NACIONES UNIDAS **E**

Consejo Económico y Social

Distr.
GENERAL

E/CN.4/2001/73/Add.2
6 de febrero de 2001

ESPAÑOL
Original: INGLÉS

COMISIÓN DE DERECHOS HUMANOS
57º período de sesiones
Tema 12 a) del programa provisional

INTEGRACIÓN DE LOS DERECHOS HUMANOS DE LA MUJER Y LA PERSPECTIVA DE GÉNERO

LA VIOLENCIA CONTRA LA MUJER

Informe de la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias, Sra. Radhika Coomaraswamy, presentado de conformidad con la resolución 2000/45 de la Comisión de Derechos Humanos

Adición

Misión a Bangladesh, Nepal y la India para examinar la cuestión de la trata de mujeres y niñas (28 de octubre a 15 de noviembre de 2000)*

* El resumen del informe de la misión se distribuye en todos los idiomas oficiales. El informe figura en el anexo al resumen y se distribuye únicamente en el idioma en el que ha sido presentado.

RESUMEN

Por invitación de los Gobiernos de Bangladesh, Nepal y la India, la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias visitó Dhaka, Katmandú, Bhairahwa en el distrito de Rupandehi, Delhi, Bombay y Calcuta los días 28 de octubre a 15 de noviembre de 2000, a fin de estudiar la cuestión de la trata de mujeres y niñas en la región.

El presente informe se ha preparado en forma de monografía para complementar el informe anterior de la Relatora Especial, en que se examinaba la trata de mujeres, la migración de mujeres y la violencia contra la mujer, presentado a la Comisión de Derechos Humanos en su 55º período de sesiones (E/CN.4/2000/68). Contiene capítulos sobre la definición de la trata de personas, los antecedentes de este problema en Asia meridional, conclusiones generales y capítulos más detallados sobre cada uno de los países visitados.

Los Gobiernos de Nepal, Bangladesh y la India aseguraron a la Relatora Especial que estaban políticamente comprometidos a eliminar la trata de personas en la región de Asia meridional. Sin embargo, preocupaba a la Relatora Especial que algunas de las medidas nacionales previstas para luchar contra este problema contravenían principios básicos de derechos humanos. Recalcó a los gobiernos de los países de la región la necesidad de que el proyecto de convención sobre la trata de mujeres y niñas de la Asociación del Asia Meridional para la Cooperación Internacional (SAARC) fuera conforme a las normas internacionales aceptadas y el lenguaje internacional convenido. La Relatora Especial también mantuvo un debate constructivo con los gobiernos sobre posibles iniciativas en el ámbito de la justicia penal que garantizaran una respuesta eficaz y orientada hacia objetivos concretos en relación con el problema de la trata de mujeres en la región de Asia meridional. Además, mantuvo conversaciones con distintas autoridades sobre las medidas de bienestar social que podrían adoptarse para proteger los derechos de las mujeres víctimas de la trata.

En su informe, la Relatora Especial formuló las recomendaciones siguientes.

En el plano internacional

La comunidad internacional debería seguir colaborando decididamente para impedir la trata de personas en la región de Asia meridional. Deberían asignarse más recursos a los gobiernos de la región para luchar contra este problema de servidumbre humana y trabajo forzado. A ese respecto, los esfuerzos hechos por Nepal deberían repetirse en los demás países de la SAARC. Se debería crear un grupo de trabajo interinstitucional sobre la trata de mujeres y niñas o una iniciativa conjunta sobre este tema en el que participen todos los organismos internacionales. Es fundamental la cooperación entre los organismos para emprender una labor coordinada en la lucha contra la trata de mujeres y niñas en Asia meridional.

En el plano regional

Los países de la región de la SAARC deberían mancomunar sus esfuerzos para reunir datos completos sobre el problema de la trata de mujeres y niñas. Debería crearse una base de datos central y realizarse una encuesta regional para determinar la índole de los problemas, la cantidad de víctimas, el perfil de la víctima, el perfil del traficante y la respuesta de los gobiernos nacionales. La recopilación de datos es imprescindible para abordar el problema con eficacia.

Debería promoverse la convención sobre la trata de mujeres y niñas de la SAARC. Si se firma el actual proyecto de convención sobre prevención y lucha contra la trata de mujeres y niñas con fines de prostitución, debería celebrarse una conferencia de las partes en el plazo de un año para asegurar que la definición de la trata de personas en el instrumento de la SAARC sea conforme al lenguaje del Protocolo

para prevenir, reprimir y sancionar la trata de personas, especialmente mujeres y niños, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional.

Deberían respetarse los derechos sociales y económicos de las víctimas. Además, debería establecerse un mecanismo de vigilancia y un fondo regional para ayudar a las víctimas de la trata una vez que son rescatadas.

Debería crearse un grupo de tareas regional intergubernamental sobre la trata de mujeres y niñas encargado de formular y aplicar una estrategia concertada para la región. Este equipo de tareas podría estar vinculado con los Ministerios de la Mujer y la Infancia de los respectivos países. Además, debería establecerse una fuerza interregional de policía para luchar contra la trata, identificar a los traficantes y reunir información sobre las redes de traficantes.

En el plano nacional

Cada uno de los gobiernos de la región debería contar con un plan nacional de acción de lucha contra la trata de mujeres y niñas. Para que un plan de ese tipo sea algo más que un mero documento, debería crearse un mecanismo de vigilancia en el que participaran gobiernos, organizaciones no gubernamentales y organismos internacionales.

La ejecución del plan de acción debería estar a cargo de un organismo central. En algunos de los países de la SAARC existe un organismo central para la prevención del uso indebido de drogas. La trata de personas es un delito mucho más infame que el uso indebido de drogas. La creación de un organismo central daría al mundo una señal de que los países toman esta cuestión con gran seriedad y que existe la voluntad política de eliminar esa práctica.

Debería considerarse la adopción de leyes para luchar contra la trata de mujeres y niñas, pero sólo en la medida en que cumplan con las normas internacionales de derechos humanos y no violan los derechos de la mujer. No debe entorpecerse la libertad de circulación de las mujeres adultas. Ninguna ley o reglamento debe someter a las mujeres a la voluntad de los hombres en sus familias o aldeas. Debe respetarse su autonomía.

Los gobiernos deberían abstenerse de promulgar reglamentos y órdenes que restrinjan la libertad de circulación de la mujer so pretexto de luchar contra la trata. En cambio, deberían ser obligatorias las medidas encaminadas a educar a la mujer sobre sus derechos y sensibilizarla sobre las condiciones en los países receptores. Las respectivas embajadas en los países receptores deberían colaborar activamente prestando asistencia a las mujeres y niñas víctimas de la trata.

Debería reconsiderarse la prisión preventiva como manera de abordar el problema de las mujeres víctimas de la trata. Estas mujeres no han cometido ningún delito, por lo que no deberían ser detenidas sin su consentimiento. Cualquier estadía en un hogar gubernamental debería ser voluntaria. Además, las condiciones en esos hogares deben ser tales que las mujeres deseen permanecer en ellos voluntariamente. Deberían crearse programas para mantener a las mujeres ocupadas, así como servicios de asesoramiento jurídico y psicológico y una ayuda que permita a las mujeres planificar su futuro. La gestión de esos hogares debería estar a cargo de organizaciones no gubernamentales de reconocida experiencia, con la vigilancia y supervisión gubernamental.

Los gobiernos de la región deben facilitar el regreso voluntario, si ello es apropiado, de las víctimas de la trata que son nacionales de otros países, en lugar de detenerlas por períodos prolongados en hogares gubernamentales.

Todos los países de la región deberían proporcionar capacitación a sus fuerzas policiales sobre las maneras de combatir la violencia contra la mujer en general, así como sobre la trata en particular. La capacitación debería consistir en la toma de conciencia sobre el problema y el desarrollo de la capacidad de investigación de manera que los delitos de violencia contra la mujer puedan investigarse y castigarse sobre la base de las pruebas apropiadas. La Relatora Especial sugiere que los países de la región aprovechen los conocimientos especializados internacionales de la Oficina del Alto Comisionado para los Derechos Humanos y la Oficina de las Naciones Unidas de Fiscalización de Drogas y Prevención del Delito/Centro para la Prevención Internacional del Delito en Viena.

La corrupción policial es un problema importante en todos los países de la región, en particular en la esfera de la trata de personas. Debería existir una clara directiva, emitida por las autoridades policiales de más alto rango, de que no se tolerará ese comportamiento y de que los agentes policiales que practican la corrupción se atendrán a graves consecuencias.

Deberían organizarse seminarios y talleres con jueces de la región para aumentar su sensibilización sobre las cuestiones relativas a la violencia contra la mujer y la trata de mujeres. Ya se han puesto en marcha varios programas de esa índole, y debería fomentarse la creación de otros.

Las comisiones de derechos humanos de todos los países de la región deberían prestar especial atención en su trabajo al problema de la trata de mujeres.

Deberían crearse programas de protección de testigos que permitan a las mujeres víctimas prestar testimonio contra sus traficantes. Esos programas deberían ayudar a la policía a presentar pruebas ante los tribunales, y ayudarían a lograr una tasa más alta de condenas.

Debería emprenderse una labor concertada para abordar el problema del VIH/SIDA en la región. Se deberían asignar recursos suficientes en esa esfera, y crear centros especiales en los barrios donde se practica la pornografía para ayudar a los profesionales del sexo. La campaña sobre el SIDA debería estar guiada por las normas internacionales sobre el carácter voluntario de las pruebas y la confidencialidad. Los médicos deberían recibir formación en materia de género para asegurar que las mujeres reciban un trato no sentencioso y confidencial.

En los tres países visitados deberían crearse programas de prevención. La prevención debería adoptar la forma de sensibilización a través de los medios de difusión, el sistema educacional y los movilizadores sociales en las aldeas. La prevención no debe estar basada en la vigilancia social y el espionaje entre vecinos puesto que esto puede dar lugar a muchos abusos.

Debería prestarse amplio apoyo a las organizaciones no gubernamentales que trabajan en esta esfera. Debería alentarse especialmente a las organizaciones que trabajan con los hijos de los profesionales del sexo, así como las que trabajan con las víctimas de la trata de mujeres. Para abordar el problema de la trata en la región de Asia meridional es fundamental que exista colaboración entre el gobierno y las organizaciones no gubernamentales pertinentes.

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES, ON HER MISSION TO BANGLADESH, NEPAL AND INDIA ON THE ISSUE OF TRAFFICKING OF WOMEN AND GIRLS (28 OCTOBER-15 NOVEMBER 2000)

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Appendix: List of selected persons/organizations with whom the Special Rapporteur met during her mission.

Introduction

1. At the invitation of the Governments of Bangladesh, Nepal and India, the Special Rapporteur on violence against women, its causes and consequences visited Dhaka, Kathmandu, Bhairahwa in Rupandehi district, Delhi, Bombay and Calcutta from 28 October to 15 November 2000 to study the issue of trafficking in women and girls in the region.

2. The present report is intended as a case study to complement the Special Rapporteur's previous report on trafficking in women, women's migration and violence against women, submitted to the Commission on Human Rights at its fifty-fifth session (E/CN.4/2000/68).

3. The Special Rapporteur chose South Asia because of the number of reports of trafficking in the region which she has received over the years, and also because of several existing programmes and initiatives to tackle the problem, both at the national and regional levels, by Governments, non-governmental and United Nations organizations and the South Asia Association for Regional Cooperation (SAARC), which is preparing to adopt a Convention for Preventing and Combating Trafficking in Women and Children for Prostitution.

4. The Special Rapporteur would like to express her sincere appreciation for the cooperation and assistance extended to her by all three Governments, which enabled her to meet with representatives of all relevant sectors of society and to obtain the necessary information and documentation to be able to report to the Commission on Human Rights in an objective and impartial manner. The Special Rapporteur wishes to thank State authorities in all three countries for their availability, particularly during the weekends, and cooperation with the visit. In this context, the Special Rapporteur would like to acknowledge the willingness of all the Governments to undertake efforts to combat trafficking in the region. Although the problem has been recognized, practical action is still in its initial stages.

5. During her visit to Dhaka she met with high-level government representatives at several ministries; the Acting Inspector General of Police; non-governmental organizations; academics; and United Nations and international agencies.

6. During her visit to Kathmandu the Special Rapporteur met with high-level government representatives at several ministries; district officials in Bhairahwa, Rupandehi district, on the border with India; the Parliamentary Human Rights Committee; the Attorney-General; the Acting Inspector General of Police; the Secretary-General of the SAARC secretariat; non-governmental organizations; academics; and United Nations and international agencies.

7. During her visit to India the Special Rapporteur met with high-level government representatives at relevant ministries; the National Commission for Women; the National Human Rights Commission and the Attorney-General. She also met with state authorities in Maharashtra State and West Bengal State; with non-governmental organizations and women's groups, as well as academics.

8. The Special Rapporteur heard testimonies from victims of trafficking in all three countries and sex workers in Bombay. The Special Rapporteur would like to thank the many young girls and women who individually gave their testimonies to her. She recognizes that the retelling of their stories is a painful experience and that they had to overcome many obstacles to communicate with her. The Special Rapporteur appreciates their courage and their candour and would like to express her gratitude for the trust and confidence they displayed in a mechanism of the United Nations Commission on Human Rights.

9. The Special Rapporteur would also like to express her gratitude for the efficient cooperation and support provided by the United Nations Development Programme Resident Representative in

Bangladesh, Mr. Shamim Hamid; in Nepal, Mr. Henning Karcher; and in India, Ms. Brenda Gael McSweeney, as well as their staff, in ensuring a substantively and logistically successful visit.

10. A list of selected persons is annexed to the present report.

I. CONCEPTUAL CLARITY: DEFINITION OF TRAFFICKING

11. Throughout the visit the Special Rapporteur noted the need for conceptual clarity and would like to recall at the outset of this report that she uses the following definition of trafficking:

> Trafficking in persons means:
>
> (1) The recruitment, transportation, purchase, sale, transfer, harbouring or receipt of persons: by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage
>
> for the purpose of:
>
> (2) Placing or holding such person, whether for pay or not, in forced labour or slavery-like practices, in a community other than the one in which such persons lived at the time of the original act described in (1).[a]

II. GENERAL BACKGROUND TO THE PROBLEM OF TRAFFICKING IN SOUTH ASIA

12. Chamoli lived near the birthplace of the Buddha in Nepal. When she was 16, she met a young man and fell in love with him. He promised to marry her but insisted that she come away with him to India. So one day she ran away with the boyfriend and crossed the border to India on foot. From there she and her boyfriend took a train to the Indian city of Poona. Once they had reached Poona, Chamoli was taken to a house where there was an older Nepali lady and many young girls. The lady gave her boyfriend some money and then he told her that he was going for a moment. He never came back. Chamoli suddenly realized that she had been sold into prostitution. She refused to accept her new trade. She was repeatedly beaten. She was not given any food. When she screamed in defiance, knives and chilli powder were held to her genital area. Finally exhausted and worn down, she agreed to provide sexual services. After a few weeks, she was sold to a larger brothel in Bombay. There she was given a cubicle that consisted of one small wooden bed surrounded by a curtain. She lived and worked from this space. She served about 10 clients every night of the week, even when she was menstruating. Often the police raided the place but she was hidden below floorboards. Once she hid behind a curtain and watched as the police began their raid. The Madame of the house took out some money and paid the police and they immediately went away. Finally, the police raided the brothel with some Nepalese NGO activists and Chamoli was rescued. Chamoli was taken to a government home near Bombay. She was kept in a large room with 40 other women. The sanitary conditions and the food were worse than in the brothel. She did absolutely nothing for seven months and was kept in confinement within the home "for her own protection". She was not allowed to leave the home or engage in any trade or vocation. After seven months she was flown to Nepal by an NGO called Maiti Nepal. She was treated well by the NGO who reunited her with her family. By that time she began to have dizzy spells, diarrhoea and constant vomiting. The doctors of the NGO diagnosed her as having AIDS and they began treating her accordingly. When the Special Rapporteur met her she was extremely thin and very ill. She pleaded with the Rapporteur to help other Nepalese girls avoid this fate that had befallen her. She was 18 years old.

13. In an industrial suburb near Bombay, NGO activists took the Special Rapporteur to meet some sex workers during the day when they had to time to speak to her. Many of these women were from traditional devadasi families. Their families had given them to the village temple for sex work but after a while they left the temple and went to work in the city. A group of women met with the Special Rapporteur at her request. She spoke to them of the possibility of setting up a rehabilitation centre near the suburb so that the women could get medical check-ups and learn another trade and find alternative avenues of employment. The women were visibly upset by the Special Rapporteur's suggestion. They informed the Special Rapporteur that they were very happy in their work and that they earned and saved enough money to keep their children and their parents back in the village. They had no intention of changing their trade. They informed the Special Rapporteur that she and other middle class women were safe and comfortable because of the sex workers and their trade. If the Special Rapporteur wanted to assist them, she could help them with programmes to prevent AIDS or programmes to educate their children. However, they felt that they were not in need of rehabilitation.

14. Trafficking of girls and women appears to have become a thriving industry in the countries of South Asia. However, hard data are not available with regard to the actual numbers involved in sex work or being trafficked across borders. NGO activists in Bangladesh estimate that 10,000-15,000 girls and women are trafficked across the border to India per year. Nepalese NGOs estimate that between 5,000 and 10,000 girls a year are trafficked from Nepal to India every year. No survey has been done in any of these countries to ascertain their actual numbers. They are trafficked for a variety of purposes: the primary purpose of trafficking in the region is for forced prostitution, but girls, boys and women are also trafficked for domestic service, organ harvesting, forced begging, forced labour in sweatshops, work as camel jockeys or for forced marriage. Traffickers use deception, fraud, intimidation, drugs and violence to take vulnerable people across borders and are reimbursed for their services. They work alone, in small gangs, or as part of an organized crime syndicate.

15. Trafficking of girls and women often follows the same routes as legitimate migration. As one commentator told the Special Rapporteur, "traffickers fish in the stream of migration". This makes trafficking a difficult crime to detect. Given the large movements of populations across open borders such as exist between India and Nepal, traffickers often merge with the general population. In addition, traffickers often exploit the desire on the part of girls and women to migrate to escape poverty and discrimination at home. Therefore, without understanding the causes and patterns of migration, any strategy to eradicate trafficking is bound to fail.

16. Forced prostitution remains the primary goal of traffickers in women and girls into India. The actual number of women in sex work in India is difficult to assess. A survey sponsored by the Central Social Welfare Board of India in 1991 in six metropolitan cities indicated that the population of women and children in sex work is between 70,000 and 1 million. Thirty per cent of them are below 18 years old. Nearly 40 per cent began sex work when they were under 18. Seventy per cent of them are illiterate. Strangely, only 43 per cent wanted to be rescued; the majority did not mind remaining as sex workers as they saw few other options.[b]

17. NGO estimates of sex work are, however, much greater. The Indian Association for the Rescue of Fallen Women estimated in 1992 that there are 8 million brothel workers in India and another 7.5 million call girls.[c] The average age of recruitment in the 1990s was between 10 and 14[d] years old. Half of this population may be infected with HIV/Aids[e] (other commentators estimate the rate of HIV infection at 70 per cent).[f]

18. The traffickers are usually young men and middle-aged women who travel back and forth from home countries to receiving countries. They are often referred to in the Nepali trade as "dalals" or "didis". They sell girls to brothels for 15,000-40,000 Indian rupees (US$ 500-1,333). Tragically, many

of the traffickers are older women, themselves in forced prostitution trying to escape abuse and bondage. In some parts of Nepal and Bangladesh family members sell young girls to traffickers. In the past, in Nepal, it was the districts around Kathmandu that traditionally gave their daughters for concubinage or sex work. Today, however, the sale of children takes place in all parts of Nepal and Bangladesh. Sometimes a child can be bought for as little as Rs 200 (US$ 4.00).[g]

19. All commentators agree that there has been a recent growth in trafficking. This has paralleled an increase in undocumented migration within the region. Women and girls are trafficked both within South Asia and from South Asia to other regions. They also agree that in the present context of globalization and migration, fewer victims are being kidnapped or abducted. In fact, an overwhelming majority are being trafficked through deception and false promises and are therefore "active participants" in their own trafficking, at least at the beginning of the process which includes recruitment and transportation. This dimension adds to the difficulty of detecting or controlling trafficking.[h]

20. The causes of trafficking are manifold and remain of great concern for the sending countries of the region. In her discussions with the women as well as with activists, the Special Rapporteur noted that poverty was a major factor and that many of these women were either sold into prostitution or left their homes to escape poverty. However, it was also pointed out that the poorest areas of Nepal were not the areas from which women are being trafficked. Other factors contributing to trafficking were traditional practices in certain villages and among certain castes whereby young girls were sold into concubinage for feudal lords or into prostitution. Social discrimination against women was also responsible for women leaving home. Lack of access to inheritance, land and employment and the practice of polygamy made women easy prey for traffickers who exploit their desire to migrate. Child marriage and unilateral divorce also make women extremely vulnerable to the whims of male partners. This discrimination was often given as the reason why women did not wish to return to their homes once they had been rescued. They were afraid of the stigma, but they also did not want to return to the same lives that they had sought to escape. In addition, all commentators point to the fact that members of lower castes and ethnic minorities appear to be disproportionately represented in the sex worker population.

21. The conditions of prostitution in some of the brothels in Bombay and Calcutta appeared to resemble slavery-like practices. Most of the young girls the Special Rapporteur spoke to were being held against their will, were tortured, degraded, beaten severely, and were repeatedly assaulted on the lower half of their bodies. They were deprived of food and water until they submitted. Once they agreed to provide sexual services the stories diverge. Some women from more well-to-do brothels spoke about a collegial atmosphere, good food and good clothes and enough earnings to feed their loved ones. The majority, however, told of servicing more than 10 clients a night, of unsanitary and slavery-like conditions, of being afraid to move around freely because of the fear of violence from the Madame and young male bouncers who kept them in check. The Special Rapporteur herself witnessed the truth of this when she made an unannounced visit to the red light district in Bombay. One of the girls from the brothels ran towards the Special Rapporteur's entourage. Immediately, very tough looking young men surrounded the entourage in an extremely threatening manner. The girl extricated herself from the group and went back into the brothel.

III. GENERAL FINDINGS

22. Throughout her mission to Bangladesh, Nepal and India, the Special Rapporteur was satisfied to note that the Governments appeared to be seriously committed to the eradication of the trafficking of women and children across national borders. However, despite a formal commitment, effective institutions, laws and policies aimed at eradicating trafficking were still not in place. In addition, effective implementation of existing provisions and policies that are directed at combating trafficking was also lacking. The Special Rapporteur found that many of the campaigns and programmes were donor

driven or under NGO leadership. The Governments of the region had not been aggressive or proactive in their commitment to eradicate trafficking in the past. However, owing to a greater awareness of the problem, government programmes to combat trafficking have gathered a certain momentum in the last few years.

23. The lack of effective implementation of laws and policies aimed at ending trafficking is reflected in the low conviction rates for perpetrators of crimes of violence against women. In Bangladesh, according to figures provided by the police, of about 7,000 cases of violence against women registered during the past year there were only 21 convictions, while 2,000 cases were being processed. The perpetrators on the rest - the vast majority - of the cases were set free. The same was true of Nepal: the police figures show that of about 150 cases of trafficking offences during the past year, 55 per cent resulted in acquittals.

24. The most urgent need in terms of the trafficking of women and girls from Nepal and Bangladesh to India is the collection of data so as to ascertain the true scope of the problem. Estimates of the number of women trafficked vary from 10,000 a year to 25,000. The estimated number of sex workers varies from 1 million to 8 million. The Government of India informed the Special Rapporteur that it will conduct a comprehensive national survey on trafficking and prostitution in the coming year. The Special Rapporteur welcomes such an effort and calls on the Governments of Nepal and Bangladesh to do the same. Unless we know the numbers, trafficking patterns and trafficking routes, it will be impossible to deal with the problem of trafficking in the South Asian region.

25. In discussing trafficking in the South Asian region, it is important to retain a measure of conceptual clarity so that there can be a targeted response to the problem. The Special Rapporteur is particularly concerned with the lack of conceptual clarity reflected in the draft SAARC convention, especially in light of the international negotiations on the definition of trafficking. In this context, it is important to recognize the conceptual difference between trafficking and prostitution. Trafficking of people across boundaries is for a variety of purposes and not only for prostitution. The Special Rapporteur is aware of women, boys and girls being trafficked for forced labour, forced marriage and to work as camel jockeys to various parts of South Asia as well as to other regions. In addition, it is important to maintain conceptual clarity in separating the regimes that operate for women and those that operate for children. Women are adults and should be treated as such in laws, policies and programmes. Children may need additional special measures to prevent them from being victims of trafficking. Finally, trafficking must be conceptually separated from migration. For many countries trafficking is considered an immigration problem and the campaign against trafficking is linked to the desire to close borders to people from other countries. Trafficking should be dealt with not as an immigration problem requiring exclusionary laws and practices, but as a human rights issue. The struggle to prevent trafficking should not be made an excuse for racist or exclusionary immigration practices anywhere in the world.

26. Conceptual clarity with regard to trafficking is the only way we can prevent the enactment of laws and programmes to prevent trafficking that violate other human rights of women. While the Special Rapporteur welcomed the enthusiasm to fight trafficking she found in South Asia, she was disturbed by the fact that many of the laws and policies appeared draconian and seemed to violate other human rights of women. For example, Nepal and Bangladesh have reacted to the abuse of women domestic servants working in the Middle East by banning women and girls from going to the Middle East for domestic service. In Nepal, measures are being taken to require all unmarried girls to receive the permission of their father or brother to get a passport, or that the village councils sanction the decision of women to leave their communities. These measures violate women's freedom of movement and make them completely dependent on the men in their family and in the village. Many of the victims interviewed by the Special Rapporteur were very clear - they had left home because of poverty and discrimination. To force these women to remain against their will in communities where they are unhappy is a violation of

their basic rights. For example, some of the women told the Special Rapporteur that they had left their communities because their husbands took other wives. To force these women to remain in their communities cannot be the answer to the problem of trafficking. What is needed is a targeted effort to capture the trafficker and prevent trafficking so that the vulnerability of the women is not exploited. What are not needed are draconian attempts to block the natural migration routes and social mobility.

27. The discrimination against women that is prevalent in South Asia runs parallel to an ideology that asserts that women are vulnerable, like children, and need protection. The Special Rapporteur was told that some of the more drastic measures taken to curtail women's freedom of movement are in their interest and for their "protection". The notion of protection is perhaps most problematic when it comes to the practice of "protective custody". In India, when women victims of trafficking are rescued they are often sent to a government home for protective custody until their cases are heard or until they are sent back home. In many cases they languish for many years in these homes, forgotten by everyone. Protective custody is only marginally better than being in prison. Women are confined to the vicinity of the homes. The conditions in the home the Special Rapporteur visited were substandard, and the women there seemed deeply unhappy. Protective custody as practised in South Asia is a serious violation of women's rights and it is important that Governments of the region re-examine this concept, as well as the conditions in the government homes where women are kept.

28. The Special Rapporteur's visit to Bangladesh, Nepal and India took place at a time when the SAARC countries were debating how to tackle the trafficking issue. One of the aims of the Special Rapporteur's visit was to suggest new strategies for anti-trafficking work in the region, to recommend possible partnerships among players and the mechanisms for coordination of regional activities and, furthermore, to encourage States to develop an effective regional convention on trafficking, in line with current international legal developments and in particular the protocol to the United Nations Convention against Transnational Organized Crime which was agreed this year and opened for signature in December 2000.

29. Regional cooperation among SAARC countries is absolutely essential if trafficking in women and girls is to be eradicated in the South Asian region. The countries of the region have accepted this and the Special Rapporteur recognizes and welcomes the fact that the first regional treaty to be concluded under the auspices of SAARC is a regional convention on trafficking. Prior to the tenth SAARC summit, held in July 1998, the Foreign Ministers of the SAARC countries had adopted a draft SAARC convention for preventing and combating trafficking in women and children for prostitution. For political reasons a subsequent summit could not be held and the convention has therefore not been formally adopted. The Special Rapporteur was pleased to note that all the Ministers for Foreign Affairs of the region were absolutely committed to ensuring that the SAARC convention is adopted as soon as possible. The Secretary-General of SAARC has also played a pioneering role in this regard.

30. Though the Special Rapporteur, along with many others, welcomes the SAARC convention as a sign of regional commitment to the eradication of trafficking, she has some reservations with regard to the content of the convention. She has communicated with all the Ministers for Foreign Affairs and the Secretary-General of SAARC on this subject. In August 1999 the Special Rapporteur wrote to all the Heads of State of the SAARC countries to congratulate them for having taken the initiative to develop a regional instrument to address the urgent problem of trafficking in women and children. She drew their attention to efforts to develop new international law on trafficking in persons. The Special Rapporteur has reviewed the SAAR convention closely and proposed a number of observations and recommendations which she sent to all SAARC Heads of State.

31. The Special Rapporteur is especially concerned that the convention lacks conceptual clarity on important issues and is not in conformity with the new international legal standard on trafficking in

persons as set out in the protocol to the new United Nations Convention on Transnational Organized Crime. She encouraged SAARC Heads of State to ensure that the provisions of the SAARC convention do not conflict with existing international human rights law and the provisions of the protocol in particular so that there is one standard for international action. The SAARC convention does not distinguish between women and children. The legal regime surrounding women should be based on a framework of rights and the concept of coercion when it comes to trafficking. The legal regime with regard to children must be completely different. The draft convention also does not explicitly recognize that trafficking could be for other purposes than for prostitution. By concentrating on the end result and not on the process of trafficking and abuse, for whatever purpose, the convention does not recognize trafficking as a distinct and unique crime regardless of a nexus with prostitution. In not recognizing this distinction it is not in keeping with current international standards as set out in recent international conventions and instruments. In addition, the convention does not distinguish between movements and migrations that are legitimate and consensual and those that are coerced. This will result in a great deal of abuse and the violation of women's freedom of movement in a context of constant movement of people across national and local borders. In addition, the convention brings into play the concept of "protective custody" after rescue and rehabilitation without stipulating that any stay in a government home should be voluntary. The need to ensure women's economic and social rights within this context is also not examined.

32. During her visit to Nepal, the Secretary-General of SAARC told the Special Rapporteur that the convention had in theory been agreed upon by all States parties and that there would be a meeting early in 2001 to sign it. He conveyed the importance of regional cooperation on the trafficking issue and concern that if the current text were to be reopened for discussion, given the current political tensions an agreement would probably not be reached. He stated for the record that there would be an amendment conference in one year's time when the definition and other parts of the convention could be brought into line with recent international legal developments.

33. In discussions on the SAARC convention with all three Governments all indicated that they were not opposed to looking at the provisions of the new protocol to see what could be included in the SAARC convention. They agreed that they should not have a convention which is weaker than the new international standard, but nonetheless did raise concerns that if the convention were reopened it might not be possible to get a new consensus, as the initial text had been a compromise.

34. The Special Rapporteur hopes that her concerns, and the concerns of many others who have been involved in these issues, including the United Nations High Commissioner for Human Rights, will be taken into consideration by the States parties to the SAARC convention. The Special Rapporteur welcomes this initiative and the candour with which the issue of eradicating trafficking has been broached by the member Governments.

35. A regional convention in and of itself cannot solve the problem of trafficking in South Asia. It must be supplemented with a regional monitoring mechanism as well as regional cooperation among law enforcement officials. Among the mechanisms of cooperation that should be considered is a regional task force involving high-level officials from all the SAARC countries. In addition, there should be national and state-level nodal agencies that closely network with one another, and focal points in ministries of women, children, home, law and health that also network with one another. In addition to coordination among the executive branches in the different Governments, many felt that the human rights commissions in these countries should also appoint special rapporteurs who would look into the specific problem of trafficking.

36. At the national level, it must be realized that ad hoc, piecemeal efforts will not result in effective action against trafficking. In this regard, the Nepalese Plan of Action with regard to trafficking is a useful

model for other countries in the region. The Plan of Action envisions action being taken in the field of legal reform, awareness raising, rescue and rehabilitation as well as health. This coordinated effort is, at least in theory, a very laudable step; however, the Special Rapporteur feels that it is important to go beyond the words on paper. Implementing the Plan will require concerted, proactive programmes and mechanisms on the part of Governments. Unless such action is taken the Plan will not have any real effect on efforts to eradicate trafficking.

37. The struggle to eradicate trafficking in the South Asian region has two components. The first concern the efforts of the criminal justice system to prevent, prosecute and punish traffickers; the second involves social welfare for the women who want to be rescued and provided with alternative avenues of making a living. The social welfare component also includes health policies and activities around the problem of HIV/AIDS among women who have been trafficked for prostitution.

38. In recent times, because of increased awareness, most of the countries of the region are contemplating legislation to combat trafficking. It is extremely laudable that political will is now being translated into legislation. However, the Special Rapporteur, as a mechanism of the Commission on Human Rights, is deeply concerned that the legislation is unduly harsh and violates basic principles of human rights law.

39. An example of draconian legislation that presents serious human rights problems is the current draft Traffic in Human Beings (Offences and Penalties) Act 1999 prepared by the Nepalese Ministry of Women and Social Welfare. The bill appears to have been drafted from a law and order perspective without consideration for the human rights either of the perpetrator or of the victim. First of all, the draft criminalizes prostitution for the first time in Nepal. International standards as set by the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others as well as more modern legislation have all advocated that prostitution not be criminalized and that only the exploitation the prostitution should be criminalized. This is because experience has shown that criminalization of prostitution results in the double victimization of the woman concerned as she, and not the traffickers, becomes the main target of police action. This provision is a major step backwards for Nepal and will create great hardship for the women concerned.

40. In addition, the new legislation gives special powers to the police to arrest, detain, search and seize. Many of these provisions are direct violations of the International Covenant on Civil and Political Rights. The power to arrest and search without warrants, preventive detention and, most troubling, the shifting of the burden of proof so that the accused has to prove that he is innocent are all violations of international standards of human rights. This law will result in a great deal of harassment of innocent people as well as of the victims. Police forces anywhere in the world can act with a certain measure of impunity. The purpose of human rights standards is to ensure that this impunity does not result in the harassment of innocent individuals. A law that allows so much scope for abuse is extremely problematic for those who wish to fight violence against women as a human rights issue. It is also a dangerous precedent for any criminal justice system.

41. Other countries of the region are also contemplating new anti-trafficking legislation. The Special Rapporteur sincerely hopes that any new legislation will be enacted from a human rights perspective and not purely as a law and order issue. In this context, experience from around the world may prove to be informative. Such experience seems to suggest that anti-trafficking legislation should be targeted; it should focus on trafficking and the punishment of traffickers, and not on the victims. It should concentrate on the problem of trafficking of minors and it should contain a comprehensive social welfare component based on respect for the economic and social rights of the trafficked woman. Such assistance should be voluntary, it should involve a significant health component and involve the empowerment of the women through skills training.

42. The police forces of the respective countries of the SAARC region are the most important institutions in the struggle to eradicate trafficking. At the moment there are ad hoc, informal attempts at cooperation among them. A more formal long-term arrangement for sharing information and joint operations against trafficking may prove to be essential in the present context. A joint task force of all the police departments of the SAARC countries may be a step in this direction.

43. Empowering the police to deal with trafficking may not be very successful unless there are appropriate guidelines and training procedures in place. The police response to the question of trafficking varied in the Special Rapporteur's interviews. Some police officers were very enthusiastic; others were pioneers in the field. However, some were indifferent and uninterested in new procedures or processes. The Special Rapporteur was concerned that even the enthusiastic police officers would in their zeal to fight trafficking infringe on the rights of women victims. For this reason, it was suggested that a handbook be prepared for the police forces of the region, in regional languages, to raise their awareness about the problem and to give them detailed instructions on how to handle cases involving traffickers. It would include procedures on how to deal with traffickers, brothel owners, pimps and, of course, the victims themselves. If such a handbook were prepared in consultation with the women's groups of the region, it might be a major step forward in making the police forces of the region more responsive to the problems of trafficking.

44. Police corruption in the trafficking process was an issue that was constantly raised by women's groups and women victims of trafficking. One of the victims described how, having escaped from a brothel in Calcutta, she went to complain to the police. The police called the brothel owner, who paid the police a substantial sum in front of the girl. She was taken back to the brothel and beaten till she was nearly senseless. She still suffers from injuries resulting from that episode. Other victims said that many policemen were clients of the brothels and on good terms with the traffickers, owners and pimps. Victims and women's groups in all three countries recounted many cases of police corruption and many felt it was endemic, something that was taken for granted. Unless direction comes from the top that such behaviour will not be tolerated, and unless there are punitive sanctions against policemen who indulge in such behaviour, it is unlikely that the police will play the proactive role that is expected of them.

45. Even if the police in the region act with fortitude, if the judiciary is insensitive to the problems of women, effective action against trafficking cannot be taken. The 21 convictions for violence against women in Bangladesh and the 55 per cent acquittal rate in Nepal with regard to trafficking cases raise serious questions about how the rule of law operates in South Asia with regard to trafficking. The police and some women's groups blame the judiciary for this state of affairs, saying that judges are very lenient because they are insensitive to gender issues. The judiciary and other women's groups put the blame on the police, saying that the investigation of crime is so weak and the evidence produced so minimal that judges have no other option but to acquit the suspects. Training in investigation of trafficking crimes for all the police forces of the region is essential and may be possible with international technical assistance. In addition, it is extremely important that the judiciaries in the region be involved in workshops and programmes that raise their awareness about the problem of gender and violence against women in their societies. A gender-sensitive judiciary is absolutely essential if victims of sexual violence are to receive justice in South Asia.

46. In her discussions with women victims and NGOs as well as officials, the Special Rapporteur received a mixed picture about the judiciary's role in fighting trafficking, especially in India as a receiving country. The apex court of India, the Supreme Court, has been a pioneer both nationally and internationally in vindicating the rights of women. Its judgements in cases of sexual harassment and trafficking have been far-reaching, requiring maximum accountability on the part of State and non-State actors who violate the human rights of women. However, at the magistrate level the situation is far more

mixed. Some judges are extremely sensitive and try to make the best possible judgement for the victims. Some are less caring and have sent women and girls to jail or for prolonged periods of protective custody. As a general rule, the Indian courts send rescued girls back to Nepal or Bangladesh, through NGOs like Maiti Nepal and the Bangladesh National Women Lawyers Association (BNWLA), or they send them to government homes. Beyond that there is very little activism or inquiry. Very little action is taken by the police or the judiciary against the traffickers and those who are initially responsible for the violation of the rights of these women.

47. With regard to the evidentiary procedures involved in trafficking cases, the women and girls who are victims of the trafficking are the primary witnesses against the perpetrators. In cases involving organized crime, they are extremely vulnerable and in fear for their lives. In addition, in Nepal, once they leave the police station after filing their complaint, they are often untraceable. As a result, the new trafficking bill allows as evidence their statement before the judge during the initial trial stages; the victims do not have to be present in court. In some countries in Europe, the witnesses must be present in court but they are kept incognito with written questions sent to them to answer. The defendant, however, does not see the witnesses. In other countries fighting organized crime, there are elaborate witness protection schemes paid by the State and the witnesses often change their identity and move to a different location. In adopting such procedures, the need to get hard evidence in trafficking cases must be balanced by procedures that ensure the defendant a fair trial. In this sense, the witness protection programme, even if it is the most expensive, is also the most fair. The countries of the region should inquire into this possibility and, with the help of women's groups and NGOs, counsel and provide protection for women and girl victims so that they can appear in the witness box without fear. The Special Rapporteur wishes to emphasize that the provision of witness protection should be voluntary and at the request of the individual concerned.

48. The problem of trafficking has a social welfare component that is integral to the understanding of the phenomenon. The socio-economic factors contributing to trafficking require that the problem be understood within the context of the socio-economic rights of women. If one adopts this perspective different issues emerge that require the attention of the State.

49. The Special Rapporteur found that women and girls leave Nepal and Bangladesh in such large numbers because of a lack of economic opportunities at home and because they suffer from a great deal of social discrimination. Many of these women belong to lower caste groups or ethnic minorities. In addition, the inheritance laws, land laws and employment regimes in these countries appear to discriminate against women. Many women and girls leave home because husbands have taken second and third wives. Girls often run away from home because of stepmothers or because they feel they are not wanted or because there is abuse. The need to alleviate poverty is recognized as an important way to fight all forms of human exploitation, including trafficking. However, in addition, States must feel compelled to take measures that give dignity and equality to women and girls. Inheritance laws, personal laws and socially discriminatory attitudes should be reformed in order to give women an equal chance in their society and prevent them from becoming easy prey to traffickers. Their desperation to leave their home countries, recounted in one testimony after another, often makes women complicit in their own trafficking, at least in the initial stages. The Special Rapporteur recorded only a very few cases that involved abduction. Most of the cases involved young girls and women who wanted to leave in search of a better life than the one they had at home. Providing women with income-earning opportunities and avenues for economic independence is one strategy that should be adopted to prevent trafficking. The removal of discriminatory legislation and discriminatory practices is also essential if the root causes of trafficking are to be tackled. Unless the sending countries understand that most of the women leave because of unhappy conditions in the home, they will not take the measures that are necessary to prevent trafficking while respecting the human rights of the individual women.

50. The social welfare component is also an important factor in the main receiving country in the region, India. While the young girls and women remain sex workers they are in danger of contracting HIV/AIDS and other sexually transmitted disease. Though many recent initiatives have begun with regard to AIDS in Indian cities, a greater effort is needed to seriously combat the problem. According to unofficial estimates, between 60 per cent and 70 per cent of sex workers contract HIV/AIDS. In all the countries there were very few medical facilities available for AIDS patients. AIDS education among the sex workers is also minimal owing to the ambiguous legal position of these women. Unless more attention is focused on the health of the sex worker, her basic rights to life and to health will be greatly undermined.

51. Even if the sex worker is rescued, she is faced with innumerable problems. She is often kept in a government home while she waits to be released. Though she has done nothing wrong and is seen by the law as a victim, her stay in the home is by court order and is not voluntary. This "protective custody" is a serious infringement of the human rights of the women concerned. In one case, a woman, her sister and daughter who had been trafficked to Calcutta from Bangladesh remained in a government home for four years, despite interventions by the Bangladeshi Consulate and NGOs. Meanwhile, the trafficker who was accused in the case was out on bail with full freedom of movement. For this reason many women and girls do not want to be rescued. On 16 February 2000 a Bombay High Court judge, acting on information received, ordered a round-up of young girls working in prostitution; 469 girls were rounded up. Most of them did not want to go home, nor did they want to stay in government homes. This created serious difficulties for the officials concerned. Unless the social welfare facilities exist for rescue, young girls and women will be reluctant to leave oppressive conditions at a brothel for what they see as a very uncertain future.

52. The Special Rapporteur visited a government home in Liluah in Calcutta where many of the women who had been rescued were kept. The conditions in the home resembled a prison. Surrounded by factories and an outdated drainage system, the health conditions at the home were very unsatisfactory. The living conditions were not only sparse but extremely gloomy. The trafficked women were kept with mentally ill patients, deaf and dumb women and destitute women. Records with regard to the women in the home were not properly kept and information on the women was scanty and not properly taken. All the women the Special Rapporteur spoke to were deeply unhappy and wanted to be released. There were very few activities and many victims we interviewed said they did nothing for the whole day. They had done nothing wrong and therefore their "protective custody" seemed particularly cruel. Fortunately, the National Commission of Women in India has recognized this problem and brought a public interest case against the Liluah Home. As a result of this action, there is a court order designating an NGO to intervene, investigate the home, straighten out the records, help release any of the women who wish to go and make recommendations with regard to the management of the home.

53. Women who are rescued should be sent to homes only on a voluntary basis since they are not guilty of any crime. In addition, the government home should be a refuge for the women, not a substitute for jail. The government home should offer programmes to develop the skills and talents of women so that they can become empowered, both economically and psychologically. In contrast to the government home at Liluah, the Special Rapporteur visited many NGO facilities for girls and women. St Catherine's Home in Bombay and Maiti Nepal in Kathmandu are examples of successful facilities. The women seemed well fed, talkative, lively and full of activity. Their talents were being brought out and they were being given counselling so that they could adapt to a new life away from the brothel. Critics argue that these homes are extremely moralistic and authoritarian towards the girls who have been rescued. The Special Rapporteur did not find any evidence of that and the women seemed happy and engaged. Many of them had voluntarily filed cases against their traffickers. Girls rescued by Maiti Nepal assist Maiti Nepal with its work at the borders and in their programmes. All NGOs are not as committed or as effective as these NGOs with regard to taking care of rescued women. However, a government home

with NGO management subject to supervision by government health and social welfare bodies would be an effective way of moving forward in a context where resources for such homes are limited.

IV. BANGLADESH

54. Bangladesh is one of the poorest countries in the world; a large percentage of the vast population is young and lives below the poverty line. The slow economic growth of the country coupled with periodic natural disasters have put serious constraints on the ability of the Government to provide adequate resources for women's programmes and projects. The United Nations Family Planning Association State of the World Population 2000 report declared Bangladesh second highest in the world in incidence of violence against women. Violence takes many forms and includes wife murder for non-payment of dowry, custodial rape, attacking with acid and trafficking.

55. For the most part, women remain in a subordinate position in society. They are often ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities, strong social stigmas and lack of economic means to obtain legal assistance. NGOs operate programmes to raise women's awareness of their rights and to encourage and assist them in exercising those rights. Yet, prevailing stereotyped attitudes and practices justified on social grounds create an environment for the acceptance of violence against women, especially in the area of trafficking.

56. There is extensive trafficking from Bangladesh, primarily to India, Pakistan and destinations within the country, largely for purposes of forced prostitution, although in some cases for labour servitude. Some children have reportedly been trafficked to the Middle East to work as camel jockeys. The exact number of women and children trafficked is unknown. NGOs estimate that several thousand women and children are victims of trafficking each year. Most trafficked persons, eager to escape the cycle of poverty, are lured by promises of a good job or marriage. Orphans, runaways and others outside the normal family support system are also susceptible. The border between Bangladesh and India is porous, especially around Jessore and Benapole, making illegal border crossings easy.

Legal framework

57. Bangladesh is a party to the Convention on the Elimination of All Forms of Discrimination against Women and has recently signed the Optional Protocol. In the concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW) adopted, following the consideration of the third and fourth periodic reports submitted by Bangladesh (A/52/38/Rev.1, paras. 409-464) the Committee, inter alia, expressed its concern about the Government's reservation to article 2 and article 16, paragraph 1 (a) of the Convention. Article 2 is regarded as a core provision as it concerns implementation of the Convention, while article 16 is critical for the full enjoyment by women of their rights.

58. The Special Rapporteur met with representatives of the Ministry of Women and Children's Affairs (MOWCA), who described the multisectoral action programme being undertaken to address violence against women, including trafficking in women and girls. The Law Commission was established by the Government to review existing laws and enact new ones to safeguard women's rights and to prevent violence against women. The Special Rapporteur was informed that the Law Commission had been mandated to look into the implementation of international obligations and may consider lifting the reservation to article 2.

59. The Government of Bangladesh in seeking to address the problem of violence against women generally, and trafficking in particular, has promulgated laws that have had negative repercussions for the victim. The Suppression of Immoral Trafficking Act of 1993 provides for stringent penalties for women and children forced into prostitution. The Women and Children Oppression Act of 1995 (Special

Provision), a revision of the 1983 Cruelty to Women Ordinance, presents many of the problems discussed in the previous section. It treats women and children together and introduces the death penalty for those who involve children in trafficking. New legislation grants even more draconian powers to the police and provides for special tribunals and evidentiary procedures, and stiffer penalties.

60. The Suppression of Violence against Women and Children Act came into force in February 2000. It is intended to address the need for more effective prosecution of perpetrators of violence against women and children than existed previously and provides redress for victims of various manifestations of violence including trafficking and acid throwing. The Act makes provision for compensation for the victim from the guilty person/persons. It also contains provisions for remedial measures for negligence or wilful faults committed by an investigating officer and for a child born as a result of rape to be maintained by the father.

61. The Government reports that since the introduction of the new law the delay in investigating and trying cases relating to violence against women have greatly decreased. Punishments for trafficking and other offences have been made stiffer. Ten special tribunals have been set up to expedite the processing of cases. The tribunals can arrange for safe custody during the trial period. Previously, prisons were often used to provide safe custody for women victims of violence. One study conducted by the Bangladesh National Women Lawyers Association found that nearly half of the women in Dhaka's central jail were crime victims being held in safe custody, rather than criminals. While women may initially consent to this arrangement, it is difficult for them later to obtain their release, or to gain access to their family and lawyers. However, under the new Act, women will reportedly be given the choice of going to a government rehabilitation home or staying with relatives or other private persons.

62. While recognizing efforts to improve the situation, including the enactment of laws specifically prohibiting certain forms of discrimination against women, and although pleased that the Government is taking firm action to protect women from violence, the Special Rapporteur is concerned about the introduction of the new draconian laws and the application of the death penalty for a whole range of crimes against women including trafficking, rape, acid throwing/burning and dowry violence under the new Act. The Special Rapporteur is a mechanism of the Commission on Human Rights and she emphasizes that the campaign against trafficking must be undertaken from a human rights perspective. The Special Rapporteur is also worried about the accused's right to due process and a fair trial.

63. Though the law provides severe penalties for trafficking few perpetrators are punished. NGOs report that police and local government officials often either ignore trafficking in women, are easily bribed to look the other way, or may even be involved. Exact numbers of charges against traffickers are difficult to obtain and traffickers are usually charged for lesser crimes, such as crossing the border without the correct documentation.

64. Government statistics provided by the Ministry of Home Affairs indicate that out of 7,000 cases registered under sections 5 and 6 of the Oppression Act of 1995, which carry a maximum sentence of death or life imprisonment, only 21 convictions were obtained. Two thousand cases are said still to be in the trial process. Clearly, more stringent and punitive laws are not the answer. Tougher laws may in fact act as a deterrent to registering cases against traffickers and may lead judges to acquit defendants rather than impose what they feel to be an unfair punishment, especially the death penalty. Studies have shown that the majority of judges say that a lesser sentence would help the courts to convict, especially since trafficking is a very difficult crime to prove and the evidence presented by the police does not always justify stringent punishment.

Programmes and policies to combat trafficking

65. The Ministry of Women and Children's Affairs is the lead ministry for promoting the equality and development of women. The Ministry has made the campaign against trafficking an important priority and the National Policy for the Advancement of Women, drafted by the Ministry, includes a section on violence against women, including measures to combat trafficking. Furthermore, a comprehensive three-year project to combat trafficking is to be implemented by the Ministry, in association with UNICEF and funded by the Norwegian aid agency NORAD.

66. MOWCA also has a violence against women unit, which monitors incidents of violence and submits reports to the National Committee on Violence against Women.

The criminal justice system

67. The Special Rapporteur met with representatives from the Bangladeshi police. Although there was awareness of the problem of violence against women, they admitted that there was no police training in handling cases of violence against women in general or trafficking in particular. The police have received some training on reproductive health. The Special Rapporteur recommended gender sensitization and human rights training programmes for the judiciary, the police and health professionals, particularly those relating to violence against women which could be provided by the technical cooperation programme of OHCHR. She encouraged the Government of Bangladesh to request such assistance. OHCHR has informed the Special Rapporteur that since her visit Bangladesh has requested technical assistance and a programme is being developed with the Government.

68. In response to the many cases of trafficking, the Government has recently set up women's police units to look into cases of violence against women. If women want protective custody they can be kept in these units. The unit also follows the individual case, provides legal support to the victim/survivor and shelter for six months to a year. DFID has also funded a project to improve access to justice by women and the poor.

69. A special squad of the Criminal Investigation Department (CID) of the police force has been specially tasked with speedy investigation of cases of violence against women and also deals with the problem of trafficking. However, the statistics reveal that despite this squad, the actual number of cases filed in court is extremely small and the evidence produced before judges inadequate. Again, the Special Rapporteur suggested that technical assistance be requested from multilateral agencies specializing in human rights protection and combating violence against women.

Rescue and social welfare

70. The Government of Bangladesh has no special programmes relating to the social welfare of trafficked women. The Ministry for Foreign Affairs informed the Special Rapporteur that the Home Minister of Bangladesh had asked the Government of India for a list of all Bangladeshi women being held in Indian shelters and jails, following reports that women are detained and not allowed to return home whilst a case is pending before the courts. However, the Special Rapporteur visiting women in homes and jails in India was informed that the Bangladeshi diplomatic representation in India was not very responsive, often taking years to respond to inquiries and information.

71. Several women's organizations have provided different forms of assistance, including shelters for the protection of victims of violence. These include the Bangladesh Women Lawyers Association and Bangladesh Mahila Porshod.

International agencies

72. At the time of the Special Rapporteur's visit to Bangladesh USAID was planning to start a 13-month anthropological study into the problem of trafficking. This would involve looking at the underlying factors of trafficking, collection of statistical data, setting up of a database, and compiling information about the victim, and a profile of the trafficker. The study will attempt to collect comprehensive data on the problem. Since there are no available data on trafficking in terms of a comprehensive national study, the Special Rapporteur welcomes this initiative.

73. The United Nations agencies are all involved in programmes that include some aspect of the campaign against trafficking. UNICEF and The International Labour Organization have taken the lead in working with government agencies to combat trafficking. However, unlike the agencies in Nepal, the United Nations in Bangladesh does not have a co-ordinated joint effort involving all the multilateral agencies. Such a joint task force may be useful in the long run in Bangladesh.

Non-governmental organizations

74. Most, if not all, the rescue and social welfare work in Bangladesh is carried out by non-governmental organizations, although the Government does support some local NGO initiatives to combat trafficking.

75. The BNWLA was one of the NGOs the Special Rapporteur met with during her visit to Dhaka. It has been very active in addressing the problem of trafficking. BNWLA conducts awareness-raising programmes, aimed at alerting persons to the dangers of trafficking through leaflets, stickers and posters; provides legal assistance to trafficking victims and initiates legal action against traffickers; works with its counterparts in India to help trafficked girls and women return to Bangladesh. BNWLA also runs a shelter for trafficked women and children that provides health care, counselling and training.

76. The Center for Women and Children (CWCS) has networks to monitor trafficking across the country; it conducts awareness meetings and has a pilot project to make police aware of the rights of women and children. Other organizations working in the field are the Bangladesh Mahila Parisad (BMP) and Ain O Salish, which specialize in advocacy and lobbying for reform.

77. Dhaka Ahsania Mission has undertaken a child and trafficking prevention programme that comprises four components: community awareness, reintegration, rehabilitation and networking. ATSEC is a national anti-trafficking network formed to link NGOs and government initiatives, as well as to conduct awareness-raising programmes.

78. The Special Rapporteur also met the organizations Aparageya Hostel, the Bangladesh Manabadhikar Sangbadik Forum, Naripokkho, Ain-O-Unnyan Sangstha, Banchete Shekha, Rajshahi, UBINIG, Bangladesh Retired Police Officers' Welfare Association, CWFD, ADAB, and Women for Women, all of which are involved in programmes involving trafficking.

V. NEPAL

79. Trafficking in women and girls remains a serious problem. Nepal is a primary sending country for the South Asia region, with the main destination being India. International agencies estimate that 100,000 to 200,000 women from Nepal are currently engaged in exploitative situations of prostitution in the cities of northern and central India and, increasingly, further afield in South Asia and the Middle East. It is also estimated that an additional 5,000-10,000 women and girl children enter these trafficking networks annually.

80. Landlessness amongst women, unemployment and under employment, intense income poverty, widespread gender discrimination (both de jure and de facto), religious and cultural sanctions for prostitution amongst certain groups and the growing acceptance of the inevitability of migration have all been identified as contributing factors to the increase of trafficking of women and children from Nepal. Discrimination with regard to inheritance laws and citizenship laws is another factor that makes women victims of trafficking. The Special Rapporteur stressed the need to remove these discriminatory laws and to bring Nepalese law into conformity with international norms and standards.

81. The Government of Nepal has identified trafficking as one of its major priorities. To this effect, supported by donors, the Government adopted in 1999 the National Plan of Action against Trafficking in Children and their Commercial Sexual Exploitation. The ILO played a major role in pushing forward this programme.

Legal framework

82. Nepal is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women. The 1990 Constitution of Nepal prohibits trafficking in human beings, slavery, serfdom and forced labour as do a number of international human rights treaties to which Nepal is party.

83. In Nepal, besides the Constitution, there have been many legal initiatives with regard to trafficking. The Traffic in Humans (Control) Act 1986 is the legislation that currently governs trafficking in Nepal. The most important recent initiative is the Anti-Trafficking Act that is in final draft form and currently before Cabinet. The Government of Nepal hopes to enact it during the course of the year. Though the Act recognizes trafficking as a problem and is full of good intentions, it is deeply problematic from a human rights perspective. The Special Rapporteur has outlined her concerns in the earlier section on general findings. These concerns include the criminalization of prostitution, extraterritorial jurisdiction, shifting of the burden of proof and draconian police search and seizure powers.

84. There is also an initiative to set up special tribunals to try the offence of trafficking with lesser evidentiary standards. Again, the Special Rapporteur reminds the Government of Nepal that it is obligated under international human rights standards to give the defendant a fair trial with the necessary safeguards so that the innocent are not victimized. The Government is also in the process of enacting laws in the field of domestic violence, a law on the rights of children and on a family court. All these will have some bearing on the trafficking issue.

Programmes and policies to combat trafficking

85. The Ministry of Women, Children and Social Welfare (MWCSW) has taken the lead in a number of initiatives, programmes and policies to combat trafficking. Donor agencies are also eager to deal with this problem and have been working with the Government to develop a comprehensive strategy. This partnership led to the National Policy on Trafficking and the National Plan of Action on Trafficking. Together they set out a detailed plan to combat trafficking in Nepal.

86. The National Plan of Action has six areas of implementation. The first is the drafting of appropriate policies and strategies for action in the various sectors to deal with the problem of trafficking. The second is the enactment of appropriate legislation to prevent trafficking and to punish traffickers. The third area is the raising of awareness among the general population and the criminal justice system to help fight trafficking. The fourth area is health, the fifth area is education and the final area deals with rescue and rehabilitation.

87. The Plan is extremely comprehensive and well thought out. However, like so many other initiatives it focuses on the victim, on raising awareness, health and education and rescue and rehabilitation. It is not very concerned with the trafficker, the prosecution of traffickers and the punishment of those who engage in the trade in humans. Given the fact that it is an initiative of the Ministry of Women, Children and Social Welfare, this is understandable. In this regard, the Special Rapporteur found that while the Ministry for Foreign Affairs and the Ministry of Women, Children and Social Welfare were very sensitive to the issue of trafficking, the Ministry of the Interior was quite ill-informed and seemingly unconcerned with the problem. The Special Rapporteur feels that unless the Ministries of Law and the Interior are actively included in the trafficking initiative, the campaign against trafficking is bound to fail.

88. The Plan is to be implemented through the establishment of a national-level coordination committee under the Ministry of Women, Children and Social Welfare. In addition, a National Task Force on Trafficking consisting of secretaries to all the ministries is to be set up. There is also to be a district-level task force and a village development committee task force responsible for programme formulation, follow-up and monitoring. In all senses the Plan seems comprehensive. The Special Rapporteur was informed that all the committees had been set up during the course of 1999/2000. However, when she inquired about them, she was surprised to learn that they had rarely met or made any decisions. The representatives of the Ministry of Women, Children and Social Welfare said that it was difficult to get the national-level task force to meet. When the Special Rapporteur met a district-level committee she was told that the task force had met twice but that the Chairwoman was too busy to attend. The Special Rapporteur is therefore concerned about the gap between theory and practice and plan and implementation. In Nepal, this gap seems enormous. With every good intention, the Government sets up a policy, a law or a framework but in practice little is done on the ground. The Special Rapporteur feels that if the Government is truly committed to the issue, it will lessen the gap between national policy and national practice and seek to implement its promises.

89. In addition to the above, the Ministry of Labour has established a welfare home for women affected by trafficking and set up a skills development programme within that home. The Central Child Welfare Board as well as the district-level boards are being sensitized to look into the problem of trafficking and the Nepalese Bar Association provides legal support to women who are affected by trafficking.

The criminal justice system

90. The Special Rapporteur was pleased to have a consultation with the Nepalese police and to meet Mr. G. Thapa, a regional specialist on the problem of trafficking. The Government told the Special Rapporteur that some members of the police force had participated in a human rights training/trafficking workshop conducted by UNICEF which, it is reported, will become an integral part of the police training. Non-governmental organizations, human rights lawyers, United Nations agencies, and members of the police force will conduct it.

91. The police have also set up women's units in each police station to investigate women-related crimes, including search, inquiry and investigation. The Special Rapporteur visited a border police post and met with officials. In combating trafficking at the border the police are assisted by the NGO Maiti Nepal, which helps identify potential traffickers and their victims. So far the system of identification does not seem to have been abused and has in fact led to a great deal of assistance. Since some of the Maiti Nepal staff were earlier victims of trafficking, their assistance and knowledge have been invaluable. The Special Rapporteur was encouraged that the police at the border posts seemed very aware of the problem of trafficking and determined to deal with it.

92. The Nepalese judiciary has a mixed record when it comes to the problem of trafficking. The Supreme Court, despite some controversial rulings on women's inheritance rights, has generally held that Nepal is a signatory to the Convention and that international standards apply throughout the country. However, at the level of the lower judiciary, there is a high rate of acquittal for traffickers. Members of the judiciary argue that one of the reasons for these acquittals is that the police do not present enough evidence and the problem lies in the investigative power of the police. For this reason the Special Rapporteur suggested to the Government that it draw on available international expertise and seek technical assistance from international bodies to develop investigative skills.

93. Nepal has a National Human Rights Commission that has recently been set up to deal with human rights issues though it has not directly dealt with the problem of violence against women yet. One of the proposals put forward to involve the Commission has been to create a post of national rapporteur on trafficking within the National Human Rights Commission.

Rescue and social welfare

94. As in Bangladesh, rescue and social welfare for victims of trafficking have been left to NGOs. Several NGOs have rehabilitation and training programmes for victims of trafficking. Maiti Nepal, for example, has gained an international reputation for its work in this field. However, the Ministry of Women, Children and Social Welfare has opened a Women's Self-Reliance and Rehabilitation Centre 45 km from Kathmandu, which is a skills-training centre for women rescued from being trafficked and for women and girls at risk of being trafficked. It is reported that the centre is unfortunately inaccessible for many women, as it does not accept women who have children or women who have HIV/AIDS.

95. One of the major problems facing Nepal is the problem of AIDS resulting from the trafficking industry. Unfortunately, many of the women taken to India return to Nepal to spend their last years in terrible pain and suffering. According to estimates given to the Special Rapporteur, there are 38,000 HIV-positive persons in Nepal. There are worrying reports that even medical staff are unaware of how to treat the problem and have only minimal knowledge about how the disease is transmitted. There also does not seem to be an understanding of confidentiality requirements and voluntary testing practices. Some victims recounted that hospitals had refused to take or treat persons with HIV/AIDS for fear of catching the disease. Cremation of AIDs victims costs more than for people who die of other diseases. Some NGOs like Maiti Nepal and United Nations organizations are working with this problem but far more has to be done if the victims are to be helped.

96. The Special Rapporteur would encourage Governments when tackling the HIV/AIDS problem to avoid focusing on "high-risk groups" which can reinforce stereotypes and increase the stigmatization of victims of trafficking. Focus should instead be on behaviour and all sectors of society must be informed. In this context the new UNDP Project on AIDS in South and South-West Asia will be helpful.

97. With regard to prevention, the Government and donors have trained women from the village district councils as social mobilizers. The Ministry of Labour sponsors job- and skill-training programmes in several districts thought to be sources of trafficking victims, who are given six months' skill training and special awareness raising with regard to the prevention of trafficking.

International agencies

98. The international agencies working in Nepal have been extremely active on the trafficking issue, particularly UNICEF, ILO, OHCHR and UNDP. There is a United Nations Inter-Agency Task Force on Trafficking that is two years old which deals with the problem of trafficking at the district, national and

cross-border levels. There are over 60 programmes and projects run by international agencies on the problem of trafficking.

99. The most important recent initiative to come from the international agencies is the Joint Initiative in the Millennium Against Trafficking of Women and Girls in Nepal (JIT), which will be coordinated by UNDP. The overall objective is to reduce the incidence of trafficking by redressing gender inequities and discriminatory practices that make women and girls vulnerable to trafficking. The strategy uses an umbrella approach that builds on the initiatives of the United Nations Task Force on Trafficking, allowing donors and United Nations agencies to pool resources for the implementation of the components envisaged. The initiative involves a "Policy Advocacy Beacon" which would aim at influencing policy in Nepal at the national level. Among the projects to be inaugurated is one that will look at the problem of structural discrimination against women and girls in Nepal, including the gamut of inheritance and family laws. The project also advocates the setting up of a national rapporteur for trafficking and human rights at the Human Rights Commission, the publication of a human rights manual, the collection of national-level data, advocacy in the media and the establishment of a monitoring mechanism on trafficking.

100. In addition to policy efforts, there will be activity at the district level which will aim at developing leadership skills among women and raise awareness with regard to trafficking, health and legal advocacy. A handbook is being prepared that could be used at the district level. There will also be an attempt at building up cross-border cooperation between police, NGOs and media officials. A comprehensive strategy of rescue, rehabilitation and reintegration will be planned involving the concerned countries in the region.

101. In the context of OHCHR's ongoing project of technical assistance to the Government of Nepal, OHCHR, in cooperation with the United Nations Task Force on Trafficking, is developing a pilot anti-trafficking project in two selected districts of Nepal. The core of the project will be the establishment of special courts (as provided for in the Constitution) to deal with trafficking cases. These courts will be supported by trained police working from special "women's stations". Criminal justice initiatives against trafficking will also be supplemented by a range of activities aimed at increasing public awareness and civic responsibility. Additional activities will be directed towards supporting the reintegration of trafficked women and girls. A separate project component will be dedicated to activities aimed at fostering cooperation between Nepalese and Indian police/border and judicial authorities in order to promote a more effective cross-border response to the trafficking problem. This component should work towards the development of a bilateral treaty on the subject of trafficking.

102. UNICEF has played a key role in advocacy and awareness raising on trafficking. It has developed and conducted training workshops with law enforcement agencies, especially the police, and sponsored legal training, and has set up paralegal committees at the ward, village district council and department district council levels. UNICEF has also provided support for drafting a revised anti-trafficking Act. The United Nations Development Fund for Women (UNIFEM) will also be a partner in JIT through its Regional Programme against Trafficking. The UNIFEM South Asia regional office has also undertaken a wide range of projects in the region on violence against women and trafficking.

Non-governmental organizations

103. Nepal has a very dynamic NGO sector, both international and local, working to ensure women's rights, and many of these NGOs have specifically addressed the trafficking issue. NGOs provide various kinds of programmes including training, support services, advocacy and awareness raising.

104. In the context of NGOs, the Special Rapporteur would like specially to commend the work of Maiti Nepal, an NGO that has made a major difference in the combating of trafficking, and to pay a special tribute to Anuradha Koirala, the founder and Head of the organization. Critics of Maiti Nepal were of the view that Maiti Nepal did not always respect the will of the women concerned and used drastic measures to deal with the problem. These criticisms may have some validity but they can easily be dealt with by the organization. However, the overall work of the organization in rescuing and providing shelter and training for trafficking victims, in supporting children of sex workers and in pioneering work with AIDS victims has to be admired and appreciated.

105. The Special Rapporteur visited a Maiti Nepal transit home in Bhirahawa. Maiti Nepal staff, some of whom had been trafficked themselves, work on the border in cooperation with the border guards. They monitor the flow of persons across the border from early morning to night. If they see a woman who looks like she may be a potential victim (some 5-16 women a day), they stop and talk to her until they are satisfied that she is clear about her destination and aware of the problem of trafficking in India. If they think there is a problem, they take her to the police station.

106. Maiti Nepal also have prevention centres, where they are providing skill training and awareness raising in the villages for girls/women to offer them alternative ways of making a living. In addition, Maiti Nepal is setting up a support system for AIDS victims and making special efforts at health advocacy among the victims.

107. There are also other important NGOs working on this issue. Among them are the Asia Foundation, the Forum for Women, Law and Development, ABC Nepal, Child-Workers in Nepal (CWIN), Shakti Samuha, WOREC, the Informal Sector Service Centre (INSEC), the International Institute for Human Rights, Environment and Development (INHURED), Action Aid, PLAN, Redd Barna, the Alliance Against Trafficking in Women and Children in Nepal (AATWIN) and the National Network Against Girl Trafficking. All of these groups play a vital role.

VI. INDIA

108. India is a source, a transit point for persons trafficked to Pakistan and the Gulf States, and a destination for trafficked persons. India remains the main receiving country in the region of victims of trafficking. NGOs estimate that more than 12,000, and perhaps as many as 50,000 persons are trafficked into India annually from neighbouring countries.

109. Women and girls are trafficked into India for sex work, for forced labour and for forced marriage. Forced prostitution remains the primary goals of many of the traffickers. While a survey by the governmental Social Welfare Board estimates that in 1991, in six metropolitan cities there were about 1 million women and children engaged in sex work, the Indian Association for the Rescue of Fallen Women estimates that in 1992 there were 8 million women and children in sex work.

110. Internal trafficking also occurs from the rural, economically depressed areas to the cities. According to the Indian Centre for Indigenous and Tribal Peoples (ICITP), more than 40,000 tribal women, mainly from Orissa and Bihar, have been trafficked.

Legal framework

111. The Government of India is signatory to the Convention on the Elimination of All Forms of Discrimination against Women but has made reservations to article 16 dealing with family law and family life. In a famous case, Visakha v. State of Rajasthan, the Supreme Court of India held that the Convention was an essential part of Indian law. The Indian Constitution specifically prohibits trafficking,

in article 23, but the term is not defined in detail. It has been interpreted as a generic definition that applies to the State as well as the private sector.

112. The Supreme Court has used the articles in the Constitution that deal with equality, human dignity, the right to life and trafficking to be activist when it comes to the rights of women. Of all the judiciaries in the world, the Supreme Court of India has made a name for itself internationally as the one that has championed the cause of women within a constitutional framework. Whether it is women in a remand home, Air India hostesses, or sexual harassment, the Supreme Court of India has made pathbreaking decisions.

113. The Supreme Court has delivered two important judgements with regard to the issue of trafficking. On the issue of child prostitution, in the case of Vishal Jeet v. Union of India, the Supreme Court called on the central and state governments to set up advisory committees to advise government on matters relating to child prostitution and social welfare. As a result of this decision, the Government of India set up a Central Advisory Committee on Child Prostitution and state governments also set up advisory committees.

114. In the second decision, Gaurav Jain v. Union of India, the Supreme Court in 1997 directed the Government to constitute a committee to make an in-depth study of the problem of prostitution and child prostitutes and to develop strategies for their rescue and rehabilitation. A Committee on Prostitution, Child Prostitutes and Children of Prostitutes was constituted, headed by the Secretary, Department of Women and Child Development. Its report was submitted in 1998. A copy was presented to the Special Rapporteur.

115. The primary legal framework that deals with the problem of trafficking is the Prevention of Immoral Traffic Act of 1986 (PITA). This Act is supplemented by provisions of the Indian Penal Code that are based on the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Prostitution is not illegal in India but soliciting and exploiting prostitution are offences. The framework for laws are very close to those prescribed by the 1949 Convention. PITA was amended recently and the presumption of guilt is now on the accused for cases in which children or minors are found in a brothel who have been determined by medical examination to have been sexually abused. PITA has made stricter punishment for offences relating to children.

116. PITA also provides for the appointment by the Government of a police officer to fight trafficking nationwide. Such a person had not been appointed when the Special Rapporteur arrived in India. However, the Secretary of the Home Ministry promised the Special Rapporteur during the course of her visit that such an officer would be appointed. At a meeting held at the end of her stay, the Government informed the Special Rapporteur that the order appointing the officer had been made and that the officer was female and sensitive to gender issues.

117. There are many efforts under way to replace PITA with comprehensive trafficking prevention legislation. The National Commission on Women is looking into this possibility. The Special Rapporteur is very apprehensive about these initiatives given the experience in the other SAARC countries. The human rights implications of the new legislation are very disturbing. Many of the drafts shown to the Special Rapporteur contain the same negative features that were discussed above in the General Findings section. The texts criminalize prostitution, give police sweeping search and seizure powers, alter evidentiary requirements and stipulate mandatory punishments for traffickers. The only innovative bill in this regard is the one prepared by the National Law School of the University of India, which has strong provisions to fight trafficking but which also respects the right of sex workers. It attempts to organize them to prevent sexual exploitation and to protect health and hygiene in sexual work. It is the Special Rapporteur's belief that unless something like this can be adopted, PITA, with some amendments, should remain as the principal legal framework for combating trafficking.

118. According to the report of the Committee on Prostitution, Child Prostitutes and Children of Prostitutes submitted by the Department of Women and Children pursuant to the Supreme Court decision, the number of cases involving trafficking has lessened in recent years, especially during the period 1991-1995. However, given the fact that commentators have indicated to the Special Rapporteur that trafficking is on the increase, that statement may reflect the fact that PITA is not fully implemented. In addition, there are regional variations. The states of Tamil Nadu, Karnataka, Maharasthra and Andhra Pradesh account for 96.5 per cent of the cases. The question is also raised about which aspect of PITA is being implemented. Government officials and NGOs claim that 80 per cent of the cases registered under PITA are for soliciting. So the person who is being arrested is the victim. The number of actual cases of trafficking filed against traffickers is marginal. This proves the argument of many women's groups that more stringent laws and law enforcement may actually result in greater victimization of women and girls.

119. Other legislation that also has some bearing on trafficking cases, and in particular protective custody, are the following:

(a) The Indian Penal Code, 1860, includes offences, among others, relating to wrongful confinement, kidnapping, abduction, slavery and forced labour, and sexual offences. Of particular significance are importation of a girl from a foreign country, selling of a minor for purposes of prostitution, buying a minor for purposes of prostitution, and rape;

(b) The Juvenile Justice Act 1986 has elaborate provisions for the care, protection, treatment, education, vocational training, development and rehabilitation of children rescued from those procuring, inducing and taking persons for the sake of prostitution and detaining persons in premises where prostitution is carried on. Such children are covered under the definition "neglected juvenile". Besides the police, any person authorized by the state government may bring the juvenile before the Juvenile Welfare Board for placement with a fit person or a fit institution, or failing which, in a juvenile home. Voluntary institutions also function as protective homes under the respective laws. These institutions must function on the basis of certain minimum standards of care and reformative treatment;

(c) The Foreigners Act, 1946, which regulates the entry, stay and departure from India of foreigners, is also relevant to the trafficking issue.

120. The governments of Maharasthra and West Bengal, the states that the Special Rapporteur visited, deal with trafficking under PITA and similar criminal law provisions. In this context, the Special Rapporteur was encouraged to note the approach of the government of Maharasthra and its Secretary, Mr. Sharma, who displayed very keen interest in the visit of the Special Rapporteur and involved her in intensive discussions on the future course of action. At the end of her visit, the Chief Minister of Maharasthra promised to set up a special team to study the problem of trafficking and to set up mechanisms to combat trafficking. She was also encouraged to note that they took up her suggestion that the new law to combat organized crime, the Maharasthra Organized Crime Act, should also include a protocol on trafficking like its international counterpart. The government also seemed interested in meeting the social welfare requirements of the women victims and the team was asked to look into this matter in detail.

Programmes and policies to combat trafficking

121. The year 2001 has been named Women's Empowerment Year by the Government of India and a host of activities will take place with regard to the rights of women under the ninth five-year plan (1997-2002), which has identified the empowerment of women as a strategy for development.

122. The National Commission for Women (NCW) is the body that takes the lead with regard to the protection of the rights of women. The Commission's mandate is to safeguard the rights and interests of women by running legal awareness programmes, looking into complaints regarding the violation of women's rights, examining the non-implementation of laws as well as non-compliance with policy guidelines, providing relief to women by taking up their concerns with the appropriate authorities, conducting research, undertaking investigations, etc. The NCW also has the powers of a civil court when investigating any case provided for by the NCW Act 1990. Combating the trafficking of women is one of its main areas of priority. When the Special Rapporteur made her visit, the Commission was in the process of engaging in national-level consultations with a view to amending PITA. It has been involved in consultations in all the states and has talked to state officials, NGOs and the sex workers themselves. The Commission organized a very informative half-day workshop for the Special Rapporteur on trafficking. The members of the Commission seemed very committed to combating trafficking as well as other crimes of violence against women. In addition to reforming the law, the Commission has through public interest litigation intervened in the courts to protect the rights of victims of trafficking. The Commission is also in the process of working out a curriculum for gender training of the police.

123. The Department of Women and Child Development within the Ministry of Human Resource Development of the Government of India is the other official entity that plays an important role in protecting the rights of women. The Department's mandate is to formulate plans and policies, to enact and amend legislation, and to guide and coordinate the efforts of governmental and non-governmental organizations that work with women and children. The present Secretary seems very committed to developing a strategy on trafficking for the Department. The previous Secretary chaired the Committee on Prostitution, Child Prostitutes and Children of Prostitutes.

124. The Committee's report contained a Plan of Action, which was very interesting and included innovative ideas. The section on awareness raising and the provision of health services is particularly useful and comprehensive. The Social Welfare component is dealt with in detail, from rescue to rehabilitation, to education of the children of prostitutes, to housing and shelter. The section on health services is also very comprehensive, arguing for the setting up of health care centres in red light areas specializing in HIV/AIDS and the conducting of awareness and education campaigns on AIDS. Unlike other plans in the region, there is a determined effort to include psychological counselling as an aspect to health care.

125. The aspects of the Plan of Action that the Special Rapporteur feels pose human rights problems are, among others, the suggestion that the children of prostitutes be removed from their mothers to more healthy environments. This is a very disturbing violation of the right to family even if it is done with good intentions. The report also seems to rely on social surveillance as a method of preventing and fighting trafficking. Given the hierarchies of class, religion and caste, this can result in a great deal of abuse. Some of the women we interviewed described this abuse in detail, describing how certain women and groups are targeted for this type of social surveillance. Accountable state institutions are better vehicles for enforcement than social surveillance. In addition, the report focuses on the victim and has little to add with regard to laws and strategies for finding and punishing traffickers.

126. The Department of Women and Child Development is also planning to commission a nationwide survey on trafficking in order to collect comprehensive data on the subject so that the Government will know the nature and extent of the problem. This survey will be done with the support of the ILO.

127. There are also a number of state-level initiatives on trafficking.

128. At the level of state governments, especially in Maharasthra and West Bengal, the relevant ministries of women and child development were also in the process of developing programmes to

combat trafficking. At the moment, much of the social welfare work has been relegated to NGOs and the state governments have not played an active role. The government of Maharasthra was very eager to develop a plan and a programme to combat trafficking. The Special Rapporteur hopes that her visit will be a catalyst for this endeavour as much of the abuse resulting from trafficking takes place in Bombay and its environs. Bombay is located in Maharasthra.

129. The National Human Rights Commission was another institution that seemed very committed to eradicating trafficking in India as a human rights problem. The Commission has a good reputation in the country and is seen as fair and activist with regard to the protection of human rights. In discussions with the Special Rapporteur, the Commissioners intimated that they had decided to set up a focal point for trafficking within the Commission. They hope to deal with the issue as an important aspect of human rights protection in India.

Criminal justice system

130. Trafficking in India cannot be combated without the unstinting support of those who work in the criminal justice system. Given the international and national attention on trafficking, the Indian ministries dealing with home affairs and law are slowly beginning to deal with the problem. Unlike the Ministry of Human Resource Development, these "bastions of patriarchy", as one NGO activist put it, in all the countries are slower to respond to the crisis. However, the Secretary, Ministry of Home Affairs in India promised the Special Rapporteur that a special officer and a unit on trafficking would be established in the Ministry that would deal with trafficking at the national level. The Special Rapporteur was informed at the end of the visit that this had been done.

131. Once there is political commitment, the police forces in India would begin to adapt to the new reality that trafficking is prohibited and that police corruption in this area must be eradicated. There appears to be a beginning. A manual for police training in the area of trafficking is currently being developed with the help of UNICEF. Such a handbook, translated in all the regional languages, would be a first step in the process of furthering effective law enforcement.

132. At the local level, the Special Rapporteur was informed that the Maharasthra police were also compiling a handbook and working out a gender sensitization programme for the police. The female officer in charge of the women's unit of the Maharasthra police described in detail the initiatives taken by the Maharasthra police to combat violence against women. The programmes seemed comprehensive, with the police playing an active role. She said that similar programmes would be developed to combat trafficking during the course of the year, in consultation with the Women and Child Department. The Special Rapporteur offered the technical services of OHCHR to assist the Maharasthra police in this endeavour. In Calcutta too, the West Bengal police described in detail strategies and programmes to make the West Bengal police more gender sensitive. In recent times successful raids had taken place and many minors rescued, both in Maharasthra and West Bengal.

133. The victims of trafficking tell another story. The rescued minors and sex workers the Special Rapporteur spoke to recounted story after story of corruption in the police forces of Maharasthra and West Bengal, especially concerning sex workers. Numerous incidents of police corruption that were witnessed by sex workers were recounted, as described in the General Findings Section. The Special Rapporteur reiterates that unless that message is received by the average cop who works in the red light areas and other trafficking routes that corruption will not be tolerated, there will be impunity for traffickers and the rights of women and children will be abused.

134. Also as noted earlier, despite the Supreme Court having given very clear direction that trafficking is a major violation of women's fundamental rights, at the lower levels of the judiciary the picture is again

mixed. Some judges in Maharasthra and West Bengal have been very activist. In February 1996, the Maharasthran High Court, acting on a newspaper article, intervened and rescued 469 girls, many of whom were Nepalis. Critics have called some of these judges publicity seekers but in actual fact, they have done a great deal to further the quality of life in India with regard to fundamental rights. At the same time the Special Rapporteur heard of cases in which judges have been insensitive, sometimes even sending the victims to jail, and of long confinement in government homes pending a hearing of their cases.

Rescue and welfare programmes

135. The approach of state governments to the problem of rescue and social welfare centres around giving the women shelter in Government-run homes while their lives are sorted out. There are two kinds of home. The first is a Protective Home established by the Government for women and girls taken in under PITA. There are 80 such homes throughout India. The second type of home is a Short Stay Home. The Department of Women and Child Development assist these homes. There are also Juvenile Homes set up under the Juvenile Justice Act. Women rescued from brothels and from being trafficked may be assigned to any of these homes at the discretion of the judges.

136. The Special Rapporteur seriously questions the use of government homes as a means of "rehabilitating" victims of trafficking. From what she has seen, there are serious human rights implications associated with this strategy. Firstly, the women are not in these homes voluntarily. In the home that the Special Rapporteur visited, all the women said they wanted to leave. Having done nothing wrong, they are kept in homes that are akin to jails. Secondly, the conditions in these government homes from all reports are unsatisfactory. The one the Special Rapporteur visited was gloomy, the conditions barely basic and the women seemed extremely unhappy and idle. The Special Rapporteur suggests that the Government set up a committee involving government and NGO officials to review the conditions in these homes and to devise alternative modes of providing social welfare to women without depriving them of their basic rights.

137. The Central Social Welfare Board also provides financial assistance to NGOs to run centres and short-stay homes for women in need. Some trafficked victims are sent to these homes. In addition, financial assistance is given to NGOs to run development and care centres for the children of the sex workers. These centres are set up in the red light areas and provide day care along with educational support programmes and nutritional programmes for the children.

138. During her visit, the Special Rapporteur visited many homes managed by NGOS. Some were excellent, model institutions while others resembled the government homes. St. Catherine's in Maharasthra stands out as a model home though critics argue that, like at Maiti Nepal, there is a "moral overdose" given to victims of trafficking. Regardless of this, the premises were clean, and the women seemed alert and happy and involved in their work with a wide variety of programmes to keep them occupied.

139. Given the wide range of institutions she visited, the Special Rapporteur would assert that NGO management with government monitoring provides the best framework for the provision of social welfare to women and girl victims of trafficking. In any event, if human rights principles are to be respected the concept of "protective custody" in India must be reconsidered. Women and girls should never be kept in government or NGO homes against their will except in very exceptional circumstances.

International agencies

140. Unlike in the other countries in the region, the United Nations in India does not have an integrated, coordinated strategy to address trafficking. There is no inter-agency task force. However, UNIFEM, ILO

and UNICEF, amongst others, have some very important regional programmes with regard to trafficking which are also functioning in India.

141. UNAIDS has also formed a Regional Task Force on Trafficking and HIV/AIDS in order to develop and facilitate regional interventions. The UNDP Regional Office has been assigned the role of coordinator of the activities under this initiative. The UNDP project on HIV and Development in South and South-West Asia was prepared in consultation with UNICEF, UNIFEM and WHO. The main objective is the empowerment of women and girls to enhance human security and mitigate factors that create their vulnerability to trafficking and HIV/AIDS, including social, economic and sexual exploitation and discrimination.

142. UNICEF has played a key role in advocacy and awareness raising on the issue within the region. Its country offices have also developed and conducted training workshops with law enforcement agencies, especially the police, on sensitization, investigation and establishment of women's units. It has sponsored research for situation analyses on trafficking in the various countries and supported skills training, protection and reintegration for children at risk, survivors of trafficking and children of sex workers. The Rights Cluster has activities regarding the trafficking of children and adolescents. The India office has supported both Government and NGOs in developing and implementing various kinds of activities and programmes on trafficking, working closely with the Department of Women and Child Development; it has also sponsored cross-border police workshops on the issue of trafficking.

143. UNIFEM provides technical assistance to the ministries concerned with women and children in the respective countries. UNIFEM has undertaken advocacy and sponsored action-research on trafficking in the region. It has played a leading role in supporting advocacy on the part of NGOs on the SAARC convention. UNIFEM also provides technical assistance to the various women's ministries and departments in developing databases and collating information.

144. The International Programme for the Elimination of Child Labour (ILO/IPEC) supports NGO prevention programmes, awareness raising, rescue and rehabilitation. Assistance is provided to projects to develop training packages to sensitize primary schoolteachers in human rights and child rights, and to establish "prevention camps" in trafficking-prone areas. ILO/IPEC also supports workshops for legal experts and prosecutors on enforcement and legislation regarding trafficking. ILO conducts intensive advocacy on the issues of child rights and child labour and works closely with the ministries of labour and social welfare in the concerned countries.

145. The International Organization for Migration (IOM) has placed trafficking on its regional agenda and is concerned with understanding and operationalizing the distinctions between migration and trafficking. IOM focuses primarily on cross-border trafficking and seeks to strengthen organizations and programmes which provide support to survivors of trafficking. UNFPA, WHO and UNAIDS are also committed to addressing the issue of trafficking through their principal mandates.

Non-governmental organizations

146. National and international NGOs working in India should be congratulated for raising awareness and for putting trafficking on the world's agenda as a high-priority issue. The Special Rapporteur could only visit a few NGOs during her visit. It is not possible to mention all the NGOs working on this issue (a list of selected persons/organizations with whom the Special Rapporteur met during the mission is contained in the annex); however, a few NGOs that the Special Rapporteur visited deserve very special mention.

147. The most unusual NGO that the Special Rapporteur met was the Durbar Mahila Samanvyaya Committee (DMSC) and the Usha Collective of Sex Workers in Calcutta. These are self-help organizations of sex workers that have begun to address how to reduce forced entry of women and voluntary or forced entry of minors into the sex industry, including through trafficking. DMSC aims at mass-scale mobilization of sex workers to organize for their rights, better working and living conditions and freedom from abuse, coercion, violence and stigmatization. DMSC members have made a formal commitment to prevent the forced entry of women and the trafficking of minors into the industry. DMSC hopes to monitor this through its self-regulatory board. If trafficking into the sex industry is to be combated, the support and active participation of sex workers is extremely useful. They have the inside information about the methods employed, the perpetrators, as well as the location of the victims. The women from the DMSC that the Special Rapporteur met were committed women who were fighting a difficult cause with dignity and fortitude.

148. Prerana in Bombay and Sanlaap in Calcutta are also exceptional NGOs. Prerana has a project to eliminate second-generation trafficking of children into sexual exploitation, a night care centre for the children of the red light districts and a placement programme for the children of women sex workers. It is also trying to get ration cards for sex workers. The activities of Prerana have evolved through constant consultation and interaction with the beneficiaries. They are aimed at enhancing the capacity and self-reliance of the victims rather than generating new dependence. Prerana is currently fighting a case under public interest litigation at the Bombay High Court against the state government of Maharashtra to improve the post-rescue operations. Sanlaap also provides shelter for women and child victims, health services, legal and psychological counselling and a whole array of other services. Committed staff supports it and its success lies in the large number of children and women who come to them for assistance on a voluntary basis. The children and women in their care seemed healthy and happy despite conditions of poverty.

149. Another NGO that seemed to provide exceptional services given the resource constraints in the NGO sector was St. Catherine's Home in Bombay for rescued children, abused children from brothels, and children with HIV/AIDS. St. Catherine's strives to provide a happy home environment for the children so they can learn and discover themselves and their potential through education and vocational training. Clean and friendly, St Catherine's seems, like the other NGOs mentioned above, a model NGO.

150. There are many NGOs working in the field with great enthusiasm and commitment. As a general rule, their centres, especially when they are monitored by the Government, are far cleaner, healthier, and provide more services than Government-run homes. However, government officials in Maharasthra did say that there were also many NGOs that are financially corrupt and provide minimum services to the women and girls. NGO management may be better for the women and children but government monitoring of standards is also essential if the victims of trafficking are to be given the necessary social welfare services.

VII. RECOMMENDATIONS

International

151. The international community must continue to play a proactive role in preventing trafficking in the South Asian region. More resources should be given to the Governments of the region to meet this problem of human servitude and forced labour. In this connection, the Nepalese effort should be replicated in the other SAARC countries. There should be an Inter-Agency Task Force on Trafficking or a Joint Initiative on Trafficking involving all the international agencies. Cooperation among the agencies is essential if there is to be a coordinated effort to deal with the problem of trafficking in South Asia.

Regional

152. The countries of the SAARC region should get together to collect comprehensive data on trafficking. There should be a central database and a regional survey to assess the nature of the problems, the numbers involved, the profile of the trafficking victim, the profile of the trafficker and the response of national Governments. The collection of data is absolutely necessary if the problem is to be dealt with effectively.

153. The adoption of the SAARC Convention on Trafficking should be encouraged. If the present draft Convention is signed, there should be an amendment conference within a year to ensure that the definition of trafficking in the SAARC instrument is in conformity with the international language agreed upon at Vienna for the Convention on Organised Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime. In addition, the social and economic rights of the victims should be respected in the section entitled "Rehabilitation". A monitoring mechanism should be set up along with a regional fund to help victims of trafficking once they are rescued.

154. There should be an intergovernmental regional task force on trafficking that will plan and implement a concerted strategy for the region. This task force could be linked to the women and child ministries of the respective countries. In addition, there should be an interregional police task force to fight trafficking, track traffickers and gather jointly intelligence on trafficking rings.

National

155. The Governments of the region should each have a national plan of action to combat trafficking. To prevent such a plan from being just a piece of paper, there should be a monitoring mechanism involving Governments, NGOs and international agencies.

156. There should be a nodal agency entrusted with implementing the plan. In some of the SAARC countries there is such a nodal agency for drug prevention. Human trafficking is a far more despicable crime than drug abuse. The establishment of a nodal agency would give the world a sense that the countries take this issue seriously and that there is political will to eradicate trafficking.

157. Legislation to combat trafficking should be considered, but only if it complies with international human rights standards and does not violate the rights of women. Nothing should be done to prevent the freedom of movement of adult women. No law or regulation should place them at the mercy of the men in their families or in their villages. Their autonomy must be respected.

158. Governments should refrain from enacting regulations and orders that restrict the free movement of women under the guise of fighting trafficking. Instead, measures aimed at educating women about their rights and raising awareness about conditions in receiving countries should be compulsory. The respective embassies in receiving countries should be proactive in providing assistance to women and girl victims of trafficking.

159. "Protective Custody" as a means of dealing with victims of trafficking should be reconsidered. Women who are victims of trafficking have not committed any crime. For this reason, they should not be detained. Any stay in a government home should be voluntary. In addition, conditions in these homes should be such that the women would want to stay there voluntarily. There should be programmes to keep women occupied; there should be legal and psychological counselling and an effort to help the women plan their future. Proven NGOs should manage such homes with government monitoring and supervision.

160. In cases of trafficking victims who are foreign nationals, the Governments of the region must work towards facilitating their voluntary return, if that is appropriate, rather than detain them for long periods in government homes.

161. All the countries of the region should have training for their police forces on how to combat violence against women in general as well as trafficking. The training should consist of awareness raising on the issue as well as development of investigative skills so that crimes of violence against women are investigated and prosecuted with proper evidence. The Special Rapporteur suggests that the countries of the region draw on international expertise present at OHCHR and the United Nations Office for Drug Control and Crime Prevention in Vienna.

162. Corruption in the police seems a significant problem in all the countries of the region, especially in the area of trafficking. There should be a clear direction from the top of the police hierarchy that such behaviour will not be tolerated and police officers who engage in such activity should face severe consequences.

163. There should be seminars and workshops with judges in the region to increase their awareness on issues relating to violence against women, as well as to issues related to trafficking. There are a number of such programmes already in existence and they should be encouraged.

164. The human rights commissions in all the countries of the region should make trafficking a special focus of their work.

165. Witness protection schemes should be set up for women victims so that they will testify against their traffickers. Such schemes should assist the police in presenting evidence before the courts and would help to secure a higher rate of conviction.

166. There should be a concerted effort to deal with the problem of HIV/AIDS in the region. Resources should be allocated to deal sufficiently with the problem. Special centres should be set up in the red light districts to assist sex workers. International standards on "voluntariness" with regard to testing and confidentiality should guide the campaign. Gender training for the medical profession should be provided to ensure that women receive non-judgmental, confidential treatment.

167. Prevention programmes should exist in all three countries. Prevention should take the form of awareness raising through the media, through the education system and through social mobilizers in the villages. Prevention should not rely on social surveillance and neighbour spying on neighbour, as such surveillance can be subject to a great deal of abuse.

168. Extensive support should be given to NGOs working in this field. The NGOs working with the children of the sex workers should be given special encouragement along with those who work with the victims of trafficking. A partnership between Government and NGOs working in this field is essential if the problem of trafficking is to be dealt with in the South Asian region.

Notes

[a] For further information please refer to the Special Rapporteur's report on trafficking in women, women's migration and violence against women, submitted to the Commission on Human Rights at its fifty-fifth session (E/CN.4/2000/68).

[b] Human Rights Watch, Rape for Profit, Trafficking of Nepali Girls and Women to India's Brothels, 1995, p.11

[c] Ibid.

[d] Central Welfare Board, Prostitution in Metropolitan Cities of India, New Delhi, August 1993.

[e] This was the figure given to the Special Rapporteur by NGO activists working in Bombay and Calcutta.

[f] Human Rights Watch, op. cit., pp. 20-24.

[g] Jyoti Sanghera, Trafficking of Women and Children in South Asia: Taking Stock and Moving Ahead, for UNICEF and Save the Children Alliance, November 1999.

[h] Ibid.

Appendix

Selected list of persons/organizations whom the Special Rapporteur on violence against women met during her mission

BANGLADESH

Dhaka

Mr. Munshi Faiz Ahmad, Director-General, Ministry for Foreign Affairs
Dr. Ali, Acting Foreign Secretary, Ministry for Foreign Affairs
Mr. Rabab Fatima, Director, Ministry for Foreign Affairs
Mr. Abul Hasan Chowdury, State Minister for Foreign Affairs
Mr. Reza, Ministry of Home Affairs
Prof. Zinantun Nesa Talukdar, State Minister, Ministry of Women and Children Affairs
Prof. (Dr.) Tehmina Hussain, Secretary, Ministry of Women and Children Affairs
Mr. Abdul Matin Khasru, Minister, Ministry of Law, Justice and Parliamentary Affairs
Mr. Mahmid Al-Faird, Acting Inspector-General of Police

Ms. Shamim Hamid, Principal Officer, Office of the United Nations Resident Coordinator
Ms. Farah Ghuznavi, Programme Officer, UNDP
Ms. Shahida Azfar, UNICEF Representative
Ms. Jun Kukita, Senior Programme Coordinator, UNICEF
ILO Representative
World Bank Representative
UNHCR Representative
IOM Representative

Mr. Kamal Khairuzzaman, Executive Director, Bangladesh Manabadhikar Sangbadik Forum
Ms. Salma Ali, Executive Director, Bangladesh National Women Lawyers Association (BNWLA)
Ms. Shirin Naer, Advocate, Supreme Court of Bangladesh/BNWLA
Ms. Maleka Begum, Gender Specialist and Researcher
Ms. Ruby Ghuznavi, Convenor, Naripokkho
Ms. Ayesha Khanam, GS, Bangladesh Mahila Parishad
Ms. Salma Sobhan, Executive Director, Ain O Salish Kendra
Ms. Sigma Huda, Advocate, Chancery Chambers, Ain-O-Unnyan Sangstha
Ms. Angela Gomes, Executive Director, Banchte Shekha
Ms. Salima Sarwar, Executive Director, ACD, Rajshahi
Ms. Farida Akhter, Executive Director, UBINIG
Mr. Aminul Islam Miah, GS, Bangladesh Retired Police Officers' Welfare Association, Detective Training School
Ms. Selina Shelley, Country Representative a.i. Oxfam
Ms. Mufawesa Khan, Executive Director, CWFD
Ms. Khushi Kabir, Chairperson, ADAB
Prof. Ishrat Shamim, President, CWCS
Ms. Salma Khan, President, Women for Women
Ms. Lulu Bilkis Khanom, Senior Programme Officer, Dhaka Ahsania Mission
Ms. Naheed Kamal
Ms. Carol Jenkins
Mr. Matthew Friedman
Mr. Rakin Hossain

Aparageya Hostel

NEPAL

Kathmandu

Mr. Ram Chandra Paudel, Deputy Prime Minister
Mr. Mahanth Thakur, Minister of Law
Mr. Arjun Kant Mainali, Section Officer, Ministry for Foreign Affairs
Ministry of Women, Children and Social Welfare
Mr. Badri Bahadur Karki, Attorney-General
Mr. Pradeep SJB Rana, Acting Inspector-General of Police, Chief of Nepal Office
Mr. G.P. Thapa, Deputy Inspector-General of Police, Training Directorate, PHQs
Mr. Jogendra Keshari Ghimire, Secretary, National Human Rights Commission
Ambassador Nihal Rodrigo, SAARC Secretary-General

Mr. Nick Langton, Representative, the Asia Foundation
Ms. Shtrii Shakti
Ms. Sapana Pradhan-Malla, Advocate, Forum for Women, Law and Development
INHURED
Ms. Anu Radha Koirala, Chairperson, Maiti Nepal
Dr. Renu Rajbhandary, Chairperson, WOREC
Ms. Pratima Mudbary, Women for Women Forum
Ms. Saloni Singh, Didi Bahini
Ms. Pramoda Shah, Saathi
Ms. Durga Ghimire, ABC Nepal
Ms. Kamala Hemchuli, Dalit Women's Organisation
Dr. Shanta Thapaliya, LACC
Ms. Tula Rana, Beyond Beijing Committee
Ms. Bandana Rana, Sancharika Samuha
Ms. Madhavi Singh, Coordinator, National Newtwork Against Girls Trafficking (NNAGT)
Ms. Bagwati, AAZWIN
Ms. Indira Shrestha, President, Strii Shakti
Mr. Yubaraj Sangroula, Chairperson, CeLLRd
Mr. Dilli Chaudary, President, BASE
Mr. Dillip Pariyar, President, SAFE
Ms. Shanti, Shanti Punarsthapana Kendra

Mr. Henning Karcher, United Nations Resident Representative
United Nations Task Force on Trafficking
Informal Inter-Agency Group on Trafficking
Ms. Bharati Silawal-Giri, Assistant Resident Representative (Programme), Gender Equality and Social Development Unit, UNDP
Ms. Tania Karpatschof, Gender Programme Officer, UNDP
Mr. Michel Dupoizat, Representative, UNHCR
Mr. J .Musoke, UNFPA Representative

Rupandehi district

Mr. Gupta Bahadur Shrestha, Deputy Superintendent of Police
District officials
Maiti Nepal transit home

INDIA

New Delhi

Mr. Lalit Mansingh, Foreign Secretary, Ministry of External Affairs (MEA)
Mr. A. Gopinathan, Joint Secretary (UNE), Ministry of External Affairs
Mr. Sunu Lai, Director (UNE), Ministry of External Affairs
Dr. Neeru Chadha, Legal Officer, Ministry of External Affairs
Mr. B.K. Chaturvedi, Secretary, Department for Women and Child Development (DWCD), Ministry of Human Resource Development
Mr. Rajmal Banger, Deputy Secretary (GC), Department for Women and Child Development
Ms. Vibha Parthasarthi, Chairperson, National Commission for Women
Mr. Kamal Pande, Home Secretary
Mr. Arun Jaitley, Minister of Law and Justice and Company Affairs
Mr. Soli J. Sorabjee, Attorney-General of India
Ms. Sumitra Mahajan, Minister of State for Human Resource Development
Mr. Justice J.S.Verma, Chairman, National Human Rights Commission
Mr. Ajai Raj Sharma, Commissioner of Police, Delhi
Smt. Sunita Sabharwal, Superintendant, Central Jail, Tihar

Mahila Dakshata Samiti
Ms. Vimla Vohra, Member-in-charge, BAPNU GHAR, All India Women's Conference (AIWC)
Satya Ravi Shakti Shalini
Ms. Madha Joshi, Joint Women's Programme
Ms. Ranjana Kumari
Ms. Sushila Kanshik
Dr. Syeda Sitmad
Ms. Akida Sivadasa, Media Advocacy Group
Dr. Jyoti Sanghera
Mr. Nair

Ms. Brenda Gael McSweeney, United Nations Resident Representative
Mr. Richard Conroy, Senior Deputy Resident Representative, UNDP
Ms. Sonam Yangchen Rana, UNDP
Ms. Padwa Seth, Consultant, UNICEF
UNIFEM

Mumbai

Hon. Chief Minister, Maharashtra State
Chief Secretary, Maharashtra State
Adv. Nirmala Samant Prabhavalkar, Chairperson, Maharashtra State Commission for Women
Smt. T.F.Thekkekara, Hon. Member Secretary, Maharashtra State Commission for Women
Shri. A.N. Borade, Officer, Maharashtra State Commission for Women
MAVIM, the corporation for economic development of women
Ms. S. Sridevi Goel, Deputy Inspector-General of Police, Maharashtra
Police Station, Kamathipura
St. Catherine's Home, Andheri
Asha Sadan, Umarkhadi
Prerana Trust, Kamathipura
Mr. Ratnakar Khaire, NGO Adviser, Mumbai District AIDS Control Society
Mr. B.Vijay, Hon. Secretary, Shape Up India

Government Observation/Remand Home, Umarkhadi
Ms. Jyoti Mhapsekar, President, Stree Mukti Sanghatana
Mr. Jhilam Roy Chowdury, Research Assistant, Committed Communities Development Trust
Ms. Vipula Kadri, Save the Children India

Calcutta

Ms. Rinchen Tempo, Director of Social Welfare, Department for Women and Child Development, West Bengal
Ms. Manjula Gupta, Principal Secretary, Department for Women and Child Development, West Bengal

ICDS Project
Liluah Government Home
Ms. Indrani Sinha, Secretary, SANLAP
Durbar Mahila Samanwaya Committee