

# Prerana's Anti-Trafficking Center

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## RECOGNISING POTENTIAL DANGER A Tale of Three Sisters

A Case Study



Children who have gone through trauma need special care and protection. A victimized child needs to be placed in a safe and secure environment to begin the process of healing and rehabilitation. This process does not end at the placement of the child in a safe place, whether it is a Children's Home or restoration back to their families. In cases where the child is placed in a Children's Home, it has been observed that he/she would often need assistance even after the placement as the trauma that the child has gone through requires help (including physical and mental health assistance) at various stages.

Sometimes, while being appointed to provide assistance to a child, e.g. like a Support Person or Support Organization (*as per Protection of Children from Sexual Offences Act, 2012*) or caseworkers / social worker (*as per the Juvenile Justice (Care and Protection of Children) Act, 2015*), the helping professionals might realise the need for further intervention. In some cases, the vulnerability of a child stems from their surroundings. In such cases, it also becomes important to take preventive measures to ensure the safety of other children in the family of that child.

Given below is one such case where Prerana had been appointed to medically assist a child, but after interacting with the child, the Team of Prerana (henceforth referred to as the 'Team') realized the need to intervene more extensively. Over the course of the case, the Team realized that this child was not the only one that needed help but her sisters were potential victims of commercial sexual exploitation too, who needed to be protected. (*The names of the children have been changed in this document to protect their identity.*)



The child, Fauzia had been placed in a Government Rehabilitation Home in 2016, after being rescued under the Immoral Traffic (Prevention) Act, 1956 from a situation of commercial sexual exploitation. Relevant sections of the Protection of Children from Sexual Offences Act, 2012 (henceforth referred to as POCSOA) had also been added to the FIR. The Juvenile Justice (Care and Protection of Children Act, 2015 (Section 36) mandates that the Child Welfare Committee (CWC) hold inquiry to undertake a Social Investigation to assess the personal, social and economic background of the child and their family. The CWC is assisted by the Social Investigation Report (SIR) to decide on the next course of action which also includes taking the decision on whether to restore the child to the family or to place them in a Children's Home for their rehabilitation.

The organization which was appointed for the purpose had submitted the SIR which had observed that at that time Fauzia had two younger sisters. The mother had passed away and the father had left the family. The sisters lived with their grandmother who had no steady source of income and she was extremely old and almost bedridden. The SIR concluded that her home was not safe for her to be restored, as she did not have parents to look after her, the guardian did not have any ostensible means of subsistence, and the child was vulnerable to be re-trafficked. Thus, it had been suggested for her to be placed in a Children's Home (CH).

After being placed at the CH, the trauma that the child had undergone manifested in many ways, including self-harm. When the situation demanded urgent attention, the CWC decided to admit the child to a Hospital for psychiatric intervention. In Feb 2017, Prerana met the child for the first time, as by then it was appointed to assist the child at the hospital.

Upon interacting with the child, it was discovered that no organization had been assigned to follow up with the child. Prerana wrote to the CWC requesting that the case be referred to them for follow up. In Fauzia's case, even though a Social Investigation had been carried out earlier, Prerana felt the need to do a follow-up visit to her family to understand the case better. To this end, after being appointed as the Support Organisation (Person) by the CWC, the Team decided to undertake a Home Visit in April 2017.

The interaction with Fauzia had revealed that she had an aunt who she lived with so the Team decided to visit the aunt. Upon meeting the aunt, the Team discovered that the woman who the child spoke of as her aunt was not a biological relative but someone from the neighborhood. Bano, the 'aunt' was a neighbor who had rented out a room to Fauzia's grandmother and Fauzia's two sisters. Bano informed the Team that a maternal aunt of Fauzia lived in the same area but she did not want the custody of the children.

Over the next few months, the Team tried to meet Bano again and get her to bring Fauzia's aunt to CWC but Bano did not cooperate. Subsequently, the Team got to know that Fauzia's grandmother had passed away. They also got to know that Fauzia's younger sister, Asma who was earlier living in the accommodation rented by Bano, had started to live with Razia, the biological aunt who Bano had spoken of previously. In September 2017, the Team paid a visit to Razia. The Team observed that Razia was old (in her fifties) and so was her husband. She did not share a good relationship with Fauzia because of Fauzia's relationship with Bano and saw the area that Bano lived in as unsafe. She also alleged that Bano had pushed Fauzia into the sex trade along with Bano's own children. As per the investigation conducted by the Team, they could not find any supporting evidence or testimony to back this claim. During this visit, the Team also came to know that the third sister, Saba was still staying with Bano.

Over the next three months, the Team followed up on Fauzia's case. The interactions with Fauzia revealed to the Team that Bano had earlier, allegedly attempted to sell off Fauzia by taking her to Hyderabad. She had also allegedly attempted to sell Saba. Fauzia also claimed that Bano sold narcotics. In spite of all this, it was observed that Fauzia wanted to be restored to Bano. Fauzia did not have a support system and saw Bano as the closest to having a family.



In January 2018, the Team came to know that Asma had moved out of Razia's home and was living with Bano again. Razia had informed the Team about the area where Bano lived as being unsafe and also about Bano's alleged involvement in the sex trade. The Team felt that Asma as well as Saba's stay with Bano was unsafe and saw both as potential victims of sex trafficking.

Upon a written request from Prerana, a Summon was issued to the local Police Station to present Asma and Saba before the CWC. Asma was brought by the local police and presented before the CWC but Saba could not be found. Asma spoke to the CWC about feeling unsafe with Razia as Razia's daughter's boyfriend had misbehaved with her. Asma had mentioned about this to Razia who had refused to believe her, and so Asma had moved to Bano's home.

Since the child did not speak of exploitation by Bano and was keen on living with her, the CWC decided against admitting her in a Children's Home. In cases of a child being in need of care and protection, if the child is seen safe outside of an institution, then placement in a Children's Home is avoided. In this case, Asma's testimony did not make it seem like she felt unsafe with Bano. Meanwhile, the Team also kept following up to check on Fauzia who had been transferred to a different CH. The CWC also asked Asma to come and meet her sister at the CH every month and at the same time be present in front of the CWC for assessing her situation regularly.

In May 2018, the Team got a call from Razia, informing them that Asma had been placed in a Children's Home. The Team decided to follow up on how Asma had been admitted to the CH, and observed that Asma had got caught in the middle of a fight between Bano's son and another neighbor. The neighbor had torn Asma's clothes in the scuffle. Bano had taken Asma to the Police Station, the next day to lodge an FIR. Since a minor had been sexually harassed, it became a case of child sexual abuse and the child was produced before the CWC. Bano could not present any documents to prove her relationship with Asma and Asma had no one to take care of her, and since Bano's home could no longer be seen as a safe space, the CWC decided to transfer Asma to a Children's Home.

After Asma was placed into a Children's Home, Prerana discussed the case with CWC and requested to be appointed as a Support Organisation in Asma's case. The Team reasoned that since they were already handling the case of the older sister and understood the family dynamics well, it would help to assist and rehabilitate the child better. This way, they could also make provisions to facilitate regular communication between the sisters. The Prerana Team tried to look for Child Care Institutions in the Mumbai City jurisdiction to place Asma. The Team also attempted to place her in the same CH as Fauzia but it wasn't possible. Besides, the Team felt that she needed to be placed in a CH that laid greater emphasis on her personal development.

In August 2018, Asma was transferred to a different Children's Home. Following routine medical tests at the CH, it was detected that she was HIV positive. After initial interactions with the Superintendent as well as the counselor, the transmission of the virus still remains unknown. Asma has made no disclosure about sexual abuse, though the possibility of her being sexually exploited cannot be completely overruled at this stage.



After her transfer to the new Home, Asma has shown considerable improvement. Over the past few months, the Team has been regularly following up on both the siblings. Asma had been interested in getting education, but since she had never been to school it was difficult to get her enrolled in a formal school. The Team is currently working on alternative ways for her to pursue education. Meanwhile, she has been taking vocational training. As a result of regularly attending counselling sessions, her mental health has also improved. The Team has observed a positive impact on her after being put in a safe environment, and on having taken care of her mental health. From an initially reserved child, she has become more expressive and more in control of her emotions. She engages with everybody and participates in the various activities that are held at the Home. Her physical health has also gotten better with a proper diet, and she is prompt in taking her HIV medication.

Fauzia completed 18 years of age and has been transferred to an aftercare facility in Mumbai Suburbs. She is currently 18, which makes her legally independent to make choices about her life. It is a challenge for the Team to convince her to not go back to Bano. The third sister, Saba has also been through a series of traumatic experiences including losing two children of her own. The lack of a support system has made her dependent on alcohol. The Team has made a number of visits to locate her since the time Asma was placed in the Children's Home for the first time. Saba is missing but the Team is trying to locate her so that she can be assisted like her sisters.

When cases like Fauzia's are referred to an organisation, it is important for a caseworker to assess the background of the child, and understanding the family constitution, their means of livelihood, access to safe and secure shelter and alike. Along with this, it is important to analyse if the incident that put this child in a vulnerable situation can have a similar impact on the others, especially her siblings. Through these two cases, the Team has observed that mere placement in an institute by itself cannot ensure successful rehabilitation. In these cases, the Team diligently followed up with the children, updating them on each other's progress and facilitating their interactions, which helped build the children's trust in the process of rehabilitation and restoration. Fauzia had not been assigned an organization to follow up on her in 2016 but the organisation did not continue to follow up. Her stay at the institution away from her sisters and the people who she believed to be her family, along with the lack of mental health interventions in the child care institutions, delayed her progress while at the institution. On the other hand, Asma's placement in the Children's Home has had a positive impact on her. In spite of having been diagnosed with HIV, she has tried to not let that affect her development. The interventions with the two siblings have had a positive impact on their lives. Meanwhile, the Team is still in the process of locating the third sibling in order to assist her and to facilitate her regular interaction with the her siblings.

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**P.S: We are sure that most of you must be doing such data gathering and analyzing exercises at your end too. If you are, please do share the same with us. We shall be more than happy to share it on our website -**

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