



SARIT

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

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

Regional Action Forum on Strengthening the Care of Survivors/Victims of Trafficking and Other Forms of Violence

Supported by



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The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

Acknowledgment

The Regional Action Forum, supported by the SARI/Equity Program, is a platform for dedicated individuals from civil society, government, academia and regional/ international institutions, to address and act upon issues of common concern in the South Asia Region. This Protocol is a collective effort of the entire membership of the Forum and its National Core Groups¹ to provide uniform standards for institutional care in the region, be it governmental or non-governmental.

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The AED-SARI/Equity Team

1. For the list of members of the Regional Action Forum and its National Core Groups please see the back page of this document.

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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P R E A M B L E

Taking note, in particular, of the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949); the United Nations Convention against Transnational Organized Crime (2000); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979); the International Covenant on Civil and Political Rights (1966) and its First Optional Protocol; the Convention on the Rights of the Child (1989); the ILO Convention on the Worst Forms of Child Labor (1999); the Convention Related to the Status of Refugees (1951); the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956); the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000); the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002);

Acknowledging that the State and the members of voluntary sector organizations have taken due note of the rising problem of commercial sexual exploitation and trafficking, in particular, and violence against women and children, in general, in which children and women are the main victims;

Realizing that the situation of the victims of commercial sexual exploitation, trafficking and other forms of violence in South Asia is appalling and that the rights of the victims receive little recognition;

Anguished with the fact that, in spite of several international instruments applicable in most parts of South Asia, the victims of commercial sexual exploitation and trafficking continue to be treated as criminals and as liabilities and not with sensitivity and that their rights are not recognized;

Expressing distress over the fact that, barring a few exceptions, the standards of care and support offered to the victims in shelter facilities are in urgent need of upgrading, both in the state as well as in the voluntary sector, to meet standard requirements from a human rights perspective;

Realizing that rights-based and professionally designed and administered care and support services are neither adequately developed to meet required standards nor mainstreamed;

Alarmed that the impact of trafficking and commercial sexual exploitation on victims is extreme and an ultimate form of violence and that the damage caused to the victims is often irreversible and increasingly fatal;

Convinced that, along with the international instruments, political will on the part of the State and alert and persistent intervention by the members of voluntary organizations shall create the environment and situation in which the victims will enjoy their rights;

Knowing that most positive interventions of the State and the voluntary sector attempt to reach out to those victims who have been registered, rescued, identified, documented, or institutionalized and are thus 'visible' and not to the unidentified, 'un-rescued', unregistered, non-documented, non-institutionalized, and thus 'invisible' victims;

Hoping that since quality care and support are also a need and right of all the 'invisible' victims, every attempt should be made to reach out to the multitude of trafficked victims who are unidentified, undocumented, and unregistered with any of the shelter homes, rescue homes or protective homes and those who have not been 'rescued' by the enforcement agencies;

The Regional Action Forum on Strengthening the Care of Victims/Survivors of Trafficking and Other Forms of Violence

Hereby

Recommends that the issues related to victims of commercial sexual exploitation and other forms of violence are given priority attention;

Stresses that in the field of social intervention by the voluntary as well as the state sector, along with the efforts for prevention, the care and support component should be strengthened;

Urges that the Minimum Standards of Care and Support for the Victims of Trafficking and Other Forms of Violence are widely adopted and mainstreamed;

Suggests that a regional structure be evolved to ensure the mainstreaming of the Minimum Standards and to monitor their observance;

Insists that the issue of ensuring minimum standards of care and support must be taken up as a priority task;

Calls for generous support and active cooperation by the international community,

international organizations, donors, and governments of the South Asian region to ensure those minimum standards;

Urges that the Regional Victim Witness Protection Protocol (adopted by the Regional Action Forum on Improving the Implementation of Laws) will also be considered along with this Protocol for adoption, application and wide dissemination;

Notes that the provisions of the Protocol have been divided into three categories of implementation - **Non-Negotiable**, Non Negotiable But with a Period of One Year to Comply, and *Desirable*;

Expresses the hope that the provisions falling into the first two categories (Non-Negotiable and Non-Negotiable but with a period of one year to comply) will be strictly implemented by the government, private institutions and the voluntary sector;

States its intention to issue a handbook for practitioners that will elucidate the provisions of the Protocol and provide concrete examples for its application.

CHAPTER 1: Rescue

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.
- 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.
- 1.3 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 also the RVWPP)
- 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.
- 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.
- 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.

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.
- 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.

3. Services

- 3.1 It should be ensured that the victim is immediately taken to a certified place of safety after the raid. The victims should never be kept overnight in the police station. (See also the RVWPP)
- 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.
- 3.3 The services for socio-psychological well-being shall start immediately on rescue or at the first helping contact with the victims and shall also include social counseling for therapeutic intervention.
- 3.4 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.

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

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

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 also the RVWPP)

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 for the best interest of the victim.

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

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.

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.

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 papers (ration card, passport, school certificate, photographs) and any other documents that can help her establish her identity and possessions.

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.

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 also the RVWPP)

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 also the RVWPP)

CHAPTER 2:

Shelter Homes/Other Residential Institutions

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 a maximum of three hours.

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.

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

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.

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

- physical communication facilities
- telephones including STDs/ISDs
- electronic communication
- wireless communication

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

8.7 The location should be well connected with other civic amenities such as institutions for primary and secondary

education, recreation facilities, hospital, police station, market, post office and banks.

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.

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.

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.

9. Design

9.1 The Home should be designed/alterd in such a way that it gives a friendly appearance.

9.2 The Home should be designed/alterd with special consideration to the

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

- 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/alterd by adhering to the recommendations of a qualified occupational therapist.
- 9.4 The Home should be designed/alterd in such a way that the chances of accidents and accidental injuries are identified and minimized.
- 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 these authorities should be secured.)
- 9.6 The Home should be designed/alterd 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 members of the public do not accidentally enter the premises of the Home.
- 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.
- 9.8 The building and the premises of the Home shall be free of abnormal 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.
- ## 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.
- 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.
- 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 to satisfactorily safeguard and promote that child's welfare. Such restrictions for one child should not impose similar restrictions on other children/women.
- 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 any danger befalls.
- 10.6 **The safety/risk assessment in relation to victims' known and likely activities, the potential for bullying and abuse within and outside of the 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.**
- 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).**
- 10.10 The Home shall be insulated against indiscriminate access/entry of unauthorized individuals.
- 10.11 **Authorized individuals and other visitors shall be given access to the Home only after they undergo a proper scrutiny as well as make an 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.**
- ## 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.*
- 11.2 Staff sleeping rooms 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' bedrooms to respond to night time needs.
- 11.3 There should be adequate open space for recreation and physical movement.
- 11.4 There should be adequate space for living and other purposes.
- 11.5 There should be adequate privacy and open space for the victims.
- 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 (including tobacco and alcohol), exhibits abusive behavior, offending or criminal behavior, etc. Full care shall be taken not to appoint any person habituated to dangerous drugs.**
- 11.7 Adequate numbers of toilets should be provided to ensure privacy.

12. Environment

12.1 The Home shall ensure complete cleanliness of the premises.

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.

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.

13. Bathrooms/Washing Facilities

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

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

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

14. Nutrition

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

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.

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

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.

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

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

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

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.

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.

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

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

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

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

14.14 The Home shall take care of the special diet/nutrition needs of babies/small children of victims.

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.

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

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.

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.

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.

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.

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.

19. Reception/Orientation

19.1 Each Home shall maintain a guide-book containing map, design, access to the Home as well as the purpose, procedure and policy of the Home.

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.

19.3 The staff of the Home and the visiting experts whose services are hired/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 and managerial arrangements and procedures of the Home and the services provided therein.

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

19.6 The resident victim shall be oriented to the work expected of 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 toy, favorite books, and play items, except live pets and weaponry toys, etc. - under supervision.

19.8 The procedures for leaving, covering both the planned and emergency departures, shall be made known to the victim 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.**

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.

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

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

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

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.

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.

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

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.

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

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, suicide attempt, or sudden death).

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

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.

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

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

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.

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.

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.

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

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.

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.

22.11 Similar records shall be kept in cases of sanctions.

22.12 The 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.

22.13 The 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.

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.

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.

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.

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

23. Faith

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

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.

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

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

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.

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.

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

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.

25. 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.

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.

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.

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.

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 and games.

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.

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 also the RVWPP)

27. Education

- 27.1 Education shall be regarded as a right of every individual in 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 and scholarships to victims and their school going children.

- 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.

- 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.

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

- 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 also provisions under the Chapter: Case Management)**

- 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.

- 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.

- 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.

- 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.

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.

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.

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.

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.

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.

30. Medical Services

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

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

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.

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.

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.

31.2 The Home shall appoint on a regular/visiting basis, professionally qualified and experienced counselors for the assistance of 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 also the RVWPP)**

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

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.

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 also the RVWPP)
- 32.2 **The legal assistance shall be provided unconditionally and shall not be conditional to 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.**
- 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.

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.**
- 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.**

35. Witness Protection

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

36. Economic Rehabilitation

- 36.1 **Each victim shall be equipped with knowledge, skills, an appropriate attitude and orientation required for her/his economic rehabilitation.**
- 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 also Chapter: Management and Staff)*
- 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 file and shall be made accessible to the victim. *(See also 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.

CHAPTER 3: Case Management Systems

38. Tracking Systems

- 38.1 State/Homes shall maintain all relevant details on the victims after the rescue process and deal with each victim on a case management basis.
- 38.2 No rescued victim shall be sent back to the family without adequate assessment and without ensuring social acceptance and family support.
- 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.

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, as 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*)

CHAPTER 4: Repatriation

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.

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.

40.3 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.

40.4 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.

40.5 Follow-up

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 whenever required, 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.

CHAPTER 5: Reintegration

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.
- 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
- 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.
- 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.
- 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.
- 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.

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.

- 41.8 In trafficking cases where the entry of the victim in the Rescue Home is very late (e.g. the Home is meant for residents/victims up to the age of 18 and the victim 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.

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 herself of these 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 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.
- 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.

CHAPTER 6: Management and Staff

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.

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.

45. Participation

- 45.1 The Home shall encourage the participation of the staff in the management of the Home.

46. Transparency

- 46.1 Each Home shall strive to build transparency in its functioning.
- 46.2 State shall ensure that no Home is allowed to function in a secret manner.
- 46.3 State shall work to bring in a minimum level of transparency in each Home.

47. Selection

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

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 (security personnel at the gate, occasionally hired handymen, etc.).

- 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.

49. Management/Resources

- 49.1 *The Homes shall introduce professionalism in their management practices.*

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.

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.

52. Complaints Procedure

- 52.1 The Home shall evolve and mainstream a rational procedure of registering victims' complaints about the manag-

erial and other aspects of the Home. The registered complaints shall be periodically made available to the external monitoring/steering committee.

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.

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

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.

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

54. Monitoring

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

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 also the RVWPP)

54.3 Internet/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.

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.

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

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.

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.

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.

54.10 The victims shall be trained and retrained 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.

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 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.

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.

55. Adequacy in Number

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

55.2 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, and reintegration.

CHAPTER 7: 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.

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

"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."

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