



ACCESS TO JUSTICE(NEJK) PROJECT

CONFERENCE ON

RIGHTS OF SURVIVORS OF HUMAN TRAFFICKING IN NORTH EASTERN STATES: CHALLENGES IN ACCESSING JUSTICE MECHANISM & ROLE OF STAKEHOLDERS

VENUE:- HOTEL BRAHMAPUTRA ASHOK, GUWAHATI

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ORGANISED BY:

**DEPARTMENT OF JUSTICE,
MINISTRY OF LAW AND JUSTICE,
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INTRODUCTION

Access to justice is a fundamental concept in the application of human rights. Despite its central status in achieving modernisation, development and equality, there are several sections of the society who are unable to seek remedies from the justice system. Denial of justice occurs when justice systems is deemed inaccessible. While the courts play a critical role in dispensing justice, it is necessary to emphasize that access to justice is about more than improving access to courts, it is also about raising the awareness and creating the knowledge to claim rights and entitlements and the ability to address and seek remedies when violations of rights occur. With the aim of achieving these goals, the Department of Justice, GoI initiated the Access to Justice(NEJK) Project.

RATIONALE AND OBJECTIVES OF THE CONFERENCE

According to National Crime Record Bureau (NCRB) Report, Assam has been indicated among top five states with highest number of human trafficking cases. In 2014, NCRB reports that Assam has recorded 407 cases of Human Trafficking. As Assam is the door to other North Eastern States, there is need to ponder over and critically analyze the Justice Mechanism available to survivors and role of SLSA, Panel lawyers and Civil Society Organizations in accessing justice. Therefore this conference was planned. The objective was to provide a common platform to the SLSA and other stakeholders to share stories of human trafficking survivors and to strategize the way forward for prevention of Human Trafficking and Rehabilitation of the trafficked victims.

WELCOME REMARKS

Shri Atul Kaushik, Joint Secretary, Department of Justice welcomed the distinguished guests to the daylong conference cum consultation on the theme of ‘Rights of the survivors of Human Trafficking in North Eastern States: Challenges in accessing Justice Mechanism & role of relevant stake holders’. He briefed the delegates about the initiatives of Department of Justice including NMJDLR, e-courts, Legal aid for poor, Access to Justice-UNDP and Access to Justice(NEJK) project. He further briefed about the objectives of the conference and also about the ongoing activities of the Access to Justice (NE & JK) Project and mentioned that the major activities of the project includes, Establishing 46 Legal aid clinics in Nagaland’s remote districts i.e. Tuensang & Mon, Support to Legal Aid Clinic of University of Kashmir, Training of Para Legal Volunteers (PLVs) of SLSAs on Social Welfare Legislations in Eight North Eastern States, Training of Panel lawyers, Signing of MoU between NLMA and Department of Justice to converge legal literacy component in their curriculum (adult literacy programme), MoA is signed with CSC(Common Services Centre) which will benefit people through legal literacy programmes , Technical support extended to the SLSAs through recruitment of Project Coordinators and Project Assistants.

INAUGURAL SESSION

While delivering the Inaugural address Hon’ble Mr. Justice Hrishikesh Roy mentioned that, the ‘predominantly simple life style and innocence of the people of the region make the people more vulnerable to trafficking. The other major factors of trafficking includes economic issues, false promises of marriage and false promises of money.

He said that rescue and rehabilitation of victims could be an immediate action, but awareness among the masses is highly required to end Human Trafficking. He mentioned the ‘*Reach out and Response Program*’ launched by the Assam State Legal Services Authority in context of the programs of Central and State Government which are not reaching to the beneficiaries. Reiterating the importance of Free legal aid, he said that there are people who suffer from extreme poverty and ignorance and think that justice is inaccessible to them. Hence the ‘Reach out and Response Program’ was launched to reach the victims and to provide the legal aid services. The case of Elashi Basumatary was quoted, who was rescued from trafficking & rehabilitated under the said project. The victim was provided

with shelter of a Bamboo structured thatched house/PMAY house and her children were admitted to school.

He further suggested the steps to prevent human trafficking as follows:-

- To spread awareness among the masses.
- Sensitization of vulnerable group as well as the public at large
- Importance to be given to rehabilitation and counselling of victims so that they could be reintegrated to the main stream society.

Concluding his address, Justice Roy mentioned that it is a good beginning initiated by the Department of Justice on the volatile issue of the human trafficking.

SESSION 1:

Socio-Legal Framework for Rights of Survivors of Trafficking in India

The session included presentation/discussion on:-

- Socio-Legal Framework for Rights of Survivors of Trafficking:
- Rights of Trafficked Women Survivor in India: Concerns, issues and Challenges:
- Rights of Trafficked Children Survivor in India: Special Concerns, issues and Challenges

One of the primary objectives of the Access to Justice Project in North Eastern States and Jammu & Kashmir is to explore challenges faced by the people in accessing justice and filling those gaps through engaging stakeholders for discussions on issues and converging to explore way to access to justice for all. The session included discussions/presentations on issues to look into the overall socio-legal framework available with the survivor of human trafficking in India.

Socio-Legal Framework for Rights of Survivors of Trafficking :

Ms. Geetanjali Ghosh, Asst Professor, National Law University, Guwahati elaborated the socio legal problems & provisions for the survivors of Trafficking . She introduced the issue with the UN Protocol against trafficking in person, Palermo Protocol 2000, Trafficking, Bonded labours and forced labourers. She described the importance of the P.M.Ujjwala Yojana and said that the scheme is beneficial in multiple way for the rescued victims of Trafficking, e.g. Rescue and Rehabilitation, Repatriation (inside outside country).

Trafficking is not only attached with girls & women but also men. Immoral Traffic Prevention Act also provides certain Protection for the trafficked victims, which are mainly on rescue and rehabilitations, i.e. for providing rehabilitation and compensation to the victims. Under the provisions of the ‘victim compensation Act 2008’, Trafficked victims are to be compensated adequately. Under Assam Victim Compensation Scheme 2012, the Compensation amount is maximum Rs. 25K, which is not adequate at all. Under the POCSO Act the compensation is Rs 3 lakh.

She further added that there is more possibility of children getting trafficked in respect of those who are out of school. There is a great need of a system through which people can move freely, i.e. without a fear of victimized by trafficking.

Rights of Trafficked Women Survivor in India: Concerns, Issues and Challenges

Ms. Sunita Seshadri, Asst Director, NIPCCD facilitated the session on “Rights of Trafficked Women Survivor in India: Concerns, Issues and Challenges” .

In the presentation, she pointed out that datas collected from the CID, Police stations, Anti Trafficking Squad, Children home, Social Organization, etc. reveals that:

- As many as 11 districts of Assam are with high rates of human trafficking.
- Rate of missing trafficked persons (or not rescued person) is very high.

- The process of Rehabilitation is not adequate,
- Ujjwala scheme is not reaching to the victims and seems to be outdated & not fulfilling its purpose. Rehabilitation homes under the Ujjawala scheme are suffering from the fund scarcity as the timely release of funds is not ensured by the authorities.
- There is need to work on the process of making the Ujjwala scheme more accessible.
- Many times Survivors don't want to go back to community. The condition of Girls is vulnerable.
- Insurgency is another related problem.
- Village is starting Point of trafficking, Border areas are more prone. State of Assam is the vulnerable & targeted state. The most preferable age group for the traffickers are of 7 years Boys and 14 years Girls. Victims are mostly engaged as domestic servants. Most of the victims exhibits frustrations and do not speak openly.
- Survivors are found with lot of restlessness, mental anxiety, even with psychological problems, psychosis or neurosis. If Neurosis is not treated well in time, it turns to Neurosis. And if neurosis is not treated well in time, it would lead to Schizophrenia.
- It was suggested that Counselling should be a continuous process.

Ms. Sunita Seshadri concluded her presentation with suggestion to the policy makers, to draft suitable Strategy to ensure the rights of the trafficking survivors.

Rights of Trafficked Children Survivor in India: special Concerns, issues and challenges?.

Smt Runumi Gogoi, Chairperson, Assam SCPCR facilitated the session on Rights of Trafficked Children Survivor in India: special Concerns, issues and challenges . Some of the important points highlighted by the Smt Gogoi are as follows:-

- Flood is one of the reasons of trafficking in the state of Assam. Around 3000 people were trafficked during the period of flood in (2011-2013) in Assam.
- Illiteracy is another reason of high rate of trafficking.
- Tea growing areas are the focal points of trafficking of children. The rate of trafficking in such areas is 52%.
- Job insecurity also leads to trafficking.
- Drop out children, engaged in jobs are the easiest targets of Traffickers.

India is lacking in implementation of the schemes. Legal aid to children is highly required. There is dire need to ensure the implementation of the existing policies and schemes. Smt Gogoi concluded her presentation with the suggestions that the role of the DLSA should be ensured. Participation of Community Police and anti trafficking agency is very much needed. Effective implementation of the Laws & Acts dealing with Trafficking should be ensured by the stakeholders.

DISCUSSION AND RECOMMENDATIONS

- Having a SOP which can help systematic approach in dealing with cases relating to trafficking.
- References of proper co-ordinates for interstate rescue operation can help victims rescued timely and rehabilitated. ICPS/Child lines organizations should play an important role in rescue operation etc.
- Role of NGO is important; NGOs dealing with Trafficking should also be conversant and careful of others work and should avoid over lapping.
- Legal services should be ensured through the SLSAs.
- There is a need to raise awareness among the people. Human Trafficking could be prevented through awareness and legal literacy.
- There is need to develop a one stop solution(single window platform) for prevention and rehabilitation of the Trafficking victims. Dept. of Social justice should anchor this one stop solution.

SESSION 2:

Role of Democratic Institutions in securing Rights of Survivors of Human Trafficking in North Eastern States

The objective of the session was to inquire into the important role of democratic institutions governing anti human trafficking issues in the country. The session was chaired by Shri Atul Kaushik, Joint Secretary, Dept. of Justice, Govt. of India, Co chaired by Shri R. Chandranathan - IPS, ADGP (CID) – Assam.

Role of State Legal Services Authorities in securing rights of survivors of human trafficking in north eastern States

Mr. Debashis Saikia, Secretary, DLSA- Bongaigaon said the following:-

- Human trafficking is the 3rd highest profitable illegal profession in the world.
- Commercial sexual business is one of the cause of the menace of Human Trafficking.
- False promises of marriage is one of the cause of trafficking.
- Trafficked are left in trauma even if escaped or rescued. They are re-trafficked multiple times.

There are schemes & projects being implemented by ASLSA under NALSA in order to prevent the human trafficking. Moreover, PLVs trained by the ASLSA keeps a watch on trafficked victims. Victims re-integration to society is supported by ASLSA. LACs are established, which plays important role in identifying and rescuing trafficked victims. In a recent case, ASLSA has rescued a trafficked girl from the state of Haryana with the help of Haryana SLSA. ASLSA has provided victim compensation of Rs. 1 Lakh. Legal Aid is being provided through the DLSAs.

Strengthening Law Enforcement Response in India against Trafficking

Shri Surendra Kumar, IPS, IGP (CID) Assam mentioned the constraint in dealing with the cases relating to the trafficking. He said that Trafficking is an organized crime in the society and such cases often lack the proof of material evidence or of human witness. In case, the victim is trafficked to other states, Investigating Officer has to visit the spot. In such cases, money, manpower and witness etc. become constraints for police officials. There is need for regulating the recruiting agency, which are mushrooming now days. Moreover, data base of the victims and the stakeholders should be maintained.

There is immense workload on Investigating Officer(IO) who besides their normal functioning has to do other duties also. One IO in Dispur having 6000 cases which is too much for a police official to handle in a short time span.

DISCUSSION AND RECOMMENDATIONS

- Coordination with district authorities for the video conference facilities needs to be made.
- As there are around six thousand cases of trafficking under Dispur Police Station itself. More number of Investigating officers (I.O.) are required to take actions on the cases.
- Role of the Customary Law should be taken into consideration. Traditional justice Institutions should be taken into Confidence by the Legal Authorities.
- There are so many victims, but compensation or rehabilitation still lacks. Proper training should be provided to the NGOs and other stakeholders to deal with the situation. Counselling & Sensitizing children & women are more important for prevention of trafficking.
- A one stop single window service is required for all the states of NE region.
- Major challenge in implementing Integrated Child Protection Scheme (ICPS) in Assam with respect to trafficking, is the lack of 'General awareness'. There is need to raise awareness among people about the issue.
- The source areas of trafficking in Assam includes Sonitpur, Dibrugarh, Golaghat. While the Highest Trafficked and abused District is Kamrup and the most Conflict & Trafficking affected Zone is Kokrajhar. ASLSA should pay special attention in these areas. People are not aware about the Govt schemes and so they are not taking the benefits of the schemes.

Shri R. Chandranatha –IPS , Additional Director General of Police -Assam

Shri Chandranatha started the session with explaining Trafficking from Criminologist's perspective and said that it has two dimensions:

- i) Law Enforcement
- ii) Law Enactment

He further said that Trafficking is an organized crime. The fact is; it has serious supply side and demand side. E.g. Kerala is supply side while Assam is the demand side. Approx 25 lakhs people from Assam are working in Kerala, Interestingly, 25 Lakhs from Kerala are working outside the state of Kerala. We are looking at supply side. There are abduction cases as well in the process of supply side. Through source information, the police act upon abductors and rescue. There are deficiencies in law enforcement agencies which sometimes gets dangerous. The delay in investigations leads to failure of Justice delivery system.

He mentioned that there is urgent need for a nodal agency that can play effective role in dealing with the subject. Analysis of all the areas like deficiency in law enforcement institutions, level of enforcement, drugs addicts, drugs abuse etc. is required.

Media has a great role to play in this regard. He concluded by mentioning that one of the fastest emerging area that warrants quality law enforcement is to counter the negative messages on the internet.

WAY FORWARD TO ENSURE ACCESS TO JUSTICE FOR SURVIVORS OF HUMAN TRAFFICKING IN NORTH EASTERN STATES

The Session was chaired by Shri V.K. Tripathi, Director, Dept. of Justice, GoI.

Mr Lahon mentioned that the Social Welfare Dept. have the Ujjwala scheme being implemented with the support of the NGOs. He further mentioned that the present government is focusing on social developments through skill developments. The Dept. have recently worked on the i) Awareness Generation plan, ii) How to combat Trafficking.

Shri V.K.Tripathi, Director, Dept. of Justice announced an open session discussion on the way forward. He started the discussion by emphasizing the need to raise awareness among the people about the issue of Human Trafficking. He further added that Human Trafficking could be prevented through awareness and legal literacy. Dignitaries of the various depts., agencies suggested measures to prevent Human Trafficking and to rehabilitate the victims. The suggestions and recommendations are as follows:-

- It was suggested that the components of Human Trafficking should be included in the School's course curriculum as well as in the Teacher's training.
- There is need of Convergence between different Ministries/Depts. to have a common portal on Human Trafficking, instead of having different portals of different departments.
- There is need of a State agency to anchor the issue on the Trafficking. 'Social Welfare department-Assam' could play this role more efficiently. 'Social Welfare department-Assam' was recommended as the Nodal agency to anchor the mission and carry out research /studies and to create a common platform for implementation of activities to end Human Trafficking. Dept. of Social welfare can develop a mechanism for periodic review with other agencies/departments concerned on the issue having two three year plan and can act as the anchor department. SLSA can also actively contribute to this effort of Dept. of Social Welfare.
- All the departments should work in tandem and ensure that benefits envisaged in a scheme reach the targeted people.

Hon'ble Mr. Justice Hrishikesh Roy in his concluding remark mentioned that:
Social Welfare dept is having enormous datas and can well take forward the subject. A legal Aid Lawyer specialized on particular subject can be well utilized. A dedicated team has to be in place and its continuity should be ensured by the dept. He appreciated the efforts of Dept. of Justice to bring together all the agencies concerned on such a sensitive issue.

VOTE OF THANKS:

The conference cum consultation was concluded with the Vote of Thanks by Ms Premlata Kaushik, Under Secretary, DoJ. In her concluding remarks she thanked all the dignitaries for participation and specially thanked Hon'ble Justice Roy, ADGP (CID) Chandranatha, IGP (CID) Surendra Kumar and Shri Atul Kaushik, Joint Secretary, DoJ.

List of Participants present in the consultation cum conference:

1. Hon'ble Mr. Justice Hrishikesh Roy, Judge Gauhati High Court, Guwahati, Assam.
2. Shri Atul Kaushik , Joint Secretary, Dept of Justice, Min. of Law & Justice, Government of India, New Delhi.
3. Shri V.K. Tripathi, Director , Dept of Justice, Min. of Law & Justice, Government of India, New Delhi.
4. Mr. R. Chandranathan, IPS , Additional Director General of Police (CID)-Assam
5. Mr. Surendra Kumar, IPS, Inspector General Police (CID) – Assam.
6. Ms. Premlata Kaushik, Under Secretary, Dept of Justice, Min. of Law & Justice, Government of India, New Delhi.
7. Mr. Anshul Saxena – Project officer, A2J NE JK, Dept of Justice, GoI
8. Ms.Badar Jahan – M & E officer, A2J NE JK, Dept of Justice,GoI
9. Ms.Mahima Khera Sharma- Contract Specialist-A2J NE JK, Dept of Justice, GoI
10. Ms. Runumi Gogoi, Chairperson, Assam State Commission for Protection of Child Right.
11. Mr Azizul Hoque, Program Officer, SRC Guwahati
12. Ms. K. Sunita Seshadri, Asst. Director, National Institute of Public Cooperation and Child and Development (NIPCCD).
13. Ms. Geetanjali Gosh, Assistant Professor, National Law University, Guwahati
14. Mr. Jubil Lalung, State In charge – Assam, Bachpan Bachao Andolan.
15. Shri Lahan - Deputy Director, Social Welfare Department – Assam
16. Mr. Debasish Saikia, Deputy Secretary, DLSA Bongaigaon.
17. Mr. Rafique Ahmed Tapadar- OSD, Judicial Academy, Gauhati High Court.
18. Dr. Bandana Bhuyan, Regional Director, NIPCCD
19. Ms. Rabina Subba, Member NSCW
20. Mr. H.N. Iahon, Joint Director, Dept. of Social Welfare, Assam
21. Dr. Aref Zaman – Assam State Legal Services Authority
22. Shri Gopal Sharma, Member, ASCPCR
23. Mr. Rajiv Kumar, ASCPCR
24. Ms. Nandini Das, ASCPCR
25. Ms.Nabam Yabang –Vice Chairman, State Women Commission- Arunachal Pradesh.
26. Ms.Mitali Tingkhatra – Chairperson of women Commission - Arunachal Pradesh.
27. Mr. Samiran Brahma- Director, State Resource Centre-Assam
28. Ms.Triveni Achari- Justice and Care NGO, Mumbai.
29. Ms. Hasina Kharbhih, Impulse
30. Rosanna Lyngdoh, Director, Impulse
31. Dr Rajeeb Sharma, General Secretary, Gold
32. Chenithung Humtsoe - Festa Youth NGO- Nagaland.
33. Mr. Lamabam Pishak Singh – Manipur
34. Dr. Ranjit – NGO- GOLD - Assam
35. Ms. Lalita Deka – State Consultant – UNICEF-Assam.
36. Mr.Gobinda Baishya- Project coordinator, A2J NE JK –Assam
37. Mr.Chandan kalita – Project asst. A2J NE JK - Assam.

