

**Statement by Dr. Praveen Kumari Singh, Director MHA and Head of
Delegation Of India at Bali Process First Ad-hoc Group Meeting
27-29 July 2009**

Co-Chairs, Excellencies, Distinguished Delegates, Ladies and Gentleman,

Allow me first to convey my sincere appreciation on behalf of Government of India to the Governments of Indonesia and Australia on their joint initiative to convene the First Ad-hoc group meeting on People Smuggling, Trafficking in Person and Related Transnational Crime. My delegation would also like to express thanks for the warm hospitality extended by co-hosts for this conference.

People smuggling and trafficking in persons are internationally defined criminal offences. Trafficking in human has been identified as the third largest source of profit for organized crimes, following arms and drug trafficking, generating billions of dollar at the global level. Trafficking takes place for various purposes such as labour, prostitution, forced marriages, domestic servitude, adoption, begging, organ trade, drug couriers, arms smugglings etc. and is an organized crime that gravely violates basic human rights. However these cannot be seen in isolation as they have a crossing nexus and linkage, which compounds the constraints faced in tackling the problem. As trafficking and human smuggling are transnational globally organized crime, international collaborations, co-operations and sharing of knowledge, information and best practices are key to address this problem

While cultural, traditional and historical patterns differ from country to country, a common thread which runs across all exploitative trafficking situations is the implicit and explicit economic and social deprivation and discrimination that disadvantaged sections generally women and children face. Not only trafficking has severe implications on the psycho-social and economic well being of victims, highly adverse ramifications are also seen on the society and the nations as the countries have to incur huge costs for health and rehabilitations as well as for law enforcement.

While we recognize the inevitability of international migration and movement of natural persons across national frontiers, as People tend to migrate in search of better opportunities, more so with growing globalization and liberalization, we also need to take note of the emergence of other complex issues such as smuggling of people across the borders and unsafe migrations by unscrupulous touts and agents in the context of globalised world. There are some serious national security implications, including the use of irregular migrants as agents for cross border terrorism and social conflicts in the host country. This needs to be tackled with firm resolve.

Historically, India has been a source, transit and destination of migrants. Illegal migrants pose a heavy burden on our national resources but enjoy access

to human rights guaranteed by our Constitution. The precise estimates of the number of women and children currently trafficked in India are not available but it is evident that the problem is serious. As per information available to various Ministries and Agencies, intra-country trafficking accounts for over 90 per cent of the total volume. The international linkages of traffickers has been instrumental in causing and perpetuating transborder trafficking across the borders, especially with certain adjoining countries. As per reports, cross border trafficking is usually taking place across the porous borders with Bangladesh and Nepal and recently Sri Lanka due to conflict. There are some reports of trafficking from India to Middle-Eastern countries. However, because of its clandestine nature, much of the criminal activity is obviously going unreported.

Nationally, India has developed law enforcement infrastructure as well as domestic mechanisms to address the issues of people smuggling and trafficking in persons. Drawing strength from the Constitution of India where trafficking of human beings is prohibited under article 23 (1), the mandate for prevention and combating trafficking in persons has received significant attention from the Government. The Government of India has accorded the highest priority to the issue and has built strong linkages and partnerships with various stakeholders including civil society, NGOs, Corporate sector, international organizations etc in all its endeavors to build an integrated response in combating trafficking and related transnational crimes

Specific legislations have been enacted to deal with these crimes. The Immoral Traffic (Prevention) Act, 1956 is the premier legislation and to further strengthen the Act, amendments have been proposed to widen its scope, focus on traffickers and prevent re-victimization of victims. Other relevant legislations are regarding bonded labour (Bonded Labour System (Abolition) Act) and child labour (Child Labour (Prohibition and Regulation) Act) apart from specific Sections in the Indian Penal Code –

Section 374 of the IPC, which is a pre-constitutional enactment, punishes the offence of unlawful compulsory labour.

Sections 372 and 373 of the IPC which provide for stringent punishment for selling and buying of minors for the purposes of prostitution extending to imprisonment for 10 years and fine, non-bailable, triable by Court of Session and non-compoundable.

Sections 361, 366, 366A and 366B relating to kidnapping, abduction etc.

India is on anvil of adopting an **Integrated National Plan Of action to Prevent and Combat Trafficking in Human Beings especially Women And Children** which had already been drafted after wide ranging consultations with multistakeholders. The Government Of India is **implementing a number of poverty allevation programme**, which would also reduce vulnerabilities of

women and children to trafficking. These programme include National Rural Empolyment Scheme, Sampuran Gramin Rojgar Yojana and others

A project on **“Strengthening the law enforcement response in India against trafficking in persons through training and capacity building”** has been taken up in the Ministry of Home Affairs as a joint initiative of the Government of India and the United Nations Office on Drugs and Crime. Over a two-year period w.e.f April 2006, through a series of training programmes, the project aimed at raising the awareness of law enforcement officers, (i.e., police and prosecutors) on the problem of human trafficking and build their capacity to better investigate and prosecute offenders perpetrating this crime. The five states selected for the training are Maharashtra, Goa, West Bengal, Andhra Pradesh and Bihar and represent source, destination and transit areas for human trafficking of differing types (e.g., trafficking of women and children for commercial sexual exploitation, child labour, bonded labour, etc.).

The project has had very positive outcomes in most of the States and the Anti-Human Trafficking Unit (AHTU) model has been particularly effective. The project has also generated several useful **products & resources** in the form of **Handbooks, resource materials, ready reckoners, posters, Films, training manuals and Standard Operating Procedures** for investigation and rescue as well as care and attention of the victims in trafficking cases.

Government of India is planning to implement AHTU model to at least 50% of the police districts of the country and at the same time utilize the excellent training resource material and SOPs under the proposed Centrally Sponsored Scheme for TOT and AHTU.

India is a signatory to the **United Nations Convention on Transnational Organised Crime (UNCTOC)** which has as one of its Protocols Prevention, Suppression and Punishment of Trafficking in Persons, particularly Women and Children. India is in the process of ratifying the Convention. India has ratified the **SAARC Convention** on Preventing and Combating Trafficking in Women and Children for Prostitution. The third Regional Task Force of SAARC for implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution met for recently in Shimla and its major achievement was release and approval of **Standard Operating Procedures (SOP)** for operationalising the Convention, including repatriation of victims by all member states. The decisions taken in the SAARC Meeting included sharing of best practices, setting up a toll free phone number for use of victims, capacity building and training programmes based on the best practices, wherever possible harmonizing national legislations to tackle trafficking .

India has also ratified the Convention on the Rights of the Child and its two Optional Protocols, and the Convention on the Elimination of all Forms of Discrimination against Women.

Mr. Co-Chair

The Bali Process as a flexible, informal, no-institutionalized regional consultative process has contributed to enhanced regional cooperation, coordination and information sharing on people smuggling and human trafficking, India is committed to the process and has been actively participating in the deliberations since its inception in 2002. It is hoped that the Bali Process as dialogue mechanism will continue to galvanise our collective efforts with a view to curb people smuggling, human trafficking and related transnational crime in the Asia-Pacific region. India reiterates its commitment to the process

I thank you for your attention.