

Handbook for Practitioners on Minimum Standards of Care and Support for the Victims of Trafficking and Other Forms of Violence in South Asia



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Handbook for Practitioners on Minimum Standards of Care and Support for the Victims of Trafficking and Other Forms of Violence in South Asia

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ACKNOWLEDGMENT

The Regional Action Forum on Strengthening the Care of Victims/ Survivors of Trafficking and Other Forms of Violence is a platform of dedicated individuals from many walks of life including civil society, government and academia. Upon finalizing the Protocol on Minimum Standards of Care and Support for the Victims of Trafficking and Other Forms of Violence in South Asia, the Forum's membership agreed that the Protocol's applicability would be greatly enhanced if complemented by a Handbook for Practitioners that would serve as a user-friendly explanatory guide to the provisions of the Minimum Standards Protocol both for government and privately-run shelter homes. Its ultimate purpose would be to make the best possible services available for the benefit of the victims of trafficking and violence on their long way to rehabilitation and reintegration into the social fabric of society. We acknowledge with gratitude the valuable contributions of each and every expert of the Regional Action Forum and its National Core Groups. Our particular thanks go to Mr. Pravin Patkar (Executive Director, ATC-Prerana and member of the Regional Action Forum) who was instrumental in developing the Handbook, consolidating inputs received from the Forum's membership throughout the region and editing the final text. We sincerely hope that the Handbook and the Regional Protocols on Minimum Standards of Care and Support and Victim/ Witness Protection, when widely applied throughout South Asia, will make a difference to the many women and girls who "come out" of situations of trafficking and violence.

The AED-SARI/Equity Team

FOREWORD

The voluntary sector has taken up the challenge of human trafficking in all its dimensions from prevention to social reintegration. It has worked with state institutions and facilitated the mainstreaming of innovations and the development of good practices. Care and support to the victims of trafficking and other forms of violence are responsibilities shared by both the voluntary and the state sectors. While questions of principle are being raised about the suitability of “institutional” solutions to social problems, particularly to those which have a potential of causing stigma for victims in a given situation, no viable alternative appears to exist at the moment. Obviously, intervention should focus on improving the quality of services. Practitioners agree that, with a few exceptions, care and support for victims of trafficking and other forms of violence have remained low both quantitatively and qualitatively. The lack of quality services has led to the re-trafficking of rescued victims and has in many instances negatively influenced the readiness of the law enforcement agencies engaged in rescue operations. In addition to the lack of resources, motivation, accountability, sensitivity and monitoring have often been wanting in care institutions. Under those circumstances, victims already traumatized by the situation from which they have been rescued experience serious frustration, become non-cooperative and at times even hostile towards service providers. Victim cooperation in investigation and prosecution is thus seriously jeopardized.

Interventions aimed at remedying such a situation have a better chance of success if they are multi-sectoral. The Regional Action Forum on Strengthening the Care of Survivors/Victims of Trafficking and Other Forms of Violence, supported by the AED-SARI/Equity Program, deserves tribute for having moved into that direction. The collective effort to evolve a regional protocol on minimum standards of care and support for the victims of trafficking and other forms of violence is both timely and exemplary. I had the privilege of putting together the inputs of the RAF members and of finalizing the text of the protocol. The commitment of the RAF membership and the support of AED-SARI/Equity were not to end at that moment since the ultimate purpose of the endeavor was to disseminate the protocol as widely as possible and to advocate for its integration into the

mainstream of relevant bodies and institutions in South Asia. To accomplish this goal, it was considered important by the Regional Action Forum, besides other activities, to have the provisions of the minimum standards protocol elaborated upon in the form of a user-friendly handbook. The Regional Action Forum entrusted me to undertake that work on their behalf with inputs being provided by members from Sri Lanka, Nepal and Bangladesh.

It is hoped that this Handbook will prove useful in facilitating the broader goal of mainstreaming minimum standards of care and support in South Asia and that sometime in the future the innumerable undocumented, un-institutionalized, unregistered, unnoticed, un-approached and therefore invisible victims of trafficking and violence, through innovative ways and means, will also be able to access care and support services that are in conformity with the Minimum Standards outlined in the protocol. For ease of reference for the practitioner both the Minimum Standards of Care and Support for the Victims of Trafficking and Other Forms of Violence and the Regional Victim/Witness Protection Protocol to Combat Trafficking, Commercial Exploitation and Sexual Abuse of Women and Children in South Asia (which is referred to in the Minimum Standards) are annexed to this Handbook.

The Editor

Note

Applicability

The provisions in this Protocol are largely and comprehensively applicable to victims of trafficking; however they also sufficiently address the care and support needs of the victims of other forms of violence and suggest minimum standards thereof. The Protocol admits that specialized provisions addressing particular forms of violence may need to be developed and adopted. Its provisions are largely applicable to Shelter or Residential Facilities for Victims of Trafficking and Other Forms of Violence.

Classification of paragraphs

Non Negotiable = Sections presented in **bold**

Non Negotiable but given a period of one year to comply = Sections presented in normal font

Desirable = Sections presented in *Italics*

Abbreviation/s

RVWPP = Regional Victim Witness Protection Protocol to Combat Trafficking, Commercial Exploitation and Sexual Abuse of Women and Children in South Asia

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- Minimum Standards of Care & Support for the Victims of Trafficking and Other Forms of Violence in South Asia
- Regional Victim/Witness Protection Protocol to Combat Trafficking, Commercial Exploitation and Sexual Abuse of Women and Children in South Asia



RESCUE

CHAPTER

1

1. Conformity with the Law

1.1

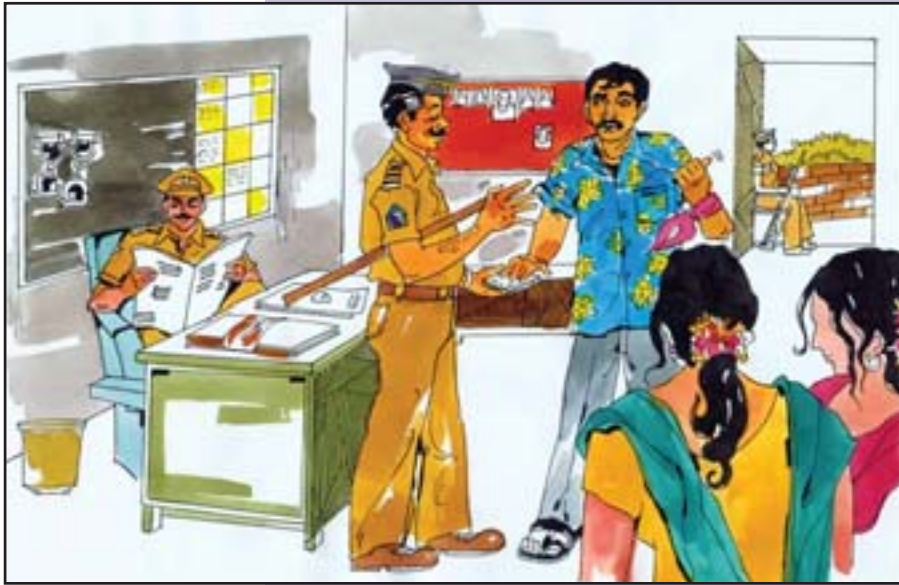
Every rescued victim who is taken into custody at the time of the search shall be produced before the legally competent authority.

Rationale: In many countries it is a common belief and/or practice among officers and other personnel of law enforcement agencies that adult women taken into custody at the site of commercial sexual exploitation and trafficking may be “released” on the spot or after some preliminary inquiry. Often they are “released” at the site of the crime or at the police station although the police does not have the right to do so.

In the case of rescued minors it is not uncommon that the police rescue team promptly hands them over to some casual claimants at the police station or at the site of the crime. This may be happening because of lack of knowledge or even corruption.

Many countries have a juvenile justice system that devotes special attention to the needs of juveniles. Decisions regarding juveniles should be taken by that system and not by the police rescue team.

Failure to do so may result in the re-trafficking of the rescued victims. That makes a mockery of the search and rescue operation, causes wastage of public money, and endangers the victim - in addition making her lose faith/ trust in the state and civil society.



What to do?

- 1 Identify the victim in a given rescue situation.
- 2 Make sure that a victim is taken into 'protective and safe custody' and not 'arrested'.
- 3 Identify which is the appropriate legally competent authority (e.g. Child Welfare Committee, Juvenile Justice Board) before which the victim is to be produced and where that authority is located.
- 4 Ensure that the victim is produced before that authority.



What not to do?

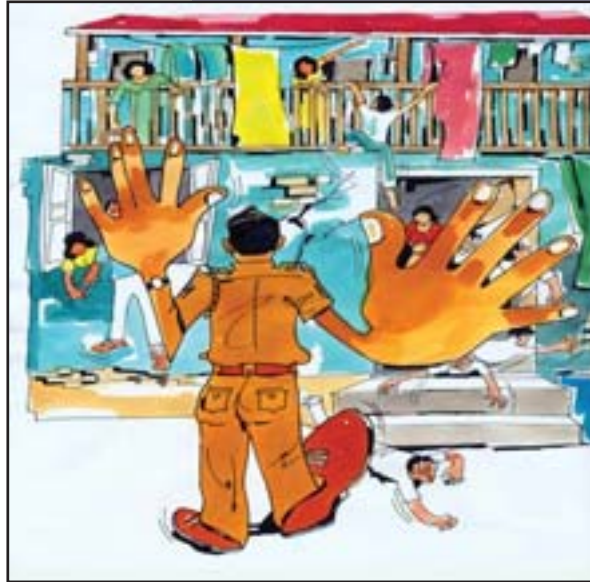
Victims should not be treated as accused or offenders.

Victims should not be produced before an authority which is not legally competent.

1.2

The members of the official machinery who carry out the rescue operations shall not dispose of the rescued victims, whether minor or major, at their own discretion.

Rationale: Under the law or in rules and regulations the competent authority which is empowered / authorized to take action is clearly spelt out. The police has no power to dispose off the rescued victims at its own discretion before producing them before such an authority.



What to do?

- 1 Ensure that the victims are documented at the time of search.
- 2 Ensure that their number be tallied with the number of victims subsequently produced by the police/ rescue team before the authority competent to take post rescue decisions.



What not to do?

Don't identify victims with a number. A number is not the identity of any human being.

All victims, apparently or suspected to be minors, should be kept at a special facility for juveniles in need of care and protection and be produced before the competent authority within 24 hours. (See the RVWPP)

Rationale: Immediately after search and rescue the traffickers and agents of flesh trade try to intimidate the victims, warn them against making statements against their exploiters, and instruct/pressurize them not to cooperate with the machinery engaged in their recovery and rehabilitation. Traffickers often attempt to send their own agent posing as victim mainly to keep an eye on the real victims and to continue pressurizing them.



What to do?

- 1** A primary judgment is used to decide who is a minor and who is not.
- 2** When in doubt, it is advisable to treat the victim as a minor till the fact is established through a legally approved mechanism.
- 3** Know in advance for your area where the facilities are to keep rescued minors.
- 4** Make this known to your staff and others concerned with this kind of work.

- 5 Ensure that the juveniles are kept in the facilities meant for them and not at the police station.
- 6 Know in advance for your area who the competent authority is and how to contact the same.
- 7 Ensure that the minor victim is produced before the appropriate/competent authority.

1.4

A member of the competent authority constituted under the Juvenile Justice System shall be consulted by the Police Officer while deciding whether the rescued person should be brought before the Juvenile Justice System or before a Magistrate depending upon the apparent age of the person.

Rationale: It is a common malpractice or error on the part of enforcement personnel to “pass” a rescued minor for a major. This makes it easier to “release” the victim at the police station by erroneously using another common belief that major victims can be allowed to leave at the scene of the crime or police station. A representative of the Juvenile Justice System, if consulted, could prevent this malpractice/mistake.



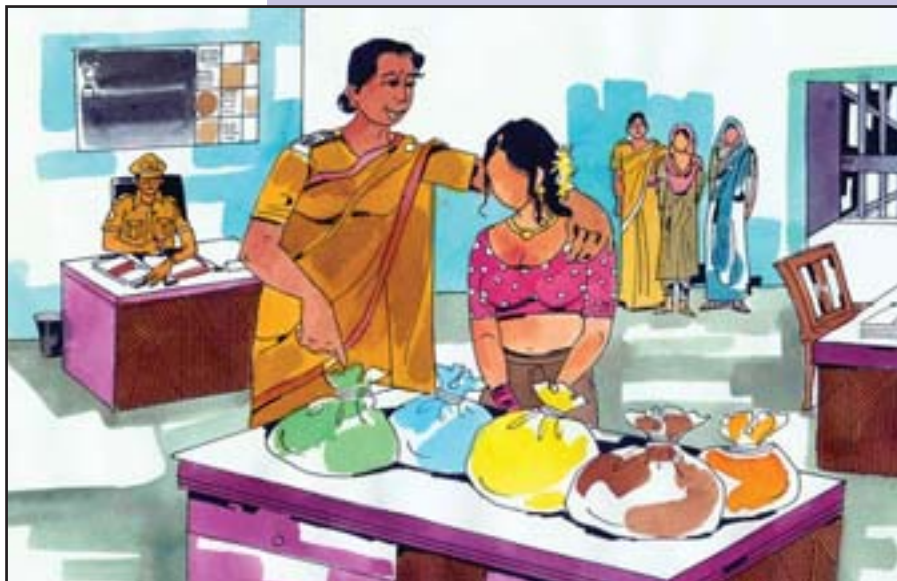
What to do?

Keep in touch with the police and make sure that members of the Juvenile Justice System are consulted who in turn can ensure that the juvenile victims are taken into the fold of Juvenile Justice System for further action.

1.5

Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress for the harm that they have suffered, as provided for by national legislation.

Rationale: Rescued victims are often condemned, blamed, ill treated, and face stigma and discrimination. Thus, they lose faith in the state and civil society which plays into the hands of their exploiters to retrieve them from the police or the Home.



What to do?

- 1 Get all your staff and staff of the other agencies sensitized and trained to treat the victims with respect and dignity.
- 2 Identify the situations and places where victims are likely to be treated without respect and dignity.
- 3 Make it clear to all concerned that prompt legal redress is a right of the victim and not a gesture of charity on the part of the state or civil society.
- 4 Make this a part of the orientation and in-service training of the staff.
- 5 Review the above arrangements periodically and revise when necessary.

1.6

Efforts will be made in assisting the victim to develop and keep contact with her child/children unless directed otherwise by any legally competent authority.

Rationale: If in the process of rescue the victims and their children get separated it causes considerable anxiety to both. The chances are that the children may become more vulnerable and fall victim to the crime of trafficking. The traffickers may get hold of the children of the victims and thereby bring pressure on the victim not to cooperate with the investigation, prosecution or the helping professionals.



What to do?

- 1 Check if the victim has children.
- 2 Find out where her children are.
- 3 Ensure that the children are safe.
- 4 Facilitate contact between the mother and the child, if such contact does not exist.
- 5 While doing this, make sure that such a contact is not forbidden by law.



What not to do?

Don't disturb the children of the victim if they are already settled in a protected environment.

2. Privacy / Protected Identity

2.1

The members of the official machinery who carry out the rescue operations and the members of civil society and voluntary organizations who facilitate the rescue, shall take complete precaution to ensure that the facial and other identity of the rescued victim is not revealed to anyone except those who are legally competent to know the same. Particular care shall be taken to protect the identity of the rescued victims from publicity through media and victims shall be protected against their being used by the media for its own commercial end.

Rationale: Often the victims of Commercial Sexual Exploitation and Trafficking do not wish their facial and other identity to be disclosed and made public. Their feelings must be respected. Considering the society in which they have to live and the ultimate need for social reintegration, it is in their long term interest that their facial and other identity are not disclosed or made public. This care must be taken at all stages - starting from rescue to the stage after repatriation, rehabilitation and during the early stages of social reintegration. Mere good intentions on the part of the helping professionals are not enough.

It is commonly observed that agencies facilitating rescues publicize their so called “accomplishments” in the process flashing photographs or video coverage of the rescued victims. Some insensitive members of the electronic media are also found doing the same for commercial ends. Sometimes over-enthusiastic but insensitive “NGO” representatives and leaders ‘exhibit’ the victims before the public and the media as evidence of their “rescue” or so called “successful rehabilitation”.

Such exposures can seriously hamper the process of recovery and more importantly the social reintegration of the victim and could invariably cause new vulnerabilities. Because of their disadvantaged position and/or their dependence on those NGOs, victims perhaps are not able to understand or avoid the long term adverse effects of such exposures.



What to do?

- 1 Make a list of events, situations which are likely to expose the facial and other identity of the victim.
- 2 Make a check list of precautions to be taken to ensure that the identities are not exposed.
- 3 Make this check list known and easily available to the concerned staff.
- 4 Ensure that the agencies engaged in rescue as well as post rescue are aware of and adopt the check list.
- 5 Make a list of those who are legally competent to know the facial and other identity of the victim.
- 6 Request the competent authorities to issue formal, adequate and advance warning to those who are engaged in rescue and post rescue against exposing the facial and other identity of the victim to non-competent persons and agencies. The warnings should also include information about the legal and administrative consequences of such an action.
- 7 Make it adequately clear that the facial and other identity of the victim are not to be exposed before the media unless it is required under some legal/official procedure.
- 8 Make a list of all precautions to be taken to ensure that the victims are protected against their being used by the media for the latter's commercial ends.



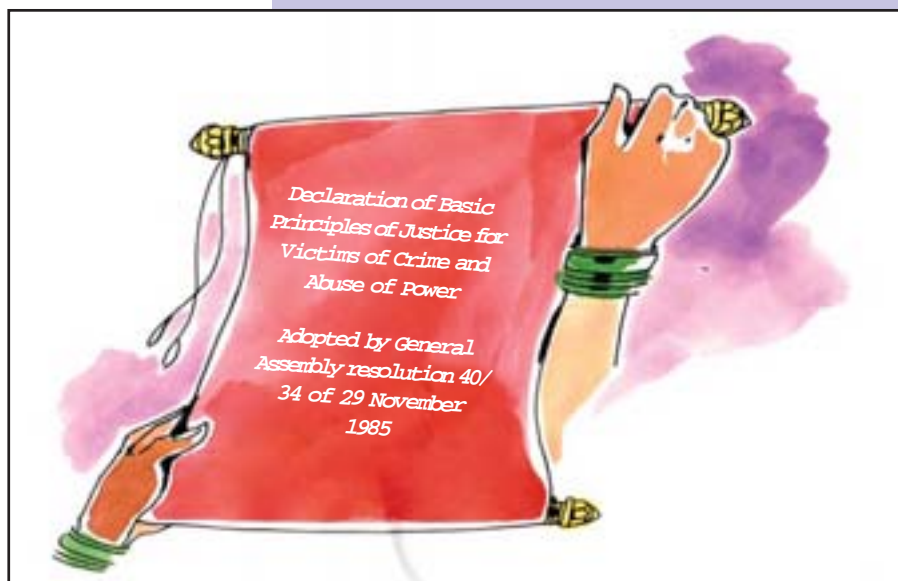
What not to do?

There is no need to overprotect the victims. After all, they have to live in society and a victim cannot and should not forever live a life in seclusion hiding her face and identity. Efforts must be made to empower the victims to fight the stigma and discrimination meted out to them by society. However, there is a danger that unscrupulous elements might misuse this argument to prematurely expose the victim or make her vulnerable to exploitation. This process has to be handled with a high sense of responsibility.

2.2

Every victim shall be treated as a victim of crime in conformity with the provisions of U.N. General Assembly Resolution 40/34 of 29 November 1985.

Rationale: Often the victims of trafficking are seen as offenders or criminals and treated with stigma and discrimination for no fault of their own. This compounds the wounds of and the damage done to the victims and is against the basic principle of justice. It needs to be corrected. (Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by General Assembly Resolution 40/34 of 29 November 1985)





What to do?

- 1 Ensure that the victims are not treated as criminals or offenders.
- 2 Ensure that they are treated as victims of crime.
- 3 Get an authentic copy of the provisions in the Resolution or any other legal provision/s, policies, binding conventions and ensure that the provision is understood by all concerned.
- 4 Make everyone concerned understand how to deal with violations of such provisions e.g. What to do next? To whom to report and how?
- 5 Evolve and mainstream a mechanism to check that there is no violation of these provisions by your own representatives.
- 6 Ensure that there is no violation of these provisions by anyone else.

3. Services

3.1

It should be ensured that the victim is immediately taken to a certified place of safety after the raid. The victim should never be kept overnight in the police station. (See the RVWPP)

Rationale: The lockup or any other place in the police station is not an appropriate place to keep the victim for a long time. Besides being a generally inconvenient and ill equipped place a police station is intimidating. It is a place unsuited for a person who has been rescued from a traumatic situation.





What to do?

- 1 Identify and make available the contact details of the certified place of safety of your area.
- 2 Record the time and date when the victim was taken into protective custody.
- 3 Mark the time when the 24 hour period will be over.
- 4 Allow the rescued victim to be kept at the police station only for the bare minimum of time required to complete the most important unavoidable and urgent formalities.
- 5 Ensure that soon thereafter the victim is shifted to a certified place of safety where the process of her recovery can start.
- 6 Ensure that no victim is kept at the police station or in the police lockup during the night.



What not to do?

Some formalities and procedures which are useful from the point of view of effective investigation and prosecution must be completed at the scene of the crime. After all, every person cherishes a hope for justice which includes punishment of the guilty. If the victims are not to be kept at the police station overnight it does not mean that they could be kept anywhere else if that place is not a certified place of safe custody.

3.2

It is to be ensured that a social worker or a support person, preferably a female, is present when the girls are being interviewed by the police officers after the rescue.

Rationale: Female victims often face embarrassment and discomfort in the company of officers and professionals of the opposite sex. Both the rising incidences of cases of physical and sexual harassment and unsolicited sexual advances and the fact that a victim is in a vulnerable condition make it necessary that a social worker or a support person, preferably a female, is present when the rescued victims, mainly women and girls, are being interviewed by the police after rescue.



What to do?

- 1 Identify and prepare your own female social worker or other female professional staff for this task.
- 2 Establish a mechanism to know in advance when the rescued victim is going to be interviewed by the police.
- 3 Establish mechanisms to coordinate the timings and the place with the police.
- 4 Ensure that the concerned social worker assigned with this responsibility is present for the interview.
- 5 Rearrange the timings of the interview in consultation with the police if required.



What not to do?

The helping process cannot be unduly delayed or omitted merely because the female professional is not available. It is also incorrect to believe that merely the presence of a female on the spot will prevent discomfort or maltreatment of the victim. There are cases where female accomplices to male offenders sexually harass or offend another female victim. Remember, the term ‘support person’ is important in this context.

3.3

The services for the socio-psychological wellbeing shall start immediately on rescue or at the first helping contact with the victim and shall also include social counseling for therapeutic intervention.

Rationale: The importance and utility of early intervention and prompt treatment is uncontested. Once it is ascertained that in a given situation a person is a victim, whatever is due to that person must rightfully be made available to that person.



What to do?

- 1 Identify therapeutic services for the psychosocial wellbeing of the victim in your area.
- 2 Attach such services to strategic places such as the police station, remand home, observation home, any other licensed shelter facility where the victim is immediately sheltered.
- 3 Ensure that the victim gets the services immediately on rescue.
- 4 Ensure that if not possible immediately on rescue these services should be provided at the first helping contact with the victims.

Immediate medical examination of all the rescued victims and the accused / other persons taken into custody by the police shall be conducted within 48 hours of the rescue of a victim or arrest of the accused.

Rationale: Some of the more serious offences such as rape, multiple rapes, gang rape need to be correctly detected, registered, verified and formally documented. If the situation so demands, medical intervention must be available for the victim. Usually immediate medical examination is conducted on the victim but not on the accused although this would be highly important for effective prosecution.



What to do?

- 1 Establish and attach such facilities to strategic places such as the police station, remand home, shelter facilities.
- 2 Keep an inventory of such resources, contact numbers, alternative contacts and facilities ready/ handy at all such places.
- 3 Insist on the medical examination. Wherever possible, insist on the medical examination of the accused too.
- 4 Ensure that the medical examination of the victim is undertaken with the purpose to help her and to collect the required evidence to help her obtain justice.

- 5 Remember that the purpose of the examination of the offender is to collect the evidence.
- 6 Ensure that the above distinction is clear to you and all the others engaged in that process.

3.5

The rescued victims shall be freely and unconditionally provided with professional medical (physical and mental) assistance and professional counseling immediately after rescue.

Rationale: A victim of a crime is a wronged person whose rights have been violated. It is her right to get all the assistance possible. This assistance must be given unconditionally and without any charges.



What to do?

- 1 Identify where professional medical (physical and mental) assistance and professional counseling to a rescued victim are available.
- 2 Help establish such assistance where it does not exist.
- 3 Make it clear to the victim that services are available free of charge and not subject to unreasonable conditions.
- 4 Make the limitations of such services known to all agencies engaged in this process.

3.6

The rescued victims shall be freely and unconditionally provided professional legal assistance immediately after the rescue.

Rationale: In a given situation of rescue the legal needs and priorities of the enforcement agencies and the victim could be quite different. At times they could be conflicting, e.g. often trafficked victims including juveniles are likely to be treated as offenders, for example as 'illegal migrants'.



What to do?

- 1 Identify the availability of legal assistance for the victim in your area.
- 2 Attach such services to strategic places such as the police station, remand home, observation home, any other licensed shelter facility where the victim is immediately sheltered.
- 3 Ensure that the victim gets these services immediately on rescue.
- 4 Ensure that, if not immediately on rescue, the victim gets these services at the first helping contact.



What not to do?

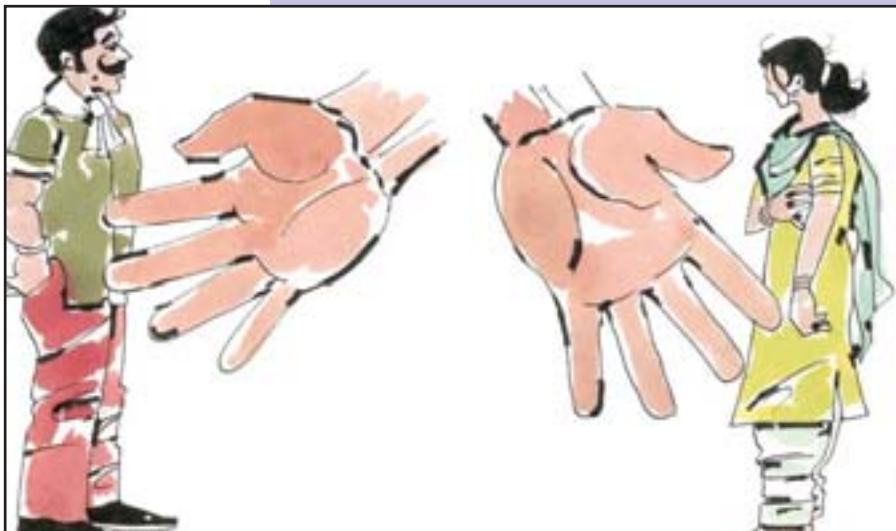
Do not let the victim feel that legal services are obligatory such as the police investigation which she cannot refuse.

4. Separation

4.1

Victims must be separated from the accused, after the rescue operations, at all times by sight and sound, from the point of rescue to the end of the period of appeal for the accused. (See the RVWPP)

Rationale: It is commonly observed that the offenders who are usually far more powerful and in a much more advantageous situation than the victim intimidate the victim through verbal and non verbal communications. At times the victim may get anxious and her self confidence may get paralyzed at the very sight of the offender. It is therefore necessary that the victims are separated from the accused after the rescue operations, by sight and sound.



What to do?

- 1 Victims must be separated from the accused after the rescue operations.
- 2 Ensure that this separation is by sight and sound at all places such as the police station, the hospital, the court.
- 3 Ensure that this is observed from the stage of rescue to the end of the period of appeal for the accused.



What not to do?

This suggestion is based upon common sense and general observations and not on any scientific law. It is possible that the orientation and reaction of the victim toward an offender may be different from what is stated above or may change over time, particularly on receiving psychosocial counseling and other care and support. It may happen that the victim's determination to bring the guilty to book might get confirmed at the very sight of the offender. Do not strictly or blindly follow the text of the suggestion. Take into consideration its purpose and context.

4.2

Care shall be taken to immediately isolate the trafficked victims completely and constantly from the traffickers/ procurers/ pimps and brothel keepers and other such accused and their representatives except when it is legally required or in the best interest of the victim.

4.3

Mother and child should not be separated from each other unless it is in the best interest of the child.

Rationale: Mother and child separation could cause anxiety on the part of both and may result in a hostile, non cooperative or self destructive behavior on their part.

What to do?

Unless it is in the best interest of the child, avoid separating a child from his/her mother. This is particularly true in the case of very young children.

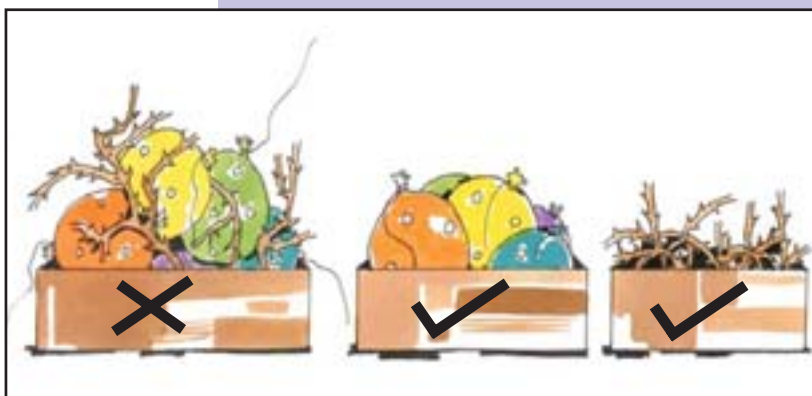
What not to do?

Don't take this as an absolute rule. Don't forget that mothers may also act against the interest of their child. There could be many reasons for such a behavior. Parents have been seen to actively facilitate the trafficking of their children. Don't be surprised that sometimes you have to protect the children from their own parents.

5. Transfer

5.1

The victim should not be traveling in the same vehicle with the offenders, the accused or their representatives. This is valid at all stages from rescue to prosecution and social reintegration.



6. Recovery

6.1

At the time of search the trafficked person should be helped by the rescue team to recover her personal belongings.

Rationale: Deprived of their civic rights and entitlements victims often end up keeping their savings and other valuable possessions including important documents with the offenders. This makes them dependent on the offenders and weakens them.



What to do?

- 1 Provide immediate help to the rescued victim/s.
- 2 Make it a point to ask the victim about her belongings which are not in her possession but are in the possession of others such as the pimp, brothel manager, etc.
- 3 Ensure that the same are recovered at the time of rescue, failing which immediately thereafter.
- 4 Make a formal entry of the recovered belongings.



What not to do?

Make sure that the victim is not sent away with any casual person who is not competent to take custody of the victim or with the agents of the accused for recovery of the belongings. That may result in disappearance and re-trafficking of the rescued victim.

6.2

At the time of search the trafficked person should be helped by the rescue team to recover her children. Wherever possible and appropriate, children will be kept with their mothers.

Rationale: Victims' children are more often than not in the captivity of the exploiters. A rescued victim is worried about the safety of her children when the children are not with her and especially when they are in the custody of her exploiters. Her ability and willingness to act in her own interest and eventually cooperate with the investigation and prosecution are thwarted as she is anxious over her children. To help her act in her own interest such factors must be eliminated.



What to do?

- 1 Make it a point to ask the victim about her children who are not in her possession but are in the possession of others such as the pimp, brothel manager.

- 2 Get the police to recover her children at the time of the rescue.
- 3 Formally register the recovered children.
- 4 Ensure that her children are not removed from the place of search/ rescue/ raid by her exploiters.

6.3

At the time of the search, the trafficked person should be helped by the rescue team to recover her documents such as identity documents (ration card, passport, school certificate, photographs) and any other documents that can help her establish her identity and possessions.

Rationale: A rescued victim's ability and willingness to act in her own interest and eventually cooperate with the investigation and prosecution are thwarted as she is anxious about her identity documents (ration card, passport, school certificate, photographs) and any other documents that can help her to establish her identity which are in the possession of her exploiters. The exploiters often use this situation for "arm twisting" the victim.



What to do?

- 1 Help the rescued victim to recall all the documents that belong to her, are not in her possession but in the possession of the exploiters such as the pimp, the brothel keeper, brothel manager.

- 2 Ensure that all such documents are taken into possession by the search/ rescue team.
- 3 Remember commonly used documents are ration card, passport, school certificate, photographs, bank pass book, address book etc.).
- 4 Make copies of these documents and keep them in safe custody.

7. Restitution

7.1

When compensation is not fully available from the offender or other sources, the State should endeavor to provide financial compensation to:

- i. the victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
- ii. the family, in particular the dependents of persons who have died or become physically or mentally incapacitated as a result of such victimization;

Rationale: As the protection of citizens against crime and exploitation is the responsibility of the state, the state must ensure the provision of adequate compensation for the damage caused to the victim. Primarily, the state should attempt to recover the compensation from the offender/s. If this attempt fails or the amount recovered is not sufficient, the state should make up for the same. This is the right of the victim and the duty of the state.





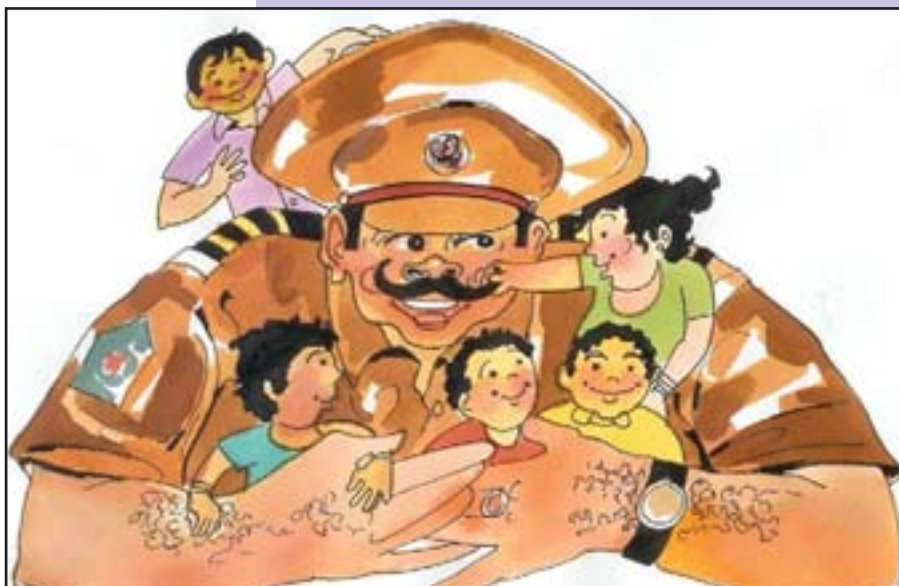
What to do?

- 1 Work towards the enactment of new legal provisions or amend the existing ones.
- 2 Insist on their enforcement.
- 3 Assess the damage in each case.
- 4 Demand compensation.
- 5 Work towards obtaining the compensation from the offender.
- 6 Work towards retrieving “the deficit” from the state.

7.2

The State along with its partners shall ensure assistance, guidance and direction to trafficked women particularly with regard to the vulnerability of their children to trafficking and abuse to avail facilities such as sponsorship, foster care, night and day care shelters and residential care for their children, especially girl children, and preference to be given to these vulnerable children in hostels/institutions and educational institutions. In certain circumstances, the children of victims need to be protected from their own family/guardians. (See the RVWPP)

Rationale: It is part of the state’s responsibility.





What to do?

- 1 Identify the need for assistance, guidance and direction to trafficked women, particularly with regard to the vulnerability of their children to trafficking.
- 2 Provide this assistance.
- 3 Identify the availability of facilities such as foster care, night and day care shelters and residential care for their children, especially girl children.
- 4 Ensure that preference is given to these vulnerable children in hostels/institutions and educational institutions.



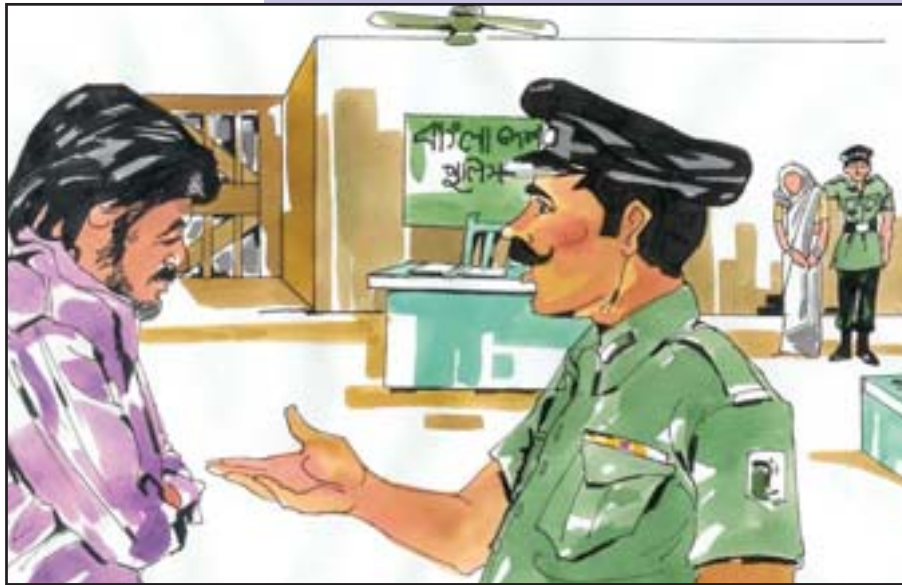
What not to do?

Don't summarily conclude that parents cannot be their own children's traffickers. Remember, in certain circumstances the children of victims need to be protected from their own parents, family members or guardians.

7.3

Compensation by exploiters to the victims should be considered. The assets and funds confiscated during anti-trafficking operations and investigations should be used to fund future anti-trafficking programs and operations. (See the RVWPP)

Rationale: Natural justice demands that the offender makes up for the damage caused by him/her to the victim and society. It is not correct that a law-abiding tax payer should pay for the damage caused or for anti trafficking programs. It is only just that anti-trafficking programs are supported from the proceeds of the confiscated assets and funds of the offenders.



What to do?

- 1 Demand that compensation for criminal injuries is first and foremost recovered from the offender.
- 2 Facilitate legal reforms which can make this possible.

What not to do?

Remember that compensation recovered from the offender is not a substitute for criminal punishment.





SHELTER HOMES / OTHER RESIDENTIAL INSTITUTIONS

CHAPTER

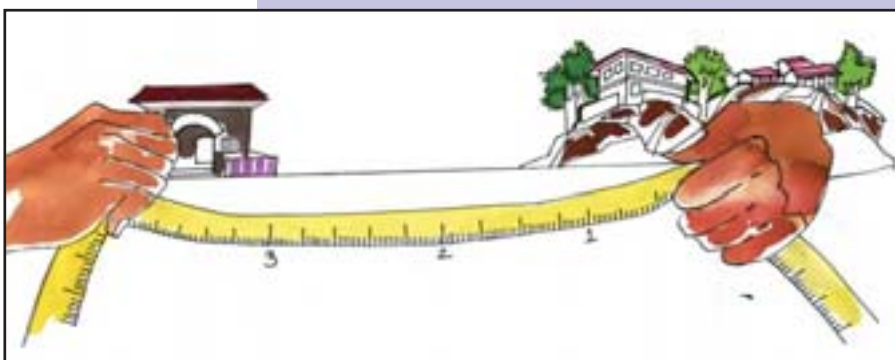
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8. Location

8.1

A Shelter Home (Rescue/ Protective/ etc. for minors and majors) should be available at least at the intra-country level (i.e. for each/ or for a group of districts) and/or within a vehicular travel time of maximum three hours.

Rationale: It only adds to the distress of the victim if the facility is too far away. As communication facilities are not well developed in many developing countries long journeys could endanger the victim, make her more vulnerable, offer more scope for malpractices thereby exposing the victim to further exploitation.



What to do?

- 1 Try to create decentralized shelter facilities.
- 2 Where authorized optimal facilities have not been established, other shelter facilities/homes may be granted temporary permission to function as shelters to overcome the problem.

What not to do?

Don't be inflexible so that even the provision of a bare minimum and of essential services would become impossible. In countries suffering from a resource crunch the best interest of the victim should be the ultimate consideration and not merely the text of the rule.



8.2

Where officially designated Rescue/Protective Homes do not exist, other residential institutions which meet the minimum standards specified in this Protocol may be additionally and temporarily authorized to function as Rescue /Protective Homes for this specific purpose.

Rationale: The purpose of this provision is to accord immediate safe shelter to the victim.

What to do?

- 1 Check if officially designated Rescue/Protective Homes exist in your area and, if yes, find out where they are located.
- 2 Identify other residential institutions which meet the minimum standards specified in this Protocol.
- 3 Work towards getting them temporarily authorized to function as Rescue /Protective Homes.

8.3

The Home's location needs to be consistent with its purpose and function.

Rationale: To provide for a shelter facility is not to punish the victim but to facilitate the victim's early recovery and rehabilitation. Hence the location of the facility should be in line with this purpose and not defeat it.



8.4

It is essential that children rescued from streets are located in a place which is removed from the red light areas, in order to minimize the risk to their safety and to facilitate rehabilitation. The accommodation should be secure.

Rationale: The purpose of rescue is to remove the person from a situation of captivity, danger and exploitation as well as to keep the person protected against such situations.



What to do?

- 1 Ensure that rescued persons are kept away from red light areas.
- 2 Ensure that the risk to their safety is minimized.

8.5

The Home should be located in an area which is well connected with

- i. physical communication facilities
- ii. telephones including STDs/ ISDs.
- iii. electronic communication
- iv. wireless communication

Rationale: Shelter Homes should be adequately equipped.





What to do?

- 1 Where the Homes do not have facilities take stock of the external physical communication facilities accessible to the Home residents.
- 2 Where the Homes do not have facilities take stock of the external telephonic communication facilities such as PCO, STD, ISD, accessible to the Home residents.
- 3 Where the Homes do not have facilities take stock of the external electronic communication facilities accessible to the Home residents.
- 4 Where the Homes do not have facilities take stock of the external wireless communication facilities accessible to the Home residents.
- 5 Update this information regularly.
- 6 Make this information easily accessible and visible to all staff and residents of the Home.

8.6

The location should be well connected with other amenities such as water, electricity, sanitation, approach road, etc.

Rationale: Shelter Homes should be adequately equipped with all amenities.





What to do?

- 1 The location of new Homes should take the above factors into consideration.
- 2 New Homes should be provided with the above facilities on a priority basis.



What not to do?

Don't be too rigid as it may not always be possible for existing locations to be equipped fully. However, genuine efforts should be made to obtain such amenities in a reasonable period of time.

8.7

The location should be well connected with other civic amenities such as primary and secondary education, recreation, hospital, police station, market, post office, banks, etc.

Rationale: Primary and secondary education, recreation, hospital, police station, market, post office, banks are basic facilities for a proper functioning of the Homes and Homes should be well connected with such facilities.





What to do?

- 1 Take stock of the facilities for primary and secondary education available for the Home residents.
- 2 Take stock of the facilities for recreation available for the Home residents.
- 3 Take stock of the hospital facilities available for the Home residents.
- 4 Take stock of the police station available for the Home residents.
- 5 Take stock of the market facilities available for the Home residents.
- 6 Take stock of the post office facilities available for the Home residents.
- 7 Take stock of the banking facilities available for the Home residents.

8.8

The location should be, as far as possible, free from known proneness to any natural calamities and disasters such as earthquakes, cyclones, landslides, floods, wild life attacks.

Rationale: Since it is the purpose of the Home to provide safety and make the victims live with a sense of safety it would defeat the purpose of the Home if it were exposed to the dangers of, or were prone to, earthquakes, cyclones, landslides, floods, wild life attacks.



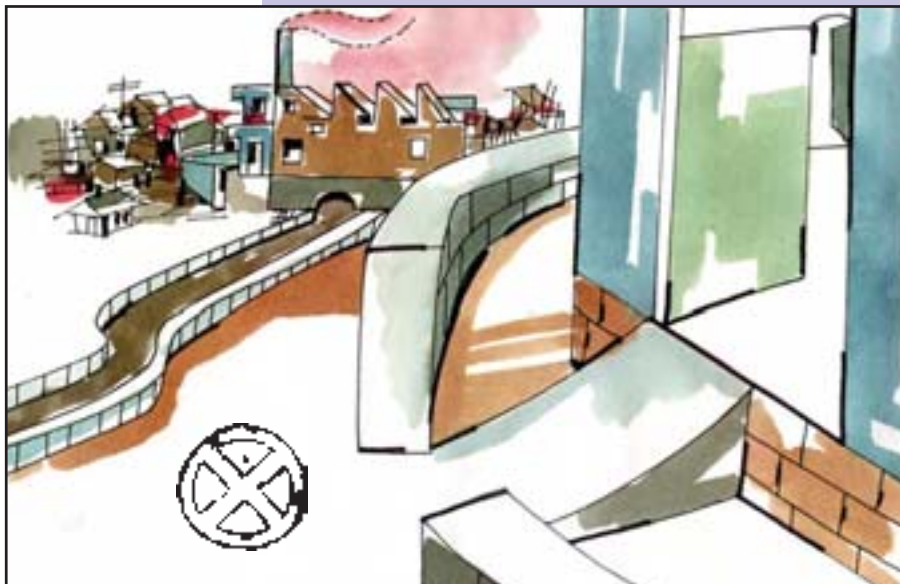


What to do?

- 1 Wherever possible shift Homes away from such locations.
- 2 Take these factors into consideration when sanctioning the building of new Homes, e.g. earth quake proof constructions, higher location.
- 3 Where it simply cannot be avoided, take special care in the Homes' design and construction to make them as protected as possible against such dangers, e.g. appropriate fencing and other early warning signals, evacuation, and security arrangements.

8.9

The location should be as far as possible free from known proneness to any disasters such as crimes, riots, industrial disasters, nuclear, water, air & noise pollution.



What to do?

While selecting the location, avoid places which are prone to crime, riots, to industrial or nuclear disasters as well as water, air and noise pollution.

8.10

The location and the physical environment of the Home shall be clean, pollution free and well ventilated.

8.11

The physical, social and cultural environment of the shelter and other places providing care and support services should be adequately growth stimulating.

Rationale: Since victims are in such places for recovery and rehabilitation, it is important that the physical, social and cultural environment of the shelter and of other places providing care and support services should be stimulating.



9. Design

9.1

The Home should be designed / altered in such a way that it has a friendly appearance.

Rationale: Victims are in such places for recovery and rehabilitation.



What to do?

Assess the environment of the Home and of such other places that provide care and support services to ensure that they are growth stimulating.

What to do?

- 1 Assess the facility from the point of view of its appearance as perceived by the residents.
- 2 Make a checklist of the features that need to be incorporated.
- 3 Make sure the appearance is friendly.
- 4 If it is not, develop a plan to change its appearance.

9.2

The Home should be designed / altered with special consideration to:

- (i) the common and special needs of the persons it is meant to accommodate,
- (ii) the physical and mental state of the persons it is meant to accommodate (e.g. persons with special physical needs, debilitating conditions and other special needs).

Rationale: Different types of persons require different types of facilities. Uniformity of treatment is not always fair and correct.



What to do?

- 1** In designing and altering the shelter facility take into consideration common and special needs of the persons it is meant to accommodate.
- 2** In designing and altering the shelter facility take into consideration the physical and mental state of the persons it is meant to accommodate.
- 3** While designing the shelter facility try to involve the residents.



9.3

Where the Home is meant to accommodate children/women with special needs, suitable aids and adaptations, and any special furniture or equipment should be provided to enable the residents to live as normal a life as possible and should be designed/ altered by adhering to the recommendations of a qualified occupational therapist.



9.4

The Home should be designed/altered in such a way that the chances of accidents and accidental injuries are identified and minimized.

Rationale: Incidents commonly called accidents are often predictable. Appropriate measures can prevent them.





What to do?

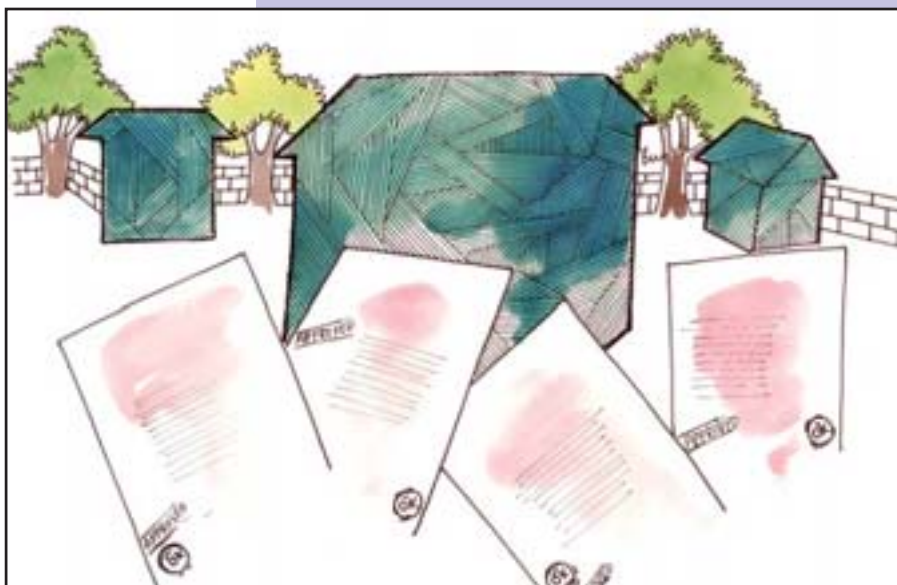
- 1 Identify places and situations in the Home which are prone to accidents.
- 2 Prepare a plan to overcome this proneness.
- 3 Enforce the plan.
- 4 Review the situation from time to time.

9.5

The Home should be designed/alterd in such a way as to completely and satisfactorily meet all the requirements/ recommendations/ and standards specified by the relevant authority such as:

- i. local municipal authority
- ii. building and construction control authority
- iii. fire fighting service
- iv. public health authority

(Clearances from all those authorities should be secured.



9.6

The Home should be designed/ altered in such a way that if it shares the premises or is in the vicinity of any premises where public visits are common the Home ensures that the privacy of the resident victims is not compromised, and that there is adequate physical separation between the two areas so that the members of the public do not accidentally enter the premises of the Home.

Rationale: Such closeness invites the possibility of undesirable curiosity and interference by anti-social elements and persons unrelated to the Home and to the process of care and support.



What not to do?

Don't cut off the residents completely from the outside world.

9.7

The building and the premises of the Home shall have sufficient natural light as well as artificial light at night, on special occasions, and at special locations.

Rationale: Wherever possible, natural light should be used. Natural brightness enlivens the spirit. Besides contributing to normalcy and health, it reduces the electricity bill. However at night and in places where natural light does not reach, adequate artificial lighting must be provided for reasons of convenience and safety.



What to do?



- 1 Wherever possible use natural light adequately.
- 2 Where natural light is not available provide artificial light even during day time.
- 3 Make sure that light improves security and safety and adds to the convenience.



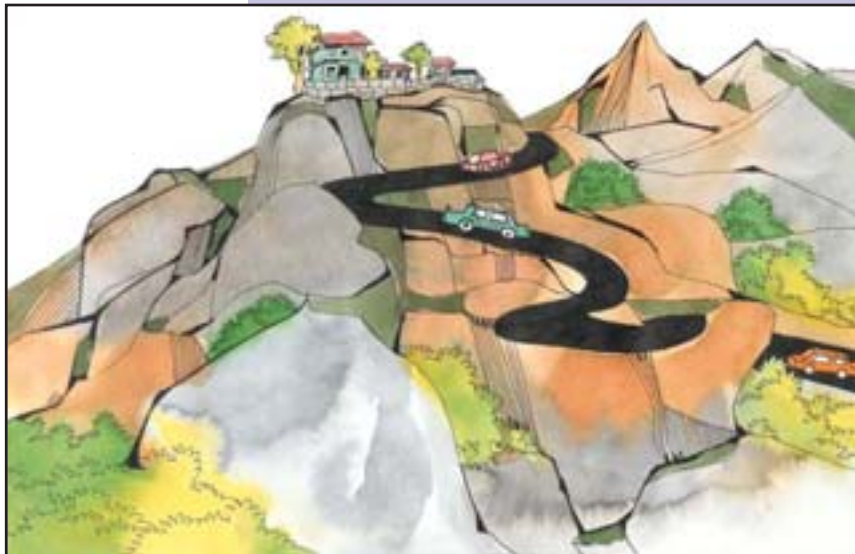
What not to do?

Reliance upon natural light does not mean not to provide artificial light in places where natural light does not or cannot reach. Leaving certain parts of the Home darker than others can invite snakes, scorpions, and other dangerous reptiles.

9.8

The building and the premises of the Home shall be free of abnormal noise pollution.

Rationale: Noise beyond a certain level is a health hazard.



What to do?

In designing and altering Homes make provisions to avoid noise pollution.

9.9

The design, the access, easements, privacy structures, bathing and washing arrangements, recreation arrangements etc. are designed or altered appropriately by taking into consideration gender-based needs.

Rationale: Do not create uniform facilities for all, regardless of particularities and differences among persons. Gender sensitivity is an important consideration.





What to do?

In the design, access, easements, privacy structures, bathing and washing as well as recreation arrangements ensure that consideration is given to gender based needs.



What not to do?

Don't think that unequal treatment is always unjust treatment.

10. Safety

10.1

The Home's premises shall not be used for functions unrelated to the Home which compromise or have an adverse effect on the care of children/women.

Rationale: The need for raising funds to support care programs often leads Home management to allow premises to be rented out for family, social or religious functions or for commercial purposes which makes the premises noisy and often chaotic and a source of recurrent nuisance for the residents.





What to do?

- 1 Make a list of all the foreseeable social functions unrelated to the Home which might compromise or have an adverse effect on the care of children/women residents.
- 2 Make it a policy not to rent out or allow such functions in the premises of the Home.

10.2

Considering the nature of the crime committed with respect to the victim, it is important that the shelter is well protected and gives access only to certain authorized individuals and after due scrutiny. Under no circumstance the exploiters, their representatives, any other offenders, or persons detained under a criminal charge should get access to the victim placed in the shelter.

Rationale: Increasingly, greater care is taken to prevent re-trafficking in the early post rescue period. However, attempts at re-trafficking and exploitation can be expected at any time. Guarding the access to the Home is important to prevent exploitation and re-trafficking.



10.3

Physical restrictions on normal movement within the home (e.g. stair gates or high handles on doors) are used only in relation to a child where the restriction has been agreed within their placement plan (and care plan if

appropriate) and are used only where necessary satisfactorily to safeguard and promote that child's welfare. Such restrictions for one child should not impose similar restrictions on other children/women.

Rationale: Physical restrictions on movement within the Home can be used only where necessary to safeguard and promote the resident's welfare and interest.



What to do?

- 1 Make a list of necessary restrictions on movement.
- 2 Explain and justify these restrictions to the residents.
- 3 Let the justification be followed by the restriction and not vice versa.

10.4

A rescued victim or a person seeking shelter must be placed in a safe and well provided shelter for an adequate period of time to facilitate all the other subsequent services for the victim.



10.5

The safety/risk assessment in relation to the Home's premises and grounds should be carried out, recorded in writing and regularly reviewed and shall precede the sanctioning of the license/permission for a premise as shelter home. Permission shall be granted by the competent authority after ensuring that the sources of danger to the victim residents are adequately identified and eliminated wherever possible. Where complete elimination of these dangers is not possible care shall be taken to work out a plan to minimize the effect of the danger and to handle the situation in case the danger befalls.

Rationale: Prevention requires a prior assessment of risk.



What to do?

- 1 Set up a group that will undertake a safety/ risk assessment of the Home's premises and grounds.
- 2 Encourage the participation in this group of members of the staff, volunteers, residents and safety experts.
- 3 Identify the sources of danger, e.g. a tree about to fall, a wall about to collapse.
- 4 Eliminate sources of danger which can be eliminated.
- 5 Create safety arrangements against sources of danger which cannot be eliminated.
- 6 Make a plan to handle situations of danger.
- 7 Repeat this exercise annually or biannually.

10.6

The safety/risk assessment in relation to victims' known and likely activities, the potential for bullying and abuse within and outside of Home and where applicable the impact of emergency admissions on the victims shall also be carried out, recorded in writing and regularly reviewed by the organization running the Home in consultation with subject matter experts.

Rationale: There are various ways in which violence impacts on victims. Sometimes the victims of violence, particularly those subjected to repeated multiple rapes, physical exploitation, and humiliation, tend to become aggressive and hostile. Some may even adopt a self destructive option. Aggressive behavior of a victim is an area where the helping professionals have to intervene. In any place of collective living such as a shelter home such tendencies should not be ignored or underestimated and appropriate measures should be taken to prevent and minimize the damage.



What to do?

Make a professional assessment of every victim and note it down in the individual's file as well as in the 'plan' prepared to prevent the damage.

What not to do?

These are sensitive matters and care must be taken not to stigmatize or ostracize a person showing 'self destructive' tendencies. Except for serious mental disorders such tendencies can be altered with professional intervention and must be treated accordingly.



10.7

The shelter home authority shall evolve a Crisis Management Plan (CMP) to address a range of foreseeable crises (e.g. death, outbreaks of illness, fires, serious allegations or complaints, significant accidents, staff shortage, and control problems within or outside the home).

Rationale: Most of the situations such as death, outbreaks of illness, fires, serious allegations or complaints, significant accidents, staff shortage, and control problems are not totally unpredictable. In fact, some of them can be predicted. It is therefore important that the authorities are well prepared to face such eventualities.



What to do?

Prepare a Crisis Management Plan.



What not to do?

Preparation and discussions concerning such CMP should not create undue panic in the Home or insecurity in the minds of the residents.

10.8

The Home shall be insulated against indiscriminate access/entry of unauthorized individuals.

Rationale: Residents are the victims of crime, of anti-social behavior and often of organized crime. Since Commercial Sexual Exploitation and Trafficking is a lucrative illegal activity, criminals would try to exploit any opportunity to obtain access to the victim.



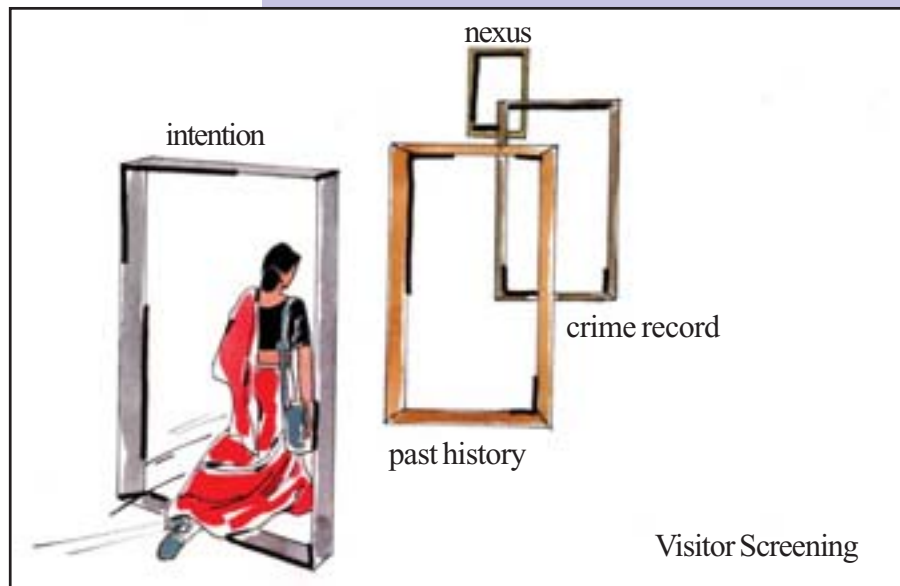
What to do?

- 1 Prevent indiscriminate access/entry of unauthorized individuals.
- 2 Create and install screening and signaling systems.

10.9

Authorized individuals and other visitors shall be given access to the Home only after they undergo a proper scrutiny as well as entry into a register that includes the details of their identity and an authorization letter or other evidence to prove the identity of the visitor and purpose of the visit.

Rationale: The victims, particularly the minor victims, are in the official legal custody of the Home and every precaution needs to be taken for their safety.



What to do?

Install a proper screening system.

11. Space

11.1

Each victim shall have a separate single bed or his/her own area in a double or triple room of a suitable size, with a suitable bed and bedding, seating, storage for clothes, lockable or otherwise safe storage for personal possessions, a window with sufficient light for study and other work.



What to do?

- 1 Provide a separate single bed or private space in a double or triple sharing room of a suitable size.
- 2 Provide suitable bed and bedding.
- 3 Provide a space for seating purposes.
- 4 Provide safe and lockable storage for clothes and other personal possessions.
- 5 Provide a window to the rooms that provides sufficient light for study and other work.

11.2

Staff sleeping areas shall not be part of the communal living area (except in case of very young or sick children) but should be located close to the victims' bed rooms to respond to night time needs.

Rationale: Residents are entitled to privacy respectful of their dignity. The sleeping place is an area where such privacy is very important. While young children need protective supervision and hence would seek an adult staff member's physical presence in the room where they sleep, teenagers and youth would need the staff to be close by in case of emergency but would not appreciate the idea of direct supervision while sleeping.



What to do?

- 1 Locate the sleeping area of the staff close to that of the residents' sleeping place.
- 2 Install a signaling system.
- 3 Train the residents how to call for assistance in emergencies.



What not to do?

Don't leave young children alone. Don't force your presence on the adult residents.



11.3

There should be adequate open space for recreation and physical movement.

Rationale: Recreation is not a luxury. It is not a service which can be made available to residents of Homes if and when affordable. It is their basic right. At a young age open door recreation is vitally important for overall growth.



What to do?

- 1 Identify the open space in the premises of the Home.
- 2 Identify the open space which is adjacent to the Home but which can be used for open air recreation of residents.
- 3 Identify spaces which can be put to multiple uses, one of them being open air recreation.
- 4 Identify the open spaces that belong to other agencies but which can be appropriately used for open air recreation of the residents.
- 5 Assess the risk of using space outside the premises of the Home.

11.4

There should be adequate space for living and other purposes.

Rationale: Victims need space and time for healing. They are brought to shelter homes in order to facilitate their healing and to help them to return to society with confidence and self reliance. Homes should not be congested and crowded places.



What to do?

Provide adequate space to the residents.

11.5

There should be adequate privacy and open space for the victims.

Rationale: Adequate privacy is an important input towards the development of a healthy personality.



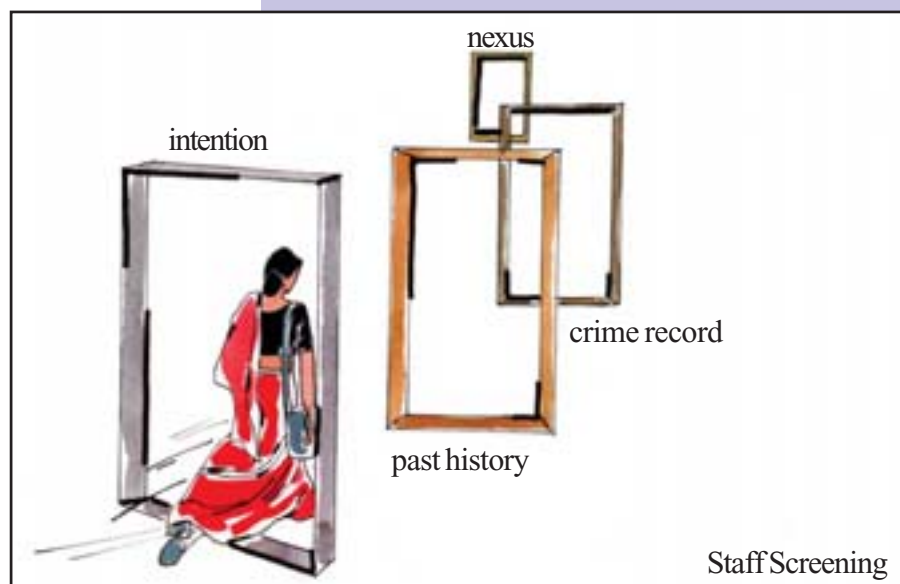
What to do?

- 1 Identify threats to the privacy of residents.
- 2 Assess the scope for eliminating such threats.
- 3 Maintain a balance between residents' need for privacy and the management's need for supervision.

11.6

The Home shall appoint staff only after adequate screening about the past record of the staff, ensuring that the staff has not shown any particular behavior in the past that could be a potent source of danger e.g. psychiatric disorders causing violence or self destructive behavior, is not suffering from substance addiction/ habit, exhibits abusive behavior, offending or criminal behavior etc. Full care shall be taken not to appoint any person habituated to dangerous drugs including tobacco or alcohol.

Rationale: Reports indicate that the habitual child sexual offenders seek places where vulnerable children without support structure can be easily accessed. They also tend to establish a trusting relationship with the children in order to exploit them later. There have been cases in the recent past where charities and orphanages have been established by such child exploiters. Additionally, if a member of the staff has a personality disorder or serious mental illness this can expose the residents to grave danger. A careful check of staff is therefore necessary.





What to do?

- 1 Thoroughly screen the staff to make sure that resident victims are not endangered.
- 2 Check if the staff has shown any particular behavior in the past that could be a potent source of danger, e.g. psychiatric disorders causing violence or self destructive behavior, is not suffering from substance addiction/ habit, exhibits abusive behavior, offending or criminal behavior etc.
- 3 Take care not to appoint a person habituated to dangerous drugs including tobacco or alcohol.
- 4 At the macro level demand that a Sexual Offenders' Register be maintained so that everyone is adequately warned of such potential dangers.

11.7

Adequate numbers of toilets should be provided to ensure privacy.

Rationale: Toilets are part of the most essential amenities. Toilets must provide sufficient privacy to the user.



What to do?

Locate the toilets in places that can ensure privacy.



What not to do?

Don't place the toilets in dangerously secluded locations in order to offer privacy.

12. Environment

12.1

The Home shall ensure complete cleanliness of the premises.

Rationale: Residents have a right to a clean and healthy environment. The source of ill health is often hidden in the close environment.



What to do?

Make a checklist of measures to be taken periodically for preventive sanitation such as washing the premises, disinfecting floors, painting, de-clogging gutters, emptying garbage bins, anti-mosquito fumigation, spraying insecticide, sprinkling water on dusty grounds, keeping doormats.

12.2

A warm environment shall be evolved and nurtured in shelter homes and other places of service delivery which will reduce alienation and further a sense of belonging among the victims.

Rationale: Social reintegration cannot be achieved by allowing alienation.



What to do?

- 1 Identify a system that would promptly recognize a sense of alienation among the residents.
- 2 Create a mechanism to eliminate alienation.
- 3 Create a warm environment.

12.3

Every victim shall be provided needs-based, sustained, professionally designed and delivered services aimed at the overall psycho-social wellbeing specifically covering social case work, psychotherapeutic counseling, as well as psychiatric treatment with a scientific assessment preceding it and with an appropriate follow up.

Rationale: The care and support extended to the victim should not be a gesture of charity and should not be given with a condescending attitude. It must be given respectfully as a matter of right and in maintaining the dignity of the victim. It must be a package professionally devised and delivered.



What to do?

- 1 Design, install and sustain services to facilitate the overall psychosocial wellbeing, specifically covering social case work, psychotherapeutic counseling and psychiatric treatment.
- 2 Ensure prior scientific assessment.

13. Bathrooms/ Washing Facilities

13.1

Baths/toilets shall meet the needs of the residents in numbers and standard. It is suggested that there is one toilet for every 6 to 8 children and minor residents and per 4 to 6 adult victims.

Rationale: Inadequate bathing and washing facilities cannot only entail unhygienic practices and ill health but also spark friction, brawls, and factionalism.



13.2

Bathrooms, toilets, showers are sited and designed to take account of the victim's need for privacy, dignity, safety and any special needs, and are readily accessible from sleeping and recreation areas of the Home.

Rationale: The day to day wellbeing of the residents in a Home largely depends upon access to such facilities and their standards.





What to do?

- 1 Take into consideration the residents' need for privacy while designing and locating the bathrooms, toilets, showers.
- 2 Take into consideration the residents' need for dignity while designing and locating the bathrooms, toilets, showers.
- 3 Take into consideration the residents' need for safety while designing and locating the bathrooms, toilets, showers.
- 4 Make sure that residents do not have an unreasonable sense of insecurity when accessing these facilities, particularly at night.

13.3

Care staff should be able to open the doors to bathrooms, showers and toilets from the outside in case of emergency.

Rationale: Residents may unintentionally lock themselves in and may not be physically able or fit to rescue themselves. It could also be a manifestation of non cooperative behavior or at times a signal of self destructive behavior. In all such cases the competent authority should be in a position to open the rooms from outside.





What to do?

- 1 Check and periodically recheck doors to ensure that management's special keys for opening the doors from the outside are functioning.
- 2 Make sure such special keys are not easily accessible.
- 3 Take residents into confidence about the use of such keys in emergency situations.

14. Nutrition

14.1

The Home shall ensure that the victims are provided with adequate nutrition.

Rationale: Adequate nutrition is a basic requirement and an important service to the residents.



What to do?

- 1 In consultation with experts establish the dietary and nutritional requirements of the different types of residents.
- 2 Evolve a nutrition and diet plan to meet needs appropriately.
- 3 Ensure that the nutrition is adequate in quantity and quality.

14.2

The Home shall ensure that a special diet is provided to pregnant and lactating victims and to those recommended for a special diet.

Rationale: Some people need special diets.



What to do?

- 1 Make a list of resident types who may need special diets.
- 2 Make arrangements with medical experts / visiting doctors to prepare dietary plans for certain conditions such as pregnancy, delivery, illness, diabetes.
- 3 Make sure the instructions for special diets are entered in the register of the staff supervising the supply of nutrition to the residents.

14.3

The Home shall provide wholesome and clean food to the victims.



What to do?

Form a committee composed of medical experts, the superintendent, members of the staff and residents to keep a quality control on food.

14.4

The menu should preferably be decided and revised jointly by the victims and the management under the guidance of subject matter specialists such as physicians and nutritionists and within the framework laid down by them.

Rationale: Food is generally a matter of personal choice. Complaints of residents often focus on the menu. An effective way to overcome this difficulty is to involve residents in establishing the menu. It is also a highly recommended area for participatory management. The Home authority and experts should indicate and justify to the residents the limitations within which the menu has to be finalized.



What to do?

Form a committee composed of medical experts, the superintendent, members of staff and residents to design and revise the menu.

14.5

The menu shall take into account the cultural, ethnic and religious backgrounds of the victims.

Rationale: Menus should attempt to accommodate as many food variations as possible - catering to the diverse cultural, ethnic and religious backgrounds of the resident victims.





What to do?

- 1 While designing the menu make an attempt to cater to the various cultural, ethnic and religious backgrounds of the victims.
- 2 Where this is not possible or advisable primary consideration should be given to the scientifically established nutritive value of the food.

14.6

The Home shall ensure that the staff and victims are involved in preparing food, receive appropriate training and are properly supervised in safe food handling and hygiene.

Rationale: A successful management focuses on human resource development. Appropriate training for both the staff and victims can facilitate consensus and minimize the scope for friction.



What to do?

Arrange training programs for the staff and resident victims in food preparation, safe and hygienic food handling.

14.7

The Home shall ensure the regular supply of adequate clean and safe drinking water easily accessible to the victims.

Rationale: This is one of the basic services provided by the Home to its residents. It is also a basic need of residents.



What to do?

- 1 Have a regular and adequate supply of clean and safe drinking water.
- 2 Explain the importance of clean and safe drinking water.

14.8

The Home shall ensure regular supply of adequate clean and safe water easily accessible to the victims for all other purposes such as washing, bathing, etc.

Rationale: See above.



What to do?

- 1 Assess the daily requirements.
- 2 Assess the water supply situation.
- 3 Allocate water stocks for different purposes.
- 4 Explore the possibility of conserving water for use during eventual shortfalls.
- 5 Check wastage of water regularly.
- 6 Devise a plan for recycling used water, e.g. for gardening purposes.

14.9

The Home shall ensure that professional medical advice and interventions are sought if a victim persistently refuses to eat and for those who overeat or have other eating disorders.

Rationale: Such symptoms could be indicative of a more serious problem that needs professional intervention.



What to do?

Seek professional intervention. Call a doctor.

14.10

The Home shall ensure that the dining rooms and their furnishings are suitable for the numbers and needs of victims and staff.

Rationale: Congestion and a generally unsuitable environment in the place where food is served often precipitate outbursts of accumulated discontent among the residents. Since dining halls are regularly frequented the chances of friction are high.



What to do?

The dining hall should have adequate space and suitable furnishings.

14.11

Food shall be prepared in a kitchen which conforms to adequate standards of hygiene.



What to do?

Keep the kitchen clean and hygienic.

14.12

Separate dining space shall be maintained to provide meals within a specific time-frame.

Rationale: The place where food is served should not be a multipurpose one. This could affect the schedule of meals.





What to do?

Keep a separate place for serving meals.



What not to do?

It may not always be possible to spare a hall exclusively for dining purposes if the load on the same is not excessive. In such instances the hall may be used for other purposes but with due care that such usage does not interfere with the timings and the required ambience for dining.

14.13

Food shall be stored in safe and hygienic spaces and away from cleaning agents and pesticides.

Rationale: When stored in the same place, pesticides could become a source of contamination for food items.





What to do?

- 1 Allocate separate areas for the storage of food and that of harmful substances such as insecticides, pesticides.
- 2 Periodically clean the food storage area.
- 3 Do not use strong insecticides and pesticides for cleaning near food items.
- 4 Use bio-pesticides and bio-insecticides for cleaning purposes.

15. Clothing

15.1

Victims shall be provided with clothes free of cost at least twice a year including two sets of school uniforms where applicable. They should be encouraged and enabled to choose their own clothes and personal requisites within a broader framework and have these needs fully met.

Rationale: Clothing is a basic service provided by the Home. It is also a basic need of the residents.



What to do?

- 1 Maintain a register for such supplies.
- 2 Let residents choose their clothes.
- 3 Make possible choices known to them.

15.2

Homes shall not impose a uniform (dress) on the resident victims in day to day living. Uniforms may be enforced for special activities such as drill, schooling, sports, etc.

Rationale: Uniform dress undermines individuality. It may even cause unhappiness and depression since uniforms become a 24 hour identity.



What to do?

Limit the use of uniforms to certain activities such as schooling, drill, sports.



16. Personal Appearance

16.1

No victim shall be forced to follow a common hair style. Victims shall have freedom to maintain their own hair style.



What to do?

Allow different hairstyles unless they violate important considerations such as safety, hygiene, minimum standards of public decency.

16.2

The authorities shall interfere, suggest to modify, and/ or enforce that the victim give up any particular hair style, if it is assessed and recorded to be dangerous or unsuitable on grounds of health, hygiene, certain minimum standards of decency in public life or becoming a source of ill health or annoyance to the others residing in the same premises.

Rationale: Don't interfere in the strictly personal areas of the life of the residents. Don't impose external choices on residents in such matters unless justified and warranted in the interest of the victim resident and of others who share the facility.



What to do?

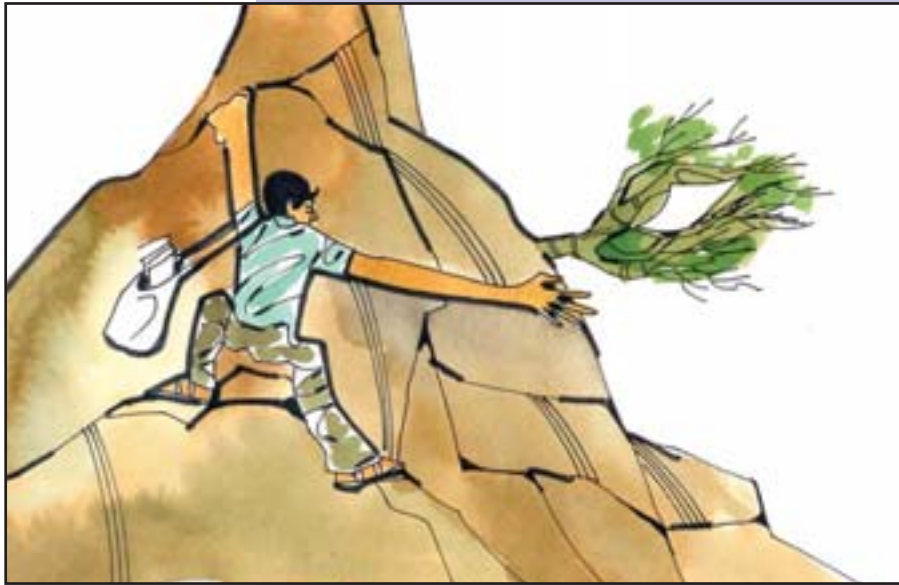
- 1 Anticipate situations where interference may be necessary.
- 2 Make a list of objectionable hair styles and provide reasons.
- 3 Make the residents aware of the list at the time of orientation.
- 4 Take the residents into confidence while developing and enforcing such restrictions.

17. Identity

17.1

The victim shall be helped to obtain and preserve the necessary documents and other material parameters of establishing her/his identity such as birth certificate, domicile certificate, ration card and school leaving certificate.

Rationale: Recovery, safety, rights, rehabilitation, reintegration of the victim depend to a considerable degree on her being able to have the documents that establish her identity.



What to do?

- 1 Enter in the personal file of each resident columns/ rows for each document.
- 2 Enter the documents which are available.
- 3 Enter the status of efforts to obtain the remaining documents.
- 4 Have the entries validated by the resident.
- 5 Update the register periodically.
- 6 Encourage residents to review the entries occasionally.



What not to do?

Don't write to the victim's village leaders providing details on the victim and seeking documents. This could jeopardize her safety, confidentiality, and future.

17.2

The Home shall attempt to establish the human parameters and referents of the identity of the victim such as the whereabouts of family members, community members, relatives, next of kin in order to help the victim assert her/his rights, entitlements and redress her/his grievances.

Rationale: It is natural for an individual to seek an identity and to expect to have it established.



What to do?

- 1** Enter in the personal file of each resident columns/ rows for each of the above parameters.
- 2** Enter the available information.
- 3** Enter the status of efforts made to obtain information on the missing information.
- 4** Have the entries validated by the resident.
- 5** Update the register.
- 6** Encourage the residents to review the entries occasionally.

18. Access to Records

18.1

Each Home shall make the adult victims aware that they can have access to their files. In case of minor victims the access will be given under supervision of a representative of / with a specific permission from the semi-judicial competent supervising body constituted under the juvenile justice system.

Rationale: Adult residents have a right to access their records.



What to do?

Make the adult victims aware that they can have access to their files.



What not to do?

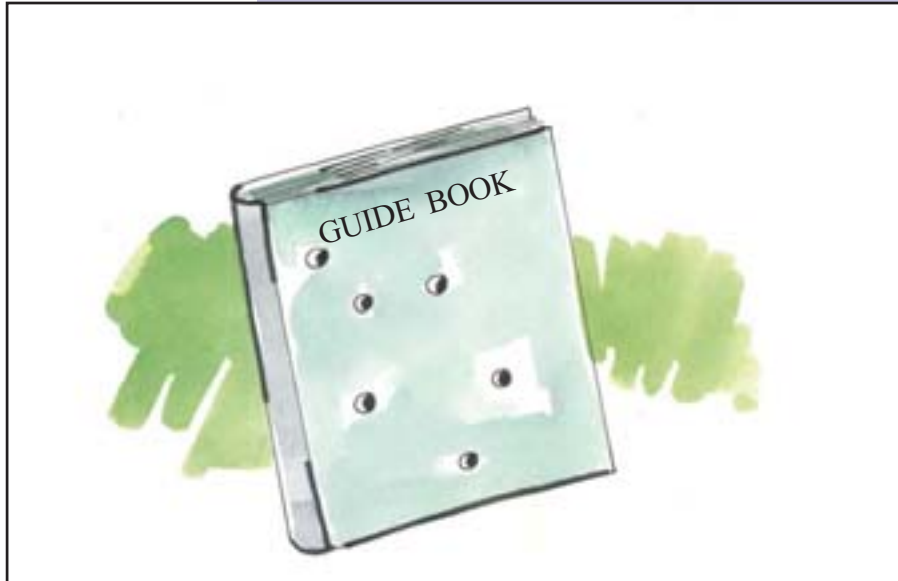
Do not give unmonitored access to everyone and to all files.

19. Reception/Orientation

19.1

Each Home shall maintain a guidebook containing map, design, access to the Home as well as the purpose, procedure, policy of the Home.

Rationale: A guidebook will save time, energy, and resources for the management as well as for the residents, in addition to reducing confusion, complaints, and distress.



What to do?

- 1 Prepare the guidebook.
- 2 Encourage the staff and the residents to participate in developing the guidebook.
- 3 Use artists to prepare a use-friendly guidebook.
- 4 Translate the guidebook.
- 5 Make it available in the form of an audio cassette.

19.2

Each Home shall maintain a guidebook that describes how a child can secure access to an independent advocate and how to make a complaint.

Rationale: Victims must have access to the mechanisms of justice which often start with engaging a lawyer.



What to do?

Maintain a guidebook.



What not to do?

The guidebook is not to be confused with a personal plan.

19.3

The staff of the Home and visiting experts whose services are contracted/ used by the Home shall be familiar with the contents of the guidebook.



19.4

Every resident victim shall be properly and elaborately oriented to the physical needs for privacy, dignity, safety and any special needs, and are readily accessible from sleeping and recreation area of the home.



What to do?

- 1 Chalk out a structured program to orient the resident victim to the physical and managerial arrangements and procedures of the Home.
- 2 Chalk out a structured program to orient the resident victim to the services provided in the Home.
- 3 Implement the program.

19.5

Each Home shall have mainstreamed procedures for introducing the residents, the staff and the other resident children living there.

Rationale: These are basic requirements which are often forgotten or underestimated. This causes considerable stress, confusion and irritation for a new resident who usually arrives at a Home in a disturbed and traumatized state of mind.



What to do?

Conduct orientation and reorientation programs.

19.6

The resident victim shall be oriented to the work expected of the staff.

Rationale: This will save time, energy, and resources of the management and reduce confusion, complaints, and distress of the residents later on.



What to do?

- 1 Chalk out a structured program to orient the resident victim to the work expected of the staff of the Home.
- 2 Implement the program.



What not to do?

Make sure that the victim's orientation in respect of the work expected of the staff does not humiliate the staff.

19.7

The Home shall attempt to allow the children and minor victims to bring in and keep with them their favorite soft toys, favorite books, and play items, except live pets and weaponry toys etc - under supervision.

Rationale: This forms part of their personal life and should be allowed.



What to do?

- 1 Have a policy as to which belongings are allowed and which are not.
- 2 Make the policy known to the residents through charts with pictures for easy understanding.
- 3 Orient every new resident.
- 4 Appropriately provide safekeeping for the prohibited items belonging to the victims.

19.8

The procedures for leaving or/and covering both the planned and emergency departures shall be made known to the victim residents.



What to do?

- 1 Prepare guidelines on procedures to follow for leaving the Home in both planned and emergency departures.
- 2 Prepare the guidelines in a user friendly manner and make them available to residents.

20. Health

20.1

Each Home shall have:

- i) facilities for periodic health check-ups by a registered medical practitioner, counselor and a clinical psychologist, referral to external medical experts, hospitals, facilities for hospitalization, and funds,
- ii) arrangements for preventive, curative, rehabilitative, therapeutic treatment; and
- iii) arrangements for environmental cleanliness and control of communicable diseases.

Rationale: A Home is a place for recovery and rehabilitation.



What to do?

- 1 Make arrangements for periodical health check-ups of resident victims by a registered medical practitioner.
- 2 Make arrangements for periodical check-ups by a counselor and a clinical psychologist.
- 3 Make arrangements for the referral of resident victims to external medical experts.
- 4 Make arrangements for referral of resident victims to hospitals.
- 5 Make arrangements for the preventive treatment of resident victims.
- 6 Make arrangements for the curative treatment of resident victims.
- 7 Make arrangements for the rehabilitative treatment of resident victims.
- 8 Make arrangements for therapeutic treatment of resident victims.
- 9 Make arrangements for environmental cleanliness.
- 10 Make arrangements for the control of communicable diseases.

20.2

The Home shall provide adequate professional medical services, including physical and psychiatric services, in order to mitigate the residents' sufferings and to promote integrated comprehensive health care.

Rationale: A Home is a place for recovery and rehabilitation.

20.3

Each Home shall have a weekly checkup visit by a visiting general physician.



What to do?

Not every resident need to be checked every week.

20.4

Each Home shall have a sick bay with basic medicines and first aid equipments.

Rationale: The sick should be separated from the other residents in the interest of both.





What to do?

Keep a sick bay.

20.5

Each Home shall have arrangements to promptly avail the services of an ambulance.



What to do?

- 1 Identify the ambulance services available in your area.
- 2 Keep their contact details including terms and conditions.
- 3 Keep this information in an easily visible/accessible manner.

20.6

The psychological health of the women and child victims as well as children of the women victims is endangered due to the circumstances of their exploitation. Psychological counseling services shall be provided on a part-time basis in health care centers.

Rationale: Psychological counseling is as important as a physical check up and treatment. This fact needs to be adequately stressed.



What to do?

Arrange for psychosocial counseling services.



What not to do?

Do not let an unqualified person handle the counseling services for the victim.

20.7

The Homes shall take into account the fact that the victims of trafficking and other forms of violence often suffer from a serious damage to their self image, self confidence and self-identity and that the victim may adopt a faulty and self destructive identity such as that of a criminal offender, or a fallen person. The Home shall work to help the victim to gain/regain a positive self identity.



What to do?

Psychosocial counseling should attempt to facilitate a victim's "reintegration with oneself".

20.8

Each Home shall have a First Aid Kit/Arrangements and staff trained to administer First Aid around the clock.

Rationale: This is a basic service.



What to do?

- 1 Prepare a few First Aid Kits in consultation with a medical expert.
- 2 Make the kits easily available but keep them under supervision .
- 3 Place the kit under supervision.
- 4 Restock the kits from time to time.
- 5 Train the staff and a few residents in administering first aid.



What not to do?

Don't let lay people decide what first aid means.

20.9

The Home shall maintain and keep updating the contents of the First Aid Kit. The First Aid Kit shall be kept easily accessible to the staff and other professionals of the Home. The Home shall install a system to immediately identify any tampering or damage to the Kit and shall replace/correct the Kit within 24 hours on noticing the damage or tampering.



What to do?

Devise a system to detect tampering with the First Aid Kit.

20.10

Each Home shall have arrangements for escorts and bystanders in case of hospitalization of its resident victims.

Rationale: Sending resident victims for hospitalization with an escort who can handle a number of tasks which are essential and which the patient cannot do herself is important. A bystander who will remain at the side of the patient's bed is also required.



What to do?

Prepare volunteers or part time staff to be escorts and bystanders in case of referral or hospitalization of resident victims.

20.11

The Home shall ensure that the health records shall be a part of the Personal File maintained for each victim. The report on the HIV status of the victim shall be maintained confidential.

Rationale: Each victim is unique. Supportive services should take that into account. Knowledge about the HIV status of a person is closely linked with her social acceptance or rejection and must be kept confidential.



What to do?

Maintain personal files including residents' health records.

21. Crisis handling training

21.1

The State shall evolve a crisis handling plan in consultation with legal and other subject matter experts as well as with the participation of the representatives of the Homes (e.g. earthquake, fire on the campus, electrocution, or attempt at suicide by any resident, sudden death).



What to do?

- 1 Keep a crisis handling plan for earthquakes.
- 2 Keep a crisis handling plan for the outbreak of fire.
- 3 Keep a crisis handling plan for electrocution.
- 4 Keep a crisis handling plan for suicide attempts.
- 5 Keep a crisis handling plan for sudden deaths.
- 6 Make the plan known to members of the staff.

21.2

Each Home shall keep a list of potential crises and the staff shall be trained in handling those crises.

Rationale: Not every mishap is accidental in the sense that it cannot be predicted. Often it can be prevented.





What to do?

- 1 Make a list of potential crises.
- 2 Train the staff.
- 3 Orient and train new staff in the same.
- 4 Retrain and upgrade trained staff periodically.

22. Behavior Management and Discipline

22.1

Peer group discussions should be encouraged to raise issues affecting day to day living such as bullying, abusive language, fighting, and sexual exploitation.

Rationale: Peer group discussion is a better way of handling such problems than solutions suggested by the authority.



What to do?

- 1 Procedures for raising issues that affect the everyday life of the residents.
- 2 Procedures for raising issues related to bullying.
- 3 Procedures for raising issues related to abusive language against a resident.
- 4 Procedures for addressing fights among residents.





What not to do?

Do not confine peer group discussions to issues such as bullying, abusive language, fighting, and sexual exploitation but expand them to other unrelated topics.

22.2

Victim residents of the Home shall be assisted to evolve a socially acceptable behavior through encouragement of acceptable behavior.

Rationale: Reward is an important part in effective learning.



What to do?

Establish participatory mechanisms that would encourage socially acceptable behavior.

22.3

Food deprivation, confinement or any form of physical punishment shall not be used as punishment for the victims.

Rationale: A Home is not a jail and a resident victim is not a convict.



What to do?

Make it clear to those concerned with socialization, behavior modification and care of the resident victims that food deprivation, confinement or any other form of physical coercion shall not be used for the punishment of victims.

22.4

The Home shall ensure that the members of its staff respond positively to acceptable behavior, and that where the behavior of the victim residents is regarded as unacceptable by staff, it is responded to by constructive, acceptable and known disciplinary measures approved by the competent authority.

Rationale: Dealing with unacceptable behavior by resident victims is a sensitive issue where arbitrariness or a punitive approach cannot be tolerated. The approach has to be thoughtful, authorized and constructive.



What to do?

- 1 Train and instruct staff to respond positively to victims' acceptable behavior.
- 2 Train and instruct staff to use constructive disciplinary measures approved by the competent authority when the behavior of the resident victim is unacceptable.

22.5

The Home shall evolve and mainstream a clear written policy, procedures and guidelines for its staff comprising of a code of conduct setting out the permissible control, disciplinary and restraint measures and emphasizing the need to reinforce positive messages to the victim for the achievement of acceptable behavior.

Rationale: Clearly articulated and widely disseminated policies, procedures and a code of conduct help eliminate arbitrariness.



What to do?

Evolve and disseminate a clearly written code of conduct for staff that sets out the permissible controls and disciplinary measures and that emphasizes the need to reinforce positive messages to the victim for the achievement of acceptable behavior.

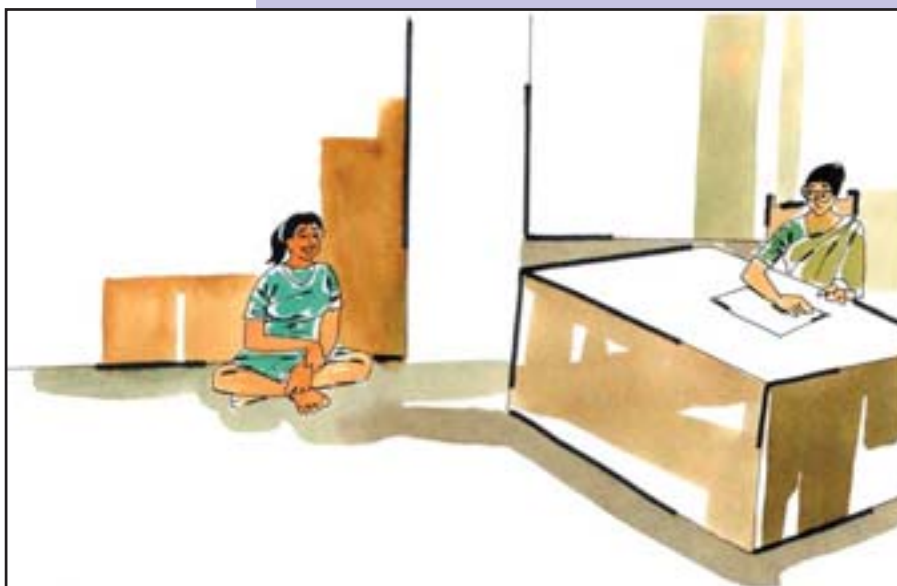


What not to do?

Don't let members of the staff interpret a policy of permissible controls, disciplinary and restraint measures as a license to penalize the victims.

22.6

Measures of control and disciplinary measures shall be based on establishing positive relationships with the victims that are designed to help them. Such measures shall be fair and applied consistently. The Home shall encourage reparation and restitution and reduce the likelihood of negative behavior becoming the focus of attention and subsequent disruption.



What to do?

Evolve controls and disciplinary measures based on a positive relationship with the victim and in order to help her.

22.7

Any measures taken to respond to unacceptable behavior should be appropriate to the age, understanding and individual needs of the victim, for example taking into account that unacceptable or challenging behavior may be the result of unpleasant experiences, unfair treatment, illness, bullying, certain disabilities such as autism, or communication difficulties.

Rationale: A response to unacceptable behavior has to be reform / modification oriented and to be guided by the need to achieve social harmony and respect for the rights of others.



What to do?

- 1 In consultation with experts and residents evolve measures to respond to unacceptable behavior of victim residents.
- 2 Such measures should be commensurate with the age, intellectual capacity and specific needs of the victim.
- 3 They should take into account that unacceptable or challenging behavior could be the result of unpleasant experiences, unfair treatment, illness, bullying, certain disabilities such as autism, or communication difficulties.

22.8

Sanctions and physical restraint when inevitable shall not be excessive or unreasonable.

Rationale: The purpose of sanctions and physical restraint is not retribution.



What to do?

Evolve and enforce a policy and make it known both to staff and residents.

22.9

Physical restraint shall only be used to prevent likely injury to the victim concerned or to others or likely serious damage to property. It shall not be used as a punishment, as a means to enforce compliance with instructions, or in response to challenging behavior which does not give rise to a reasonable expectation of injury to someone or of serious damage to property.

Rationale: The purpose of sanctions and physical restraint is to protect the concerned individual concerned and those who are likely to be harmed by such behavior.



What to do?

- 1 Evolve guidelines on how to respond to dangerous behavior of the victim.
- 2 Disseminate the guidelines among staff and victims alike.

22.10

In case of the use of physical restraint on a minor by an adult, a record shall be kept in a separate bound and numbered book, which shall mention the name of the minor, the date, time and location, details of the behavior requiring use of restraint, the nature of the restraint used, the duration of the restraint, the name of the staff member(s) using restraint, the name(s) of any other staff, children/ women or other persons present, the effectiveness and any consequences of the restraint, any injuries caused to or reported by the victim or any other person, and the signature of a person authorized by the registered person to make the record.

Rationale: Physical restraint is a serious matter that is likely to be misused or abused. Therefore mechanisms must be in place to ensure that physical restraint is meted out with care and with a sense of responsibility.



What to do?

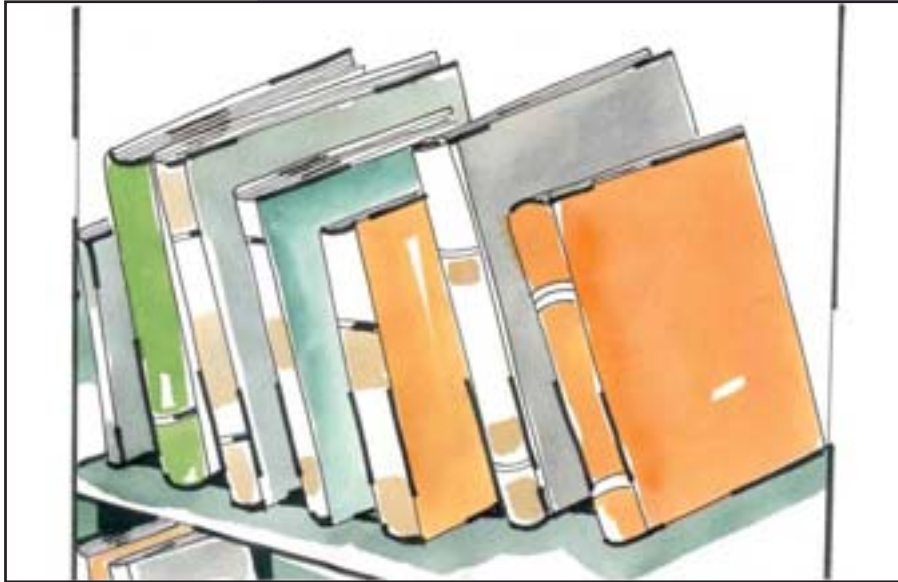
- 1 Establish a reporting system on the use of physical restraint and enforce it rigorously.
- 2 Evaluate the effect of the restraint.



What not to do?

Reporting systems should not be regarded as permission to use physical restraint liberally.

22.11 **S**imilar records shall be kept in cases of sanctions.



22.12 **T**he Home shall regularly review the record books to monitor compliance with the Home's policy, procedure and guidance and to identify any patterns in incidents warranting disciplinary or restraint action.

Rationale: A thorough analysis of entries to the register can reveal trends and recurrent situations thereby making it easier to take preventive measures.

What to do?



- 1** Maintain record books.
- 2** Entries should be reviewed regularly, thoroughly, consistently, and impartially.

22.13 **T**he Home shall record any comment on the appropriateness of the individual use of sanctions or use of restraint, together with any subsequent action taken, and endorse against each entry to confirm that monitoring has taken place.



What to do?

- 1 A record book contains comments on the appropriateness of the use of sanctions or restraint in individual cases and related actions following such sanctions.
- 2 Make sure that the entries are endorsed by the monitoring authority.

22.14

The staff and the victims and their minor dependents (living in the Home) shall be made aware that each individual has rights and responsibilities in relation to those who live in the home, those who work there as well as the open community.

Rationale: These are basic rules of collective living/social life.



What to do?

Develop, make known and enforce guidelines.

22.15

Where there has been physical intervention, the victim shall have the right to be examined by a registered nurse or medical practitioner within 24 hours.

Rationale: Physical interventions may sometimes be excessive and cause serious damage to the victim.



What to do?

- 1 Evolve procedures for an examination within 24 hours by a registered nurse or medical practitioner of a resident victim who has been the subject of a physical intervention.
- 2 Inform concerned persons.
- 3 Have those procedures consistently and impartially applied.

22.16

All victims, including children and minor resident victims, shall be given an opportunity to discuss incidents and express their views either individually or in a regular forum or house meeting where unsafe behavior can be discussed.

Rationale: Participation of residents in the management of the Home requires discussion and active involvement in all issues concerning the Home.



What to do?

Evolve mechanisms/ systems for periodic or occasional review/ discussion meetings.

22.17

In situations where disciplinary measures or restraints are used, the victims shall be encouraged to have their views recorded.



What to do?

- 1 Evolve user-friendly mechanisms/ systems for recording the views of the victim.
- 2 Create a support mechanism that will assist victims who are not articulate, confident, or capable of recording their views.



What not to do?

Don't expect the victim to record her views publicly.

23. Faith

23.1

Under no circumstances shall the dependence of the victim be used to transfer any particular faith system to the victim.

Rationale: Belonging to a faith system is an important and intimate matter for most individuals. It is also a sensitive social issue. Several malpractices of forced conversion to a faith system have occurred in the past. The dependence of the victim residents is likely to be misused by unscrupulous elements to impose a particular faith system on the residents.



What to do?

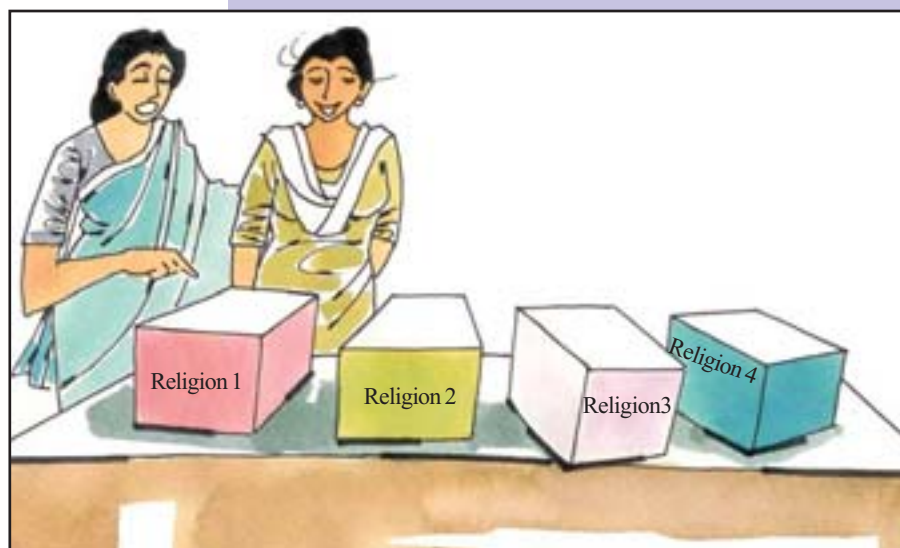


- 1 Do not allow access to the Home for such elements.
- 2 The State and alert citizens should evolve signaling mechanisms to detect and check such attempts and malpractices.

23.2

The Home shall help the victim to identify the faith system she/he belongs to in case she/he expresses the need to know the same.

Rationale: Every individual seeks an identity and eventually membership to a faith system or religion. A resident victim should be helped to identify the faith system she belongs to.





What to do?

Evolve a highly transparent mechanism for the resident victim to identify her religion.



What not to do?

Haste is dangerous.

23.3

The Home shall not make its services conditional upon the victim belonging to any particular faith system.

Rationale: Shelter services should be based on rights/ entitlements and compassion.

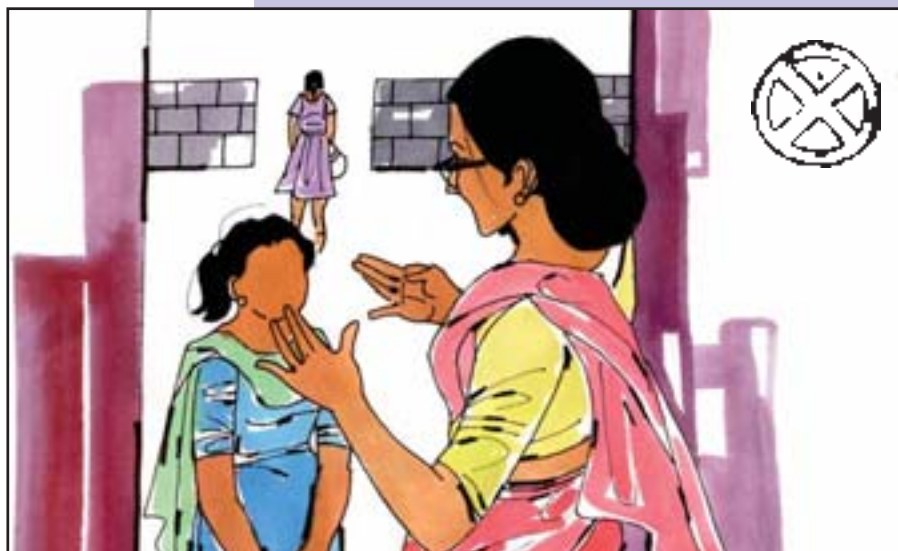


What to do?

The state and alert citizens should evolve mechanisms to detect any malpractices.

23.4

The services of the Home shall not be traded against or be provided in exchange of the faith system of the victim.





What to do?

- 1 Evolve an independent committee to assess the situation inside the Home with respect to faith based practices.
- 2 Such groups should have adequate access in order to assess the situation.
- 3 Access of such groups should be supervised for reasons of safety and privacy of the residents.

23.5

Children and minor victims shall be encouraged to select the faith system they wish to belong to, or change their faith system only after they become adults and cease to depend upon the Home for their care, protection or maintenance.

Rationale: Where membership to a faith system is doubtful, the resident victims - especially children below the age of consent - should be encouraged to select or change their faith system only after becoming adults and when ceasing to depend upon the Home for their care, protection or maintenance.



What to do?

State and alert citizens should develop mechanisms to detect any malpractices.

24. Addiction

24.1

The Home shall recognize the fact that the victims placed with them are often victims of multiple sexual offences and extreme insecurity and could have become, or been made by their exploiters, dependent on drugs ranging from nicotine to hard narcotics.

Rationale: Drug dependence is a result of complex circumstances. Punishment or social ostracism is not the way of responding to it.



What to do?

Undertake regular sensitization and training of staff to help them better understand the victims and their psychological situation.

24.2

The Home shall be equipped to handle the cases of such drug dependence or addiction among the victims.

Rationale: Certain physical provisions in the Home may be required in order to treat and care for drug dependent victim residents.



What to do?

- 1 Consult experts.
- 2 Prepare a plan for handling cases of drug dependence.
- 3 Train the staff.
- 4 Make required physical and managerial provisions.



What not to do?

Do not let special arrangements lead to stigma and discrimination of the dependent victims.



24.3

The Home shall make every attempt to offer required professional assistance to the victim to overcome the problem of drug dependence/addiction.

Rationale: The exploiters often deliberately induce drug dependence among their victims. A Home is destined for recovery and Home authorities have to provide professional help and not miracle/magic men with “supernatural powers” to deal with such individuals.



What to do?

- 1 Arrange for professional help.
- 2 Train the staff to identify withdrawal symptoms.



What not to do?

Do not interpret withdrawal symptoms as a supernatural phenomenon. Don't let miracle men handle that problem.

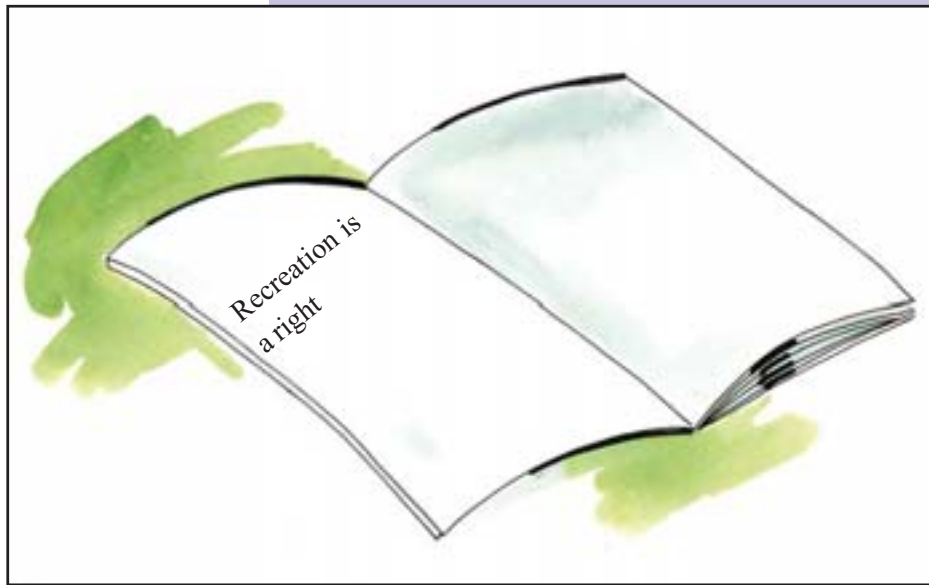


25. Recreation

25.1

Adequate recreation shall be regarded as a basic need and a right of the victim as well as an essential component in the healthy personality development of any person including the victim and not as a luxury service to be provided if and when affordable in terms of time and resources.

Rationale: Recreation is a human right and is important for the development of a healthy personality.



What to do?

- 1 Recognize that recreation is a right of the residents.
- 2 Design suitable recreation possibilities in a professional manner.

25.2

Leisure interests and areas in which a victim has special talents or abilities are considered within the victim's placement plan, and where applicable, at care planning meetings and reviews. Consideration should be given as to how they will be encouraged and financially supported.

Rationale: Recreation requires prior planning and professional management.

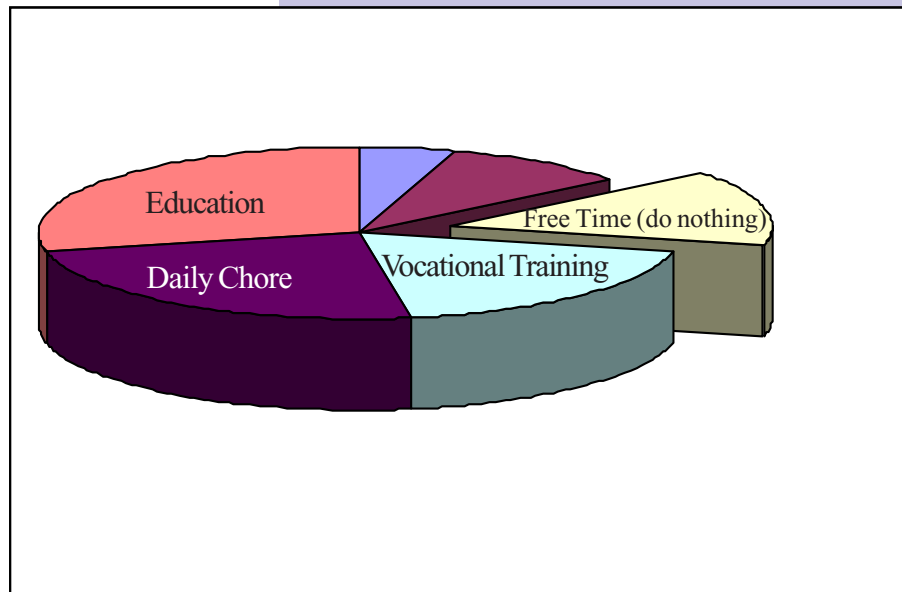


What to do?

- 1 Identify and record the leisure interests of each resident.
- 2 Identify and record the special talents of each resident.
- 3 Encourage the development of such talents.

25.3

The Home shall ensure that there is a proper balance between free and controlled time in the structure of the day (taking into account the school day for those homes that comprise schools). Free time activities shall reflect the choices of the victims, and the victims shall be allowed to do nothing in particular at times.



What to do?

- 1 Make provision for both free and controlled time of the residents.
- 2 Let residents have a choice of free time activities within a broader time framework.
- 3 Don't force recreation on the residents.

25.4

Leisure activities whether closely supervised or not shall take into account the safety of children at all times and where substantial or unusual hazards are involved, a recorded risk assessment shall be made in advance.

Rationale: Recreational activities are not free from hazards. Certain types of activities are prone to mishaps and injuries.



What to do?

- 1 Identify the recreational opportunities that can be offered to residents.
- 2 Assess the risk potentiality of each of them.

25.5

The Home shall ensure that the victims actively, regularly, and substantially participate in decision-making as regards cultural events, trips, and outings, taking into consideration the best interest of the victims, the professional opinion, the higher principles of care and support as well as the law of the land.



What to do?

- 1 Encourage residents actively, regularly, and substantially to participate in the decision-making on cultural events and outings.
- 2 Do respect the law of the land.

25.6

The Home shall ensure that the victims have access to, and a choice in, the selection of newspapers, books and magazines subject to their suitability, and that children have access to suitable toys, music, books, magazines and games.

Rationale: The right to choose, within a given framework, leads to a higher degree of satisfaction.





What not to do?

In the case of minors watch out that their choices do not go against their best interests.

25.7

Consideration shall be given to the individual circumstances of children in watching videos and television, and in using computer games and accessing the internet. Videos, games and computer games may be watched / played only by children of the intended age range. No Home meant for residents below 18 years of age shall have any videos or games certified as suitable only for persons above 18 years. Systems and policies should be in place to safeguard children when computer networking or on the internet and also to prevent the home from becoming dominated by the use of television and computers.

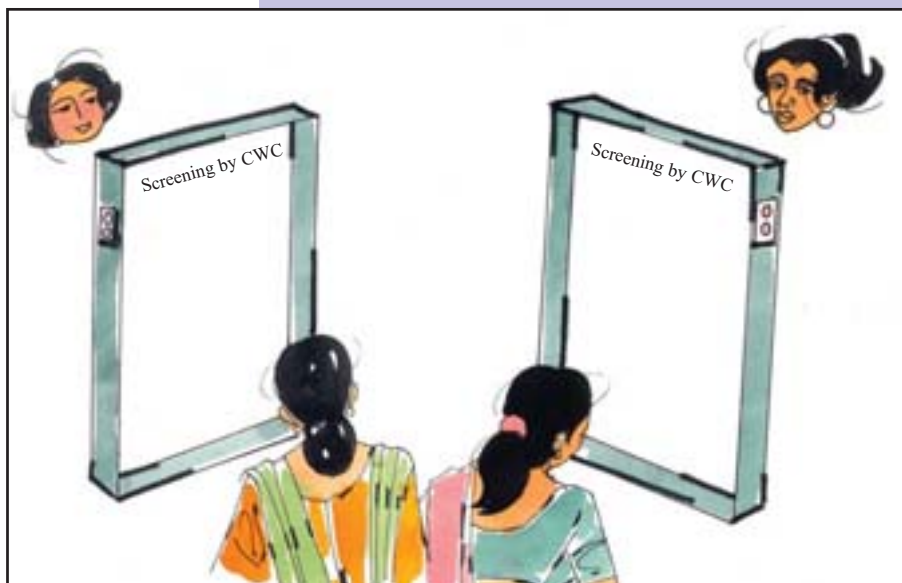
Rationale: Entertainment is largely a matter of personal choice. Some exploiters use it to expose children to inappropriate messages, pictures and situations. It has therefore become increasingly necessary to be selective and supervise the various forms of entertainment. At the same time, entertainment should not be imposed by the authority.

26. Access to Victims

26.1

Access to victims must be under the supervision of the Child Welfare Committee or the Organization or any other competent authority dealing with the issues of women and/or children, of the area as the case may be. A social worker must accompany the victim whenever she leaves the place of safety. (See the RVWPP)

Rationale: Victims of trafficking are victims of organized crime and their exploiters are actively engaged in having them return to nefarious exploitative activities; thus victims need to be guarded.



What to do?



27. Education

- 1 Ensure that the legally competent authority is always consulted and kept informed about meetings of outsiders with the victims.
- 2 Ensure that a social worker accompanies a victim when she leaves a place of safety.

27.1

Education shall be regarded as a right of every individual in the Home.

Rationale: Education is a right of all individuals including the resident victims.





What to do?

Make every possible effort to translate this right into reality.



What not to do?

Don't force victims to join schools which are far away from the Home.

27.2

Every victim and their minor dependants shall be helped in every possible way to obtain formal education free of cost which includes free supply of text books, uniforms, transport, scholarships to victims and their school going children.

Rationale: Education is a fundamental right.





What to do?

- 1 Make formal education available free of charge.
- 2 Make text books freely available.
- 3 Make uniforms available free of charge.
- 4 Make free transport available.

27.3

Victims and their minor dependents shall be provided with essential educational material and supportive educational services such as coaching, tuitions, supplementary education, and special education in order to help them complete minimal formal education that, besides helping them develop their personality, can also qualify them to undertake appropriate vocational training, preferably as much as they can and wish to take for self-fulfillment.



What to do?

- 1 Ensure that victims and their minor dependents are provided with educational materials.
- 2 Ensure that they are provided with supportive educational services.
- 3 Ensure that victims and their minor dependents are provided with special education in order to help them complete the minimal formal education.

- 4 Ensure that they are helped to undertake appropriate vocational training, preferably as much as they can and wish to take, for their self-fulfillment.

27.4

Where such education is not possible for certain unavoidable circumstances - as well as in addition to the formal education - Life Skills Education shall be provided.

Rationale: Life Skills Education (LSE) can be provided to anyone at any stage of life.

What to do?



- 1 Evolve or adapt good quality modules for LSE.
- 2 Link up with experts and specialized centers that offer LSE.
- 3 Make LSE available to all resident victims.

27.5

Literacy classes may be introduced where formal education is not possible.

Rationale: Literacy is one of the basic life skills. It is not accidental that most trafficked victims are illiterate. Illiteracy is one of their main vulnerabilities.



What to do?



Start and mainstream literacy classes where formal education cannot be imparted.

27.6

The Home shall maintain a file on the victims and their minor dependants containing their Personal Education Plan (PEP) setting out a record of their educational achievements, needs and aspirations. (See the Chapter: Case Management)

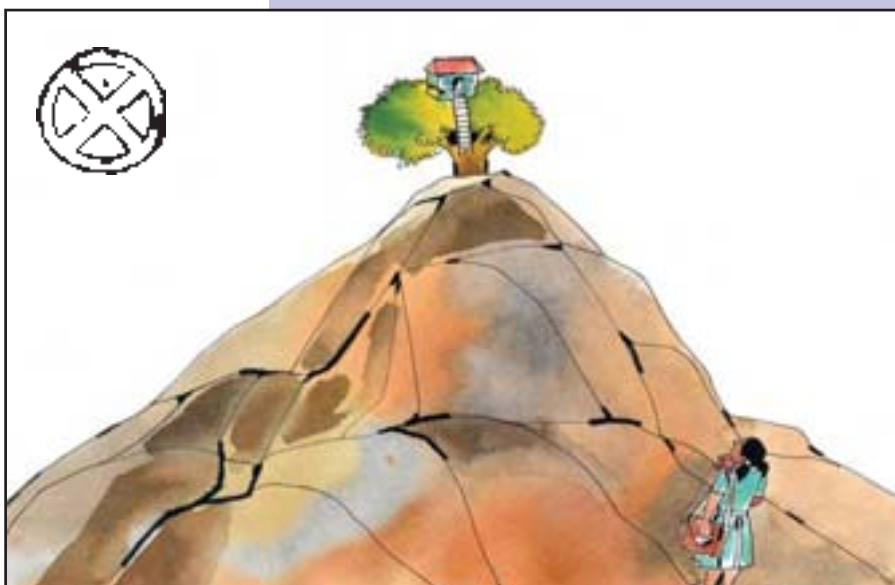
What to do?

Maintain a Personal Education Plan (PEP) for each victim that contains records of their educational achievements, needs and aspirations.



27.7

It should be ensured that the schools are linguistically and structurally accessible and acceptable in terms of distance, physical accessibility, transport etc. to the children and women.



What to do?

Ensure that the school is accessible in terms of language, structure, distance and transportation.



27.8

A Play and Learn Approach for the traumatized children shall be introduced that covers Play Therapy based on the educational services so as to ensure the right to education of those victims.

Rationale: A combination of educational, therapeutic and recreational measures would suit the residents best in many instances.



What to do?

Link up the Home with specialized centers for a Play and Learn Approach.

27.9

An adequate number of trained teachers shall be made available to ensure qualitative educational services for the victims.

27.10

Every attempt shall be made to ensure early entry/ re-entry of the suitable resident into the informal educational system.

Rationale: Every possible attempt should be made to offer the victim resident formal education.





What to do?

- 1 Start formal education in the Home.
- 2 Link up the Home with centers of formal education.
- 3 With due care wherever possible and advisable residents may be sent to attend an outside centre of formal education.

27.11

In the absence of a child resident's parents, the staff of the Home shall attend the parents' (guardians) meetings and such other school events which are normally expected to be attended by the parents of other children at the school. The staff will make a record in the file of the meetings and their outcome.

Rationale: Attendance of care takers at school meetings and events will ensure that certain messages destined for parents or guardians are not left with the children.



What to do?

- 1 Identify suitable members of the staff to attend the parents' (guardians') meetings which are normally expected to be attended by the parents of other children at the school.
- 2 Identify suitable members of the staff to attend other school events which are normally expected to be attended by the parents of other children at the school.
- 3 Make entries of such attendances in appropriate registers.

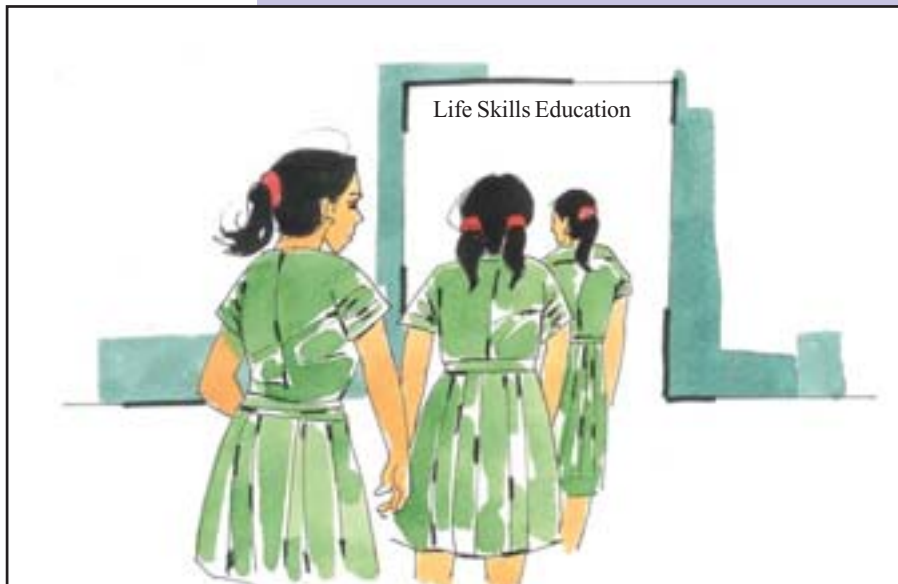


28. Life Skill Education

28.1

Besides general education, the Home shall provide to the victims and their minor dependants living in the Home Life Skills Education as an integral part of the self learning approach.

Rationale: Life Skills Education must and can be provided to everyone.



What to do?

- 1 Identify the appropriate LSE kits and modules.
- 2 Adapt them to meet your needs.
- 3 Administer them in your set up.
- 4 Initially involve external experts if necessary.
- 5 Train your own staff in administering the kits and modules.

29. Empowerment

29.1

No victim shall be submitted to and every victim shall be protected against any unethical, illegal and uninformed medical testing for HIV/AIDS/STD as it violates their rights.

Rationale: Unethical, illegal and uninformed medical testing for HIV/AIDS/STD violates the rights and dignity of the victims.



What to do?

Guard the residents against any unethical, illegal and uninformed medical testing for HIV/AIDS/STD.

29.2

The victim shall not be compelled to reveal the name of the father of her child for the purpose of the child's admission into any schools or hostels.

Rationale: It violates the human rights of the victim and her child and provides scope for stigma and discrimination.





What to do?

- 1 Look for any relevant policy, rule, circular, notice, court directive that supports this argument in your country, e.g. the Supreme Court of India has directed that it is not compulsory to reveal the name of the father at the time of seeking admission in school.
- 2 Persuade the school authorities not to insist on the name of the father.
- 3 Seek the help of legal experts to ensure that the victim is not compelled to reveal the name of the father of her child for the purpose of the child's admission to any school or hostel.



What not to do?

Don't resort to legal action in every case. Try persuasive methods first.

29.3

The victim shall not be compelled to produce the consent of the father of her child for the purpose of the child's admission into any schools or hostels. The State should issue directives to the schools/hostels in this regard.





What to do?

- 1 Look for a policy, rule, circular, notice, or a court directive of your country to support the argument, e.g. the Supreme Court of India has directed that it is not compulsory to produce the consent of the father at the time of seeking admission in school.
- 2 Persuade the school authorities not to insist on the consent of the father.
- 3 Seek the help of your legal experts to ensure that the victim is not compelled to produce the consent of the father for the purpose of the child's admission into any schools or hostels.

29.4

The mother's/one parent's name shall be considered enough for admission of the child into any school or hostel.

29.5

The name of every qualified woman victim shall be included in the electoral rolls and efforts shall be made to obtain electoral photo identity cards to help the women to exercise their franchise.

Rationale: The civil/political rights of victims must be safeguarded. Enjoyment of such rights is one step towards social reintegration and repossession of self. Being a voter is such a right.



What to do?

Make sure that staff assists victims to exercise their civil and political rights.



What not to do?

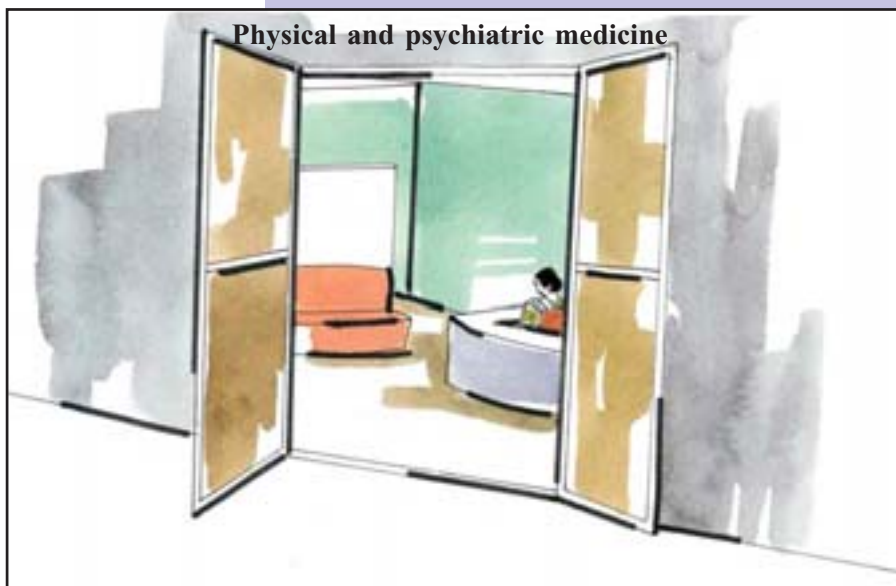
Do not let political fanatics and partisan elements interfere in the process or interact with the victims.

30. Medical Service

30.1

The Home shall provide adequate professional physical and psychiatric medical services free of charge to the resident.

Rationale: Having been subjected to multiple sexual assaults and deprivation and having lived in unhygienic conditions, the victims often suffer from a variety of physical and psychiatric disorders. Care and support includes provision of medical services to address those problems.



What to do?

Psychiatric referral is not always free from stigma. Care should be taken to ensure that such stigmatization does not occur.

30.2

Psychological counseling services shall be provided at least on a part time basis in health care centers.



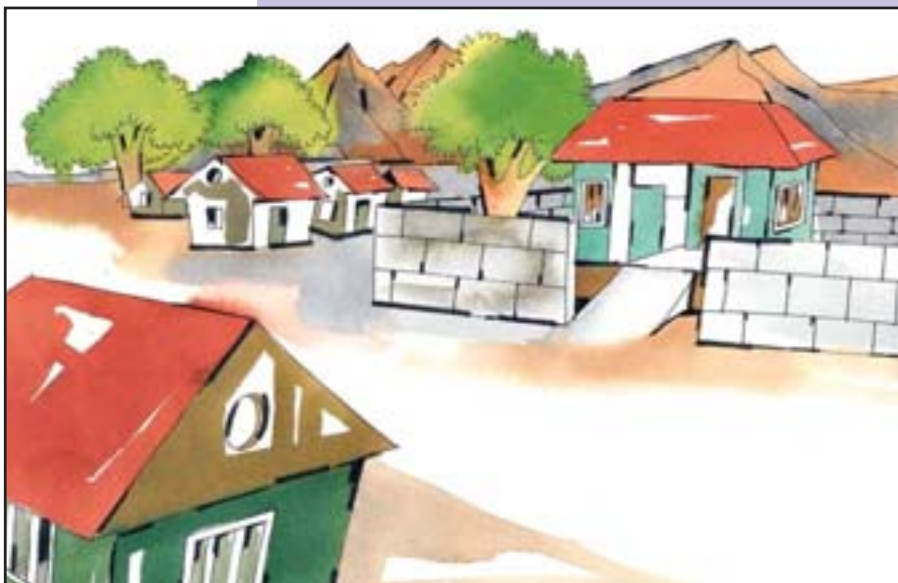
What to do?

- 1 Identify the resources of psychosocial counseling services to the residents.
- 2 Link up the resources to the Home.
- 3 Prepare a plan for the provision of PSC to the residents.
- 4 Orient and train the staff to appreciate the importance of PSC services.

30.3

Specialized centers of health shall be set up and maintained to cater to the needs of palliative care for the victims suffering from terminal stages of HIV/AIDS.

Rationale: The right to a dignified life also includes the right to a dignified death.



What to do?

- 1 Provide palliative care to victims in need.
- 2 Where it cannot be provided in the Home, use referral services and link up with external providers.

30.4

The victims when placed in the shelter home shall be provided with proper medical, psychological care and other necessary professional care including handling of trauma with an assessment of the degree of trauma and a decision on the nature of counseling for the particular victim.

30.5

The care staff, helping professionals, and other functionaries shall be provided with orientation, sensitization and wherever possible specialized training.

Rationale: Staff training is key to successful management.

What to do?

- 1 Provide orientation, sensitization and wherever possible specialized training to care staff.
- 2 Provide orientation, sensitization and wherever possible specialized training to helping professionals and volunteers.
- 3 Provide orientation, sensitization and wherever possible specialized training to other functionaries engaged in care giving.



31. Counseling Services

31.1

The Home shall recognize that counseling is a right of the victim and professional counseling services shall be made available at every stage free of cost for the victims.

Rationale: While the fulfillment of basic human needs such as the provision of food and shelter is of supreme importance, appropriate counseling is equally important.

What to do?

- 1 Identify, arrange and mainstream qualified counseling services for the residents/ victims.
- 2 Ensure that such services are free of cost.
- 3 Provide counseling at all stages in life.





What not to do?

Counseling is not a sermon or advice but is a specialized professional activity for which special training, qualifications, and experience are needed. Often persons in positions of authority, however qualified they otherwise may be, do not realize that they are not equipped to provide counseling services to a person under their authority.

31.2

The Home shall appoint on a regular basis / visiting basis professionally qualified and experienced counselors for the assistance of the victims.



What to do?

- 1 Identify such resources from within your project area.
- 2 Provide orientation to professionally qualified counselors on the issue of CSE&T and other forms of violence for the delivery of better counseling services to the victims.

31.3

Counseling services should be provided in such a manner that every victim has regular access to a trained counselor. The nature and frequency of counseling support will depend on factors such as identifiable mental illness, extent of trauma experienced and emotional resilience of the victim. (See the RVWPP)



What not to do?

Do not make a uniform counseling schedule that should suit everyone. It is a tailor-made and need-based service.

31.4

Specialized counseling shall be provided to victims with HIV/AIDS including pre -test, post-test and on-going support.

Rationale: The news that a person is HIV positive could be extremely traumatizing for the person or lead her to certain desperate steps including self-destruction. Counseling prior to and after the test is indispensable.



What to do?

Make use of available pre-test, post-test counseling services and arrange for ongoing counseling services in the case of HIV positive victims.

31.5

Psycho-social interventions shall be conducted in a private and confidential setting, and shall take into account the recipient's language, culture, age, sex, ethnicity, class and religion.



What to do?

Make sure that when a psychosocial intervention takes place the recipient's language, culture, age, sex, ethnicity, class and religion are taken into consideration.



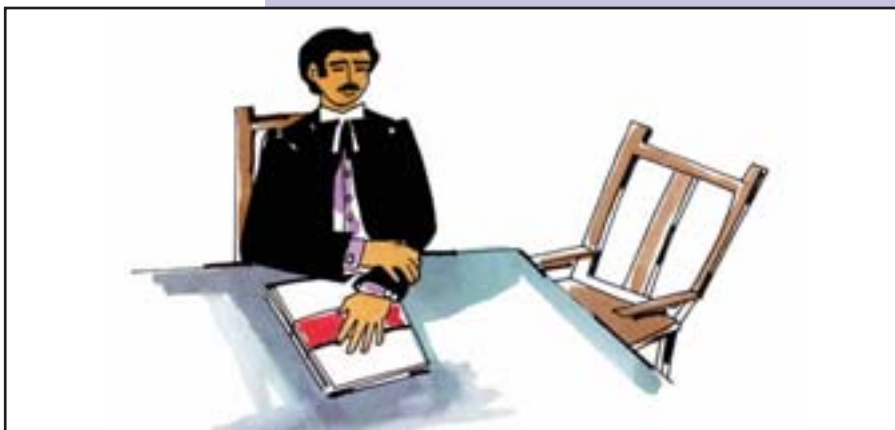
What not to do?

Don't categorize people / residents according to their language, culture, age, sex, ethnicity, class and religion when it is neither required nor relevant. That may contribute to unnecessary discrimination, tension, factionalism, and hostility.

32. Legal Assistance

32.1

The State/Home shall recognize that legal assistance is a right of the victim and shall ensure that the services of professional legal advisors are made available at every stage free of cost for the victims. (See the RVWPP)



What to do?

- 1 Appoint professional legal advisors on a full time or visiting basis.
- 2 Make their services available to the victims at every stage and free of cost.

32.2

The legal assistance shall be provided unconditionally and shall not be conditional upon the victim's willingness to serve as witness and thereby cooperate with the Home or the state or the police or any other authority which is concerned with the prosecution of the accused.

Rationale: A victim has a moral right to assistance from the state and civil society. In some countries such rights are positively and formally acknowledged in law, policy, or any other instrument. Legal assistance is such a right and must be administered unconditionally. (In some countries the assistance and protection provided to a victim of trafficking is made conditional and proportionate to the victim's cooperation with the state in investigation and prosecution.)



What to do?

Offer legal assistance unconditionally.



What not to do?

One should however use persuasive ways of communication to facilitate and enlist victim's cooperation in investigation and prosecution.

32.3

Legal representation for the rescued victim must be with her voluntary and informed consent and in consultation with the support person, if any.



33. Adherence to the Law

33.1

The concerned/relevant magistrate or judicial officer or the members of the competent authority, as the case may be, should visit and supervise the rescue home periodically, preferably once a month, to ensure adherence to court orders and directions.

Rationale: It is important that a representative agency of the judiciary or other competent authority such as the Juvenile Justice Authority/Child Welfare Committee periodically and if possible by way of surprise visits supervise shelter facilities to ensure conformity with the law, directives and orders.

34. Prosecution

34.1

Effective prosecution is the fulfillment of an important need of the victim of a crime and of the need to belong to a society that is based on principles of fairness and is devoid of arbitrariness. Each home shall make efforts to facilitate prosecution so that the victim can enjoy a sense of justice.

Rationale: It is important for the victim to realize that she belongs to a society where there is justice. For a better “reintegration with oneself” a victim of crime would want to see the guilty punished. Not being able to witness justice could hamper her social reintegration.



What to do?

- 1 Give confidence to the victim that the state and civil society are interested in correcting the wrong meted out to her by punishing the guilty.
- 2 Try to convince her that she is being helped to reintegrate in a society that is founded on justice.



What not to do?

Successful or effective prosecution should not become a burden on the victim.

34.2

Care shall be taken to ensure that prosecution does not come in the way of or delay rehabilitation. Every technical administrative measure shall be exhausted to ensure that prosecution is speeded up and the presence and travel by the victims is minimized.

Rationale: Demands on the victim during the course of prosecution and the process of rehabilitation appear sometimes to be in conflict.



What to do?

Every possible measure should be taken to expedite prosecution so that it does not interfere with the effective recovery, rehabilitation and social reintegration of the victim.



What not to do?

It is possible to reconcile the interests and demands of prosecution and rehabilitation. Do not treat them as mutually exclusive.

35. Witness Protection

35.1

Each State shall evolve, mainstream and update a comprehensive Victim Witness Protection Program. (See the RVWPP)

Rationale: Often crime is not being reported or registered because the victim does not dispose of the required information, resources, confidence, and support. Cases filed in court are dismissed or the accused is acquitted because the victim is

unwilling or unprepared to provide testimony. Often inadequate protection and support to the victim are the root causes for such action. Effective protection against intimidation by the accused and his representatives and shelter, food and appropriate clothes are needed by the victim.



What to do?

Work at the regional, national and local level for the adoption of a code for victim witness protection and apply it.

36. Economic Rehabilitation

36.1

Each victim shall be equipped with knowledge, skills, appropriate attitude and orientation required for her/his economic rehabilitation.

Rationale: Economic rehabilitation is a precondition for self-reliance and social reintegration of a victim. Frequently, in the name of economic rehabilitation, uniform activities are devised for all residents regardless of individual aptitude, inclination, abilities, and other relevant factors. Economic rehabilitation often starts and ends with imparting elementary technical skills at the neglect of other inputs such as knowledge and attitude.



36.2

An Economic Rehabilitation Plan shall be evolved for each victim separately by taking into consideration the victim's individuality and strengths and weaknesses - by a group of experts from different disciplines. (See Chapter: Management and Staff)

Rationale: An approach of 'tokenism' to the goal of economic rehabilitation causes a waste of resources and time. It causes additional frustration to the victim which results in the victim losing confidence and hope.

36.3

The victim shall have the right to choose her/his Economic Rehabilitation Plan (ERP) and shall be encouraged to participate in its evolution.

36.4

Economic rehabilitation for each victim shall be documented/ recorded in the personal files and shall be made accessible to the victim. (See Chapter: Management and Staff)



37. Vocational Training and Guidance

37.1

Vocational training shall be preceded by vocational guidance.



37.2

Vocational guidance shall be planned and carried out professionally.



37.3

Vocational training is an important but only a partial requirement in the process of attaining the goal of economic rehabilitation. The vocational training of victims shall aim at achieving skill levels sufficient for the victims to find either employment in competitive market situations or to start gainful self-employment.





CASE MANAGEMENT SYSTEMS

CHAPTER

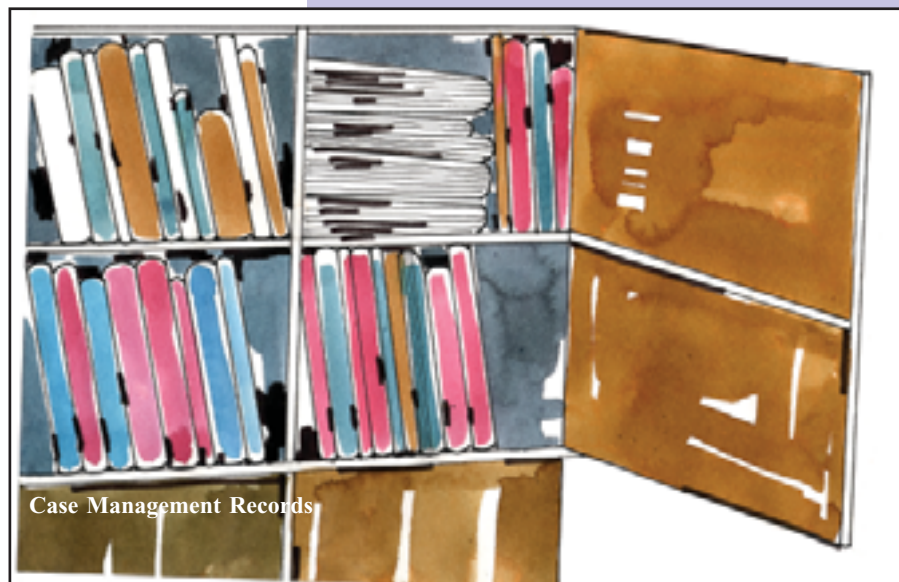
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38. Tracking System

38.1

States/Homes shall maintain all relevant details on the victims after the rescue process and deal with each victim on a case management basis.

Rationale: A rights-based and professional approach requires that each victim is treated as a unique person and not as a statistical entity or a number. It is not correct to treat victims without due consideration to their peculiarities and individualities.



What to do?

- 1 Adopt a case management system.
- 2 Conduct regular case management meetings.

No rescued victim shall be sent back to the family without adequate assessment and without ensuring social acceptance and family support.

Rationale: The presumption for sending the victim, particularly a minor victim, back to the family is to offer a protective cover and sense of belonging to the victim. It may however happen that the family is incapable or unwilling to offer such protection and that sending the victim back to the family will cause additional vulnerability.



What to do?

A professionally conducted Home Investigation Report is an indispensable and important tool in the repatriation process.



What not to do?

On the one hand family members may be responsible or a party to the trafficking of the victim, on the other hand a victim cannot be denied her right to family entitlements, community membership, right of domicile and benefits deriving from such adherence. Additionally, such entitlements cannot be denied to the victim on the ground that the family and community are unwilling to accept

her. Her rights have to be upheld, particularly in societies where a variety of discriminatory systems and inequalities “conspire” against women.

38.3

Every Home shall maintain a victim’s confidential and secure record.

38.4

Every victim shall have the right to inquire about such personal records as appropriate.

38.5

Each Home shall maintain a health file on each of the resident victims.

38.6

Each Home shall carry out a complete health assessment of the victim within a week after admission.

Rationale: A Home must have a realistic picture of the state of health of a new resident. Illnesses could trigger an emergency thereby putting the entire system under strain. It is therefore preferable to obtain an early assessment. This ultimately reduces the cost of medical treatment in addition to preventing crises.





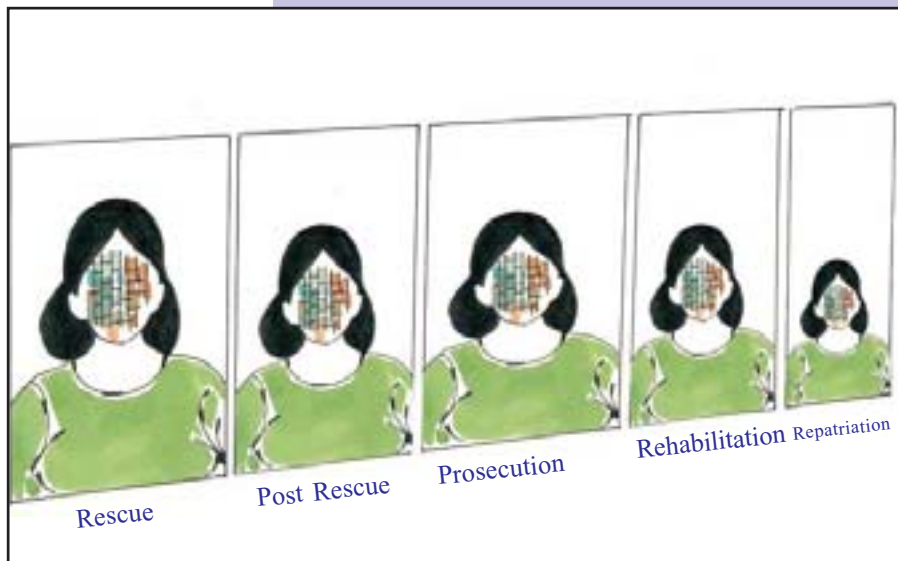
What to do?

Complete the health assessment on time.

39. Confidentiality

39.1

Complete confidentiality shall be maintained about the facial and other personal identity of the victim. This is valid at all stages from rescue to prosecution and social reintegration and thereafter.



39.2

Every victim shall be helped to fully overcome any sense of guilt, complex, low self image arising out of her special background of commercial sexual exploitation and trafficking. It is advisable to keep the background confidential and not to be revealed without the explicit and informed consent of the victim. Therefore, follow up must be handled with due care not to expose the special background and identity of the victim. In the absence of a matching change in social perception and a protective environment, such exposures might be used by hostile social elements to her distress.



39.3

Case Management records retained by the Shelter/Home/Center shall be filed in a confidential and protected manner. The privacy and confidentiality of all resident victims and their children (where applicable) as regards their past, residency in the center, or future situation shall be ensured by the Shelter/Home/Center. (See also Chapter: Case Management)



What to do?

Maintain confidentiality not only vis-a-vis the public but also vis-à-vis those members of the staff of the Home who are not required to know details about the resident victim.



REPATRIATION

CHAPTER

4

40. Repatriation

40.1

No rescued victim shall be sent back to the family without adequate assessment and without ensuring social acceptance and family support. State will ensure that repatriation is carried out depending on how safe and nurturing the family environment is for the victim. If and when the victim chooses to return to an abusive family situation the State would need to intervene and repatriate the victim to an institution which can protect and care for the individual. Repatriation will be done after the stay in a shelter.

Rationale: The single most important objective of the process, as well as the efforts and resources spent on, rescue, post rescue, and rehabilitation of the victim is prevention and protection against exploitation. Adequate care must be taken during the repatriation process that the victim will not once again become vulnerable to severe forms of exploitation.





What to do?

- 1 Before sending a victim resident back to her family assess in a professional manner that this is in her best interest and that the family is capable of accepting her.
- 2 Seek state intervention in case a victim decides to return to an abusive family.
- 3 Do not repatriate a victim without having provided for minimum post rescue services.

40.2

States shall work out the details of the repatriation procedures and structure and mainstream them in order to facilitate the smooth and efficient repatriation of the victims and their dependent minors.

Rationale: Most countries in South Asia do not have a repatriation policy or procedure.



The members of the professional and (preferably) voluntary sector organizations who have had some helping interaction with the victim shall be represented in the process of repatriation.

Rationale: Repatriation should be undertaken as a team work. Agencies engaged in repatriation efforts sometimes underestimate the role of those engaged in preventive, rescue or immediate post-rescue work. Working in isolation is not effective.

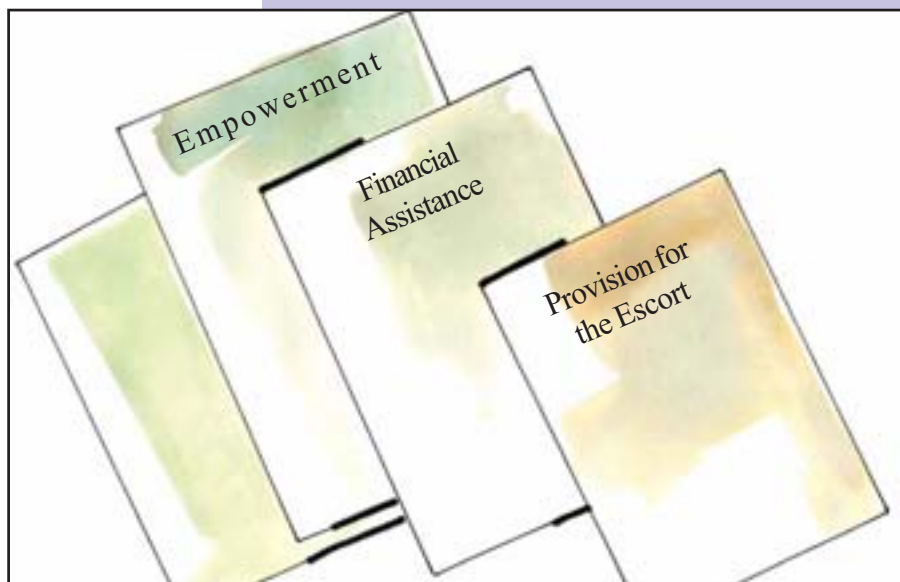


What to do?

While working on the repatriation of a victim take into confidence representatives of organizations who had some “helping interaction” with the victim.

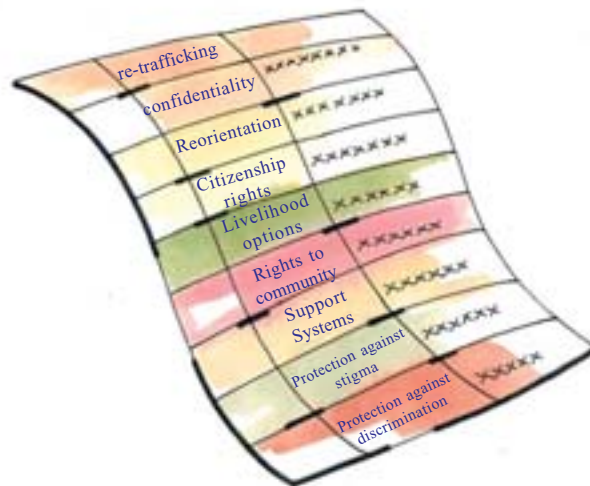
No rescued victim shall be sent back to the family without fully ensuring that the victim shall not be re-trafficked.

- i. The victim being repatriated should be counseled and prepared to return to the country of origin after providing her with adequate medical and psycho social care as well as after empowering her through basic life-skills so that she is able to be reintegrated in mainstream life.
- ii. State will provide adequate financial assistance for meeting the needs of rescued victims during travel while repatriating them to their families or institutions in source areas.
- iii. State will also make adequate provision for dearness allowance for police escort or any other authorized escort during such travel.
- iv. State will also reimburse emergency expenses incurred by the police or other authorized escorts. The State will assign to an appropriate authority the responsibility of adequate follow-up.
- v. Repatriation should be done only with the consent of the victim. While making the decision about repatriation of the rescued victim, the informed consent of a trafficked person shall be sought by the appropriate authority.



- I. Repatriation shall be facilitated by the country of residence by inducting the victim in a structured follow up program which ensures:**
 - i Protection against re-trafficking and against commercial sexual exploitation**
 - ii Protection against Stigma and Discrimination**
 - iii Protection against any other exploitation**
 - iv Optional link with a variety of professional support systems**
 - v Confidentiality**
 - vi Reorientation**
 - vii Restoration of full citizenship rights**
 - viii Livelihood option**
 - ix Restoration of rights over parental, ancestral and community property and entitlements.**
- II. Monthly follow up should be provided for the first six months and thereafter to ensure that the victim receives adequate support and does not get re-trafficked. Adequate follow-up of the victim supervised by the Child Welfare Committee or any other competent authority dealing with women/ children along with the close cooperation of other recognized organizations should be mandatory for a period of three years after the victim has been repatriated.**

Rationale: Repatriation is a physical shift of a victim based upon a number of pre-requisites.



What to do?

In the absence of any international/regional conventions try to work towards the conclusion of bilateral agreements which can ensure execution of the above measures.



REINTEGRATION

CHAPTER

5

41. Movement in and out of shelter

41.1

All efforts should be made to persuade and motivate victims of trafficking and other forms of violence to be reintegrated and rehabilitated in society to lead a dignified life.

Rationale: Human beings feel the need to belong to a collective / wider social entity. The hurdles in the process may come from outside (i.e. the intolerant discriminatory social structure) or from within (inappropriate social orientation). Efforts must be made to provide the victim with a fair chance of easily reintegrating into a society.



What not to do?

Social reintegration does not mean ‘going back into the same society’ to which the victim belonged prior to being trafficking.

41.2

State shall ensure that no rescued victim is sent back to the family without ensuring social acceptance and family support to the victim in order to prevent re-trafficking and further commercial sexual exploitation.

Rationale: A family may not always be a safe place for a child. Parents or family members of the victim may themselves have been her traffickers or operate hand in gloves with the traffickers or are willing to put their own children into exploitative situations. Such instances would only result in the victim’s getting re-trafficked. Home Investigation Studies must rule out any such possibility before victims are sent back to their families.



What to do?

- 1 Conduct thorough Home Investigations before sending the rescued victim back to her family.
- 2 Rule out the involvement of the family, close relatives, or immediate neighbors in the trafficking of the victim.
- 3 Ensure that the social, physical, economic condition of the family is not such that it cannot provide adequate safety and security to the rescued victim or may expose her to the danger of re-victimization.
- 4 In case of doubt, continue a close follow up of the situation after sending the victim back to her family.
- 5 Get a follow up report verified by your professional staff. Don't rely upon reports by parents or family members only.

41.3

State in collaboration with appropriate government or non-governmental organizations should provide entrepreneurship development training which will include skills knowledge, and resources, marketing skills and micro-credit at district level.

Rationale: Mere technical skills are not fully adequate to make a victim economically self reliant. It is equally important to equip the victim with entrepreneurship training, with knowledge on available resources and micro-credit facilities, and skills to obtain them.



What to do?

- 1 The residents should be provided with sufficient knowledge, adequate and suitable vocational skills.
- 2 They should be provided with adequate and suitable entrepreneurship development training.
- 3 They should be provided with resources and micro credit facilities and marketing skills.

41.4

Each victim who leaves the Home including those who complete the process of economic rehabilitation shall be equipped with knowledge, instruments, and mechanisms, confidence, art and skills of reverting to the Home or any other source of professional care and support when in need of the same.

Rationale: Economic crises are not uncommon, particularly in an economy in transition, and should not automatically result in the breakdown of the victim and her re-trafficking or re-victimization. A support system should be available to the victim in such crises situations. Thus, a victim should have the knowledge, instruments, and mechanisms, confidence, art and skills of reverting to the Home or any other source of professional care and support when in need of the same.



What to do?

- 1 Provide information to the outgoing resident on possibilities of reverting to the Home or accessing any other source of professional care and support when in need of the same.
- 2 Equip the outgoing resident with the necessary instruments and mechanisms of reverting to the Home or accessing any other source of professional care and support when in need of the same, e.g. leave self addressed and appropriately stamped post cards with her containing simple messages in the form of symbols in case she is illiterate.
- 3 Instill in the outgoing resident confidence that she can revert to the Home or access any other source of professional care and support when in need of the same.



What not to do?

This arrangement is optional and cannot be forced upon the victim. Contact should preferably be initiated by the victim herself. The Home authorities should not intrude.

41.5

Upon discharge, each victim shall be provided with her educational records, medical records, legal documents, and other means such as savings and personal belongings.

Rationale: The educational records, medical records, legal documents, and other means such as savings belong to the victim in their totality and must be returned to her. The Home should keep copies of such records confidentially in the best interest of the victim and due to legal requirements. Considering that the victim may not have facilities and resources to keep such records securely and that these records are valuable for a victim, the Home authorities should offer their help in keeping copies of such records or even the originals if so requested by the victim.



What to do?

Establish a confidential record maintenance system.



What not to do?

Don't keep personal records of the victim against her wishes unless it is required under law or rules and regulations which are binding.

41.6

The Home shall conduct outreach/support activities, or shall oversee the delegation of those activities to other organizations or individuals in accordance with the Reintegration Plan. Outreach/support activities shall be conducted only with the consent of the victims.

Rationale: Adjustment problems once the resident leaves the Home cannot be ruled out. It is therefore important that some outreach/support activities be directly provided by the Home or that the outgoing resident is linked up with other organizations that can provide such services.



What to do?

- 1 Create outreach services.
- 2 Include psychosocial counseling in these services.
- 3 Evolve an outreach visit program.
- 4 Wherever possible provide inputs to the family/relatives and local community.
- 5 Act with care and precaution.



What not to do?

In the case of children/minors do not insist or wait for their consent.

41.7

Outreach/support activities shall include counseling support visits to assist in counseling upon reintegration to the victims/family/relatives and local community people.

Rationale: Reintegration is no guarantee against exploitation and other problems. Timely help can avert serious consequences.

41.8

In trafficking cases where the entry of the victim in the Rescue Home is very late (e.g. if the Home is meant for residents/victims up to the age of 18 and the victim actually enters at the age of 17) there is a need to extend the protective cover of residential services for a longer period. Some protective cover for the rescued person shall continue even after reintegration through Drop-in-Centers, and After-Care Homes.

Rationale: The stay at a Home may not be long enough to offer the necessary inputs and services. Successful attempts at or forced repatriation may result in incomplete rehabilitation. In such cases ways must be found to offer the inputs and services to a victim even after she has been repatriated.



What to do?

Evolve and integrate in the Home's program After Care Services.



What not to do?

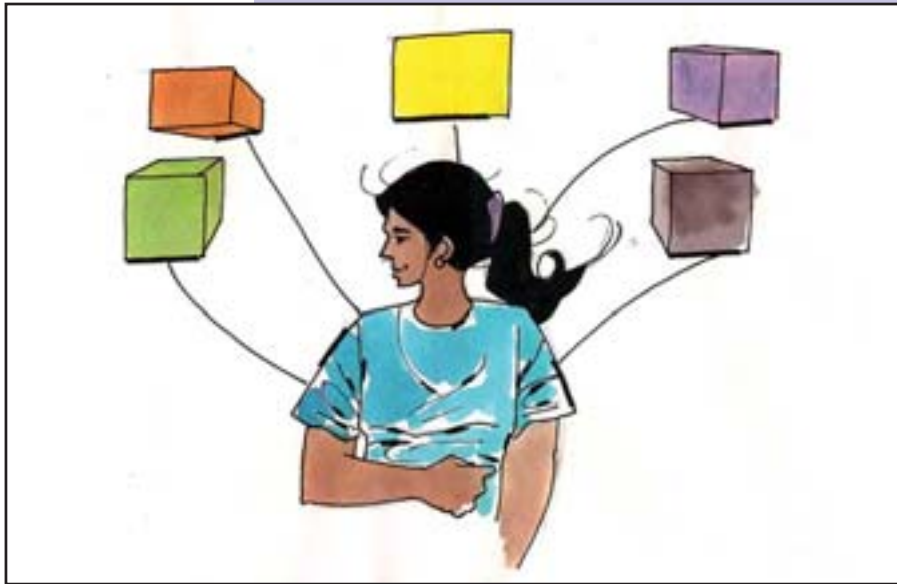
Don't impose services on the victim. Over-enthusiasm may cause distress to a victim.

42. Linking with support systems

42.1

Every victim shall be gradually, systematically and professionally linked to a variety of support systems and given the skill and confidence to avail of these systems.

Rationale: Easy, and preferably unconditional, access to a variety of support systems serves as a strong protective "belt" against re-trafficking and re-victimization.



What to do?

- 1 Link up the victim to various support systems gradually; professionally; and systematically.
- 2 Ensure that every victim is provided with the necessary skills to make use of them.
- 3 Ensure that every victim has the necessary confidence to use the support systems.

42.2

Considering the fact that ups and downs are inevitable in any person's life, provision shall be made to offer support services for the use by the victim even after a certain degree of rehabilitation and social reintegration. These services shall not create any obstacle in the reintegration process by revealing the identity of the victim. This will be achieved by setting up Drop-in-Centers and follow up activities as well as by building up confidence among the victims to make use of those support services when required.

Rationale: Follow up mechanisms can prevent re-trafficking of repatriated victims.



What to do?

- 1 Prepare a program that includes follow up services as part of the necessary services.
- 2 Set up Drop in Centres if possible.
- 3 Link up with existing Drop in Centres if you don't have your own.
- 4 Orient every outgoing resident victim on the availability of these facilities and how to access/use them in certain situations.
- 5 Counsel and motivate outgoing resident victims to use these facilities to their benefit in certain situations.
- 6 Make sure that the victim does not have to compromise her confidentiality, privacy or dignity in order to make use of these facilities.



What not to do?

Make sure that staff engaged in follow up work does not expose in any way the identity of the victim on her path to social reintegration or violates the principle of confidentiality.

42.3

Positive intervention of the State may end with social reintegration. Thereafter the trafficked and rehabilitated person should be able, in case of need, to fall back on a support system established jointly by the government and voluntary sector organizations for that purpose.





What to do?

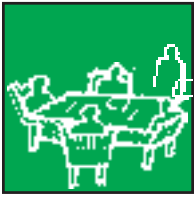
- 1 Create a system whereby the victim can return to the Home in case of crisis.
- 2 Ensure that such comeback is not conditional.
- 3 Ensure that such comeback does not entail for the victim loss of self respect and dignity.
- 4 Ensure that such comeback does not compromise her need for confidentiality.
- 5 Ensure that comeback by one victim does not make other residents lose hope or confidence in social reintegration.
- 6 Ensure that such comeback actually enhances the confidence of the other residents in the support system.



What not to do?

Don't forcibly link victims/ residents on their way to social reintegration with other services and networks.

Don't compromise with the confidentiality principle. The informed consent of the victim is important. To provide an example: in an outreach/ follow up program in respect of leprosy patients the hospital sent its outreach staff to visit the houses of the patients to ensure that they had not dropped out of the treatment or were not short of drugs. Unfortunately, the uniform of the visiting outreach staff clearly linked them to leprosy treatment, thereby creating stigma and nullifying the care the patient had taken in keeping the secret from he neighbors. Leprosy infection is well known to be a potent cause for social ostracism.



MANAGEMENT AND STAFF

CHAPTER

6

43. Adequacy in quality

43.1

The Home shall have adequately professionally qualified staff with experience preferably of working with victims of organized crime, sexual offences and trafficking.

Rationale: The provision of care and support to victims of trafficking and other forms of violence is highly specialized, sensitive, and delicate. Mere kindness and good intentions are not sufficient. Appointing professionals without work experience may not suffice either. Individuals with experience, preferably in working with victims of organized crime, sexual offences and trafficking should provide care and support.

What to do?

- 1 Identify and appoint professional staff adequately qualified and with experience in working with victims of organized crime, sexual offences and trafficking.
- 2 Identify such professionals in the neighborhood/area where the Home is located.
- 3 Appoint them in a full time or part time or visiting capacity.
- 4 Conduct in-service training programs from time to time with the assistance of those professionals in order to update the staff.

What not to do?

Don't appoint outside and visiting professionals without proper screening.



44. Quality in performance

44.1

The Home shall ensure that professionalism is exhibited by the duly trained staff in their work while dealing with the victims.

Rationale: Goodwill and good intentions are not enough in care and support work.



What not to do?

Academic qualifications or professional degrees should not be equated with professionalism.

45. Participation

45.1

The Home shall encourage the participation of the staff in the management of the Home

Rationale: A resident victim comes in contact with a variety of staff in the Home. Inappropriate behavior and inconsistent or conflicting instructions from different staff members can create confusion and disorder. Close supervision alone cannot eliminate these possibilities. A higher degree of participation of the staff in the management of the Home would enhance their commitment to the goals of the organization and conformity to the work culture and discipline.



What not to do?

Participation must happen within a given framework. The limits of decision making must be made clear to the participating staff and care should be taken that the participatory process does not undermine the primary objective of the Home, namely to serve the victim residents.

46. Transparency

46.1

Each Home shall strive to build transparency in its functioning.

Rationale: Shelter services are in many instances the result of charitable voluntary work. Accountability and transparency in respect of the functioning of such services are important factors.



What to do?

- 1 Consult experts and experienced professionals in evolving a transparency plan.
- 2 Consult the residents while evolving a transparency plan.
- 3 Prepare such a plan.
- 4 Do not compromise the autonomy of the organization in the process.
- 5 Do not compromise the right of the victim to confidentiality and privacy in the process.

46.2

State shall ensure that no Home is allowed to function in a secret manner.

Rationale: A number of residential institutions for destitute children with cases of child sexual exploitation were found to be run in a secret manner as a result of which grave malpractices could not be detected in time. It is important that under no circumstances such Homes are allowed to function in a secret manner. State being the highest authority must take responsibility in that regard. Particular care should be taken in respect of Homes destined for orphans since their residents have no parent or close relative to regularly meet them, listen to them, represent them and raise objections or take up their grievances with higher public authorities.



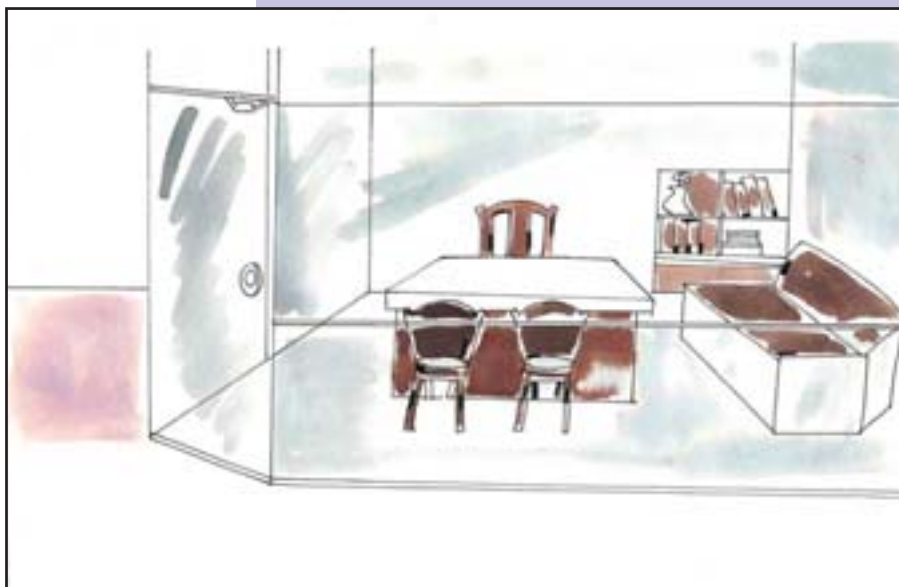
What to do?

Demand, set up, and make functional, participatory and representative supervisory mechanisms to undertake surprise visits to Homes, to inspect operations/systems in place with a view to ensuring that resident victims are not exploited, and to report to the competent authorities. Such mechanisms should ideally be empowered by statute and provided with the necessary immunity for their actions undertaken in good faith.

46.3

State shall work to bring in a minimum level of transparency in each Home.

Rationale: While the state has powers to supervise Homes and facilities run by voluntary organizations, the opposite is not the case. It is therefore necessary to set up/institutionalize certain mechanisms or structures (such as the Guidance and Monitoring Committee set up by the High Court of Mumbai (Writ Petition 1332 of 1999, State of Maharashtra Vs. Prerana)) which would allow for more transparency in respect of the operations of state-run Homes.



What to do?

Introduce and mainstream co-management mechanisms. Introduce periodic external reviews, inspections and evaluations. Organizations genuinely interested in improving the standards of services in the Homes should be identified for membership in Guidance and Monitoring Committees.

47. Selection

47.1

The Home shall select its staff through a rigorous, professional, and transparent process of selection.

Rationale: Identification and appointment of the appropriate person for the staff position is highly important for the well-being of the victim residents and the smooth running of the Home. Therefore the selection process has to be rigorous, professional and transparent.

48. Gender

48.1

No male shall be appointed on the staff except in cases where the staff has little scope to interact or have access to female victims unless specifically asked to do so (e.g. security personnel at the gate, occasionally hired handymen, etc).

Rationale: In institutions meant for female victims as far as possible no male staff should be appointed to positions where their responsibilities demand regular interaction with the residents. Besides adding to the discomfort of the residents such arrangement may increase the chance for exploitation of the victims.



48.2

Shelter Homes meant for women and girls shall have a female superintendent and shall not have a male superintendent.



48.3

The Superintendent shall stay on the premises of the Home.

Rationale: Victims provided shelter in these Homes require special attention. Crises and emergencies are not uncommon. Mid-level and low level staff may not be authorized to take important decisions, particularly in times of emergencies. It is therefore important that the Superintendent's position be a residential one.





What to do?

- 1 Provide for the stay of the Superintendent on the premises of the Home.
- 2 Where this is not possible for some compelling reasons, make sure that the officer next in rank is delegated the necessary powers and stays on the premises of the Home.



What not to do?

Don't keep the position of Superintendent vacant for too long because the candidate is not ready to stay on the campus.

49. Management/Resources

49.1

The Homes shall introduce professionalism in their management practices.

Rationale: Professionalism improves the chances of successful intervention and enhances accountability. Professionally qualified persons have to be appointed to staff positions.



What to do?

- 1 Seek professionally qualified persons for staff positions.
- 2 Send those who are already on the staff but not professionally qualified for professional training of short duration.
- 3 Link the Home to centers of professional training and learning.



What not to do?

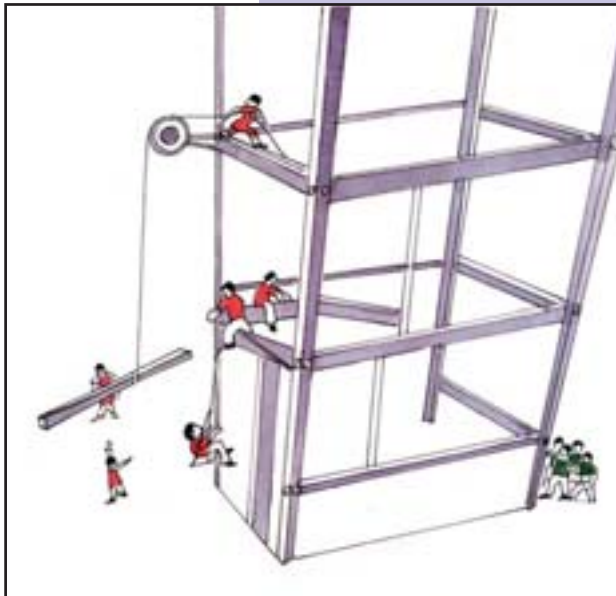
That does not mean that staff professionally not qualified should be thrown out or cannot be appropriately trained to bring about the required professionalism. Professionalism in work can also be introduced without insisting on formal professional degrees on part of the staff.

50. In-Service training

50.1

Regardless of the selection and appointment of trained staff the Home shall have its staff particularly those who are directly engaged in service delivery and thus come in contact with the victims re-trained periodically.

Rationale: In a fast changing and diverse social environment a one-time generic training prior to appointment may not be enough. Orientation at the time of joining or on-job orientation are not sufficient either. Regular in-service training of the staff has to occur, in addition.



What to do?

Conduct periodic re-training / in-service training programs.

51. Orientation

51.1

Every member of the staff shall be oriented to the problem of commercial sexual exploitation and trafficking and the psychosocial situation of the victims as well as the protocols, conventions, legal provisions, rules and regulations at the time of posting. The staff so oriented shall be administered a brief test in order to ensure that she/ he has understood the special requirements and Do's and Don'ts of working in the Home with the victims.

Rationale: Insensitive staff can cause immense damage to the post-rescue operation process.



What to do?

- 1 Introduce and mainstream the practice of orienting a new staff member on sensitive issues.
- 2 Mention the Dos and Don'ts clearly.
- 3 Inform the staff about the consequences of violating the Do's and Don'ts.

52. Complaints Procedure

52.1

The Home shall evolve and mainstream a rational procedure of registering victims' complaints about the managerial and other aspects of the Home. The registered complaints shall be periodically made available to the external monitoring / steering committee.

Rationale: If minor complaints are attended to regularly and promptly they will not give rise to more complicated and serious problems. One way of detecting, reporting and addressing residents' complaints is to maintain a complaints register.



What to do?

- 1 Consult experts and experienced professionals to evolve a system of taking cognizance of residents' complaints.
- 2 Consult the residents when evolving such a system.
- 3 Prepare and implement the system, first on a pilot basis.
- 4 Review the system.



What not to do?

It does not mean that until such time as an outside machinery/body reviews the register the authority of the Home cannot take corrective action.

52.2

The Home shall ensure that the right of the victims to complain to the highest authority shall be carefully guarded.



52.3

Each Home shall evolve and maintain a confidential complaints procedure.



What not to do?

Don't make appeals to residents to present their complaints in an open meeting.

52.4

Each Home shall notify legal authorities and legal guardians in cases of accidents, deaths, or run aways.

Rationale: This is part of the responsibilities of the Home authorities. It is the right of the victim.



What to do?

- 1 Evolve and mainstream a checklist indicating all actions to be taken in such situations.
- 2 Inform the staff about the checklist during their orientation and training.



What not to do?

Such a delicate task should be handled with sensitivity.

52.5

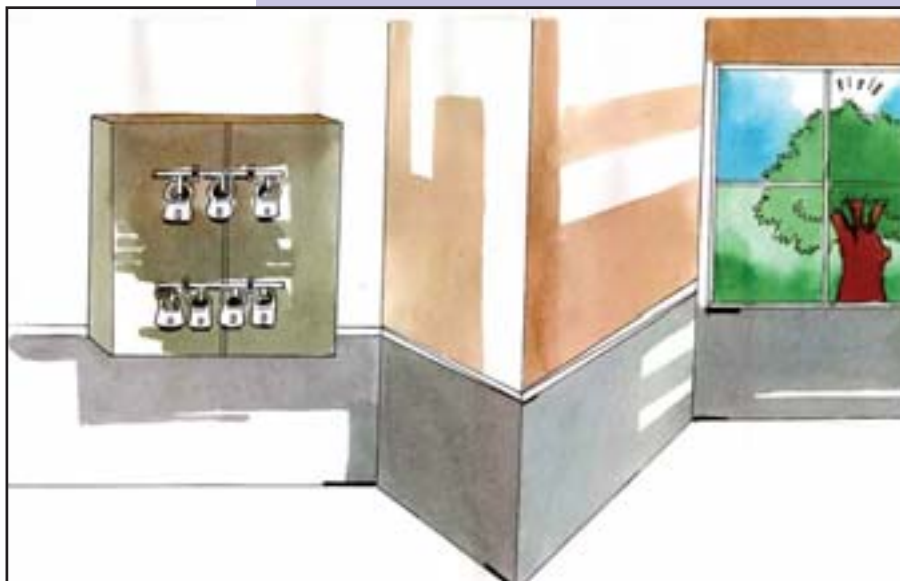
Each Home shall introduce and protect mechanisms for prompt and sure reporting of incidences of bullying, physical and sexual exploitation or harassment, injury, physical or verbal abuse, of the victim.

Rationale: No Home is immune against incidences of bullying, physical and sexual exploitation or harassment, injury, physical or verbal abuse but these incidences can be anticipated and prevented through proper mechanisms.



52.6

Home staff shall be trained to deal with and share information which they are given in confidence for victim protection purposes.



52.7

Every complaint shall be addressed without delay and the complainant is to be kept informed of the progress of action taken by the authority on her complaint.

53. Accountability

53.1

State shall periodically remind the Home authorities about the legal and other accountability of the Homes towards the victims.

Rationale: Laws, rules and regulations are passed and introduced by the state from time to time. Accordingly, Home authorities should be informed in due course about the content of such laws, rules and regulations and their consequent accountability.



What to do?

The State should issue periodic notices and reminders. A compilation of “accountabilities” incumbent upon a Home should be made available in simple user friendly format such as illustrated booklets.

54. Monitoring



54.1

Every care and support activity run by the state shall be monitored closely and reviewed periodically.

Rationale: Monitoring mechanisms and periodic reviews are not only indispensable but also desirable.

What to do?

- 1 Identify appropriate individuals external to the system.
- 2 Identify appropriate individuals internally as representatives of the management.
- 3 Provide the Terms of Reference of those individuals.
- 4 Evolve the evaluation criteria well in advance, preferably at the start of the activity/ project.
- 5 Offer adequate autonomy and resources.
- 6 Take observations and suggestions seriously.
- 7 Adopt and implement suggestions if feasible.

54.2

The concerned/relevant magistrate or judicial officer or the members of the competent authority, as the case may be, should visit and supervise the rescue home, periodically, preferably once a month to ensure adherence to court orders and directions. (See the RVWPP)



What to do?

Mobilize the judiciary to put such systems in place. Evolve guidelines.

Internet based / cyberspace based systems of sharing important information on the victim (with due care for confidentiality) among the various social agencies shall be mainstreamed to maximize the utilization of resources and efforts, minimize wastage and reduce the chances of relapse or re trafficking.

Rationale: In most developing countries no system is in place to track the status, movements, progress, and situation of the victim. This causes wastage and duplication of resources and efforts, gaps in inputs, inconsistencies, and even conflict, with respect to the help that needs to be provided to the victim. The absence of tracking systems makes it difficult to identify cases of, or curb, re-trafficking. Advanced information technology and telecommunication systems have made the development and mainstreaming of a victim registry with a victim tracking system a viable option.



What to do?

- 1 Locate available Victim Registry Systems and participate in them.
- 2 Provide the information at your disposal.
- 3 Use the information available about the victim in your care.
- 4 Evolve a Victim Registry System if not readily available or accessible.
- 5 Make use of the information available on the victim in your care.
- 6 Maintain strict confidentiality.



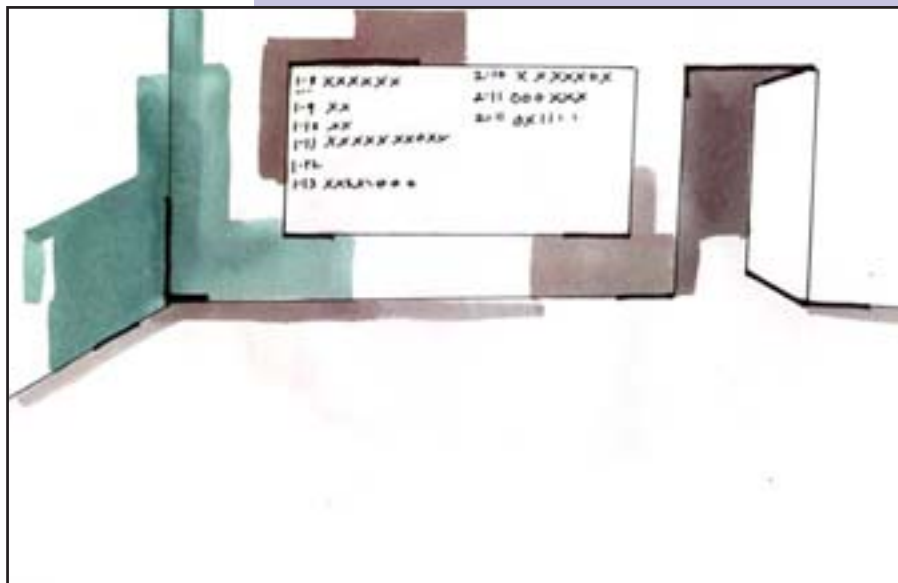
What not to do?

If every agency develops its own independent victim registry or victim tracking system this defeats the very purpose of the registry whose purpose it is to provide the possibility for sharing information and to create an integrated protection system.

54.4

Each member of the staff should be familiar with the standards of service and behavior which they are required to meet. This should be a working document readily available and accessed by all staff.

Rationale: It should not be assumed that staff knows the standards of service and behavior which they are required to meet. This knowledge has to be formally and effectively demonstrated.



What to do?

- 1 Prepare a simple, illustrated, and user friendly manual containing those standards of service and behavior.
- 2 Give a copy to each member of the staff.

These quality standards shall be used while undertaking supervision and performance appraisal or for assessing staff performance.

Rationale: Linking incentives and disincentives to work performance facilitates mainstreaming of desirable practices. Staff performance assessment cannot be complete without assessing the performance of the staff in observing those standards.



What to do?

- 1 Evolve indicators to judge the performance of each staff member in observing those standards.
- 2 Involve the staff in developing indicators.
- 3 Provide feedback to staff about their performance against those indicators.
- 4 Provide opportunities for the staff to improve their performance.

What not to do?

Do not compromise in respect of the standards.



54.6

The standards should be regularly discussed at staff meetings and a shared assessment be made about the extent to which good practices are being achieved and areas for development of the service.

Rationale: Periodic review and monitoring conducted in a participatory manner are the best management tools.



What to do?

- 1 Introduce a system of periodic general reviews in the Home if not yet in place.
- 2 If a general review system is in place integrate a review on standards in the same.

54.7

Standards should be regularly reviewed at a senior management level in the organization in order to assess the strengths of services provided to victims, any resource gaps and areas for training and professional development.



54.8

Communication and action at all levels regarding the monitoring and review of standards of victims' care should serve to ensure that adherence to the relevant United Nations conventions/instruments is a demonstrable reality for all victims.

Rationale: The ultimate test of the full implementation of the standards is the experience/feedback of the victim.



What to do?

- 1 Obtain regular feedback from the victims.
- 2 Link the feedback to the revision of policies and practices.

54.9

The staff of the Home shall be adequately gender sensitized prior to being posted in the Home and shall undergo periodical in-service training for gender sensitivity.

Rationale: Gender sensitivity is an essential qualification for staff working in such facilities.



What to do?

- 1 Conduct regular gender sensitization programs for the staff.
- 2 Send the staff to participate in gender sensitization programs of other organizations.
- 3 Conduct periodic tests to assess gender sensitivity of the staff.
- 4 Link the Home to a group that provides gender sensitivity training or information.

54.10

The victims shall be trained and retrained in First Aid.

Rationale: The timely provision of First Aid can avoid many complications. It is cost effective and can be learnt by persons who have no special qualifications but common sense and intelligence.





What to do?

- 1 Organize a training in First Aid for the victim residents. This should be done under the supervision and in consultation with a professionally qualified medical practitioner.
- 2 Make an entry in the personal file of each victim about the training.
- 3 Provide special recognition to those victims who have received training so that others would seek it too.
- 4 Create a system whereby all victim residents would be aware of those residents who have been trained in First Aid.



What not to do?

Don't 'compel' residents to get training in First Aid.

54.11

The Home shall have its staff trained in First Aid. The trained staff shall be re-trained periodically to ensure proper and efficient application of First Aid.

Rationale: First Aid is a desirable skill which everyone should possess. Hence it is essential that the staff of the Home is trained and retrained in First Aid.

54.12

The Home shall ensure that the victims are encouraged to meet staff regularly, individually or in groups, to discuss the general running of the home, to plan activities and to make their views known.

54.13

The Home shall try to avoid marking the transport vehicle used by the Home for the movement of the victims in any such a way as to distinguish it from a normal car or bus. Care shall be taken not to reveal the identity of the category of the victims.

Rationale: Social reintegration is facilitated by mainstreaming the victims without exposing them to be publicly identified as persons with a disadvantaged background.



What to do?

Try to “normalize” the signs, symbols, emblems including the transportation system used for the victims unless a special system is justified in the interest of the victims.



What not to do?

Do not ‘normalize’ the signs and symbols in a manner that would confuse the public, e.g. the general public should not mistake a vehicle actually meant for victims for public transport.



54.14

A senior and high level official of the Home shall personally approve the Economic Rehabilitation Plan (ERP) and periodically assess progress for each victim.

Rationale: To ensure efficient utilization of resources, a victim has to be helped to become economically self-reliant, and efforts in that direction have to be well planned and properly monitored.



What to do?

Prepare an ERP file for each resident and monitor the progress in periodic meetings.



What not to do?

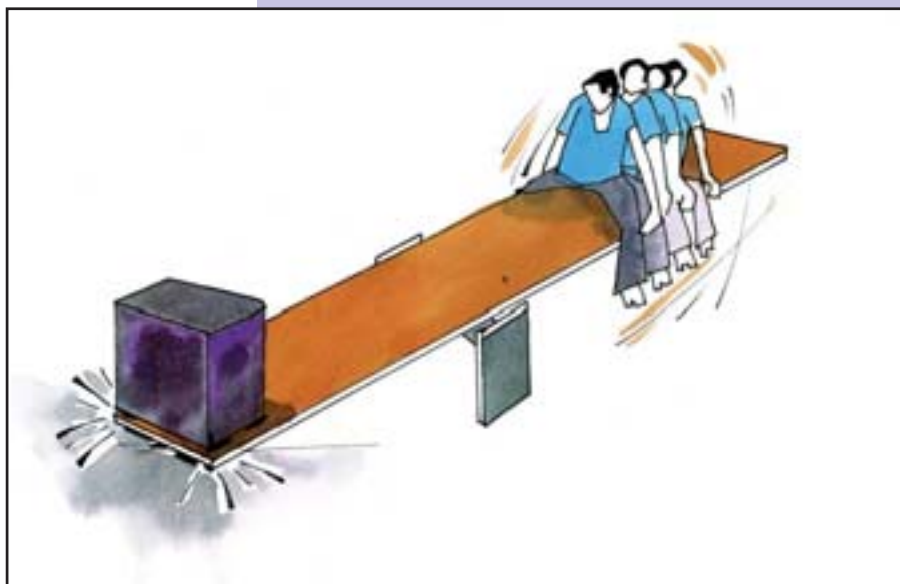
The supervision by a senior and high level official should ensure adequate administrative support, efficient decision making and proper coordination but should not interfere with decentralization efforts and a participatory management.

55. Adequacy in number

55.1

The Home shall have an adequate number of staff to run the services.

Rationale: In spite of a well-meaning management and well-trained staff services may deteriorate because of a shortage of staff.



State-run Homes should be subjected to a co-management system with a larger participation of representatives of voluntary organizations who have a long and sound track record for working for the rights and development of disadvantaged women and children. The representation should be sought from the voluntary organizations that have direct interest in the victim in any one or more of the processes such as rescue, post rescue, rehabilitation, repatriation, reintegration.

Rationale: The state-run welfare sector is owned by and must be answerable to the public. Such accountability can be ensured by way of co-management with representatives from civil society. Co-management systems will enhance accountability in addition to foster commitment, expertise, and resources.



What to do?

Demand, help setting up, and facilitate mainstreaming of co-management structures for state-run homes.



What not to do?

Membership on a co-management committee could be perceived as a matter of prestige and not as based on merit and utility. Co-management committees meant to supervise the quality of services to victims must be firmly based on the latter notion.



REVISION

CHAPTER

7

56. Revision

56.1

Formally and substantially, minimum standards are a dynamic concept and shall be timely and periodically reviewed and revised appropriately - in keeping with international standards if they are higher than the national provisions, and through a participatory process.

Rationale: Standards for the care and support of victims of trafficking and other forms of violence are a dynamic concept that has to be expanded/improved periodically in the light of experience gained and in the best interest of the victim.



What to do?

Add and revise from time to time.

References

(Excerpt from: Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by General Assembly resolution 40/34 of 29 November 1985)

A. VICTIMS OF CRIME

1. *“Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.*
2. *A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.”*

