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## **COMBATING TAFFICKING IN PERSONS (CTIP) PROGRAM**

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**QUARTERLY REPORT**  
**August 13- December 31, 2010**

**COOPERATIVE AGREEMENT NO: AID-367-A-10-00003**

**Submitted by**



**The Asia Foundation**

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# 1 Executive Summary

In Nepal, cross-border and internal trafficking, predominantly trafficking of women and girls for sexual exploitation has existed for a long time. More recently Nepal has become a source country for sexual exploitation and labor exploitation with men, women and children trafficked for these purposes. Over the years, a range of anti-trafficking initiatives have been undertaken by the Government of Nepal (GON), international non-governmental organizations (INGOs) and non-governmental organizations (NGOs) in Nepal. However, the impact of anti-trafficking efforts has been limited due to various reasons including the unstable political situation, fragmented activities, inconsistent funding, and lack of coordination between various programs. To enhance the effectiveness of efforts to combat trafficking in persons in Nepal, a holistic approach to combating this epidemic which engages the government at the local and national level in coordination and cooperation with bi-laterals, multi-laterals, INGOs/NGOs is critically needed.

In recognition of this, USAID has awarded The Asia Foundation (the Foundation) with a five year cooperative agreement to establish a comprehensive program to Combat Trafficking in Persons (CTIP). With the Foundation as prime, the CTIP team includes World Education Inc. (WE) as a sub grantee and 12 national NGO partners to implement the CTIP program. This first quarterly report covers program inception activities from 13 August to 31 December 2010.

This quarterly report of the program includes activities carried out in the initial phase of the program. During this reporting period, the Foundation and WE hired key staff and consultants for the CTIP program; held an official CTIP program launch in Nepalgunj, and organized a four-day strategic planning workshop for all the related partners and stakeholders.

The Foundation and WE held orientation meetings with line agencies, national level stakeholders, and implementing partners to discuss the program, seek input, and gain buy-in of the respective stakeholders, and negotiated sub-grant agreements with implementing partner organizations including budgets and annual work plans (AWP). The Foundation signed sub-grant agreements with its implementing partners -Transcultural Psychosocial Organization (TPO), and Forum for the Protection of People's Rights (PPR) and has reached agreement with the other Foundation partners. WE implementing partner's sub-grant agreements are in the final stages of agreement. During this reporting period, TPO and National Minimum Standard (NMS) consultant developed a framework for NMS development.

## 2 Implementation

### 2.1 Program Description

To combat the grave situation of human trafficking in Nepal, the Foundation with its expertise has undertaken the CTIP program to stimulate a sustainable, comprehensive, and integrated counter trafficking initiative that will strengthen coordination, collaboration, and technical skills across a diverse group of government and civil society stakeholders. The program framework is based on the "**Three P's**" approach focusing on **protection**,

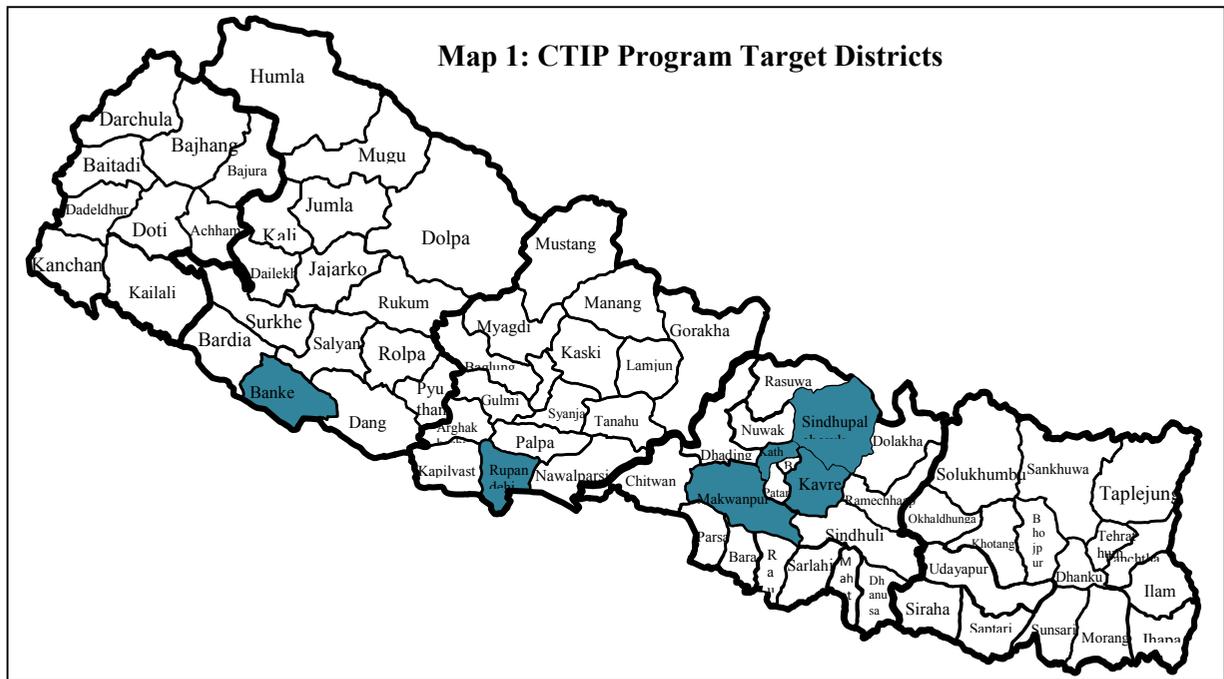
**prosecution and prevention** in order to optimize the impact. Furthermore, the initiative designed to prevent trafficking, protect victims, and prosecute traffickers will be implemented in six-high volume trafficking districts in Nepal.

The program specifically aims to (a) strengthen policy framework for victim care, (b) increase respect for the rights of victims among law enforcement and judicial officials, (c) expand and improve shelter and community-based services available to victims, (d) increase and improve prosecutions of traffickers, (e) increase community engagement in efforts to prevent trafficking and reintegrate victims in the six target districts, (f) improve pre-departure migrant orientation systems and other safe migration strategies, (g) expand coordination capacity of the Ministry of Women, Children and Social Welfare (MoWCSW) and the National Committee on Controlling Human Trafficking (NCCHT) to be an effective policy and resource advocate on TIP within GON and, (h) conduct results-driven and rigorously-tested strategies across prevention, protection, and prosecution activities that can be scaled up for nationwide expansion.

The program is designed whereby WE as a sub grantee for CTIP will be responsible for the implementation of the **prevention component**, conducting an awareness-raising campaign, capacity building of major stakeholders, and safe migration activities. The Foundation will take the lead role for the **protection component**, working in collaboration with WE in shelter homes, strengthening rehabilitation outreach efforts, and improving return and reintegration mechanisms. The Foundation will be responsible for the implementation of the **prosecution component**, supporting legal aid services, and developing victim-centered counter-trafficking expertise with law enforcement bodies.

### **2.1.1 Geographic Focus**

The CTIP program will be implemented in six districts of Nepal deemed to be districts highly impacted with trafficking in persons. In the Central Region, the program will work in Kathmandu, Sindhupalchowk, Kavre, and Makwanpur. Kathmandu is a source, destination, and transit district; whereas Sindhupalchowk, Kavre, and Makwanpur are major source districts for internal, cross-border, and international trafficking victims where disadvantaged groups represent the majority of the districts' population. In the Midwestern Region, the CTIP program will be implemented in Banke which is a confirmed cross-border transit district. Similarly, the program will be implemented in Rupandehi district in the Western Region which is a transit and exit district.



### 2.1.2 Performance Indicators

The CTIP program will use the 3-P approach to combat human trafficking: **protection, prosecution and prevention**. **Protection** as a part of the process in rehabilitation and reintegration of the TIP victims will strongly focus on policies that will improve Nepal's anti-trafficking in persons national guidelines and their implementation. Development of NMS and standard operating procedures (SOPs) with victim-care focus will strengthen policy framework as well as its implementation across multiple stakeholders such as service providers, shelter homes, counselors, and judicial sector. The immediate results of increased protection for TIP victims and people at risk for trafficking will be indicated through the number of shelter homes established for TIP victims with the program support as a part of standard indicator provided by USAID, number of TIP victims assisted by the CTIP program and the percentage of victims who file cases against their traffickers.

The **prosecution** component involves updating curricula addressing policy and operational needs on the new TIP Act and victim centered approaches for government, law enforcement, and judicial stakeholders involved in TIP prosecution. The performance will be assessed on the number of cases of traffickers arrested in the program working districts as a standard indicator provided by USAID, and number of people trained on SOPs for investigation, prosecution, and adjudication on TIP cases.

The **prevention** component attempts to reach a larger section of vulnerable population as well as build capacity on the existing prevention initiatives and networks.

That said indicators particularly the number of public awareness campaigns about TIP completed including radio, public service announcements, IEC materials distributed and print media, as standard indicators provided by USAID and the number of people trained on safe migration and effective prevention of TIP will be monitored for performance assessment.

## 2.2 Approach and Methodology

As the first quarter represents the inception phase of the CTIP program, the focus was on laying the foundation for effective implementation by introducing the program to key GON stakeholders, bi-laterals, multi-laterals, and INGOs/NGOs to seek commitment for cooperation and ensure coordination with other actors active in combating trafficking in persons including individual consultations and two formal organized activities i.e. the two day program launch in Nepalgunj and the four day inception workshop in Kathmandu.

## 2.3 Past Quarter Activities

Past quarter activities focused as much as possible on the CTIP three month work plan which has largely been completed including the following:

- ✓ The CTIP team continues to gather information on the current trafficking situation in Nepal with respect to government interventions and policy and have identified some areas of the program that need to be re-aligned to better support the government's effort to combat TIP.
- ✓ The Foundation and WE have jointly met with key government stakeholders including: MoWCSW, Supreme Court, National Judicial Academy, Women Children Service Center (WCSC), National Police Academy, Deputy Attorney General, Constituent Assembly members, Ministry of Home Affairs, Ministry of Labor and Transportation, Office of the Prime Minister & Council of Minister, the Chief Secretary, Ministry of Foreign Affairs, among others.
- ✓ The Foundation has identified a technical advisor to the NCCHT whose placement is pending the signature of a MoU with MoWCSW.
- ✓ The Foundation, through its consultant and TPO have consolidated a review on Nepal's current national policy on *NMS/SOPs of Care for Victims of Trafficking* (see annex 5).
- ✓ Submitted the CTIP results framework and performance indicator reference sheet.
- ✓ Submitted the consolidated AWP.
- ✓ Negotiated comprehensive agreements with partner organizations for project implementation including detailed work plans and budgets.
- ✓ WE are continuing work with prevention partners to review existing materials on safe migration, career counseling, migrant planning course and package, etc.
- ✓ WE has begun a review/study of the current pre-departure program.
- ✓ WE are in the process of developing a financial management training package for field testing.

## 2.4 Challenges

Due to reshuffling of the Deputy Inspector Generals (DIGs) of the Nepal Police and other high-ranking posts within the police on December 2010; the Foundation had to re-engage in orientation of the CTIP program, roles and responsibilities in the program, and solicit their cooperation and support. This slowed down the process of rapport building with the Nepal Police to ensure cooperation. The Foundation is in the process of re-building relations and receptivity with the new players and initial indications are positive.

The Joint-Secretary from the MoWCSW who had worked with the Foundation during the development stage of the CTIP project document retired on September, 2010. The new Joint-Secretary came into office only in December, 2010, leaving the position vacant for almost 2 months. However, the Foundation was able to re-brief the Joint-Secretary on the CTIP program and proceed with the development of a Memorandum of Understanding (MoU). The MoU is expected to be signed by the first week of January, 2010. That said the single biggest challenge to date has been the lack of focused and consistent engagement of the MoWCSW in support of the CTIP program activities particularly as pertains to the capacitation of the NCCHT which is key to the successful engagement of the GON.

As the expectations of the partner NGOs was very high in terms of resources available through the program which was reflected in their initial proposals and budget submissions to the Foundation and WE, adjustments had to be negotiated to align proposals and budgets to program resources which proved to be time-consuming.

### **3 Results Achieved**

#### **3.1 Progress per the Performance Management Plan**

During this reporting period, the Foundation discussed and revised a Performance Monitoring Plan (PMP) and M&E techniques under the guidance of USAID in order to measure the effectiveness of the project and ensure achievement/impact are captured. A consolidated AWP drawing on inputs from all implementing partners based on the inception workshop for the period from December 2010 to December 2011 was developed and submitted to USAID. Performance Measure tables and Performance Indicators were developed for the M&E implementation plan. The format for the CTIP performance measure summary table is as follows:

### CTIP Performance Measure Summary Table

This table is to summarize progress toward targets. Also for PMP, but should be included in quarterly and annual reports to USAID. *NB: A zero (0) baseline must be justified, not assumed. For example, it cannot be assumed that no one has ever received training, either by USG or any other source, in a given topic in the target area.*

S.N	Outcome or output indicator	Objective / IR	Indicator (short name)	Unit of Measure	Disaggregation	Baseline Year	Baseline Value	2011 Target	2011 Actual
1.	Number of shelter homes functional through the relevant support of the CTIP program. The definition of functional shelter homes will be defined by the SOP developed through the program to ensure quality service to the TIP victims.	IR 1	Number of shelter homes established for TIP victims that are supported by the CTIP program*	In Number	District Type of support provided through the CTIP program	2011			
2.	The number of trafficking victims who receive psychosocial support by the program implementing partners in the six target districts.	IR 1	Number of TIP victims receiving psychosocial support through the CTIP program	In Number	District Gender Social Group Education level range Age range Type of TIP victim Means of trafficking	2011			
3.	Number of victims willing to file cases against their traffickers out of the total number of victims who receive legal counseling through the CTIP program.	IR 1	Percentage of victims willing to file cases against their traffickers	In Percentage	District Gender Social Group Education level range Age range Type of TIP victim Means of trafficking	2011			

4.	The number of traffickers who are arrested in the areas where the CTIP program is implemented	IR 2	Number of traffickers arrested in CTIP program working districts*	In Number	District Gender Social Group Education level range Age range Type of TIP	2011		Target not required	
5.	Number of training workshops/orientations given to judges, court officials (including the Supreme Court), public prosecutors, and police officers on SOPs for investigation, prosecution, and adjudications of TIP cases in the six target districts	IR 2	Number of training workshops/orientations given to judicial and law enforcement stakeholders on SOPs for investigation, prosecution, and adjudication of TIP cases	In Number	District Gender Type of stakeholder	2011			
6.	Number of quality public information campaigns; including radio, public service announcements, print media; that provide information about TIP	IR 3	Number of public awareness campaigns about TIP completed*	In Number	District Type of public awareness campaign	2011			
7.	Number of major stakeholders (from various state agencies, non government organizations and individuals) trained on effective prevention of TIP in the six target districts	IR 3	Number of major stakeholders trained on effective prevention of TIP	In Number	District Gender Type of stakeholder	2011			

Note: \* denotes 'standard indicators'

The baseline data has not been formulated. The data will be reported through the review of existing reports of NGOs and various government agencies; and also through the baseline studies conducted through the CTIP program.

## **3.2 Progress per Program Objective**

### **3.2.1 Protection**

*Objective:*

Review existing standards in Nepal and assemble ground realities for a pragmatic approach to develop standards, guidelines, SOP, NMS, protocols and other relevant information.

Assess the need of shelter homes.

*Outcome:*

TPO and Ms. Anne Kaufman, a Foundation NMS development consultant, held a series of meetings, discussions, and brainstorming sessions to understand the ground realities for developing standards, guidelines, protocols, and other relevant documents. It was commonly agreed that individual consultative (exploratory) meetings with NGOs/INGOs and government agencies would be more informative and realistic to initiate the process. A sequence of guidelines with appropriate questions was drafted jointly (*see annex 5*). Altogether, 31 individuals from 19 organizations/agencies (*see annex 5*) were visited for individual consultative meetings. They provided their opinion and thoughts on the anti-trafficking movement in Nepal.

Based on the information from document review and individual consultative meetings, the consultant and TPO developed a pragmatic approach, detailed plan and framework for NMS development to be adopted in the next quarter. At a de-briefing session, Ms. Anne Kaufman presented the framework toward NMS/SOP development and training to the Foundation, WE, and TPO. Subsequently, feedback and suggestion given were incorporated into the framework.

WE consulted with SAATHI and PAURAKHI to assess the need of the shelter homes for trafficking survivors in terms of existing SOP's. SAATHI stated limited funds granted by GON and lack of operation costs as major challenges to sustain the existing programs and provide the needed support to trafficking survivors. POURAKHI expressed their lack of funds to sustain shelter home since the end of funds by US Department of State's *Global Trafficking in Persons* (GTIP) program implemented by the Foundation in November, 2010.

### **3.2.2 Prosecution**

Extensive consultations were held with senior police officials, the Deputy Attorney General, Ministry of Home, and the Supreme Court addressing such topics as the creation of a fast track court process for TIP cases, raid and rescue policy development and the creation of a specialized investigative unit within the Nepal police for trafficking cases. Positive receptivity was expressed as regards all of the above.

### **3.2.3 Prevention**

*Objective*

Gather information on trafficking situation in Nepal and preliminary activities with concerned agencies.

### *Outcome*

In this reporting period, WE has been collecting and compiling information on the situation of trafficking, particularly government interventions and policies related to TIP issues and existing study materials on safe migration and trafficking in order to develop and update information to add to the level of knowledge of the vulnerable population likely to migrate. The information compilation has been very time consuming as the information and available materials were scattered among different GOs, INGOs and NGOs. This effort was done in order to understand the present status of information at ground-level and know what is lacking for a better understanding of the situation. This will provide a foundation to develop mapping guidelines that is required for developing mapping and gap analysis at district level.

Six implementing partners such as Nepal Institute of Development Studies (NIDS), Gramin Mahila Swabhalambhan Sahakari Sansthan (GMSS), SAATHI, Change Nepal, Nepal Tamang Women's Ghedung, and POURAKHI have been conducting preliminary preparatory activities to start their work at the district level like rapport building with the concerned agencies and assessing the trafficking prone areas.

#### **3.2.4 Cross-cutting issues & synergy**

Since August, the Foundation has been in series of discussions with Mr. John Frederick, technical consultant for international organizations in South Asia on research activities in human trafficking, sex work, and migration. The research '*A study of the exploitation and trafficking of Nepalese girls and women*' inspired partially by discussions with *Siddharth Kara, Mat Friedman (UNAIP) and OSCE's study "Analyzing the Business Model of Trafficking in Human Beings to Better Prevent the Crime"* is aimed to be a foundation for researching into the business model of trafficking to target and refine CTIP program interventions. This will consist of research on trafficking and exploitation in the local sex industry from a business model perspective, other exploitation vectors, dependent on the desk research, and source-side of trafficking for the sex industry in India; which will be carried out by Mr. John Frederick and the Center for Research on Environment Health and Population Activities (CREHPA). In addition, the Foundation and Mr. John Frederick held a meeting with CREHPA in October, 2010 to discuss the draft research plan.

During this reporting period Ms.Samantha MacAllister, the Foundation intern for the CTIP program has been involved in desk research and collecting information from the internet, publications and reports, and interviews with local NGO's regarding the prevalence of exploitation and trafficking in different labor sectors in Nepal. The research is expected to begin by the beginning of next quarter.

#### **3.2.5 Windows of Opportunity**

No activities were carried out during this reporting period.

### **3.3 Successful coordination with other programs**

The CTIP team within the Foundation met with Dr. Jane Sigmon, senior coordinator of the GTIP program, US Department of State. Information about the program and elements that will be supported by CTIP, such as populating, training, and maintaining the case tracking software were shared.

WE conducted an orientation program on November, 2010 to provide information about the program to all the implementing partners and other staff members at WE as WE has a program funded by United States Department of Labor (USDOL). Some of the partners under the CTIP program such as Gramin Mahila Swabhalmban Sansthan (GMSS) and Change Nepal are common for both the programs. The orientation program was held to share the program activities and avoid duplication as both are USG grants.

WE held a meeting with Plan Nepal to share information on the CTIP program, particularly the overview, objects and activities, and to also discuss potential collaboration as Plan Nepal has been working on the issue of trafficking for more than 10 years. They have been working in Banke and Makwanpur. The meeting was held to avoid duplication of activities under the prevention component.

### **3.4 Success in Promoting USAID objectives**

N/A

## **4 Success Story**

N/A

## **5 Priority Activities for Next Quarter**

### Overall Program activities

The Foundation and WE will sign sub-agreements with all implementing partners by mid-January 2011.

Recruitment of NGO staff in all program districts.

Due to time constraint, the Foundation and WE were not able to hold stakeholder meetings at the district level to orient the key local partners. These orientations will be incorporated into initial district level start up activities. Likewise, orientation workshops for government officials at district level to get endorsement and commitment, review role of district-level Anti-Task force, and identify potential resource people for the district Technical and Mentoring and Support groups will be incorporated into district level start up activities.

### Protection

TPO will work toward the establishment of a national coordinating working group to develop NMS and SOPs and be responsible for coordinating, planning, and supervising the activities related to NMS and SOPs development. The details of the working modality will be finalized after consulting with the MoWCSW.

TPO will begin a mapping exercise as part of a longitudinal study (repeated observations of the same items over periods of time) to investigate the adjustment of victims of trafficking during rehabilitation and integration.

FWLD will conduct training need assessments for the WCSC training module. Two harmonized and experience based training modules based on SOPs will be developed for judicial and law enforcement sectors. In order to review and finalize the training modules; FWLD will conduct 2 consultation workshops.

LACC will update/review the manual for the mobile legal clinics; and subsequently give orientations at district-level mobile legal clinics according to the updated/reviewed manual.

TPO will work toward establishment of community based psychosocial services to improve the quality at the districts, particularly in this quarter, 2 counselors will be based in Kathmandu and Banke; however they will be responsible for providing psychosocial services in all the project districts.

### Prosecution

Develop/update draft SOP for prosecution and adjudication on TIP by NJA including holding consultative meetings to review and finalize.

Develop/update draft SOPs for investigation by FWLD, including holding consultative meetings to review and finalize the SOPs.

FWLD will develop/ revise training modules for judicial and law enforcement agencies based on the SOPs.

CeLRRd will conduct training for Foreign Service Officials on TIP and Foreign Employment Policies.

CeLRRd and PPR will conduct district coordination meetings on TIP related issues in targeted districts.

FWLD will develop court monitoring frameworks.

FWLD will conduct a baselines study on the status of TIP cases since the enactment of the 2007 TIP Act.

### Prevention

Stakeholder meetings will be held in all 6 program districts. These orientation meetings will be designed and planned with key local partners to inform them of the project award and begin initial development of the implementation plan and have a transparent process of program implementation.

Mapping and Gap Analysis guidelines will be developed.

Mapping and Gap Analysis training will be completed.

Mapping of existing resources and gap analysis at district level for services available for trafficking survivors and labor migrants in all program districts will be conducted.

Formation of technical & mentoring groups in all 6 program districts.

WE will review and revise existing Pre-departure Materials on safe migration, career counseling, migrant planning course, and packages etc.

WE will provide technical support to NID's to develop a package for financial management training (potential migrants, returning migrants, and their family).

## **6 Management Report**

### **6.1 New/Start-up Activities**

On August 13, 2010 the CTIP program officially began with signing of USAID/Cooperative Agreement No. AID-367-A-10-00003.

The Foundation and WE jointly held a series of meetings with line agencies and national-level stakeholders including the MoWCSW, Supreme Court, Chief-Secretary of Prime Minister Office (PMO), National Judicial Academy (NJA), Nepal Police, WCSC, and Attorney General Office to brief about the program and their respective roles and to ensure cooperation during the implementation of the CTIP program.

The Foundation supported by WE and in cooperation with SAATHI organized an official CTIP program launch in Nepalgunj, Banke held on 13-14 September 2010 to mark the launch of the formal commencement of the five-year comprehensive project aimed at reducing human trafficking in Nepal (*see annex 1*). The program included a roundtable discussion on trafficking issues with victims testimonial, CTIP program overview by Chief of Party (COP); roundtable and panel discussion chaired by Secretary of MoWCSW and closing remarks by the Deputy Mission Director of USAID. The program launch concluded with a street drama held in the Nepalgunj market by Aarohan Gurukhul. The program was attended by members of the MoWCSW, Ministry of Labor and Transport Management (MoLTM), Constituent Assembly members, Mid-Western Division Head of Police Department, district judges, National Human Rights Commission- Office of the Special Rapporteur on Trafficking, District Police Office, District Attorney Office, US Deputy Chief of Mission, USAID, partner NGOs, journalists, UNICEF, WE and the Foundation (*see annex 2*). The event was covered by major electronic media and leading English/Nepali daily newspapers including The Himalayan Times and Republica (*see annex 3*).



*Official CTIP Program launch in Nepalgunj, Banke*

During this reporting period; the Foundation and WE facilitated by Pragya Management, held a four-day strategic planning workshop for the CTIP program from 25-28 October 2010 at Radisson Hotel, Kathmandu (*see annex 4*). Altogether, 12 program implementing partner organizations, members of the MoLTM, Nepal Police, MoWCSW, Ministry of Foreign Affairs, Office of Prime minister and Council of Ministers (OPMCM), SAATHI, USAID and National Women Commission attended the workshop. The chief aim of this workshop was to bring together project partners and stakeholders to discuss roles and responsibilities under the project, and to develop a strategic implementation plan with measurable indicators. During the workshop a consolidated annual work plan and a logical framework (with discussions of outcome and output) were developed. Ms Nadita Baruah, COP, CTIP, Cambodia shared CTIP experiences from Cambodia and contributed toward a better understanding of the program. Suggestions and ideas were shared during the workshop. Although not covered under the CTIP program document; partners felt the need to establish a National Crime

Statistics Bureau and recommended addressing it through the program. This has been incorporated into the CTIP program.



*Four-day strategic planning workshop for the CTIP program*

Ms. Niyama Rai, M&E Officer, presented on the overview of CTIP program including the objectives, project period, intended results, programmatic challenges and geographic coverage at the USG (United States Government) partners' meeting on 9th November, 2010. It was presented amongst all USG partners implementing TIP related activities with the specific objective of avoiding duplication and strengthening collaboration and complementarities.

The Foundation and WE met with implementing partners to negotiate comprehensive agreements, budgets, and detailed work plans. All the sub-grants agreements with partners are expected to be signed by mid- January 2011. During the reporting period, the Foundation signed sub-grants agreements with TPO (for the period November 2010 to September 2011) and PPR (for the period January 2011 to September 2011). Contingent upon project performance, the Foundation and WE envision extending the sub-grant agreements annually.

Mr. Steve Cook, chief of party, CTIP presented on the overview of CTIP program at the Inter Agency Coordination Group (IACG) meeting. In total, 12 organizations involved with activities to combat trafficking in Nepal, participated in the meeting. The meeting focused on updating the matrix for mapping of programs and National Planning Action (NPA) against trafficking.

A list of the organizations that participated in the meeting is as follows:

- Save the Children
- Planet Enfant
- ECPAT International
- International Organization For Migration (IOM)
- Next Generation Nepal-NGN
- United States Agency for International Development
- World Education
- LWF Nepal
- Terre des hommes Foundation

- Free the Slaves
- Plan Nepal
- UNICEF

In efforts to build strong collaboration with relevant government stakeholders through the National Committee on Controlling Human Trafficking (NCCHT) as the nodal agency to lead anti-trafficking efforts, the Foundation drafted and shared a MoU between MoWCSW and the Foundation with the Joint-Secretary and Under-Secretary of MoWCSW. The mutual agreement addresses the provision of immediate and continuing support to expand the coordination capacity of the MoWCSW, through NCCHT, that includes the recruitment of a technical advisor to provide in-house technical expertise to build capacity of the NCCHT, capacity building trainings to GON agencies, and CTIP project implementation in general. The MoU is expected to be signed by the beginning of next quarter.

## 6.2 Project Staffing

<i>S.No</i>	<i>Name</i>	<i>Position</i>	<i>Organization</i>	<i>Employment date</i>	<i>Remarks</i>
1	Mr. J. Steve Cook	Chief of Party (COP)	The Foundation	August 2010	
2	Ms. Chhing Lamu Sherpa	Senior Program Manager	The Foundation	August 2010	Resigned on September 2010
3	Ms.Niyama Rai	M&E Officer	The Foundation	September 2010	
4	Ms.Rachana Sherstha	Program Manager	The Foundation	October 2010	
5	Ms. Shareen Tuladhar	Program Officer	The Foundation	December 2010	
6	Ms.Samantha MacAllister	Intern	The Foundation	October 2010-March 2011	
7	Ms. Anne Kaufman	External NMS Development Consultant	-	October - December 2010	Total of 30 work days
8	Mr. Deepak Tamang	External M&E Consultant	-	October - November 2010	Total of 20 work days
9	Ms. Shrinkhala Thapa	Program-Coordinator	WE	August 2010	
9	Ms. Sunila Shrestha	Program Officer	WE	November 2010	
10	Mr. Hari Prasad Joshi	Program Officer	WE	December 2010	

During this reporting period, key staff members were hired and oriented to the program; the CTIP team within the Foundation and WE is now fully staffed.

In addition, the Foundation has acquired a signed approval for the recruitment of a Technical Advisor to be placed in the NCCHT under the MoWCSW. The initial recruitment process including the advertisement of the job vacancy and compilation of Curriculum Vitae are in progress to hire a Technical Advisor.

### **6.3 Management issue**

During the start-up phase of the program the Foundation faced staff mobilization issues; Ms. Chhing Lamu Sherpa, Senior Program Manager resigned from her post on September, 2010. Due to the delay in finalizing content and approval of the CTIP contract with USAID, Ms. Sachitra Chitrakar, M&E Specialist took up a position in another organization and was no longer available to contribute toward CTIP program. Given that a new set of key staff had to be hired for the CTIP team resulted in a slower than anticipated achievement of activities scheduled during the start-up phase as the recruitment and hiring process was time consuming. However, during this reporting period the Foundation and WE recruited new staff into CTIP team which is now fully staffed.

## 7 Annex 1: CTIP Program Launch

Nepalgunj, Banke  
Hotel Sneha  
September 13-14, 2010

Day 1 (September 13, 2010)

Time	Activities
6:30 pm	Reception and Dinner

Day 2 (September 14, 2010)

Time	Activities
10:30- 11:15	<i>Opening</i> Welcome: Bawani Rana, Vice President, SAATHI Remarks: George Varughese, Country Representative, The Asia Foundation Remarks: The Honorable Sarwadev Prasad Ohja, Minister, Ministry of Women Children Social Welfare Remarks: The Honorable Sapana Pradhan Malla, Prime Minister's Adviser on Gender Remarks: Padma Mathema, Special Rapporteur, NHRC-OSRT Remarks: Amuda Shrestha, Member, National Women's Commission Remarks: Patricia Mahoney, Deputy Chief of Mission, Embassy of the United States
11:15-11:30	Coffee Break
11:30-12:45	<i>Roundtable Discussion on Trafficking Issues</i> Victims Testimonial CTIP Program Overview: Steve Cook, chief of party-CTIP, The Asia Foundation Discussion: All participants
12:00 -12:30	Enhancing effectiveness: Creating premium value (Learning, learning cycle, and creating knowledge)
12:45-1:00	Closing Remarks: Jed Meline, Deputy Mission Director, United States Agency for International Development (USAID)
1:00-2:00	Lunch
2:00-5:30	Street Drama: Aarohan Gurukul featuring Sunil Pokharel and Nisha Sharma Pokharel Location: Nepalgunj Market.
5:30 pm	Documentation, learning, and reporting (Case studies)

## Annex 2: Attendance list CTIP Program Launch

### Attendance List CTIP Program Launch

Hotel Sneha, Banke, September 13-14, 2010

<i>S.No</i>	<i>Name</i>	<i>Office</i>	<i>Designation</i>
1	Hon'ble Sarwadev Prasad Ojha	Minister	MoWCSW
2	Mr. Mahendra Shrestha	Secretary	MoWCSW
3	Mr. Dinesh Hari Adhikari	Secretary	MoLT
4	Hon'ble Pampha Bhushal	Member	Constitution Assembly and Legislature- Parliament Secretariat
5	Hon'ble Nilam Burma	Member	Constitution Assembly and Legislature- Parliament Secretariat
6	Hon'ble Sapana Pradhan Malla	Member	Constitution Assembly and Legislature- Parliament Secretariat
7	Ms. Padma Mathema	Special Rappateur for Trafficking	National Human Rights Commission
8	Hon'ble Binda Pandey	Member	Constitution Assembly and Legislature- Parliament Secretariat
9	Patricia Mahoney	U.S. Deputy Chief of Mission (DCM)	US Embassy
10	Jed Meline	Deputy Mission Director	USAID
11	George Varughese	Country Representative	The Asia Foundation
12	Madhav Ghimire	Chief Secretary	
13	Mahendra Raj Gautam	District Judge	Banke District Court
14	Rajan Raj Ghimire	District Attorney	District Attorney Office ,Banke
15	Amada Shrestha	-	National Women Commission
16	Ratna K. Shrestha	Joint Secretary	MoWCSW
17	Aasha Kumari Sardar	Member	Constitution Assembly and Legislature- Parliament Secretariat
18	Resham B. Pandey	ACDO	District Administration Office
19	Mahesh Bikram Shah	Superintendent of Police	District Police Office
20	David Billings	Government and Democracy Officer	USAID
21	Heather Steil	Information Officer	USAID
22	Bipasana Yonzon	Executive Assistant	USAID
23	Madhuri Singh	Development Program Specialist	USAID
24	Meena Kaini	Information Specialist	US Embassy
25	Basu Dev Gawali	Regional Coordinator	CeLRRd
26	Rameh K. Bista	Legal Officer	PPR Nepal
27	Rajendra Ghimmre	Executive Director	PPR Nepal
28	Nanda Lal Baishin	Vice President	Nepal Ghedung
29	Amir Rajbhandari	Program Officer	UNICEF

30	Prem Pant	Program Unit Manager	Plan Nepal
31	Shabnam Praveen	General Secretary	Fatima Foundation-Nepal
32	Hasina Shah	Member	Fatima Foundation-Nepal
33	Sarita Devi Sharma	Member	SAATHI, Banke
34	Sarsawoti Parajuli	Member	SAATHI, Banke
35	Puskhar Shah	Program Coordinator	SAATHI
36	Steve Cook	Chief of Party	The Asia Foundation
37	Ching Lamu Sherpa	Sr. Program Manager	The Asia Foundation
38	Diana Fernandez	Program Officer	The Asia Foundation
39	Shrinkhala Thapa	Program Coordinator	World Education
40	Shanta Laxmi Shrestha	Associate Country Director	World Education
41	Rudra Subedi	Reporter	Rajdhani
42	Durga Pokaya	Reporter	Avenues T.V
43	Janak Nepal	Reporter	Kantipur Daily
44	Damodar Bhandari	Reporter	Annapurna Post

### **Annex 3: Visibility - Media Coverage**

Newspaper: The Himalayan Times

Date: 14 September, 2010

Subject/ Title: Multimillion dollar anti-trafficking program kicks off

Newspaper: Republica

Date: 14 September, 2010

Subject/ Title: Anti-trafficking program launched

## Annex 4: CTIP Workshop

### *CTIP Planning Workshop*

*25-28 October, 2010*

*Radisson Hotel, Lazimpat*

#### Workshop Objectives:

- To develop conceptual understanding of CTIP program to all partner organizations.
- To prepare a consolidated annual work plan with measurable indicators, and roles of each participating organizations.
- To strengthen the team effectiveness among all partners for a coordinated and synergistic efforts.

#### Workshop outline: Day 1 (October 25, 2010)

Time	Activities
8:30 -9:00	Registration
9:00 -10:00	Opening session: Introduction of participants Workshop objectives and outline Remarks by Dr. George Varughese, Country Representative, TAF Remarks by Mr. Chij K. Shrestha, Country Director, WE CTIP program introduction by Mr. Steve Cook, chief of party / CTIP Remarks by the Secretary Dr. Trilochan Upreti
10:00-10:30	Tea Break
10:30-11:00	Context setting: Enhancing engagement to make the workshop effective
11:00 -12:30	Understanding the CTIP Program (Inquiry of the best); and CTIP experiences from Cambodia
12:30 -13:30	Lunch
13:30-14:30	Log frame as a planning and monitoring tool - Concept
14:30-14:50	Tea Break
14:50-16:00	Group work on the outcome of the three components (Concept, exercise, presentation, and clarification)
16:00- 18:00	Cocktail reception at the Splash Bar and Grill, Radisson Hotel

#### Day 2 (October 26, 2010)

Time	Activities
9:00 -10:30	Output exercise (Three groups: Preparing outputs for each implementing partner)
10:30-11:00	Tea Break
11:00 -12:30	Output indicators and MoV exercise
12:30 -13:30	Lunch
13:30-14:30	Team Exercise: Best team experience
14:30-15:10	Activity planning (Three groups according to three components)
15:10-15:30	Tea Break

15:30-17:00	Activity planning continued
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Day 3 (October 27, 2010)

Time	Activities
9:00 -10:40	Annual work planning (Each implementing partner to work on AWP)
10:40-11:00	Tea Break
11:00 -12:30	Annual work planning continued
12:30 -13:30	Lunch
13:30-15:10	Group presentation of outcomes, outputs (with indicators and MoV), major activities, and annual work plans at plenary
15:10-15:30	Tea Break
15:30-16:30	Presentation continued
16:30-17:00	Enhancing effectiveness: How to create synergy in program implementation?

Day 4 (October 28, 2010)

Time	Activities
9:00-10:00	Monitoring concept (Input, process, output, and outcome monitoring)
10:00 -10:40	Development of the monitoring plan
10:40-11:00	Tea Break
11:00-12:00	Development of the monitoring plan continued
12:00 -12:30	Enhancing effectiveness: Creating premium value (Learning, learning cycle, and creating knowledge)
12:30 -13:30	Lunch
13:30 -14:30	Enhancing effectiveness continued
14:30-15:10	Documentation, learning, and reporting (Case studies)
15:10-15:30	Tea Break
15:30-16:30	Commitment, acknowledgement, and closing

## Annex 5: NMS Consultant Report

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**TOWARDS DEVELOPMENT OF  
NATIONAL MINIMUM STANDARDS (NMS)  
OF CARE AND PROTECTION  
FOR TRAFFICKED PERSONS**

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**CONSULTANT REPORT**

*Prepared for The Asia Foundation's Combating Trafficking in Persons (CTIP)  
Project*

**By Anne Kaufman  
NMS Development Consultant**

**December 29, 2010**

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## INTRODUCTION

### **Context of trafficking in Nepal**

Cross-border and internal trafficking, particularly trafficking of women and girls for sexual exploitation, has a long history in Nepal dating back to the Rana regime in the 1800s. Nepal is currently a source country for men; women and children trafficked primarily for commercial sexual exploitation and labor exploitation. In addition to urban centers within Nepal itself, destinations include India, other Asian countries such as Malaysia, Hong Kong and South Korea, and Gulf countries. Outdated and unreliable data makes it difficult to quantify the magnitude of the problem: Nepal's National Human Rights Commission (NHRC) still cites studies in the 1990s, which estimated that there were more than 150,000 Nepali women and girls who had been trafficked to various Indian brothels; the U.S. State Department Trafficking in Persons (TIP) Report, 2009 cites NGO estimates of 10-15,000 Nepali women and girls trafficked to India and 7,500 children trafficked internally for commercial sexual exploitation every year. Both Nepali government institutions and NGOs working to combat trafficking have noted explosive growth in internal trafficking of girls and women into Nepal's burgeoning sex industry over the last 5 years or so [NHRC, 2010; Terre des hommes, 2010, U.S. Dept of State, 2009.]

NGOs and government have undertaken a range of anti-trafficking initiatives over the past two decades in Nepal, and the Government of Nepal took an important step toward curtailing trafficking and addressing its impact on survivors by passing the Human Trafficking and Transportation Control Act in 2007, and the Human Trafficking Regulation in 2008. However, the impact of anti-trafficking efforts has been limited due to lack of political will and commitment, gaps between policy and implementation, inconsistent funding for services, a fractured anti-trafficking community, and lack of coordination between the many different actors and activities.

### **The Combating Trafficking in Persons (CTIP) Project**

In August of 2010, the United States Agency for International Development (USAID)/Nepal awarded \$6.8 million to The Asia Foundation (TAF) for a five year Combating Trafficking in Persons (CTIP) project. The project is designed to prevent trafficking, protect trafficking survivors/victims, and prosecute traffickers in six high-volume trafficking districts of Nepal. The program will work simultaneously on the national and local levels, on national policy, institutional capacity building, and community-based service delivery, closing gaps between legal/policy frameworks and effective implementation, between victims and essential services, and between traffickers and the law

[USAID/Nepal website: <http://nepal.usaid.gov/>]

### **Development of National Minimum Standards**

The lack of national standards of care and protection for trafficking survivors/victims has been identified as a significant gap in rehabilitation and protection by the Nepal National Human Rights Commission (NHRC) in its National Report on Trafficking in Persons 2008-09 [NHRC, 2010.] Development of national minimum standards (NMS) and standard operating procedures (SOPs) are foundational activities in the protection component of the CTIP project, and essential to protecting the rights of and ensuring delivery of appropriate, effective, quality services for at-risk groups and trafficking survivors in Nepal.

The NMS development process will be led by the Ministry of Women, Children and Social Welfare (MOWCSW), the government agency responsible for coordination of anti-trafficking

## Towards Development of NMS for Care and Protection of Trafficked Persons, Consultant Report

efforts in Nepal, with technical support from The Asia Foundation (TAF) and its local partner organization, Transcultural Psychosocial Organization (TPO) Nepal.

### **Overview of consultancy**

The Asia Foundation contracted with this consultant (Anne Kaufman) to provide guidance and technical assistance to TPO Nepal in initiating the process of NMS development, during the period October 11-December 10, 2010, for 30 working days.

**Key consultant activities** included:

1. Planning and undertaking, with TPO, individual consultative meetings with national anti-trafficking actors and decision-makers
2. Document review
3. Supporting TPO in developing an approach and detailed workplan for NMS development
4. Developing a framework for NMS

**Key outputs** included:

1. Recommendations to The Asia Foundation and TPO Nepal for proceeding with development of NMS (*see Recommendations section on pages 14-15 of this report*)
2. Detailed plan for NMS development (*see Annex A on pages 16-24*)
3. Proposed framework for NMS (*see Annex B on pages 25-26*)
4. Notes from individual consultative meetings (*see Annex C on pages 27-58*)
5. Document review/annotated bibliography (*see Annex D on pages 59-71*)

### **This report**

This report provides an information base and practical recommendations for TAF and TPO Nepal to carry the process of NMS development forward. This draft (December 29, 2010) is internal to TAF and TPO, and not intended for external distribution.

## MAJOR ACTIVITIES

### **Document review/annotated bibliography**

A preliminary document review, resulting in the Annotated Bibliography in Annex D, was undertaken to inform planning of the NMS development process and contribute to the development of the NMS framework.

More than 30 documents were reviewed, falling into these main categories: (1) Nepal national legislation and policy; (2) Other Nepal documents and reports; (3) Selected international and regional legislation; (4) Standards development processes: (4) National minimum standards and standard operating procedures from Nepal; (5) National minimum standards, policies and standard operating procedures from other settings; (6) International standards and guidelines; (7) Global reports.

Limited time was available for document collection, review and preparation of the annotated bibliography, hence the review is not comprehensive and should be considered preliminary. There were many national documents identified/referred to in individual consultative meetings which could not be tracked down and reviewed by the consultant, either because documents are still in draft form or only in Nepali, or because of staff turnover and lack of institutional history and documentation at the concerned institution. In continuing the work of NMS development, TPO should make every effort to obtain those documents relating to earlier and current standards development initiatives, since they provide a valuable information base for both content and process in developing consensus-based national standards and guidelines. A list of 13 important documents to obtain is contained in Annex D, Document Review on page 60.

### **Individual consultative meetings**

Individual consultative meetings were an essential step in laying the groundwork and building support for developing national standards and guidelines for care and protection of trafficking survivors. The consultant and TPO CTIP project coordinator, Suraj Koirala, met with more than 30 individuals from 19 organizations involved in anti-trafficking in Nepal, including representatives from the MOWCSW; NGOs involved in prevention, legal protection, advocacy, rehabilitation and reintegration, survivor groups; INGOs and major donors (*see Annex C for complete list.*)

These meetings served to introduce TPO and TAF's CTIP project to key players in the anti-trafficking community, build relationships, identify supporters and opponents, better understand roadblocks, and get preliminary input for NMS development. They provided a rich picture of the diverse and somewhat fractious community of actors in the anti-trafficking movement in Nepal.

### **Developing approach, detailed plan and framework for NMS development**

Based upon information from the document review and individual consultative meetings, the consultant and TPO developed several alternative approaches to NMS and SOP development, and 3 possible frameworks for NMS over a series of 10 meetings, ultimately settling upon a preferred approach and framework. Preliminary findings were presented and discussed with TAF in a meeting on December 3, and TAF feedback was incorporated into the detailed plan. (*Refer to Annex A for the preferred approach and detailed development plan, and Annex B for the proposed NMS framework.*)

### **Limitations**

One activity in the consultant SOW – an initial national consultative meeting/workshop – was not undertaken. Given the current political and policy context of Nepal, staff turnover in key positions at the MOWCSW, the fractured nature of the anti-trafficking movement in Kathmandu, the complexity of the process of developing national minimum standards, and delays in TAF contracting with TPO, proposing such an activity early on was overly optimistic. Holding a productive national consultative workshop will depend upon pro-active engagement of the MOWCSW as the lead governmental institution, activation of the MOWCSW's National Coordinating Committee to Combat Human Trafficking (NCCHT) -- which has never met in full in the more than two years since it was constituted, and considerably more ground work to build consensus and commitment among major actors at the national level. None of these prerequisites were sufficiently met during the two months of the consultancy. Engaging the MOWCSW will require development of a strong relationship between TAF, TPO and the MOWCSW and a clear MOU between TAF and the MOWCSW. Activating the NCCHT will require both the full engagement of the MOWCSW and the placement of a technical advisor as provided for in the CTIP project (delayed due to MOWCSW staffing circumstances beyond TAF's control.) Building political capital among major national actors will require ongoing, intensive individual and small group consultation. National and regional consultative workshops are now proposed for March 2011.

## SUMMARY OF FINDINGS

### Key players in standards development

A number of organizations/institutions as well as individuals were identified in the consultative meetings as recently and/or consistently active in development of standards related to care and protection of vulnerable groups. These are listed below.

#### ***Government of Nepal***

- Ministry of Women, Children, Social Welfare (MOWCSW)
- Prime Minister's Office (PMO)
- National Human Rights Commission (NHRC)
- Home Ministry
- Police (Police Academy, Training Directorate, Women/Children's Service Directorate)
- National Judicial Academy
- National Women's Commission (NWC)
- Central Child Welfare Board (CCWB)

***NGOs:*** Women's Rehabilitation Centre (WOREC), Shakti Samuha

***Donors/INGOs:*** UNIFEM, UNFPA, UNICEF, USAID, Tdh, PLAN, Planete Enfants, American Bar Association

***Individuals:*** Dr. Renu Raibhandari. John Frederick

This list is by no means exclusive and is only meant to highlight where expertise and support for standards development may be available. Many other stakeholders including survivors, other national and local government bodies, and the wider I/NGO and donor community involved in anti-trafficking programming, will need to be engaged in NMS development. Existing forums for communication, coordination and the promotion of broader based consensus on standards/guidelines include the Inter Agency Coordinating Group (IACG) on Anti-Trafficking and the two national NGO networks, the Alliance Against Trafficking in Women and Children in Nepal (AATWIN) and the National Network Against Girl Trafficking (NNAGT.)

### The anti-trafficking community

It was clear from our meetings that the anti-trafficking movement in Nepal is filled with highly committed individuals and organizations with a significant track record of experience and success. While the need for close coordination and collaboration in order to have greater impact was universally acknowledged by everyone we spoke to, the community of actors appears to be driven by philosophical and ideological divides (e.g. those who advocate for a "rights-based" approach, and those who use a "welfare-based" approach), divergent understandings of trafficking, and characterized by territorialism, lack of trust and even cynicism about each others' work. Many expressed great disillusionment with the repeated use of scarce resources on processes, including a plethora of standards development initiatives, that never seem to result in sustainable systems/mechanisms for better care and protection of trafficked persons (for example, endorsement and actual implementation of the guidelines developed.)

## **Terminology**

Many terms important to the discussion of national minimum standards of care and protection for trafficking victims are defined differently by different actors and in different documents: international legal instruments and treaties, regional agreements, national legislation and policy, professional guidelines, operational guidelines and guidelines for service providers.

### ***Trafficking***

The internationally accepted definition of human trafficking is derived from the UN Trafficking Protocol sometimes known as the “Palermo Protocol,” which came into force in 2003. In simple terms, the Palermo Protocol defines trafficking as the *process of recruiting or moving someone*, using various *means*, with the *intent of exploiting* the person. (See page 64 of Annex D for summary of Palermo Protocol definition.)

Nepal is not a signatory to the Palermo Protocol. Although the definition of trafficking in Nepal’s Human Trafficking and Transportation Control Act contains many elements of the international definition, there are some salient differences, one of which is the conflation of sex work/prostitution, including voluntary sex work, with trafficking. (See page 61 of Annex D for Nepal definition of trafficking.) This confusion of trafficking with sex work was echoed in conversations with some organizational stakeholders – some of whom used the terms interchangeably, and others who were highly concerned about the conflation of trafficking and sex work and their perception that anti-trafficking efforts were leading to abuses of the rights to voluntary migration and choice of work. People on both sides of the divide lamented the lack of a common understanding and a common framework.

### ***Standards***

The term “standards” is also used very loosely, and holds different meanings for different people. We heard and/or read about universal standards... human rights standards... rights-based standards... operational standards... regulatory standards... quality standards... ethical standards... national minimum standards... minimum standards... standard operating procedures... protocols... operating guidelines... The terms national minimum standards and standard operating procedures are often used interchangeably. Clarity and consensus about the scope, purpose, target audience for and implementation of standards (both national standards and standard operating procedures) are notably lacking.

### ***Minimum***

A frequent concern raised about the development of national “minimum” standards, was that one person’s minimum is another’s maximum, and that national standards which are to be used to monitor and/or regulate services and organizations must be truly “minimum.”

## **History of relevant standards initiatives in Nepal**

A brief history of relevant standards initiatives in Nepal, as pieced together from consultative meetings, is presented on page 9. There appears to be little institutional memory of the many different efforts either in government, or among the donors that supported these efforts. As noted earlier, the lack of institutional memory and documentation made it difficult to get copies of many documents. We learned about 16 different initiatives over the past 8 years to develop standards, SOPs, codes of conduct and other guidelines, some of which are ongoing. Of these, 10 related specifically to trafficked persons, three focused on children (including one related to children who have been sexually exploited), two to Gender Based Violence, and one to shelters in general. The MOWCSW has been involved in at least 7 standards

## Towards Development of NMS for Care and Protection of Trafficked Persons, Consultant Report

development processes, including 5 relating to trafficking survivors, one relating to children and one relating to GBV.

Many past standards development processes stalled before they reached full fruition: some remained in draft form, others were presented to the concerned government body but never endorsed, and others were endorsed but never implemented. Reasons given by those we consulted with included:

- Most efforts were project-based rather than systemic, institutionally based
- Many were donor/INGO driven, and there was no genuine governmental commitment to or ownership of process
- Some efforts were perceived by larger community as unilateral on the part of funding agency, and therefore did not have broad based support in either government or larger community
- Lack of MOWCSW institutional memory, coordination, follow-through due in part to high staff turnover in leadership positions in the Ministry
- Lack of funds/human resources to follow through
- Territorialism and lack of cooperation between various actors (Ministries, Departments, donors/INGOs, NGOs)
- Standards are too high and can't be implemented by organizations with limited resources
- No effective monitoring mechanism
- Inconsistent funding for services, so standards never implemented

There has been a flurry of standards development activity in 2010 (5 different initiatives that we counted), including a major initiative under the Prime Minister's Office (PMO) to develop a National SOP on Gender Based Violence. According to Dr. Renu Rajbhandari of WOREC who was the Advisor to the drafting committee, the committee consisted of 6 Joint Secretaries from 6 different Ministries including the MOWCSW, Home Ministry and Ministry of Labor and Transport (MOLT.) The document, which is available only in Nepali at this writing, was submitted to the Prime Minister's Office at the beginning of December 2010 and is currently under review. It is crucial that TAF's CTIP team and TPO develop a better understanding of this initiative, the process undertaken to develop the SOP, and the SOP itself before beginning the NMS development planned under CTIP.

**TIMELINE, PROCESS and DISPOSITION OF KNOWN STANDARDS/GUIDELINES INITIATIVES <sup>(1)</sup>**

2002-2010

WHEN	WHAT	WHO	PROCESS, DISPOSITION and USE
2002	*Care standards for sexually exploited children	ILO/IPEC	*Funding for initiative dried up
200?	*GAATW human rights standards translated	MOWCSW, UN JIT, WOREC	*Endorsed by MOWCSW, never implemented
2005	*Guidelines (SOPs) for care facilities for VOT	Planete Enfants	*Used by PE, SAATHI, Raksha Nepal
2006	*SARI/Q Regional minimum standards of care and support for VOT *SARI/Q Regional Victim/Witness Protocol	South Asia govts, MOWCSW, Home Min, NGOs, AED, USAID Same as above	*Never endorsed by GON, used by ABC Nepal
2007	*Minimum standards, child care homes *NMS for shelters for VOT	MOWCSW, CCWB, UNICEF MOWCSW, PE, Doctors of the World	*In use, endorsement status unknown *Consultative process w shelter stakeholders, draft produced/translated, initiative dropped
200?	*Minimum standards for govt shelters for VOT  *Home Ministry shelter regulations/standards *Child Care Home Network code of conduct *SOP for in camera hearings on GBV *Investigative guidelines	MOWCSW, WOREC, Dr. Renu  Home Ministry CWIN Natl Jud. Acad., UNIFEM, FWLD Nepal Police Dev. Project, Enabling State Project, DFID	*Consultative process w LDOs/WDOs, draft produced, never endorsed *Referenced by Pourakhi *Not known to consultant *Not known to consultant *Project closed prematurely
2010	*NGO repatriation protocol	Shakti Samuha, Sanlaap, Tdh	*Consultative workshop to review draft, Dec
2010	*Interim guideline on confidentiality, directive to formulate law on confidentiality *Inquiry, investigation and monitoring SOP for trafficking cases for Human Rights Officers *Training curricula/handbooks for investigation of trafficking cases and victim support *National SOP for Prevention/Response to GBV	Supreme Court  NHRC, CELRD, ABA  Police Academy/Training Dir., WCSA, FWLD, ABA PMO, MOWCSW and 5 other	*Not known to consultant  *SOP under development, Dec 2010  *Under development *Drafting committee of 6 Joint Secretary

from 6 ministries, UNFPA, Dr. Renu ministries submitted to PMO in Dec 2010

(1) All information in chart gleaned from individual consultative meetings.

### **Lack of comprehensive information on existing services/interventions**

There is no comprehensive mapping of existing anti-trafficking services and interventions. According to one source, the last detailed inventory he recalls was in 2002. The IACG is currently carrying out a central level mapping exercise, and there has also been preliminary mapping of GBV actors and services by TAF (*see description of this document in the Annotated Bibliography in Annex D.*) Development of appropriate and useable **national** standards/guidelines of any sort requires a clear and complete understanding of the range and coverage of services/interventions currently provided to trafficked persons (that is, which organizations actively offer which specific services in which geographical areas), the numbers served, and at least a general sense of service quality. Gaps in this comprehensive picture can give rise to (perhaps misguided) assumptions about which services are most important or need to be prioritized, and what kind of standards are required. In our second meeting with the MOWCSW, the Joint Secretary, Hari Paudel and the two Under Secretaries present in the meeting, also agreed that comprehensive service mapping was a logical first step in NMS development.

In the absence of detailed information, and in order to gain at least a preliminary picture of the range of interventions, the consultant constructed a rough “map” of possible intervention points/services, based on the document review and information gathered in individual consultations (*refer to the following page.*) Although far from complete, the map does clearly show the numerous points of intervention along the path from community → trafficking → exploitative situation → withdrawal → rehabilitation and legal redress → community re/integration. It also highlights services/interventions for which standards have already been developed or are currently underway, as well as the many gaps in standards development.

### **Shelter care and the range of alternative services**

In our conversations, there was broad-based agreement that shelters should be the intervention of last resort. Although shelters represent one important service in the continuum of care, they are expensive and hard to sustain. They are perceived by many as stigmatizing, or as “lock-down” settings, and, reportedly, most survivors do not want to go there unless they are in crisis. Finally, shelters reach only very small numbers of trafficking survivors: based on information in the NHRC National Report 2008-2009 as well as our own calculations it would appear that there are perhaps 80-150 persons per year receiving shelter care.<sup>1</sup> Many stakeholders we met with emphasized that anti-trafficking programming needed to focus on development of a wide range of alternative rehabilitation, care and living arrangements including very short-term crisis centers, halfway houses, working women’s hostels, independent living, and kinship/foster care for children. Paradoxically, when the discussion in meetings turned to national minimum standards, it was often assumed that these necessarily referred to standards for shelters.

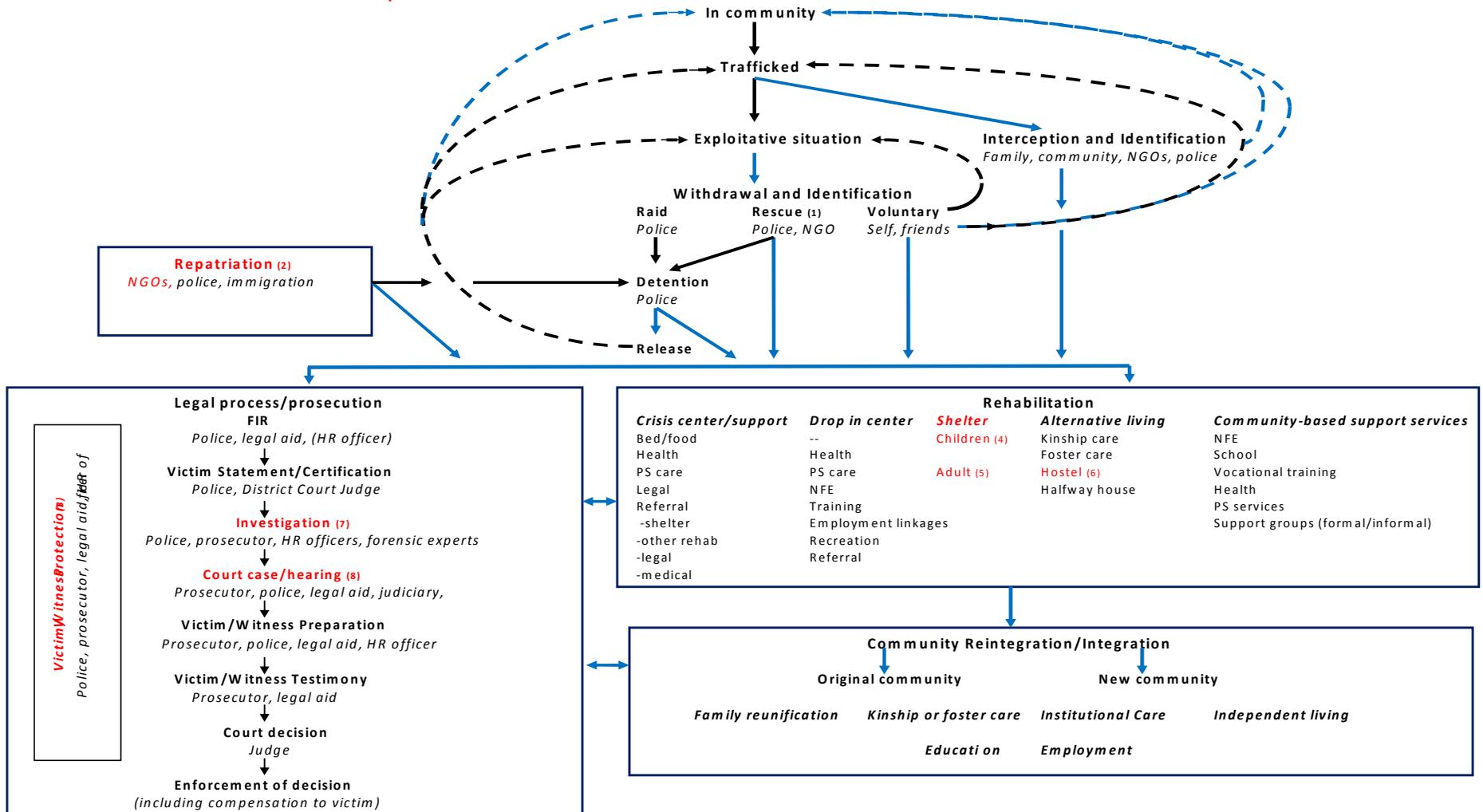
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<sup>1</sup> There are probably around 10 functioning shelters in Nepal, which have from 10-20 beds each, and which at any given point in time are generally only partially filled with trafficking survivors.

# Towards Development of NMS for Care and Protection of Trafficked Persons, Consultant Report

## DRAFT MAP OF STAGES, POINTS OF INTERVENTION with TRAFFICKED PERSONS and AVAILABLE SOPs

Red = Standards or SOPs available or underway



**NOTES:** (1) LACC proposed developing raid/rescue SOP in the CTIP work planning workshop. (2) Tdh/Shakti Samuha/Sanlaap developing repatriation protocol. (3) Regional Victim/Witness Protocol developed under SARI/Q, 2004 (4) 2010 National Minimum Standards for Child Care Homes developed for CCWB/MOWCSW, but not endorsed, 2007; Code of Conduct developed by CWIN/Child Care Home Network, 2010. (5) Various minimum standards, standard operating procedures for trafficked women/girls shelters and GBV, by govt bodies (MOWCSW, PMO) and I/NGOs (UN JIT, UNFPA, SARI/Q, Tdh, Planete Enfants, PLAN, WOREC, Shakti Samuha), 2002-2010 (6) Tdh/Shakti Samuha developing working women's hostel standards, 2010. (7) Trafficking Investigation Training and Handbook for police, supported by ABA/FWLD, 2010, SOP to be developed under CTIP; Trafficking Inquiry, Investigation and Monitoring SOPs being developed by ABA/CELRD, 2010. (8) SOP for In-Camera Hearings on GBV of the Special Court, developed for National Judicial Academy by UNIFEM/FWLD.

### **Scope of national minimum standards/guidelines**

Despite initial assumptions that “national standards” referred to “shelter standards,” when we probed further regarding the need for a set of broader standards or guidelines, many stakeholders pointed to the need for a set of “umbrella” guidelines to inform *all* services/interventions in the care and protection continuum from the point of interception and/or withdrawal through to reintegration. Given the poor track record at the Ministry level in actually endorsing and/or implementing standards/guidelines, several individuals indicated that strong inter-ministerial participation, ending in cabinet endorsement would provide both broader-based ownership and greater leverage for advocacy to ensure implementation. The National SOP on Gender Based Violence may provide a model for such inter-ministerial cooperation.

### **Ministry of Women, Children and Social Welfare**

The consultant, TAF staff and TPO Nepal staff met twice with the MOWCSW in relation to NMS development. (It was only possible to schedule meetings with the MOWCSW toward the end of the consultancy period.) The first meeting was with the outgoing Secretary, Mahendra Shrestha (due to retire in December 2010), and the second with the new Joint Secretary, Hari Paudel and two Under Secretaries, Gajja Rana and Mohan Niraula. The MOWCSW appears to have little institutional memory due to high turnover in the positions of Secretary and Joint Secretary, and absence of documentation of institutional initiatives. The new Joint Secretary seems active and interested, but also concerned about multiple donor agendas and pressures, MOWCSW’s own role (or lack thereof) in setting the agenda, fragmentation of efforts, development of new policy without commensurate development of service infrastructure, and lack of continuity of services. Both the Joint Secretary and the Under Secretaries expressed some sensitivities about donors’ lack of attention to protocol in working with the government, and it was clear to this consultant from the second meeting that without an MOU between the MOWCSW and TAF, it will be difficult to move ahead with NMS development.

### **Other ongoing initiatives to coordinate with**

There are a number of major national initiatives related to protection of vulnerable groups that could have a bearing on NMS development and which TAF and TPO Nepal should coordinate closely with:

***New National Plan of Action for Anti-Trafficking.*** This is nominally led by the MOWCSW, and supported by PLAN with technical assistance from a consultancy group, Saubhagi. The process will include national consultative meetings, and presents an opportunity to integrated plans for NMS and SOP development into longer-term institutional framework for combating trafficking.

***Prime Minister’s Office Initiative Against Gender-Based Violence.*** Under the aegis of this initiative, a National SOP on GBV has been developed with the collaboration of six Joint Secretaries from six concerned ministries/other governmental bodies (including MOWCSW, Home Ministry, Ministry of Labor and Transport, Ministry of Defense, National Women’s Commission.) The drafting process was supported by UNIFEM, with technical assistance by WOREC’s chairperson, Dr. Renu Rajbhandary, who has been involved in many previous standards development exercises. The document was submitted to the Prime Minister’s Office for endorsement at the beginning of December, 2010. If endorsed by the PMO and the Cabinet, this National SOP will apply to all GBV related services and programs of the Government of Nepal. This appears to be the first standards setting initiative with such broad

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inter-ministerial reach. Because of its reach, and because GBV and trafficking are intimately related, this National SOP must inform NMS and SOP development under the CTIP project.

***Initiative to establish a unified child protection system.*** Like anti-trafficking, child protection in Nepal has suffered from lack of coordination and fragmentation of efforts. In response, UNICEF and a consortium of child-focused organizations including PLAN, Save the Children, Tdh, World Education and World Vision, are in the initial stages of working with the MOWCSW and the CCWB to develop a unified child protection system. UNICEF will provide funding support and technical assistance to (among other things) develop a sustainable structure within the MOWCSW, staff the structure, develop a database for tracking child protection cases, monitor child care homes, coordinate with the nascent juvenile justice system, set up a referral system to NGOs, and develop regulations and training curricula. As with GBV there is considerable overlap in child protection and anti-trafficking, and it behooves the CTIP program generally, and the NMS development initiative specifically, to coordinate with and build upon this effort to create a model protection system complete with regulations, training curricula, and monitoring mechanisms.

## **CONSULTANT RECOMMENDATIONS**

### **Detailed NMS development plan**

The consultant and TPO Nepal have developed a detailed NMS development plan presented in full in Annex A. This plan contains the primary recommendations deriving from this consultancy. The plan is based on certain principles: those standards/guidelines must be:

(1) Evidence informed and need based; (2) built on what already exists; (3) developed through a government-led, collaborative process.

The recommendations below highlight selected requirements for or aspects of the NMS development process.

### **TAF Memorandum of Understanding with MOWCSW**

TAF should develop an MOU with the MOWCSW that outlines joint activities in the CTIP project. Development of national standards/guidelines should be specifically referenced in the MOU, and TPO Nepal identified as a technical assistance partner. Not developing an MOU with the Ministry could be construed as unilateralism, donor arrogance and a short-circuiting of protocol, and risks damaging the relationship with the Ministry. Having an MOU will clarify roles, relationships, processes and expected outcomes. It will be difficult, if not impossible, to move forward effectively on an MOWCSW-led standards development process without an MOU.

### **Building on National SOP for GBV**

TPO should immediately obtain both Nepali and English copies of the new National SOP on GBV submitted to the Prime Minister's Office in December for endorsement, and review it for reference/relevance to national standards/guidelines for care and protection of trafficking survivors. TPO should determine with MOWCSW and TAF if the new SOP is sufficient to inform care and protection SOPs for trafficking survivors or if additional protocols are needed related to trafficking survivors, or an entirely separate standard/ guideline is needed for care and protection of trafficking survivors.

### **Comprehensive service mapping**

MOWCSW Joint Secretary and Under Secretaries agreed that comprehensive service mapping is an important first step in developing national standards/guidelines, TPO should follow up immediately with a draft framework for MOWCSW input and initiate mapping during the month of December 2010.

### **Consensus-based meta-guidelines**

Given the current flurry of fragmented standards/protocols development activity for various interventions in the care and protection continuum (repatriation, semi-independent living, investigative procedures for police and human rights officers, victim support/protection by law enforcement, and so on), it is most timely to develop broad, umbrella national *guidelines* to inform all such standards/protocols and operating procedures. In order to be owned by the range of institutional stakeholders involved in care and protection of trafficked persons, national guidelines should be developed through a consensus-based process that builds upon the commonalities in existing standards, while also addressing commonly identified gaps.

After some discussion with TPO, we are using the term national "guidelines" rather than standards advisedly. Standards imply measurability, monitoring, strict adherence and

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enforcement. The Government of Nepal does not have a well-developed service, monitoring, regulating or enforcement infrastructure. It is premature to establish national “standards” that cannot or will not be effectively met, monitored or enforced. Meta-guidelines for care and protection of trafficked persons (along the lines of the various Inter Agency Standing Committee (IASC) guidelines for response in emergency settings) can establish a minimum benchmark for care and protection, as well as a framework for developing a comprehensive and integrated response, allowing less-resourced organizations/institutions to work toward more comprehensive response over time. These meta-guidelines will inform minimum operating standards (or SOPs) for the delivery of specific interventions. Achievement of minimum operating standards, because of their specificity, is both more easily measured and more likely to be monitored at the Ministry/Department level.

### **Focus on process**

TAF, TPO, the MOWCSW and presumably the entire anti-trafficking community want a product that will “stick” this time around – one that will be widely-owned, appropriate and useable. As we can see from the history of standards development initiatives in the past, circumventing process in Nepal in order to achieve a specific output within a somewhat arbitrary timeframe can in fact effectively derail the process and result in a product that is never used. While the detailed NMS development plan in Annex A contains a timeframe for activities, both TAF and TPO Nepal should be prepared to adjust timeframes in order to allow planned for processes (and unanticipated ones) to take their full course.

### **Need for legal expert in NMS development process**

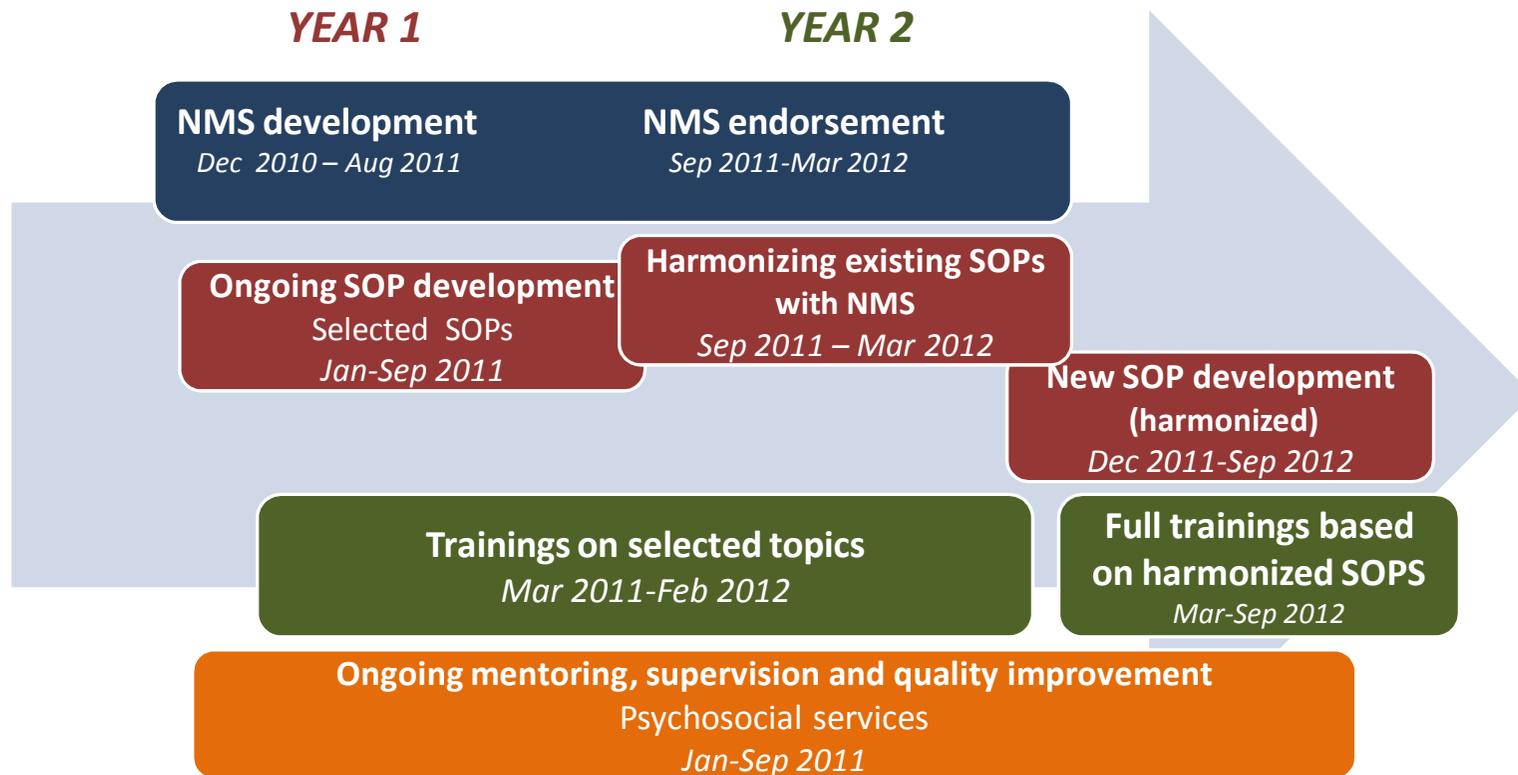
We can see from the rough map of intervention points on page 11 that national standards/guidelines on care and protection will cover many law enforcement/legal/ judicial interventions. Because of the technical nature of these interventions and also the cultural (both social and institutional) hierarchy in Nepal, the NMS development process is more likely to be received positively and have active participation from law enforcement, legal and judicial bodies if there is legal expertise in the core coordinating committee for NMS development and on the national/regional workshop facilitation team.

## **ANNEX A:**

### **Detailed NMS and SOP Development Plan**

Overview of approach  
Detailed narrative plan  
Work plan timeline

## NMS, SOP DEVELOPMENT & TRAINING Parallel Processes



***NMS and SOP development and endorsement plan***

*(Dec 13, 2010)*

**A. APPROACH**

- Evidence based (service/intervention mapping, experience mapping/case studies, best practices)
- Need based (service/intervention mapping, experience mapping/case studies, consultations)
- Collaborative (individual consultations, group consultations, coordinating committee, workshops, working groups, ongoing process of building political capital)
- Building on what already exists: existing initiatives in anti-trafficking (new National Plan of Action, and regional, national and organizational protocols, standards, guidelines and SOPs); Gender Based Violence (Prime Minister's Office initiative, shelter standards and other relevant SOPs); child protection (NPA, existing standards and codes of conduct, integrated protection system development initiative);
- Government leadership (MOWCSW/NCCHT led; inter0ministerial participation) and broad-based ownership (government, I/NGOs, donors, trafficking survivors)

**B. NMS DEVELOPMENT**

1. Immediate coordination with the Prime Minister's Office (PMO) Initiative on Gender Based Violence (GBV) *(Dec 2010 - Jan 2011)*
  - Obtain both Nepali and English copies of the new National SOP on GBV submitted to PMO in December for endorsement *(Dec)*
  - Review National SOP on GBV for reference/relevance to anti-trafficking NMS *(Dec)*
  - Discuss with TAF and MOWCSW *(Jan)* to determine if :
    - National SOP on GBV is sufficient to inform care and protection SOPs for trafficking survivors;
    - Additional protocols to National SOP on GBV needed to inform care and protection SOPs for trafficking survivors;
    - Separate NMS needed for care and protection of trafficking survivors
  - Join in advocacy/lobbying to promote endorsement of the National SOP on GBV *(Dec-ongoing)*
  - **Outcome: Clear understanding of relationship of National SOP on GBV to anti-trafficking NMS and SOPs**
2. Define mandate, roles and relationships in NMS development *(by mid Jan)*
  - Of MoWCSW, NCCHT, TPO, TAF, working group/coordinating committee
  - This should be reflected in larger MOWCSW/TAF MOU
3. Comprehensive mapping of existing prevention, protection and prosecution programs/interventions/services related to trafficking in Nepal *(Dec 2010 –mid Feb 2011)*
  - Develop draft mapping framework *(mid Dec)*
  - Get MOWCSW input and finalize framework *(end Dec)*
  - Explore possibility of engaging MOWCSW in mapping process

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Annex A: Detailed NMS and SOP Development Plan

- Letter from MOWCSW to district offices/line agencies/NGOs re: extending support to TPO in mapping
  - Data collection and analysis (*TPO, end Dec-mid Feb*)
  - Update IACG on mapping and data collection (*Jan*)
  - **Output: Report on existing services**
4. Key informant interviews with trafficked persons re: experience of post-trafficking experience from withdrawal → rehabilitation → legal redress → re/integration (*mid Dec 2010- mid Feb 2011*)
- Develop interview framework
  - Interviews and analysis
  - **Output: Report on experiences/priorities of trafficked persons**
5. Continue with individual consultative meetings with key stakeholders that have not already been met by TAF/TPO (*mid Dec – end Jan*)
- Team of TPO and MOWCSW focal person (if/as possible and appropriate)
  - Stakeholders include reps of relevant government offices, survivor groups, NGOs, INGOs, donors, with priority to government:
    - Government priorities: All NCCHT members, all members of writing committee for the National SOP on GBV, PMO, GBV representative, Judges/National Judicial Academy, Attorney General's Office, Police (investigative units and Women and Children's Service Directorate), NHRC, CCWB, WDO/WDCOs
    - NGOs: Maiti Nepal, Raksha Nepal, CWIN, CWISH
    - Anti-trafficking networks: AATWIN, NNAGT
    - INGOs/Donors: UNFPA, Esther Benjamin Trust, Lutheran World Federation, Madhuri Dixit/USAID
    - Survivor/victim self-help, support and advocacy groups (Biswas Nepal)
6. If determined that National SOP on GBV needs to be supplemented by additional anti-trafficking protocols or separate anti-trafficking NMS/Guidelines, convene a working group/coordinating committee to plan and coordinate additional protocol or NMS/Guidelines development (*by end Jan*)
- Chaired by MOWCSW, representation from NCCHT, TPO, TAF, ministry representatives involved in developing National SOP on GBV, and NGOs (possibly FWLD, SAATHI, Shakti Samuha). Not to exceed 10 in number.
  - Assign focal persons from each institution who have time and commitment to meet regularly and carry out tasks of a working group/coordinating committee
  - Develop/agree upon immediate work plan (*by end Jan*)
  - **Output: memo on working team and work plan** (Note: this is in addition to TAF MOU with MOWCSW which would be broader than NMS development)
7. Determine nature of NMS (i.e. additional protocols to National SOP on GBV? National Guidelines for Care and Protection of Trafficking Survivors? Or minimum standards for specific interventions such as shelters?) (*by mid Feb*)
- Get informal consensus of IACG members (Jan ), key NGO stakeholders, agreement by working group/coordinating committee, NCCHT representatives
8. Develop final plan for additional protocols or NMS/Guidelines development and endorsement, for presentation to and review by NCCHT? (*by end Feb*)

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- TPO/TAF present a draft plan (some version of this document) to MOWCSW and working group/coordinating committee, revise based on input
  - Present to IACG for feedback in February
  - Presentation to and endorsement by NCCHT (*Feb end*)
  - **Output 1: final plan for additional protocols or NMS/Guidelines development** based on activities 5-7
  - **Output 2: endorsement of detailed plan**
9. Collect and review all existing protocols, guidelines, standards, and SOPs as possible, identify commonalities and gaps (*Jan – end Feb*)
10. Develop detailed framework for additional protocols or NMS/Guidelines (*by end Feb*)
- Based upon individual consultations, document and SOP review
  - Present for input to IACG in February
  - Present for endorsement by NCCHT (*end Feb*)
  - **Output: detailed NMS draft framework** (for review and discussion in national and regional consultative workshops)
11. First round group regional and national consultative workshop(s) to develop consensus based national additional protocols or NMS/guidelines (*Mar 2011*)
- Chaired by MOWCSW/NCCHT, co-facilitated by TPO (staff and/or consultant) and expert with legal/law enforcement background (FWLD), NGO participation including representatives familiar with protocols/guidelines/SOPs for their sectors, and survivor advocacy groups
  - Possible workshop content :
    - Brief review of trafficking situation in Nepal, Anti-trafficking law and regulation
    - Sharing re: results of service mapping, experience mapping, and proposed NMS development plan and framework
    - Overview of NMS development plan and framework
    - Overview of existing SOPs, protocols, guidelines, codes of conduct, highlighting commonalities
    - Cross-sectoral working groups for content input. Possible groups include:
      - Overview of purpose of NMS, important definitions
      - Guiding principles (rights-based, quality of care)
      - Roles and responsibilities of state/non-state actors
      - Framework for national referral system
      - Monitoring framework
    - Plenary sharing and feedback
12. Develop draft of NMS based on first round workshops (*Apr 2011*)
- NCCHT, TPO/Consultant, Legal Expert develop draft compiled from workshop and expert inputs
  - **Output: draft additional protocols or NMS/Guidelines**
13. Circulate draft for comment (*May-Jun 2011*)
- Coordinating committee review
  - Individual review meetings with key governmental stakeholders (MOWCSW, NCCHT reps)



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- Workshops should be facilitated by appropriate CTIP partners in their respective sectors and should include participants from policy, management, frontline service provision and trafficking survivors
    - Legal/law enforcement group
    - Legal/judicial group
    - Shelter and crisis center group
  - **Outputs: draft harmonized SOPs, prioritization of new SOPs that need to be developed**
4. Circulate draft versions of harmonized SOPs among stakeholders for feedback (*Jan - Feb 2011*)
  5. Revise and finalize harmonized SOPs (*Feb - Mar 2012*)

**D. DEVELOPMENT OF NEW SOPS** *(Dec 2011 onward)*

Based on gaps in SOPs identified in workshops, CTIP/TAF should prioritize support for development of new SOPs. Criteria for prioritizing should include those intervention points that have the greatest potential for abuse (of trafficked persons), or affect the greatest number of trafficked persons. These might include intervention points such as border interception, or police detention, or crisis center SOPs. (Note: Gaps in SOPs could be identified much earlier and new SOPs developed. However it seems both prudent and efficient to wait until there is at least a draft of additional protocols and/or NMS/Guidelines to inform new SOPs.)

**E. INTERIM QUALITY IMPROVEMENT**

The additional protocols or NMS/Guidelines will not be finalized until August 2011, and existing SOPs will not be fully harmonized with the additional protocols or NMS/Guidelines until Jan 2012. However, existing, ongoing services and other interventions may need immediate quality improvement. TPO Nepal will be providing ongoing mentoring and supervision in psychosocial service delivery to partners to ensure quality of psychosocial care from the beginning of the project. TPO Nepal and other CTIP partners involved in SOP development and training can form a core working group to develop harmonized interim trainings/orientations to address the most common significant quality issues identified during the NMS/Guidelines and SOP development processes. For example, it may become clear early on that identification of trafficked persons, or maintaining confidentiality, or appropriate referral of trafficked persons to services are common problems that interim modular training could address. By June 2011, the additional protocols or NMS/Guidelines should be sufficiently developed to provide a framework for interim orientation/training sessions to address these types of issues.

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Annex A: Detailed NMS and SOP Development Plan

**NMS/Guidelines and SOP Development Timeline**

	YEAR 1 (2010-2011)										YEAR 2 (2011-2012)												
	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	
<b>NMS DEVELOPMENT</b>																							
Immediate coordination with PMO Initiative on GBV																							
Define mandate, roles and relationships in NMS development																							
Comprehensive service mapping																							
Key informant interviews/experience mapping with trafficking survivors																							
Ongoing collection/review of existing protocols, guidelines, standards, SOPs																							
Ongoing individual consultative meetings with key stakeholders																							
Convene working group/coordinating committee to plan/coordinate additional protocol or NMS/Guidelines development																							
Finalize nature of NMS/Guidelines for care and protection of trafficking survivors																							
Develop final plan for additional protocol or NMS/Guidelines development for NCCHT approval																							
Develop detailed framework for additional protocol or NMS/Guidelines for presentation to NCCHT																							
Hold consultative workshop(s) to develop additional protocols or NMS/Guidelines																							
Draft additional protocols or NMS/Guidelines																							
Circulate draft additional protocols or NMS/Guidelines for comment																							
Revise draft based on feedback																							
National stakeholder meeting for draft finalization																							
MOWCSW, NCCHT endorsement																							
Develop plan/submit for cabinet endorsement																							

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**NMS/Guidelines and SOP Development Timeline**

	YEAR 1 (2010-2011)											YEAR 2 (2011-2012)										
	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
<b>SOP HARMONIZATION</b>																						
Informal harmonization																						
Develop guidelines for SOP harmonization																						
Orient workshop facilitators to SOP and NMS/Guidelines harmonization process																						
Hold thematic group workshops to review/ harmonize existing SOPs w NMS/Guidelines																						
Circulate draft versions of harmonized SOPs among stakeholders for feedback																						
Revise and finalize SOPs																						
<b>INTERIM QUALITY IMPROVEMENT</b>																						

## **ANNEX B:**

### **Proposed Framework for National Minimum Standards/Guidelines for Care and Protection of Trafficked Persons**

***Preferred Option:*** Meta Standards for Care and Protection of Trafficked  
Persons

#### **Broad Meta-Standards/Guidelines for Care and Protection of Trafficked Persons**

**SCOPE:** Care and protection of trafficked persons through all stages of withdrawal/ return, recovery and rehabilitation, legal process, and reintegration.

**TARGET AUDIENCE:** Broad range of government institutions, and I/NGOs involved in withdrawal, care, protection, rehabilitation, legal process and reintegration of trafficked persons

**PURPOSE:** Define roles, responsibilities and relationships of state and non-state actors, guide work, inform development of harmonized SOPs for different institutions involved in withdrawal, care, protection, rehabilitation, legal process and reintegration of trafficked persons

#### **POSSIBLE CONTENT**

**Definitions:** e.g. trafficking, protection...

#### **Guiding principles governing standards:**

***Rights based approach:*** e.g right to safety and protection, right to privacy, right to confidentiality, right to dignity, right to information, right to services, right to justice, right to participation, right to decision-making, right to mobility/freedom of movement...

***Quality of care***

***Continuity of care***

**Overview of stages/steps in process of withdrawal, rehabilitation and reintegration:** e.g “rescue”, voluntary withdrawal, identification of trafficked person, crisis intervention, referral to services, reception, assessment, case planning, case management, range of available essential services, family reunification, community re/integration, follow-up, case closure.

**Overview of stages/steps in legal process:** e.g. *referral to legal aid, case registration, investigation, interviewing, victim/witness protection, victim testimony..*

**Outline of roles/responsibilities of state/non-state actors:** e.g. Ministry of Women, Children and Social Welfare (MOWCSW), National Coordinating Committee to Combat

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Human Trafficking (NCCHT), Ministry of Home, Police, Attorney General's Office,  
Judiciary, National Human Rights Commission (NHRC), Ministry of Health (MOH),  
National Women's Commission (NWC), Central Child Welfare Board (CCWB), I/NGOs  
providing withdrawal, rehabilitation, legal and reintegration services, survivor advocacy  
groups.

**Framework for comprehensive national referral system**

**Monitoring framework**

**Mandated development of SOPs informed by NMS**

**ANNEX C:**

**Individual consultative meetings**

Framework for meetings

Individuals/Organizations Met With

<b>Organization</b>	<b>Person/Position</b>
<b>Government</b>	
Ministry of Women, Children and Social Welfare	Mahendra Shrestha, Secretary Hari Paudel, Joint Secretary Mohan Niraula, Under Secretary Gajja Bahadur Rana, Under Secretary
<b>NGOs</b>	
ABC Nepal	Durga Ghimire, President Nirmala Baral, Counselor
CeLRRD	Sudeep Ghimire, Chief Programme Coordinator
Change Nepal	Pramesh Pradhan, Director
Forum for Protection of Peoples' Rights (PPR) Nepal	Rajendra Ghimire, Executive Director
Forum for Women, Law and Development (FWLD)	Rup Narayan Shrestha, Advocate
Pourakhi	Manju Gurung Agni Gurung, Member, Paralegal Officer Satra Gurung, Secretary, Staff Nurse/Counselor Ram Suman Gurung, Information Officer Anku Ale Magar, Volunteer
SAATHI	Pukar Shah, Program Manager Sapana Maharjan, Social Work Supervisor
Shakti Samuha	Sunita Danuwar, Program Coordinator Anu Tamang, Former President
WOREC	Dr. Renu Rajbhandari, Chairperson
<b>INGOs/Donors</b>	
American Bar Association (ABA)	Dave Sadoff, Executive Director
International Labor Organization (ILO)	Uddhav Raj Poudyal, Chief Technical Advisor
PLAN Nepal	Madhuwanti Tuladhar
Planete Enfants	Laxmi Joshi, Program Coordinator
Terre des hommes (Tdh)	Joseph Aguetant, Delegate Muna Basnyat, Anti-Trafficking Program Coordinator
UNICEF	Brigitte Sonnois, Chief of Protection
UNIFEM	Sangeeta Thapa, Program Coordinator Purna Shrestha, Program Officer
World Education	Helen Sherpa, Education Specialist
<b>Other</b>	
Ray of Hope	John Frederick, Regional Anti-Trafficking Consultant

## **INDIVIDUAL CONSULTATIVE (EXPLORATORY) MEETINGS**

### **Framework for discussion**

*(Nov 12, 2010)*

**NOTE: Items 1,2,5,6 will be covered in all meetings. Items 3 and 4 will be covered as appropriate to the organization and its level of involvement in that area.**

#### **1. Introductions**

- CTIP Program
- NMS and SOP development
- TAF and TPO's role in process

#### **2. Organization's current anti-trafficking activities**

What are your organization's current anti-trafficking activities? *Particularly in:*

- National forums?
- Policy level work?
- Care and protection work?

#### **3. Anti-trafficking policy development environment in Nepal** *(if org has been involved)*

- Who are the key actors/stakeholders in anti-trafficking policy? *(institution, contact, #)*
- What's currently happening at the policy level?
- What's needed at the policy level? *(particularly in terms of care and protection)?*
- What factors have facilitated successful policy initiatives in anti-trafficking?
- What barriers have there been to success in policy initiatives?

#### **4. The care and protection environment in Nepal** *(if org has been involved at this level)*

- Who are the key stakeholders in care and protection of trafficking survivors/victims?
- What's currently happening in care and protection in Nepal?
- What's working well in care and protection in Nepal?
- What's not working/what's needed in care and protection in Nepal?

#### **5. NMS development processes** *(if appropriate)*

- What does the term "standards" mean to you? What would "national minimum standards refer to?
- Are care and protection standards needed in Nepal? At what levels?
- What is your (org's) interest in participating in standards development processes?
- What are your thoughts on process for developing care and protection standards?
- Who do you suggest as other key actors in development of care/protection standards?

#### **6. Further resources**

- Has there been a comprehensive mapping of anti-trafficking activities in Nepal recently?
- Is there a written overview of your organization's anti-trafficking programming?
- Who is the contact person for more details on anti-trafficking activities of your org?
- Can you refer us to any survivor/victim support groups?

## **INDIVIDUAL CONSULTATIVE MEETINGS**

### **Framework for discussion with line caregivers**

*(Nov 12, 2010)*

#### **1. Introductions**

- CTIP Program
- NMS and SOP development
- TAF and TPO's role in process

#### **2. Institution/caregiver role**

- What institution do you work for?
- What services does your institution provide to trafficking survivors/victims?
- What is your role in the organization?
- What is your role in relation to trafficking survivors/victims?

#### **3. Services**

- What services are most important in supporting survivors/victims through the process of rehabilitation and reintegration?
- Are there any aspects of care and protection services (from identification through reintegration) that do not help (or are harmful to) survivors'/victims' recovery and reintegration?
  
- What services or aspects of services provided by your organization are most helpful to survivors/victims? Why?
- What services or aspects of services are least effective? Why?

#### **4. Support for caregivers**

- What problems do you experience in your work supporting trafficked persons?
- What kind of support do you need in order to effectively support survivors/victims?

#### **5. NMS and SOPs**

- Does your organization have written "standards" of care, or guidelines for care?
- Are those standards/guidelines followed by staff at your organization?
- Do those standards/guidelines need to be changed/improved in any way?
- In addition to your organizational standards/guidelines, does Nepal need national standards or guidelines for organizations such as yours? Why or why not?
- How can line caregivers like yourself be involved in process of developing standards?

## **ANNEX D:**

### **Document Review**

Documents to obtain

Annotated Bibliography

### **DOCUMENTS TO OBTAIN**

These documents were identified during individual consultative meetings, and are important to the processes of national minimum standards/guidelines and standard operating procedure development.

1. National SOP for Prevention/Response to GBV, developed for the Prime Minister's Office by Joint Secretaries of 6 Ministries, with technical support from Dr. Renu Rajbhandari and UNIFEM (obtain from Dr. Renu Rajbhandari or UNIFEM)
2. GAATW Human Rights Standards for Trafficked Persons, Nepali translation endorsed by the MOWCSW, circa 2002 (obtain from Dr. Renu Rajbhandari, WOREC)
3. National Minimum Standards for Shelters for Victims of Trafficking, drafted by Planete Enfants and Doctors of the World for the MOWCSW, circa 2007, Nepali and English versions (obtain from Planete Enfants or ABC Nepal)
4. Minimum Standards for Government Shelters for Victims of Trafficking, drafted by WOREC/Dr. Renu Rajbhandari in consultation with LDOs/WDOs for MOWCSW (obtain from Dr. Renu Rajbhandari or MOWCSW)
5. Home Ministry Shelter Regulations/Standards (obtain from Home Ministry)
6. Child Care Home Network Code of Conduct, developed by CWIN (obtain from CWIN)
7. Investigative Guidelines, draft developed under the Nepal Police Development Project of the Enabling State Program (ESP) (obtain from Nepal Police or ESP/DFID)
8. SOP for In Camera Hearings on GBV in Special Court, developed by FWLD for the National Judicial Academy (obtain from NJA, FWLD, or UNIFEM)
9. Interim Guidelines and Supreme Court Directive on Confidentiality (obtain from FWLD)
10. SOP for Inquiry, Investigation and Monitoring of Trafficking Cases by NHRC Officers, developed by CELRD for the NHRC (obtain from CELRD or ABA)
11. Training Curricula and Handbook for Investigation of Trafficking Cases, under development for Police Academy/Training Directorate, with technical support from FWLD and ABA (obtain from FWLD or ABA)
12. Training Curricula and Handbook for Trafficking Victim Support, under development for Women and Children's Service Directorate, Nepal Police, with technical support from FWLD and ABA (obtain from FWLD or ABA)

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13. Shelter Assessment guideline, used by Shakti Samuha/Tdh in assessing shelter standards (not sure if this is in document form, may be available from Tdh)

## ANNOTATED BIBLIOGRAPHY

These documents were reviewed by the consultant, and deemed potentially useful resources in the development of national minimum standards/guidelines and standard operating procedures. Annotations are aimed at identifying which aspects/specific parts of the documents are most relevant. A double asterisk (\*\*) denote those documents which may be especially important to refer to. The bibliography is not comprehensive and should be considered preliminary.

### Nepal national legislation and policy documents

**\*\*1. Government of Nepal. *Human Trafficking and Transportation (Control) Act. Government of Nepal, 2064 (2007), 12 pages.*** This is Nepal’s major national legislation governing anti-trafficking in Nepal. The Act defines human trafficking, and has provisions for reporting, investigation, arrest, and prosecution (Part 2) and rescue, rehabilitation and reconciliation (Part 3.)

***Nepal Human Trafficking Act, definition of trafficking and related terms***

***Trafficking:*** Sell or purchase a person for any purpose; cause someone to be engaged in prostitution, with or without any benefit; extract human organ except as by law; have sexual intercourse with a prostitute

***Human transportation:*** Take a person out of the country for purpose of buying or selling; take anyone from home/residence by means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurement, influence, threat, abuse of power, and by means of inducement, fear, threat or coercion to guardian/custodian, and keep in custody or take to any place within Nepal or abroad or handover him/her to someone else for purpose of prostitution and exploitation

***Exploitation:*** Act of keeping a human being as a slave and bonded; also includes removal of human organs

Although the definition of trafficking in the Act contains many elements of the international definition (see the summary of the Palermo Protocol on page \_\_ of this Annotated Bibliography), one of the most salient differences is the apparent conflation of all sex work/prostitution, including voluntary sex work, with trafficking.

The Act does not explicitly describe or refer to victim “rights.” It does, however, include provisions for confidentiality, legal representation, use of a translator, non-punishment for acts of force committed while fleeing, compensation, and security.

Part 3 of the Act, Provision of Rescue, Rehabilitation and Reunification, is most relevant to the development of National Minimum Standards for protection and care of trafficking victims. The provision has an exclusive focus on “centers” as the primary modality of

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rehabilitation, and contains very broad instructions on their establishment, funding, management, service provision, monitoring and regulation.

**\*\*2. Government of Nepal. *Human Trafficking and Transportation (Control) Regulation. Government of Nepal, 2065 (2008), 9 pages.*** This document outlines Government of Nepal rules for implementation of the Human Trafficking and Transportation Control Act of 2007, including: (1) formation, composition, responsibilities and working procedures of the National Committee and District Committees; (2) some aspects of victim protection and assistance; (3) establishment, management, operation, monitoring and closure of rehabilitation centers; and (4) management and operation of the Rehabilitation Fund. Most of the regulations are broad, open to interpretation, and hence provide only limited guidance. District Committees appear to have considerable latitude in establishing, monitoring and closing down centers as long as they stay within the broad terms of the Act and the Regulation.

**National Committee.** The National Committee (now known as the National Committee on Controlling Human Trafficking or NCCHT) is chaired by the Ministry of Women, Children and Social Welfare (MOWCSW) and comprised of representatives from the Ministries of Labour, Home Affairs, and Foreign Affairs, the Office of the Attorney General, the Nepal Police, civil society organizations, and trafficking survivors. It is responsible for overseeing adherence to treaties/conventions to which Nepal is signatory, setting national policy/programs, policy/program implementation and monitoring, District Committee oversight, management of the National Rehabilitation Fund, and issuing directives for rehabilitation center operation (*from Rules 3, 4.*)

**District Committees** monitor rehabilitation centers and coordinate anti-trafficking organizations in district. District Committees can establish/operate rehabilitation centers, contract with NGOs to do so, and suspend/terminate center operations (*from Rules 6, 7, 10,11.*) In addition to coordination and oversight responsibilities, the District Committees may also have direct contact with individual trafficked persons through “rescue” of potential victims (*Rule 7.1*), granting seed money (*Rule15.2*), and responding to translation service requests (*Rules 10.3, 10.4.*)

**Rehabilitation centers.** The Regulation contains several rules related to centers including: formation of management committee, staffing and record keeping (*Rule 12*); types of services to be provided (*Rules 13, 15, 16*); duration of stay and transfer of minors (*Rule 16*); monitoring centers (*Rule 14*); closure of centers (*Rule 18*); and center codes of conduct (*Rule 19.*)

**3. Ministry of Women, Children and Social Welfare (MOWCSW.) National Plan of Action Against Trafficking in Children and Women for Sexual and Labor Exploitation. Kathmandu: MOWCSW, 2002, 44 pages.** This NPA is now 10 years old, and a new one is currently under development. It provides some useful historical information on the trafficking situation 10 years ago, the MOWCSW priorities at the time, and a baseline for what has and hasn’t been accomplished over the last decade. The NPA was perhaps overly ambitious with its 8 major areas of focus: (1) Policy, Research and Institutional Development; (2) Legislation and Enforcement; (3) Awareness Creation, Networking and Social Mobilization; (4) Health and Education; (5) Income and Employment Generation; (6) Rescue and Reintegration; (7)

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Trans border, Regional and International Issues; (8) Monitoring and Evaluation. Notably, and relevant to NMS and SOP development, this NPA included development of national guidelines for transit home operations, which may help to explain the many (abortive) efforts to develop standards over the last 10 years, as well as training for transit home staff and police, and establishing working referral networks.

## Other Nepal documents/reports

**4. Condon, Emma. “Rethinking the Problem of Sex Trafficking in Nepal,” Kathmandu, 2010.** This paper examines discourses of trafficking in Nepal, and how they are influenced by global discourse, media portrayals and local beliefs about gender and sexuality. Condon, a Fulbright scholar, asserts that Nepal anti-trafficking policy and interventions are based more on a mythical cultural narrative of girl trafficking than on comprehensive research, and that this myth has given rise to paternalistic policies and interventions that further disempower women by undermining their rights to mobility and work. May be a useful background paper for thinking about how to focus the broader discussions on defining “trafficking,” and rights-based versus welfare-based approaches.

**5. Office of the Special Rapporteur on Trafficking in Women and Children (OSRT), National Human Rights Commission (NHRC.) *Trafficking in Persons Especially on Women and Children in Nepal, National Report, 2008-2009.* Kathmandu: NHRC, 2010, 137 pages.** This report is issued every few years and aims to present a critical analysis of the trafficking situation in Nepal and the implementation of relevant laws and the National Plan of Action, and make policy and program recommendations. The report describes the changing dynamics of trafficking in Nepal (expanded understanding of trafficking to include more than sexual exploitation, growth of internal trafficking) and contains some useful data, while acknowledging the lack of reliable statistics. Most pertinent to the development of NMS are chapters, 2, 4 and 5 (Situation of Trafficking in Persons, Monitoring of Anti-Trafficking Activities, and Monitoring of Implementation Status of Laws and Policies.) Information from a mapping exercise of selected service organizations in 13 districts appears on page 70.

The report recommends the development of a comprehensive 4R (rescue, repatriation, rehabilitation and reintegration) *policy*, including the development of “minimum standards of care and survivors protection policy for duty bearers and care givers from the human rights perspective.”

**6. SAATHI. *Preliminary Mapping of Gender Based Violence.* Kathmandu: SAATHI, The Asia Foundation, DFID, 2010, 66 pages.** The most recent mapping of organizations engaged in combating Gender Based Violence in Nepal, this report contains profiles of 36 organizations with information on number of staff, activities and geographic coverage. It also has a number of maps showing geographic coverage by type of activity (e.g. awareness and advocacy, prevention, etc.) The report emphasizes the preliminary nature of the study, and the need for comprehensive service mapping in order to develop a comprehensive national response, including a national and local level referral systems.

**7. Sahavagi (for the MOWCSW.) *Report on Review of the National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation.* Kathmandu: Sahavagi/ MOWCSW, 2010, 82 pages.** This review was undertaken by the

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consulting group Sahavagi in preparation for the development of the new National Plan of Action in 2010/2011. The review is largely negative, stating that “many stakeholders, though of aware of NPA, mostly ignored it. It was hardly consulted for developing policies and program or activities by any one of the stakeholders reporting to the team. Interview with the police force revealed that they have no actions planned as per the NPA.” Major gaps include the NPA’s narrow view of trafficking (focusing on sexual exploitation to the exclusion of other forms of exploitation), lack of a rights-based approach, and lack of linkage to other gender-based violence programs. Although the new legislation is recognized as a significant accomplishment, the review concludes that there was little coordinated progress in other areas of NPA focus.

**8. Terre des hommes. *Trafficking and Exploitation in the Entertainment and Sex Industries in Nepal: A Handbook for Decision Makers*, Kathmandu: Terre des hommes, 2010, 131 pages.** Excellent resource on internal trafficking and sexual exploitation in Nepal. Provides overviews of the overall trafficking context in Nepal, and the entertainment and sex industries in Kathmandu. Examines causes and impacts of the sex industry, and offers a discussion of pros and cons of an entertainment industry and sex industry. Proposes steps towards a more comprehensive child-sensitive protection system and an approach to prevent trafficking and exploitation. Contains an excellent overview of the key national and local governmental and civil society stakeholders, a summary of relevant legislative changes, directives and policies since 2000, and an outline of international and regional commitments that Nepal has entered into.

### Selected regional and international legislation

**\*\*9. United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, United Nations, 2000, 70 pages.** This is the landmark UN protocol, sometimes known as the Palermo Protocol, that provides the first clear definition of trafficking in international law, and has become the internationally accepted definition. Simply put, the Protocol defines trafficking as the *process of recruiting or moving someone*, using various *means*, with the *intent of exploiting* the person.

***Palermo Protocol definition of trafficking***

Recruitment, transportation, transfer, harbouring, or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

Recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if it does not involve any of the means set forth above

The Palermo Protocol entered into force at the end of 2003. 117 countries had signed on to the Protocol by the end of 2009. Nepal is not a signatory to the Protocol at this writing.

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**10. United States Congress, *Victims of Trafficking and Violence Protection Act*, 106<sup>th</sup> Congress of the USA, 2000, 95 pages.** This U.S. legislation is relevant to the development of NMS in Nepal primarily because it lays out U.S. “minimum standards” (which are very broad) for foreign countries for the elimination of trafficking (section 108 of the 2000 Act), mandates an annual report on foreign countries’ efforts to meet said minimum standards, and governs U.S. actions towards countries that do not meet said “minimum standards,” including the withholding of non humanitarian, non trade-related assistance to such countries (section 110 of the 2000 Act.)

**11. South Asia Association for Regional Cooperation (SAARC), *SAARC Convention on Preventing and Combating Trafficking In Women And Children For Prostitution*, Kathmandu: SAARC, 2002, 5 pages.** The purpose of this Convention is to promote cooperation among South Asia governments to effectively deal with prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevention of the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination. The Convention is limited both in its definition of trafficking (“the moving, selling or buying of women and children for prostitution”), and its apparent focus on shelters as the primary modality for rehabilitation.

### **Standards development processes**

**12. Frederick, John, “*Development of Comprehensive Minimum Standards for the Care of Children in Need of Special Protection in Nepal*,” Concept Paper and Action Plan (draft), prepared for UNICEF, 2003, 15 pages and “*Action Programme for the Development of National Minimum Standards and Guidelines for Caregiving Facilities, Sri Lanka*,” Concept Paper (draft), 16 pages.** Both these documents provide a detailed description of proposed national minimum standards (NMS) development processes for residential facilities for children in need of protection. The documents provide a rationale for and definition of national minimum standards and an overview of core topics to be covered in an NMS document. They also outline the basic principles underlying the NMS development process, as well as the major steps in the process, roles and responsibilities of key actors in the development process, outputs of various steps in the process.

### **National minimum standards and standard operating procedures from Nepal**

13. Ministry of Women Children and Social Welfare. *Minimum Standards for Residential Child Care Homes (unofficial translation of final draft)*, Lalitpur: Government of Nepal, Ministry of Women, Children and Social Welfare, Central Child Welfare Board, 2007, 60 pages. These are the national minimum standards for residential child care homes in Nepal, prepared with the support of UNICEF. It is not clear to this consultant whether the standards have ever been officially endorsed. This set of 90 standards governs: (1) admission into home; (2) residence and atmosphere; (3) education; (4) sports and recreation; (5) health; (6) food and nutrition; (7) psychosocial services; (8) management and human resources; (9) complaint handling; (10) child protection; (11) protection of rights and dignity; (12) release and reunion plan. An annex outlines the consultative, preparation and drafting process used in developing the standards.

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A number of individuals we met with during the individual consultative meetings for NMS preparation, indicated that there were “problems” with adoption and implementation of these standards, among them that the standards are “too high.”

**14. Planete Enfants. *Guidelines for the Operation of Care Facilities for Victims of Trafficking and Violence Against Women and Girls, Kathmandu: Planete Enfants, 2005, 50 pages.*** Comprehensive guideline and standard operating procedure for long-term shelters, transit homes, overnight shelters, drop-in centres and crisis centers. Most appropriate for well-resourced and staffed centres that provide a full range of services. Offers an explanation of the relationship between minimum standards and rights-based approaches/programming and describes basic principles of care. Various sections cover (1) policy, (2) administration and staff, (3) confidentiality and privacy, (4) protection, (5) first response, (6) intake, (7) assessment, (8) case planning and referral, (9) social environment, (10) health care and nutrition, (11) care for accompanying children, (12) legal support, (13) psychosocial care, (14) education and recreation, (15) occupational training and placement, (16) social reintegration (life skills) training, (17) pre-reintegration activities, (18) post-reintegration activities, (19) physical facilities. Each section lays out a rationale, the actions that need to be taken by staff, and the requirements that must be in place for the organization to carry out the actions.

**15. Terre des hommes. *Protocol on Safe and Voluntary Repatriation of Nepali Trafficked Children (draft), Terre des hommes Foundation (Lausanne), Sanlaap (India), Shakti Samuha (Nepal), 2010, 39 pages.*** This draft protocol is a set of practical guidelines for facilitating safe and voluntary repatriation of Nepali children who have been trafficked to India, for use by NGOs in India and Nepal. State authorities in both India and Nepal had limited (if any) participation in the preparation of the document, and therefore the document does not have official legitimacy, although it may be useful as an advocacy tool. The protocol contains sections on definitions (child, trafficking in persons, safe repatriation, voluntariness, reintegration, recovery/rehabilitation, etc.) and guiding principles, with 12 rights-based principles derived from international human rights instruments. The guidelines themselves are organized according to stages following withdrawal: (1) Post-withdrawal from exploitative situation; (2) In the shelter in India; (3) Pre-departure; (4) En route (to Nepal); (5) Return to Nepal and followup. There are also a set of common guidelines for all stages of the process. Annexes include an outline of continuity of care procedures, and two forms: (1) a detailed pre-repatriation form highlighting key protection and other concerns, and (2) a case management form with details of child’s case history.

National minimum standards, policies and standard operating procedures from other settings

**16. International Labour Organization. *Creating a Healing Environment, Volume II: Technical Papers*, Kathmandu: Trafficking in Children South Asia Project, International Labour Office, 2002, 282 pages.** This volume of technical papers presented at a regional seminar on support for child survivors of trafficking and sexual abuse covers these topics relevant to SOP and training development: (1) Case Management Guidelines for Child Protection and Care Services; (2) Integrating Indigenous Knowledge and Practices into Psychosocial Help and Support; (3) Training Psychosocial Counselors in a Non-Western Context; (4) Standards and Guidelines for the Care of the Sexually Abused and Exploited; (5) A New Approach for Community-Based Reintegration: IRC’s Experience in Rwanda. Two of the papers are from Nepal (Chapters 3 and 4.) Each paper has a detailed table of contents and an abstract for easy reference.

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\*\*17. Ministry of Social Affairs, Veterans and Youth Rehabilitation. *Policy and Minimum Standards for Protection of the Rights of Victims of Human Trafficking*, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Royal Government of Cambodia, 2009, 38 pages. This is the Government of Cambodia's official policy and standards governing protection of trafficking victims in government shelters, NGO shelters and communities. The Policy defines protection in these 3 settings, outlines a protection model, delineates the (rights-based) principles informing the policy and standards, and outlines the responsibilities of concerned state authorities and officials as well as NGOs. The standards are more detailed instructions (which could perhaps be useful as indicators), organized according to (1) the rights outlined in the policy (safety and protection, individual identity, privacy and confidentiality, dignity, information, services, justice, normality, participation, decision-making, and freedom of movement) in Article 6; and (2) steps in the case management process (identification, crisis intervention, referral, reception, case planning, assessment, recovery, reintegration, followup and case closure) in Article 7. Article 8 lays out self care standards for service providers, Article 9 certain management and recordkeeping provisions, and Article 13 broad monitoring guidelines.

18. Protection of Children at Risk Project, Ministry of Social Welfare. *Minimum Standards for Integration (of Children Withdrawn from Commercial Sexual Exploitation and other worst forms of Child Labour, Street Children and Children without Parental Care*, Dhaka: Ministry of Social Welfare, Ministry of Women and Children Affairs, UNICEF, 2007, 16 pages. These are broad operational standards for integration, developed in two workshops with stakeholders in 2007, and intended for use by caregiving facilities, local NGO/CBOs involved in reintegration, government authorities, community support systems, family and community and alternative caregivers. These standards present the basic *requirements* for good practice, not the guidelines for actually implementing the practice. Sections include: (1) Overarching standards and children's rights; (2) Case management for integration; (3) Protection (in the facility; risk assessment in family, community and alternative care settings); (4) Preparation of child for integration; (5) Education; (6) Vocational development; (7) Life skills; (8) Durable solution; (9) Pre-integration activities; (10) Post-integration activities; (11) Monitoring and documentation of post-integration activities and case closure.

19. Sanlaap. *Child Protection Policy of Sanlaap*, Kolkata: Sanlaap, 2009, 35 pages. This document provides a framework for Sanlaap operations and for all individuals and organizations that Sanlaap has contact with in its work. The policy is subject to review every 2 years. It contains relevant definitions, an overview of the Sanlaap approach (rights-based, best interest of the child, participation, transparency and confidentiality and non-discrimination), and sections on: (1) Staff engagement; (2) Staff training and awareness (including detailed behavior protocols); (3) Summary of the minimum standards (*see document below*); (4) Reporting and response to breach of policy; (5) Ramifications of breach of policy; (6) Monitoring implementation of policy. Annexes contain forms that may be useful in SOP development for shelters and other centers, as well as a TOR for the child protection team at Sanlaap.

20. Sanlaap. *The Bare Minimum: Standards of Care and Protection for Victims of Trafficking and Commercial Sexual Exploitation*, Kolkata: Sanlaap, 2007, 82 pages. Sanlaap has prepared minimum standards based on its 20 years of experience operating shelters for girl children who have been sexually exploited, using a rights-based approach, and in light of international conventions, guidelines and research. It describes these standards as "generic" and adaptable to other target groups, and emphasizes the need for flexible response to

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evolving trafficking situations. The book is a narrative guideline, organized according to these stages: (1) Pre-rescue and rescue assistance; (2) Post-rescue assistance; (3) Shelter guidelines; (4) Reintegration assistance. It also offers very broad suggestions on types of methods to use in assessing and evaluating implementation of the minimum standards, although no specific indicators are included.

21. SARI/Q. *Minimum Standards of Care and Support for the Victims of Trafficking and Other Forms of Violence in South Asia*, South Asia Regional Initiative/Equity Support Program, USAID, Academy for Educational Development, MSI, South Asia Partnership (no date), 25 pages. This document is one of three regionally developed standards/protocol documents intended to guide care and protection of trafficking victims in South Asian countries. (The other documents are the Regional Victim Witness Protocol and the Regional Safe Migration Protocol.) The protocol, which was developed in the mid-2000s (circa 2005) by civil society participants from 4 countries, is a mix of higher level principles and somewhat more detailed operating guidelines. The focus is on shelters as the primary modality of care, and the document is accompanied by a more “user-friendly” handbook with illustrations (208 pages.) Chapters cover: (1) rescue and restitution; (2) shelter homes/other residential institutions; (3) case management systems; (4) repatriation; (5) reintegration; (6) management and staff. It is unclear whether any South Asian governments have officially adopted the standards.

22. SARI/Q. *Regional Victim/Witness Protection Protocol to Combat Trafficking, Commercial Exploitation and Sexual Abuse of Women and Children in South Asia*, South Asia Regional Initiative/Equity Support Program, USAID, Academy for Educational Development, MSI, South Asia Partnership (no date), 14 pages. This document is one of three regionally developed standards/protocol documents developed under the SARI/Q program. While the overall objective of the protocol is to protect trafficking victims from intimidation, retaliation and secondary victimization, the protocol also aims to be a tool for promoting review, amendment and implementation of national legislations and the SAARC Convention to combat trafficking, facilitating bilateral agreements and initiating public interest litigation. The protocol recommends specific measures to be taken by the State, and, where applicable, in collaboration with NGOs, for the protection of victims (during rescues, post-rescue, during age verification, and during trials) as well as State responsibilities for prevention of trafficking and commercial exploitation or sexual abuse, effective law enforcement, repatriation, rehabilitation and reintegration, and extradition. It is unclear whether any countries have officially endorsed the protocol or used it in the development of national laws, policies or protocols.

**International standards and guidelines**

**\*\*23. Global Alliance Against Traffic in Women (GAATW.) *Human Rights Standards for the Treatment of Trafficked Persons*, Global Alliance Against Traffic in Women, Foundation Against Trafficking in Women and Global Rights, 1999, 16 pages.** A significant step in laying out, in succinct form, human rights standards for victims of trafficking, this document is an important reference in the development of NMS. The GAATW standards are drawn from international human rights and other legal instruments. The standards lay out state responsibilities in: (1) implementing principles of non-discrimination; (2) ensuring safety and fair treatment; (3) access to justice; (4) access to private action and reparations; (5) resident status; (6) health and other services; (7)

repatriation and reintegration; (8) state cooperation. The document offers explanatory commentary on each article.

**24. International Labour Organization. *Child Friendly Standards and Guidelines for the Recovery and Intergration of Trafficked Children, Bangkok: Trafficking in Children South Asia Project, International Labour Office, 2006, 72 pages.*** ILO developed guidelines for care providers explaining what must, what must not, and what should be done in each stage of the recovery and reintegration process. These regional guidelines are especially pertinent in the South Asia context where there are few national guidelines on child protection. The guidelines aim to speak directly to care providers, and serve as a bridge between the technical national operational standards, and broad child rights principles.

**25. International Organization for Migration (IOM.) *The IOM Handbook on Direct Assistance for Victims of Trafficking, Geneva: IOM, 2007, 356 pages.*** This Handbook provides guidance in the delivery of a full range of assistance to victims of trafficking from the point of initial

contact and screening through their social reintegration. The Handbook is divided into sections on: (1) Security and personal safety; (2) Screening of victims of trafficking; (3) Referral and reintegration assistance; (4) Shelter guidelines; (5) Health and Trafficking; (6) Cooperation with law enforcement authorities. Appendixes include Ethical Principles in Caring for and Interviewing Trafficked Persons, and an Interview Checklist. Key principles of the approach include: (1) Do no harm; (2) Individualized treatment and care; (3) Continuing and comprehensive care; (4) Ethical interviewing and informed consent; (5) Self-determination and participation; (6) Non-discrimination; (7) Confidentiality and the right to privacy.

**26. International Organization for Migration (IOM.) *The Mental Health Aspects of Trafficking in Human Beings: A Set of Minimum Standards, Budapest: IOM, 2004, 56 pages.*** This document aims to help managers, planners and caseworkers of the International Organisation for Migration (IOM), partner organisations, and governmental bodies and NGOs develop and implement effective, high quality psychosocial support programmes for trafficked persons, in a standardized and coordinated manner. It contains baseline standards for

comprehensive psychosocial care of trafficked persons throughout the process of their rescue and rehabilitation. Standards are defined as a series of *measures* or *evaluation criteria* for establishing developing, implementing and monitoring mental health care programs for trafficked persons. Chapters focus on different aspects of care including: (1) Environmental standards; (2) Staffing and team composition; (3) Staff training and development; (4) Job assignments; (5) Management; (6) Program activities; (7) Recordkeeping and reporting; (8) Ethical standards and professional conduct.

**27. United Nations Children's Fund (UNICEF.) *Guidelines on the Protection of Child Victims of Trafficking, New York: United Nations Children's Fund, Economic and Social Council, 2006, 43 pages.*** These guidelines set out standards for good practice with regard to protection and care of trafficked children. They are based on international human rights instruments, and cover the stages from identification of a trafficked child through recovery and reintegration. The guidelines aim to provide a platform for governments and state actors, as well as international organizations and local NGOs to develop policy and good practices. Contents include: (1) General principles; (2) Identification (proactive identification measures, presumption of age); (3) Appointment of a guardian (appointment

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process, responsibilities of the guardian; (4) Registration and documentation (initial questioning, initial action, interviewing the child about his/her experience; (5) Regularization of status; (6) Interim care and protection; (7) Individual case assessment (tracing, risk assessment, best interest determination); (8) Implementation of durable solution (local integration, return to country/place of origin, resettlement and integration in a third country, followup); (9) Access to justice (criminal proceedings, civil proceedings, prevention of deprivation of liberty); and (10) research and data collection (ethical principles, ethical questions, misinformation as a coping strategy.)

**28. United Nations Children's Fund (UNICEF), Regional Office For South Asia (ROSA.) *Guidelines for the Safety and Personal Protection of Trafficked, Abused and Exploited Children, Kathmandu: UNICEF ROSA, 71 pages.*** This document is intended to provide a framework for development and implementation of protection mechanisms for trafficked, abused and exploited children who are under the care and protection of government and non-government agencies. It provides background information and requirements for prevention of and response to specific harms that children may experience in: (1) identification of abusive or exploitative situations; (2) withdrawal from abusive or exploitative situations; (3) post-withdrawal; (4) interviewing the child; (5) interviews and reporting by the media; (6) residential care; (7) transportation; (8) family tracing; (9) international repatriation (cross-border and air transfer); (10) integration. For each potential harm, the following are addressed: (1) safety and protection concerns; (2) preventive actions; (3) prevention requirements; and (4) response requirements. Annexes offer standards, procedures and useful forms: (1) Standards for Safety and Personal Protection; (2) Safety and Personal Protection Procedures; (3) Training for Safety and Personal Protection; (4) Child's Personal Protection Assessment Form; (5) Family and Community Risk Assessment Form; (6) Verbal Informed Consent Guidelines.

**29. United Nations Economic and Social Council. *Recommended Principles and Guidelines on Human Rights and Human Trafficking, New York: United Nations Economic and Social Council, 2002, 16 pages.*** Another useful introductory document to consult in the development of NMS, these principles and guidelines were developed pursuant to the Palermo Protocol and focus on state responsibilities. The principles fall into 4 categories: (1) The primacy of human rights; (2) Preventing trafficking; (3) Protection and assistance; (4) Criminalization, punishment and redress. There are 11 guidelines, with specific steps outlined for states to take in these areas: (1) Promotion and protection of human rights; (2) Identification of trafficked persons and traffickers; (3) Research, analysis, evaluation and dissemination; (4) Ensuring an adequate legal framework; (5) Ensuring an adequate law enforcement response; (6) Protection and support for trafficked persons; (7) Preventing trafficking; (8) Special measures for protection and support of child victims; (9) Access to remedies; (10) Obligations of peacekeepers, civilian police and humanitarian and diplomatic personnel; (11) Cooperation and coordination between States and regions.

**\*\*30. United Nations Office on Drugs and Crime (UNODC), *International Framework for Action to Implement the Trafficking in Persons Protocol, Vienna: UNODC, 2009, 59 pages.*** This is a technical assistance tool to assist UN member states in effectively implementing the UN Trafficking Protocol by identifying gaps and proposing measures to address them, and will be extremely useful in the development of umbrella national standards/guidelines. The narrative portion of the document outlines major challenges in implementation of the protocol and recommends general measures to address them. A set of tables, organized according to 5 pillars of action, describes the measures in greater detail. The

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five pillars of action are: (1) Prosecution; (2) Protection/Assistance; (3) Prevention; (4) National coordination/cooperation; (5) International cooperation/coordination. For each pillar, the Framework details: (1) the Protocol requirements; (2) specific objectives describing the intent of the provisions; (3) framework indicators (*or minimum standards required*); (4) implementation measures and specific recommended actions; (5) operational indicators to measure implementation and monitor change over time; (6) resources including relevant documents, guidance tools and good practice.

**Global reports**

**\*\*31. Global Alliance Against Traffic in Women (GAATW.) *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World, Bangkok: GAATW, 2008, 266 pages.*** An excellent review of the effects of anti-trafficking measures on human rights. This anthology examines the experience of eight specific countries (Australia, Bosnia and Herzegovina, Brazil, India, Nigeria, Thailand, The United Kingdom and the United States) and assesses the impact of anti-trafficking measures on people living and working there, or migrating into or out of these countries. It finds that government priorities around the world have been to arrest, prosecute and punish traffickers, rather than protect the human rights of people who have been trafficked and suggests that marginalized groups, such as migrants, internally-displaced persons, refugees and asylum-seekers, have suffered unacceptably. The report concludes that many significant changes in anti-trafficking policies are needed around the world, to prevent them from causing harm and to ensure that they help trafficked persons exercise their human rights fully. Until some of these changes are made, people who have been trafficked will continue to try and avoid being identified as victims of trafficking, suspecting that this may not be in their own best interests. The report concludes with a set of recommendations for policy change.

**32. UNICEF, *South Asia in Action: Preventing and Responding to Child Trafficking, Summary Report, Innocent Research Centre, UNICEF, 2008, 40 pages.*** This summary report presents findings of research on the South Asian responses to child trafficking, with particular focus on rights-based programming. It is useful background information for the discussion of rights-based approaches that will necessarily take place in the development of NMS/guidelines in Nepal. The research examines: (1) trafficking patterns in South Asian countries; (2) a regional analysis of legal frameworks relevant in addressing child trafficking; (3) a regional analysis of policy responses and implementation, including civil society initiatives, multi-stakeholder cooperation and community mobilization; (4) prevailing conceptual approaches that influence anti-trafficking initiatives in the region, and conclusions from a child rights-based perspective on prevention, protection and empowerment; and (5) recommendations.

**33. United States Department of State, *Trafficking in Persons Report, US Department of State, 2009, 324 pages.*** The Department of State is required by law to submit a report each year to the U.S. Congress on the efforts of foreign governments' to eliminate severe forms of trafficking in persons. The TIP Report highlights the "three P's": prosecution, protection, and prevention. The TIP Report heralds itself as the most comprehensive worldwide report on governments' efforts to combat severe forms of trafficking in persons. The introductory section describes the Tier system used by the U.S. to rank countries in their efforts to combat trafficking. Country narratives describe the scope and nature of the trafficking problem, the government's efforts to combat trafficking, assessment of the government's compliance with the minimum standards for the elimination of trafficking as laid out in the TVPA, and the rationale for ranking a country as Tier 1 (fully compliant), Tier 2, Tier 2 Watch List

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Annex C: Individual Consultative Meetings

(threatened with demotion to Tier 3), or Tier 3 (not compliant, and threatened with withholding of assistance). As noted in the GAATW document *Collateral Damage*, “The U.S. Government Accountability Office has criticized the criteria used for allocating countries into particular tiers, commenting that ‘... in justifying the tier rankings for these countries, State does not comprehensively describe foreign governments’ compliance with the standards, many of which are subjective.’” The country narrative for Nepal appears on pages 217-218.