

Response to Call for Input for the Report on Trafficking in Persons and Gender Peace and Security

Submission by: Access to Justice Program - India

An ambitious results-oriented partner-driven program – Access to Justice for Children (A2J) – is aimed at ending sexual crimes against children across India by creating a child protection ecosystem with focus on prevention, rescue, rehabilitation and fight for justice for victims of trafficking (including their families). This submission is from the A2J Program, which had 161 grassroots frontline organizations (national and local) working in 265 districts in 2023-24. The success of the program has expanded the scale in 2024 to 400 districts in India out of 800 districts in the country through 180 grassroots NGOs working to accelerate action against trafficking.

Point 1 and 7: National action plans on women, peace and security which include comprehensive measures to prevent and respond to trafficking in persons for all purposes of exploitation; and trafficking in persons, enslavement and sexual slavery and transitional justice processes

Trafficking is a grave violation of basic human rights and a crime. As per the Government of India's records, 2,878 cases of child trafficking were reported in 2022, implying 8 children being trafficked every day. Further, 227 children are reported missing daily¹ with many falling victim to trafficking for various kinds of exploitation. Against this background, the Government of India has implemented safeguards and provisions in the Constitution of India and laws that address this heinous crime with stringent punishments with an aim to create a cohesive and coordinated approach to safeguard vulnerable populations, particularly women and children. In 2023, the Government of India introduced a revised and robust Penal Code, which will come effect from July, 2024, under which a new provision of 'organized crime' has been introduced as a separate crime, addressing the cross-border nature of trafficking.

Against this backdrop, the A2J Program is implemented across the country with following key features:

(a) Scale: A2J a national program that covers more than 50% of the total districts of the country includes those district that either have high incidences of trafficking; or have poor indicators of child protection, education or health; or are aspirational districts identified by Government of India and are backward on several aspects of development including social development; or have high incidences of other related crimes such as sexual abuse, child marriage or online sexual abuse of children. Further, presence of large number of NGOs in areas that have borders with neighboring countries of Bangladesh and Nepal, helps in addressing the issue not only at national but also international level. The large scale of the program interventions leads to positive impact at scale and creates a narrative on the issue that leads to both prevention and prosecution of cases. The Pilot phase of the Program in 2023-24 resulted in rescue of 29,224 children from trafficking for forced labour and sexual abuse and launch of prosecutions in 16,084 cases.

(b) Strategy: The A2J Program is based on the PICKET strategy which was piloted with 161 grass-root frontline organizations in 257 districts. The urgency and prioritization deserved by the issue of child trafficking as a crisis of child protection, education, health, justice, economy and future requires the PICKET strategy in the fight against trafficking. The strategy entails the following: 'P' for policy change and action that focuses on ecosystem-level sustained and long-term changes for children, 'I' infrastructure, incentivisation and institutions, 'C' for convergence of departments, Governments and stakeholders in the

¹ Crime in India 2022, National Crime Records Bureau, Ministry of Home Affairs, Government of India

community; ‘K’ for knowledge-driven interventions; ‘E’ for ecosystem where trafficking does not thrive; and ‘T’ for use of technology for monitoring and deterrence to combat the crime the dynamic and emerging challenges of trafficking.

(c) Approach: The Program has adopted an ecosystem approach that provides support in tackling trafficking by embracing an ecosystem approach to child protection wherein the law enforcement agencies, functionaries and the communities are vigilant and are able to prevent trafficking and if it happens then are proactive to report and support the rehabilitation of survivors. The Program through its partners has signed partnerships with different state and district level departments for the fight against trafficking. To strengthen the ecosystem, the Program focuses on building capacity of the following:

- Grass-root organizations: An important element of the A2J Program is strengthening grassroots organizations by enhancing their capacity and providing technical support in partnership with various government agencies. The program empowers grassroots NGOs with the tools and resources needed to combat the pervasive issues of child trafficking by deploying a comprehensive array of interventions within the child protection ecosystem, through legal interventions.
- Law enforcement agencies: The program ensures the law enforcement agencies, child protection functionaries and other stakeholders in the intervention districts are aware of their roles and responsibilities under different statutes and programmes. In 2023-24, a total of 9,722 personnel were trained on laws, policies and programs related to trafficking.

(d) Prosecution: As mentioned above, the Pilot phase led to launch of prosecutions in 16,084 cases and with no specific timelines for completion of cases in the law, 72 traffickers/employers were convicted in 36 cases of trafficking for child labour. Under the Program, dedicated ‘action months’ to rescue children from exploitative conditions are organized in partnership with state government departments and statutory bodies. This facilitates concerted and focused action by all stakeholders leading to rescue of large number of children. A classic example of the A2J Program intervention is a landmark judgement by Rajasthan High Court this year when the local self-governance system called ‘*Panchayats*’ were made accountable to check child marriages during the marriage season. It is needless to state that marriage of young girls for trafficking is a well-established form and this order by the Hon’ble Court has led precedence for other High Courts to follow. Some States have already issued notifications to this effect.

Point 9: National procedures for early identification, assistance and referral to protection services for victims or potential victims of trafficking including gender and child-sensitive measures in conflict and post-conflict settings, including in context of forced displacement and forced migration.

The survivors of child trafficking have deep insights into the conditions which enable trafficking to flourish, and the processes by which it occurs and is sustained. The survivors of trafficking who may not be educationally qualified on the issue but have the experience of life of a victim, can play an important role in helping other families and children to stay alert of traffickers, their false promises and other means of inducement. They can also help in identifying traffickers and share information with law enforcement agencies. This thought led to conceptualization of a unique, grass-root driven program, called the ‘Survivor-Led Intelligence Network’ (SLIN).

Bachpan Bachao Andolan (BBA), an important partner of A2J Program, had pioneered long-term support, offering residential and distance rehabilitation for trafficking victims. This has had the residual outcome of creating informal ‘alumni’ networks of young survivors. During COVID-19, these survivors were organized to form a ‘Survivor-Led Intelligence Network’, targeting their home districts which are known child trafficking sources or hotspots. This new survivor-led intervention has demonstrated its potential to prevent child trafficking and to enable legal action against perpetrators.

SLIN works to end child trafficking by using its members' insight into the pre-conditions that make children and families vulnerable to child trafficking, by operating in and around the communities from which the members were trafficked themselves. In most of the cases of trafficking, the families have highest prevalence of inadequate local income opportunities, heavy loan burdens, children not attending school, and adversities faced by natural disasters or conflict situations.

SLIN aims to create awareness about trafficking and child labour in the communities; create awareness about various provisions of law which are useful in combatting trafficking; create awareness about the government scheme available for vulnerable and weaker sections of the society; provide platform for reporting of cases; increase reporting and rescue of trafficking or missing children and children involved in child labour; identify and break the nexus of traffickers; and involve and sensitize media and volunteers to support the awareness programs.

Another significant intervention under A2J Program is strengthening and full operationalization of village level child protection committees (VLCPCs), which are the primary agencies to ensure protection of children from all kinds of abuse and exploitation at the village level. This intervention is used by Partner NGOs across all the intervention districts including the conflict affected areas. The members of VLCPCs are different village level functionaries and their role includes identifying vulnerable families and children including out-of-school children, spreading awareness on child protection issues, reporting cases of exploitation and abuse of children, and providing support to families by linking them with social welfare schemes of the Government. In the State of Jharkhand, the intervention was supported by the State Legal Services Authority wherein a pool of Master Trainers was trained for training and capacity building of all the functionaries of the VLCPCs of all the 32,620 villages in the state.

In the post-COVID era, as technology become a pivotal part of life, the easy access to internet also changed the criminal landscape. Technological advancements has facilitated online trafficking of children by using their increasing online activity on social media and gaming platforms. India Child Protection (ICP), a partner of A2J Program has collaborated with State Cyber Cells of Maharashtra, Andhra Pradesh, Punjab, and Karnataka to tackle online child trafficking by ensuring effective detection, monitoring, time-bound investigation and prosecution of such cases in India. This is ensured by building capacity of law enforcement agencies who directly deal with such cases, providing access to forensic tools and software, co-developing standard operating procedures and guidelines, providing legal assistance to both the law enforcement agencies and victims, providing rehabilitation support including mental health aid to child victims, and spreading awareness about the issue among all stakeholders including children. Awareness programs are organized in collaboration with Government Departments in various states for school children and teachers on online safety mechanism including cyber etiquettes, cyber safety procedures, and identification of potential cyber / digital abusers and reporting mechanisms. Further, in the state of Kerala, in association with Kerala Cyberdome, Victim Support Centers are being run to provide counselling to victims of online trafficking to help the victims and their family members overcome trauma for their effective rehabilitation and reintegration into the mainstream society.

Further, to actively detect and investigate the cases of online trafficking and sexual abuse, collaboration have also been made at the National-level with India Cyber Crime Coordination Center (I4C) for sharing of knowledge, support in cases, and providing technical tools.

Point 10: Peace agreements which include anti-trafficking measures, prevention, protection and accountability.

The crime of trafficking has several aspects such as source areas, destination areas and transit. Transit is one aspect, which if carefully guarded can prevent trafficking. Railways in India is a major mode of transportation and is the largest network in Asia with 13 million passengers every day. The network that connects remote districts of the country with cities and towns is extensively used by traffickers to transfer victims to places of exploitation. Security of railway passengers on the train is the responsibility of the Railway Protection Force (RPF) and Access to Justice Program through its partner – Bachpan Bachao Andolan has a partnership with RPF. Under the partnership, intelligence related to movement of traffickers is shared by Partners with the RPF and child victims are rescued and trafficking is prevented. Under the partnership, the RPF personnel are also trained on identifying child victims and traffickers and the process that needs to be followed after rescue of children.
