



International Protocols for Transfers from shelter to shelter

Currently, shelters are the most appropriate response to violence against women and their children. Shelters around the world are committed to ensuring the security and safety of the women and children they serve. Shelters are effective in interrupting the cycle of violence and in promoting the restitution of rights and power of those victimized directly or indirectly by the many aspects of violence.¹

At times, providing the services needed to some women, and in the context of their particular experience, is challenging. We know that “some cases” are uniquely challenging, either because of the type of violence, the level of risk to the family or due to specific needs, and these require innovative and collaborative strategies to create an appropriate response. On those cases where women who suffer extreme risk and are in need to return to their country of origin or flee to a country where they have family ties or status, it is necessary to safely transfer the family to a shelter in the desired country. In particular, this is the case for women victims of human trafficking. Human trafficking occurs to women victims (and often children) who have been unlawfully transported to other places for the purpose of slavery either as domestic workers or sold for the purpose of prostitution. Once these women are determined to be human traffic victims, the justice system will deport them or provide a brief stay in the country to facilitate their return. Women who have been trafficked face significant emotional, psychological and physical trauma. Deportation increases the traumatic experience and may place women in jeopardy upon their return to the country of origin.

Shelters provide a safe place for women and children; and these women and children would benefit from a transfer to another country via shelters. Therefore, there is a need to develop mechanisms for referring and transferring such cases between shelters across national boundaries. The Inter-American Network of Shelters, Welcoming Houses and Hostels, known by its Spanish acronym RIRE (Red Interamericana de Refugios) understands the need for establishing general procedures and links that would facilitate and ensure international referrals and transfers.²

On August 12 and 13, 2010, the Working Group of RIRE met for the first time in Guatemala City with a focus on establishing mechanisms that would facilitate their work and collaboration towards increasing protection of women and their children victimized by violence and in situations of extreme risk, including women and children victims of human trafficking.³

¹ MEMORIA de la Reunión del Grupo de Trabajo de la Red Interamericana de Refugios, Casas de Acogida y Albergues, pg. 41

² IBID, pg. 117

³ IBID, pg. 5

During several meetings, the representatives reached a number of basic agreements regarding the formulation of protocols for referral and transfers as they understood that one of their priorities is “serving women and children living in situations of high risk violence by providing them with a safe space that protects/preserve their life and physical integrity.”⁴

Another agreement emerging from that first meeting was on the need to ensure ongoing work towards the development of protocols. To that end a working group was established and made responsible for a draft to be submitted to the consideration of RIRE during its next meeting to take place on August 24 and 25, 2011 in Antigua, Guatemala.

In fulfillment to that agreement, the present document (International Protocols for Transfers) was respectfully submitted for consideration and approval to the RIRE representatives attending this Third Encounter in Antigua, Guatemala. This meeting was held with funding from **Beyond Borders - ECPAT CANADA - Canada's Global Voice Against exploitation** -- and A Safe Place, Shelter for abused women and their children and victims of human trafficking, Sherwood Park, Alberta Canada. 11 Countries including: Canada, Guatemala, Mexico, Ecuador, Peru, Argentina, Nicaragua, Puerto Rico, Chile, Costa Rica and the USA signed the document and agreed to be focal points for transfers. Further, in September of 2011, Mexico held the first training session on the Protocols which was attended by over 40 shelters operating in the country.

As Shelters, we understand violence as a spectrum that includes Trafficking of Persons. We know that in our work we already support/accompany/serve women, and their children (both female and male), affected by a variety of forms of violence. We also know that an individual perspective, often the context in which we implement our work, has limited us. We understand these Protocols as a useful tool in transcending such a perspective, a tool that can contribute to the work we do together and help us advance in our political incidence and ensure we achieve much needed changes.

These Protocols are the result of the collaborative work of the Working Group integrated by representatives of Guatemala, Canada, Ecuador, Costa Rica, Nicaragua and México. We recognize, because we understand that each shelter experiences particular situations and contexts, that shelters have an inherent right to self-determination while applying these Protocols. We also understand that a summary focusing on the Law and its needs, detailing how it applies in each country subscribing to these Protocols, shall be included. We believe this summary shall be provided by each of the representatives of the countries subscribing to these Protocols and that such summary shall be included in this document as an Annex. This work will be phase II of the protocols including training of shelters

⁴ IBID, pg. 117

around the Americas and globally as other shelters in the world adhere to the protocols.

For the purpose of the practical application of these Protocols four areas have been identified as crucial. They are as follows: (1) Type of violence against women that qualifies for transfers—including community violence, (2) Responsibilities of Participant Shelters of Origin and/or Destination, (3) Role of the RIRE Committee, and (4) Evaluation of the Protocol in practice.

1. Type of violence against women that qualifies for transfers.

These Protocols embody the principles and values of the “Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Convention of Belem Do Para.” That convention recognizes the full respect for human rights, affirms that violence against women constitutes a violation of their human rights and fundamental freedoms, and impairs or nullifies the observance, enjoyment and exercise of such rights and freedoms; recalls the Declaration on the Elimination of Violence against Women, adopted by the Twenty-fifth Assembly of Delegates of the Inter-American Commission of Women that in its articles 1 and 2 states:

Article 1

For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

Article 2

Violence against women shall be understood to include physical, sexual and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
- b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and

- c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.⁵

Regarding women, this Protocol was developed with a perspective of self-determination, protection and preservation of human rights and of gender equity. The focus is on gender equity and the perspective used is inter-cultural - respecting the human rights and citizenship of women.

Implementing this protocol, in cases of women living with violence in their indigenous communities or communities of origin, would be an appropriate path to follow - always avoiding stigmatizing Indigenous or First Nations' culture while identifying damaging practices based on tradition that are affecting women. Whenever questioned, traditions and customs within First Nation's communities, it is from the perspective of the women who live with violence but respecting, at all times, their concepts of identity. It is the women who ask for help. We respect their decision.

The Protocol is particularly relevant when:

- The country in question does not, or cannot, offer required/necessary conditions of security and/or safety
- There are no support networks in the country or these are not safe or trustworthy
- The woman herself requests help because she understands herself at risk
- In the case of Immigrant Women confronting situations of violence when/if returning to their country of origin
- In situations of Trafficking when shelters are already offering women protection

2. Responsibilities of Participant Shelters, of Origin and/or Destination.

A. Shelter of Origin:

- To complete a Case Evaluation using appropriate form(s) and ensuring the access of all relevant information to the shelter of Destination, so as to facilitate its support in the process.

⁵Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Convention of Belem Do Para, <http://www.cidh.org/Basicos/English/basic13.ConvenofBelemDoPara.htm>.

- To explore/assess danger level of aggressor(s), including possible links to international criminal organizations, so as to ensure the shelter of Destination is aware of the degree of risk assumed and better able to protect the woman and the shelter, and to develop appropriate strategies for increased security, safety and reduction of risk.
- To identify alternative options (shelters and cities) ensuring the woman has choices and she can select one she prefers.
- To understand that the security and safety of the woman during the transfer is a priority.
- To understand that the process of transfer requires the active participation of the woman and that the final decision is hers.
- The Shelter of Origin is responsible for obtaining/negotiating material resources needed and the logistic terms crucial in implementing the transfer.
- The Shelter of Origin must confirm with the Shelter of Destination all the services needed by the women, ensuring they will be available and in place for her.
- The Shelter of Origin must send all relevant information/data to the Shelter of Destination and obtain from the Shelter of Destination written authorization for the transfer prior to the woman's departure.

B. Shelter of Destination

- Must ensure that the security/safety required for the particular Case is in place.
- Must come to an agreement with the Shelter of Origin regarding the security/safety measures to be put in place for the woman during her transfer.
- Must inform the Shelter of Origin with regard to the services that it will offer the woman once she arrives to the Shelter of Destination.
- Must inform the Shelter of Origin about requirements, processes, and time involved in ensuring her coming into the Shelter of Destination.
- Must cooperate with the Shelter of Origin in obtaining any relevant legal information.

- Must come to an agreement with the Shelter of Origin regarding the common strategies and actions they will need to implement in ensuring the transfer.
- Must inform the Shelter of Origin about any particular information they need that may not be included in the form(s) connected to these Protocols.
- Must provide the services needed FREE OF CHARGE.

3. The role of the RIRE Committee:

- To collect data in a systematic manner and analyze the data thus collected.
- To disseminate relevant information ensuring the CONFIDENTIALITY of PERSONS and of SHELTERS.
- To develop connections with appropriate and necessary systems, such as the International Organization for Migration – in Spanish Organización Internacional para las Migraciones, OIM.
- To identify the challenges and opportunities in the case of international referrals and transfers, and to advocate in the benefit of women.
- To help identify Shelters of Destination.
- To support the work of shelters whenever necessary.

4. Evaluation of the Protocol in practice.

- To develop and use surveys to obtain information regarding the implementation of these Protocols in shelters -considering the perspectives of the SHELTERS and WOMEN involved.
- To evaluate the process of implementing these Protocols.
- To collect testimonial information from involved WOMEN and SHELTERS, respecting CONFIDENTIALITY.
- To identify barriers and challenges implying necessary changes to these Protocols.
- To identify systems, and coordinate with them, in promoting necessary systemic changes.

- To facilitate annual regular meetings of the Protocols Committee of RIRE so as to evaluate and inform of advances made.



Protocolo Internacional de Referencia

RIRE
miembro/member: _____

Firma/Signature: _____