place.
- iii. Create public awareness and motivate public resistance to trafficking through programmes in educational institutions, Self-Help Groups (SHGs), Women Groups, youth groups using print and visual media extensively.
- iv. Adopt a campaign approach / mode to combat the evils of trafficking and sexual exploitation with the help of Local Bodies, Educational Institutions, NGOs, etc.
- v. Organize social boycott of the persons found to be in indulge trafficking.
- vi. Prepare block level Action Plans by establishing similar committees at the block level.
- vii. Set up Community Vigilant Groups in every block especially in high-risk areas to monitor report and take action if necessary against persons involved in trafficking. Neighbourhood watch committees to be set up for preventing trafficking in identified high risk areas
- viii. District committee must constitute a team of rescuers from the police, the NGOs/ doctors/ trauma counsellors/ mental health professionals. Paralegal professionals/ lawyers etc.
- ix. District Committee must ensure that police gives protective cover to the rescue team.
- x. Setting up of information kiosks with help desks manned by trained social workers in Railway Stations and Inter State Bus Terminals and Airports for helping vulnerable women, to be run by Department of Tourism/Women & Child Development in coordination with the Delhi Police.
- xi. Coordinate to run the care homes in all high supply areas for high-risk groups like street children, neglected children, etc. so as to prevent exploitation of their vulnerability.

- xii. Create a ***proper convergence of various benefit schemes for women and girl children*** to empower high-risk groups. District ***Committee must coordinate with schools, anganwadis, Sarva Shiksha Abhiyan*** functionaries, health workers, etc. to keep a close watch on children who are covered by the various schemes and who have stopped accessing the schemes and recommend to the AHTU/ Organised Crime Investigating Agency to investigate cases of missing children and adolescents without delay.
- xiii. Launch Special Literacy programmes for school dropouts in high-risk areas. Ensure the enrolment of Children in school in high risk areas. Strengthening of network and communication links between Missing Persons Squad, Child line and Special Police Officers/ SHOs of Police Stations to eliminate the chances of missing children ending up in sex trade. Names of all missing children in the District should be prominently displayed in an exclusive website meant for this purpose.
- xiv. The District Committee will make suitable record of appreciation in the confidential reports of officials either by itself or recommend the same to the State Agency.
- The district Committee must ensure to produce minor victims of trafficking before the child welfare committee immediately to seek orders for age determination and orders for keeping the rescued minors in safe homes.
- xv. Coordination with counsellors from the family Counselling, Centres of Delhi Social Welfare Board (DSWB) and NGOs, with Shelter Homes for providing effective psychological support to rescued victims.
- xvi. Coordination with agencies like Mahila Mandals and Family Counselling centres of DSWB, Anganwadi workers, School Teachers and Lady health Visitors, Women Self Help Groups, Village Panchayats and Municipal Ward Committees etc in dissemination of Anti Trafficking Messages.
- xvii. Launch awareness campaign on issues of trafficking & HIV/AIDS and women empowerment in high-risk areas, in coordination with ICDS Projects, schools, Primary Health Centres, Municipal Ward Committees etc.
- xviii. Integrate information on prevention of trafficking and on HIV/AIDS in school health project or Department of Education.
- xix. List of shelter homes and helpline/ emergencies numbers, displayed on strategic location of Red light areas.

3.2. ANTI-TRAFFICKING MEASURES:

The District Committee shall set up an Anti-Trafficking Squad in every District headed by an officer not below the rank of ACP of Police. The Anti-Trafficking Squad shall be supported by the Director of Department of Women and Child Development, Delhi Government, Probation Officers, Social Workers and other NGOs who are specially sensitized and trained for rescue and rehabilitation.

The Anti-Trafficking Squad shall:

- i. Be vigilant at all entry and transit points within its control area and act quickly on any report from the Community Vigilant groups or from any concerned citizen on cases of trafficking.
- ii. Establish Contact Centres at major transit points like Bus Stops/ Railway Stations to monitor migration of women and children.
- iii. Establish Helplines, Help-booths and support centres under the jurisdiction of each Police Station and assist the victims in getting immediate help.
- iv. Conduct rescues with sensitivity, confidentiality and care for the victims.
- v. Enforce strictly the law against pornography including possession, production, sale and exhibition of any kind of pornographic material.

3.3. REHABILITATION:

The District Committee shall:

- Immediately arrange for shelter facility for rescued victims,
 - Submit proposals for establishment of Transit Homes with facilities for trauma counselling, victim care, vocational guidance, re-integration which will be co-managed with credible NGOs under Centrally Sponsored Scheme SWADHAR.
 - Arrange for foster care of child victims or children of victims of trafficking wherever possible. In collaboration with Child Welfare Committees and related Govt/ Non Govt agencies create a database of credible family willing to take in foster Children, liaison with child welfare committee and state adoption regulation authority to expedite the process of providing foster care in time bound manner.
- i. **Economic Empowerment:** The District Committee shall:
- Formulate 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 under Women's SC/ST/BC Finance Corporations for training and employment or self-employment on priority basis.
 - Establish livelihood training programmes and training-cum-production centres for victims with collaboration and support of private institutions.
 - Establish adequate marketing tie-ups.

- Make it mandatory for NGOs supported by the Government to employ victims who will form 50% of the total staff strength.

ii. **Health Care Services:** The District Committee Shall:

- Provide Health Cards to women and child victims ensuring free medical treatment, adequate drugs and medications in all Government Hospitals.
- The District Committee should ensure that rescued victims are given appropriate post rescue support such as medical examination and HIV screening.
- Provide care and support for HIV +ve victims of trafficking so as to ensure holistic and non-discriminatory un-biased access to Health Services.
- Health Centres near Red Light Area to provide free immunization, Primary Health Care, Voluntary counseling and testing and treatment facility for HIV/AIDS through DSACS, NACO and NGOs.
- Setting up of family counseling centres of Delhi Social Welfare Board near Red Light Area and high-risk areas for counseling of victims and High Risk Groups, coordinate with other agencies for providing space for running the counseling centres.
- Setting up of counseling centres of DSWB in Shelter Homes for rescued victims.
- Start mental Health Intervention Centres or Counselling services for victims for effective reintegration back to the mainstream society.
- Educational campaign about risk of unprotected sex in Red Light areas and high-risk areas in association with Department of Health and NGOs.
- The district committee must ensure not only First Aid but also that the District hospitals have a dedicated ward to immediately carry out the medical requirement post rescue.

iii. **Education and Child Care:** *The District Committee shall:*

- Establish Residential Transit Schools with proper counselling facilities so as to prevent second generation trafficking.
- Make it mandatory to admit all Child victims and children' of victims of trafficking in mainstream schooling.
- Admit Child victims or children of victims of trafficking in Residential Schools.
- Persuasion with mothers in the trade to admit their children in Open Shelter/ Children Homes of the Department of Women & Child Development/Schools.

- Schools near Red Light Areas to target recruitment of children of victims. Such schools should, through mid day meal and health checkups ensure the continued education of the child in school.
- ICDS Projects in high-risk areas to ensure their services reach children of victims.
- Provide fee and compulsory education with support services like scholarship supplementary Nutrition, and tuition so as to prevent Dropout
- Establish Vocational Training Centres with adequate marketing links so as to provide livelihood skills for mainstream reintegration.

iv. **Housing and Civic Amenities:** *The District Committee shall:*

- Arrange to provide victims of trafficking with electoral photo identity cards and Adhaar Card, if they are registered electors of the relevant constituency.
- The District Committee must ensure that all departments responsible for rolling out government schemes do not exclude vulnerable populations such as sex worker and trafficked victims of commercial sexual exploitation.
- Provide ration cards as a special case adopting existing income criteria.
- Encourage proposals from NGOs for setting up Shelter Homes for trafficked victims under Ujjwala Scheme of the Government of India.

v. **Legal Reforms:**

Government has also decided that necessary legal reforms shall be introduced for ensuring effective and speedy justice by:

- Setting up Night Courts so as to prevent the holding of victims in Police custody at night.
- Ensure Police protection of NGOs, Social Workers of Advisory Board and Government functionaries in discharge of their duties in the Red Light and High Risk areas through issue of Identity Cards.
- Provision of legal aid to rescued victim for coming out against the trafficker and for claim of compensation through Legal Service Authority and for facilitating the speedy trial.

The District level committee will submit the progress report to the Chairperson of State Level Committee on quarterly basis on a prescribed Performa developed by District Committees in consultation with each other for the sake of uniformity.

4. CONSTITUTION OF STATE-LEVEL COMMITTEES –

A State Level Coordination Committee under the Chairmanship of the Chief Secretary to Government shall be set up for monitoring and reviewing the activities of the District Committees, for inter-departmental/multi-sectoral coordination and for issuing necessary direction to achieve the set targets.

It is to be noted that the Delhi Government has in place the State Level Coordination Committee to combat commercial sexual exploitation of women, girls and children. This Committee is under the chairmanship of the Chief Secretary, GNCTD. Director, Dept. of Women Development & Child, GNCTD is the Convener.

Members of the existing Committee are as follows:

- Chief Secretary, GNCTD – Chairman
- Members**
- Principal Secretary / Secretary, Home Dept.
 - Principal Secretary / Secretary, Health Dept.
 - Principal Secretary / Secretary, Social Welfare Dept.
 - Principal Secretary / Secretary, School Education Dept.
 - Principal Secretary / Secretary, Law Dept.
 - Principal Secretary / Secretary, Dept. of WCD
 - Joint **Commissioner (Labour)**
 - Joint Commissioner (Crime & Railway)
 - Director (**Prosecution**)
 - **Director (Training & Technical Education)**
 - **Member Secretary, (Delhi Commission for Women)**
 - Director (Tourism)
 - **Director (Food & Civil Supply),**
 - **Director (Election)**
 - **Commissioner, North Delhi Municipal Corporation**
 - **Commissioner, East Delhi Municipal Corporation**
 - **Commissioner, South Delhi Municipal Corporation**
 - **Commissioner, New Delhi Municipal Council, Palika Kendra, Sansad Marg, New Delhi-110001.**
 - **Additional Commissioner (Licensing), Delhi Police**
 - **Mayor, North Delhi Municipal Corporation**
 - **Deputy Director (CPU), Department of Women & Child Development**
 - **Assistant Director (Women Empowerment Cell), Department of Women & Child Development**
 - Project Coordinator, Delhi. State Aids Control Society - Member
 - **Director, Dept. of Women Development & Child - Convener**
 - Two Non-Governmental Organizations (NGOs) /Social Workers to be nominated by the Government Members
 - **Joint Women's Programme, Flat No. 301, Shree Ram Residency, Ahinsa Khand-2, Indirapuram, Gaziabad.**
 - **'STOP' C-570, Ground Floor, JVTS Garden, Road No.5, Chattarpur Extn. New Delhi.**
 - **Association for Social Health in India, 19, Rouse Avenue, Institutional Area, New Delhi-110002.**
 - **Shakti Vahini, H-11, 2nd Floor, Hudson Lines, Kingsway Camp, New Delhi-110009.**

- **Mashal Mahila Sangathan, MCD Primary School, Shardhanand Marg, Delhi.**
- ***Frequency of meetings*** - The State Level Coordination Committee shall meet twice in a year to review the situation relating to trafficking and the implementation of measures for rescue, rehabilitation, reintegration and mainstreaming of the victims of trafficking or earlier in case any issue arises for immediate resolution.

The State Level Coordination Committee shall initiate action on the following aspects:

4.1. Prevention

- i. Setting up of information kiosks with help desks manned by trained social workers in Railway Stations and Inter State Bus Terminals and Airports for helping vulnerable women, to be run by Department of Tourism/Women & Child Development in coordination with the Delhi Police.
- ii. Creation of exclusive Website for display of names of missing women and children.
- iii. Awareness Generation and Social Mobilization: The State Advisory Committee shall ensure the following:
 - Highlight cases of nabbed traffickers in the media to raise awareness.
 - Ensure teaching on HIV/AIDS and trafficking as part of the school curriculum.
 - Target college-going youth for awareness campaign on trafficking and HIV/AIDS.
 - Develop/formulate campaigns to be launched through media such as TV, Radio, and Newspaper for projecting a positive image of women, breaking gender stereotypes and anti trafficking messages.
 - Develop and implement orientation programmes for CDPOs, Supervisors, Probation Officers, Welfare Officers, Superintendents and Caretakers of Shelter Homes of the Government and NGOs, the police, judiciary and Medical Personnel dealing with the issue of trafficking and HIV/AIDS.
 - Institution like National Institute of Social Defence (NISD)/ National Institute of Criminology & Forensic Sciences (NICFS) may be contacted for collaboration in this activity. The orientation programmes should not be based only on lectures but must include visits to custodial institutions, meeting with trafficked survivors, films and plays shown on the subject.

4.2. Protection:

- i. The State Advisory Committee shall ensure the constitution of the Anti Trafficking and Prevention cells in each district and notification of its officers as Special Police Officers under section 13(1) of ITPA. These Cells should also have trained Social Workers associated with them through identified NGOs and one Probation Officer identified by the District Social Welfare Officer.
- ii. Implementation of Self-defence training programmes for college students in each District in association with the Delhi Police.
- iii. Creation of exclusive Website for display of names of missing women and children.

4.3. Rehabilitation:

- i. **Health Care Services** : The State Advisory Committee shall ensure the following :
 - i. Setting up of Shelter Homes by NGOs for terminally ill AIDS patients in the District through Delhi State AIDS Control Society, NACO and NGOs.
 - ii. Health check-up of rescued victims in Shelter Homes in coordination with Department of Health and Delhi State AIDS Control Society (DSACS) that shall include voluntary counseling, testing and treatment of HIV/ AIDS.
- ii. **Education and Child Care**: The State Advisory Committee shall initiate action for:
 - a. Development of syllabus for Non Formal Education to child victims and children of victims by Department of Education before integration into formal school or Open School System.
 - b. Allotment of seats and admission in Residential Schools, Hostels run by Department of Education, Private Bodies and NGOs to child victims and children of victims on priority basis. Provision for allotting 20% seats in all schools for poor children (order of the Department of Education) to be used for admission of children of victims and child victims.
- iii. **Housing and Civic Amenities**: The State Advisory Committee shall:
 - a. Make periodic visits to such homes to ensure proper amenities and hygiene.
 - b. Encourage proposals from NGOs for setting up Shelter Homes for trafficked victims under Ujjwala Scheme of the Government of India.
- iv. **Economic Empowerment** : The *State Advisory Committee* shall pay its attention to the following aspects:

- a. Call for the aid of corporate bodies and public-spirited individuals in rehabilitating rescued victims through income generating training and employment, self employment opportunities.
 - b. Employment generation projects of GNCT of Delhi and Govt of India to be dovetailed to suit the needs of rescued victims.
 - c. NGOs obtaining Government assistance to be encouraged to employ at least 10% of their staff strength from the victims.
- v. **Legal Reforms and Law Enforcement:** The State Advisory Committee shall ensure the following:
- a. In coordination with the Department of Law & Justice and Home Department to promote sensitization of judiciary and police to the problem of trafficking. Training and capacity building of prosecution to enable a victim friendly trial.
 - b. Review licensing mechanism of massage parlours and Bars/Beauty parlours. The Licensing Authority to be encouraged to conduct regular inspections of these establishments and cancellation of license in case guilt is proved. Information developed on such activities should be passed on to the Anti Trafficking Unit and Prevention Cell of Police immediately and follow up action monitored.
 - c. Cases of exploitation of minors to be taken up seriously under existing provision and child Welfare committee to be consulted when ever needed.
 - d. Provision of legal aid to rescued victims for coming out against the traffickers and for claim of compensation through Legal Services Authority.
 - e. Enacting a Law for imposing fine on the Traffickers and crediting the amounts to the Rehabilitation Fund for the victims of trafficking.
 - f. Closers of brothels may be ensured
- vi. **Rescue And Rehabilitation:** The State Advisory committee shall pay its attention to the following aspects:
- a. Planned rescue operation by network with Police, Hospitals and Authorities of shelter homes so that shelter, medical counselling and rehabilitation package is ensured. Regular raids and rescued operations will act as a deterrent effect for traffickers.
 - b. Continuation of treatment facilities for HIV positive victims even after repatriation through the help of concerned State Governments, while maintaining confidentiality of the victim.

- c. Facilities for voluntary counseling and testing for HIV/AIDS and treatment in shelter homes for rescued victims. Provision for voluntary counseling and testing centre in Hospitals in high-risk areas and near red light areas and shelter homes.
- d. Ensure police protection of NGO's Social worker and Govt functionaries in discharge of duties in the Red light and High risk areas through issue of identity Cards.

5. MECHANISM FOR MONITORING & EVALUATION

Monitoring shall be done on a regular basis. Biannual evaluation shall be done with an involvement of an external party through the following mechanisms:

6.1. Review of work done by the District level Committees and State Level coordination Committee.

6.2. Independent Review by Research Agencies & bodies like the National Institute of Social Defence, National Institute of Criminology and forensic sciences.

6. SOME OVER-RIDING CONSIDERATIONS FOR THE REHABILITATION POLICY ARE²:

6.1 Stop conflation of sex work and trafficking in law and policy

- i. Ensure that anti-trafficking laws are not used to abuse the human rights of people in sex work.
 - The District Committee should ensure that whether adult or child the rescued person is treated as victim and not a criminal accused and the privacy of victims are protected throughout the rescue and post rescue operations.
- ii. Trafficking of Adult Persons and Trafficking of Children should be dealt with under two separate laws to ensure that consenting adults are not infantilised and children are given justice.
- iii. Strengthen efforts of community-based organisations and collectives of sex workers to fight trafficking in their communities.
- iv. Provide sex workers with evidence-based, voluntary, community empowerment services.

6.2 Develop mechanisms to recognise and act against violence faced by sex workers, strengthen accountability of law enforcement

- i. Guard against arbitrary arrest and detention of sex workers, and investigate complaints of harassment, extortion and abuse by law enforcement personnel.
 - a. Adherence to the protocol for the rehabilitation and protection of the victim to ensure that there is no re-traumatisation or re-victimisation.
 - b. Victims not to be bundled with the traffickers to the police station. The victims must be taken as far as possible to a more friendly and comfortable environ so that they can give their statements.
 - c. Protection of the interests of foreign nationals who have been trafficked for sexual exploitation as presently they face prosecution for visa violations though they are victims of trafficking.
- ii. Maintain confidentiality and respect privacy of sex workers approaching law enforcement agencies and judiciary for redress in cases of sexual assault, exploitation and violence.
- iii. Sensitivity to issues faced by sex workers should be made a part of training for police personnel, public prosecutors and the judiciary in partnership with community organisations of sex workers.

6.3 Strengthen sex workers' access to justice

- i. Strengthen National Human Rights Instruments (NHRI's) and increase their accountability to respond to complaints or initiate *suo moto* action reports of violence and rights violations by state and non-state actors against sex workers.
- ii. Ensure free legal aid services are available for FSWS and offered by lawyers who have been trained in issues faced by sex workers.
- iii. Ensure implementation of the Supreme Court recommendations to issue identity documents and ration cards to sex workers at the national, state, district and sub-district levels.

6.4 Ensure participation in policy making

- i. Ensure the empowerment, active participation and leadership of sex work networks, federations and collectives in designing policies and processes for accessing social entitlements.
- ii. Ensure participation of sex work organisations in drafting/ amending relevant laws, policies and programmes and in their implementation.

- Trafficked survivors to be involved in developing information on trafficking activity and for nabbing of traffickers.
