ATSEC India

Advocacy workshop on Role of Civil society in community policing to Prevent Cross Border Trafficking, Mutual Legal Assistance and Repatriation between Bangladesh, India and Nepal was organized by ATSEC India with support from UNODC. It was attended by participants from Bangladesh, Nepal and West Bengal, India. The program was held on 28th and 29th June 2010 at the Ramakrishna Mission Institute of Culture, Kolkata. The program was attended by 52 participants. The program was inaugurated by Justice Chittatosh Mukherjee former Chief Justice of Calcutta High Court and Mumbai High Court. Prof. Malani Bhattacharya chairperson West Bengal Women Commission was the Guest in Chief, Justice Monoranjan Mullick former Judge Calcutta High Court presided over the inaugural session. Justice Moloy Sengupta former Chief Justice Sikkim High Court was the Guest of Honour.

Introduction

Dear friends,

This is the fourth issue of the ATSEC India News Letter. ATSEC as a networking has developed country chapters in Bangladesh, Nepal, Pakistan, Srilanka and India. Most of the prominent organizations working in the field of Anti Human Trafficking are members of ATSEC South Asia. We request all our member partners to send us news about their activities for the news letter. We would like to have case studies and best practices from the state chapters as well as the country chapters.

Any suggestion for including this news letter is most welcome.

Manabendra Mandal
National Coordinator
ATSEC India & Chairperson
ATSEC South Asia

Justice Chittatosh Mukherjee inaugurating the workshop

Inspector D Chatterjee of Kolkata Police

Mr. AKM Masud Ali with Justice M Sengupta

Ms. Swapna Ghosh from CID, West Bengal
HUMAN TRAFFICKING - PAST AND PRESENT

Ms. Kumudini Ashchi  
Prof. Y.S. Siddegowda

Defining Human Trafficking in the present day context:

Trafficking is defined by General Assembly of the United Nations as "the illicit and clandestine movement of persons across national borders with the end goal of forcing women, girls and children into sexually oppressive and exploitative situations for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking such as forced labour, false marriage, clandestine employment and false adoption.'

Whereas, the United National Convention Against Trans-National Organisation crime in its Article 2 defines trafficking as:

"Trafficking in Persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other form of sexual exploitation forced labour or services, slavery or practice similar to slavery, servitude or the removal of organs.

(a) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in person' even if this does not involve any of the means set forth in subparagraph of (a) of this article.

Child shall mean any person less than 18 years of age.

It is important to clarify the difference between trafficking and smuggling. The elements of a trafficking relationship are the threat or use of force or other forms of coercion, abduction, fraud, deception or abuse of power, while smuggling generally implies a degree of consent between the transporting agent and the smuggled individual. Trafficking implies an absence of such consent during some stage of trafficking cycle. In the case of trafficked children, the issue of consent is irrelevant. Another distinguishing feature of trafficking relates to the conditions in which a smuggled worker is kept in the destination country. Through corrupt government officials, unscrupulous labour agents and poor enforcement of the law, economic migrants may be deceived or coerced into situations of forced labour and slavery-like practices. If the work is exploitative, involving illegal force labour or debt bondage, or is below national and international labour standards, this too is considered to be trafficking.

Human trafficking represents a severe violation of an individual's human rights. The modern era of economies strongly bound to believe in the existence of human rights. In other words, the international policies and laws do not tolerate the crimes like Human Trafficking. The first anti-slavery legislation was passed in the 1807 by UK and US, making it illegal to buy, sell or transport slaves. Later, other countries followed suit. But this attempt failed to abolish the institution of slavery. A new law was introduced in 1834 to abolish the institution of slavery, as the institution was quite strongly based in the society, no legal intervention worked out. The year 2007 had marked the 200th anniversary of the abolition of slave trade. There are a number of domestic and international laws existing to combat trafficking in persons. But, unfortunately, the world is facing slavery and trafficking in easier, broader and innovative forms - humans, particularly women and children, are traded as chattels in more modernistic shackles to, from and across new geographies and demographics for a variety of purposes - sex, marriage, labour, begging, and adoptions, to name but some instances. All this is more convoluted because of the advent of globalization of a different kind; faster and more extensive communications, tourism, travel, the Internet and more. While there is money-laundering, there is also "human laundering" in that the victims are often hidden from view and are often under various (dis)guises. The supply factor and the demand factor have become much more integrated and globalized. Particularly in regard to sexual exploitation, there is the additional question of male behavior aggravated by cultural discrepancies coupled with chauvinism, patriarchy and paternalism - all of which lead
to the globalization of negative practices of a cultural, physical and psychological kind. Hence, there is an emergency to the global community and the governments to re-look into life style, deteriorating human values and also to find a solution to respect the human rights of its community members while chasing speedy opportunities for their socio-economical survival.

Reference:
2. Vilit Muntarborrn, Human Rights versus Human Trafficking in the Face of Globalization

Completed

**CROSS BORDER TRAFFICKING AND COMMUNITY POLICING**

Mr. Manabendra Mandal

It is expected that the Government, the police and the Community should all participate equally to build a good atmosphere and environment in the Community.

"Community policing as a strategy uses different tactics, such as foot patrol and problem-solving at the neighbourhood level, seeking to improve the quality of life and to increase citizen satisfaction with police (and other) services,"

Community policing in United States is acting as model for other countries are the principles developed over several years at the National neighborhood, foot petrol centre at Michigan State University, these principals are:

1. Community policing is a philosophy and a strategy
2. It requires implementation by all police personnel
3. It requires a new type of police officer, the community policing officer (CPO)
4. The CPO should work with the volunteers
5. It introduces a different link of relationship between officers and citizens

6. It adds a proactive dimension to police work
7. It aims to protect the most vulnerable in society
8. It seeks to balance human skills with technological innovations.
9. It must be implemented and integrated force - drive
10. It emphasizes decentralization.

In India a community policing could be organized in border areas at the panchayat level involving police, BSF, SSB, ITBP, Panchayat representatives, representatives from local women's organizations, youth groups, teachers, medical personnel, parents / guardians, local govt. officials, hotel staffs, bus conductors and others. If we can develop a safety ring to protect the vulnerable girls / children / women then it will be difficult for the traffickers to take away these girls / children breaking the safety net, but it requires creation of awareness on human trafficking at all level. This also need cooperation and commitment from all the involved people so that trafficking at the source point, transit point and destination point could be minimized if not stopped. To combat human trafficking community policing need to be developed in all the cross border areas as well as in source areas.

Under Immoral Traffic Prevention Act, voluntary organizations are recognized and civil society organizations have a role to play. Community policing is a philosophy and an organizational strategy that allows the police and community to work closely together in new ways to solve the problem of crime, fear of crime, physical and social disorder and neighborhood, decay.

Under the community policing philosophy the ultimate goal is the creation of a professional, representatives, responsive and accountable institution that works with the public. Police forces become more than crime fighters.

SLARTC is the National Secretariat of ATSEC and has worked on community policing with the support of UNODC in Basirhat sub division of North 24 Pgs in West Bengal. Here we have orientated Police and BSF on the Human Trafficking and Law we have also trained school children and teachers, panchayat members, self help groups, Mahila Samity members, youth club members, hoteliers and bus conductors and others. We have regularly organized field level discussion at tea stall, courtyard meetings and with gram sabha members when they meet. Then we have brought them together to finally helped them in working hand in hand in the border areas so that any traffickers brings women and girls are apprehended with the help of the police / BSF.

Now the community policing to prevent cross border trafficking could be practiced and replicated and the police should take the lead.

NB : acknowledge with thanks the following authors of the articles which has helped to develop the note paper.

i) Community policing - Dr. Stephen James Males
ii) Strategic review in policing - Abdul Murad Bin Hadi Hadi.
iii) Strategic review in Policing - George Motolo
iv) Key issues in Policing - Hanaman in Samudayaik Prabati Published by DFID, UK and Nepal Police

Presentation of country reports from Bangladesh, Nepal & India

Views expressed by authors are their own
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Email: atsec@vsnl.net, Edited by Manabendra Mandal. Printed by A4 Creations Pvt. Ltd., Ph: 24648444
For Private Circulation only