



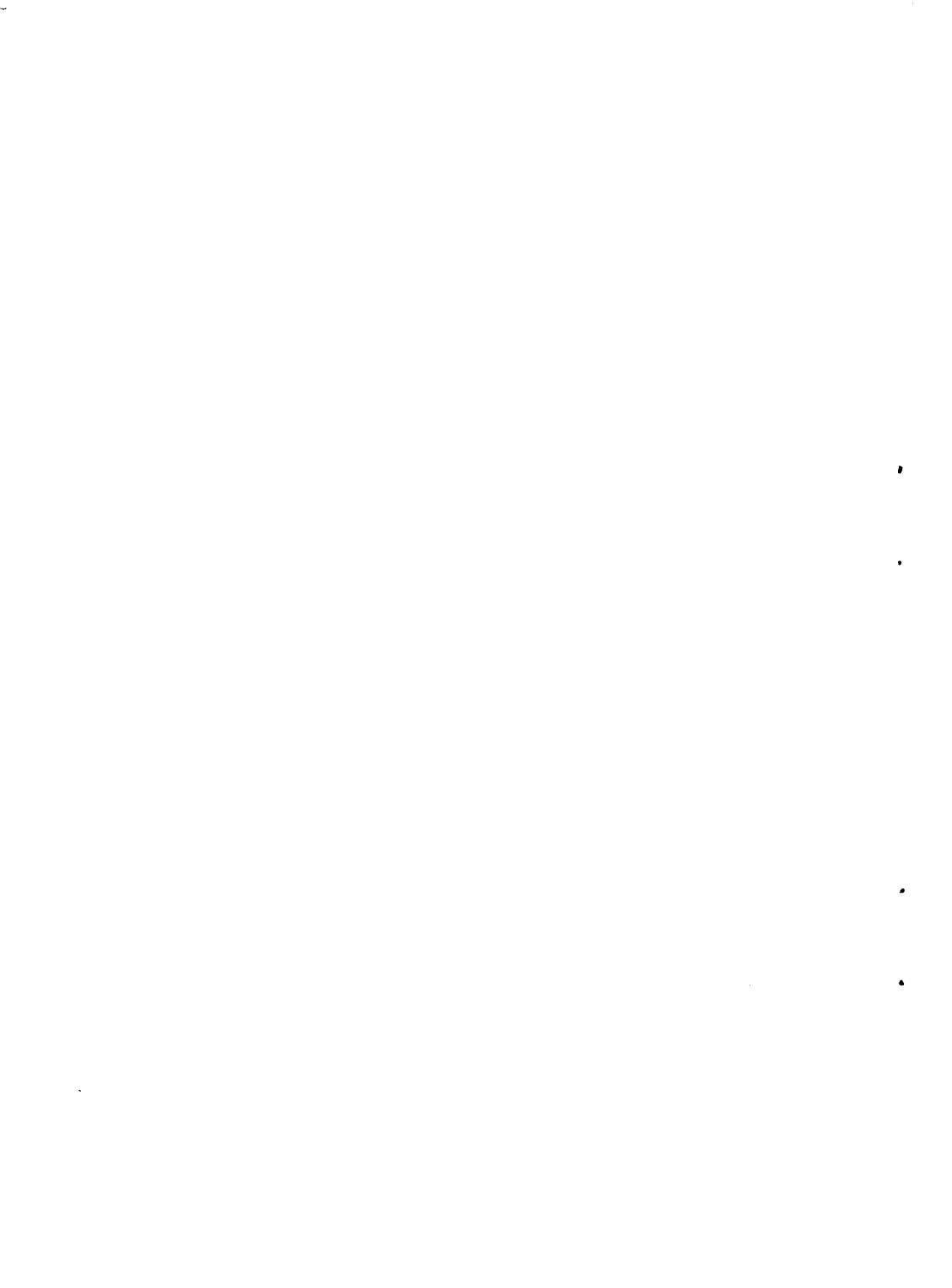
GOVERNMENT OF KERALA

Nirbhaya

KERALA STATE POLICY
TO COMBAT

**SEXUAL VIOLENCE AND
SEX TRAFFICKING OF
WOMEN AND CHILDREN**

DEPARTMENT OF SOCIAL WELFARE - 2012



“NIRBHAYA”
KERALA STATE POLICY
TO COMBAT SEXUAL VIOLENCE AND SEX TRAFFICKING OF
WOMEN AND CHILDREN

[Approved by Government as per G. O. (Ms.) 17/2012/SWD dated 13-3-2012]

I. INTRODUCTION

1. Kerala which has the distinction of having achieved the highest levels of female literacy, education and health and the lowest maternal and child mortality rates in India, as well as an enviable male–female ratio is also the state which is facing severe challenges on the social arena. Despite their high level of education including university education, the visibility of women in the political, cultural, literary and social fields is negligible. This is also a state which has a high level of reported cases of suicides and mental depression and very low female work participation rates. Distorted notions of male-female relationships find expression in violence against women in the form of molestation,rape and other forms of abuse raising disturbing questions about the safety of women and children that society as a whole,both men and women,need to address.
2. In the recent years, sex trafficking in Kerala has assumed different forms at various levels—local, inter-district, inter-state and even cross-border as well as in homes, at a scale that raises significant social concerns. Unlike many other states where economic vulnerability is one of the main causes of trafficking, in Kerala reported cases indicate consumerism as one of the main causes. Often the victims of these dehumanizing practices are minor children.
3. There is large scale migration of men and women from Kerala for economic options within and outside the country. Although men and women migrating as unskilled workforce are vulnerable to be exploited in a foreign land, the consequence for a woman has more ramifications as she can also be subjected to sexual offences. Simultaneously Kerala is a destination state for poor impoverished families from Orissa, West Bengal, Bihar etc. to find gainful employment. A significant number of them are children kept in labor servitude and may become vulnerable to sexual exploitation.

4. The social environment of impunity for perpetrators combined with a weak criminal justice system resulting in poor conviction rates is a situation that needs to be immediately rectified.
5. There are various agencies and organizations taking keen interest to handle the issues raised by sexual abuse, including the Anti Human Trafficking Cells, the Child Welfare Committees, the Mahila Samakhya and committed NGOs engaged in rescue and rehabilitation, but a lot more needs to be done, and the efforts of State and non State stake holders need to be co-ordinated. Community engagements to arrest propensities needs to be strengthened so that abuse is minimized through an enabling environment to address issues.

II. NEED FOR URGENT FOCUSSED INTERVENTION

1. The occurrences of instances of sexual violence and sex trafficking creates a situation that questions the safety of women and children in both public and private domain.
2. Almost all reported instances of child sexual abuse indicate the involvement of either close family members or known persons as perpetrators. This makes a victim reluctant to come out to report and seek legal redressal. Family honor, misplaced prestige, economic dependence, insecurity, guilt and shame are the main reasons for such victims to suffer in silence and bear the agony of torture for long periods of time. Poor systems of protection and rehabilitation outside the personal domain of family also leave a victim no options for seeking help or justice.
3. Sexual violence against women and children and sex trafficking have resulted not only in violation of human rights but also in very adverse physical, psychological and moral consequences for the victims, which are serious, life-long, and also life-threatening.
4. Over 60 to 70% of the sex trafficked victims suffer from more than one sexually transmitted disease including HIV / AIDS. The rescued sex trafficked victims are invariably penniless, physically ill and psychologically broken.
5. Social attitudes and perception, and lack of acceptance of victims have resulted in victims being further victimized by way of stigma, ostracisation and isolation and pushed to the fringes of the society without any options or alternatives thus disempowering a person from human dignity.

6. In cases of trafficking whether it is sex trafficking or labor trafficking that has ended in sexual offence, the lack of inter-state co-ordination mechanisms has resulted in many victims not getting access to support and they languish in institutional care without any hope for social re-integration.
7. Poor rate of conviction of perpetrators of sexual violence and sex trafficking has led to a deterrent-free environment encouraging more such criminal activities.
8. The state mechanism need to be strengthened to address these issues at the level of prevention, protection and prosecution and appropriate strategies need to be in place to combat this crime on a priority basis.

III. AREAS OF INTERVENTION

1. Sexual violence against women and children is deep-rooted in the patriarchal perception of power which is prevalent across the globe. Gender dimensions of sex and sexuality combined with other social malaise such as alcoholism have made women and children more vulnerable to sexual violence both in private and public domains. Further, the poor understanding and recognition of sexual violence against male children has many unresolved issues with devastating consequences.
2. Sex trafficking of women and children is a multi-dimensional problem encompassing a whole range of economic, educational, social, developmental and cultural issues, which are varied and highly complex. Most of the victims have been trafficked with promises of jobs, better career prospects, role in films and television serials, modeling or promises of love and marriage. Some are inducted forcibly through blackmail, threat or abduction. Enticement into drugs and cyber crimes, poverty and deprivation, secondary status accorded to women in society, prejudice against the girl child, weakening of the family structure and its nuclearisation, changing public attitudes towards sex and morality, urbanization and migration are other factors which have contributed to sex trafficking of women and children.

3. Sexual violence against women and children can be broadly categorized as:
 - (a) Acts committed by persons not known to the victim.
 - (b) Acts committed by persons known to the victim.
4. Human trafficking is the third largest organized crime in the world and is defined by United Nations as "recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the 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 prostitution of others, or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or removal of organs.
 - Consent to the exploitation is irrelevant where any of the means set forth have been used.
 - Recruitment, transportation, transfer, harboring or receipt of a child (under 18) for the purposes of exploitation are considered "trafficking" even if it does not involve any of the means set forth".

For the purposes of this policy, child abuse and sexual violence and trafficking for commercial sexual exploitation or sex trafficking will be the focus as these constitute the worst forms of sexual violence against women and children.

5. To combat child abuse, sexual violence and sex trafficking, three main areas of intervention will be required:
 - *Prevention:* By addressing the root causes of this problem including empowerment of vulnerable groups, targeting contributing factors such as gender discrimination, alcoholism, consumerism etc. and preparing communities to be vigilant and thwart any attempts to commit the crime.

- *Protection*: By initiating strong corrective and remedial measures and providing an enabling environment in the form of protection services for the victims to heal, recover, empower and reintegrate back to the society.
 - *Prosecution*: By ensuring a strong rule of law which will be a deterrent for such crimes to recur.
6. There is an urgent need to develop a well-designed comprehensive policy to cover all areas of intervention ensuring prevention and protection of persons coming under each of the above categories of sexual violence and sex trafficking.

IV. STATE COMMITMENT

1. Government of Kerala recognizes the fact that sexual violence against women and children and sex trafficking are serious offences and declares its deep and steadfast commitment to provide relief to the victims and to prosecute the perpetrators besides creating a safe and enabling environment for its women and children. This calls for a comprehensive Policy document covering the entire gamut of the various issues and concerns relating to this social problem which would go a long way to guide and support the several activities and policy actions that are required for this purpose. A specific budget provision for the implementation of this Policy will also be provided. The required departmental convergence to achieve the objectives of this Policy will also be ensured within the time lines that are to be prescribed.
2. Taking into consideration the above, a comprehensive Policy and Action Plan with **multi-stakeholder convergence**, covering various aspects such as prevention, protection, rescue, rehabilitation, restoration, reintegration, legal reforms and creation of a Corpus Fund, is necessary for addressing the problem of sexual violence against women and children and sex trafficking. This programme shall be named **NIRBHAYA**. There is need for planning and co-ordination at the local self government level, district level and the state level for addressing the deep rooted and underlying causes as also for taking adequate measures for psychological support, economic empowerment and re-integration so that the victims do

not get drawn into an abusive situation again on account of non-availability of other options. The institutional preparedness and competence within government and in collaboration with civil society, to sensitively handle the problem is to be ensured.

3. Kerala which has shown the way in the country on effective democratic decentralization will use its strong and well empowered Local Self Governments (LSGs) to bring in departmental convergence at the grass-root level to fight this crime sensitivity on a war footing for ensuring social transformation and a safe world for women and children.
4. The policy will ensure strict compliance with the directions in the Supreme Court judgment on child sexual abuse with special focus on the rights of the child victim.

V. ROLE OF STAKEHOLDERS

1. Local Self Governments viz., the Gram Panchayat, Block Panchayat, District Panchayat, Urban Local Governments (Municipalities and Corporations), Jagratha Samitis and Kudumbashree will be at the core of all grass-root interventions related to prevention, identification and rescue, as well as in rehabilitation of cases of sexual violence and sex trafficking. The active involvement and support of men and women who are conscious of their role in combating such crimes will be a vital input here. Convergence with LSGs and in particular, strengthening the local Jagratha Samities, are the need of the hour. Jagratha Samithis under the Kerala Women's Commission which are to function under all the rural and urban self- government bodies, need to be strengthened, sensitized and highlighted as an effective arm to combat this evil. The strengths of the well knit, all-women community structure of Kudumbashree, embedded in the local government, should be tapped to sustain and deepen the dimension of community engagement in the issue. The implementation of the policy will happen at three levels:
 - Panchayat/ Urban Local Government (Municipality and Corporation).
 - District
 - State

2. The Jagrata Samiti at the Panchayat/Urban Local Government level will be the core committee to implement the Nirbhaya Programme. The Jagrata Samiti comprises of:
 - Panchayat President/ Chairperson, Municipality/ Corporation Mayor (Chairperson)
 - Standing Committee Chairperson (for ULGs)
 - A woman Panchayat Member/Municipal Ward Councillor
 - Doctor of the PHC/CHC
 - Kudumbashree CDS Chairperson
 - Woman Lawyer (to be nominated by the District Legal Services Authority)
 - Circle Inspector or Sub Inspector of local Police Station
 - Woman SC/ST Panchayat Member or Social Activist
 - One Convenor of the Ward Level Jagrata Samitis
 - The ICDS Supervisor/CDPO (Convenor).
3. The existing support groups to the Jagratha Samitis include other elected representatives, other local officials, all ward level convenors, representatives of political parties and women organisations.
4. The mandate and the functioning of the Jagratha Samitis will be strengthened to enable them to function effectively as the core committee for the Nirbhaya Programme. The samitis will be empowered to invite the Police Officer of the Anti-Human Trafficking Squad and local NGOs working with women and children to the Jagratha Samiti.
5. At the district level, District Nirbhaya Committees will be constituted for co-ordination of the policy interventions. The Committee will have the following composition:
 - Chairperson of District
 Planning Committee (DPC) .. Chairperson
 - District Collector .. Vice Chairperson

Members

- District Social Welfare Officer .. Convener
 - District Probation Officer .. Joint Convener
 - Superintendent of Police/City Commissioner
 - District Medical Officer
 - Deputy Director, Education
 - District Project Officer, Sarva Siksha Abhiyan
 - Deputy Director, Panchayats
 - District Mission Co-ordinator, Kudumbashree
 - Women Protection Officer (PWDV Act)
 - District Probation Officers under the JJ Act
 - Tribal Development Officer
 - Nodal Officer, Anti- Human Trafficking Squad
 - Heads of the Government care institutions concerned
 - Representative of the District Legal Services Authority
 - Representative of the Kerala Mahilā Samakhya Society
 - Representative of the District Level Jagratha Samiti (non-official)
 - Chairperson of the District Child Welfare Committee (JJ Act)
 - Child Line Representative
 - 3 Representatives of the Panchayat/Municipal level Jagratha Samitis
 - Representative of 3 NGOs/service providers collaborating in the programme.
6. The District Level Nirbhaya Committee will closely review and monitor the functioning of the LSGs, departments and institutions that are responsible for ensuring the safety of women and children and for taking up action to prevent sexual abuse and trafficking of women and children.

7. For reviewing the activities of the District Committees and achieving the required inter-departmental and multi-sectoral co-ordination, a state level Co-ordination Committee under the Chairmanship of the Chief Minister will be constituted with the following members:

- Minister for Social Welfare .. Vice Chairman
- Minister for Youth Affairs .. Vice Chairman

Members

- Chief Secretary to Government
 - Principal Secretary, Home
 - Director-General of Police
 - Principal Secretary, Health and Family Welfare
 - Principal Secretary, LSGD
 - Principal Secretary, SC/ST
 - Secretary, General Education
 - Secretary, Law
 - 3 District Panchayat Presidents
(Heads of district level Nirbhaya Committees)
 - Member, Kerala Women's Commission
 - Director of Public Instruction
 - Executive Director, Kudumbashree
 - Project Co-ordinator, Kerala State AIDS Control Society
 - Member Secretary, KELSA
 - Director, Social Welfare
 - MD, Kerala State Women's
Development Corporation
 - State Co-ordinator, Mahila Samakhya Society
 - Representative of the State-level Executive Committee of
Nirbhaya
 - Three NGOs/Social Workers to be nominated by Government
 - Secretary, Social Welfare .. Convener
8. The State Co-ordination Committee for Nirbhaya will meet one in 3 months. It will review the status of the programme and address issues of departmental co-ordination and

9. An Executive Committee headed by the Minister for Social Welfare will be constituted. *This Committee which will have both official and non-official members, will have the primary responsibility to ensure the proper functioning of the committees at the local government and district levels.*
10. A separate cell is to be created in the Directorate of Social Welfare to co-ordinate the Nirbhaya programme. This cell will be headed by an officer of the rank of Joint Director. The State-level Co-ordination Committee will nominate members from the state committee to associate with the Nirbhaya cell and support implementation. The cell will become functional in a set time-frame and submit monthly reports to the Executive Committee on activities undertaken.

VI. NIRBHAYA

1. Although sex trafficking and sexual violence are heinous crimes, the procedures to address these issues may differ as the former is an organized crime and thrives on a planned deliberate exploitation of vulnerabilities with a strong commercial/monetary motive and the latter is committed by individuals who are not organized and generally will not have monetary considerations behind the crime. Hence all the activities under NIRBHAYA will also have interventions that are unique to address these differences.
2. The co-ordinating committees at the state, district and local levels will be responsible for ensuring that the activities listed against their level are undertaken by the various departments, institutions, agencies, involved in the Nirbhaya programme, and shall monitor time bound execution of the same. The Social Welfare Department will be the nodal department to service these committees at the state, district and local levels and shall do so with the co-operation of all other Departments relevant to the same. The following are activities that are to be taken up under NIRBHAYA.

VII. PREVENTION

A strong preventive strategy is central to the success of any policy to combat sexual violence and sex-trafficking.

The State Co-ordination Committee will ensure that all the government departments, institutions and agencies discharge their responsibilities in this area, some of which are indicated below:

- Ensure integration in the state school syllabus, age-appropriate, rights-based gender-sensitive life-skills education for all students which will address issues such as construct of masculinity and femininity, including the essence of being a 'real man or woman', sex and sexuality, differentiating between "right touch" and "wrong touch", negotiation skills, conflict management, right to say "no", dealing with temptations, substance abuse, alcohol, dignity of life, value-based existence, gender-based differences and gender equity.
- Integrate in the educational system a comprehensive plan that would include:
 1. Training and sensitization of teachers to gender perspectives and value based education.
 2. Promoting healthy interactions between girls and boys and removal of artificial segregation in schools.
 3. Strengthening of school counselling support.
 4. Providing Help desk in schools.
 5. Identification and co-ordination of mentor counselors-- among Teachers and Parents.
 6. Training of teachers, PTAs and staff on identifying and supporting child victims.
 7. Identifying and counseling potential perpetrators among children and adults.
 8. Developing parent support networks that are sensitized and trained to deal with problems of sexual violence and rehabilitation needs of victims.
 9. Tackling problems of alcoholism and substance abuse sensitively.
 10. Participation in crime mapping of the vicinity of the school, and liaising with authorities for dealing with cases of molestation and harassment.
 11. Draw up guidelines on care and protection of children in orphanages and of women in care homes.

- Revamp and strengthen Jagratha Samitis at both LSG and district levels—clarify their mandate, reconstitute personnel, identify programme-based interventions and reporting, converge with departmental and institutional mechanisms, undertake intensive capacity building for role co-ordination of all stakeholders including the Samitis themselves as well as their facilitating organizations, develop sound monitoring and supervisory systems.
- Commission audio-visual tools such as ad-films, short films on prevention of sexual violence, sex trafficking, alcoholism and safe migration with celebrity and public personalities' endorsement that can be shown in railway stations, airports, theaters, schools and colleges. Ensure the support of mass media to all Nirbhaya programmes.
- Facilitate the conduct of specialized academic courses in counseling in this field, focusing on the needs of victims of sexual violence and their family members as also those of the perpetrators and their families.
- Organise massive awareness campaigns for all sections of society especially in border areas and tribal belts and enlist the commitment and support of political, religious and social groups and organizations.
- Commission action research on sexual violence and sex trafficking to understand the state-specific situation such as patterns, trends, extent and magnitude and best practice models for replication.
- Ensure effective implementation of Centrally Sponsored Schemes such as Integrated Child Protection Scheme (ICPS), Ujjwala and Swadhar.
- Establish a "Media Watch" to identify programmes and reports that encourage or support acts of sexual violence and institute appropriate steps against those responsible.

District Nirbhaya Committee will:

- Prepare district level action plan to implement Nirbhaya programme which will be reviewed annually.
- Develop community based para-legal volunteers through cyclical capacity building programmes in collaboration with KELSA.

- Ensure public messages in both print and visual form in bus stations, airports, railway stations on combating sexual violence against women and children and sex trafficking.
- In collaboration with Information and Public Relations Department and using communication strategies such as street theatre, community radio, films and performing arts, develop culturally appropriate tools that can be shown even in the most remote corners of the State.
- Support cluster/block level gender resource centres that can liaise with panchayat, urban local body and district level structures, Jana Maithri, para-legal volunteers, community development societies, Jagratha Samitis.
- Convergence with the gender self-learning programme of Kudumbashree.
- Enhance participation on the Sree Sakthi portal.
- Support community counselors through training and support by professional counseling entities or institutions, and linking up with the service providers under the PWDV and JJ Acts.
- Ensure Protection Officers and all other structural mechanisms provided by ICPS are effectively functioning in close co-ordination with Child-line and other child protection mechanisms.
- Periodically assess the nature of migration both in and out, and take action to prevent distress migration through sustainable livelihood interventions esp. in border areas and tribal belts that are particularly vulnerable in this regard.
- Manage toll-free Helplines which can be accessed even on cell phones for pre-crisis support, counseling and referral support.

Panchayat/Urban Local Government level Jagratha samithi will:

- Adopt a campaign approach/mode to combat the evils of sexual violence against women and children and sex trafficking by promoting gender equity, balanced consumerism, anti-alcoholism, anti-dowry and safe migration with the help of local bodies, educational institutions, NGOs, etc.

- Create public awareness on high risk areas and motivate public resistance to sexual violence against women and children and sex trafficking in every Panchayat and urban local body and in all educational institutions.
- Conduct campaigns to work with men and boys for gender sensitization, identification of change agents among men to fight gender-based sexual violence and reduction of demand for sex trafficking.
- Establish one-stop-crisis cell which will provide counseling support, medical aid, legal aid and referral to safe shelters.
- Accredite and capacitate community counselors and oversee foster care services, maintain registers of the same.
- Oversee management of Care Homes in order to ensure minimum standards of care for high-risk groups like women in distress, street children, neglected children, children of divorced or separated parents etc., so as to prevent exploitation of their vulnerability.
- Ensure integration with Jana Maithri police programme for community vigilance over vulnerable spots/locations.
- Create convergence of various employment schemes for women and young adults that are sustainable and viable.
- Prepare LSG level Action Plans covering all the areas of interventions.

To prevent Sexual Violence :

- Ensure that families where abuse has been reported are brought into counseling.
- Crime mapping—Special community based programmes will be initiated with the twin objectives of sensitizing communities to the malaise and fostering community engagement in reining it. This will involve community mobilization and focused group discussions on the prevalence of sexual harassment, danger zones, preventive strategies, local interventions and contact persons and groups. It would also attempt to create iterative capability within the community to identify and support victims and potential victims, as well as develop community based safety networks.
- Organize intensive campaigns on alcoholism and its impact on family life focusing on the role of alcoholism in increasing sexual violence.

To prevent sex trafficking:**District Nirbhaya Committee will:**

- Create a reliable and relevant database with the help of NGOs on the high supply areas, routes, destinations, causes of trafficking, exploitation and the magnitude of the problem.
- Establish vigilance points at all entry and exit points such as railway stations, bus stations and airports with involvement of city police, railway police, immigration officials and airport authorities to intercept transport or transit of potential victims.

Panchayat/Urban Local Government Nirbhaya Committee will:

- Set-up community vigilant groups in every local self government especially in high-risk areas to monitor, report and take action if necessary against persons involved in sex trafficking.
- Create a reliable and relevant database with the help of NGOs on the high supply areas, routes, destinations, causes of trafficking, exploitation and the magnitude of the problem.
- On a campaign mode create awareness through audio-visual means on safe migration and areas of caution.

VIII. RESCUE

Every victim has the fundamental right to be rescued from an exploitative situation. The existing laws such as Immoral Traffic Prevention Act, 1956, Juvenile Justice Act, 2000 and the IPC provide for systems to remove victims of sexual violence and sex trafficking from an exploitative situation. New measures taken by Ministry of Home Affairs, and Ministry of Women Development and Child Welfare, Government of India, also has streamlined efforts to bring in better synergy in action among various stakeholders involved in rescue of victims. UN agencies such as United Nations Organization for Drugs and Crime and UN For Women have evolved nationally accepted standard operating procedures (SOP) for rescue and inter-state co-ordination in rescue efforts which can be drawn upon.

State Co-ordination Committee will:

- Propose in-depth review of the curriculum in Judicial Academy and Police Academy to ensure components of gender-sensitivity, confidentiality of victims and application of existing legislations to counter sexual violence and sex trafficking are integrated.

- Review existing nationally accepted standard operating procedures regarding rescue of adults and children subjected to sexual violence and sex trafficking and approve a state specific SOP which will be followed by all stakeholders involved in rescue efforts.
- Oversee the functioning of a strong and well-equipped state level Anti Trafficking Cell headed by an officer not below the rank of DIG, with members drawn from organisations with proven track record of working on sexual violence and sex trafficking and Department of Social Welfare to co-ordinate district level anti-trafficking interventions and also organize and conduct inter-state and cross border rescues. The State Anti Trafficking Cell will also ensure linkages for inter-state and inter-country coordination for all rescue and restoration/repatriation efforts.
- Review the 'victim witness protection scheme' exclusively for cases of sexual violence and sex trafficking.
- Ensure strict compliance with the directions of the Supreme Court judgments on child sexual abuse with special focus on the rights of the child victim.

District Nirbhaya Committee will:

- Review reports given by the Anti Trafficking Squads headed by an officer not below the rank of Deputy Superintendent of Police, and assess the situation prevailing in the district. The Anti-Trafficking Squad shall be supported by the District Social Welfare Officer, Probation Officers, Protection Officer, Social Workers and other NGOs who are specially sensitized and trained for rescue and rehabilitation.
- Establish a panel of experts to support the Squad such as a medical officer, psychiatrist, lawyer and a clinical psychologist.
- Will organize sensitization and training programs for all police officers and judiciary on gender sensitivity, application of law, provisions of Juvenile Justice Act with special focus to deal with both adult and child victims of sexual violence with empathy ensuring confidentiality.
- Will co-ordinate and support the Child Welfare Committee in all efforts to rescue children subjected to sexual violence both in private and public domain.

- Review and monitor all rescues in the district ensuring synergetic action among all stakeholders and protecting the rights of the victim.

The Anti-Trafficking Squad shall:

- be vigilant at all entry and transit points within its control area and act quickly on any report from the community vigilant groups or from any concerned citizen regarding cases of trafficking.
- establish contact centers at major transit points like bus stops/ railway stations/airports to monitor migration of women and children.
- establish Helplines and Help-booths under the jurisdiction of each Police Station and assist the victims in getting immediate help.
- conduct rescues as a part of team operation with a NGO with sensitivity, confidentiality and care for the victims
- create a specialized team for inter-state and transnational rescues with the support of credible NGO's. Establish contacts with local NGO's in destination points to ensure effective removal of victims from exploitative conditions.
- book cases only against the traffickers and abusers and not against the victims. Ensure all sections of the law including IPC, ITPA, JJ ACT, Cr.PC are appropriately used to build a strong case against the perpetrators.
- ensure that victim gets access to immediate trauma care, medical care and protection within the minimum possible time.
- protect the victim from media exposure and intrusion of privacy.
- enforce strictly the law against pornography including possession, production, sale and exhibition of all forms of pornographic material.

Panchayat/Urban Local Government Jagrata Samiti will :

- Take the initiative to co-ordinate with NGOs, service providers, Counselors, mentor counselor, school authorities etc. to intervene in cases of domestic or sustained abuse of any child in its 'protected'/familiar environment. Community based support centers would also be developed.

- Co-ordinate with the nearest Child Welfare Committee in cases of children for immediate legal redressal and referral for safe custody.
- Ensure full compliance with government directions on care and protection of children and women in orphanages and care homes respectively.
- Co-ordinate with grassroots women's initiatives such as 'Kudumbashree' in cases of sexual violence of women and girls confidentially ensuring the interface with legally competent authority. Ensure at all times the dignity of the victim is upheld by the community. Protect the victim from any media exposure.

IX. PROTECTION

Any victim after being rescued requires a safe space to get psychologically healed, educationally/economically empowered and to have access to effective channels of social reintegration. From a criminal justice perspective, provision of effective victim witness protection becomes the most crucial component in effective prosecution. Victim friendly protection services are the pivotal requirement in any measure to provide relief and support to victims.

State Co-ordination Committee will:

- Ensure compliance with the state protocol on minimum standards of care that will be mandatory for all homes and homes for victims of sexual violence and trafficking.
- Ensure preparation of specific training manual drawing from existing nationally accepted manuals for counselors to deal with trauma care and psycho-social interventions.
- Ensure mechanism of accreditation of professionals and NGOs for specific services to be outsourced and also for institutions which will co-manage government run homes.
- Ensure development of modules for training and capacity building of service providers to implement the standards of care.
- Develop guideline mechanisms for foster care in consonance with Juvenile Justice Act and CARA.

- Identify and upgrade existing Care Homes under Government or under selected NGO's, having the required infrastructure and staff and provide specialized training to deal with victims of sex trafficking and victims of sexual violence so as to meet prescribed standards of care requirements. Existing Mahila Mandirams will be assessed for such conversion to specialized institutions wherever feasible, with the support of NGOs.
- Provide adequate funds in the State budget so as to ensure that the Government Care homes conform to the prescribed standards.
- Establish systems for regular financial and social audit of care homes by specialized agencies as a monitoring mechanism for all care homes.
- Review the functioning of care homes and orphanages in both Government and private sectors to ensure that the inmates' rights and entitlements and protection are safeguarded

District Nirbhaya Committee will:

- Supervise setting up and review of one-stop-crisis cell to provide counseling support, medical aid, legal aid and referral to safe shelters.
- Oversee establishment and functioning of specialized care homes for victims of sexual violence and sex trafficking with minimum standards of care. Separate homes for women and children will be established.
- Monitor all homes to ensure effective implementation of standards of care and if accredited NGO's or service providers are found violating recommend to State Government for black-listing and their grant-in-aid to be cancelled.
- Facilitate establishment of transit homes with facilities for trauma counseling, victim care, vocational guidance and re-integration by credible NGO's under Centrally Sponsored Schemes like Ujjwala.
- Set up mechanism to identify individuals and institutions that could function as safe houses. In collaboration with Social Welfare Department, use the probationary services for listing and evaluating the quality of foster care and for providing financial support to undertake the same.

- Ensure foster care through the Child Welfare Committee which is the legally competent body under the JJ Act.
- Ensure legal aid and requisite protection services are being rendered to victims of abuse, and monitor on a case-to-case basis.
- Propose to the State Government for accreditation of NGO's and institutional service providers.
- Identify as per State guidelines individual service providers for specific services.
- Periodically evaluate the quality of service provided by the Care homes in the district and submit quarterly reports on the same to the State Level Committee.

Panchayat/Urban Local Government Nirbhaya Committee will:

- Identify safe families and propose to district Nirbhaya Committee for being 'fit persons' under the Juvenile Justice Act for foster care.
- Provide community support and protection to all protection services established in the local area, especially in alerting the law enforcers regarding any perpetrators or alleged accused movement in the local area.
- Create channels of social acceptance for victims returning to their families and also provide counseling support to families to ensure effective social reintegration.

X. REHABILITATION AND REINTEGRATION

The aim of any rehabilitation measure for victims of sexual violence and sex trafficking is to prepare them psychologically, empower them with educational and vocational skills and support them to get access to options that will enable them to live a life with dignity in the mainstream society. The end goal for any rehabilitation measure is social reintegration.

State Co-ordination Committee will:

- Evolve a comprehensive scheme with appropriate convergence with existing schemes for rehabilitation & reintegration which will include components such as immediate relief, livelihood, health care education, housing and civic amenities, restoration/repatriation and foster care. (Suggested measures have been elucidated in the District Nirbhaya Committee's role)
- Intervene at a Departmental level for providing residential Transit Schools with proper counseling facilities so as to prevent second-generation trafficking

- Review admission and financial assistance to child victims or children of victims of trafficking in residential schools over and above the sanctioned strength, wherever feasible.

District Nirbhaya Committee will:

- Implement the rehabilitation and reintegration scheme at the district level in close co-ordination with the Panchayat/Urban Local Body Nirbhaya Committee. The implementation strategy has to be on a case-to-case basis looking into various aspects of the victim such as socio-economic profile, psychological status, aptitude, educational status, skill assessment, employability status and security concerns.
- Review organization of Open school/bridge courses to enable the child or woman to re-enter mainstream education.
- Prepare district plans covering rehabilitation and reintegration, based on the geographical and socio-cultural needs of the community on the following components:

(a) Livelihood

State Co-ordination Committee will:

- Facilitate special assistance schemes under Women's/SC/ST/BC Financial Corporations for training and employment or self-employment on priority basis.
- Ensure that departments make it mandatory for NGO's receiving any form of assistance from Government to employ victims up to 25% of their total staff strength.
- Ensure convergence with the National Rural Livelihood Mission and other related schemes

District Nirbhaya Committee will:

- Provide guidance and assistance for availing of micro-credit facility and for taking up income-generating schemes.
- Ensure access to livelihood training programmes and training-cum-production centres in care homes in locally viable trades with collaboration and support of LSGs and professional service providers/accredited NGOs

- Monitor the utilization of loans and assistances provided and offer guidance and support as required.
- Ensure marketing tie-ups under existing schemes and National Rural Livelihood Mission.

(b) Health Care Services

- Ensure that LSGs provide health cards to needy women and child victims ensuring free medical treatment, adequate drugs and medications in all Government Hospitals.
- Ensure care and support for HIV positive victims of trafficking and sexual violence so as to ensure holistic and non-discriminatory unbiased access to health services.
- Ensure integration with the existing LSG level community-based palliative care programmes of victims and utilize existing infrastructure under various Government departments/agencies
- Facilitate the establishment of Mental Health Intervention Centers and start counseling services for victims for effective reintegration to the mainstream society.

(c) Education

- Prepare a case-by-case educational plan for victims of sexual violence and sex trafficking in collaboration with the Care Homes keeping in mind the security concerns of each victim.
- Make it mandatory to admit all child victims of sexual abuse and children of victims of trafficking in mainstream schooling as early as possible.
- Ensure access to nearest Anganwadi services in case of children below 6 years of age.
- Admit and finance child victims or children of victims of trafficking in residential schools over and above the sanctioned strength, wherever feasible.
- Ensure linkages to provide free and compulsory education with support services like scholarships, supplementary nutrition, tuition etc. so as to prevent drop-outs from schools.
- Ensure provision to link up with psycho-social counseling services for concurrent counseling support to ensure integration into school system.

(d) Housing And Civic Amenities

- Prepare case-by-case civic rehabilitation plan for each victim taking into consideration the economic status, family acceptance levels and the expressed needs of each victim in collaboration with the Care Home.
- Arrange to provide needy victims of trafficking with electoral photo identity cards in cases where the victims are not accepted by their biological families.
- Arrange to provide BPL ration cards as a special case adopting existing income criteria and taking into consideration socio-economic profile of the victim.
- Ensure the inclusion on priority basis, the applications of victims, whether economically disadvantaged or otherwise, in the existing housing schemes, Central, State or Local.

(e) Foster Care

- In collaboration with Panchayat/Urban Local Government, Nirbhaya Committee will create a data base of credible families willing to take in foster children, and entrust the data base to the Child Welfare Committees for necessary action.
- Liaison with Child Welfare Committees and the State Adoption Regulation Authority to expedite the process of providing foster care in a time-bound manner.

(f) Restoration/Repatriation

- In consultation with the Anti Trafficking Squad, prepare a case-to-case plan for restoration/repatriation of survivors to mainstream society. Ensure a home safety assessment precedes any restoration/repatriation effort.
- For survivors belonging to other districts within the State, co-ordinate with respective District Nirbhaya Committee for restoration. For survivors belonging to other States or other country, in co-ordination with the State Anti-Trafficking Cell, facilitate the restoration or repatriation within or outside the country.

XI. LEGAL REFORMS

Poor conviction rates and increasing reportage of cases of sexual violence and sex trafficking indicate poor implementation of existing legislations. Strengthening the criminal justice system and making it more victim-friendly will go a long way in creating a society where such crimes are effectively combated.

State Co-ordination Committee will:

- Initiate an independent study of the progress and status of the major cases in the State relating to sexual violence and sex trafficking, and identify instances where lapses have occurred, victims further victimized, witnesses have turned hostile, court proceedings continuing indefinitely and perpetrators let off without convictions and identify the specific interventions that are required to prevent repetition of the above.
- Ensure the establishment of Fast Track Courts and Special Courts (under Immoral Traffic of Persons Prevention Act, 1956) with video conferencing facility to ensure speedy trial of these cases.
- Recommend for amendments to the Criminal Procedure Act to ensure gender and child-sensitive application of judicial processes and efficient, tight and stringent prosecution of abusers and traffickers including summary disposal of such cases for ensuring proper and speedy justice.
- Recommend for provisions in the law for confiscation of assets of exploiters and sexual abusers and for compensation to the victims.
- Recommend setting up night courts so as to prevent the holding of victims in police custody at night.
- Review enforcement of provisions in the law for imposing fines on the abusers and traffickers and crediting such amounts to the Corpus Fund to be used for rehabilitation of the victims.

XII. CORPUS FUND FOR REHABILITATION AND RELIEF

Budgetary provisions will be ear-marked for the Nirbhaya programme. Additionally, a non-lapsable Corpus Fund is to be constituted for providing immediate relief to victims.

The State Co-ordination Committee will ensure that the Corpus Fund is utilized for;

- Providing immediate and timely relief to the victims.
- Meeting expenditure towards travel, clothing and other immediate necessities, urgent medical care and other contingencies for victims of trafficking or their children.
- providing compensation on a case-to-case basis to victims.
- supporting and networking with NGOs who are engaged in rescue and rehabilitation.
- facilitating the restoration/repatriation of victims rescued.

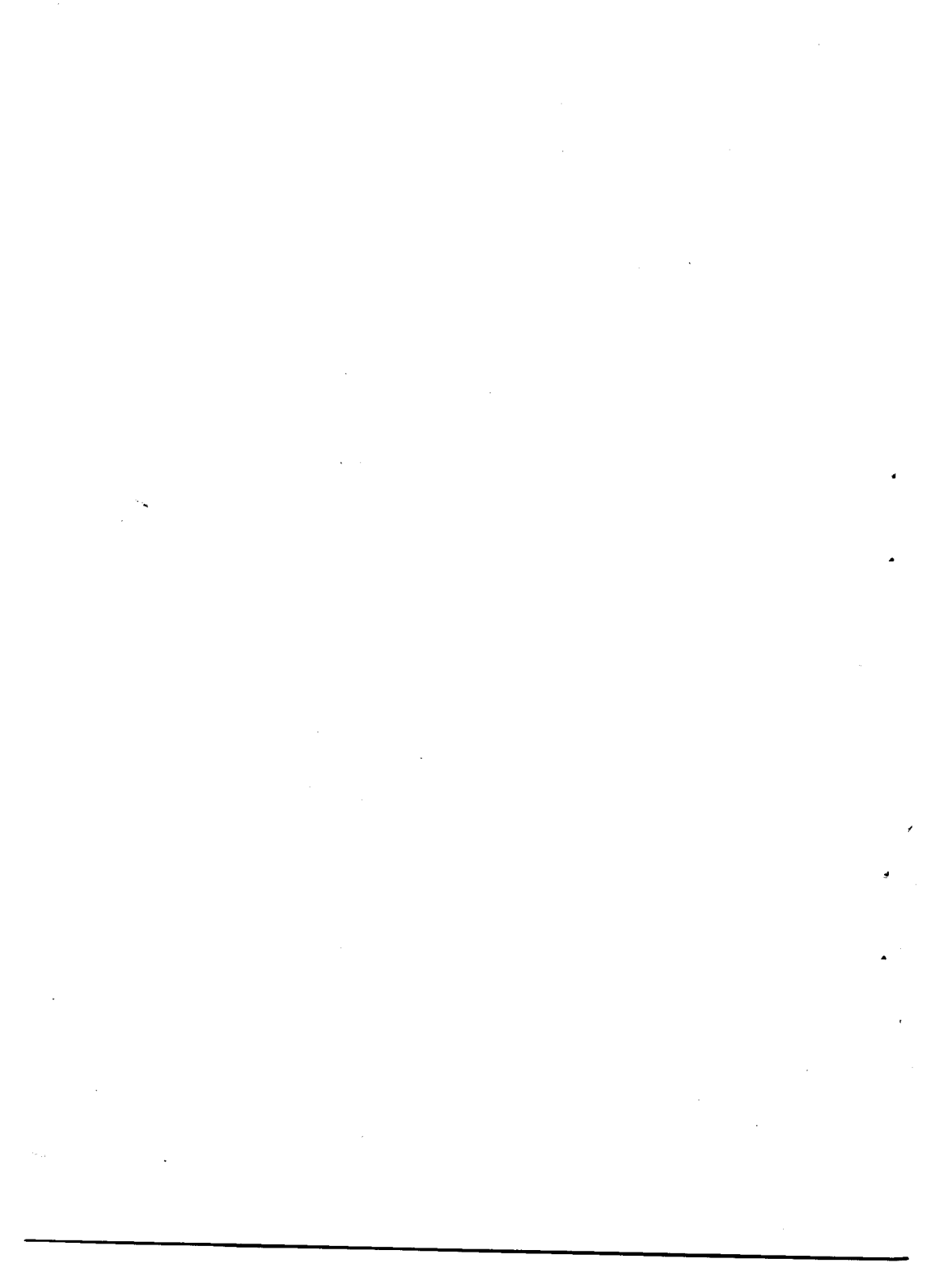
XIII. MONITORING MECHANISM

The State level Co-ordination Committee will meet at least twice in a year to review the situation relating to trafficking and sexual violence and the effectiveness of the measures taken for prevention, identification, rescue, rehabilitation, reintegration and mainstreaming of the victims of sexual abuse and trafficking, through the implementation of Nirbhaya programme. The District level Nirbhaya Committee will meet at least once in two months to review, monitor and plan the implementation of the programme. The Panchayat/Urban Local Government level Jagrata Samiti will meet every month to plan and monitor the Nirbhaya programme within their jurisdiction.

This Policy will be reviewed every 5 years to ensure relevance and to respond to the existing context.

XIV. DEPARTMENTAL CONVERGENCE

All the Government Departments especially the Social Welfare, Home, Local Self Government, Health, Education, Labour, Scheduled Caste and Scheduled Tribe Development Departments shall work in close co-ordination so as to meet the challenge of ensuring safety for all women and children in the State. Many of the activities listed under the District and State level Nirbhaya Committees required the concerned departments to issue necessary guidelines and orders, and in some cases to formulate schemes to provide dedicated budgetary support. It will be the responsibility of the State level committee to ensure that the policy prescriptions indicated for Nirbhaya are complied with by the respective departments and agencies. Each department shall issue detailed guidelines for the proper implementation of the various activities under this policy.



Nirbhaya

