



**Model Standard Operating Procedure (SOP)
for Post-Rescue Procedure for Repatriation
of Trafficked Children Survivors Rescued
From Delhi and NCR**

2018

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
(NCPCR)

Introduction

Human trafficking is the third largest profitable industry in the world and also the gravest form of deprivation of Human Rights and dignity. Trafficking especially in women and children has become a matter of serious concern. Trafficking can occur for various purposes like labour, commercial sexual exploitation, organ trade etc. Poverty, illiteracy, lack of livelihood options, natural/manmade disasters makes children vulnerable to trafficking. A significant number of persons including children are trafficked every year and forced to lead lives of 'slavery'. They survive in brothels, factories, guesthouses, dance bars, farms and even in the homes of well off, with no control over their bodies and lives.

Trafficking of children runs through an organized network. Children and their families are often lured by the promise of better employment and a more prosperous life far from their homes. Others are kidnapped and sold. Trafficked children are forced for prostitution, forced marriage, illegally adopted, used as cheap or unpaid labour, sexual exploitation, begging and organ harvesting. Some children are recruited into armed groups or other crime mafias. Trafficking exposes children to violence, abuse, neglect and exploitation.

As per the National Crime Records Bureau (NCRB) data, human trafficking number rose by almost 20% in 2016 against the previous year. In 2016 a total number 8,132 cases of human trafficking were reported as against 6,877 in 2015. Further, of the 15,379 rescued victims, 9,034 were children below 18 years of age.

Our country has adequate legal provisions to counter trafficking such as:

- Article 23 of the Constitution prohibits trafficking and forced labour in human beings.
- Article 24 of the Constitution prohibits the employment of children below 14 yrs in factories and other hazardous employments.
- Section 370 & 370A of IPC, provides for punishment for different modes of trafficking of persons. It provision for punishment with rigorous imprisonment for five to seven years and also liable to fine.
- Immoral Traffic Prevention Act 1956 as amended in 1986 is the premier legislation aims at abolishing trafficking in human beings from commercial sexual exploitation.

It penalises brothel keeping, pimping, procuring, detention of women or girl for prostitution and seduction of a woman in custody. According to the Act, any person who procures, induces or takes a child for the purpose of prostitution is liable to imprisonment of not less than 7 years or more and liable to pay fine.

This list also included Bonded Labour System (Abolition) Act, 1976, Juvenile Justice (Care and Protection) Act 2015 and the proposed bill on Human Trafficking, etc.

Irrespective of various laws, policies and schemes for prevention, protection, rescue and rehabilitation of trafficked children the number of missing children is on the increase. The low rate to trace, rescue and rehabilitation of children further complicates the issue.

National Commission for Protection of Child Rights (NCPCR), a statutory body constituted under CPCR Act, 2005 is mandated to monitor implementation of laws, policies, programmes relating to the survival, welfare and development of children as per the functions allocated under CPCR Act, 2005, JJ Act, 2015 as well as RTE Act, 2009 and POCSO Act, 2012.

The Commission has experienced that many times when children are rescued through various agencies, there are procedural problems in re-uniting such children with their families particularly when children are found in the States other than their Home State. The Commission had decided to make Standard Procedure/ Guidelines to facilitate repatriation of such children to re-unite them with their families through the office of the Resident Commissioner of their home state.

For this purpose, a meeting was conducted in July, 2017 in NCPCR with the State Resident Commissioners wherein Members of CWC Delhi, Childline India Foundation and representatives of NGOs working for Child Protection also participated. The meeting was participated by the Resident Commissioners of the States of Assam, Odisha, Jharkhand, Bihar, Chhattisgarh, Madhya Pradesh, Uttar Pradesh, West Bengal & Haryana. During the discussions, it was observed that many times there are language problem with the rescued children which made it difficult to get correct information in regard to their original place of residence or address. The organizations responsible for rescue also find it difficult to identify

district/taluk/town etc. of the rescued child and they feel many hurdles in identification of the home place of the child in order to repatriate the child to his home place. This at many times results in sending of the child to local CCI through CWC and child after some time can forget and therefore never re-unite with its parents. It was thus decided in the meeting that for children belonging to other State, rescued in Delhi, the concerned State Resident Commissions may be approached for repatriation of the child to his/her home state. In order to streamline the procedure, it was decided to frame Standard Procedure/Guidelines to be followed by the State Resident Commissioners/State Bhawans for Post rescue repatriation of trafficked survivors. The Guidelines so drafted were finalized in the meeting held in December, 2017. They are as follows:

Guidelines

1. The State Bhawan should maintain a Child Friendly Desk and display a board at its reception, depicting helpline numbers and list of concerned persons/NGOs working in the area of protection of children.
2. The State Bhawan should prepare a Resource Directory consisting of all Helpline numbers of Child Protection Units, CWCs, Childline, Police stations/out-post station, Anti Human Trafficking Units, Railway Police, and concerned NGO's working in the areas of Child Protection at State/District level in the concerned State.
3. In case a child victim of trafficking is rescued and is brought to the State Bhawan, the representative of State Bhawan should make him/her comfortable and facilitate accommodation to the child victim, his/her family and the accompanying investigating personnel as the case may be. In case of non-availability of the rooms, State representative should co-ordinate with the designated authority of another State Bhawan for providing accommodation till the process of repatriation of the minor.
4. Free fooding and lodging facilities are to be arranged by the State Representative from their own resources to the rescued Trafficked Child survivors and their family till they board their concern States/District as most of the children and their families belong to very poor families.

5. The State Government should appoint a State language translator in the State Bhawan for better coordination/communication with victims and victim's family who can assist the police and court of law also during trials.
6. The State representative should interact with the child victim through language translator, if required, to know the basic details about the family of the child and other contact details.
7. Based on the information provided by the child victim, the Resident Commissioner should coordinate with the concerned District Magistrate and District Child Protection Unit and Child Welfare Committee of the State for repatriation of child.
8. The Resident Commissioner should also co-ordinate and apprise the NGO's working on Child Protection and Anti Human Trafficking Units in Delhi.
9. The State Bhawan should facilitate transportation for the child survivors/family of the survivors and Police personnel till they have boarded for their States/District or for the rescue operation as the case may be.
10. Once all arrangements are finalized, the State representative should ensure to provide Railway ticket, etc. to the rescued victim, family and the accompanied team and escort the child to the concerned district to ensure the child is handed over to DCPO.
In case of unfortunate report of death of the minor victim(s) of trafficking, child labour, domestic help etc. during the search operation, State representatives must arrange the conveyance and ensure that the deceased's body will reach its destination.
11. The DCPO to ensure that the child should be produced before the CWC. Follow-up should be done by the Resident Commissioner till the DCPO trace his/her parent(s), family members, resident address etc and the child is re-united with the family.

12. The Resident Commissioner should request their respective state governments for financial assistance, if required. As the entire operations have to be resourced from the state government.

13. The Resident Commissioners are requested to keep NCPCR informed of their activity by email at cp.ncpcr@nic.in

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