

Compilation of Recent Studies on Human Trafficking

About IMPACT

IMPACT Partners in Social Development (www.impactpartner.org.in) [IMPACT PSD (P) Ltd.], established in 2008, is a for-profit organization exclusively engaged in capacity building, program design and conceptualization, implementation, research and evaluation of social sector development projects for the last four years. IMPACT is housed at New Delhi, but operates in several states of India and is also managing a technical assistance project in Nepal.

IMPACT works on the principles of Partnerships, Knowledge sharing and Development of sustainable strategies. IMPACT believes that every individual bring their own set of knowledge and experience and collective wisdom can result into multi-fold increase in the impact of social development. Hence, IMPACT believes in working with and strengthening existing systems as opposed to creating new structures.

IMPACT is currently managing large grants from the UN and other international and national donors/partners. IMPACT has experience of working directly with project teams implementing large scale projects and undertaking capacity building of the stakeholders at different phases of the programmes. IMPACT has capability of conceptualizing the training needs into action keeping the desired outcomes of the projects, objectives, timelines and outcomes.

IMPACT currently has a team of 10 full-time staff (2 Senior Management, 5 Management and 3 Co-ordinators and Contractual field staff) and works with a team of 8-10 regular social and development consultants.

Study on Recording of Victim Witness Statement under section 164 CrPc



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PURPOSE OF THE RESEARCH

The purpose of this research was to:

- Conduct stakeholder analysis, particularly identifying who would support this advocacy initiative and who would oppose this effort and reasons for the same
- Documenting the cases of child victim witness and their experiences; including case studies where statements recorded with the CWC (under 164 CrPc) have been used as evidence in the court of law
- Better understanding from the perspective of law enforcement agencies (particularly police, magistrates, lawyers and CWC members) on technical/operational issues in considering CWC recorded statement as evidence in the court of law

GEOGRAPHICAL AREAS COVERED

- West Bengal
- Maharashtra
- Goa
- Delhi
- Andhra Pradesh

TARGET GROUPS

- Judicial Magistrates
- Senior Police Officials
- Advocates and Lawyers
- NGO staff, especially dealing with case management or victims
- Members of CWC
- Survivors of Human Trafficking

METHODOLOGY

Qualitative research methodology was adopted which mainly included telephonic interviews, group meetings, in-depth interviews and one-to-one personal interviews in the states of West Bengal, Maharashtra, Goa, Delhi and Andhra Pradesh. In addition, review of cases of children who have recorded victim witness statement under section 164 of the CrPc and consultations/discussions with magistrates, senior police officials, advocates, NGO staff, especially dealing with case management or victims, members of CWC and most importantly, survivors of trafficking were carried out. The research was undertaken between July and September 2011.

SCOPE OF WORK

The scope of work included three key broad activities that were carried out and have been listed below:

1. Study with Children Victim Witnesses
2. Stakeholder Analysis
3. Identifying barriers to using CWC statements under 164 CrPc

KEY FINDINGS

CWCs AND RECORDING OF STATEMENT UNDER SECTION 164 CrPc

- There is conflict of interest if CWC is allowed to record statements under Section 164 CrPC as CWC by virtue of its constitution is expected to work in the best interest of the child and hence expected to be biased towards the child.
- CWC members may not have the needed technical capacity to record the statement as they do not necessarily have the law background.
- The entire CWC (and not any individual member of CWC) has the authority of a Judicial Magistrate and thus contradicts with the essential requirement of 164 CrPC of statement being recorded in isolation
- The authority of being a bench of judicial magistrates was given to CWC to only to mobilize the system
- The environment in which CWC operates is not formal and even during the hearings, there are some people present who are not associated with the case. CWC thus may not be able to maintain the needed privacy required for recording the statement

CHALLENGES FACED BY CWCs

- Ad hoc and biased approaches for identification and selection of members
- Lack of clarity in reporting structures and accountability
- Unprofessional attitude of members and unfriendly environment
- Lack of infrastructure and logistics
- No acknowledgement of power by other stakeholders
- Not enough legal training and orientation
- Inadequate relationship with JJ Board, their peer under JJ Act

RECOMMENDATIONS

- Modify the West Bengal State Rule to include the elements of CWC powers related to recording a statement. Engage lawyers and judiciary for interpretation of JJ Act and revise these rules
- Advocate with the department of Women and Child Development to test out engagement of Chairperson JJ Board (who is a judicial magistrate) in recording the statement. Organize state wide consultations on the issue for lobbying with the government
- Identify a few proactive CWC members (preferably with advocates as members) and support them to anyway record statements as per procedures of section 164 CrPC and contest for its validity in the apex court during the case hearings.
- Create a broad based “Job Description” for Chairperson and Member of CWC to go along with the selection criteria
- Create a Check list and FAQs for quick reference of CWC members, for them to have a reference point in case of doubt whether they should be taking certain actions or not
- Organise a more broad based state level debate on whether CWCs should be undertaking “legal” functions including recording of statements under Section 164 CrPC.
- Initiate a larger research study for comprehensive review of CWC as an institution and its effectiveness in supporting the children in need of care and protection.
- CWC members should be given a more structured and longer term (at least 2 weeks) induction training on pre tested curriculum
- Civil Society can create more platforms to bring CWCs in direct contact with the police and judiciary through regular meetings and seminars where both can share their views and assist each other with appropriate support
- There needs to be a better monitoring mechanism for the functioning of CWCs and their accountability needs to be ensured, in order to build a pressure on the CWC members to perform effectively.

Case Management of Survivors of Trafficking in South Asia—A Research Study for SANYUKT Program



PURPOSE

- To assess the existing legal framework and how does it facilitates or hampers the access to justice by the survivors
- To assess the extent of the problem in terms of prosecution
- To understand the status and situation of survivors of human trafficking in terms of their case management inclusive of legal and psycho-social aspects
- To provide a set of recommendations based on certain conclusions derived from the research

GEOGRAPHICAL COVERAGE

| | |
|------------|---|
| Bangladesh | Dhaka and Jessore |
| Nepal | Kathmandu, Nuvakot and Sidhupal Chowk |
| India | Andhra Pradesh, Goa, Maharashtra, West Bengal |

STUDY TARGET GROUPS

1. Judiciary: Magistrates/Ex-Magistrates; Advocates/Lawyers
2. Law Enforcement Agencies: Police (state, railway, border etc.); CWC Officials; Other Government officials
3. NGOs: Senior officials/Staff managing survivors
4. Trafficking Survivors: Survivors and / or immediate family members of the survivors

METHODOLOGY

This research on case management of survivors of human trafficking incorporated both quantitative and qualitative research methods. Qualitative research included a range of methods e.g. in-depth interviews/discussion, interactions with the specified target groups, psychological tests with the survivors of trafficking and consultations at the State level. Quantitative data was collected through face-to-face interviews with the survivors after obtaining their consents.

KEY FINDINGS

Broadly, prosecution is a low end priority and for victims, it is not at all a priority. The reasons are many, including:

- Not sure who the perpetrators are as girls change several hands before reaching the final destination of CSE
- Families back home receive regular threats as traffickers are mostly known to the families
- Families/victim compromise with the perpetrators as they see no material benefit in fighting a case as the modesty of the girl has already been outraged. There is no gain to the survivor, even if the perpetrator is convicted.
- Fighting a case can severely hamper the reintegration of victims back in the family and society
- Cost of legal procedures
- In many cases adults are evicted against their choice and hence would never lodge any complaint

RECOMMENDATIONS

Even if all the above conclusions are realistic, there is no denial of the fact that perpetrators should be brought to books not only to ensure the right to justice of the survivors but also to ensure that these perpetrators do not continue to victimize the vulnerable and other perpetrators fear of law before victimizing the vulnerable. Therefore it is a collective responsibility of all to ensure that there are enough efforts made for increasing the prosecution and also the conviction of perpetrators. Some specific recommendations emerging from the study are:

1. Change the approach from custodial to empowerment

The entire approach of seeing the survivors as victims lead a 'sympathetic' attitude towards these survivors and no room is left for them to make decisions for themselves. From the point to when they should sleep and wake up to what they should learn as vocational skill is decided by the organization. Hence, the decision to pursue the case against the perpetrator is also left to the organizations and not to the individuals. Therefore:

- (a) Empower the victims to take decisions for themselves
- (b) Help them in providing most updated information on the case progress which will sustain their interest
- (c) As girl's prime interest is to get out of the shelter home, they feel that lodging a case would delay their exit. A broader perspective of de-institutionalization of care might be required. A successful model can be seen with Shakti Samuha in Nepal.
- (d) Organizations working in care and protection should integrate prosecution within their framework and should see as one of the integral component of care and protection.
- (e) Victims should be able to access free legal aid

2. Improve reintegration and rehabilitation with prosecution as an equally important component

3. Strengthen provisions for arrest and prosecution of clients/customers for prostitution. Once arrested, lodging of a case would be mandatory and in the process

4. Advocate for judicial reforms in cases of human trafficking

Some of these could be:

- Provision of special and/or fast track courts for cases of human trafficking
- In camera hearings for survivors
- Victim witness protection to combat threats to survivors during trials
- Provisions for video conferencing when survivors are reintegrated with their families
- Creation of state fund to provide compensations for survivors

5. Make migration safe to prevent trafficking

6. Justified eviction of adult girls from shelter homes, so that at least those who come out have an interest in filing complaint against their perpetrators

Assessment of Rescue, Recovery, Repatriation and Integration (RRRI) of Child Trafficking Cases —A Documentation of Case Studies



PURPOSE / OBJECTIVES

1. To document the practices adopted by government and other stakeholders in rescue, recovery, repatriation/return and integration (RRRI) processes of Bangladeshi girls trafficked to India
2. To identify gaps at each stage of RRRI in order to inform the advocacy efforts with governments of India and Bangladesh to strengthen the RRRI procedures
3. To contribute to the development of SOPs for operationalization of the Protocol on Inter State Rescue and Post Rescue Activities relating to Trafficked Persons between the States of Maharashtra and West Bengal

METHODOLOGY

The methodology included in-depth case analysis of 25 victims of trafficking, those at shelter homes and some repatriated and integrated. In addition, information through detailed discussions was gathered from other stakeholders as available.

GEOGRAPHICAL COVERAGE

- Maharashtra
- West Bengal
- Bangladesh

TARGET GROUPS

- Child Welfare Committee (CWC members)
- Members of Juvenile Justice Board
- Officials of Department of Women and Child Development (DWCD)
- Members of Anti Trafficking Task Force
- Superintendent of government homes
- Senior staff and management of NGO managed shelter homes
- Chief functionaries of NGOs engaged in anti human trafficking
- Police—ACP Crime Branch
- Judge at the Special ITPA Court
- Academicians and freelance consultants

FINDINGS

Rescue

- In addition to raids, there are interceptions and identification of runaway children
- Brothel owners/customers are still not arrested in raids
- A large majority of rescued victims are adults who may not necessarily want to get rescued

Post Rescue

- NGOs feel these are poorly managed with little or no facilities at police stations
- Survivors feel frightened by the environment itself, so don't ask for anything
- Police feels it is too much for them to handle and survivors are unsupportive

Recovery

- Shelter homes are generally over crowded with inadequate facilities
- Vocational skills are unavailable at government homes and not very relevant in NGO run homes
- Counseling, wherever exists, is insufficient to handle the trauma
- Not much effort for repatriation, just follow the process

Repatriation

- Repatriate—no other options are explored
- No consideration for victim's choice/opinion
- Painful, tedious and time consuming. Also, there are several steps and stakeholders engaged

- Weak interstate coordination (different procedures)
- Home investigation takes most time
- Girls are clueless and there is poor follow up from stakeholders
- Lack of defined procedures—bilateral agreements, SOPs, interstate coordination
- Trafficked girls do not necessarily provide complete/correct information
- Home investigation and nationality identification takes time
- Family may not be willing to accept the survivor
- Repatriation orders from JJB/CWC/Court takes time

RECOMMENDATIONS

1. **Strengthen inter-sectoral and stakeholder coordination**

- Expedite current discussions and dialogue on bilateral treaty between India and Bangladesh and ensure its ratification and implementation at an earliest
- Invest in regular capacity development of stakeholders, particularly Police, Judiciary and CWCs. Create standards for recruitment and training of these stakeholders specifically to manage child victims of human trafficking
- Develop mechanisms and platforms for interactions and reviews between stakeholders from different line departments and ministries
- With increased vigil in identified towns (like Mumbai and Kolkata), the girls are now being taken to smaller towns (like Pune, Meerut). Authorities should devise mechanisms to monitor such changing patterns of migration and trafficking devise management mechanisms accordingly
- Devise technology based solutions including development of resource books, websites, databases and workshops for regular interaction between stakeholders.

2. **Review, Adopt and Monitor Implementation of Standard Operating Procedures**

- Review the existing cross border SOPs (between Maharashtra and Bangladesh and West Bengal and Bangladesh) of repatriation to ascertain whether these address the challenges highlighted in this report and experiences of stakeholders implementing these SOPs.
- NGOs and other agencies should take up the responsibility of disseminating the information about the SOPs and orienting the stakeholders (including government counterparts) on implementing these SOPs
- Create platforms for regular review meetings (both within and between) Task Forces inter-State and across countries
- Ensure all stakeholders (particularly, Judiciary, Police, CWCs and NGOs engaged in RRRI procedures) are aware of the SOPs and develop mechanisms for their on the job training and tracking (non) compliance

3. **Improve Quality of Care and Service Delivery on RRRI Procedures**

- Ensure that victim girls are considered as important stakeholder in the RRRI procedures implying that their opinions are considered and they are adequate informed about progress of their case
- Shelter homes should ensure that individual care plans are prepared for each girl rescued and brought into shelter home and these should be prepared in consultation and agreement with the girl
- The Govt. should provide adequate resources to Shelter Homes (particularly Government managed) so that they do not have to compromise on maintaining minimum standards

4. **Create systems for effective integration of trafficked children at family, community and society level**

- Test models of other creative forms of integration including community care (foster care, group homes) working women hostels and peer support
- Ensure preparation for integration is an integral component of recovery process adopted at Shelter Homes

Status and Situational Analysis of Human Trafficking in Cross-border districts of Bihar



PURPOSE/OBJECTIVES

- To provide an estimated annual volume of human trafficking and child trafficking
- To analyze the key socio-economic determinants and factors for human trafficking.
- To assess and analyze the Road map of trafficking including the identification of source, destination and transit points of trafficking. To prepare a human trafficking map of Bihar.
- To study the role of different stakeholders such as community, religious leaders, police, govt., PRI etc. especially innovative and out of box initiatives

GEOGRAPHICAL COVERAGE

Districts of Bihar that border Nepal

TARGET GROUP

- Cross-border points
- NGOs at border points
- Potential migrants
- Transport agency workers
- Law enforcement agency workers
- Religious leaders

FINDINGS

Broad gaps identified in the research include:

1. Conceptual Issues

- The definition of trafficking
- Conflation of trafficking with prostitution
- Conflation of trafficking with legal and illegal migration, and smuggling
- Conflation of trafficking of adult women with minors and children
- Little or no intervention in trafficking for other purposes besides prostitution

2. Research

- Methodology of research on trafficking of women and children
- Lack of statistical and quantifiable data
- Reliability of data
- Paucity of trained researchers/program officials
- Strong ideological and moralistic biases and mindsets in research

3. Advocacy

- Inadequate advocacy at the SAARC level to influence the SAARC Convention on Trafficking
- Limited advocacy for cross-border cooperation and collaboration at the multi-lateral and bi-lateral levels
- Insufficient lobbying with government representatives and organisations at the national level
- Absence of a media advocacy strategy as well as a code of conduct for the media personnel

4. Legislation and law enforcement

- Lack of sound and analysis of relevant laws and the various legal regimes
- Insufficient grasp and hence operationalization of the human rights framework
- Lack of gender and rights sensitization in law enforcement
- Inadequate and slanted law enforcement as well as corruption in the legal structure

5. Prevention

- Very limited intervention for preventing migration at the source itself
- Extremely limited programmes and schemes for viable, alternate economic empowerment

- Near absence of effective involvement, participation and ownership of affected communities and groups in prevention initiatives
- Insufficient efforts for providing rights based entitlements in a timely manner and effectively managed distribution among the migration prone population

6. Recovery, repatriation and reintegration

- Near absence of models of recovery, repatriation and reintegration which prioritize the preference, interest and rights of women and children affected by trafficking
- Absence of humanitarian standards for the treatment of trafficked women and children
- Further victimization and criminalization of trafficked victims by their treatment as illegal migrants due to absence of legal status and citizenship rights
- The trafficking prone areas are largely clustered around the central development region of Nepal. The reason remains unaddressed.
- Despite the conventional belief that only girls are trafficked, there are several instances of boys being trafficked.

RECOMMENDATIONS

Some of the key recommendations emerging from the study include:

- Organizations should prepare their strategic plan of action in order to implement trafficking prevent interventions with concrete results and outcome
- Organizations need capacity building in core areas for designing interventions, effective implementation monitoring and documentation
- Identify good practices by evaluating the existing interventions
- Provide platforms for inter-organization meetings so that coordination is promoted to avoid duplication and repetition of interventions
- Quality of content and variety of topics should be encouraged for community sensitizations so that repetition of topics does not harm the interest of community and their availability/attendance in the activities/events
- Geographical mapping of high and medium migration prone areas should be done for targeted interventions
- Integrate livelihood within trafficking prevention framework
- Effective livelihoods models should be developed for rehabilitation of survivors. Some examples include mechanised laundry, outlets from Amul and Nescafe and placements at petrol stations
- Organizations need to understand the 'Do No Harm' Framework because while working at both ends they prevent migration at the grass-root level but do not promote safe migration and usually they face hurdles in providing the Government supported social entitlements through public system channels
- Encourage establish Government supported recruiters by introducing license mechanism, recruitment guidelines and photo-ids for every recruiter
- Need to establish mechanisms for monitoring of migration at national, state, district and panchayat level
- Life skills curriculum in the state should incorporate trafficking related issues and difference between migration and trafficking for the students from Class 6 to 9
- Sensitization trainings for lower cadre of police officials in the state should immediately be undertaken for dealing the issues related to migration and trafficking.

Community Interventions to Prevent Trafficking of Women and Girls (*Ongoing in Odisha*)



PROJECT OBJECTIVES

- To assess the capacity of SHGs and CBOs for livelihoods generation
- To assess the livelihood related skills and capacities of youth in general and young girls in particular in the community.
- To explore the existing models of livelihood generation and entrepreneurship in and around the project areas.
- To explore the organizations that can provide skill development training to the people from the community.

GEOGRAPHICAL COVERAGE

The study will cover three villages in Ranpur panchayat of Nayagarh district in Odisha covering a population of more than 10000 people.

TARGET GROUPS

- Youth in the community
- Self Help Groups
- CBOs
- Existing local Entrepreneurs
- Local level skill development institutions.

METHODOLOGY

Programme implementation and livelihoods research are the key components of the programme. The research mainly included qualitative research methods (mainly FGDs and In-depth Interviews) and quantitative survey to establish the baseline estimates.

Another key highlight of the programme is use of Peer Research Methodology wherein peer educators are involved in conducting activities and events at the community level and undertaking research.

CURRENT STATUS

- Trainings of peer educators have already been undertaken. In continuation, peer educators have assisted in identification of Skills and Capacities of the youth in the community.
- A Market Analysis has been completed that identified employment generation models. Young girls and women have been involved in sharing their views and select suitable models for them. Professionally qualified organizations those provide employment skills based trainings were also engaged to interact with parents and girls seeking a suitable career.
- Assessment of role of SHGs and CBOs in livelihoods generation at community level has been done.
- Local Skill Development Institutions are identified and being identified for future.

KEY RESULTS OF LIVELIHOODS RESEARCH

Education and Employment Status of Girls

- Odisha is educationally and economically one of the most backward states in India and gender further aggravates this backwardness in case of girls and women. The status of girls in the villages of Ranpur block is not any different.
- The drop out ratio of girls is very high. Majority of girls drop out before matriculation and end up supporting their mothers in household work before being married by their families at early age. Self-employment is hardly an option for the girls because of lack of material and managerial capabilities.

Reasons for School Dropout

- Majority of the parents believe that their girls dropout from school because they have to do household work and help their mothers. Parents also think that lack of interest among the girls about the education is also an important reason for their dropping out from the school.
- Poverty and lack of resources is the third reason identified for school dropout among girls.
- When discussed with the girls, their responses were different. One of the major reasons of dropping out of girls from the school is lack of family support in continuing the studies and guidance on future (like benefit of studying).

Reasons for Early Marriage

- Majority of the parents believe that they get their daughter married early because of the fear that they might elope with their boyfriends.
- Some parents blamed poverty as they believe that marrying a girl will reduce the number of people they have to feed in the family. Few parents also said that as girls are not involved in any productive work so why not marry them early and they start taking care of their home.
- Girls believe that good proposal for marriage is the major reason of early marriage. Some girls also believe that their parents consider a burden on themselves and therefore marry them off.

Reasons for Not Providing Skills to Girls

- Majority of the parents do not believe in skilling their daughters as they do not find any opportunities for livelihoods for their girls in the community.
- Lack of facilities and lack of information were the other factors that were ascribed by the parents for the lack of motivation in the community in skilling the daughters. Parents also feel that there is no point spending additional resource on girls because they will be married and will leave the family and hence there is no return to their family of this investment.
- Girls believe that their parents do not skill them because they believe that it will not put an additional burden on the scarce family resources. Besides it, parents also feel that skilling the girl is not of any use because girls do not have any opportunities to work.

Reasons for Migration

- A large proportion of the parents believe that lack of employment opportunities at the community level is the major reason for the migration of people. Also, whenever people get the opportunity to work in their village (on schemes like MGNREGA) then payments get delayed to the extent that people are discouraged to work again.
- People are also frustrated by the fact that government is doing very little to provide livelihoods at source so that they don't have to migrate. A large proportion of households in the area either do not have agricultural land or it is insufficient to provide sufficient earning for the family.
- The opinion of girls regarding the reasons of Migration in the community is not much different from that of their parents as girls also believe that lack of employment opportunities is the main reason why they are forced to migrate out of the community.
- Some girls also admitted that they get attracted to the big city life style and think they will also be able to enjoy if they migrate to big cities for livelihood

ONGOING RESEARCH STUDIES AT IMPACT

Identifying Actionable Strategies to Minimize Vulnerabilities of Nepali Girls Trafficked to India and Repatriated as Survivors of Trafficking



This is an Action-oriented research to assess the gaps in the existing legal practices and processes in India and Nepal that hamper the delivery of (juvenile) justice and identify advocacy strategies to strengthen the timely and safe repatriation of trafficked Nepali children from India.

OBJECTIVES

The two main objectives of the study:

- To give continuity to the cross-border initiative between India and Nepal by making repatriation process of trafficked Nepali children both timely and safe
- To identify the gaps and/or leverage points for lobbying and advocacy to make the legal processes in India and Nepal more efficient from both a juvenile justice and care and protection perspective

GEOGRAPHICAL COVERAGE

INDIA

- Bihar
- Delhi
- Goa
- Maharashtra
- Tamil Nadu
- Uttar Pradesh
- West Bengal

NEPAL

- Kathmandu
- Sidhupal Chowk

TARGET GROUPS

- Government departments (Women and Child Development, Home, Foreign Affairs)
- Law enforcement agencies (judiciary, police, border police, prosecutors, Child Welfare Committees in India, Chief District Officers in Nepal)
- Government and NGO managed Shelter Homes
- NGOs
- Foreign offices, Embassies, Consulates and High Commissions
- Academicians and Activists

END PRODUCT

An Action Strategy to resolve some of the long standing issues to combat human trafficking and provide quality care to victims of trafficking. The strategy will be formally submitted to the governments of India and Nepal through a Round Table Conference, followed up with advocacy efforts.

Improving Young Survivors' Access to Livelihood



The programme mainly has been focussed on improving the access of young survivors to livelihoods of their interest as well as most appropriate for them in terms of employment, safety and sustainability.

GEOGRAPHICAL COVERAGE

Jharkhand and West Bengal

TARGET GROUPS

- Survivors
- Family members of Survivors
- Self Help Groups
- NGOs
- Shelter Homes
- Corporate and Finance houses

STUDY METHODOLOGY

Both qualitative and quantitative research methods will be used. The main phases of the research study would involve as detailed below:

Phase I: Desk Research

- Stakeholder Mapping
- Identification of Geographic Areas of Vulnerability
- Analysis of Government Schemes and Programs on Livelihoods
- Identifying Sample for Primary Data Collection

Phase II: Primary Data Collection

- Peer Research Methodology
- Sense Maker

Phase III: Data Synthesis and Report Writing

END PRODUCT

A compendium of existing livelihood models that can be adapted for integration of victims of human trafficking, including recommendations for replication and scale up of good practices



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