

Guidelines and Checklist to Follow when including Victims of Trafficking in Persons (TIP) in Shelters for Gender Based Violence Victims (GBV)

GUIDELINE

Women victims of trafficking in persons may be admitted to shelters for victims of GBV. In such an instance, the following additional guidelines should be followed by the shelter manager and the accompanying checklist will help track the progress of female victims of TIP who are provided shelter within shelters for GBV victims.

1. Ensure that the victim is made comfortable: that she feels safe, she is safe from self-harm and that she has access to counselling at any time.
2. Provide the victim with additional counselling sessions as a victim of trafficking will require extensive counselling due to the severe trauma faced, and the continuing trauma in case of a police investigation and court process.
3. Inform the Shelter Management Committee if the victim is addicted to substance abuse and obtain support from specialized medical experts to help the victim.
4. Inform the Shelter Management Committee if the counsellor in the shelter is unable to speak to the victim in her own language. With guidance from the Shelter Management Committee, provide for a counsellor conversant in the language spoken by the victim or arrange for a counsellor to provide services online.

Non-Sri Lankan victims

5. Make arrangements with the Shelter Management Committee to inform the relevant diplomatic mission of the admission of a victim of trafficking who is not a Sri Lankan to the shelter.

OVERVIEW

This guideline and checklist is based on the Issue Brief "Integration of Services for Trafficking in Persons (TIP) and Gender Based Violence (GBV) Victims" and the Report "Optimizing Screening and Support Services for Gender-Based Violence and Trafficking in Persons in Sri Lanka".

The Asia Foundation (TAF), with support from the Office to Monitor and Combat Trafficking in Persons (J/TIP), United States (US) Department of State conducted this multicounty qualitative research study to improve the efficiency and effectiveness of screening and service provision to victims of trafficking in persons (TIP) and gender-based violence (GBV) in diverse contexts. In India, TAF partnered with local research partner the Centre for Poverty Analysis (CEPA) to conduct the research and disseminate its findings. The study's primary objective is to identify promising practices and challenges in integrating or separating services for GBV and TIP victims in the three target countries of India, Nepal, and Sri Lanka. GBV and TIP victims often suffer similar and intersecting forms of abuse, however, at the screening process these multiple vulnerabilities are often not identified, and hence care is delayed. This study is premised upon a deeper study of these intersections; their resultant impact on the identification of victims; leading to a concluding exploration of effective service delivery to the victims, and whether these stand in need of integration. The qualitative data collection for the research was completed between 2020-2021.

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6. Provide access to the diplomatic mission of the victim's home country to speak with representatives of the diplomatic mission by telephone, based on the victim's wishes. If the victim wishes to meet a representative of the diplomatic mission, arrange for the victim to travel safely to meet the representative in the diplomatic mission premises or in a safe public place. At all times, ensure that the victim is accompanied by the counsellor.
7. Provide language interpretation services to the victim, if required. The interpreters should be formally registered and accessed through diplomatic mission recommendations.

Police complaints and legal process

8. Make arrangements to file a police complaint, if the victim is not part of a police investigation at the time of admission and wishes to make a complaint to the police. Ensure that the victim is accompanied by the counsellor at all times when making a police complaint.
9. Inform officially through the Shelter Management Committee to the Human Trafficking and Smuggling Investigation Bureau of the Criminal Investigations Department, Sri Lanka Police that a trafficking complaint has been made to the police.
10. Make urgent arrangements for a medical examination to be done by a Judicial Medical Officer (JMO) if a JMO examination was not done at the time of admission (if the victim was already part of a police investigation, she may have undergone an examination by the JMO). Additionally, make arrangements for any further examinations requested by the JMO. Ensure that the victim is accompanied by the counsellor at all times.
11. Ensure that interviews with the police, government officials or lawyers should not take place at the shelter. In case of a criminal investigation involving the victim, she will need to provide statements to the police or speak with lawyers as well as government officials such as the Department of Immigration and Emigration. In such instances ask the police, government officials or lawyers to make a formal, written request to the Shelter Management Committee. On approval of such a request, make arrangements for the victim to meet the police, government officials and/or lawyers at a safe public place. Ensure that the victim is accompanied by the counsellor at all times.

12. Make a request to the police or the Victim and Witness Protection Authority to ensure safe transfer from the shelter to court and back, and to ensure her safety within the court premises. Remember that the victim will be in grave danger due to trafficking in persons being an organized crime, and as such, request authorities for additional safety but also ensure that the victim is accompanied by the counsellor at all times.
13. Provide the victim information to prepare her for the judicial process. Seek the support of a woman lawyer from an organisation like Women In Need or Legal Aid Commission to provide this information. In addition, provide the victim with informative leaflets (written in simple language in English, Sinhala and Tamil) on the process she will experience in the courts including speaking in court.
14. Request the Legal Aid Commission to make available a lawyer to be present in court on behalf of the victim.

Case Management Plan

15. Make a case management plan with the counsellor to ensure that additional counselling support is provided for her to make decisions about her future. Include in the plan how she can continue to access services such as counselling, safe accommodation and means of income after she leaves the shelter.
16. Make arrangements for the Shelter Management Committee to officially inform the National Anti-Human Trafficking Task Force convened by the Ministry of Defense. Seek its intervention to provide support for all issues identified in the case management plan when the victim is ready to leave the shelter.

Records

17. Make certain that all written records and documents pertaining to the victim are kept confidential. No records or documents should be shared at any time including during the investigation and the court case. The records and documents should be maintained at the shelter once the victim leaves the shelter and destroyed if requested to do so by a court order.

Checklist: What to do when managing a victim of TIP

	Support provided to victim	Yes	No	N/A	Remarks
Admission of Sri Lankan Victims:					
1	Was the referral made through a court order?				
2	Was the referral made through a Women's Development Officer in the Divisional Secretariat (DS)?				
3	If referred through the DS office, would she like to file a complaint with the police?				
4	Does she need any urgent hospital or medical care?				
5	Has she visited a Judicial Medical Officer (JMO) before coming to the shelter?				
6	Does she or accompanying children admitted have any special needs?				
7	Is she under prescribed medication at the time of admitting?				
8	Is she able to communicate with shelter staff without an interpreter?				
9	Has the counsellor/case manager been notified about the admission?				
Admission of Non-Sri Lankan victims					
10	Did she request for the relevant Diplomatic Mission to be contacted?				
11	Was the relevant Diplomatic Mission informed of her admission to shelter?				
12	Did the shelter request the Diplomatic Mission to provide an interpreter/ translator?				
Counselling					
13	Does she always have access to a counsellor?				
14	Can she communicate with the counsellor without interpretation?				
15	Has the counsellor added extra sessions for her?				
16	Is she at risk of self-harm?				
17	Is she at risk of substance abuse?				
18	Does she need to be referred to specialized medical experts?				
19	Was she provided information about TIP related legal procedure?				
Referral					
20	Did the shelter refer her to a JMO?				
21	Was she referred to the police upon her request?				
22	If a police case was lodged was the Criminal Investigation Bureau informed?				
23	Was the National Anti-Human Trafficking Task Force informed about her arrival in shelter?				
24	Was she referred for Legal Aid related care?				
25	Was her case referred to Victim and Witness Protection Authority?				

	Support provided to victim	Yes	No	N/A	Remarks
Accompanying the victim					
26	Was she accompanied to the police station?				
27	Was she accompanied to the JMO?				
28	Was she accompanied to court?				
29	Was she accompanied to speak to officers of (Tick as many as appropriate): Criminal Investigations Department? Department of Immigration and Emigration? Ministry of Justice? Other relevant institutions? (Please name them.)				
Exit from shelter					
30	Was the National Anti-Human Trafficking Taskforce informed about the client leaving the shelter?				
31	Did the case manager discuss a reintegration plan with her?				
32	Did she seek referral to livelihood related support?				
33	Were the services requested entered in the case management plan?				