

Social Reintegration and Rehabilitation for Survivors of Human Trafficking Entitlements vis-à-vis Access

A STUDY IN THE DISTRICTS OF
JALPAIGURI - NORTH 24 PARGANAS - SOUTH 24 PARGANAS
IN WEST BENGAL

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ALL GOVERNMENT STAKEHOLDERS
RESPONDENTS FOR THE STUDY

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PREFACE

India scores extremely high volume of child trafficking. As many as one child disappears every eight minutes, according to the National Crime Records Bureau. In some cases, children are taken from their homes to be bought and sold in the market. In other cases, children are tricked into the hands of traffickers by being presented an opportunity for a job, when in reality, upon arrival they become enslaved. In India, there are many children trafficked for various reasons such as labor, begging, and sexual exploitation. Because of the nature of this crime; it is hard to track; and due to the poor enforcement of laws, it is difficult to prevent. Due to the nature of this crime, it is only possible to have estimates of figures regarding the issue. India is a prime area for child trafficking to occur, as many of those trafficked are from, travel through or destined to go to India. Though most of the trafficking occurs within the country, there is also a significant number of children trafficked from Nepal and Bangladesh. There are many different causes that lead to child trafficking, with the primary reasons being poverty, weak law enforcement, and a lack of good quality public education. The traffickers that take advantage of children can be from another area in India, or could even know the child personally. Children who return home after being trafficked often face shame in their communities, rather than being welcomed home.

The causes of human trafficking in India include gender discrimination, a vulnerability of the impoverished population and the desperation of the impoverished to support their families. Trafficking industries in India are taking advantage of the plight of India's disadvantaged and impoverished population for the benefit of others, as trafficking victims are rarely paid as they're promised.

Millions of women are trafficked for prostitution in India despite India's commitments to combat trafficking under various international human rights treaties. But the overall situation has not changed much as there are lack in the system and convergence among services. Several legislative provisions and amendments have been made since last decade with higher importance on speedy trials and rehabilitation for the survivors. Despite all such legislative provisions and administrative restructuring, the overall situation has not changed much and the entire system of prevention, rescue and rehabilitation has been moving just out of the intensive involvement of the NGOs.

Apart from poverty and inconsistent family income, there are issues like ignorance among parents, dysfunctional Child Protection Committees and easy access to mobile phone, which have added extra loop to the traffickers to tap the adolescent girls and women. Parents do not understand that when children are offered work, they are likely to be exploited. Children in poverty are often forced to trade sex for a place to live or food to eat. In order to get out of poverty or to pay off debts, some parents have even been forced to sell their children to traffickers.

Constitutional & Legislative Provisions related to Trafficking in India

- Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1)
- The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.
- Criminal Law (amendment) Act 2013 has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.
- Protection of Children from Sexual offences (POCSO) Act, 2012, which has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.
- There are other specific legislations enacted relating to trafficking in women and children Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 dealing with selling and buying of girls for the purpose of prostitution.

The International Covenant on Civil and Political Rights (ICCPR) forbids a number of procuring practices that are directly associated with trafficking, including slavery, sex trade, domestic servitude and forced labour. In contrary, UN Convention on Child Rights constitutes article 32 which was ratified by India mentions that „the state parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to interfere with the child’s education and to be harmful to the child’s health or physical, mental, spiritual and social development“. In the areas of policy and legislation, rescue and repatriation and interception of seemingly potential victims of child trafficking at the border points during the process of transportation and migration, it is worth noticing that a tightening of the screws strategy has strengthened the overenthusiastic and dominant responses to trafficking. (<http://www.iosrjournals.org/iosr-jhss/papers/Vol.%2023%20Issue3/Version-6/E2303062024.pdf>)

Evidence reveals that in some instances prevention initiatives at source have been tantamount to restricting adolescent’s and women’s right to freedom of movement reinforcing thereby the patriarchal practice of keeping them trapped within the four walls of the home as a measure of protection. Rehabilitation has sometimes meant nothing more than a change in venue of the victim’s confinement from a brothel to a shelter.

Although States have made some improvements to their shelter care, victims in these facilities do not receive comprehensive protection services, such as psychological assistance from trained Counsellor. These services are hardly available and totally inadequate in light of the needs. What services exists are mostly provided by nongovernmental organisations.

A Protocol for Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for commercial sexual exploitation under which every identified child victim of trafficking should be placed in a specific shelter or home which can provide him/her with adequate support has been developed by the Ministry of Women and Child Development. In India, the Ministry of Women and Child Development runs many shelters and homes for victims of trafficking all over India.

Children can also be placed in shelters run by non-governmental organisations, however the majority of them aim to assist vulnerable children in general and not child victims of trafficking specifically. Furthermore, there are not enough shelters to accommodate a larger number of child victims of trafficking and protection efforts often suffer from a lack of sufficient financial and technical support from government sources.

Non-Governmental Organizations and its Networks to Address the Problem of Trafficking of Children in India

Different non-governmental organizations in India have established programs and projects in order to provide education and vocational training to the risk groups of populations in the country. The programs are mostly aimed at preventing children from being deceived and trafficked and also for decreasing the problems related to illegal migration.

Although welfare non-governmental organizations within limited funds and space. Despite their limited resources, funding, training, and access to information, most non-governmental organizations have taken the lead in combating trafficking. There are a number of non-governmental organizations which have played credible roles in the field of trafficking to serve and save individuals.

Indian anti-trafficking practitioners treat reintegration as a fixed, short-term process. Ninety-six per cent of respondents interviewed stated that individual children's cases are closed within only four months of rescue, with no subsequent follow-up or monitoring of the consequences of return. Both short- and long-term reintegration plans for rescued children and their families are rarely prepared or implemented. Rather, existing reintegration efforts amount to the simple tracing of and immediate return of rescued children to their families, leaving them exposed to the same structural vulnerabilities that led to their being originally trafficked.

Rescue is one of the most contentious issues in the anti-trafficking system. The anti-trafficking law in India doesn't differentiate between a sex worker (not in trafficked situation) and a person in commercial sexual exploitation. However, given that there is a sharp distinction between the two, interventions for the latter should be the responsibility of the system.

In 2010, the Ministry of Home Affairs issued directives to state governments to form AHTUs (anti-human trafficking units)—specialised investigation cells which could build an organised response to the crime and focus on cases of trafficking, rather than penalising sex workers or any other group of workers. The anti-trafficking ecosystem would be better served if activists, funders, media, law enforcement, and survivor federations (like ILFAT) were to push for AHTU notifications across the country, and demand performance in terms of investigations, rescue, and prosecution.

PURPOSE OF THE STUDY

This present study has been undertaken to understand the ground realities on the social reintegration and rehabilitation status among survivors of human trafficking. It has been observed that once the trafficked persons are rescued and reintegrated with their families, several issues come up as part of acceptance and access to services from the government. The survivors face several forms of challenges and discrimination after being rescued. The situation remains grievous for them as they face dual forms of neglect and rejection from family members as well as from their neighbours. It becomes tough for them to stay back in families and many times they face threats from the traffickers for withdrawal of the complaints with the police. Social and psychological pressure keep them under tremendous conditions that they cannot decide upon the next course of their survival.

There are factors related to registration of the cases under IPC and non-cooperation from police and legal support system. This results in delay, neglect and disregarding the trauma of the affected persons. There are NGOs and other social movements being active over the years to ensure that these persons affected out of trafficking should get their entitlements in spirit of the legislative provisions and access the same in the process of their appropriate social reintegration. However, there are wide gaps in the services and level of access due to various reasons.

SCOPE OF THE STUDY

Considering the wide experience of working for the justice and rights of the survivors of trafficking, GGBK has been able to establish itself as one of the leading agencies in West Bengal to advocate for ensuring appropriate entitlements for the survivors. This study has been framed to assess the ground realities on the scenario of access to justice and rehabilitation support for the survivors. The process has been done to explore and understand the bottlenecks in accessing the services and subsequent difficulties faced by the survivors in their rehabilitation process.

STUDY LOCATION & COVERAGE

The present study has been conducted among the survivors of human trafficking in North & South 24 Parganas and Jalpaiguri districts of West Bengal. 188 survivors have been covered in this study across the three districts. Apart from these, another 50 cases have been referred where GGBK has done intensive case management and has been able to facilitate the rehabilitation process in a meaningful way.

STUDY METHODOLOGY

It was planned to undertake the study in three vulnerable districts of West Bengal as mentioned above considering the intensity of human trafficking cases. In the process of conducting the study, each of the 188 survivors have been interviewed remotely on one to one situations based on a pre-defined questionnaire, considering the COVID norms. The process of data collection was kept online so as to maintain physical distancing and following guidelines of the government on COVID related issues. The entire questionnaire has been developed involving the participating NGOs, namely Teghoria Institute of Social Movement and Katakhal Swapnopur Welfare Society and prior field testing has also been done.

Findings and Analysis

On the basis of the data collected from the 3 districts namely North 24 Parganas, South 24 Parganas and Jalpaiguri of West Bengal, a total of 188 respondents have been covered. This section gives an understanding of the responses received from them.

North 24 Parganas	58
South 24 Parganas	117
Jalpaiguri	13
Total	188

It shows that out of the total coverage, 117 responses have been from South 24 Parganas, 58 responses from North 24 Parganas and 13 responses from Jalpaiguri. It shows that majority of the respondents (48%) are in the age group of 19 – 24 years, while it shows there are another 26%

respondents in the 25 – 30 years. One of another important age group 15 – 18 years is also quite alarming where 13% respondents have been covered in this study. The overall situation indicates that 15 years to 30 years is the main age of the survivors. There are close to 10% respondents who are above 30 years of age. It is important to understand that the traffickers have targeted such age groups which have higher market demands.

Academic Status

It is important to understand that 20% of the respondents have resumed their studies after being rescued, however the majority of them are not studying anywhere. It shows that 76% of the respondents among those studying is attending regular school, while 16% of them are attending higher secondary level education and quite interestingly 8% of them are attending colleges. It indicates that traffickers have targeted not only out of school girls but also girls studying in schools and colleges. There could be girls who have earlier been studying schools but could not resume studies owing to social stigma and rejection from schools as well.

Whether Studying	Number	%
Yes	37	20%
No	151	80%
Total	188	100%
Age Group	Number	%
10 Yrs - 14 Yrs	5	3%
15 Yrs - 18 Yrs	25	13%
19 Yrs - 24 Yrs	90	48%
25 Yrs - 30 Yrs	49	26%
31 Yrs - 36 Yrs	17	9%
37 Yrs - 42 Yrs	2	1%
Total	188	100%

Siblings of 19 survivors out of the 37 survivors are continuing regular studies of whom 17 are attending regular schools, 1 at higher secondary level and 1 at college level. Apart from this, another important finding shows that siblings of 38 survivors are also in regular studies, while these 38 survivors are not studying. Out of these 38 siblings, 28 are studying in school, 2 are studying at higher secondary level and 8 of them are studying in colleges.

Studying Status	Number	%
School	28	76%
Higher Secondary	6	16%
College	3	8%
Total	37	100%

The important part of this finding indicates that these 38

Marital Status

survivors were also involved in regular studies but after their rescue, they have not been able to resume study so far. While their siblings are studying thus it is quite justified that their parents must have admitted them to schools.

Marital Status	Number	%
Married	115	61%
Separated	17	9%
Unmarried	56	30%
Total	188	100%

In terms of the marital status of the survivors, it shows that 61% of them are married, while 30% of them are unmarried and 9% of them have been separated from their husband. These marriages have taken place after their return at home, however 17 survivors got separated due to different reasons. The overall scenario indicates that 70% of the survivors got married after having been rescued. It indicates that all the survivors were trafficked before they got married.

This table shows the present status of their stay. It shows that out of the 73 survivors, 63 are staying with their parents, 8 of them are staying of their own without having regular connection with other family members. One of them is staying with her sister while the other one is staying in child care institute. This is significant to note that 86% parents have accepted their daughters after being rescued. These parents were actually searching for their daughters after being missing. The parents had lodged police complaints and thus they accepted their daughters after being rescued. The parents of 115 survivors did not find it safe to keep their daughters at home after rescue. These girls are staying with their relatives in nearby villages. They preferred to get their daughters married. Unfortunately, 17 survivors could not stay back at their in-law's house but 115 survivors have been able to adjust themselves with in-laws.

Status of Single / Separated Survivors

Separated / Unmarried - Staying Status	Number	%
Parents	63	86%
Self	8	11%
Sister	1	1%
Child Care Institute	1	1%
Total	73	100%

This table gives an understanding about the destination point for the survivors. Out of the 188 survivors covered under this study, it indicates that 24% of the respondents were trafficked within different parts of West Bengal. The general understanding lies that all these girls are being trafficked to different parts of the

country from West Bengal but it shows that there are locations where the girls are also trafficked to destinations in West Bengal as well.

It shows that 41% survivors were trafficked to Maharashtra particularly in Pune and Mumbai.

Trafficking Destination

Another 15% survivors were trafficked to Delhi, while Bihar shows that 9% survivors were trafficked to that state as well. Remaining all other states have a significantly low percentage of cases where the survivors were trafficked. This shows that traffickers are active across West Bengal and also in other metro cities.

Destination Point	Number	%
Within West Bengal	46	24%
Bihar	16	9%
Bengaluru	1	1%
Chennai	2	1%
Delhi	28	15%
Gujarat	4	2%
Haryana	1	1%
Hyderabad	1	1%
Kashmir	1	1%
Kerala	1	1%
Maharashtra	77	41%
Rajasthan	1	1%
Uttar Pradesh	7	4%
Bangladesh	1	1%
Nepal	1	1%
Total	188	100%

The data also indicates that girls from Jalpaiguri were trafficked to nearby places like Dhupguri, Siliguri and within Jalpaiguri, except one girl, who was trafficked to Delhi. Similarly, for North 24 Parganas, 10 out of the 58 respondents were trafficked within West Bengal like North 24 Parganas, Kolkata and South 24 Parganas. Remaining others were trafficked to different states.

Status of Cases

The data shows that 143 out of 188 cases have been registered under the IPC & POCSO, however there are 16% cases where only GDE has been lodged at the police station. Significantly 14 families of the survivors did not lodge any case with the police station considering their social status. It shows that owing to poor understanding and misguidance from the police station, 31 survivors could not register their cases under applicable sections. Majority of the cases have been registered under these two sections of IPC:

Case Registration	Number	%
Only IPC	125	66%
IPC & ITPA	1	1%
IPC & POCSO	16	9%
Only POCSO	1	1%
Only GDE Registered	31	16%
For Self-Respect Not Registered Case	14	7%
Total	188	100%

Section 363 in The Indian Penal Code

The term of punishment for committing the offence of kidnapping as provided under IPC 363 is 7 years of imprisonment and fine. Depending upon the facts and circumstances of every case, IPC sec 363 is a Cognizable and bailable offence. Cases pertaining to kidnapping are triable by the Magistrate of the first class.

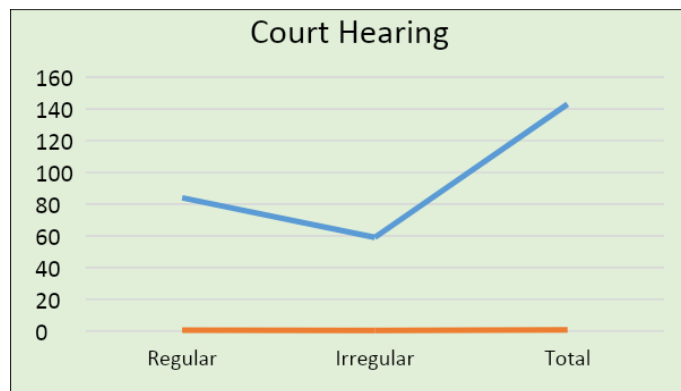
Section 365 in The Indian Penal Code

365. Kidnapping or abducting with intent secretly and wrongfully to confine person. Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

It also shows that status of case hearing is also not in a promising status. The findings show that only 59% cases have regular court hearing while 41% cases are not adequately being followed up and court hearing is also irregular. Access

to free legal aid to the survivors are not adequately available and as a result case hearing are

also irregular. This is indicative that due to delayed hearing the process for victim compensation and access to other benefits also get delayed. The data also shows that there are 3 cases where case hearing has been done using video conferencing. 2 of the cases are from Pune and other one is in Kolkata.



It has been responded by the survivors where cases have not been registered, that they have been misguided mostly by the police. In fact, 45 (24%) of such cases have not been registered with the police, of which police has misguided the survivors by only registering GDE for 31 (16%) cases and remaining 14 were asked not to register any case. Out of these neglect from the police, 72% cases have taken place in South 24 Parganas while 28% cases have taken place in North 24 Parganas.

It shows that due to lack of knowledge, fear of social status and negligence from police have kept

Medical Test	Total Case	Test Done	%	No Test	%
Jalpaiguri	13	11	85%	2	15%
North 24 Parganas	58	42	72%	16	28%
South 24 Parganas	117	101	86%	16	14%
Total	188	154	82%	34	18%

a significant number of survivors from accessing their rights after being rescued.

The table below indicates that the overall status of the medical test after the rescue of the survivors is satisfactory. It shows that Jalpaiguri and South 24 Parganas have a comparatively better situation in terms of medical test, while North 24 Parganas shows relatively low status.

The overall rejection of medical test is quite high and it shows that poor knowledge and inadequate support from the health functionaries, these survivors could not access the service. It is also the duty of the police to guide the survivors for medical test but since there is neglect from the police station in terms of case registration, the consecutive effect is also visible here as well.

Status of Medical Test After Rescue

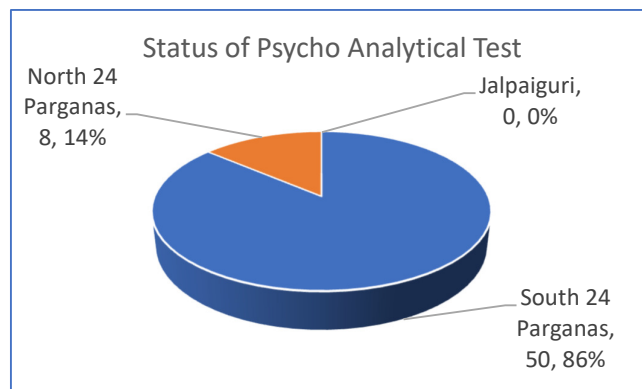
Psycho-Analytical Test

Psychoanalytic theory is the theory of personality organization and the dynamics of personality development that guides psychoanalysis, a clinical method for treating psychopathology. First laid out by Sigmund Freud in the late 19th century, psychoanalytic theory has undergone many refinements since his work. Psychoanalytic theory came to full prominence in the last third of the twentieth century as part of the flow of critical discourse regarding psychological treatments after the 1960s, long after Freud's death in 1939.

Psychoanalysis is defined in the *Oxford English Dictionary* as

A therapeutic method, originated by Sigmund Freud, for treating mental disorders by investigating the interaction of conscious and unconscious elements in the patient's mind and bringing repressed fears and conflicts into the conscious mind, using techniques such as dream interpretation and free association. Also: a system of psychological theory associated with this method.

Psychological tests are not **one-size-fits-all**. Psychologists pick and choose a specific set of assessments and tests for each individual client. And not just anyone can perform a psychological evaluation. **Licensed clinical psychologists** are expertly trained to administer assessments and tests and interpret the results.

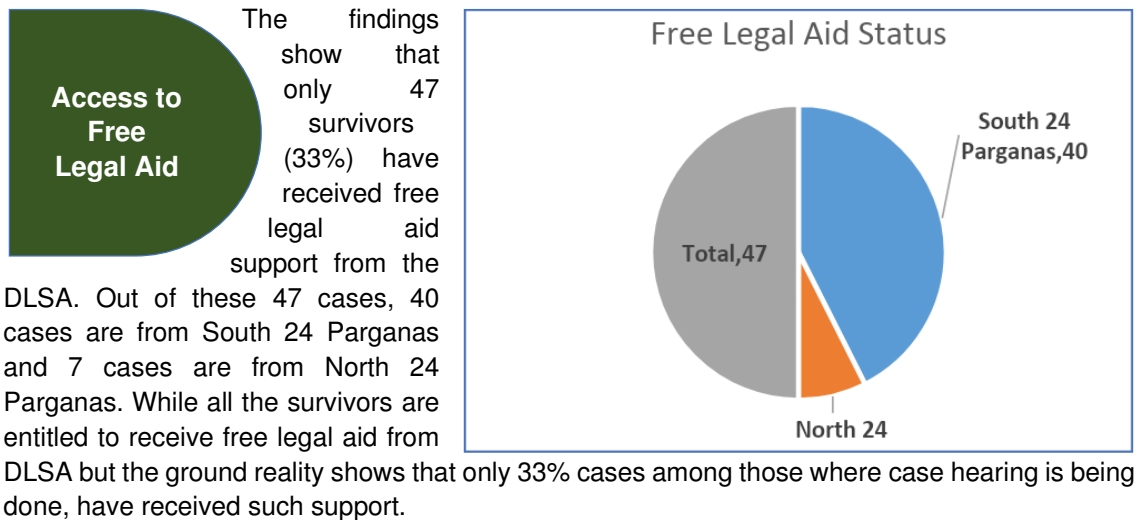


In terms of psycho-analytical test, it shows from the findings that there has been no such test done for any survivor in Jalpaiguri who have been covered in this study. For South 24 Parganas, only 50 (43%) cases have gone through the psycho-analytical test and for North 24 Parganas the number is extremely poor i.e. only 8 survivors have gone through such test. The data also shows that only 5 reports from South 24 Parganas and 3 reports from North 24 Parganas have

been sent to respective District Legal Services Authority (DLSA) for next course of action for release of victim's compensation.

Access to Victim Compensation & Role of DLSA

Medical and Psycho-analytical test are the two major evidences for claiming victim compensations, however the status shows that although medical tests are done but psycho-analytical tests are not done adequately. As a result, the survivors are deprived from accessing their rights of victim compensation from the government. There are gaps in the government health system where in most cases there are no experts on psycho-analytical tests even at the district hospitals. On the other hand, the survivors also hesitate to go to the doctor for such tests. It requires knowledge building among the survivors and their family member on one hand and advocacy with the government health system for making necessary arrangements for medical and psycho-analytical tests.



In majority cases, the survivors are not aware of such free legal aid services from the DLSA and on the other hand there is no such initiative from the DLSA to create mass sensitization on their services.

It requires further advocacy with the DLSA for extending their support to the survivors so that poor survivors can access their legal rights and get benefits of the schemes and programmes of the government.

The findings show that out of the 47 cases taken up by DLSA during last 3 years, 6 of them have received victim compensation and 21 other cases are still under trial for final decision. Even if it is considered that 27 cases would be receiving the compensation, that is only 45% of the total cases taken up by the DLSA. Out of the total 25% cases taken up by the DLSA among the 188 responses, only 45% among such 25% cases have been moved forward for free legal aid service. There is lack of cooperation and apathy at the DLSA end to support the survivors and this requires constant advocacy with the State Legal Service Authority (SLSA) for appropriate functioning of the DLSAs.

Those who have received the compensation, the data shows that they were rescued between October 2010 – March 2013. The order for their compensation has been issued during 2018-19 financial year. It shows the delay in the process of executing the order for compensation, owing to poor functioning from DLSA.

The cases still under process, show that they were rescued during 2011 to 2019. It is not clear about when these cases are to be settled for release of the compensation. It shows that delay from DLSA took over 5 years to process the cases for victim compensation.

Another important finding shows that 38 survivors have received free advocate from DLSA apart from the above cases. 36 cases are from South 24 Parganas while 2 cases are from North 24 Parganas. This is basically an impact of the advocacy done by the respective NGOs with the DLSA for providing free legal assistance to the survivors. However, the number of cases together come to 85 (45%) of all the cases covered in this study. The overall situation of free legal aid from DLSA is not at all impressive and it requires further advocacy with the State and District level authorities for expanding their services and accelerate the process of case disposal. At times, some survivors also lose hope on the entire system to claim their compensation from the government owing to delayed process from DLSA>

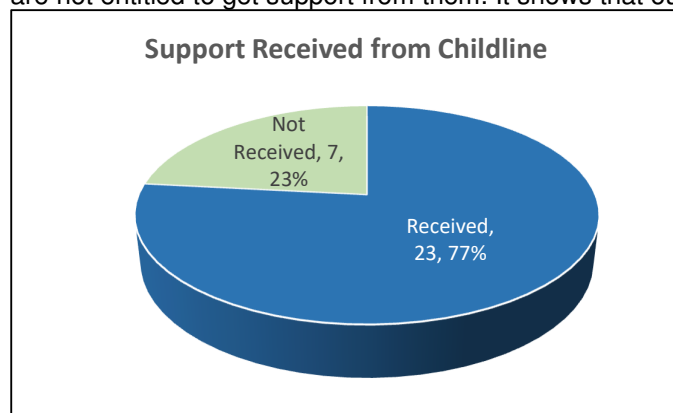
Status of Entitlement Documents

The status of access to entitlement documents shows quite a better situation. Only about 5% survivors do not have adequate entitlement documents to access the services from the government. As part of having the entitlement documents, it shows that 171 (91%) survivors have been able to open their bank accounts. Remaining 5 survivors are below the 18 years of age and not yet eligible for opening their bank accounts and 11 others have not yet applied for opening of the bank account. It shows a positive understanding at the survivor's end that they have understood the value of having a bank account and savings for future.

Entitlement Documents	Number	%
Birth Certificate, Aadhaar Card, Voter Card, PAN Card, Ration Card	10	5%
Birth Certificate, Aadhaar Card, Voter Card, Ration Card	41	22%
Birth Certificate, Aadhaar Card, Ration Card	40	21%
Birth Certificate, Aadhaar Card, Ration Card	6	3%
Aadhaar Card, Ration Card	16	8%
Aadhaar Card, Voter Card, PAN Card, Ration Card	34	18%
Aadhaar Card, Voter Card, Ration Card	36	19%
Voter Card, Ration Card	1	1%
Ration Card	1	1%
Aadhaar Card	1	1%
Birth Certificate, Ration Card	1	1%
Birth Certificate, Aadhaar Card, PAN Card, Ration Card	1	1%
Total	188	100%

Support Received from Childline

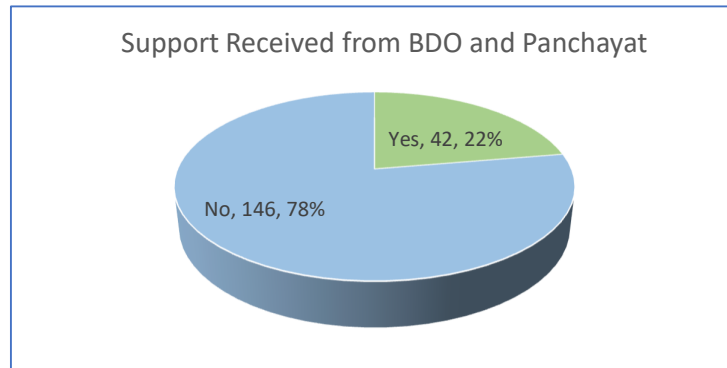
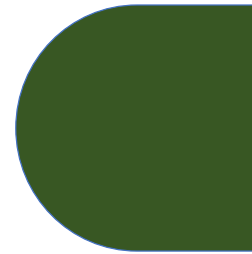
The graph below shows the status of support received by the survivors up to 18 years. Since Childline service is limited to persons up to 18 years of age thus survivors beyond such age group are not entitled to get support from them. It shows that out of the total 188 respondents, there are



30 respondents who are aged between 10 to 18 years. The graph shows that 77% respondents have received support from Childline in terms of rescue, police complaint and rehabilitation with the families through CWC. Remaining 23% survivors even in respective age group, did not receive any support from Childline. However, the reasons for not receiving the support has not been received from the respondents. The

overall situation indicates that the service from Childline is satisfactory, though there are coordination gap for which the 23% survivors did not receive such support of rescue, repatriation and rehabilitation.

The findings show that only 42 (22%) respondents have received some sort of assistance from the Block Development Office and Panchayat as part of relief. But majority 146 (78%) respondents mentioned that they have not received any support so far. This is quite surprising that significant number of survivors have been deprived from accessing the benefits of relief. The data also shows that 15 survivors have received support for housing, of them 13 are from North 24 Parganas and 2 are from South 24 Parganas. Interestingly 5 survivors from North 24 Parganas have received



support of chicks and ducks for home-based livelihood generation. All the 42 survivors have received support of grains, dry ration and tarpaulin from their respective Panchayats.

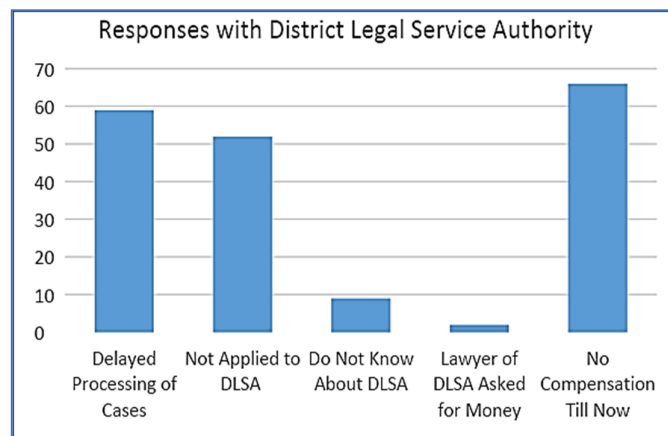
The survivors from Jalpaiguri do not have clear idea about these support from the Block Development Office and

Panchayat. As most of them stay back at Child Care Institute for long time thus there is gap in their knowledge as well as in access to the services.

The overall scenario is poor as majority of the survivors have not yet received any support from the Block Development Office and Panchayat, while there are services available for them under different schemes and programmes of the government. Due to lack of knowledge and rejection, they do not want to follow up with the system. Once there are NGOs to advocate for them, then they continue to follow up with the Panchayat and BDO for release of available support.

Support Received from DLSA

The findings show that support from DLSA is not at all impressive. It shows that 31% respondents have mentioned that there has been delay in the process of accelerating the cases. Another 35% respondents have mentioned that although their cases have been processed but they are yet to receive the victim compensation. Quite surprisingly, 1% respondents have mentioned that the DLSA lawyers have asked for money from them in processing the cases. It shows a major gap in the coordination among DLSA staff members and lawyers. 28% survivors have not applied to DLSA for compensation and 5% do not know about DLSA. Thus, a total of 33% respondents are still out of the coverage of DLSA. With only 67% cases been registered, the DLSA officials are unable to execute their duties adequately. It can easily be assumed that the situation would have been worse than this if all the cases were registered with them.



Support Received from District Social Welfare and District Child Protection Offices

The overall response on this question shows an extremely grievous situation. It shows that only one survivor has received some legal guidance from District Social Welfare Officer and District Child

Nature of Medical Support Received	Number	%
Medical Support Received required for Legal Process	64	34%
Health Care Support for their Children	4	2%
Not received any Health Care Support	120	64%
Total	188	100%

Protection Officer. None of the other survivors have received any support from either of these two district level offices. While these two offices have significant role in extending their support to the survivors in issues related to filing of cases, medical and psycho-analytical test and help in accessing the services of the government, the ground reality shows entirely different scenario. The NGOs working with for the

survivors need to strengthen their advocacy with these two departments so that the survivors can access the services easily.

Support Received from Government Hospital

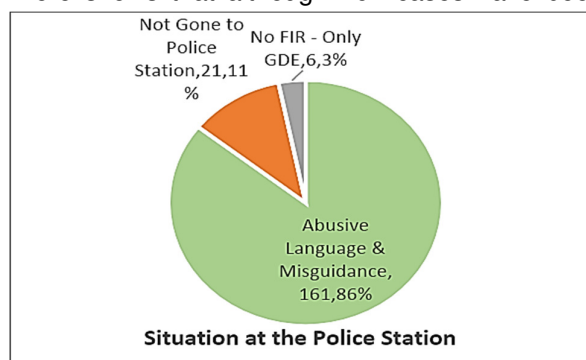
The data reveals that only 68 (36%) survivors have received free health care support and medicine from the district hospitals. Out of them 64 survivors have received basic health care support along with medical check-up support required for case hearing. Remaining 4 have received similar support along with medical test for their children. 120 (64%) survivors have mentioned that they have not received any support from the government hospitals after their rescue. The survivors while responding to this question mentioned that they do not receive adequate support from the hospitals in terms of counselling from the Anwasha clinics and also come across with abusive languages from the hospital staff.

Support Received from Govt. Hospital

Situation at the Police Station

The findings show that the survivors have faced extremely negative situation at the police station irrespective of the sensitization activities undertaken with the police personnel by the NGOs and also from respective government departments. The graph here shows that although 161 cases have been registered with appropriate sections but unfortunately all these

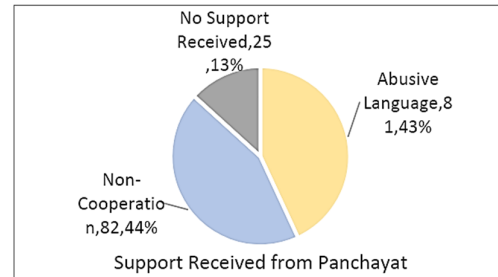
survivors have faced with abusive languages, misguidance and pressure for not registering the case under IPC and POCSO. On the other hand, 6 respondents have mentioned that they have been pressurized to lodge complaints only as GDE. 21 respondents did not receive any cooperation for registering their cases and



came back without having filing the case with the police. The overall situation entails that non-cooperation from the police is one of another significant gaps in the system that requires further sensitization and advocacy with the respective authorities. This response from the survivors gives a clear indication of the situation at the police station for them and this situation is not limited to these respondents only but across all survivors.

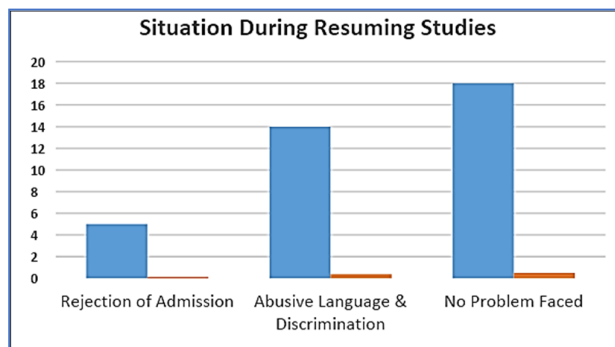
Support Received from Panchayat

The findings show that non-cooperation and abusive language are the two major issues faced by almost all the survivors while visiting the Panchayat office and seeking support from various government schemes. It shows that almost equal number of survivors have mentioned that they have faced with abusive language and non-cooperation at their respective Panchayat offices. On the other hand, 13% respondents did not receive any support from their Panchayat. The 87% respondents although received some support but that too were not extended in a smooth and dignified way.



Community Response during Family Integration

Almost all the respondents have faced with social rejection and abusive comments from their neighbour, except 3% of the respondents who mentioned that there was no such problem during family reintegration. It indicates that the community level understanding about human trafficking is extremely poor. 24 (23%) respondents mentioned that they were pressurized by some of the community members to withdraw the complaints with the police. This situation basically supports the fact about the involvement of local community members in the trafficking racket. Instead of raising voices against the traffickers, majority of the community people turn around towards the survivors and keep on blaming them. Even after several sensitizations, the situation has not changed as it has been revealed from the responses of the survivors.



As already mentioned above that only 37 survivors have resumed studies after being rescued. But the process of resuming studies as not at all easy for over 50% of them. Though 18 (49%) respondents have mentioned that they did not face any challenges in getting admission to school

Situation during Resuming Studies

& higher studies but on the other hand 22 respondents have clearly mentioned that they faced situations like rejection, forms of discrimination and abusive languages. This shows the attitude among the staff and faculties of the educational institutes towards the survivors. Being the mentor for all students, the faculties should be more sensitive to the survivors and also make others sensible to them, the ground realities indicate that they are still way ahead in performing their duties. It requires consistent sensitization with the school students, academic and non-academic staff members.

Other Issues

Over 80% of the survivors has requested for skill development so that they can earn and survive of their own. Over 50% of the married survivors face abuse and domestic violence at home. Even those who are staying at their husband's house, face regular abuse. It is not bearable anymore for them and thus they want to get into some earning options to become self-reliant and survive of their own. They want their children to study and, in that case, they would prefer to work an earn for themselves.

INTENSIVE CASE MANAGEMENT

Areas of Specific Intervention: Overcoming Trauma and Stigma in the process of Family Reintegration

This section is an explanation on how GGBK has been able to help out the survivors in overcoming their trauma and stigma to settle down in normal social life. A sample of 50 such cases have been taken into consideration where intensive support and guidance have been provided from GGBK. The survivors of human trafficking bare many scars of their exploitation; some of them are physical, many are mental. These physical and mental traumas often lead to psycho-social disorders. At the same time the survivors go through several forms of stigma which lead them to become socially segregated.

Human trafficking has long lasting and pathetic impact on individual victims, who often suffer physical and emotional abuse, threats against self and family. After returning home, a survivor of human trafficking often faces humiliation both in public and private spaces. In the private space, it is being done mostly by family members. In public spaces, stigma primarily comes from the community and the institutions. The police and other government Institutions like the panchayat enjoy certain powers over the victims. They pay no attention to the survivor's plight because their prejudiced stigmatized outlook blinds them.

The most common issue that the survivors face is abusive comments from the neighbours and also from some of their relatives. Subsequently, many of the survivors start facing same sort of behaviour from their own family members. The communities are not ready to accept the fact that the incidences caused to the survivors are due to the traffickers and not due to the survivors. There are people in the communities who love to stigmatize the survivors and try to put them under social segregation. This resulted in restricted movement for the survivors and also interaction with neighbours as well. Over a period of time, the families tried to get them married to other places but there also the neighbours & relatives created issues and tried to restrict them from getting married.

Some parents took them to other relatives houses for marriage but later on the in-laws started behaving in the same way like the neighbours. Someway or others, the neighbours informed at the in-law's house about her earlier status which resulted in stigmatization, misbehavior and creating additional trauma for the survivors. Some of the survivors also have received threatened call of being murdered and also being re-trafficked.

It shows that only rescue and family reintegration is not useful for a survivor to live a life with dignity at her home and neighbourhood. GGBK team identified these cases and started their intervention, though it was not an easy task to mobilize the families, neighbours and relatives.

INTERVENTION FROM GGBK

In addressing the above situation, the team of GGBK has done intensive field level interventions. One of the major focus was on the families of the survivors. The team continued to do intensive home visits and counselling the family members. The major thrust was to make them understand that their daughters were not responsible for what has happened to her, rather the circumstantial factors pushed their daughter into such traumatic situation. The family members have also been counselled for being with their daughters and not isolating them and face the stigmatization from others.

The survivors were also counselled to overcome their trauma. The constant rejection from their family members and particularly by the neighbours and relatives, had put them into severe trauma. It put them into further trauma over and above the earlier trauma caused out of the trafficking situation. Counselling was one of the most important tools to guide them in this regard. Several counselling sessions have been conducted with them on individual and also in group sessions to empower them to speak out and stand strong in such moment of negligence and traumatization.

The next course of intervention was with the relatives, neighbours and in-laws house members to make them understand the ground reality. Although it was not at all an easy task to perform and it took several visits to their homes and meetings. Gradually the situation started improving, however the team did not withhold their follow up with these relatives, neighbours and in-law house members. With consistent effort it has been possible to reinstate back the survivors with their families in a meaningful way and they have been staying at their residence with dignity.

GGBK has also taken initiative to involve these survivors with 'Bandhanmukti' and involved them in various activities of the SHGs. It is important to keep them involved in various activities as part of their rehabilitation and overcoming the trauma.

AREAS OF SPECIFIC INTERVENTION

CHALLENGES IN ACCESSING LEGAL SUPPORT

One of another significant areas of concern is registering the case with police for the survivors of human trafficking. Starting from the local police station to the higher authority, there are several forms of negligence and rejection towards the survivors, resulting to their diminishing faith over the legal system. It has been observed that after being rescued from the traffickers, the survivors often try to lodge complaint with the local police station but many a times they are being rejected and are asked to settle the matter outside the police station. In some cases, where the police registered cases but have not put appropriate Sections under IPC and POCSO. In such cases, the police have taken advantage of ignorance among the survivors. Since majority of the survivors have not gone through appropriate studies and knowledge thus, they remain in dark about any legal issues.

On the other hand, after being rejected for several times, the survivors also lose the hope to put up complaints with the police. The same situation has happened with these survivors also and GGBK took up these cases for intensive intervention. While intervening in these cases, it came out that the survivors have been misguided from the police station and asked to negotiate outside police station or cases have been registered as GDE instead of FIR. The major intervention and advocacy have been done from GGBK for registering the cases under appropriate sections. It took lot of efforts in advocating with the police for registering FIR and Charge sheet against the traffickers. The trafficker rackets keep on creating pressure over the survivors to withdraw the cases.

The survivors are entitled to received free legal aid from the District Legal Service Authority (DLSA) however, the reality situation is different. Unless the cases are referred to DLSA from any support organization or NGO, there is not such initiative from the DLSA to take up cases of the survivors mostly from poor families and guide them through the process. GGBK over the years of its intervention with the survivors has been able to establish meaningful relationship with DLSA and as a result it has been possible to provide free legal aid services to the survivors. Families of the survivors have also been cooperative in the process of legal hearing and cooperating with GGBK team.

VICTIM COMPENSATION

Victim compensation is a direct financial reimbursement to a victim for an expense that resulted from a crime, such as medical costs or lost wages. Each state has a crime victim compensation program that allocates funds to survivors of sexual assault and other violent crimes. This is one of the major supports for the survivors of human trafficking. Every State Government in co-ordination with the Central Government has the scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who, require rehabilitation.

Laws governing compensation of victims of crime in India. The provisions relating to compensation to victims of crime are contained in sections 357, 357(1), 357 (2), 357 (3), 357A, 358, 359 and 250 of the Code of Criminal Procedure, 1973. Constitution of India also provides for certain safeguards to the victim of crime. Article 14 and 21 of the Constitution supports the argument.

While dealing with the survivors, GGBK has come across several hurdles to create access for victim compensation. Out these 50 cases, where intensive interventions have been done, it has been found that many a times, the process got delayed owing to lack of documentation on part of the survivor, delayed submission of psycho-analytical test report to the court, misleading and deferred dates of court hearing. It took almost 2 to 3 years in processing at the court and declaration of the victim compensation. Although the court order did not compensate the claimed amount. In majority cases, the compensation amount has been around 25% of the claimed amount. Further appeal has been made to State Legal Services Authority (SLSA), challenging the compensation amount declared by the DLSA. For these 50 cases, 60% cases have received the order from DLSA for victim compensation. Remaining cases are still under process.

ACCESS TO GOVERNMENT SCHEMES AND PROGRAMMES

Once the survivors are rehabilitated with their families, it becomes important to facilitate them for accessing services under various schemes and programmes of the Government. One of the major concerns over here is that many a times the survivors do not even have the required entitlement documents to claim such benefits. It has been observed that many a times the parents did not take adequate care for the entitlement documents like birth certificate, aadhaar card, ration card for their children. While the survivors are rescued and placed for court hearing and claiming their rights, the unavailability of adequate entitle documents create the problem. At that point of time, it becomes important to ensure their basic entitlement documents so that the survivors can claim their due benefits from the government.

In this case also, GGBK team had to advocate with the respective authorities for issuance of the missing entitlement documents for the rescued survivors. Quite a significant time has been lost in securing these entitlement documents for the survivors and this is not limited to only these 50 cases, rather this is applicable for almost all survivors.

After having dealt with this issue of entitlement documents, GGBK has been able to ensure regular ration and opening of bank account for them. Though the survivors are entitled to receive support under several schemes and also for starting their own business, but the local Panchayat and Block Development office harass them for nothing. GGBK team has constantly advocated for their Rights and ensured that the services are delivered as per standard procedure. Apart from the regular services, the survivors have applied for house loans from their respective Panchayats, however, all such applications are still under processing even after 6 months of application.

The entitlement documents have also been useful for the survivors to get enrolled in registered Self Help Group (SHG). Almost all the survivors have been connected with any of the registered SHGs so that they get involved in some kind of activities and earn for themselves.

Intensive case management is important and helps the survivors to overcome their trauma and access their due entitlements but it is the responsibility of the duty bearers to guide the survivors and help them access their rights and entitlements. There are statutory systems established at different levels but unfortunately there is no coordination among the line departments and service delivery mechanism. Several processes have been undertaken to bring about convergence of services and minimizing gaps in the delivery mechanism but frequent changes in respective officials and political influences have disrupted the entire initiative of bringing about convergence in the system.

Even after all these challenges, GGBK team has been able to overcome multiple hurdles and facilitated the survivors in accessing their due entitlements. Though the journey was not at all easy as in each step there were multiple actors including people from trafficking rackets to challenge and threat the team members. But GGBK team has been able to win over the challenges and continuing their struggle to rehabilitate the survivors for a dignified and meaningful life.

CONCLUSION

This study has been conducted with the purpose to understand the situation of the survivors after being rescued and the hurdles they face in accessing their Rights and Entitlements from concerned government departments. Considering the high volume of cases being rescued, North and South 24 Parganas have been considered primarily. At the same time, it was also considered to have an idea from the tea garden areas in North Bengal.

The overall situation shows that there are significant gaps in the system and also at the end of the survivors. These two gaps are leading towards inaccessibility to services from the government.

- The first challenge faced by the survivors is reintegrating with their families. Communities are still not oriented enough to accept them after being rescued. Even at some of the communities, the survivors are being pressurised to withdraw the complaints from police.
- The role of Childline as mentioned by the respondents is almost negligible in the process of rescue and reintegration with their families. In majority cases the survivors have not received any support from Childline.
- Similar cases have happened at the police stations where the survivors had to face with abusive languages, misguidance and pressure for not lodging the complaints. The cases where FIR has been lodged, appropriate sections have not been applied while lodging the cases. Significant number of cases have been registered only as GDE.
- There has been poor status of health check-ups for the survivors, while such tests and subsequent reports are important for legal proceeding of the cases. Support at the government hospitals in terms of counselling and psycho-analytical tests.
- The support from DLSA is significantly poor and non-cooperation from the officials is not satisfactory. Several cases are pending for processing with DLSA for release of victim compensation. Majority of the cases have not been registered with DLSA and resulting into neglect and rejection from legal assistance for the survivors.
- The local administration namely Panchayat, BDO and DSWO Office have not shown any significant positive attitude to the survivors. Rather they have used abusive languages for towards the survivors and neglected as well.

- There are several survivors who resumed their studies after being rescued but they had to face with abusive languages, neglect and discrimination at their academic institutions.
- There are significant communication and coordination gaps across the line departments and this results in non-registration of cases, delay in case hearing and issuance of victim compensations.

RECOMMENDATIONS

Considering the findings of this study and understanding from the responses from the survivors, it indicates that there are several gaps in the entire system. These gaps are actually creating hindrances for the survivors to access their entitlements and other services from the government. It requires further strengthening of the collective effort of the civil society organisations to address these issues at different levels so as to regularize the service delivery and making the government service providers accountable to their responsibilities. To be more specific:

- The police administration is the first point of contact in the rescue and repatriation process and the police people need continuous capacity building and sensitization towards this issue of human trafficking.
- The next level of sensitization and advocacy is required to the officials engaged with DLSA, DCPU and Hospitals. The medical testing and free legal aid are not being extended uniformly to all the survivors; however, these are two important support for the survivors to get their entitlements.
- Community and family level sensitization, though being carried out extensively by the NGOs but there are further requirements of strengthening family level sensitization and wider community involvement in the prevention process of trafficking cases.
- School and college level sensitization also need to be strengthened as large number of students are not aware of this fact. Apart from that the teaching and non-teaching staff members of the schools and colleges need to be sensitized on this issue.
- Panchayat level sensitization and functioning of the VLCPCs are significantly important and the civil society organisations need to collaborate with district level administration for functioning of these committees.
- The survivors also need continuous capacity building on their rights and entitlements so that they can raise their voices and advocate for their due entitlements.
- Continuous coordination and advocacy is required with the district and state level task forces on anti-trafficking so that necessary orders can be issued for acceleration of the case hearing and release of victim compensation.

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SOCIAL REINTEGRATION AND REHABILITATION FOR SURVIVORS OF HUMAN TRAFFICKING ENTITLEMENTS VIS-À-VIS ACCESS

A STUDY IN THE DISTRICTS OF
JALPAIGURI - NORTH 24 PARGANAS - SOUTH 24 PARGANAS
IN WEST BENGAL



STUDY CONDUCTED BY



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