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GOVERNMENT OF ODISHA

WOMEN & CHILD DEVELOPMENT DEPARTMENT

RESOLUTION

The 25th July 2014

(Amendment of Resolution, dated the 21st December 2009)

The Government had adopted a policy for combating trafficking of women and children vide Resolution No. 22171—V-CUP-Misc.-6/2009, dated the 21st December 2009. The present notification is an amendment of the said previous policy.

2. The Acts that address the issue of human trafficking of children and women for the purpose of commercial sexual exploitation, labour exploitation, pornography, marriage, organ transplantation, etc. are the foundation of this policy. The Indian Penal Code (latest amendments of 2013) is the framework for prosecution for human trafficking.

3. As the prime task of bringing offenders to book is that of the police, 'Integrated Anti-Human Trafficking Unit' (IAHTU) has been set up in various locations as notified from time to time with the following mandate :—

- Ensuring focused attention in dealing with offences of human trafficking
- Providing a multi-disciplinary approach and a joint response by all stakeholders such as Government, police, prosecutors, NGOs, civil society and media.
- Bring about inter-departmental collaboration among the police and all other Government agencies and Departments, such as Women & Child Development, Labour, Health, etc.
- Network and work in close co-ordination with the Child Welfare Committee on cases of rescue and rehabilitation of child victims of trafficking.
- Bring about effective networking among various civil society partners, especially those working on specialized aspects of anti-human trafficking.

- Ensuring a human rights approach in the response systems
- Ensuring a victim-centric approach which takes into account the best interest of the victim/survivor and prevents secondary victimisation/revictimisation of the victim.
- Ensuring a gender sensitive and child rights sensitive approach in dealing with the victims
- Ensuring an 'organised crime' perspective in dealing with trafficking crimes
- Ensuring timely prosecution of the perpetrators/offenders.

4. Staff, equipment, infrastructure and resources :

IAHTU should have representation of police, prosecutors or advocates and NGOs as well as other Departments, viz Labour, Health, Women & Child Development, etc. as per the requirement of the situation.

Local Government/Panchayati Raj Institutions also are an integral part of the IAHTU

A module is provided in the Appendix with respect to the staff, equipment, infrastructure and resources of the IAHTU.

5. Role of Police in IAHTU :

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

- Timely collection, dissemination and utilization of intelligence regarding missing persons ; Use of effective tracking software with data base to be shared across different police stations with continuous updating.
- Intelligence collection regarding suspected offenders.
- Maintain data base of all categories of offenders including recruiters, traffickers, buyers, sellers, transporters, harbourers, customers, financiers, suspected photographers/ videographers, etc.
- Maintain data base of all places of exploitation including the source, transit and destination areas as well as places where exploitation takes place under the facade of legal activities (like massage parlours, beer bars, friendship clubs, tourists circuits, film clubs, video parlour, etc.).
- Diligent rescue operations after undertaking through research and ground work (the aim should be the rescue of maximum number of trafficked persons).

- The protocols developed by the center as well as state on Interstate rescue and post rescue activities of trafficked children and women victims/survivors have to be followed.
- Attend to post rescue care and rehabilitation of rescued victims by involving Government agencies and NGOs.
- Close liaison with Mahila and Sishu desks functioning in the police stations of respective jurisdiction.
- Close co-ordination with the Child Welfare Committees
- Carry out professional investigation on all aspects of the crime
- Ensure effective prosecution and strive for maximum and expeditious conviction of offenders.
- Undertake all post-prosecution/conviction actions as per the law
- Initiate action for restoration and rehabilitation of victims in consultation with concerned authorities and NGOs.
- Work closely with the prosecutors and legal advisers all aspects of law enforcement including drafting charge sheet and other such documents and attend to the legal aspects that come up during investigation.
- Work closely with the prosecutors in monitoring the trial of cases including post-trial requirements (like compensation to victim, closure of brothels, etc.).
- Facilitate provisions under the Odisha Victim Compensation Scheme, 2012 operated by the District Legal Services Authority.
- Undertake community policing in vulnerable source areas to prevent trafficking
- Keep vigil at transit areas such as railway stations, bus stop, etc. to spot trafficked victims and carry out all steps for timely intervention.
- Maintain constant liaison with other Government Departments and agencies and associate them for all activities on anti-trafficking.
- Maintain constant liaisons with NGOs working on anti-human trafficking and associate them for all actions.
- Associate the civil society, corporates and other willing agencies for effective rehabilitation of victims.
- Maintain linkages with the media subject to the administrative guidelines in the State, so as to ensure non-victimization of victims as well as rights-oriented reporting.
- Any other activity as deemed necessary in preventing and combating human trafficking.

6. Role of Public Prosecutors or Advocates :

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

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

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

7. Role of other Government Agencies :

Government agencies which perform various tasks in IAHTU include officials of the Department of Women & Child Development, Labour and Health.

Their mandate includes the following activities :—

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

8. Role of NGOs/Nodal NGO :

Various Acts envisage setting up of shelter homes for children and women. These are often run by NGOs with grant-in-aid from Government. Besides in a district, other civil society organizations can also be constructive partners in dealing with the issue of trafficking.

NGOs can facilitate all activities of IAHTU starting with intelligence collection up to conviction of the trafficker. They also have a major role in prevention of trafficking and re-trafficking of victim/survivors. Therefore, the mandate of the NGOs in the IAHTU is clear :

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

9. Role of Local Government/Panchayati Raj Institutions :

Local Governments and PRIs have a major role in identifying vulnerable persons/places and referring them to the IAHTU. They can also be whistle-blowers against recruiters and traffickers ; alert IAHTU about missing persons; and work with NGOs to empower vulnerable persons.

The synergy of IAHTU with local Government Institutions and PRIs can help to reduce the harm done to rescued persons. Such initiatives are of tremendous value in preventing re-trafficking.

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

10. Role of Media :

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

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

11. Database :

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

This database must be shared with all concerned police agencies to ensure prompt action, when required. The IAHTU database should contribute to the district database and to the State database which should eventually be amalgamated into the National database in the National Crime

Record Bureau. The data must be updated at all levels on a monthly basis and disseminated to all concerned, without any delay. It may be data for just one person, but it could be critical intelligence for another. Hence no time should be lost in dissemination.

12. Prevention and Rehabilitation Measures :

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

District Level Committee :

District Collector—Chairperson
District Social Welfare Officer—Convenor

Members :

Superintendent of Police
Project Director, DRDA
Chief District Medical Officer
Chairperson/Member, CWC
District Welfare Officer
Member-Secretary, District Legal Services Authority
Circle Inspector of Schools
DSP in charge of IAHTU (related to the district)
District Labour Officer
District Child Protection Officer under ICPS
NGO representative (preferably running Ujjawala/Swadhar)
WSHG DLF President/Secretary

Block Level Committee :

Block Chairman—Chairperson
Child Development Project Officer—Convenor

Members :

Block Development Officer/Tehsildar
Medical Officer, PHC/CHC
OIC of related Mahila & Sishu Desk
Representative from DCPU
Block Resource Center Co-ordinator
President/Secretary of the Block level Federation of WSHGs
Welfare Extension Officer

G. P. Level Committee :

Sarpanch—Chairperson

1 ICDS Supervisor—Convenor

Members :

ANM

2 School Teachers (1 Primary and 1 Secondary)

2 Child representatives

2 Community members (WSHG members)

2 Representatives from Civil Society Organisations

The District Level Committee shall meet at least once every quarter. The minutes of the meeting shall be sent to Women & Child Development Department, Home Department and to D. G. & I. G. of Police.

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

(i) Preventive activities :

- Create a reliable and relevant database with the help of NGOs on the high supply areas, routes, destinations and causes of trafficking exploitation and the magnitude of the problem.
- Undertake vulnerability mapping to understand the problem of trafficking with regard to geographical pockets, social group, rescue and rehabilitation.
- Identify key persons who are involved in aiding trafficking such as middlemen and any other such persons.
- Create public awareness and motivate public resistance to trafficking both at demand and supply end through programmes in educational institutions, self help groups (SHGs), youth groups using print and visual media extensively.
- Take steps to identify vulnerable girls in poor families who require economic support and undertake skill upgradation, training and livelihood support for suitable income generation/asset creation and welfare activities in order to reduce their vulnerability.
- Adopt a campaign approach/mode to combat the evils of trafficking and sexual exploitation with the help of local bodies, educational institutions, NGOs. etc.
- Set-up community vigilant groups in every Gram Panchayat especially in high risk areas to monitor, report and take action if necessary against persons involved in trafficking.
- Set-up entry/exit helpline centers at railway stations, bus stops with police support to disseminate vigilance information with help of Commerce & Transport Department.
- Create a proper convergence of various benefit schemes for women and girl children to empower high risk groups.

(ii) Rehabilitation activities :

- The District Committee shall prepare and oversee implementation of special schemes, which will converge with exiting schemes to economically empower a victim/survivor. Provide linkage to livelihood schemes under OLM (NRLM)/NULM.
- Provide guidance and assistance through Self-Help Groups (SHGs) of victims for micro credit facilities and income generating facilities.
- Provide special assistance schemes for training and employment or self-employment on priority basis to the victims.
- Establish livelihood training programmes and training *cum* production centers for victims with collaboration and support of private institutions.
- Establish adequate marketing tie-ups and ensure necessary backwards and forward linkages.
- Provide relevant identity papers/documents viz. Voter Card/Aadhar Card to the rescued victim of trafficking.
- Provide linkage to rural/urban housing schemes towards rehabilitation of victims/survivors of trafficking.

(iii) Health related measures :

- Provide health cards to women and child victims ensuring free medical treatment, adequate drugs and medications in all Government Hospitals.
- Provide care and support for HIV+ victims of trafficking so as to ensure holistic and non-discriminatory and unbiased access to health services.
- Facilitate establishment of homes or support reputed NGOs to establish homes wherever required for terminally sick victims by utilizing existing infrastructure under various Departments/Agencies.

The G. P. Level Committee shall obtain information on 1. Trafficking of girls and women, 2. Issues related to migration/forced migration of labourers especially women/girls, 3. Sex related offences, 4. Sex selective abortions/Sex determination, 5. Child marriage and forced marriages, 6. Dowry related issues. The Committee shall sit once a month and compile information on this matter.

This information shall be placed before the Block Level Committee for assessment which would sit in every quarter and compile information received from the GPs which would then be placed before the District Level Committee.

13. Rehabilitation Fund :

Rehabilitation fund set up for providing relief to victims of trafficking shall be utilized for :

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

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

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

By order of the Governor

ARTI AHUJA

Commissioner-cum-Secretary to Government

1. Structure of IAHTU :

An officer of the rank of Deputy Superintendent of Police (Deputy S. P.) would head each IAHTU. He/she will be the Anti-Human Trafficking Officer (AHTO) and would be supported by adequate number of inspectors of police, head constables/constables. The IAHTU should necessarily comprise of women police officials. The overall supervision of the IAHTU will be with an official designated by the State Government/DGP.

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

2. Staff of IAHTU :

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

The OIC of Mahila & Sishu Desk of the nearest thana of the concerned IAHTU will also be a part of the IAHTU.

3. Infrastructure and Resources of IAHTU :

3.1. Accommodation :

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

3.2. Logistics and other infrastructure :

Each IAHTU needs to be provided with the following equipment :—

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

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

3.3. Contingency fund :

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

- Basic furniture, if required
- Purchase of essential books including law books required for IAHTU
- Contingency expenditure towards the care and attention to victims and supervisors including expenditure on food, clothes medicines, psycho-social support, legal support, etc.
- Honorarium to NGO partners (Subject to a maximum of three per IAHTU) minimum of Rs. 5,000 per NGO, totaling Rs. 15,000 per month, per IAHTU.

3.4. Expenditure :

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

3.5. Training :

Officials supervising the IAHTU should ensure that all stakeholders in IAHTU (Police, Government Officials, Executive Magistrates, NGOs, etc.) are given regular training on all aspects to enhance/refresh their knowledge (of the law, procedures, human rights principles, etc.), skills (technical and scientific as well as psycho-social methods in attending to victims/witnesses. etc.) and all related aspects.