

Homecoming

A report on
repatriation of trafficked and smuggled children



SANJOG

THE

THIRD

ALL PARTNERS CONSULTATION MEET

A THEMATIC DISCUSSION ON REPATRIATION

Kolkata

2nd to 4th March, 2005

Organised by

Praajak

and

Sanjog-Groupe Developpement

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Cover photograph by Roop Sen.

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ACRONYMS AND ABBREVIATIONS

AB - APARAJEYO BANGLADESH

ACD - ASSOCIATION FOR COMMUNITY DEVELOPMENT

BDR - BANGLADESH RIFLES

BPC - BANGLADESH PENAL CODE

BNWLA - BANGLADESH NATIONAL WOMEN LAWYERS ASSOCIATION

BSF - BORDER SECURITY FORCE

CCL - CHILDREN IN CONFLICT WITH LAW

CNCP - CHILDREN IN NEED OF CARE AND PROTECTION

CWC - CHILD WELFARE BOARD

DAM - DHAKA AHSANIA MISSION

DBA - DON BOSCO ASHAYALAM

GD - GROUPE DEVELOPPEMENT

JJ ACT - JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2000

JJ B - JUVENILE JUSTICE BOARD

NGO - NON GOVERNMENTAL ORGANISATION

SCO - SANJOG COORDINATION OFFICE

PREFACE

The issue of border control, migration in persons across borders and State policy on the same in South Asia is a paradox. It is perhaps one of the most difficult regions for people of one nation to go to its neighbouring country, caution in regard to political security runs supreme. Yet, it is one region where the borders are perhaps the most porous in the whole work, and where people look the same, eat the same speak the same and live the same. So, it is impossible for States to sift illegal immigrants settled in its nation.

Bangladeshi children who are in wait of their 'repatriation orders' and living in limbo in various government and non-government shelter homes in India, joke about how easy it is to have come to India, and how difficult it is for them to go back to their homes. As an afterthought, they add that it is still easy for them to go back if they would be allowed to do so on their own, it is a very difficult task for the government. In all their naivety, they hit the nail on the head.

Sanjog is an Indo-Bangladesh anti-trafficking programme that was initiated in 2003. The programme brings together NGOs in Bangladesh and West Bengal together to enhance coordination and collaboration in initiatives of prevention of trafficking, rehabilitation of survivors, mobilising civil society participation in addressing violence against children and adolescents, and creating spaces for dialogue between NGOs and community organisations on either sides of the border, as well as collective lobbying with States (refer website:www.groupedeveloppementsouthsia.org). This said meeting is the third consultation meet between the partners of the project with the

theme on repatriation, a focal issue in coordination amongst anti-trafficking organisations in the region.

I hope that in creating a repatriation caucus, we have not added to one more structure, another network, yet another forum for ourselves, and that we are able to live to the commitment to those children in whose name we meet and work. Rather than just penning down the minutes of a meeting, we have tried to present the report in a way that will be useful for all agencies working in the region on the issue, especially in West Bengal and Bangladesh. They should be able to take forward any of the elements that needs work on, or follow up on.

Roop Sen

Programme Officer for South Asia

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We are aware that children's voices and their participation is missing in this meeting, and therefore the report. Access to all groups of children who are victims of cross border smuggling or trafficking is a challenge, we hope to be able to work on a separate report on their experiences and views in a separate report. Mr. Ved Prakash Gautam helped us to research on the steps involved in repatriation.

EXECUTIVE SUMMARY

West Bengal and Bangladesh share a common porous border through which illegal migration and trafficking is common. When children (and adolescents) of Bangladeshi origin and nationality are apprehended on Indian territory or vice versa (though the latter is rarer than the former) a long and complicated process of sending them back ensues. This process is fraught with delays and imbroglios and very often, one finds children living in custodial care in the observation homes of West Bengal for years on end, awaiting their return back to their countries and homes. Many boys in conflict with law by virtue of being illegal immigrants escape the confines of the observation homes and end up on the streets, or even being trafficked, and/ or being criminalized and exploited. Many children never ever go back to their homes because their Bangladeshi nationality cannot be proven.

This consultation was called to bring together NGOs who facilitate this process of repatriation of children between West Bengal and India to deliberate on the factors that cause a delay in repatriation and unification of the child with its family, and propose initiatives and strategies of overcoming the roadblocks and bottlenecks to repatriation and reintegration of children disconnected from their families, and who have been trafficked or smuggled across the border of Bangladesh and India.

The three-day consultation led to a proposal for the formation of a caucus specifically to work on the issue of **repatriation of children and adolescents**

between Bangladesh and India. There were also informal interfaces with the Bangladesh Deputy High Commission and the Ministry of External Affairs, India.

A major achievement of the meet was to generate ideas for future action and a roadmap for the coming months.

There were also important discussion and mapping of resources available for child protection in West Bengal and Bangladesh.

The report that follows provides the details of the discussion.

1. THE CONTEXT

Illegal immigration in persons between West Bengal and Bangladesh is a social and political reality that does not always involve criminal intent...

West Bengal and Bangladesh share a highly porous border of 2,216 km along which people cross over in massive numbers on a regular basis. Communities on either sides of the border, at least in the immediate regions, have viewed the border as a soft border since 1947 and have maintained strong linkages with spaces and communities on the other side of the border. The State agencies on either side was aware of the same, and never viewed upon the practice as a problem, and in fact recognised it as a need of the masses. This is clearly evident by the fact that until last year, there has been no initiative on either side to create any physical barriers between the 2 nations. This political climate has however, changed over the last decade, and illegal immigration in persons from Bangladesh to India has become a politically volatile issue, and has featured prominently in the political mandate of the people in governance. Law enforcement agencies of India have initiated arrests of alleged illegal immigrants from Bangladesh settled in Delhi, Mumbai and other places, and forced them across the border. That neither of the countries, with its burgeoning populations, have any strict citizenship identification tools, and the people are racially the same and even share languages, food, religion and culture, it makes difficult to prove the cases of nationality of persons alleged to be an illegal immigrant from the other country for certainty.

Typically, the adjoining regions of either sides of the West Bengal and Bangladesh border are commercially underdeveloped, but are fertile grounds for smuggling in commodities and persons. In recent contexts, issues of insurgency and political militancy has been the points of concern for the Indian Government, which seeks the Bangladeshi Government for cooperation for crackdown on these outfits.

Children and adolescents, in most cases, are passive agents in the process of smuggling and/or trafficking, and are often ignorant of the crime of illegal immigration...

While the kingpins involved in smuggling of goods or persons are rarely apprehended, it is the experience of NGOs working in West Bengal¹ who rescue missing, lost or trafficked children that children who cross over, or are brought across, mostly without any clear understanding of the illegality of the act and the consequences thereof are apprehended by the police under the Foreigner's Act. This is followed by a sentence following which the State and NGOs move to identify the origins and family of the child. Similarly if a trafficked girl is rescued from a brothel in India and is found to be of Bangladeshi origin, a long -winded process has to be initiated in order to return the child back to her country and family. **When a child of Bangladeshi origin has to be sent back to his or her country, the application goes through 32 desks before the child can be actually taken across the border. It is**

¹ Childline Foundation, CINI ASHA, Praajak, Sanlaap, Don Bosco Ashalayam

rare for Indian children to be found in Bangladesh and repatriated back to India although such cases have been noticed in recent times².

Repatriation is a long and complicated process fraught with bottlenecks ...

A long and complicated wait to go back home results in enormous suffering for a child or an adolescent who has been disconnected with the family, its community and nation under difficult circumstances. Much of the tension on the matter is over the larger issue of India and Bangladesh disagreement on migration rights. India claims its right to exercise political sovereignty and control its borders, Bangladesh is compelled to act on its own domestic need to create and enforce opportunities of migration in persons. Children and adolescents, who are not free willed economic migrants, are the worst sufferers in this situation.

Until a few years ago, the process of affirming and confirming a child's nationality of Bangladesh was the responsibility of the Deputy High Commission in Calcutta (for children rescued in West Bengal). This power has now been taken away from this agency and the Home Ministry in Bangladesh controls the process. Thus, a minor distortion in the names or address as related by the child (or misunderstood by the social worker eliciting the information) can result in a rejection of the claim by the police in Bangladesh in charge of identification of the child's family and parents. Once again, this process was earlier on played by NGOs who may have had more resources and inclination to pursue the cases, rectifying such discrepancies, rather

² In 2005 February, Aparajeyo Bangladesh, Praajak and Don Bosco Ashalayam repatriated a twelve - year - old boy from Dhaka to Delhi, with very strong support from the Indian High Commission in Dhaka and the Ministry of External Affairs, India. BNWLA has reported of having repatriated a girl, trafficked from West Bengal to Bangladesh, earlier.

than rejecting the claims on the basis of inconsistencies, which are but natural if one considers the subjects in question.

Matters become even more complicated when the child has fled from home and/or does not want to go back home³ or when s/he is unable to produce the complete and exact address of his/her home. We, as nations, do not recognise the rights of a child to reject going back to an abusive family, which may have trafficked or driven the child out of home in the first place. We are yet to acknowledge any alternative forms to rehabilitation other than restoration of the child back to the family.

Communication between NGOs, and between NGOs and States on the matter of repatriation requires strengthening.

Since the mid to late 1990s, NGOs of West Bengal and Bangladesh such as Sanlaap and Praajak in West Bengal and Bangladesh National Women Lawyer's Association (BNWLA), Association for Community Development (ACD) and Dhaka Ahsania Mission (DAM) had initiated efforts to hasten the process of repatriation by sensitising governments, helping in family identification, providing counselling facilities to the child in waiting, and facilitating the movement of files and papers between desks and agencies and accompanying in the actual handover process to support minimum safety standards for the child or adolescent. The process of NGOs

³ Such is the case of many a survivor of sex trafficking who do not want to go back home for fear of stigmatisation and lack of acceptance and alternatives back 'home'. Likewise, many children who may have been brought over to India and thenceforth spent a few years in India, have vague recollections of home and may often reject the proposal of going back home.

working together requires strong coordination, especially since it involves NGOs of 2 countries working over a single case. When more than 2 NGOs work on the same case, it is a wastage of efforts, and parallelism in initiative. At the same time, one needs to recognise that repatriation is only a single rung in the entire process from rescue to reintegration, and unless the entire process is coordinated, the chances of the survivor being forced into re-trafficking is high, as has been the concern expressed by several agencies working in the red light areas of Pune, Mumbai and Delhi, who have found that minors who had been rescued, repatriated and restored back to their families 3 years ago have returned back to the brothels due to a faulty rehabilitation process. Thus, there is a huge need for NGOs to work in coordination on management of cases, to ensure that survivors are supported in claiming their social and economic entitlements even after they are 'restored' back home.

To the States, there is a lack of a concerted NGO voice to raise concerns on the matters of repatriation of survivors of cross border smuggling and/or trafficking. There have been initiatives by certain NGOs⁴ who have drafted proposed bilateral agreements on trafficking between the 2 countries, but these have not gained acceptance by the States in conjunction for various reasons.

The identities and futures of stateless children...

Where families have been reluctant to accept the child due to issues of stigma (especially if the trafficked victim is a girl, and had been trafficked into prostitution), it is a challenge for the child even post restoration, and there is little mechanism

⁴ BNWLA is working with Government of Bangladesh to create the draft of an extradition treaty between India and Bangladesh.

other than individual NGO initiatives to work with families to meet their responsibilities towards their children. There is no articulated mandate for State agencies, especially of the local governance, towards reintegration and protection of such survivors. In some cases, NGOs who run institutional care programmes work towards long-term rehabilitation of the survivors. However, **if a child's family cannot be identified and/or the identified family does not acknowledge the child, then the government refuses to acknowledge the nationality of a child pertaining to that country. At the same time, if a child has admitted that he or she is from Bangladesh and on that basis the Indian Government has moved for repatriation of the child, even after a Bangladeshi Government's rejection of the child as its citizen, the child does not automatically get an Indian citizenship, and to all intents and purposes, is reduced to a status of Statelessness, a clear violation of the child's human rights⁵.**

In 2003, Groupe Developpement initiated a regional Bangladesh-West Bengal project, in collaboration with Sanlaap, Dhaka Ahsania Mission, Association for Community Development, Aparajeyo Bangladesh and Don Bosco Ashalayam, to address trafficking and exploitation in children and adolescents. All of the partners are key agencies in the rescue, repatriation and rehabilitation of children who are victims of trafficking and/or smuggling in persons. Since 2004, the organisation developed a partnership with Praajak, which is a key player in repatriation of boys. **In keeping with recent developments and concerns that need to be addressed, a consultation was called with partners and other allies like BNWLA (which is a key agency and**

⁵ Article 36 of United Nations Convention on the Rights of the Child says "State Parties shall protect the child against all other forms of exploitation prejudicial to any aspect of the child's welfare."

have repatriated victims of sex trafficking from the region since 1990s) from 2nd to 4th March 05. The consultation was organised by Praajak Development Society.

The organisations from Bangladesh, which participated in the meet, were:

- *Dhaka Ahsania Mission: Dhaka Ahsania Mission is part of a core team formed by the Government of Bangladesh to combat trafficking in Bangladesh. It runs a shelter home at Jessore for rescued victims of trafficking. DAM has created a partnership with 21 Local NGOs along the border regions of Satkhira, Jessore, Jhenaidah, Chuadanga, Meherpur, and Kustiya under the Sanjog Project, supported by Groupe Developpement and the European Commission.*
- *Aparajeyo Bangladesh: Aparajeyo Bangladesh is one of the leading organisations in Bangladesh working on issues related to disadvantaged children from a rights based perspective. At present AB is working in Dhaka, Chittagong, Jamalpur, Khulna and Barisal, the initiatives in Khulna and Barisal being supported by Groupe Developpement and the European Commission. In course of its work AB has become interested in trafficking issues, as trafficking of children, both inside and across the border has become a serious problem.*
- *Association for Community Development: Association for Community Development is based in Rajshahi and is working in the three northern districts of Rajshahi, Chapai Nawabgunj and Naogaon. ACD has been working in these areas for over two decades, working closely with the community for their upliftment through an integrated rural development approach. ACD also provides shelter to homeless children in Rajshahi city.*

- *Bangladesh National Women Lawyers Association: BNWLA is an organisation of lawyers working on the rights of disadvantaged women by providing them legal aid. BNWLA has a rich experience in working on issues related to repatriation of children. BNWLA is also involved lobbying with the government and developing legal instruments to fight for women's rights. Recently it has been involved in developing legal instruments for an extradition treaty between Bangladesh and India.*

India was represented by the following organisations:

- *Sanlaap: Sanlaap has been working on the rights of women and children for a decade and half. The organisation has received national and international recognition for the work it does to fight against trafficking and prostitution. Sanlaap is involved in rescuing children and women from prostitution, documenting cases of abuse against women and lobbying with the government at the district and national level apart from being part of International networks on trafficking. Under the Sanjog project, Sanlaap has built a network of 27 partners in 8 districts of West Bengal along the Indo-Bangladesh border under the project **Sanjog**, supported by Groupe Developpement and the European Commission.*
- *Don Bosco Ashalayam: Don Bosco Ashalayam has been working with homeless children for the last two decades. It has a comprehensive programme for the street children - from outreach to job placement. The organisation has 25 homes for children all over West Bengal. Don Bosco's Childline programme in*

Howrah, which is one of the primary transit points for trafficked victims, is an important link for rescue of trafficked victims. Childline is a national service initiated by the Government of India in association with Tata Institute for Social Sciences. This service consists of a free phone number (1098) which any child can call to get access to help if they are in danger. Childline is currently available in 66 cities across India.

- *Praajak: Praajak is an NGO based in West Bengal who works with children in railway platforms with programmes on empowerment and rehabilitation through non-institutional forms of care. They have been assigned the responsibility to repatriate Bangladeshi boys from India to Bangladesh. They work in State run shelter homes for boys to improve the quality of shelter homes run by the government.*
- *Daywalka Foundation: Daywalka Foundation is an international NGO which has recently started working in South Asia.*
- *Groupe Developpement: Groupe Developpement is an International NGO which was formed in 1973 by a group of airline managers and employees to help refugees in Equatorial Guinea. Since 1994, Groupe Developpement has been supporting initiatives globally to prevent commercial and non-commercial sexual exploitation of children and actively supports ECPAT International. It has initiated the Sanjog project in South Asia (Bangladesh-India) to build linkages across West Bengal and Bangladesh to combat trafficking and exploitation of children and rehabilitate children who are survivors of*

trafficking. Other initiatives in the region include Nepal, Pakistan and Sri Lanka.

The participating groups had informal discussions with the Bangladesh Deputy High Commission and the Ministry of External Affairs, India. Ms Madhumita Bhattacharyya, senior reporter, The Telegraph, represented the media. A complete list of the participants is available as Appendix at the end of this report.

2. OBJECTIVES OF THE CONSULTATION

In the course of partnership with Groupe Developpement since 2003, Dhaka Ahsania Mission had articulated needs of dialogue between agencies on the issue of repatriation, for building strategic alliances. On the Indian side, Sanlaap and Praajak had raised concerns over the issue of continuity of care, and a need for sustained follow-ups of children who are being repatriated. Sanlaap and Praajak required the clarity of understanding on how to choose between partner NGOs for repatriation, given that Dhaka Ahsania Mission and BNWLA were both willing to facilitate repatriation of children from India to Bangladesh. Association for Community Development has strong community based programmes, and felt that there needs to be clear guidelines and principles of partnership if organisations who focus on repatriation, and organisations who follow up on continued care to reintegration are to work together. The anxiety of social workers over communication gaps in expediting cases was constantly reflected in reports. Hence, the consultation was called with a bagful of expectations from the initiative and the process.

At the inception of the consultation, participating organisations listed down the following expectations of the consultation:

1. The process begun by the consultation should end in a manual or a guideline for repatriation.
2. There should be networking norm and process definition between Indian NGOs and Bangladeshi NGOs, agencies who rescue children, those who provide support in terms of shelter and psychosocial programmes, organisations which provide legal support to

survivors, organisations working on repatriation of children, organisations who restore children back to their families and organisations who work for social, economic, civil and political rights of survivors in their communities.

3. A regional map needs to be created - to illustrate who is doing “what” and “where”.
4. A guideline needs to be prepared as to what needs to be done when children’s addresses cannot be found in Bangladesh.
5. A quarterly newsletter on repatriation is required.
6. A mailing list (containing a list of all relevant organisations and agencies) on repatriation is necessary.
7. A website for the same
8. The organisations in Bangladesh need to meet more often so that strategic partnerships can be formed.
9. Lobbying on the basis of the cases that would be presented in the newsletters.
10. Simplification of procedures related to repatriation is urgently required.
11. A strong media campaign is necessary to highlight the issues and make the government take notice.

While the list posed tall orders in terms of objectives for one consultation, it became clear that the initiative needed continuity in process. Issues of mapping and deciding on who does what and where seem to arise from the need of building working partnerships between NGOs who need to complement each others’ efforts rather than compete with each other by replicating and duplicating initiatives. At the same time, one needed to look at the premise over a single agency claiming stake in a process that involves a process that obviously requires more agencies to pitch in.

A few of the expectations also reflect a need for coordination by a third and ‘neutral’ agency that would also play a role in conflict resolution. At this point, this allocation

of responsibilities and roles need more time for deliberation, and as the initiating agency, Groupe Developpement is conscious of the fact that it does not want to assume the role of another secretariat of yet another network, without the working group assuming responsibilities amongst itself.

Further, simplification of processes of repatriation is not for NGOs to decide on, but there is a need for NGOs to consistently lobby with their respective governments on the same. Both the Indian and the Bangladeshi governments have taken initiatives to combat trafficking in persons, especially children and women, and formed committees that include NGOs. It is for NGOs to raise this issue in those committees. The caucus is a space for the agencies to discuss positions and strategies on the same.

Manuals, guidebooks, resource directories, mailing lists and newsletters can certainly feed into a website, and that is not a tall order in comparison. Groupe Developpement has a commitment to look into those needs to create a more enabling space for sharing of resources, information, skills and knowledge.

3. JUVENILE JUSTICE SYSTEM IN INDIA AND BANGLADESH, and REPATRIATION

The Juvenile Justice systems of the 2 countries include the following tools:

- In India, the primary tool for Juvenile Justice is the Juvenile Justice, Care and Protection Act, 2000
- (a) In Bangladesh, the tools include the Children's Act, 1974, Vagrancy Act, Section 54 of the Bangladesh Penal Code and Section 386 of Dhaka Metropolitan Police Act

The core principles behind the J.J. Act, 2000, India, is that justice is done to the child and the abidance of the best interests of the child, which is in keeping with the Convention on the Rights of the Child. The J.J. Act is also an overarching act in the sense that it can override all other Acts, such as the Child Labour Act and the Child Marriage Act.

The Act categorises children under two sections

- (a) Children in conflict with the law, and
- (b) Children in need of Care and Protection.

The Juvenile Justice Board deals with the cases of children in conflict with the law, while cases of children in need of care and protection are dealt with by the Child Welfare Committees.

About children who are victims of smuggling and/or trafficking...

The Juvenile Justice Act does not define a trafficked child, but does acknowledge that a child who is a victim of a crime should be seen as a child in need of care and protection, and therefore that child's case should be dealt with by the Child Welfare Committees. This is an important implication, because a child who has been rescued by a rescuing agency as a

lost or unaccompanied child, or a child in an exploitative situation, and subsequently learns from the child that s/he is from Bangladesh, should technically be looked upon as a child in need of care and protection, especially when it is clear that the child has been smuggled across the border. The use of section 14, Foreigners' Act in these cases does not make sense, nor does it serve justice to the victim.

The discrimination against boys who are victims of smuggling....

It is an experience of the Indian organisations that many children, especially boys, who are rescued from streets or railway stations, and who admit that they have been brought from Bangladesh, are redirected by the Child Welfare Committees to the Juvenile Justice Boards, since they are identified to have been in conflict with the law. Alternately, girls who are rescued from brothels are identified as victims of trafficking and their cases are dealt with by the Child Welfare Committees as is the experience of Sanlaap. There is no logic in the difference in perspectives between boys and girls. Since the Juvenile Justice Act does not define trafficked victims, nor does it speak about smuggled children, the State and the Judiciary needs to clarify the procedures with regard to such cases.

The intent and the spirit of the Act...

Though there has been a change in the language and spirit of the Act, the resistance to actualisation of those changes are a telling sign. For instance, the Act clearly mentions that the Juvenile Justice Board must not be a court like space, but be a home like space - but one finds that there is a resistance of doing away with the witness box, or the divide between the magistrates and others on the board and the child in question. Thus, the change of viewing of such 'foreign children' as victims

rather than offenders of the law is a challenging task that needs to be taken up relentlessly.

Better institutional care...

Children in need of care and protection are produced before the Child Welfare Committee. The Child Welfare Committee sends these children to the Observation Home. Observation homes can be both governmental as well as non-governmental. However a non-governmental home would have to be declared as a "fit institution". There is a shortage of quality government homes. There are NGO run homes the situation within which may be better run but not many of them are declared as "fit institutions".

A lack of awareness of the CWC and its roles and functions

There is a lack of awareness of the CWC amongst agencies, as well as a shortage of such agencies, and the regularity of their functioning, which affects the process of rescue and repatriation of children who are victims of smuggling and/ or trafficking

Apart from this the Bangladesh Government ratified the United Nations Child Rights Convention.

In Bangladesh, in the course of working with children in need of care and protection, NGOs like Aparajeyo, the most common sections of the law used on children are:

- (a) Under the Section 54 of BPC for example, any body can be arrested for 90 days.
- (b) Under the Vagrancy Act the police can easily round up children in the street and put them in the homes without any explanation at all.

The ministries that are responsible for the children are:

- (a) Home
- (b) Police
- (c) Social Welfare
- (d) Justice, Law and Parliamentary Affairs.

In 2004, there were 12,000 children in various jails of Bangladesh according to Aparajeyo Bangladesh. They were kept along with the adults a situation that can only transform them into criminals. Despite attempts to bring about changes in legislation and procedures in dealing with children, no substantive changes have come about that holds the State accountable in violation of children's rights in the course of dealing with cases where a child is in conflict with the law.

Specifically, in the context of children who are illegal immigrants, through the experiences of dealing with cases handled until now, it seems that there is no stringent law or procedure to be followed.

1. BNWLA⁶ and Aparajeyo Bangladesh have found children from India and repatriated them in collaboration with NGOs like Praajak or Jabala in West Bengal.
2. In a separate case, Aparajeyo Bangladesh found a child who claimed to have come from Karachi by sea, in a vessel where he had worked as a porter, and he stayed over at Chittagong. According to the boy, his mother was originally Bangladeshi, and his father was Pakistani. The boy's native tongue seemed to be Urdu. Typically, in India,

⁶ Shirin Nahar, BNWLA, reports that in 2002, they repatriated one Indian girl from West Bengal, who had been rescued by BNWLA in Bangladesh, in collaboration with Jabala. The girl was from Murshidabad.

the NGO would have been legally obligated to hand over the boy to the State, and the boy would have to live in custodial care, and repatriated.

3. Again, in the case of Mukesh, Aparajeyo was allowed to take custody of the child, and took initiatives to repatriate the child. In India, the same would not have been possible. Childline and other rescue agency reports that once the NGO finds out that a child is Bangladeshi, they are obligated to report the case to the police and produce the child to the State. There is some confusion perhaps regarding whether the boy can be produced to the CWC or has to be produced to the J. J. B., even when the child has not been arrested by the police or booked under section 14 of the Foreigners' Act, but experts say that the J. J. Act does not specify that a child of foreign origin, who has been smuggled or trafficked across borders, should not be treated as a child in need of care and protection. And again, survivors of sex trafficking, rescued from brothels are treated as CNCP.

4. THE PROBLEM OF REPATRIATION

A large part of the discussion in the workshop focussed on the delay in the process of repatriation. It was felt necessary to chart the entire process of repatriation so that it became clear to everyone as to what are the steps involved in the process. Briefly speaking the process of repatriation in case of a Bangladeshi boy/girl is apprehended on the Indian side of the border can be summed up as follows⁷:

1. Police in West Bengal apprehends a juvenile, books him under section 14 of Foreigner's Act.

There needs to be a distinction between smuggled and/or trafficked children with those youth who may be illegal immigrants, involved in smuggling, insurgency and trafficking. Criminalization of all children who have been transported across the border is abusive to children who are victims and not perpetrators.

2. The child is produced before the Juvenile Justice Board (JJB), which remands him/her to the Observation Home.

Punishment of children who are victims of a crime is a violation of their rights, and an injustice meted out to them.

3. JJB gives a sentence/declares the period of stay in the Observation Home as 'substantive punishment' for the juvenile and orders early repatriation of the juvenile to his native country.

⁷ If a Bangladeshi girl is rescued from the brothel then the child is not booked under the Foreigner's Act but is produced before the CWC and then sent to Observational home. The process of family identification remains the same and the child is expected to stay on in India until the case for which she is a witness is over.

4. The Home Superintendent informs JJB to order for early 'deportation' of the juvenile to his country of origin and pass on the order to the Directorate of Social Welfare (office at Salt Lake, Kolkata).

The process of repatriation was evolved after a recognition of the fact that children should not be pushed across the border, which is very dangerous and abusive to children. The intent of deportation and repatriation are different, and should be recognised in policy and action by the State. Also the details of the child's home is taken by social workers (Sanlaap, Praajak) and the description is very liable to errors. One has to remember accuracy of the information will depend on the capacities of children, depending on their ages, the duration of their being away from home, their educational and literacy levels et al. In a few cases, the child may not even want to go back home for various reasons, as in the case of a 16 year old boy who had spent 8 years in India, and had little recollection or attachment towards his family or home.

5. The Directorate of Social Welfare, Government of West Bengal, writes to the Directorate, Bengal Secretariat, Ministry of External Affairs, Government of India informing about the J. J. B's order to repatriate and sends the copy of the letter to the Special Secretary, Department of Home (F & NRI), Writers Building, Kolkata.

6. The Director, Bengal Secretariat, Ministry of Home Affairs, Government of India, on finding the letter of DSW writes to Deputy High Commission, Bangladesh to identify the mentioned child for early repatriation of the Juvenile.

7. The Deputy High Commission, Bangladesh writes to its Home Ministry in Dhaka about the Juvenile lodged in the Indian Observation Home and seeks identification of the child.
8. Bangladesh Home Ministry instructs the Special Branch to identify the Home of the juvenile. *In the case of any mismatches between the information given to the Special Branch and their experience, there is no system of cross checking possible and the applicants' request is rejected on that ground. Sometimes, the description given by the survivor includes all of the name of the village, or certain clues - and within Bangladesh, there are many places with similar names. Thus, family identification of a child can be a tough challenge.*
9. The Special branch sends its investigation report to the Home Ministry.
10. Upon satisfaction regarding the report the Home Ministry sends a letter to the Deputy High Commission in Bangladesh.
11. On receiving confirmation of nationality from its Home ministry, the Bangladesh Deputy High Commission, Kolkata, writes to the Director, Bengal Secretariat, Ministry of External Affairs, Government of India, and sends a copy of the same to the Special Secretary, Department of Home (F& NRI) confirming the nationality of the Juvenile and requesting early repatriation of the same.

12. Directorate, Bengal Secretariat, Ministry of External Affairs, Government of India writes to the Directorate of Social Welfare, Government of West Bengal enclosing the identification from Bangladesh Deputy High Commission Deputy High Commission, Kolkata and sends a copy of the same to the special Secretary, Department of Home (F&NRI).
13. On receiving the copy, the DSW writes to the Special Secretary, Department of Home (F&NRI), Writers Building with the enclosures of the JJB order and Bangladeshi Ratification of Juvenile's identity for repatriation requesting to make early arrangement for repatriating the Juvenile through official channel.
14. The Special Secretary, department of Home (F&NRI) on receiving its issues order of repatriation to the Director, Intelligence Bureau, West Bengal Police. Copies are enclosed to the following:
- (a) Superintendent of Police (of respective District within which observation Home lies).
 - (b) IG, BSF, South Bengal Frontier.
 - (c) Additional SP, District intelligence Bureau.
 - (d) Directorate of Social Welfare, Government of West Bengal.
 - (e) Superintendent of Juvenile Home where the Juvenile is lodged.
15. On receiving the intimation, Superintendent of the Observation Home submits a profile of the juvenile to be repatriated along with his photograph and JJB orders the Director, Intelligence Bureau to act on it.

16. On receiving the letter of the Director, Intelligence Bureau, orders the respective District Intelligence Bureau to act on it.
17. The respective District Intelligence Bureaus writes to BSF, South Bengal Frontier and seeks a date and notification of the specific border for repatriation of the Juvenile. It also sometime suggests a date and notifies a border point to the BSF and seeks confirmation from the BSF.
18. BSF, South Bengal Frontier, corresponds with its border unit (e.g. Haridaspur - Petrapole Unit in North 24 Parganas), who in turn confirms the juvenile's identity, proposes date and time of repatriation with its counterpart on the other side of the border - BDR. After getting confirmation from BDR, BSF informs and confirms the DIB.
19. The DIB on receiving the confirmation from BSF, writes to the following:
 - (a) District Police Lines to send the vehicle and police escort on the day of repatriation.
 - (b) Superintendent of Home intimating about the date and time of collecting the Juvenile from the Home.
 - (c) DSP, Immigration and Customs Police (ICP) of the notified border about the repatriation. The DIB deutes its personnel no less than the sub-inspector rank to escort the juvenile alone with the district police personnel from Home to the border.
20. BSF, South Frontier Office issues an order to the company Commander of the notified border of repatriation to facilitate the repatriation on the set date.

21. On the scheduled date, the Sub-inspector of DIB along with the escorting Head Constable and Constables from District Police lines collect the juveniles in the police vehicle from the Observation Home after the Superintendent and the SI writes "Challans" of custody about the juvenile.
22. The escorting team brings the juvenile in their vehicle and reports to the Inspector - in - Charge (IC) of the Immigration and Customs Police check post on the notified border.
23. The ICP contacts the BSF check post of the border point and through BSF informs its counterparts the Bangladesh ICP on the other side of the border to come and receive the juvenile.
24. BSF informs the BDR on the other side, who in turn informs its ICP. Representatives from BDR, ICP - Bangladesh side, BSF, ICP - Indian Side and the SI of DIB meet and tally the papers and details between the countries. A *challan* is drafted which is usually addressed to the Officer-in-Charge of ICP, Bangladesh side with due mention of all the witnesses present during handing over to Bangladesh. A witness signs the *challan* and then the carbon copies of the *challan* are given to all the stakeholders present during the repatriation.
25. After the formalities are complete, the ICP - Bangladesh's side and BDR take charge of the juvenile and bring him/her to their territory.
26. The juvenile is reunified with his family in Bangladesh.

The above procedure is likely to draw disbelief and alarm. There is an urgency for the simplification of this process, and for the minimisation of the gestation period whereby a child or an adolescent is put on endless wait. If we as nations have not been able to protect the child from getting trafficked or smuggled across the border, then do we have a right to victimise the child endlessly? And there are cases where one is witness to a process which is as effective and yet so much simpler.

The case of Mukesh, an Indian boy who was repatriated from Bangladesh a few days before the consultation meet, clearly illustrates the point:

The story of Mukesh

Mukesh was arrested by police in Dhaka on the eve of Id and the SAARC meet. As per usual practice, the social workers of Aparajeyo Bangladesh visited the police *thanas* (police station) of Dhaka city and found Mukesh in one of the Thanas. The police introduced Mukesh as a 'little spy' from India. The social worker sought release of the boy and kept him in Aparajeyo's boys hostel for children living and working on the streets. The boy could not communicate effectively as he knew only Hindi. After Id the boy gave a cell phone number of a resident of Delhi. The Indian High Commission was contacted for help and the boy was presented to the High Commission. The Indian High Commission decided to check the address of the boy and fortunately was able to verify the address within 48 hours. The High Commission gave the boy a special passport - which confirmed his Indian citizenship.

The next step was to find permission from the Bangladesh government. This happened at a point of time when the relationship between India and Bangladesh had turned hostile and the SAARC meeting was cancelled because of India's withdrawal. The reputation of Aparajeyo however helped and the Special Branch of Police started to investigate the matter. Matters were delayed by a strike in Dhaka. It took one week to get all documents processed. All along the Aparajeyo was actively in touch over e-mail with the Sanjog Coordination Office, Groupe Developpement and Praajak in Kolkata. Once the documents were processed a Coordinator on behalf of Aparajeyo was assigned the responsibility of taking the boy back. The coordination between the organisations of the two countries through email (which included scanning of photographs and documents and sending them by email) was extremely useful.

On the Indian side of the border, Praajak facilitated the process by being constantly in touch with the Ministry of External Affairs who in turn contacted the BSF and the Customs department. This helped to clear the papers when the boy arrived at the Petrapole border with his escort, Mr. Abu Nayeem of Aparajeyo. The Sanjog Coordination Office contacted a journalist from the Telegraph Kolkata who went to Petrapole to cover the story and the story was reported the next day in the Telegraph.

It is customary to present the child at the CWC and it was a happy coincidence that the child arrived on Wednesday, which is the day that the CWC sits. Here Mr. Felix from Don Bosco Ashalayam took the child's custody and took him to DBA. The Childline staff of DBA contacted the Childline staff of Delhi. The Delhi office confirmed that the child is from Delhi and they have contacted the family of the child. Mukesh was taken back to Delhi and reintegrated with his family.

On the other hand there are several cases at the Observation Home of Sanlaap which shows how cruel the problem of delay can be. Let us consider one such case - that of a girl whose name we shall not disclose. Let us think that her name is Salima:

Salima's Story

Salima is a girl of around 24 years of age⁸, and stays in Sneha, a shelter home run by Sanlaap, since October 03. She is originally from Satkhira. She was trafficked to Mumbai at the age of about 12 or 13 and subsequently rescued by the Mumbai Police and sent to Sanlaap for repatriation. She was extremely disturbed when she heard that she would have to wait for a long time before she could leave for home. She pleads with the caregivers to take her to the border and claims to know how to influence border police who would allow her to cross the border without papers as she used to once every year while she was in Mumbai. As she kept waiting, she gradually fell into severe depression. It is likely to take another one to one and half years before she is sent back home.

There is also another girl at Sneha, a survivor, who has almost lost her emotional stability because she has left her child behind in Bangladesh. She is under constant medical and psychological treatment. She keeps crying all the time and says that when she returns her child would not be able to remember who she is.

Such life histories show how grotesque the consequences of delay in repatriation can be.

⁸ This is another issue which draws concern where adult women in prostitution, who may have been trafficked from Bangladesh years ago, are 'rescued' from the brothels and are being repatriated. The question is not whether the woman in prostitution should or should not be allowed to be in India, the question over here is whether a system evolved for children and adolescent girls should be used for adult women as well, whose concerns and priorities are very different from that of a 12 or 16 year old.

5. RESOURCES AVAILABLE IN WEST BENGAL AND BANGLADESH

One of the objectives of the workshop was to map the various resources that were available in Bangladesh and West Bengal. The participants were divided into two groups - one consisting of the Bangladeshi members and the other consisting of the members from West Bengal. The purpose of this exercise was to initiate a visualisation of possible linkage between agencies through linkage in resources, based on the needs of the child in repatriation and reintegration. However, this is an exercise that clearly requires a lot more time and deliberation, rather than a gross overview of certain generic initiatives that are being undertaken by the participating organisations. Also, this exercise would require the building up of strategic alliances between organisations and the processes for the exercise would have to accommodate that. In successive initiatives, the repatriation caucus would focus on each of these objectives separately.

Clearly, there is a need for building of strategic alliances. Case studies of survivors reveal that unless an adolescent or a young man or woman, who is being assisted to go back home to her or his family, finds social and economic support back in the community, most of them are forced to return to the situations of exploitation, Girls who have returned to brothels after having been restored back home have talked about the stigma that they had been subjected to, and the option less state they face when they go back home. Boys and girls alike, who come back home after varying periods of time, are faced with a situation where they may not be eligible, nor prioritise education programmes, there may not be economic or livelihood options

available, for many girls, marriage in the community may not be a feasible option. Under such circumstances, reintegration is a challenge. Given limitations in resources, it is clear that no matter how well intending an agency is, it is not possible to work in isolation in facing up to the challenges, and support the survivor in accessing entitlements that will ensure her or his security and options.

One foresees a significant role to be played by different working groups, consortiums and networks where such partnerships and alliances can be facilitated, and conflicts resolved.

6. STATE RESPONSES TO THE INITIATIVE

At the time of conducting of the consultation, The Bangladesh Deputy High Commission, Kolkata, had orders from the Government of Bangladesh not to join any forum called by NGOs. The reason for this was not clear, however, Ms, Jahanara Siddique, counsellor of cultural and political affairs, met with a representative group of the caucus on 3rd March 05. Mr. Mizanur Rahman Shelly, Director of the Social Welfare Department, was also present at the meeting since he was at the consulate perchance. In the letter presented to Ms Siddique, the caucus sought the intervention of the deputy High Commission in the following matters:

1. Rationalising the setting of dates of repatriation after the order has been passed, this delay is caused in the process of agreement of dates or handing over between the BSF and the BDR⁹
2. Clarification of details of identification of the child or adolescent in question by the Deputy High Commission as was the process earlier
3. Rationalising the use of both English and Bangla in the documents of repatriation - since proper names of people and places get distorted in the process of using different languages.
4. A definite and more expanded role for the Deputy High Commission in the process of repatriation.
5. A granting of VISAs to social workers who need to commute between the 2 countries frequently in order to facilitate the process
6. A solution for children whose families cannot be traced and are effectively turned into Stateless children.

⁹ Border Security Force, the paramilitary forces of India controlling the border, and BDR, Bangladesh Rifles, its Bangladeshi counterpart

The deputy high commission, for its part, feels a gap in communication between the NGOs and the deputy high commission, particularly on the matter of follow up of cases and the delays on some of the cases. Understandably, the deputy high commission is not in a position to comment on the curbing of its powers in the identification of a victim as a Bangladeshi citizen or otherwise, the matter requires sustained lobbying with the Government in Bangladesh to re-enforce a greater power to the Deputy High Commission in the matter of repatriation of Bangladeshi children. According to the counsellor, it is necessary for NGOs working in West Bengal on repatriation to have more structured communication with the Bangladesh Deputy High Commission, Kolkata to update the agency about the status of children awaiting repatriation, maintain case records and submit reports to the agency periodically. In lobbying with the agency, it might be more effective for NGOs to negotiate as a group rather than as individual organisations.

The letter presented to the Counsellor, Political and Cultural Affairs is as follows:

3rd March 05

Jahanara Siddique

Counsellor (Political and Cultural)

Bangladesh Deputy High Commission

9, Bangabandhu Sheikh Mujibur Rahman Sarani

Kolkata 700017

Madam,

This is to inform you that a group of Non Governmental Organisations working with children in West Bengal and Bangladesh, who have been working to repatriate children between the two countries, have constituted and Indo-

Bangladesh Repatriation Caucus to sort out problems related to the repatriation of Bangladeshi children from India and the reverse.

The principles of this caucus are:

1. To facilitate quick repatriation of children awaiting the transfer from one country to the other.
2. To formalise guidelines for facilitating the repatriation process that can be followed by agencies on both sides of the border.
3. To work towards more effective reintegration of repatriated children, to avoid re-trafficking, and this will be co-ordinated by agencies on both sides of the border.

To this effect, the Sanjog repatriation Caucus is conducting a 3 day consultation (2nd - 4th March), at Kolkata, between its member organisations: Aparajeyo Bangladesh, Bangladesh National Women's Lawyers Association, Association for Community Development, Dhaka Ahsania Mission, Sanlaap, Don Bosco Ashalayam, Prajaak and Sanjog Groupe-Developpement.

At the consultation, the group identified the problem areas of working on repatriation which is causing delays and imbroglios in the process of repatriation of children.

The repatriation caucus would like to submit to you the following requests on the matter:

1. Even when the repatriation orders have been passed, the process gets delayed because of the time consumed in fixing the repatriation date and port of exit/entry - which is decided by the BSF and the BDR. We request the Deputy

High Commission to rationalise the process of setting the date.

2. The address provided by the children may be incorrect due to variety of reasons. Earlier on, these addresses could be checked and verified more easily since the child would be interviewed by the Deputy High Commission officials. Since this provision is no longer there, we request that the provision for modification of addresses be allowed henceforth, even in course of the process.
3. The change of language (from Bengali to English and the reverse) can often distort the names and addresses of the children, and their guardians. We request that there be a flexibility and modification without restarting the entire process.
4. We feel that a more definite and expanded role of the Deputy High Commission accelerates the process. We request the Government of the People's Republic of Bangladesh to consider the request for the same through the Deputy High Commission.
5. It has been our experience that in course of repatriation and related activities, social workers need to travel between the 2 countries to facilitate the process. We therefore request for multiple entry VISAs for the social workers of these organisations.
6. A recurring problem that organisations face is that the children's families cannot be identified - these children are effectively reduced to being stateless children, though they may be from Bangladesh or India. In this context we request the following:
 - Either the extended family of a child be considered as possible guardians in the eventuality that the biological parents/family cannot be identified.

- Or the child may be placed into non-family based care through Non Governmental Organisations.

There needs to be a holistic approach to reintegration of children, so that they need not have to run away from their families due to lack of support services, stigma or get re-trafficked. All members of the repatriation caucus are committed to this cause.

We sincerely request your co-operation and support in this regard.

Thanking you for your kind attention,

Sincerely yours,

Signed:

Uma Chatterjee (Sanjog-Groupe Developpement)

Amitabha Mukherjee (ACD)

Deep Purakayasthya (Praajak)

Ishtiaque Ahmed (Aparajeyo Bangladesh)

Lulu Bilkis (DAM)

Shirin Naher (BNWLA)

Srabani (Sanlaap)

Subrata Mukherjee (Childline)

7. DISCUSSION WITH MR. M.K. SINGH, MINISTRY OF EXTERNAL AFFAIRS, INDIA

In communication with Mr. M.K. Singh, IPS, Bengal Directorate, the Ministry of External Affairs, Government of India, the following letter was presented to him:

4th March 05

Shri M.K. Singh, IPS

Bengal Directorate

Ministry of External Affairs

2 Ballygunj Park Road

Kolkata - 700019

West Bengal

Dear Sir,

This is to inform you that a group of Non Governmental Organisations working with children in West Bengal and Bangladesh, who have been working to repatriate children between the two countries, have constituted an Indo-Bangladesh Repatriation Caucus to sort out problems related to the repatriation of Bangladeshi children from India and the reverse.

The principles of this caucus are:

1. To facilitate quick repatriation of children awaiting the transfer from one country to the other.
2. To formalise guidelines for facilitating the repatriation process that can be followed by agencies on both sides of the border.

3. To work towards more effective reintegration of repatriated children, to avoid re-trafficking, and this will be co-ordinated by agencies on both sides of the border.

To this effect, the Sanjog Repatriation Caucus is conducting a 3 day consultation (2nd - 4th March), at Kolkata, between its member organisations: Aparajeyo Bangladesh, Bangladesh National Women's Lawyers Association, Association for Community Development, Dhaka Ahsania Mission, Sanlaap, Don Bosco Ashalayam, Prajaak and Sanjog Groupe-Developpement.

At the consultation, the group identified the problem areas of working on repatriation which is causing delays and imbroglios in the process of repatriation of children.

The repatriation caucus would like to submit to you the following areas of concern:

1. In all orders for transfer of children from India to Bangladesh, the term used for **repatriation** is **deportation**, which is telling of an undignified attitude towards children. We call for a change in terminology and address all such transfers as **repatriation** and not **deportation**.
2. Even when the repatriation orders have been passed, the process gets delayed because of the time consumed in fixing the repatriation date and the port of exit/entry - which is decided by the BSF and the BDR.
3. We feel that a more definite and expanded role of the Deputy High Commissions of both - the Peoples Republic of Bangladesh and India can accelerate.
4. It has been our experience that in course of repatriation and related activities, social workers need to travel between the 2 countries to facilitate the process. We therefore request for multiple entry VISAs for the social workers of these

organisations.

5. A recurring problem that organisations face is that there are a number of children living in state custody who are recorded as Bangladeshis but whose families cannot be traced back in Bangladesh. Effectively, they are under threat of an uncertain future and an indefinite status. Keeping in mind that India is a signatory to the UN Convention on the Rights of the Child, we believe that there should be policy in order to ensure the accelerated and smooth repatriation of children.

All members of the repatriation caucus are committed to this cause. We sincerely request your co-operation and support in this regard.

Thanking you for your kind consideration.

Sincerely yours,

Members of the Sanjog Repatriation Caucus

Signed:

Uma Chatterjee (Sanjog-Groupe Developpement)

Amitabha Bhattacharya (Association for Community Development)

Shirin Nahar (BNWLA)

Deep Purakayastha (Praajak)

Ishtiaque Ahmed (Aparajeyo Bangladesh)

Subrata Mukherjee (Don Bosco Ashalayam)

Srabani (Sanlaap)

Lulu Bilkis Khanom (Dhaka Ahsania Mission)

Mr M.K. Singh in his reply to the letter said that he would have been happy if someone from the Bangladesh Deputy High Commission would have been present, as this would have helped to sort out any difference of opinion. Responding specifically to the demands raised in the letter he said that there are 3 key issues that the letter has raised: (a) delays in deportation/repatriation, (b) multiple entry VISA, and (c) what to do regarding children whose families cannot be traced. His reply was as follows:

(a) Delay - the chief cause of delay is the fact that there are too many agencies involved.

It would be useful to have a workshop or seminar with all the agencies involved so that the process can be speeded up. The process of identification takes too long. If the Bangladesh Government can once again empower the Deputy High Commission in Kolkata to do the identification then the process can be speeded up. I shall also try to sensitize the government regarding these issues.

(b) VISA - It is possible that the High Commissions do not have adequate knowledge on the NGOs involved. If the names and addresses of all the NGOs involved in the caucus is provided to the High Commissions then it is possible to solve the problem.

(c) Stateless children - The homes have to take up the responsibility to process the papers related to the citizenship of the children according to some common norm. The Caucus can develop the norms and give it to us. Once the legal clarifications are taken, it will be possible to develop some uniform parameters on the basis of which the citizenship issue can be resolved.

The most crucial learning of the interaction are as follows:

- The Bengal Directorate of the MEA would be supportive to initiatives to solve the problems raised by the group. The Directorate would help in getting the agencies together for any discussion on the matters
- There needs to be a logical consensus on the fate of those children who await repatriation but whose families cannot be traced
- The Bengal Directorate would be interested in any initiative that would create an interface with the Bangladeshi Government agencies on the matter of repatriation and illegal immigration
- The only recourse to expediting cases speedily is for agencies in Bangladesh to facilitate the identification of the victims as its citizens, the authentication certificate to be issued by the District Authority and the Bangladesh High Commission

One needs to initiate a dialogue with the judiciary in India as well to deal with cases such as the one stated below:

Ms Shireen Naher, BNWLA said that there has been recently a case where two Bangladeshi boys were identified but the court said that their fathers have to come and not their mothers. However, in one of the cases, the father was dead and in another case the father was mentally unstable.

7. STRATEGIES RECOMMENDED

Within the broader goal and objective of improving rehabilitation programmes for trafficked children or children who are victims of cross border smuggling, one needs to work on strategic areas to improve the system.

- Firstly, the entire issue of illegal immigration and the States' differences of opinion should not be allowed to affect the fate of those children who are trafficked or are victims of smuggling. States have an obligation to protect children and adolescents in such situations, and safeguard their interests primarily. The cases of Bangladeshi children found in the streets and railway stations of India is different from youth involved in insurgency or militancy, and therefore, there should not be a uniform policy of criminalisation for both groups. ***It should therefore be a strategy for NGOs to lobby with their respective governments, document cases of such children to prove this point, and push for the decriminalisation of such children.***
- As is evident from this initiative, ***Childline Foundation India***, one of the primary agencies involved in rescue of children, ***needs to play a greater role in lobbying for such lobbying initiatives on repatriation*** since many of its partners all over the country rescue children rescued from Bangladesh.
- The care and protection systems of children awaiting repatriation are crucial to the well being of children. Typically, such children can stay in fit institutions. It seems that while there is no shortage of shelter homes in West Bengal, there is a shortage of declared 'fit institutions' in which such children can stay. There is an overwhelming pressure on the shelter homes run by the government. There is a need for ***skills training of caregivers working in such shelter homes, to scout for shelter homes***

*run by NGOs and grant them the status of fit institutions*¹⁰ if the care standards abide by the minimum standards of care.

- ***There is no doubt that the bureaucratic procedures involved in repatriation of a child needs to be simplified, and the gestation period shortened.*** There needs to a political commitment from the governments of both States to the same, and NGOs need to play an active role in lobbying for the same. Specifically, the repatriation caucus suggests:
 - i. Social workers who gather information from the child about her or his home and family, must be trained and educated about the country of origin of the child. This is the first step where inaccuracies in information gathering takes place. Social workers need to be trained in alternative techniques of helping a child identify the place and family of origin.
 - ii. The Bangladeshi government should allow NGOs to support the special branch in family identification of the child.
 - iii. The process of DIB-BSF border identification should be minimised.
 - iv. In case Special Branch in Bangladesh, or the facilitating NGO has problems with the information provided by the child, the Bangladesh Deputy High Commission in Kolkata should be given the responsibility of clarification.
- ***There is a need for the repatriation caucus to meet regularly for better coordination and communication.*** Within the organisations, there needs to be more decentralised communication systems. ***There is also a need to develop case management systems that can be followed uniformly by NGOs across the borders,***

¹⁰ This needs to be lobbied with the State Social Welfare Departments

so that individual follow up of cases may be more uniform. Re-trafficking of certain victims has brought the entire question of rehabilitation programmes under question. For this purpose again, *a database of cases is important for NGOs to assess the fallout of rehabilitation programmes.*

- Documents and resources to be shared:
 - Minimum standards of care - Sanlaap
 - Document on Witness and Witness Protection - BNWLA
 - Repatriation Manual - BNWLA
 - Rules of West Bengal related to J.J.Act - Praajak
 - Reintegration manual - BNWLA
 - Book on restoration - Prerana
 - Restoration Manual - Childline

APPENDICES:

1. PARTICIPANTS

No.	Name	Organisation
1.	Mr. Ishtiaque Ahmed	Aparajeyo Bangladesh
2.	Ms Wahida Banu	Aparajeyo Bangladesh
3.	Ms. Dil Sitara Chuni	BNWLA
4.	Ms. Shirin Naher	BNWLA
5.	Ms Lulu Bilkis Khanom	Dhaka Ahsania Mission
6.	Mr. Amitabha Bhattacharya	ACD
7.	Mr. Sabir Ahmed	Sanlaap
8.	Ms. Sraboni	Sanlaap
9.	Fr. George Mathew	Don Bosco
10.	Mr. Subrata Mukherjee	Don Bosco - Childline
11.	Mr. Alekhya Das	Don Bosco
12.	Mr. Deep Purkayasthya	Praajak
13.	Mr. M. Singha Roy	Praajak
14.	Mr. V.P. Gautam	Praajak
15.	Mr. Manna Biswas	Praajak
16.	Mr. Roop Sen	Sanjog-Groupe Developpement

17.	Mr. Debraj Bhattacharya	Sanjog-Groupe Developpement
18	Mr. Uma Chatterjee	Sanjog-Groupe Developpement
19	Mr. Robin Dey	Sanjog-Groupe Developpement
20	Mr. Scott Parson	Daywalka Foundation
21	Ms. Jenny Anderson	Daywalka Foundation
22.	Ms. Suchita Saigal	Volunteer-Praajak
23.	Mr. M.K. Singh, IPS.	Ministry of External Affairs, Government of India
24.	Ms. Madhumita Bhattacharyya	The Telegraph, Kolkata

2. ADDRESSES OF PARTICIPATING NGOs

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