



Prevention of Trafficking and Protection of Victims of Violence

Replicable Approaches A Guide

Funder



Implementing Agency



Partners



**PREVENTION OF TRAFFICKING
AND
PROTECTION OF VICTIMS OF VIOLENCE**

REPLICABLE APPROACHES

A GUIDE

Supported by



South Asia Regional Initiative/Equity Support Program

This publication is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents do not necessarily reflect the views of USAID or the United States Government.

Table of Contents

FOREWORD

PREVENTION OF CROSS BORDER TRAFFICKING 1

Replicable Approaches:

- Children’s Parliament – A Platform for Child-to-Child Interaction 3
- Grassroots “Traffic Watch” – A Joint Advocacy Campaign 6
- Anti-Trafficking Advocates 8

List of Implementing Organisations 12

RAPID DOCUMENTATION OF POTENTIAL TRAFFICKED AND OTHER MISSING MINORS 15

Replicable Approaches:

- Protection of Children at Public Gatherings 17
- Web-Based Tracking for Missing Children 19
- Networking for the Safe Return of Missing Children 22
- Encouraging Runaway Children to Make Informed Decisions 24

List of Implementing Organizations 27

VICTIM WITNESS PROTECTION 29

Replicable Approaches:

- Direct Community Access to the Legal System through Paralegal Services 31
- A Comprehensive Response to Rape – A Government/NGO Collaboration 34
- Special Prosecutors for Trafficking Cases 37
- A Community-Based Approach with a Focus on Dismantling Trafficking Networks 39
- Mock Trials to Prepare Victims for Testimony in Court 42

List of Implementing Organizations 44

CROSS-BORDER RESCUE AND REPATRIATION 47

Replicable Approaches:

- Government Authorization for NGO Involvement in Rescue Operations 49
- Facilitating the Repatriation of Trafficked Women and Children 52
- Counseling of Victims, Families and Communities 56
- Home Investigations by NGOs to Identify High Risk Situations 58

List of Implementing Organizations 60

SUPPORT TO RETURNEE MIGRANTS 63

Replicable Approaches:

- Job Racketeering Cell – Action against Fraudulent Recruitment Agencies 65
- Airport ‘Help Desk’ – A Rapid Response to Migrant Returnees’ Needs 68

List of Implementing Organizations 70

Annex: List of Researchers 71

FOREWORD

Throughout South Asia non-governmental and governmental actors are engaged in activities to counter trafficking, to promote safe migration and to protect and rehabilitate/reintegrate into normal life the victims of trafficking and other forms of violence. Programs or approaches in the area of prevention, rescue and rehabilitation/reintegration/repatriation, victim/witness protection, rapid documentation of trafficked and other missing minors as well as support to returnee migrants are only a fraction of the actions undertaken in the region.

SARI/Equity, a regional program for the protection of women and children from, or victims of, trafficking and other forms of violence, has initiated this non-exhaustive guide to tested programs and practices in the hope that the approaches listed therein would stimulate non-governmental and governmental actors when faced with similar problems and when searching for “solutions”. Some of the Replicable Approaches included in this compilation have also been the subject of SARI/Equity grant awards. The experience of the grantees will, no doubt, add further valuable insights into “what works” for the benefit of actual or potential victims of trafficking or other forms of violence.

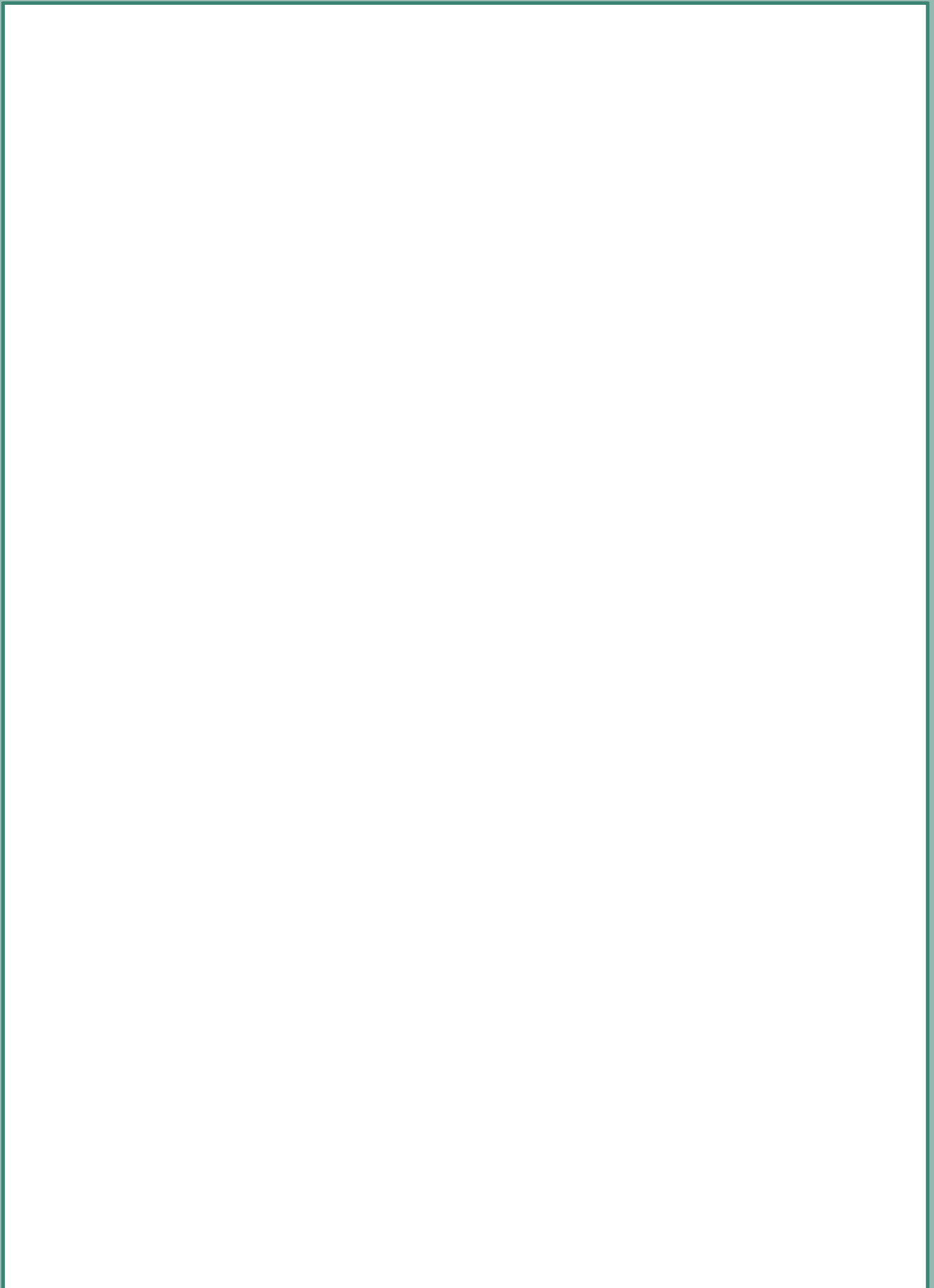
Explicit reference is made in the text to those NGOs and government bodies whose programs have been reviewed and included in this compilation as well as to others who are known to have similar programs and to the SARI/Equity grantees replicating some of the Approaches to allow the interested practitioner to enter into an information sharing dialogue with them.

A team of consultants¹ under the purview of a partner organization – Management Systems International (MSI) - collected information from NGOs or government entities successfully applying the program/practice, conducted interviews, undertook field visits and proposed replicable practices. The consultants were guided by parameters such as effectiveness; cost/benefit ratio; ease of replication; applicability beyond the original context; and affordability. The AED-SARI/Equity team has attempted to translate those materials into processes that may be of interest and help to practitioners throughout the region.

Hopefully, this compilation will spark replication and encourage the sharing of an ever increasing number of examples of workable approaches and practices among and between the NGO and government communities. Its objective is to contribute – albeit in a modest way – to the improvement in the situation of many women and children, potential and actual victims of trafficking and violence; a decrease in their vulnerabilities; and the creation of opportunities for them to lead lives in dignity and with economic sustainability.

The AED-SARI/Equity Team

¹ For the list of researchers see the Annex to this guide

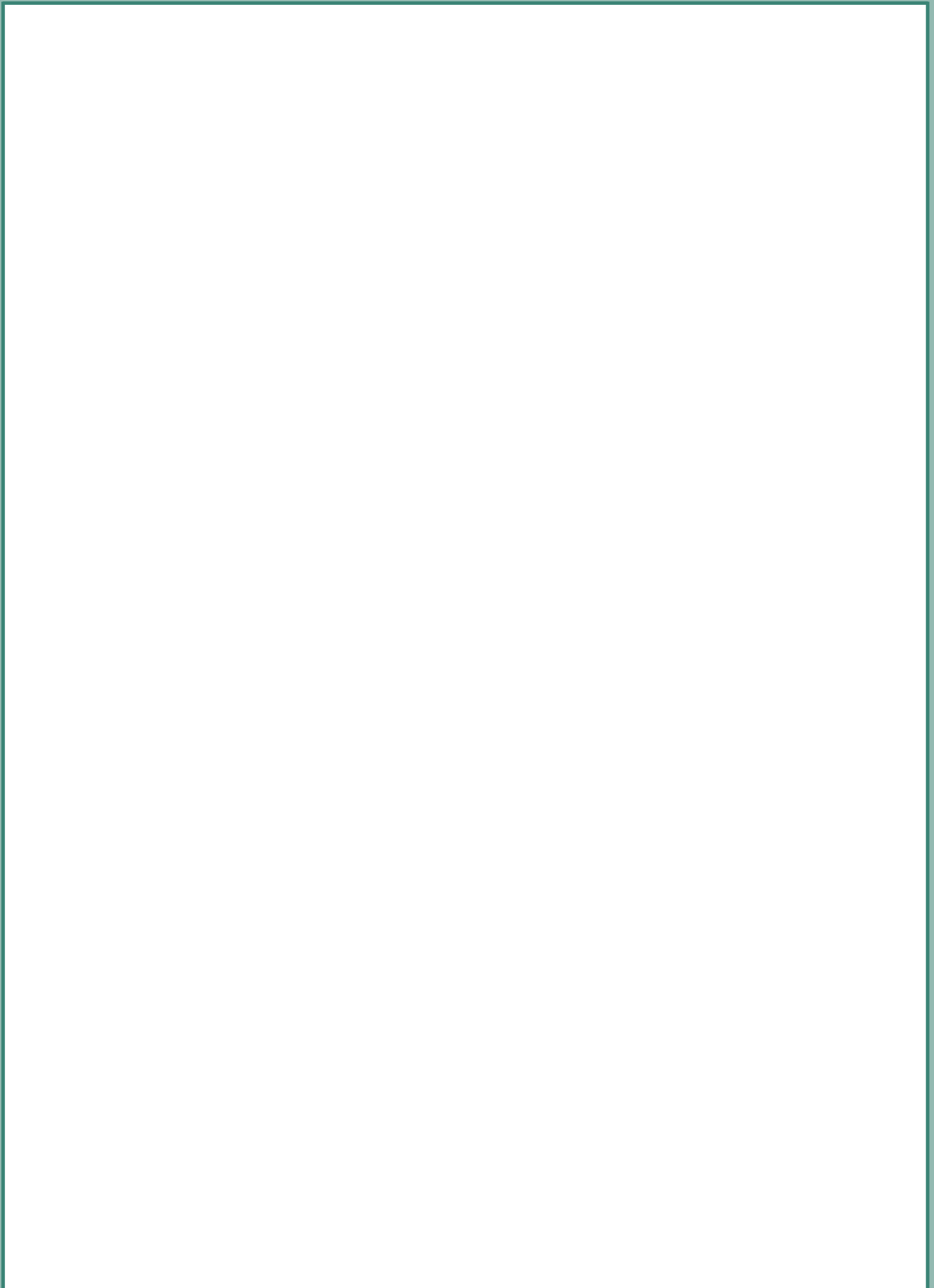


PREVENTION OF CROSS BORDER TRAFFICKING

Trafficking prevention programs whether undertaken by government agencies or NGOs usually cover a wide spectrum of activities from mass awareness programs to targeted training and border monitoring. Awareness of what trafficking consists of is generally a pre-requisite for thorough pro-active initiatives within communities, at borders and other points from which travelers depart or for targeted trainings destined to reinforce messages and to create “ownership and responsibility” in communities with regard to the reporting of cases of fraud and trafficking. It may be noted here that the SARI/Equity facilitated Regional Action Forum on Fostering Safe Migration has developed a Regional Mass Awareness Toolkit to alert to procedures that contribute to the safety of migration flows and at the same time reduce the chance of trafficking in persons during the migratory process.

The Approaches in this Section reflect the above:

- Children’s Parliament - A Platform for Child-to-Child Interaction
- Grassroots ‘Traffic Watch’ - A Joint Advocacy Campaign
- Anti-Trafficking Advocates



Children's Parliament – A Platform for Child-to-Child Interaction

Context

The violations of children's rights are manifold – be they child labor, child abuse, trafficking, child bondage and being drafted as child soldiers. The Children's Parliament is an approach that seeks to educate children and youth about representative structures and processes, is a model political forum for and by youth to take the lead in raising awareness on child rights and expose the various forms of child exploitation including trafficking. It also allows children to interact with each other and to raise awareness on trafficking and other manifestations of violence in the communities in which they live.

Requirements

Essential

- Staff with skills to facilitate children's groups on issues of child rights, exploitation and violence including trafficking.
- An organizational commitment and the resources (human and financial) to implement the ideas generated by children.
- The capacity to produce and disseminate large quantities of educational and advocacy materials created by children.

Optional

- Volunteers to 'staff up' for major events without incurring additional costs for the organization.

Implementation Process

- **Identifying Children for Inter-Action and Parliamentary Representation**
Children are selected from child clubs, schools and child centers/homes with the widest possible representation by caste, religion, culture, language, geographical area, age, gender, and ethnicity. Priority is given to children from marginalized segments of society.
- **Sensitizing Children to be Alert to Situations of Trafficking and Violence**
Children are guided in brainstorming on issues of concern to them, prepare messages for interaction with other children and prioritize topics for presentation at the Children's Parliament.
- **Intensive Training including Field Visits**
Children are trained to enable them to facilitate the parliamentary, child to child, process (e.g. teaching them about provisions of the constitution; parliamentary procedures; child rights issues relating in

particular to violence and trafficking – combined with leadership, diplomacy and “assertion” exercises). A visit to the country’s parliament may be arranged or a video of a televised parliamentary session screened for a better understanding of roles and responsibilities.

- **Mock Parliament Session**

The location is arranged similar to real parliament including assigned seating, a recording section, separate places for the parliament’s secretariat, for special guests and the media. The children are divided into political parties such as ruling party, opposition party and other political parties. The parliamentary process is initiated with each child (mock parliamentarians) taking turns to raise issues and cases.

- **Role of Family and Community**

Parents and community members help in selecting the participants; and the implementing organization with the help of other local NGOs assists in the management and organization of the session. Adults (for example, teachers and government officials) take part in the session as observers - asking and answering questions. Media coverage is invited.

- **Proactive Role of Child Parliamentarians**

As a result of the discussion of the various agenda items, a resolution - Children’s Pledge - may be passed seeking concerned stakeholders’ full commitment to defend the rights of children. The children themselves commit to raising awareness on child rights, trafficking and violence through child clubs and other associations. Comic books based on anti-trafficking stories are written and illustrated by children for children and distributed widely.

Sustainability

- Organizing and sustaining a Children’s Parliament requires human and financial resources.
- The cost of printing approximately 4,000 copies of two comic books in the case of Nepal was 1,000,000 Nepalese Rupees, (US \$14,150) - an average cost per copy of 250 Nepalese Rupees or US \$3.50.
- The total cost of the Children’s Parliament is estimated at 1,000,000 Nepalese Rupees (US \$14,150), the same as the cost of printing the comics. Cost per participant amounts to 17,000 Nepalese rupees, or US \$240, which includes planning, orientation, the children’s visit to Parliament, Parliament sessions, preparation and dissemination of a report. Travel insurance (with limited medical insurance) has to be incurred for all children. The insurance policy covers the journey and the parliamentary sessions.

Current Application

- The Children’s Parliament is an initiative of the **Himalayan Human Rights Monitors (HimRights)**, Nepal, whose programs by and for children operate at both national and district levels. A Children’s

Parliament, conducted from May 11-14, 2004 created an opportunity for 61 participants drawn from children's clubs, schools, children's centers and homes for children to speak with parliamentarians, and subsequently hold their own Children's Parliament. **ICWO** and **Mahita**, NGOs in Chennai and Hyderabad, India, have replicated the HimRights Approach with the support of a SARI/Equity grant.

- *Circus* and *Gadhimaiko Mela* are comic books produced by children for children. Since the comics were created in 2002, HimRights has disseminated 3,900 copies of these comics to children through children's clubs, schools and local NGOs.

Evidence of Results

- The *Children's Parliament* effectively focused media attention on child rights and issues of trafficking and domestic violence. Though only 61 children participated, each child was a member of an organization of at least 20 children each of whom benefited indirectly. The parliament created a platform where children led the activities, discussed their problems and violations of child rights and made their voices heard at national and international levels. It helped develop children's leadership skills, management ability, diplomacy and promoted children's rights.
- All 61 children made presentations in schools and other venues in their districts, thereby multiplying the dissemination of anti-trafficking messages. Children produced 2,000 copies each of *Circus* and *Gadhimaiko Mela*. A minimum of five children shared a copy reaching thus at least 20,000 readers.

Replication Challenges

- The ideas/activities generated by children for spreading anti-trafficking messages or mobilizing children around an initiative entail costs that are specific to each activity.

Grassroots “Traffic Watch” – A Joint Advocacy Campaign

Context

Bangladesh is one of the countries in South Asia from where women and children are being trafficked to India, Pakistan, the Gulf States and to other countries. Against this backdrop, the “Advocacy to Combat Trafficking in Women and Children in the Northern Region” Project was launched in eight northern districts of Bangladesh. It has led to strong networking among member organizations and to coordinated advocacy initiatives.

Requirements

Essential

- Staff with skills in training, communication, research and advocacy
- Partnership with NGOs with complementary skills

Optional

- Collaborative relationship with government agencies to maximize program efficiency

Implementation Process

▪ Network of Grassroots NGOs

Identification of local NGOs to establish networks of grassroots NGOs for carrying out the program. Traffic Watch Bangladesh – Northern Region (TWB-NR), a network of grassroots organizations from eight districts, was launched as the result of a workshop. Steadily thereafter the number of NGOs collaborating in the ‘Traffic Watch’ program increased.

▪ Joint Awareness Campaigns in All Districts

Attitude and behavior change campaigns conducted in all eight districts in a uniform manner aimed at various stakeholders and age groups – adults including women - through workshops and dialogue with members of the community, professionals, local leaders, law enforcement agencies and local administration at the district, thana and village level. Adolescents and young children were reached through theatre, comics and illustrated booklets – all containing anti-trafficking messages.

▪ Innovative Advocacy Initiatives

- Youth Cultural Teams - launched through village level advocacy workshops - which staged street dramas and folk songs on the consequences of trafficking - in the eight districts, especially in schools and open spaces.
- Adolescent Campaigners’ Team – with special training on campaigning. They received “benefit” packages for income generating projects as an incentive to campaign at the village level on issues of trafficking in women and children.

Time Commitment

- Three years for implementing the “Traffic Watch” program across eight districts.

Sustainability

- Follow-up and mentoring local NGOs beyond the initial three-year period to enable them to continue the program with adolescents and younger children.
- Financial and human resources to continue trainings and advocacy initiatives in a coordinated manner throughout the identified areas.
- An increase in member organizations - “scaling up” – enhances both local ownership and the ability to reach larger numbers of people. Additionally, a pool of resources reduces to some extent dependency on external funding.

Current Application

- The **Center for Women and Children Studies (CWCS)** initiated the TWB-NR project for a period of three years – from September 2000 to August 2003 with funds from the European Commission
- CWCS continues the training of young people.

Evidence of Results

- The number of member organizations increased from 25 to 75 by the end of the project.
- Eight district-, 16 thana-, and 16 village-level advocacy workshops were jointly organized with TWB-NR lead organizations in each district.
- Seven three-day motivational trainings for youths (mainly students actively involved in cultural activities) in advocacy to combat trafficking were held.
- Eight motivational trainings for adolescents (mostly high school and college students) to campaign against trafficking in women and children took place.
- CWCS research, visits by EC officials and a United Nations Development Fund for Women (UNIFEM) funded impact assessment indicate that approximately 60% of people in the eight districts were aware of trafficking and understood the issue by the end of the program period.
- Between 2002 to 2003, according to a CWCS study of missing children, 967 children were reported to have been trafficked. 704 of them were rescued (77%). 502 criminal cases were filed (68% of those rescued). In 187 cases the accused were arrested. In addition, 220 women were trafficked of whom 94 (42%) were rescued, and 74 alleged traffickers arrested.

Replication Challenges

- Organizational and logistical skills to undertake such a multi-dimensional, area-based initiative.

Anti-Trafficking Advocates

Context

Community-based initiatives involving the participation of various stakeholders is a widely used anti-trafficking approach in South Asia - in particular awareness raising among community members followed by targeted training of a few select stakeholders as “Advocates” or “Agents of Change” based on a specific curriculum. The stakeholders may vary: adolescents, youth, women, religious leaders, panchayat leaders etc.

Requirements

Essential

- Curriculum to sensitize and train identified stakeholders as anti-trafficking advocates
- Resource persons/trainers to impart training on perspective and skills building.

Optional

- A training center with Training of Trainers (TOT) courses.

Implementation Process

- **Selecting Target Groups/Stakeholders (women, adolescents, religious leaders)**
Individuals who are inclined to play an active role in community affairs, especially on issues of gender and violence against women and children including trafficking.
- **Collecting Baseline Data**
Information on knowledge and attitudes about trafficking in the identified districts, and on groups/individuals identified as potential ‘advocates’ is collected to ensure that the training program has a measurable impact.
- **Organizing General Awareness Raising Meetings**
After the initial ground work of rapport building in the villages, the identification and selection of specific target groups/stakeholders, general awareness meetings are organized informing about the program objectives and activities. These meetings are the basis for the selection of groups of trainees who eventually become ‘anti-trafficking advocates’.
- **Providing Training on Anti-Trafficking including Communication Skills and Leadership**
The curriculum is designed to ensure that selected ‘advocates’ become effective trainers among their peers. By the end of the training participants are able to define trafficking, its causes and consequences and develop the capacity to take initiatives for the prevention of trafficking in their communities. Key topics include:

- Human trafficking - in particular of women and children
- Gender violence
- Consequences and impact of trafficking including health related consequences and HIV/AIDS
- Laws on human trafficking
- Safe Migration
- Working together to combat human trafficking
- Advocacy as a tool for stimulating behavioral change
- Presentation skills
- Observation skills - identifying 'warning signals'
- Monitoring and reporting on trafficking
- Action Plans

- **Monitoring Results**

Changes in knowledge, attitudes and behavior in target communities are monitored periodically.

- **Obtaining Feedback on the Impact of Training.**

The trained 'advocates' are requested to inform the implementing agencies or their local partners when any anti-trafficking action is taken in their respective communities/areas of work. 'Anti-trafficking advocates' generally function as members of community vigilance groups responsible for recording and reporting anti-trafficking activities. These reports demonstrate the impact of their training.

Time Commitment

- A significant amount of time is required to establish relationships in each of the communities where the program will be conducted.
- Trainings can vary from three month programs spread over various (daily, weekly or fortnightly) sessions to five-day training courses, followed by a series of follow up meetings to reinforce training content and skills.

Sustainability

- The program becomes self-sustaining once the target groups that receive training become 'anti-trafficking advocates' and reach out to the "critical mass" – their peers and other members of the community – that as a result becomes aware of trafficking and possibilities to prevent it from occurring.
- Financial and human resources/trainers for carrying out baseline surveys and the training of trainers/advocates. Costs vary from one stakeholder to the other; and logistics and administrative arrangements (such as venue, travel costs for participants, boarding and lodging etc.) may incur different costs depending on the location.

Current Application

A number of organizations in South Asia are conducting trainings of trainers/advocates some of which are mentioned below:

- **United Development Initiative for Programmed Actions (UDDIPAN)** in Bangladesh trains religious leaders to become effective anti-trafficking advocates: UDDIPAN anticipates that it will reach 2,400 Imams of whom about 80% will measurably improve their understanding of trafficking issues and transmit that information to their congregations.
- **Bhoruka Public Welfare Trust**, Kolkata, India, has been conducting anti-trafficking leadership and peer educator trainings for adolescents. With the assistance of United Nations Development Program (UNDP), Bhoruka has worked with youth groups in 34 villages (combined population 91,000) along the Bangladesh border in West Bengal. 21 girl-, and 15 boy groups were formed with the help of community members. The Bhoruka approach is currently being replicated by **Association for Community Development (ACD)** in Bangladesh under the AED-SARI/Equity grant program.
- **Centre for Legal Research & Resource Development (CeLRRd)** conducts anti-trafficking training programs for transportation workers in six districts of Nepal. The program was introduced in 2002 as a pilot program with the support of the Asia Foundation. As part of the training, audio cassettes on trafficking based on local folk songs were distributed to transportation workers.
- **Women's Rehabilitation Center (WOREC)**, Nepal, works with the local governance structures such as Village Development Committees (VDCs) to form women groups and trains them to become 'anti-trafficking advocates'. WOREC has developed a 'rights-based' curriculum for empowerment and anti-trafficking training that is also used by other NGOs in Nepal, under a USAID/Nepal funded program implemented through the Asia Foundation.

Evidence of Results

- UDDIPAN's report revealed that 20 village gatherings attended by 800 people were organized in one administrative unit to discuss trafficking concerns. Trained Imams from this unit communicated their concerns about trafficking and how devotees could help to stop this practice to an additional 20,000 people, at Friday Prayers.
- At Bhoruka, the number of adolescents' groups has increased. One girls' group now has 44 members. With the assistance of adolescent group members, community watchdog groups have identified nine trafficking victims from Bangladesh and brought them to the Bhoruka counseling centers located near the border. A number of adults have come forward for testing at the Bhoruka HIV/AIDS voluntary counseling and testing centers, stating that they learned about the program from adolescents in their village.

- CeLRRd has received reports of anti-trafficking action from approximately 400 of the estimated 550 transport workers it has trained. Following training, workers have taken the initiative to form vigilance groups that identify likely traffickers and rescue/assist their victims. During 2004, participants from CeLRRd's anti-trafficking training program intercepted 44 trafficked girls. An Asia Foundation assessment suggests that workers trained by CeLRRd have become more respectful of women and are becoming vocal about violence against women.
- Monthly reports from the VDCs and women's groups suggest that the WOREC federation as a whole deals with approximately 550 cases per year. For one quarter of 2005, about 86% of reported cases involved domestic violence while rape accounted for another 10%.

Replication Challenges

- Time, patience and several visits are needed to sensitize communities and gain their trust.
- A number of trainees drop out either during the training or post training.
- Pilot testing of the training program to ensure that it is culturally and factually appropriate for the specific environment.
- In the case of transport workers, replication may depend on the ability of an organization to obtain their release from work and to compensate them for lost wages.

Implementing Organizations (in the order referred to above)

1. Association for Community Development (ACD)

House # 41, Sagarpara
Rajshahi-6100, Bangladesh
Tel: 00 88 0721 770660
Email: rajacd@librabd.net

2. Center for Women and Children's Studies (CWCS)

Address: 92 New Eskaton Road, Dhaka - 1217, Bangladesh.
Tel: 00 88 02 408512/ 9351126
Email: cwcs_bd@hotmail.com

3. United Development Initiatives for Programmed Actions (UDDIPAN)

9/25, Sir Syed Road, Mohammadpur
Dhaka - 1207, Bangladesh.
Tel: 00 88 02 8115459
Fax: 00 88 02 9121538
E-mail: udpn@agani.dhaka.com
Website: www.uddipan.org

4. Bhoruka Public Welfare Trust

63, Rafi Ahmed Kidwai Road,
Kolkata: 700016. INDIA
Tel: 00 91 33 22448092/ 22174019
Fax: 00 91 33 22458341
Email: bpwt@cal.vsnl.net.in
Website: <http://www.bpwt.org/>

5. MAHITA

1-8-522/42, Flat No.105,
SVs Papaiah Estate, Chikkadapalli,
Hyderabad-500 020, India
Tel: 00 91 40 276 41858/ 276 46231

6. Indian Community Welfare Organisation (ICWO)

1369, 18th Main Road,
I Block, 6th Street, Vallalar Colony,
Anna Nagar West,
Chennai 600 040
Tel: 00 91 44 26184392
Website: www.icwoindia.org

7. Centre for Legal Research & Resource Development (CeLRRd)

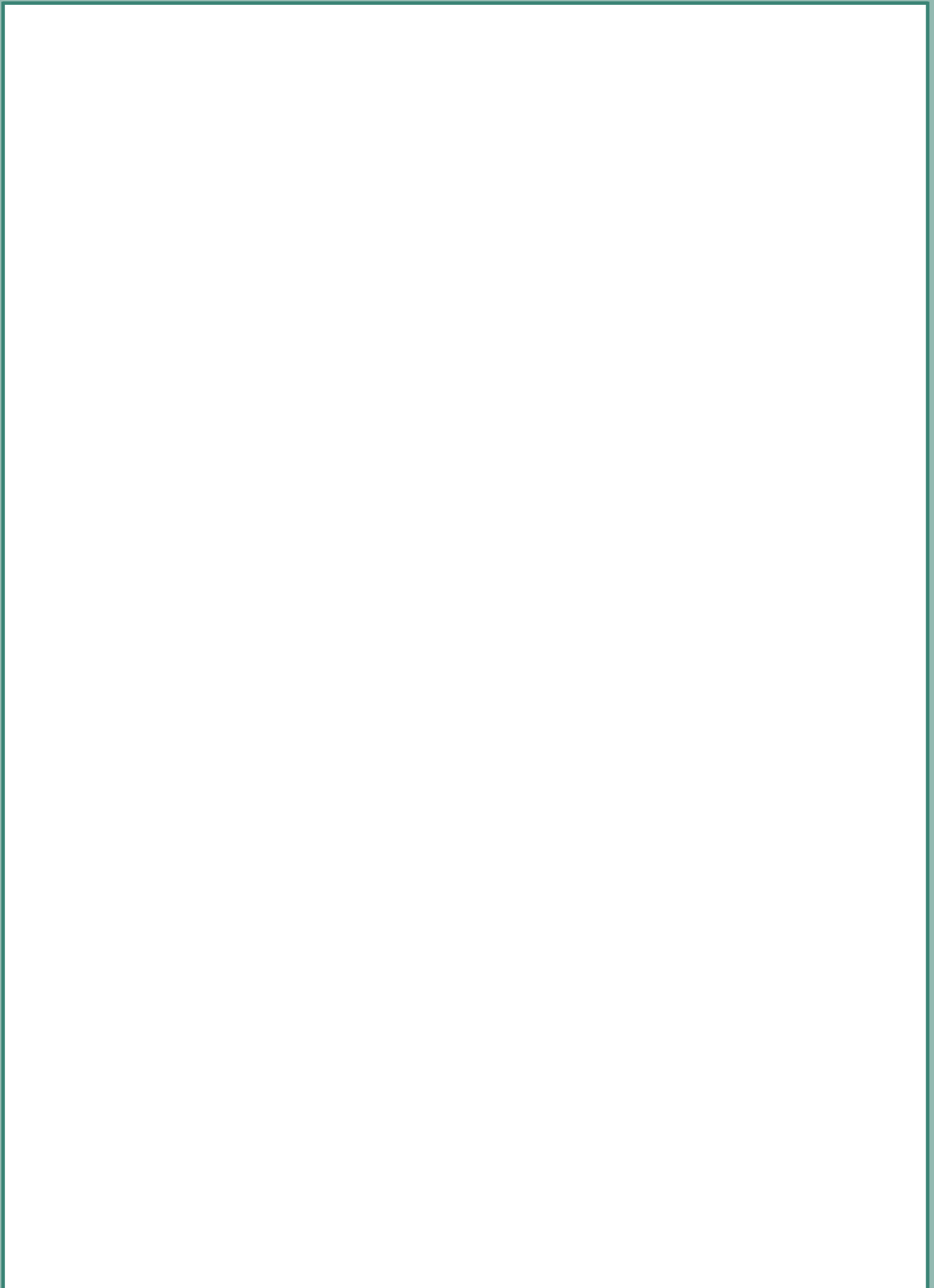
Shantinagar Minbhawan, Kathmandu
Tel: 00 977 1 2042268
Fax: 00977 1 6634801
Email: celrrd@wlink.com.np
Website: www.ksl.edu.np

8. Himalayan Human Rights Monitors (HimRights)

Inar, Pulchowk, Lalitpur, Nepal
Tel: 977 – 1 5520054, 5520042
Fax: 00 977 1 5520042
Email: info@inhured.wlink.com.np
Website: www.himrights.org

9. Women's Rehabilitation Center (WOREC)

P. O. Box 13233, Balkumari, Lalitpur, Nepal
Tel: 00 977 1 2123124/ 2123136
Email: worec@wlink.com.np
Website: www.worecnepal.org



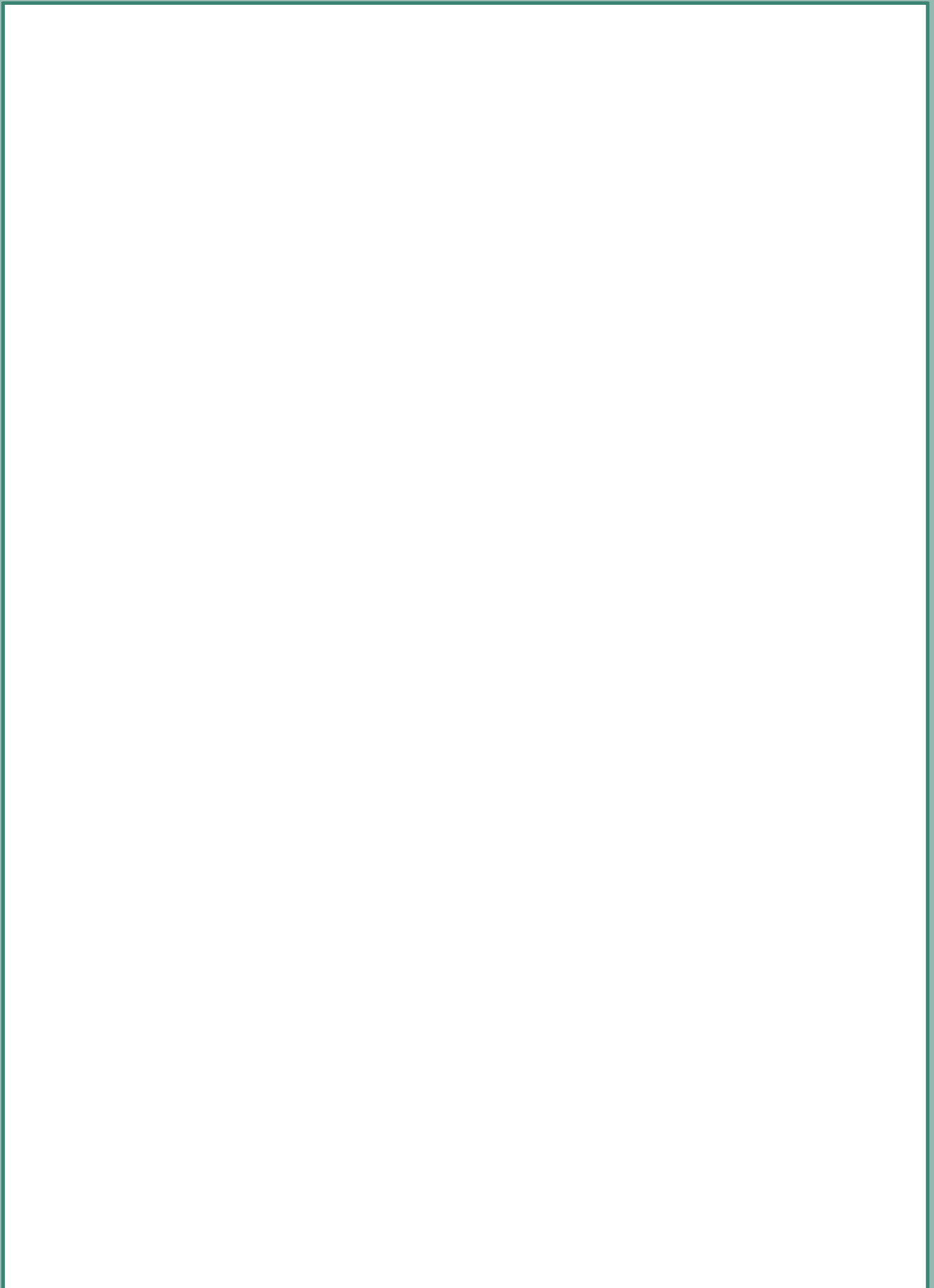
RAPID DOCUMENTATION OF POTENTIAL TRAFFICKED AND OTHER MISSING MINORS

Missing children are defined as children not in their usual place of residence whose parents or caretakers are not aware of their whereabouts. They include children:

- Lost, separated from their parents;
- Runaways who left home and gave no notice of where they have gone;
- Kidnapped or lured away by an acquaintance, stranger, or organized gang of criminals;
- Trafficked for exploitative purposes
- Sold, abandoned or had their life ended by a parent or lawful custodian unknown to the other parent who considers them missing.

The Approaches in this Section include:

- Protecting Children at Public Gatherings
- Web-based Tracking Services for Missing Children
- Networking for the Safe Return of Missing Children
- Encouraging Runaway Children to Make Informed Decisions



Protection of Children at Public Gatherings

Context

Thousands of children are reported missing during major festivals or large public gatherings in South Asia. Many of them are being trafficked for exploitative purposes such as begging, organ transplants, drug transport and commercial sexual exploitation. “Anti-trafficking booths” or vigilance cells set up during large gatherings ensure that a child separated from her/his parents is provided with immediate care and support; and eventually arrangements are made for his/her “safe return” home.

Requirements

Essential

- Social workers with counseling skills
- Networking with multi-stakeholders including government officials; political leaders; judiciary; police; media; and partner organizations at the district, state and national level.

Optional

- Access to shelter homes
- Availability of vehicles

Implementation Process

- **Awareness Raising concerning Heightened Protection**
Prior to large public gatherings awareness raising activities are carried out by the NGO about the need to provide “lost” children with special protection. Political leaders; government officials; and partner NGOs as well as media are alerted to the dangers of trafficking during such gatherings.
- **An “On Site” Anti Trafficking Cell**
The main activities of an anti-trafficking cell are to record information about “lost” children; disseminate it through loudspeakers; sensitize people at the gathering about steps to take if someone finds a missing (“lost”) child. STD phone booth owners and stall owners in the targeted location; hotel owners and staff; railways and roadways staff; transport operators and drivers are equally sensitized on what to do.
- **Support to Children Separated from Their Parents**
Once a “lost” child is brought to the anti-trafficking cell, an initial rapport is established to obtain information about the family and the child is shifted to a nearby shelter. Meanwhile the identity of the

child is publicly announced requesting parents to come to the anti-trafficking center. If a child remains out of contact with his or her parents beyond the duration of the public gathering, he/she is sent to a government observation home or other residential shelter approved by the government in accordance with standard legal procedures. The police station of the home town of the missing child is contacted by local police to identify the child's place of residence. Once located, the parents' situation is reviewed by the police and other government officials in collaboration with a local NGO. If the investigation is concluded positively the child is returned to the family after completion of the legal formalities.

Time Commitment

- Sensitization/ training for officials and community groups - one month prior to the event
- A 24 Hour Anti-Trafficking Cell "on site" for the duration of the event

Sustainability

- 50,000 Indian Rupees (US\$ 1,132) to print Information, Education and Communication (IEC) materials
- Though some community awareness generation activities such as street plays, corner meetings and group discussions can be organized with the help of volunteers, funding is essential

Current Application

- **Lok Vikas Samajik Sanstha (LVSS)** organized an Anti-Trafficking Cell (ATC) that helped identify thousands of children during the Kumbh Mela in Nasik, Maharashtra, India, in 2003. LVSS divided activities into two phases, Pre-Kumbh Mela and Actual Kumbh Mela Period, including awareness and sensitization meetings for targeted multi-stakeholders; developing IEC materials; setting-up an ATC/ Resource Centre; and Networking with Government Organizations (GOs) and NGOs. All activities were carried out in coordination with the District Police, District Administration and the Media.

Evidence of Results

- LVSS trained/ sensitized 8,500 people from all walks of life.
- Approximately 7,722 cases of children/ children separated from their parents were reported. Of these, 4,222 cases were provided care and support with the help of police and local networks. Nearly all children were re-united with their families.
- A small number of children still live in a government observation home or NGO shelter in Nasik.

Replication Challenges

- None. The "LVSS" model – applicable to cultural/ religious/social events and natural disasters - may be integrated into any government and NGO emergency preparedness plans.

Web-Based Tracking Services for Missing Children

Context

The dissemination of information on missing children is crucial in tracing them. While government authorities and NGOs use print and electronic media and local cable TV networks for such purpose, web-based information services provided free of charge would ensure a wider outreach.

Requirements

Essential

- Computer systems with large disk space and peripherals to store/maintain a database.
- Hi-speed broadband Internet access.
- Website developer with knowledge on issues relating to violence against women and children.
- Website administrator/operator.
- Good relations with the police and other government officials involved in tracking children and locating the families of minors

Implementation Process

Receiving Information

Information on a missing child is received by e-mail and/or post along with detailed characteristics and photographs. Its authenticity is verified with the help of the concerned police station.

Uploading Information

Information is uploaded in the organization's web site including names, photographs, identification marks, age, height, complexion, clothes last worn and other identifiable particulars. The website may also provide a user-friendly "search feature" with additional information about a missing child. The "missing children section" of the website may be divided into geographical zones of the particular country for easy accessibility by the user. Colored illustration with continuous display of the photographs of the missing children with their names, dates and places from where they have been missing through a rotating Java Banner² would add to the usefulness of the website.

² A Rotating Java Banner is a web based feature that allows a website to re-publish information from another online information provider. The online information provider keeps the database (of missing children in this case) updated and makes it accessible to other websites.

▪ **Reporting**

The website could provide for an online interactive format for reporting on missing children. Alternatively, hard copies of the duly filled format along with a photograph of a missing child and a copy of the First Information Report (FIR) filed by law enforcement officials could be sent to the NGO. A special feature may be made available as “Alert” in the menu options of the website for reporting on sighting a missing child. A specified format to fill-in the details of the sighted missing child would be made available. Pertinent information would be immediately referred to the police station of the respective zone.

▪ **Additional Web Features**

Guidelines for parents and schools; instructions for children on how to protect themselves against abductions, kidnappings, or trafficking. Detailed account of the procedures to be followed in case of emergencies

Time Commitment

- Two days to verify received information with the relevant police station and to post details on the missing child on the website

Sustainability

- The one time cost for web design, development and registration is about 100,000 Indian Rupees (USD 2,250) and about 30,000 Indian Rupees (USD 665) for annual maintenance
- Annual remuneration of 120,000 Indian Rupees (USD 2,225) for two computer/website operators-administrators
- The website may be used to recruit volunteers, encourage contributions and make promotional materials - banners, photo stickers, a newsletter - available

Current Application

- The **National Centre for Missing Children (NCMC)** – an India based organization – currently offers a free online service for parents/guardians of missing children through their website www.ncmc.org and www.missingindiankids.com. The website offers a number of services such as reporting missing children; “search” options to determine whether the child found missing has been reported as “lost”/missing on the website or a reported sighting of missing children. The Centre provides free services to the parents and guardians of missing children.

Evidence of Results

- NCMC received 80 reports on missing children in 2004 and 86 reports in 2005
- Police Stations from various Indian states; the Missing Persons Bureau in Mumbai; the Missing Persons Squad in Delhi; and other stakeholders regularly send information about missing children to the NCMC website.

Replication Challenges

- Funds to design, develop and maintain the website.
- Networking with police stations/ other law enforcement agencies.
- High speed internet connectivity with disturbance-free telecommunication services.

Networking for the Safe Return of Missing Children

Context

Facilitating the search for missing children requires an organizational infrastructure and resources – human and financial – which may not always be feasible for a single organization. Creating a “web” of organizations situated in strategic geographical locations with a good “standing” in their respective communities and concerned government agencies makes speedy search and recovery of the missing children – in addition to the pooling of resources - possible.

Essential Requirements

- Good relations with partner organizations
- Membership in networks at state, national and regional levels
- Good relations with law enforcement and other government officials

Implementation Process

▪ **Receiving Information**

Information on missing children is received by the NGO over the telephone, by mail or through the parents and partner organizations including detailed information about characteristics, appearance, circumstances and persons who were with the child when last seen in the area.

▪ **Filing a Missing Persons Report and Conducting a Home Investigation**

A home investigation is conducted by the organization and the family is assisted in filing a First Information Report (FIR) at the police station. Based on the findings of the home investigation, communication with network partners in places where the missing child could possibly be is established, the case may be identified as a “possible trafficking case”.

▪ **Reporting by Partner Organizations**

Network partners inform the organization when a child with a similar identification is sighted and check whether the child has been reported missing. In all such cases, when the missing child has been identified and located, the network partner informs the organization about its willingness to take custody of the child; locating the family; and carrying out a home investigation. It also contacts government authorities for shelter care that would be required immediately on the child’s return.

▪ **Facilitating the Child’s Safe Return**

After the completion of the legal procedures the child is sent back to the “place of origin” by the organization in collaboration with the partner organization; the Department of Social Welfare or

other relevant government officials; and the local police. A “Custody Certificate” is provided by the partner organization on receipt of the child. The child is handed over to the family unless the home is not found to be a safe place or there is a chance of re-trafficking, in which case the child is sent to a government approved shelter home.

Time Commitment

- Two days to one week for a home investigation depending on the region. Three days to a week of counseling, depending on the needs of the child. One week to three months to reunite a missing child with the family. For trafficking cases this may vary from a few months to a year.

Sustainability

- Approximately 10,000 to 15,000 Indian Rupees (US \$ 225-335) irrespective of whether it is a missing or a trafficked child

Current Application

- Members of/or networks such as **Impulse (INGON); ATSEC-India; ATSEC-Bangladesh; NNAGT**, Nepal are involved in the return of missing/trafficked children. Additionally, several organizations operate in “informal ad hoc networks” within and across borders.

Evidence of Results

An example

- INGON assisted approximately 6,800 women and girls during the last five years and about 1,800 in 2005.

Replication Challenges

- The biggest challenge for such a collaborative effort is to sustain the network; to build and maintain an effective rapport with law enforcement agencies and national government bodies.

Encouraging Runaway Children to Make Informed Decisions

Context

Often runaway children are found roaming around places where they are particularly exposed to abuse and exploitation such as railway stations. Their vulnerability increases without support structure – family or other. Proper identification; provision of care and support; and a “safe space” is vital for them. “Residential camps” for runaway children may help them to reflect about past experiences and make informed decisions about the future.

Requirements

Essential

- Social workers with counseling skills
- Good rapport with informants at the railway platforms (such as vendors, hawkers, coolies, stall owners, canteen staff); and railway police
- Established rules for carrying out ‘outreach’ operations
- Partner organizations in different geographical areas
- Psycho-social counselors with experience in child psychology
- Action plan for a “residential camp”

Optional

- Access to a short-stay shelter home
- Availability of a camp location in a natural environment attractive and interesting for children.

Implementation Process

Identifying Runaways

NGO staff monitors the arrival of long distance trains to identify unaccompanied minors who are presumed to be runaway children. Initial contact and rapport is established with the child to gain his/her confidence to be able to retrieve information on the reasons why s/he reached the city alone. The staff keeps her/him under constant vigil. Having ascertained that the child is a runaway, the staff informs the on-duty police accordingly who register the information and hand the child over to the NGO for custody.

- **Transferring Identified Runaways to Shelter Homes**

The NGO presents the child before the Child Welfare Committee in India or equivalent legally competent authority in other countries which then decides to send the child either to a government observation home or a recognized NGO shelter. At the shelter, staff counsels the child to obtain information on his/her residential address and the reasons for leaving.

- **Encouraging Informed Decision-Making**

A month-long “residential camp” is organized where children are encouraged to reflect on past experiences and explore options to return to a “safe space”. Suggested steps for planning a residential camp:

- **Effective Time Schedule:** A schedule of activities and a work plan for the duration of the camp followed by a staff orientation. Children are informed of the nature and purpose of the camp and their consent is sought.
- **Child-friendly Activities:** The camp may include activities such as theatre; music; art; and other mediums of expression wherein children are able to share their experiences. Facilitators encourage the children to talk about positive relationships within or outside their homes. This helps children in identifying their talents; gaining self-confidence; and thereby making positive decisions about themselves and their lives.

- **Home Investigation**

Simultaneously efforts are made by the NGO to investigate the home situation of the runaway child. Verification of information with the help of networking partners in the home town of the child is important. The situation of the child’s family and home is thoroughly investigated and assessed. Once it has been determined that the home is a “safe place” for the child and the child agrees to return and if permission is granted by the appropriate legal authority, the parents are informed where they can receive their child.

Time Commitment

- One month for a residential camp
- One month to reintegrate the child

Sustainability

- About 2,000 Indian rupees (US \$ 45.31) per child for the reintegration process
- Approximately 2,000 Indian rupees (US \$ 44) per child for the 30 day residential activity
- Cost for organizing one camp for 35 children about 70,000 Indian rupees (US \$ 1,550)
- Assistance from volunteers in colleges and civil society organizations

Current Application

- **Bal Prafula**, a Mumbai based organization, is involved in organizing residential camps. The Bal Prafula's Project Talaash, since 2002, operates in and around Mumbai, India. Bal Prafula includes special activities at its residential camps aimed at "mind change" and motivation.

Evidence of Results

- Bal Prafula handled 349 cases within and outside Mumbai during April 2004 - March 2005. Of those, 277 children were reunited with their families and 72 remained untraced. Bal Prafula makes follow up calls once in six months
- 75% of the children show willingness to go back to their families.

Replication Challenges

- Key informants at railway stations; sustained networking with partner organizations;
- Home investigations; Funding

Implementing Organizations (in the order referred to above)

1. ATSEC Bangladesh

House # 153 (Level 3&4)
Pisciculture Housing Society
Block # "Ka", Shyamoli
Dhaka – 1207, Bangladesh
Tel: 00 88 02 9134155/ 9145787/0171810550
Email: atsec@atsecbangladesh.org
Website : www.atsecbangladesh.org

2. ATSEC India

P-112, Lake Terrace,
Calcutta, West Bengal, India
Tel: 00 91 33 24646098/ 24645430
Fax : 00 91 33 24665659
Email: slartc@cal.vsnl.net.in

3. Bal Prafulta

Santosh Shinde, Project Director
Bal Prafulta
St. Dominic Savio School Complex, Sher-e-Punjab Colony
Maha Kali Caves Road, Andheri (East), Mumbai, Maharashtra, India
Tel: 00 91 22 2826518
Email: balprafulta@gmail.com

4. Impulse NGO Network

Lower Lachumiere, Near Horse Shoe Building
Shillong-793001, Meghalaya, India
Tel: 00 91 364 2503140/ 2500589
Email: ingon@rediffmail.com
Website: www.geocities.com/impulsengo/

- 5. National Centre for Missing Children (NCMC)**
502, Chetak Centre
12/2, R.N.T. Marg, Indore-452001, Madhya Pradesh, India
Tel: 00 91 562 2519279
Email: ncmc@missingindiankids.com
Website: www.missingindiankids.com / www.ncmc.org

- 6. Lok Vikas Samajik Sanstha**
56-57, Old Municipal School
Peth Road, Phule Nagar, Panchwati, Nasik, India
Tel: 00 91 253 2518419/ 2512301
E-mail: lokvikassamajiksanstha@yahoo.co.in

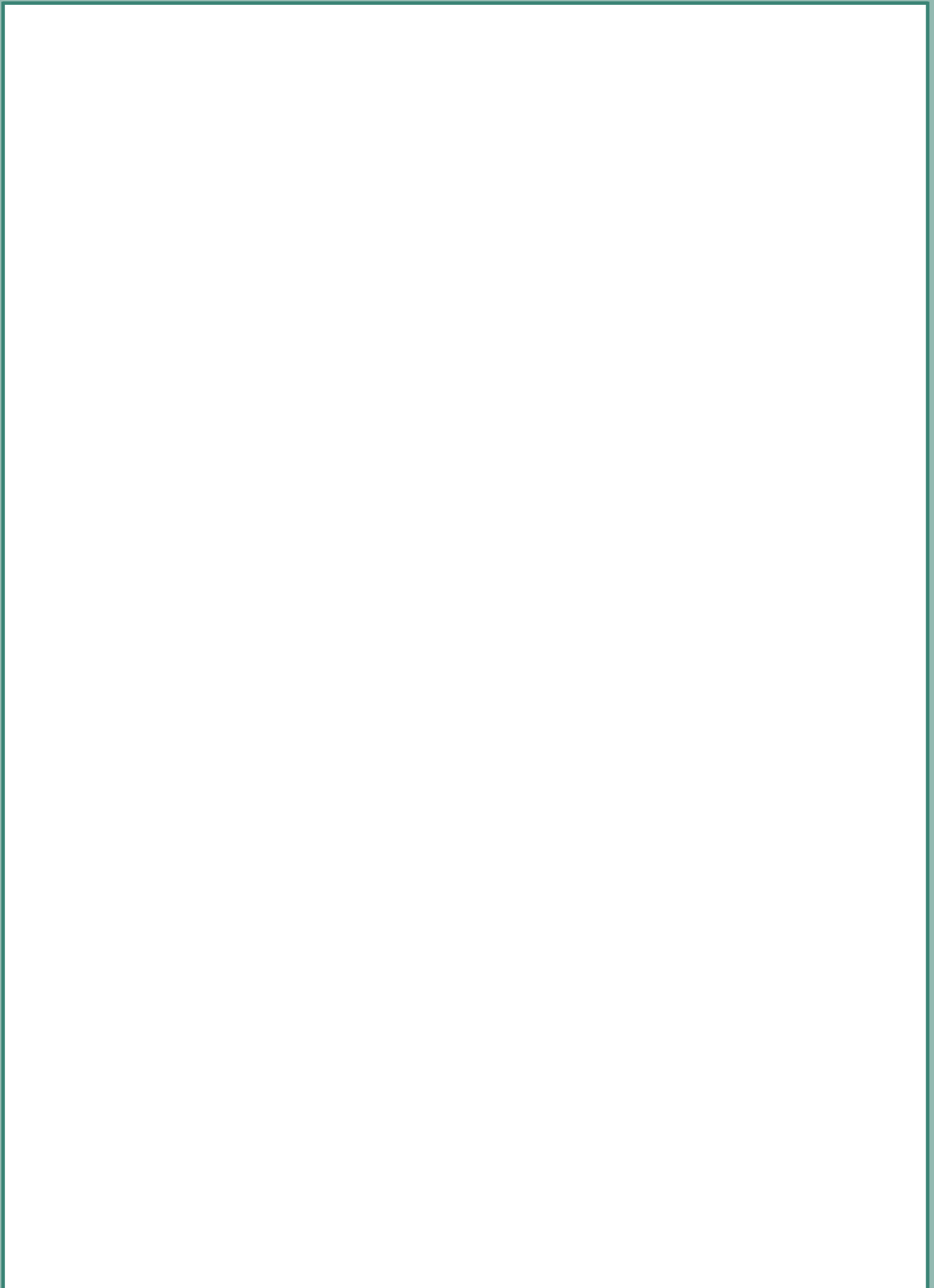
- 7. National Network Against Girl Trafficking (NNAGT)**
P.O. Box: 15142 KPPC 285
Janakmarg-82, Dillibazar, Kathmandu, Nepal
Email: nnagt@wlink.com.np

VICTIM WITNESS PROTECTION

Victim Witness Protection is an important component in safeguarding the rights of victims of trafficking and other forms of violence and exploitation on their way to recovery and rehabilitation. It aims at reducing for victims the chances of intimidation, retaliation and further victimization by the perpetrators of such crimes. In this context, AED-SARI/Equity supported the “Regional Action Forum on Improving the Implementation of Laws” in its elaboration of a Regional Victim/Witness Protection Protocol.

Approaches described in this Section include:

- Direct Community Access to the Legal System through Paralegal Services
- A Comprehensive Response to Rape - A Government/NGO Collaboration
- Special Prosecutors for Trafficking Cases
- A Community-Based Approach with a Focus on Dismantling Trafficking Networks
- Mock Trials to Prepare Victims for Testimony in Court



Direct Community Access to the Legal System through Paralegal Services

Context

Accessing the legal system in trafficking cases that are often complex is usually difficult, if not impossible, for victims and their families. Establishing “paralegal forces” at the community level enables them to gain access to lawyers who have experience in handling effectively cases of trafficking or other forms of violence. The paralegal workers follow up where and when necessary and provide the victim with support and care during the course of the proceedings.

Requirements

Essential

- Trainers with legal expertise capable of establishing paralegal groups within the community
- A training curriculum
- Regular support to paralegals in the community

Optional

- One or more training facilities

Implementation Process

- **Identifying Individuals, both Male and Female, for Training as Paralegals**
They are selected from within the community in coordination with local government authorities, the local school and political leaders. They can also be members of self-help groups, local health workers and local political leaders.
- **Providing Paralegal Training**
The training curriculum should be developed based on existing laws/relevant amendments. The training program is conducted by lawyers with experience in trafficking and violence-related issues. Participants are trained in national and international human rights law; informed about trafficking trends and issues; and are given practical advice on how to deal with trafficking cases. Considering that women in communities tend to have lesser access to legal services than men, the training may initially be provided to women. Once a group of women has been trained, they organize trainings for men in the community, with the technical support of the NGO. This two-stage process leads to strong local ownership.

- **Establishing Paralegal Committees**

The NGO facilitates the formation of paralegal committees consisting of the newly trained paralegals. This step marks the recognition of their new professional status. The committees usually include 10 to 11 individuals. This group should represent all wards of a village and include individuals with leadership skills and gender sensitivity. Initially the NGO lawyers chair and guide monthly meetings until the committees can carry on by themselves.

- **Paralegal Committees' Support Activities**

When a criminal offense is reported, the paralegal committee refers the case to the NGO lawyers at the district level. The NGO at the same time informs the police and arranges for medical assistance to the victim. Meanwhile, the lawyer reviews the case with the paralegal who had referred it to him/her for the purpose of validating the facts of the case and learning about the persons involved. The lawyer may also intervene when a police investigation is carried out and sometimes assists the prosecutor in collecting evidence. The NGO also helps the victim to prepare her statement in front of a judge and to subsequently appear in court.

Time Commitment

- Three months for training
- One year for the paralegal committee to become functional. (Six months to define functions of committee members, another six months to link up paralegal committees with government agencies and grassroots NGOs)

Sustainability

- Simple legal cases cost approximately 800 Nepalese Rupees (US \$11).
- Complex criminal cases, such as rape and trafficking, are estimated at 2,500 to 3,000 Nepalese Rupees (US \$45). (Inclusive of court fees, lawyer's fees, drafting documents, travel costs, and other forms of support.)
- Legal services to victims are provided free of charge by trained lawyers.
- Court expenses are generally borne by the parties, but in certain cases economic support is provided on recommendation of the paralegal committee/ local government authority.

Current Application

- The **Centre for Legal Research & Resource Development (CeLRRd)**, a Kathmandu, Nepal, based NGO uses lawyers as trainers for its paralegal training program. CeLRRd's paralegal program is not a "stand alone" activity; it is a carefully integrated element of a three tier legal service system that ensures that every case is handled by a legal professional with experience and skill. CeLRRd's paralegal program operates in 273 communities across 14 districts in Nepal. **Shakti Shalini** – a

Delhi based NGO – is currently replicating this Approach of Paralegal Committees in three areas of New Delhi with the support of an AED-SARI/Equity grant.

Evidence of Results

- Lower crime rates reported from all districts where CeLRRd works.
- Legal services provided to approximately 600 victims since 2000.
- Between June 2003 and July 2004, CeLRRd lawyers represented victims in 26 trafficking cases, of which 19 ended with the conviction of the perpetrator, and 29 rape cases with 14 cases ending in convictions.

Replication Challenges

- Mobilizing women in a rural community where social norms inhibit their participation in providing/ accessing justice for themselves and the community at large.
- Motivating and sensitizing men to come out of their gender stereotypical perceptions and join hands with women to function as paralegals.

A Comprehensive Response to Rape - A Government/NGO Collaboration

Context

The crime of rape is particularly difficult for victims “to take through the courts”. Research has shown that the perpetrator is known to the victim in a high proportion of cases. A comprehensive Government/NGO collaboration can ensure rape victims’ access to justice and immediate attention to their case, particularly with respect to obtaining forensic evidence that can play a determining role during trials. In 2000, the Delhi Commission for Women, in collaboration with the Delhi Police, developed a plan to establish a Crisis Intervention Centre (CIC) in each of the city’s police districts for the purpose of assisting rape victims. This approach could be easily replicated by any government agency jointly with an NGO.

Requirements

Essential

- Police commitment that every victim has prompt access to comprehensive assistance
- A partner NGO with proven credibility to oversee a rape intervention program

Implementation Process

▪ A Comprehensive Program for Handling Rape Cases

The Crisis Intervention Centres (CICs) were established to help rape victims cope with trauma, provide medical assistance and legal aid, including assistance at the police station when a complaint (First Investigation Report (FIR) is lodged, and family counseling, as appropriate. The Delhi Police Standing Order 303 of 2000 made participation in this program a reality in all police districts. Today, CICs are operated in nine locations in Delhi by NGOs authorized/supervised by the Delhi Commission for Women.

▪ Community Awareness

Community awareness programs are an integral element of the CIC program. Rape is an underreported crime in India, with only an estimated 20% of victims taking their cases to the police. CIC community awareness building focuses in part on prevention and in part on arrests and convictions. Citizens are encouraged to report whatever they notice that might indicate that a girl has been sexually abused. Awareness programs stress the importance of early action to capture physical evidence and document the victim’s recollections while they are still fresh. The program also works on a preventive level to control incest.

- **Rapid Response to Reports of Rape Cases**

NGOs often find it difficult to obtain information about violent crimes against women and minors quickly enough to arrive at the police station to ensure that medical evidence is collected in a timely manner and legal aid is provided when a complaint (FIR) is being lodged. Pursuant to Standing Order 303 and recent requests by the Delhi Commission for Women for immediate police reporting on the CIC hotline, police stations are expected to notify the CIC in their district as soon as they determine that a rape has occurred.

- **Holistic Support for Victims and Family Members**

Rape victims and victims of other forms of sexual abuse and exploitation require more than medical and legal services to overcome the trauma of their experience. CICs provide family counseling; assist the prosecution in the preparation of their cases; give evidence and testify in court and in some instances provide vocational training and other kinds of rehabilitation to victims. The involvement of CIC counselors throughout the legal process helps ensure that no one applies pressure on the victim and that her statement remains consistent from the time the FIR is filed until the court case ends, which helps prevent victims from turning hostile.

Time Commitment

- One to two years until a rape case is resolved.
- Assistance to the victim twice a week, if required.

Sustainability

- 3,400 to 4,200 Indian rupees (US\$ 80-95) per victim per year. (Includes medical aid, psychosocial counseling, shelter, legal aid and skill training).
- Government support/ police/ NGO cooperation for CICs.

Current Application

- The Delhi Commission for Women and Delhi Police Department's CIC program is implemented by NGOs.
- There are nine CICs in Delhi that are operated by NGOs authorized/ supervised by the Delhi Commission for Women.
- The holistic CIC approach meets all the victim's needs, ensures that a detailed complaint is filed and adequate evidence collected, addresses financial needs through stipends to help the woman sustain herself while awaiting trial, or provide care for her family who might urge her to give up her pursuit of justice.

Evidence of Results

- Police statistics show a rise in the number of reported rapes; this rise probably reflects an increased willingness among women to come forward and report their case.
- Published CIC data indicate that nearly all the reported rape cases receive some assistance from Delhi's nine CICs.

Replication Challenges

- Sustained coordination between the Police, the Women's Commission and NGOs

Special Prosecutors for Trafficking Cases

Context

Even when victims of trafficking, rape, acid attacks, dowry related beatings, sexual exploitation and other crimes have access to a lawyer through a government legal aid office or an NGO program, they may find it difficult to obtain speedy justice, either because of slow and incomplete police investigations or due to the backlog of cases facing most Public Prosecutors. The anti-trafficking initiative of the Government of Bangladesh (GoB) described below has been implemented under the guidance of the Ministry of Home Affairs. Rapid disposal of trafficking cases was recognized as an important deterrent for traffickers and a policy consistent with that understanding adopted in June 2004.

Requirements

Essential

- Authority to designate special prosecutors for handling trafficking cases and to issue guidelines for the cases' timely disposal. Agreement between public prosecutors and the courts at all levels to expedite the cases.

Optional

- Special courts or tribunals to hear trafficking cases.

Implementation Process

▪ Responsibility for Rapid Disposal

As part of the Government's anti-trafficking initiative, a Deputy Attorney General has been designated at the national level to ensure quick disposal of trafficking cases. In addition, Special Public Prosecutors (SPPs) have been assigned to 44 special tribunals located in 35 of Bangladesh's District Special Tribunals. In other districts, Public Prosecutors and SPPs are designated at existing District Sessions Courts for trafficking cases.

▪ Monitoring of Progress

The Inter-Ministerial Committee, headed by the Ministry of Home Affairs, requires monthly reports from the districts providing data on the status of prosecution of trafficking cases. According to the Suppression of Repression against Women and Children Act of 2000, a case should be disposed of or otherwise completed within 180 days of receiving it. On June 29, 2004, a Committee to monitor trafficking cases was established. The Committee initially selected 17 cases for quick disposal through continuous trial and constant monitoring. It also decided that all those cases should be disposed of within 45 days. This policy of close monitoring and quick disposal through continuous trial without long adjournments has been adopted for all the cases that are being monitored by the Committee.

Sustainability

- This program can be implemented by using existing prosecutorial resources/ district courts/ tribunals and through constant monitoring.
- Costs may vary from case to case.

Current Application

- The **Ministry of Home Affairs** and **Ministry of Justice, Government of Bangladesh**, have the overall responsibility for the coordination of anti-trafficking programs. Coordination for the rapid prosecution of trafficking cases is the responsibility of the designated Deputy Attorney General both at national level and in district courts.

Evidence of Results

- Between June 15, 2004 and March 15, 2005, 86 cases were identified for rapid disposal under the GoB's special prosecutors program. Of the 72 trafficking cases disposed during this nine-month period, 47 (65%) resulted in convictions.
- A total of 85 individuals were convicted of whom 60 received life sentences.

A Community-Based Approach with a Focus on Dismantling Trafficking Networks

Context

While most organizations are involved in rescuing victims, very few focus at the same time on dismantling trafficking networks. Community-based interventions, with the support and the participation of all segments of local society, strengthen NGO efforts in uprooting those networks and in combating the trafficking of minors. The arrest/prosecution of traffickers and the dismantling of networks have a deterrent effect on other traffickers.

Requirements

Essential

- Involvement of the community in identifying and “busting” trafficking networks.
- A strategic plan for identifying, arresting and prosecuting members of trafficking networks with community inputs and assistance.
- A collaborative relationship with the police
- Capacity to rescue, counsel, and rehabilitate minors/ victims of trafficking.

Optional

- Media support to sensitize the public on child trafficking.

Implementation Process

Identifying Volunteers

Awareness raising programs in colleges, schools and other public places sensitize people on child trafficking and serve to “enlist” volunteers. Those volunteers play a key role as informants; and researchers during raids and rescues.

Determining the Causes and Extent of Trafficking in Minors

To understand the vulnerabilities and trends of trafficking of minors an assessment of source and destination areas is conducted. The NGO may organize meetings with small groups of women from the community that could include women from the “red light areas”. The regularly held meetings could also include journalists and influential persons associated with the NGO who may be best suited to identify social problems that may be the cause for minors to enter into prostitution.

In addition, NGOs could train volunteers in conducting regular socio-demographic surveys to map the areas and households vulnerable to trafficking. Volunteers pose as decoys in order to gather information on the location of brothels, identification of pimps and number of minors in the brothels. This information is a prerequisite to planning any strategy to dismantle trafficking networks.

- **Assisting the Local Police**

The NGO shares the above information including the knowledge about the presence of minors in brothels with the police and cooperates with them on strategies for raiding brothels and rescuing minors in prostitution. In some raids volunteers actively assist police by “trapping and holding” alleged traffickers when trying to escape from a brothel area. NGOs sometimes arrange for a video taping of the rescue operation to help identify the traffickers and to use it as evidence in court.

- **Ensuring that Complaints against Traffickers are Filed**

The NGO helps the victim to file a First Information Report (FIR) against the traffickers and brothel owners. The NGO also monitors the police investigation and ensures that proper charges are entered in the charge sheet. The NGO also prepares the victim for testimony in court keeping in mind the cross examination by the defense counsel. (See also the Replicable Approach of “Mock Trials”.) The NGO assists the public prosecutor in his/her research and in certain cases requests through the public prosecutor an “in camera” trial. It focuses in all its activities on dismantling trafficking networks; on victim care/ rehabilitation and victim/witness protection.

Time Commitment

- Planning/ executing a raid operation: approximately two months
- Dismantling a trafficking network: up to a year
- Shelter for victims from three months to three years
- Legal interventions: approximately one and half year to three years until a final verdict by the court.

Sustainability

- Cost for one raid operation: 60,000 Indian Rupees (approximately U.S. \$1,335) which includes mapping the area, video documentation, traveling
- Legal cost per victim: 100 to 15,000 Indian rupees (about U.S. \$2 to 335)
- Shelter Home cost per victim: approximately 600 India Rupees (U.S \$ 13)
- Cost of victim reintegration including six follow up visits: approximately 2,000-5,000 India Rupees (U.S \$ 44-110).

Current Application

- **Odanadi Seva Samasthe** works together with the local communities to identify/ eliminate trafficking networks in Mysore district, Karnataka, India. Odanadi takes custody of minors at the police station and hands them over to women counselors. The Odanadi Shelter home, recognized by the Department of Social Welfare, Government of India, provides psychosocial counseling, medical attention and legal aid. After completion of the court trial, the victim is either reintegrated with the family or

rehabilitated through self employment opportunities. Six follow-up visits are made after reintegration. 500 volunteers, including lawyers, journalists, doctors, academics and students assist in raid operations.

Evidence of Results

Since 1991:

- 37 rescue operations

- 37 trafficking networks dismantled, resulting in the arrest of 117 traffickers. Sixty-two traffickers (53%) convicted and three acquitted.

- 1,650 minors rescued from brothels. 1,600 of these children reintegrated with their families.

Replication Challenges

- Achieving a level of community awareness/ commitment that stimulates people to volunteer for anti-trafficking activities.

- The police's, prosecutors' and judges' attitudes/ practices must focus on the goal of convicting the traffickers and dismantling the trafficking networks, in addition to the protection and rehabilitation of the victim.

Mock Trials to Prepare Victims for Testimony in Court

Context

The “Mock Trial” experience helps the victim to understand her legal situation and eventually provide effective testimony against perpetrators in court. “Mock Trials” also help victims understand how they would be cross-examined in court and make the ordeal less traumatic for the victim. The strengthened attitude/testimony of the victim also contributes to a more effective prosecution of the perpetrator.

Essential Requirements

- Lawyers with thorough knowledge of laws relating to violence against children; and experience of working with minors in court and in preparing them for court trials
- Psychosocial counselors who can help victims relate their traumatic experience when they “practice” and “actually testify in court”
- A good relationship with the Prosecutor’s Office and the Judiciary

Implementation Process

▪ **Preparing the Victim for the Court Trial**

The NGO takes the survivor/victims through every step of the legal process, accompanying them to the police station to file a report if that was not done earlier, and taking them to the Magistrate’s Court where the victim must appear so that the Magistrate can determine whether the case goes to trial or not.

▪ **Building a Rapport between the Lawyer and the Victim**

The room chosen for the mock trial is usually quiet and formal. The lawyer is accompanied by a female counselor. The lawyer then begins to talk as a first step to build a rapport with the victim. The counselors play the important role of bridge between the child and the lawyer. The lawyer then comes to the case, explaining to the victim what the courtroom looks like and who would be present in court. He/she explains that the defense lawyer will not necessarily be kind to the victim. The lawyer also explains why it is important to testify and encourages the victim to act fearlessly in the courtroom.

▪ **Conducting Mock Trials**

The lawyer begins to ask about what had happened to the victim. The questions are asked in the way they would be asked in court. The victim tries to provide answers the way she has been told to answer in court. Sometimes when the victim is unable to answer appropriately the lawyer helps her to do so. This process is repeated several times before the actual trial begins.

Time Commitment

- Two to three months for the case to move from the Magistrate Court to the High Court.
- Two to three years at the High Court.
- A few days for Mock Trials which are repeated several times to ensure that the victim fully understands/ is prepared to participate in the court proceedings.
- An hour for the lawyer to brief the victim prior to each court hearing.

Sustainability

- Total cost: between 5,000 - 10,000 Sri Lankan Rupees (US \$50 - US\$100) depending on the number of court appearances

Current Application

- **The Institute for Human Rights (IHR)** in Sri Lanka is actively involved in conducting mock trials to support victims testify in court. IHR views its role as being supportive of prosecutors who are overloaded with cases. Six full time lawyers and psychosocial counselors from centers/ probation homes provide their services during the mock trials facilitated by IHR. At present **NUS** in Bangladesh, **STOP** in India and **LACC** in Nepal are replicating this Approach under AED-SARI/Equity supported grant program.

Evidence of Results

- IHR's conviction rate in child sexual abuse cases is about 80% compared to Sri Lanka's overall conviction rate of 4% for all crimes.
- During 2004, the accused in 90 child sexual abuse cases were convicted.

Implementing Organizations (in the order referred to above)

1. Deputy Attorney General of Bangladesh

Attorney General's Office
Supreme Court Building
Dhaka-1000, Bangladesh
Tel: 00 88 02 9888587
Fax: 00 88 02 9886208
Email: adilkhan@dhaka.net

2. Joint Secretary

Ministry of Home Affairs
Government of Bangladesh
Bangladesh Secretariat, Dhaka-1000
Bangladesh
Tel: 00 88 02 7164610/ 8312774
Email: mmohsin93@yahoo.com

3. Nari Unnayan Shakti (NUS)

(Women's Power for Development)
House # 35, Road # 4, Block- E, Bonosree,
Rampura,
Dhaka, Bangladesh

4. Delhi Commission for Women

Govt. of National Capital Territory of Delhi,
C-Block, 2nd Floor, Vikas Bhawan
I. P. Estate, New Delhi-110 002, India
Tel: 00 91 11 23379150/ 23378936/ 23379181/ 23370597
Fax: 00 91 11 23379150/ 23378936
Email: chairperson_dcw@rediffmail.com
Website: <http://dcw.delhigovt.nic.in>

5. Shakti Shalini

6/30 B, Lower Ground,
Jangpura JANGPURA B,
New Delhi – 110 014, India
Tel: 00 91 11 24373736/37/38
Fax: 00 91 11 24318215/ 2432 2220
Email: shaktishalini@yahoo.com

6. Odanadi Seva Samsthe

S R S Colony , Hootagally Village,
Belawadi Post,
Mysore District, Karnataka- 571 186, India
Tel: 00 91 821 402155
Email: odanadisevatrust@yahoo.com

7. Stop Trafficking and Oppression of Children & Women (STOP)

A-25, Chittaranjan Park
New Delhi -110019
Tel: 91 11 26275811/12, 26271874
Fax: 91 11 26275812
Email: romadeba@vsnl.com
Website: www.stopindia.org

8. Centre for Legal Research & Resource Development (CeLRRd)

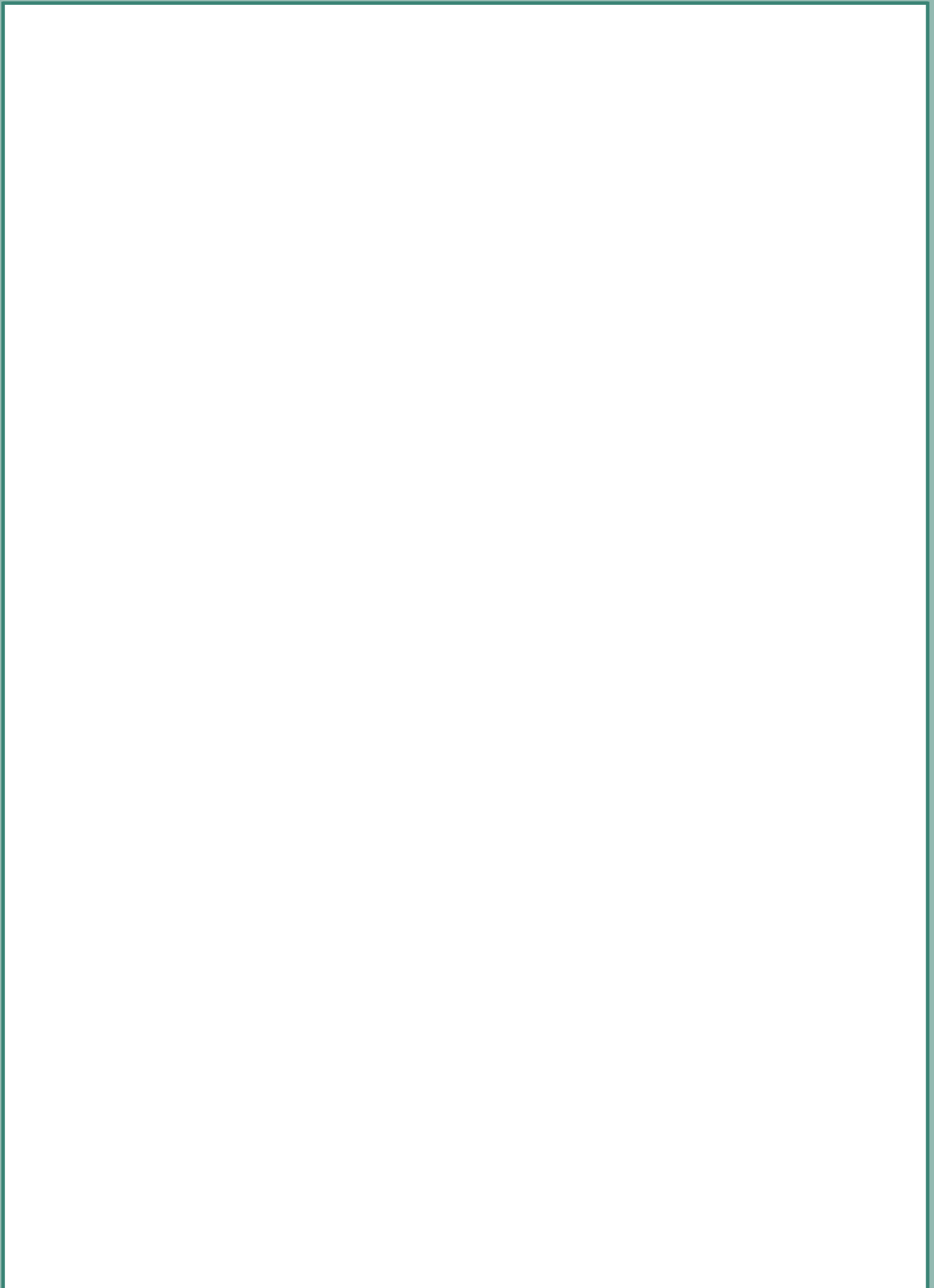
Shantinagar Minbhawan, Kathmandu, Nepal
Tel: 00 977 1 2042268
Fax: 00 977 1 6634801
Email: celrrd@wlink.com.np
Website: www.ksl.edu.np

9. Legal Aid and Consultancy Center (LACC)

Manbhawan, Lalitpur, Nepal.
Post Box No: 3216, Kathmandu, Nepal
Tel: 00 977 1 5543111/ 5542999
Fax: 00 977 1 5552814

10. Institute of Human Rights (IHR)

No. 42 Skeleton Road
Colombo 05, Sri Lanka
Tel: 00 94 11 2585812; 2502703
Email: legal@ihrrilanka.org

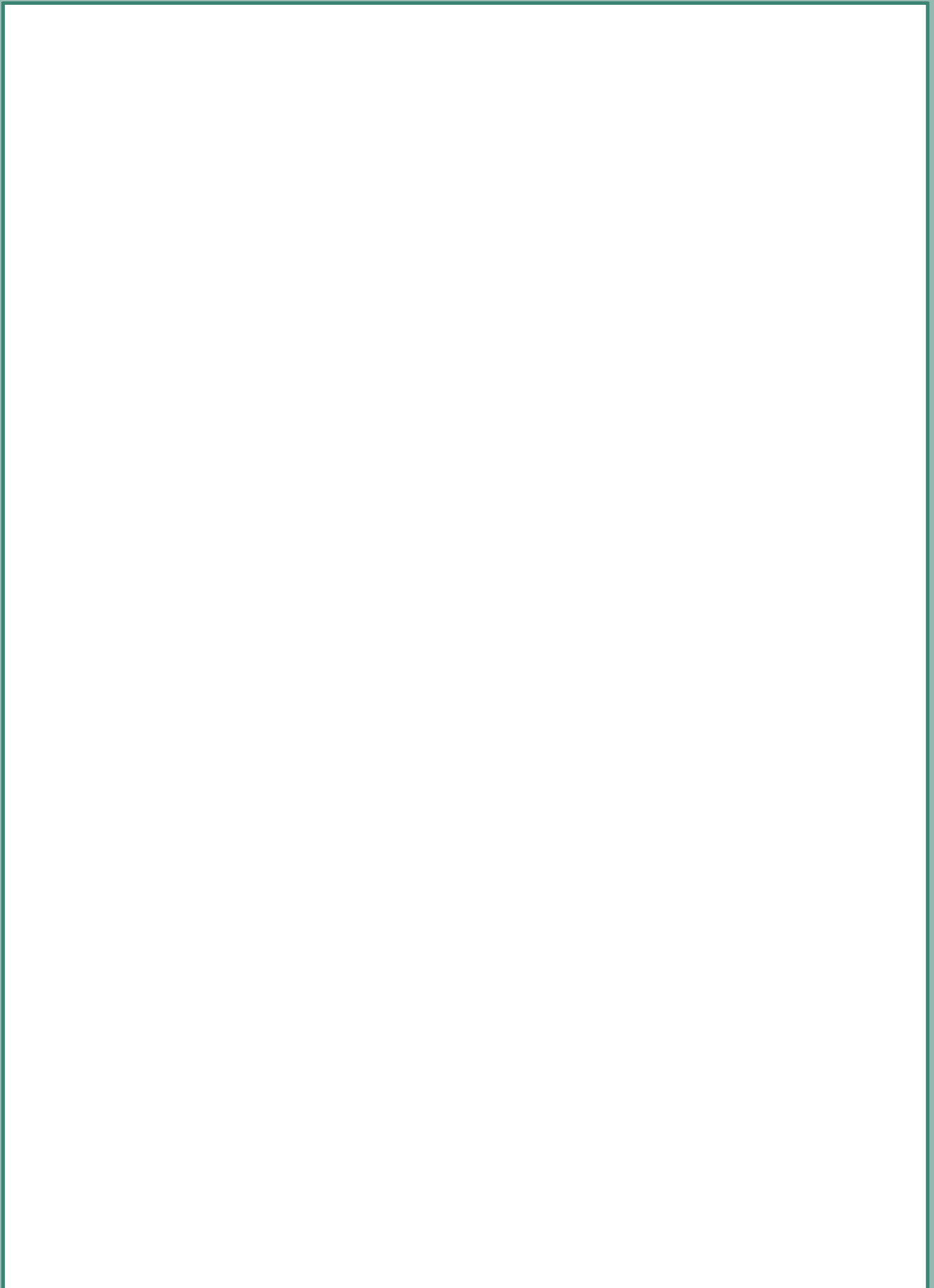


CROSS-BORDER RESCUE AND REPATRIATION

Rescue operations that include locating and removing trafficking victims from forced labor and sexual exploitation are increasingly accompanied by psychosocial counseling and medical attention to the victims. While the police usually plays a central role in rescue operations NGOs have an important supporting role to play in providing the police with information on the location of trafficked minors, in ensuring that rescues are carried out in a sensitive manner thus reducing the trauma victims face, assisting public prosecutors and providing psychosocial counseling to survivors and family members before reintegration. When in possession of a relevant “court order”, NGOs also directly undertake rescue and repatriation activities. The Regional Protocol on Minimum Standards of Care and Support for the Victims of Trafficking and Other Forms of Violence developed under the Regional Action Forum on Strengthening the Care Survivors/Victims provides a comprehensive set of provisions on rescue; shelter/institutional care; and reintegration.

The Approaches included in this Section describe:

- Government Authorization for NGO Involvement in Rescue Operations
- Facilitating the Repatriation of Trafficked Women and Children
- Counseling of Victims, Families and Communities
- Home Investigations by NGOs to Identify High Risk Situations



Government Authorization for NGO Involvement in Rescue Operations

Context

Direct involvement of NGOs in rescue operations conducted by the police may contribute to the location of minors who are “hidden” by the perpetrators; the sensitive handling of victims by the police during rescue and post-rescue; and to reducing the risk of the victim to be forced back into prostitution. Usually NGOs are not authorized to be directly involved in rescue operations although they play an important role in facilitating the process of rescue. A court order will ensure the presence of an NGO in rescue operations and guarantee an official role in rescue and post-rescue proceedings.

Requirements

Essential

- A relationship of trust and confidence with community members in high density trafficking areas to dispose of an effective network of key informants
- A well established relationship with the Police and relevant government departments to be accorded an official role in rescue operations
- Networking with NGOs in source and destination countries

Optional

- A shelter home to be able to seek custody of the rescued victims for care and protection
- Good contacts with NGOs for the restoration/repatriation of trafficked victims

Implementation Process

High Court Order on the Official Role of the NGO

The first High Court Order of such kind originated in a case of a rescued minor brought before the Delhi High Court by an NGO. During the proceedings of the case, the High Court noted the constructive role of the organization in ensuring justice to the minor. This led to Delhi High Court Order 20273, of August, 2001 wherein it was stated that STOP (“Stop Trafficking and Oppression of Children & Women”) - a New Delhi based NGO – was to be included in rescues conducted in brothels and other establishments on G.B. Road (“red-light district in New Delhi”). Any organization wishing to replicate this process may appeal to any court of law using the said court order as a precedent for obtaining a court order allowing it to have an official presence during police rescue operations.

- **Identifying Locations**

In order to locate and rescue victims of trafficking, information from key informants based in the red light area or partner organizations from within and outside the country is vital.

- **Alerting the Police and Collaborating in the Planning of Operations**

Once the location of trafficked minors or adults is reasonably well ascertained by the organization, a rescue plan is being worked out with the police. Rescue operations are usually carried out at night to minimize operational hindrances. The organization takes a lead role. Code language and signals are used for communication to ensure secrecy. Supplies such as medicines, sanitary pads, clothing, cotton swabs, food, and other essentials are available on the spot. Rescues may be carried out in brothels and other high-risk areas identified by the informants.

- **Ensuring Victims' Dignity at the Police Station**

The presence of the NGO helps ensure that the rescued victims are treated as “victims” of crime and not as criminals. Maximum efforts are made to obtain observance of their legal rights during the post-rescue formalities by the police.

- **Facilitating the Recovery and Reintegration of Rescued Victims**

The immediate presence of an NGO contributes to the speedy recovery and reintegration of the trafficked victim into mainstream society.

Time Commitment

- While rescue operations take one evening at a time, a significant unquantifiable amount of time is needed to gather information on the location of trafficked victims.
- The repatriation process for trafficked persons from India to Nepal and to Bangladesh takes six months on average, with the shortest time being two-three months, and the longest being approximately 18 months.

Sustainability

- The cost per rescued victim (rescue, rehabilitation and reintegration) is estimated at approximately INR 8,335 or US\$192. To sustain such operational activities, an organization will require continuous financial support.

Current Application

- At present **STOP** is the only NGO in India that has obtained a High Court Order for compulsory involvement in rescue operations by the police in Delhi. STOP's rescue and repatriation program

was funded by the United Nations Development Program (UNDP) during its pilot phase. Currently AED-SARI/Equity supports the program with funds from USAID.

- For a profile of STOP's rescue, recovery and repatriation refer to Chapter 3 of UNDP's publication "From Challenges to Opportunities" http://www.youandaids.org/UNDP_REACH_publications/From%20Challenges%20to%20Opportunities/Chapter3%20replace%20photo.pdf

Evidence of Results

- 200 minors rescued during the pilot program (2002-2004).
- 29 girls rescued in 2004 out of whom 18 were repatriated by STOP

Replication Challenges

- Any organization involved in supporting the police in rescue and post-rescue proceedings may use the Delhi High Court Order as a precedent in another jurisdiction when seeking a similar Court Order.

Facilitating the Repatriation of Trafficked Women and Children

Context

Returning a trafficked victim to her/his country of origin is commonly known as “push back”. This entails usually the return of the victim by border security forces of the “country of destination” without the presence or involvement of an official agency of the country of origin of the trafficked victim. Once the trafficked victim is “pushed back”, she or he is often exposed to abuse or exploitation or even re-trafficking. The process of sending back trafficked women and children with the involvement of NGOs and government agencies of both the countries of destination and origin – known as “repatriation” – provides a much better premise for reintegration with their families or a place of “safety”. The latter process is described here.

Requirements

Essential

- A working relationship with the government and one or more NGOs in the “country of origin” involved in the official process of repatriation
- Understanding of the procedures and documentation requirement for repatriating a trafficked victim

Optional

- A Memorandum of Understanding (MOU) between NGOs of countries of origin and destination to provide care and support and legal services to victims.

Implementation Process

Identifying Victims of Cross-Border Trafficking

The fact that a woman or child is a victim of cross-border trafficking may be noticed during a rescue operation or in a magistrate’s court or Child Welfare Committee office. While police, court officials and probation officers may recognize a foreign woman or child, recognition may not always lead to an early effort to repatriate such an individual. Here NGOs step in, providing assistance in facilitating the process of repatriation of a trafficked victim to the country of origin.

Obtaining Information about the Victim’s Home and Family

One of the first steps in the process of repatriating a minor/victim of trafficking is to locate the victim’s family. Obtaining such information from a trafficked person or illegal migrant is not always easy. NGOs through psychosocial counseling gain their trust and thus access to the needed information.

- **Contacting the Victim’s Family**

Once information is obtained from the victim about her/his family, the NGO of the country of destination gets in touch with its partner organization in the country of origin to contact the victim’s family and assess whether the victim can be sent safely back to her/his family.

- **Initiating Repatriation Procedures**

 - To Nepal**

 - After the family or a Nepal-based NGO has been contacted, victims are handed over by the NGO to the Nepal police that transfers them to a local NGO or their parents. When victims from Nepal - over 18 years of age and not charged with any offense - are located by NGOs in government homes in major cities in India, arrangements with a Nepal NGO are largely logistical. The process for handing over a minor Nepali national from an Indian government home to a Nepal based NGO involves the permission of the Child Welfare Commission in India.

 - To Bangladesh**

 - The repatriation of trafficked victims to Bangladesh is complex. The standard procedure for repatriating minor victims not accused of an offense is as follows:

- **Informing the Relevant Government Ministries**

Indian NGOs often work collaboratively with the probation officers in government homes to determine when a minor victim of trafficking is ready to be repatriated. In Kolkata, for example, NGOs often take the lead in the repatriation process by informing the Directorate of Social Welfare, Government of West Bengal, who in turn informs the Indian Ministry of Foreign Affairs that a child needs to be repatriated to Bangladesh.

- **Acquiring a “Certificate of Citizenship”**

The NGO provides the Ministry with relevant information whereupon the Government of India contacts the Bangladesh High Commission which in turn contacts the Ministry of Home Affairs, Government of Bangladesh, to issue a “Certificate of Citizenship” for the trafficked victim.

- **Obtaining a Court Order for Repatriation**

After a thorough investigation by the Bangladesh Police, the Home Affairs Ministry issues a certificate and sends it directly to the Directorate of Social Welfare, Government of West Bengal - with a copy to the Ministry of Foreign Affairs of India. Based on the citizenship certificate, the West Bengal Social Welfare Department requests a court order for repatriation.

- **Return and Reintegration**

Once the court order is issued, the Government of India notifies the Border Security Forces and the Indian NGO of the date and time of repatriation. The Indian NGO simultaneously informs the Bangladesh NGO about the details of repatriation. The Bangladeshi NGO would have been usually involved in establishing the citizenship of the child and in preparing for the child’s reintegration (e.g; visit to the victim’s home to determine whether reintegration into the family home is appropriate).

- **Keeping the Child Apprised of Progress**

Throughout this process, the victim is kept informed by the Indian NGO as this helps minimize anxiety and trauma.

- **Escorting the Child to the Border**

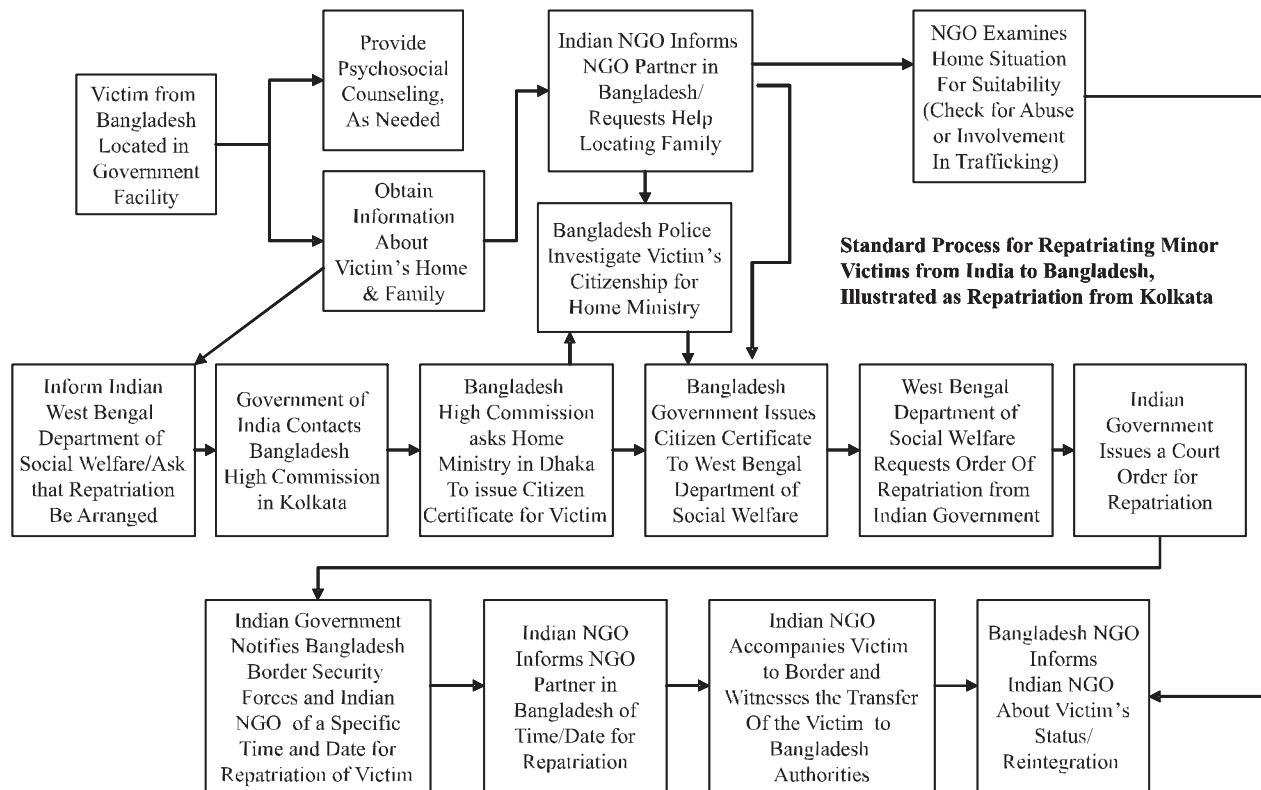
The Indian NGO accompanies the child to the border, ensuring that the victim is not harassed by the police or other parties who might want to obstruct repatriation.

- **Facilitating and Witnessing the Transfer**

The Indian NGO provides assistance in completing the paperwork emanating from multiple agencies from both sides of the border and border security forces, and ensures safe transfer of the child.

In this entire process NGOs on both sides of the border play a significant role in facilitating and following up with their respective governments in order to accelerate the process of repatriation

The process of repatriation to Bangladesh has been illustrated in the following diagram:



Time Commitment

- On average, it takes six months to repatriate a minor from India to Bangladesh. Where no identification papers are located, cases may take up to four years to resolve.

Sustainability

- Sustaining any repatriation program requires NGO staff salaries and travel costs, some of which may be covered if the NGO operates a government funded legal services program.

Current Application

- In India, **SANLAAP and PRAAJAK**, Kolkata based organizations, are actively involved in facilitating repatriation of trafficked Bangladeshi victims; and **Bhoomika Vihar**, a Bihar based organization, in repatriating trafficked girls to Nepal. Organizations such as **Maiti Nepal, ABC Nepal and SAATHI** are involved in the repatriation of trafficked girls from India to Nepal. In Bangladesh **BNWLA** plays an active role in facilitating the repatriation process of trafficked Bangladeshi girls.

Evidence of Results

PRAAJAK's evidence of results - serving as an example:

- 31 children repatriated to Bangladesh between June 2001 and November 2004 with Praajak's assistance.

Replication Challenges

- Mastery of the "official process" for repatriating minors to Bangladesh is the first challenge organizations engaging in repatriation will face. Other challenges include obtaining approval to enter government observation homes; establishing and maintaining cross-border relationships with like minded organizations.

Counseling of Victims, Families and Communities

Context

Parental counseling prior to reintegration of trafficked persons is designed to ensure that the victim does not risk of being re-trafficked or abused by the family. In the program described below the counseling takes place after “border-interception” of the victim. The same method however can also be applied in post-rescue cases of trafficked victims.

Requirements

Essential

- Contacts to locate the parents of a trafficked victim in any part of the country.
- Trained psychosocial counselors for parents/guardians/communities.
- Access to shelter homes where victims can be housed until their families are located and counseled
- Short-term residential facilities for parents during the process of “family counseling”.

Optional

- A “border” program for intercepting/rescuing trafficked victims.

Implementation Process

- **Psychosocial Rehabilitative Counseling to the Victim**
Once a trafficked person is brought into the shelter home, longer-term psychosocial counseling is provided and the process for locating the victim’s family initiated.
- **Reintegration Assessment**
A home assessment or home visit is undertaken to ascertain the conditions in the family and the community for the safe return of the victim.
- **Residential Family Counseling**
The family is invited to stay at the shelter home for a brief period of time during which they are provided with individual and group counseling. This helps parents to better understand the vulnerabilities of the trafficked person and to provide support upon reintegration.
- **Post-Reintegration Follow-up**
NGOs remain in communication with the reintegrated person through phone-calls /home visits.

Time Commitment

- Trafficked persons intercepted prior to crossing the border may remain in transit homes for two to six weeks.

Sustainability

- The interception-reintegration process is not sustainable without sponsor support.

Current Application

- **SAATHI**, a Nepalese NGO, operates trafficking prevention booths at border crossings in five western districts (Kanchanpur, Banke, Kapilavastu, since 2003 and Kailali and Dang, since 2004) where it interviews travelers and identifies and intercepts traffickers and victims. SAATHI normally transfers trafficking victims to one of its four transit homes (in the first four districts named above) where the process for locating a victim's family is initiated. SAATHI staff interview the victim and provide counseling to those who are distressed. They try to learn as much as they can from the victims about how they were trafficked and ask about the location of the victim's parents.

Evidence of Results

- SAATHI has intercepted over 600 individuals at "trafficking-prone" border crossings since 2003.
- SAATHI has developed a database of trafficked/ missing persons' cases and traffickers.

Replication Challenges

- Resistance of trafficked persons, families and communities to counseling
- Counseling and post-reintegration follow-up require resources, time and a long-term commitment.

Home Investigations by NGOs to Identify High Risk Situations

Context

A Home Investigation Report (HIR) conducted by an NGO greatly assists in determining the suitability of the home situation before reintegration of the trafficked person. In India an HIR is required under the Juvenile Justice Act (2000). In other countries NGOs may wish to advocate for Home Investigations by NGOs when government lacks resources to do so or is faced with a considerable backlog of cases.

Requirements

Essential

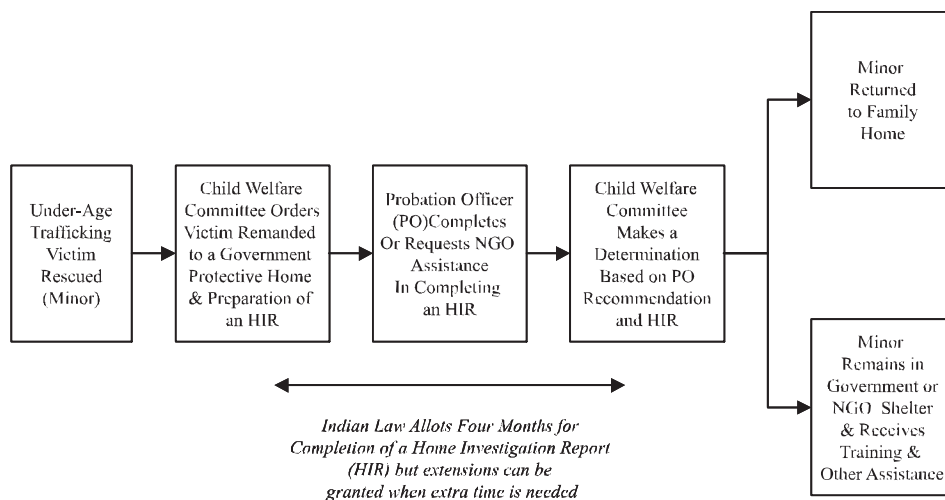
- A law or a policy that calls for a home investigation visit
- Staff trained in carrying out detailed home investigations
- A regulatory system that would prevent trafficked and abused minors from being returned to unfit homes

Optional

- Rehabilitation mechanisms for minors who cannot be returned to parents or guardians found unfit during the Home Investigation

Implementation Process

The process of home investigation is illustrated below.



Central to a thorough Home Investigation Report are the questions asked during the visit.

Sample questions are provided below:

- Is the child the biological or adopted child of the parents?
- Did the minor live in the home with the parents or with some other relative or friend?
- Did the family file a missing person's complaint when the minor disappeared?
- Is there a steady discernable and sufficient source of income in this home to provide for the child?
- Is there a family history of dedication of daughters to the sex trade?
- Is there any evidence of drugs or alcohol abuse in the home?
- Do the siblings show signs of neglect, deprivation, abuse or domestic exploitation?
- Are there any visible sources of danger to the child in the home or neighborhood?
- When did the family or guardian visit the child last and where did they stay during the visit?
- Did the family cooperate with the investigation?
- Were responses consistent or contradictory when family members were spoken to separately?
- Can the parents be reasonably judged to be fit to care for the minor?

*Home Investigation Report,
Anti-Trafficking Center, Prerana, 2004*

Time Commitment

- Excluding travel time, half a day is normally sufficient for a home investigation visit unless the house cannot be found or it becomes necessary to visit a local police station, school, or the workplace of the child or key people are not available.

Sustainability

- The cost of conducting Home Investigations is based on staff time, travel and per diem. The average daily wage is about 300 Indian Rupees (around US \$7) and food reimbursement about 150-200 Indian Rupees (US\$4-\$5). Travel costs may differ.

Current Application

- **Prerana** - a Mumbai based organization - conducts Home Investigations at the request of the Probation Officer for the Government Special Rehabilitation Center for Girls at Deonar, Mumbai, where most girls rescued from trafficking are taken. As a training aid for NGOs and Probation Officers Prerana published a guide entitled "Home Investigation Report" in January 2004 that provides sample forms as well as a list of "dos and don'ts" for investigators.

Implementing Organizations (in the order referred to above)

1. BNWLA

Bangladesh National Women Lawyers' Association (BNWLA)

House # 60/A, Road # 27(Old), Dhanmondi R/A

Dhaka – 1209, Bangladesh

Tel: 00 88 02 8123060/ 8125866 /8112858

2. Bhoomika Vihar

Barmasia, Mirchaibari,

PO & Dist Katihar,

Bihar, Uttar Pradesh, India

Tel: 00 91 6452 228661

Email: bhoomikavihar@hotmail.com

3. New Alipore Praajak Development Society

468A, Block-K, New Alipore,

Kolkata-700 053, West Bengal, India

Tel: 00 91 33 2400-0455

Email: praajak@yahoo.co.in

4. Prerana Anti-Trafficking Center

M.V.R.S. Marg Municipal School, near Ishwar Nagar,

Bhandup (W), Mumbai - 400 078, Maharashtra, India

Tel: 00 91 22 25948296

Website: <http://www.preranaatc.org>

E-mail: pppatkar@preranaatc.org

5. SANLAAP

38B Mahanirban Road ,

Kolkata – 700 029, West Bengal, India

Tel: 00 91 33 2464 9596/ 27021286/87

Email: sanlaap@giascl01.vsnl.net.in

6. Stop Trafficking and Oppression of Children & Women (STOP)

A-25, Chittaranjan Park
New Delhi -110019, India
Tel: 00 91 11 26275811/12, 26271874
Fax: 00 91 11 26275812
Email: romadeba@vsnl.com
Website: www.stopindia.org

7. ABC Nepal

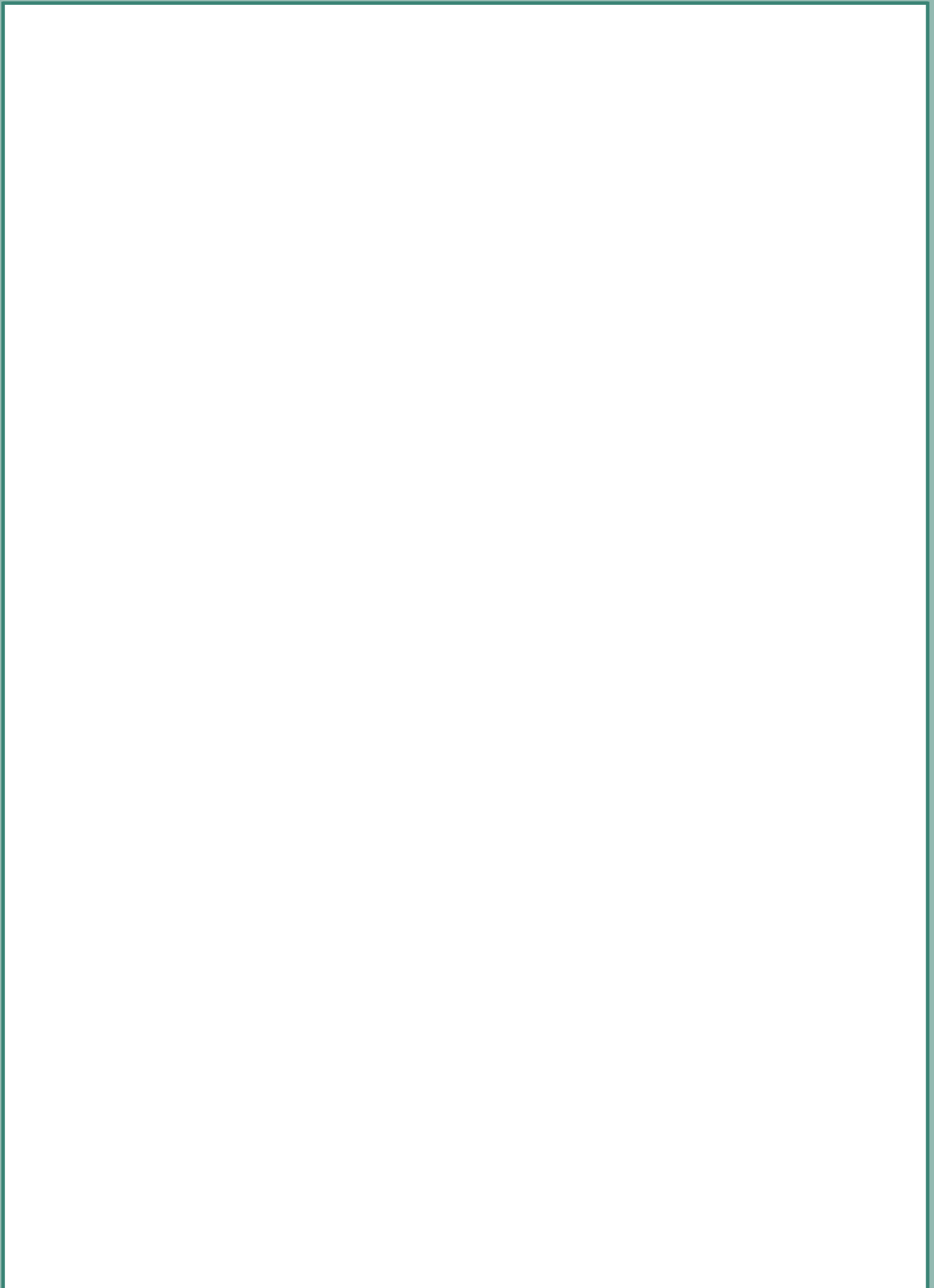
Post Box #: 5135
Kathmandu, Nepal
Tel: 00 977 1 6630346

8. Maiti-Nepal

83-Pingalasthan, Gaushala
Kathmandu, Nepal
Post Box #:9599
Tel: 00 977 1 4492904 , 4494816

9. SAATHI

Baluwater, P.O. Box 7770
Kathmandu, Nepal
Tel: 977 – 1 – 4411078
Fax: 42203390
E-mail: contact@saathi.org.np
Website: www.saathi.org.np

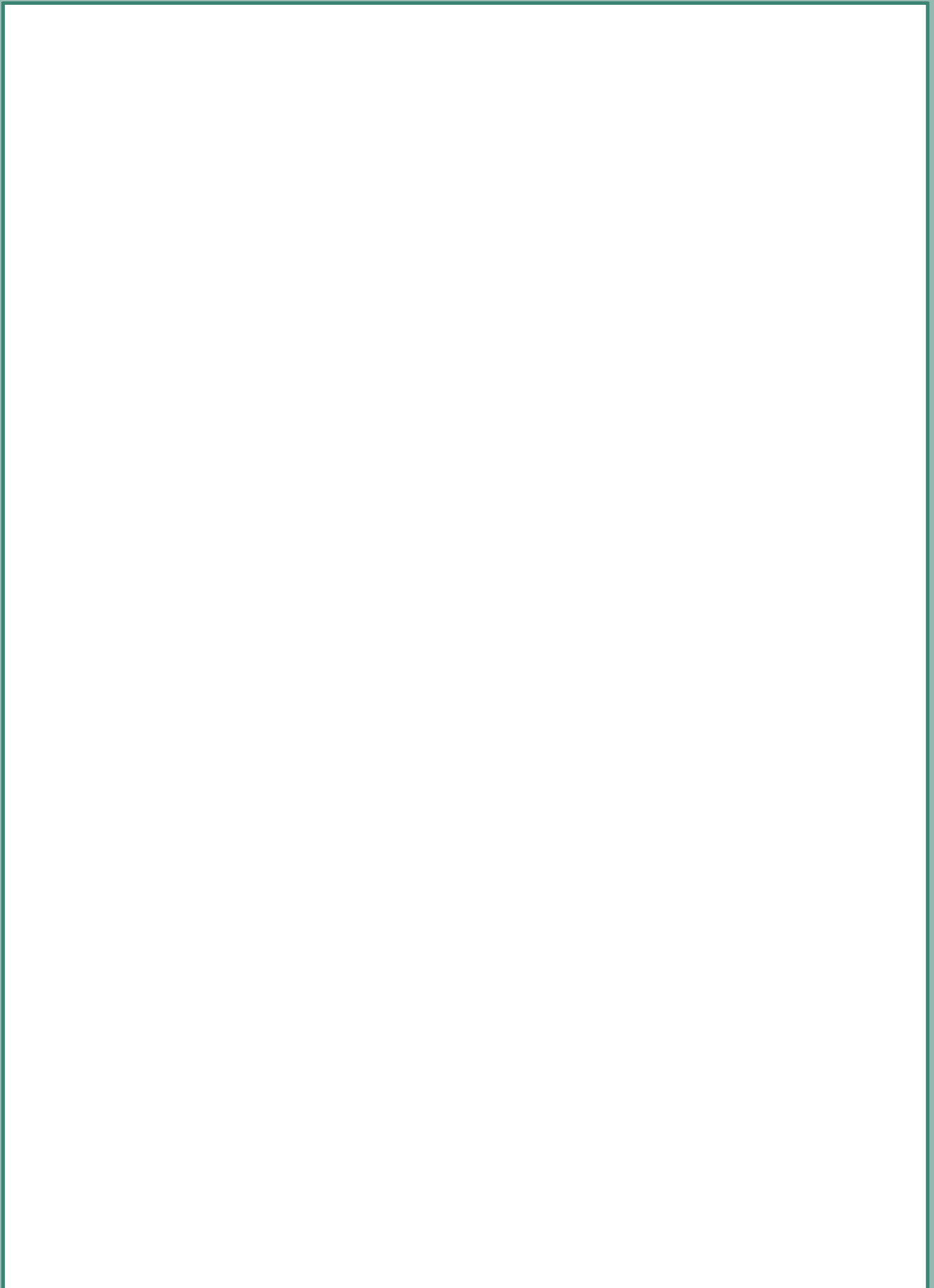


SUPPORT TO RETURNEE MIGRANTS

Migration within and from South Asia – Bangladesh, India, Nepal and Sri Lanka – has been on the rise during the past decades. Every year semi-skilled and unskilled workers, many of them women, return to South Asia under unfavourable circumstances. Services such as shelter care, financial assistance, vocational training, medical services, transport facilities, psychosocial counseling help to reintegrate the returnees into family and community.

Approaches to alleviating a few of the many problems are:

- Job Racketeering Cell - Action against Fraudulent Recruitment Agencies
- Airport 'Help Desk' - A Rapid Response to Returnee Migrants' Needs



Job Racketeering Cell – Action against Fraudulent Recruitment Agencies

Context

The first contact point for potential migrants is a recruiting agency in their home country. With the sharp increase in international migration, fraudulent recruiting agencies have mushroomed. These agencies not only charge exuberant fees but also lure potential migrants into jobs that do not exist. Migrants are often provided with fake passports, visas and other fraudulent work documents. Lack of proper investigation and evidence, leaves such recruitment agents unpunished and migrant workers stranded. Thus, the need for a specialized investigation team, a “Job Racketeering Cell”, to confront and blacklist fraudulent agents.

Requirements

- An investigative team in the Central Crime Branch or otherwise authorized by the Government. The investigative team includes inspectors, sub-inspectors and constables.
- A good working relationship with the police and government prosecutors who will pursue companies engaged in fraud.

Implementation Process

- **Collecting Information on Cases of Fraud**
The Job Racketeering Cell receives information from potential migrants cheated by recruiting agencies prior to departure. Information is also received from spouses of migrants when workers discover after arrival in the host country that they have been cheated.
- **Assistance by the Migrant’s Embassy or the Local Police**
At destination, the migrant worker approaches his/her Embassy or the police. The welfare division of the Embassy sends a letter to the Protectors of Emigrants (POE) (in the case of India). The matter is then forwarded to the City Commissioner and Deputy Commissioner of Crime who files a petition and sends it to the Job Racketeering Cell for investigation.
- **The Embassy’s Assistance in Repatriating Migrants**
The Embassy in the host country facilitates repatriation and travel. The returnee migrant is assisted in approaching the Job Racketeering Cell. The recruiting agent who defrauded the migrant is located by the Cell and given a deadline of 15 days to pay back the money extracted from the migrant. Otherwise the fraudulent agent is brought to the Cell. The Inspector discusses the matter in front of the migrant worker and the recruiting agent is asked to repay the money – again within 15 days.

- **If the Agent Returns the Money**

If the money is returned within 15 days, the matter is regarded as solved. If the agent fails to return the money then the migrant is asked to lodge a First Information Report (FIR) at the local police station. The agent is arrested and sent on remand for 15 days by the court. If the agent acknowledges his offense/ is able to pay back the money the migrant withdraws the case. If not, the agent is punishable by law.

- **If the Agent is Unable to Pay Back the Money**

If the agent cannot pay back the amount in 15 days his remand is/ can be extended for a maximum of 60 days. After 60 days, the agent is charge sheeted under the Indian Penal Code (IPC) - either Sections 420 (Cheating), 465 (Forgery), 471(Using a forged document) or 468 (Cheating by Forgery). (Decision about which sections apply varies from case to case) The Court sentences the agent to a minimum of two up to a maximum of 10 years.

- **Blacklisting of the Agent by the Job Racketeering Cell**

The list maintained by the Cell is made available to the Overseas Manpower Corporation Ltd. (an entity of the Government of Tamil Nadu) and the Ministry of Labor, Government of India, who post the fraudulent agents on their website (www.labour.nic.in). The Cell displays banners and posters in public places such as railway stations and bus stands to alert potential migrants to the danger of fraudulent agents.

Time Commitment

- An amicable settlement between a migrant and recruiting agency is reached within 15 days. In case of a formal complaint the remand period is up to 60 days.

Sustainability

- Funding and staff is required for the establishment and the functioning of the Cell. (In the case of Tamil Nadu the cell is government funded. Costs for services rendered by the Job Racketeering Cell amount to 6,250 Indian Rupees (US \$ 140) per case.

Current Application

- Governments in South Asia, including Bangladesh, Sri Lanka, and some states in India disseminate information on safe migration including a caution against fraudulent recruiting agencies.
- The Job Racketeering Cell set up by the **Tamil Nadu Government** and monitored by the **Cyber Crime Bureau** appears to be the only agency that confronts fraudulent recruitment agencies and assists migrant returnees to recover the fees paid to fraudulent agents. It investigates cases of forged visas/ work permits/ documents; overseas employment on tourist visas; non-payment of salary.

Evidence of Results

- The Cell receives 20 - 25 cases of fraud per day.
- In 2004–2005, 105 cases of fraud and cheating were filed against recruiting agencies. 84 were solved and money returned to migrants. The success rate of the Job Racketeering Cell amounted to 80 per cent.
- 59,247 million Indian Rupees (\$1,346.522) were the subject of settlements reached between recruiting agents and complainants in the same period of time.

Replication Challenges

- Migrant workers, especially from rural areas, are often uninterested in the investigation and/ or prosecution of fraudulent agencies. They prefer money by way of settlement.
- Inadequate evidence of payment made by the migrant worker to the recruitment agency is a major challenge to obtaining a settlement/ prosecution.

Airport ‘Help Desk’ – A Rapid Response to Migrant Returnees’ Needs

Context

The ‘Airport Help Desk’ is a government initiative to provide emergency assistance and services at the airport itself to migrant returnees, mostly women with immediate need for medical assistance and shelter

Requirements

Essential

- Around the clock administrative staff at the Desk
- Shelter home for short-term/ long-term stay and medical care
- In-house/ or on call medical staff at the shelter home.

Optional

- Ambulance for those in need of medical attention.
- Counseling services for families/ close relatives.
- Transport facility to take migrants to the shelter home.

Implementation Process

- **Welfare Officers at the Migrant’s Embassy and Counterparts at Home**
Details about the number/ and profile of migrant returnees requiring assistance on their return; and anticipated arrival information are provided to counterparts at home by welfare officers of the migrant’s Embassy in the host country
- **Guiding Returnee Migrants to Airport Help Desk**
Airline crew and other airport staff guide migrants in need of assistance to the airport help desk.
- **Interview to Assess Nature of Services Required**
Upon assessment of action required through interview, those who need medical attention are sent to the hospital. Women in financial or psychological distress are counseled about appropriate next steps.

- **From medical to shelter and loan assistance**

A number of services are provided that include funds for local transportation; outpatient medical attention, safe overnight accommodation at shelters or long-term care; loan assistance to returnee migrants by making appropriate arrangements with banks.

Time Commitment

- 24 Hour Help Desk staff at the airport operating in shifts of 12 hours.

Sustainability

- The Airport Help Desk is a government initiative.
- Fund allocation is essential since support services are offered free of charge including medical fees and the cost of stay at a shelter. Doctor's consultation fees including cost of medication is noted to be 250-300 Sri Lankan rupees (US \$ 2.44 – 3.00) per patient. The average salary of a Help Desk officer is 10,500 Sri Lankan rupees (US \$ 102.63) plus food allowance of about 1,050 Sri Lankan rupees (US \$ 10.26) per month.

Current Application

- The Airport Help Desk was established in 2000 by **Sahana Piyasa, a unit of the Sri Lanka Bureau of Foreign Employment (SLBFE)**. It is financially supported by SLBFE and provides services to both registered and unregistered migrant returnees.
- SLBFE was established by an Act of Parliament in 1985 to promote employment of Sri Lankans overseas, regulate operations of Licensed Foreign Employment Agents, ensure protection/ welfare of Sri Lankans employed abroad and their families and help migrants reintegrate into society.
- The SLBFE Help Desk ensures safe migration/ safe return by verifying documents of travel and employment; and providing assistance to migrants on their return.
- Round the clock services include counseling, medical assistance and free lodging/ boarding for 90 to 100 persons at a time.

Evidence of Results

- During 2004-2005 the SLBFE Help Desk assisted more than 72,000 migrant returnees

Implementing Organizations (in the order referred to above)

1. Job Racketeering Cell

Inspector of Police

Job Racketing Cell

Egmore, Chennai – 600 008, Tamil Nadu, India

Tel: 00 91 44 3452343

Website: www.labour.nic.in

2. Sahana Piyasa

1015/3, Negambo Road,

Katunayake

Gampaha, Sri Lanka

Tel: 00 94 11 2259341

3. Sri Lanka Bureau of Foreign Employment

No. 234, Denzil Kobbekaduwa Mawatha,

Koswatta, Batharamulla

Colombo, Sri Lanka

Tel: 00 94 11 2864101-5

Fax: 00 94 11 2864127/2501751

Annex

List of Researchers

Technical Director, MSI

Molly Hageboeck

Core Team (New Delhi)

Savi Mull (Coordinator)

Sanjay Gupta

Narmada Purohit

Gauri Sharma

Rishi Awasthi

Sanjukta Basu

Shivangini Sawhney

Specialist Consultants

P. D. Kaushik, Impact Assessment

Soumya Bhaumik, Legal Consultant

Field Associates

Nepal

Bindu Gautam

Sri Lanka

Tharanga De Silva

Bangladesh

Sadia Choudhary

Shahzada Akram

India

Sujay Pati, Delhi, Orissa

Urmila Bendre, Maharashtra

Aniruddha Kulkarni, Maharashtra

Sonia Singh, Maharashtra

Sandeep Mitra, West Bengal

Aditi Bhaduri, West Bengal

Anurag Priyadarshiee, Gujarat

Namita Gite, Madhya Pradesh

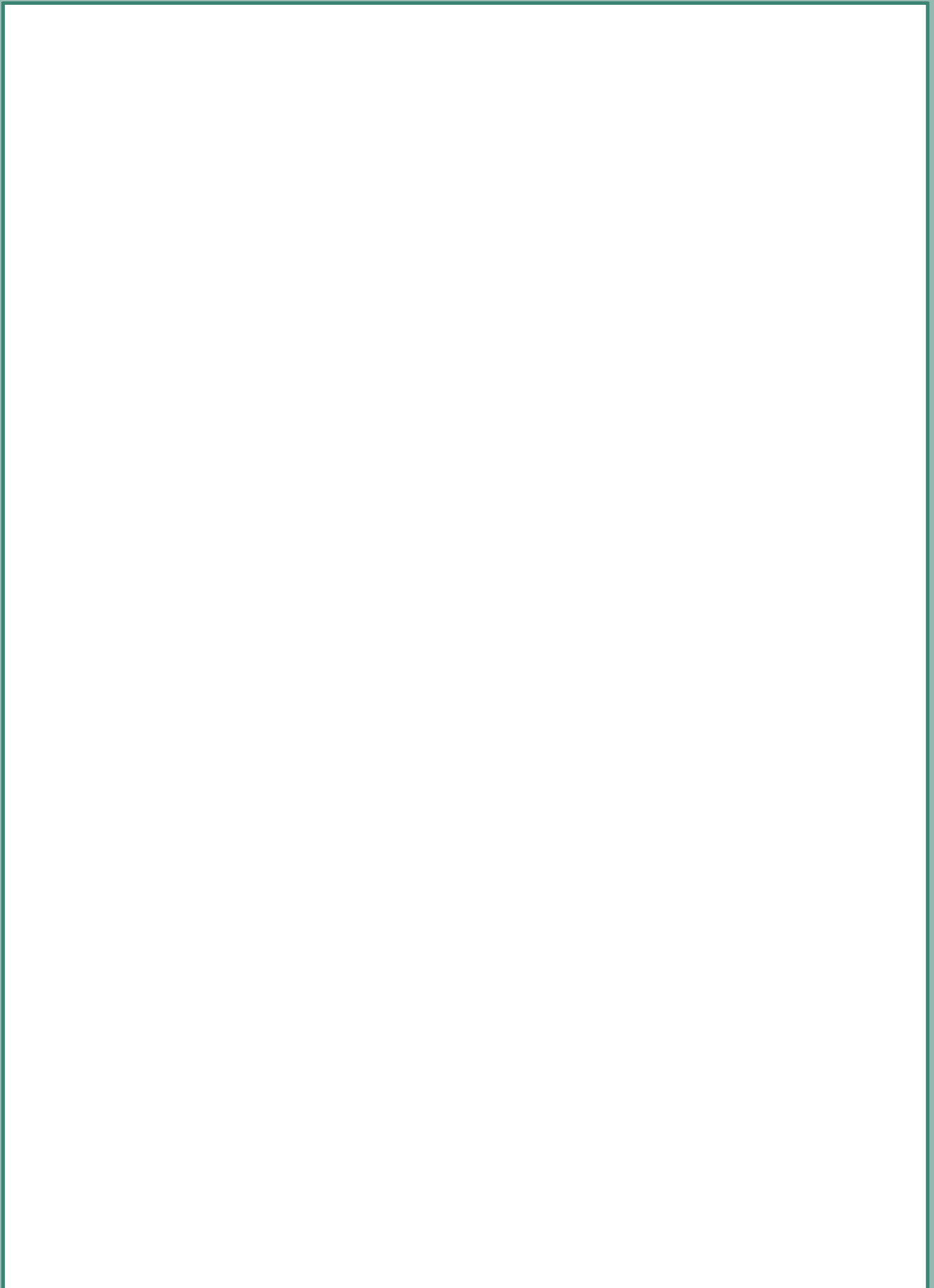
Hasina Kharbhih, Meghalaya

V. K. Anandkumar, Kerala

Jyotish Kalathy, Rajasthan

Uzma M. Khan, Uttar Pradesh

Sulu Priya, Tamil Nadu





Academy for Educational Development

Academy for Educational Development

1825 Connecticut Ave., NW, Washington, DC 20009 USA

Tel: 202-884-8000 Fax: 202-884-8442

Email: ccsgmail@aed.org Web site: www.aed.org

AED Center for Civil Society and Governance: www.aed-ccsg.org