SIMS – CASE MANAGEMENT & DOCUMENTATION SYSTEM (CMDS)

A web-based reporting system of Migrant Rights Violation

Concept Note

(FINAL DRAFT)

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1.   Background, Rationale

1.1.   SIMS Project of Helvetas Bangladesh

Helvetas Bangladesh is a non-profit membership association, and part of an international network of independent Helvetas member organisations working in the field of development cooperation. It is present in about 30 countries in Africa, Asia, Latin America, and Eastern Europe. Helvetas which originated from the merger with Intercooperation in 2011 has been active in Bangladesh since 2000. Our **vision** is a just and peaceful world in which all human beings live in a self-determined way in dignity and safety, are able to satisfy their basic needs, have access to indispensable resources and services, and take care of the environment. Working areas and thematic competences of Helvetas in Bangladesh are in particular: Sustainable and Inclusive Economies; Skills Development; Governance and Peace (incl. Migration), Environment and Climate Change. At Helvetas, we support impoverished and disadvantaged people and communities in developing countries who want to actively improve their living conditions. We promote access to resources and services that are indispensable for life, thus contributing to overcome root causes of poverty. Together with our partners, we are committed to the protection, promotion, and execution of social, economic, political, and cultural rights.

With the objective of mitigating the negative impacts and risks related to labor migration and maximizing its benefits, **Helvetas implements the Strengthened and Informative Migration System (SIMS) project**. SIMS is a four-year project mandated by the Swiss Agency for Development and Cooperation (SDC) that seeks to improve the well-being of migrants, particularly marginalized men, and women, through safer migration practices and strengthened service delivery from both public and private actors. The duration of the project is four years (Dec. 2019 – Dec. 2023).

Helvetas together with local partner organizations (both migration related NGO and Legal Aid NGOs) implement interventions focusing on enhanced information and awareness of migrants and their families at home, improved quality, and enhanced outreach of service delivery to migrants and their families and greater resilience of migrants and family members through effective use of remittances. The recent major change in context, COVID19, shall be addressed by including activities related to specific information for migrant workers and their families about services available to them, anti-stigmatization campaigns as well as support alternative livelihoods as and where required. SIMS is implemented in close coordination with the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE) of the Government of Bangladesh.

1.2.   Access to Justice for Migrants Workers in SIMS

The legislative framework in Bangladesh has existing provisions to protect the rights of migrant workers and their family members and as well to access grievance redressal mechanisms through formal justice system and a special channel through Bureau of Manpower, Employment and Training (BMET) Arbitration Cell under the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE). The overburdened formal redressal mechanisms, lengthy and costly nature of redressal process, a weak and less capacitive implementation structure negatively affects the protection and wellbeing of migrant workers and often fail to support the migrants who have become victims of unlawful practices. Further, lack of awareness of the migrant worker of their rights and available access to justice, absence of documentation which is essential in formal system proceeding, unwillingness of recruitment agencies to accept responsibility (for sub-agents), lack of trust in the judicial system, familial/social relationship between the perpetrator and the complainant and lack of protection of victim leads to a critical impediment as huge number of unreported cases. Concurrently, several informal alternative dispute resolution (ADR) mechanisms popularly emerged to support the migrant workers and their family members. The civil society or village elders' managed ADR mechanisms have generated results to address grievances in short time and less complicated ways compared to formal channels.[1]

In this context, SIMS undertakes a Rights Based Approach (RBA) of empowering the rights holders and

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[1] SIMS ProDoc

strengthening duty-bearers. The empowering of migrant worker consists of a two-pronged strategy to improve migrant workers' ability to address grievances. Firstly, the awareness raising campaign and orientation sessions to encourage beneficiaries to report grievances either to GoB mechanisms or to ADR mechanisms by NGOs. The campaign keenly focuses on the importance and methods of accessing grievance mechanisms through ensuring the preservation of documentation. Secondly, SIMS establishes ADR mechanisms, based on the PROKAS[2] experience and builds the capacity of these Grievance Management Committees (GMCs). SIMS will explore all the avenue of redress mechanism depending on the case category (subject matter and nature of a grievance). Considering the remedy seeking for the respective case categories, ADR and BMET arbitration mechanism is prioritized and only if this fails, referrals shall be made to the formal justice system.

In dealing the cases of migrant workers through government mechanisms such as the BMET Arbitration cell or formal judicial system, SIMS provides necessary information (with regards to reporting and filing of cases with proper documentation) to the migrant worker and their family and as well provides necessary support in terms of documentation of cases, follow up, legal representation and other need-based support including linkages to legal service providers. The support mentioned above is necessary as there is a fundamental power imbalance between migrant workers and the middlemen/ recruitment agencies. As there is scope of reform in legislative framework and dealing and gradual analysis of these cases will provide some evidence-based recommendations, SIMS along with issue-based allies will foster more migrant friendly changes in procedure and polices through strategic litigation (PIL) and policy advocacy.

In strengthening the duty bearers, the key focus to enhance capacity of the relevant stakeholders to provide improved service to the migrants regarding access to justice. This firstly includes the strengthening of local level ADR mechanisms by replicating PROKAS' model of GMCs (established and trained by MNGOs with selected resource persons). This mechanism is proved as the best in addressing the pre-departure stage cases are related to fraud by the sub-agents.[3] Then it strategized for better capacitated justice system actors (mainly law enforcement authorities, Lawyers and Judges including the District Legal Aid Officers), as they have crucial role to play when the redress mechanism is through the justice system. The engagement of lawyers and Judges are to mainly aware them on the migration context along with the key challenges faced by the migrants and as well some primary capacity building on laws and international standard on migration and human rights; as they could deal the migrants cases with the due consideration of laws and standard. Parallelly, as rights violations at the in-service stage must be addressed by lodging complaints at DEMO/BMET, SIMS will build the capacity of the arbitration officers including relevant legislation, lawful arbitration, soft skills.[4] In SIMS intervention, case management will be professionalized by a) agreeing on a case referral system for different case categories, b) online case documentation for improved case management but also a basis for evidence-based advocacy and c) formalizing collaboration with legal aid NGOs at local and Dhaka level. Bottom-up strengthening of the BMET arbitration cell shall be achieved by ensuring regular and professional legal follow up on cases pending at their cell.[5]

1.3.   Rationale for Web-based Case Management and Documentation System

SIMS aims to develop a web-based case management and documentation system as part of strengthening the case dealing mechanism through familiar redress channel. The system is expected establishing a consolidated structure with detailed information of all agreed case categories including justice seekers and perpetrators information, enabling the internal actors (PNGOs and Helvetas) to efficiently store, access and analyze information and effectively coordinate, preserving relevant evidence/ documentation, monitoring and tracking progress and further input the update till the end and finally, generate diversified (case category, status of case, MW favored result, gender, geography, redress channel, procedural and policy gap etc.) evidence based quantitative and qualitative report. This aspired system will act as a

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[2] PROKAS (British Council, finance by UKAid) is currently in its pilot phase but will target four Upazilas and four unions once it is fully operational. PROKAS pursues a two-pronged strategy combining awareness raising and information sharing with the formation of mediation committee/grievance management committees at Upazila level, to provide alternative redress pathways to formal justice mechanisms.
[3] Comparative Study on GMCs by PROKAS.
[4] SIMS ProDoc
[5] ibid

comprehensive process map supported by information and efforts from the start of rights violation of migrants' to the very end to remedy. Secondly, it aims to generate evidence-based information and reports for advocacy and recommendations on further initiatives to replicate best practices and as well as address gaps in procedure and policies.

In future, the web-based documentation system might become an effective and successful example to other civil society organizations/ development stakeholders who are working on labor migration and uses the system as a platform in dealing the migrant rights violation cases. In this way, over the time the system may act as an umbrella mechanism for recording all non-government led dispute resolution mechanisms. Along with this, the system can establish linkage with the BMET arbitration cell. Despite being an internal case management and documentation system, SIMS CMDS has similarities in work process in some key area regarding complain filing and processing. For instance, similarities in case categories (subject matter and nature of grievance); the case categories identified by SIMS matches all the categories which BMET accepts as complain. Further, the necessary information and documentation BMET considers for complaint dealing process, is also considered in the system. So, from this perspective, there is three possible options are possible in present context – i) the scrutinization of cases for appropriate filing to BMET with proper documentation matching the BMET standard, ii) considering the principles of data security, data protection and confidentiality, possibility could be explored to submit the complains to BMET directly from the system by providing access to BMET personnel, and iii) data stored and maintained in the SIMS CMDS can be exported later to BMET database. As a part of longer-term linkage, if MoEWOE finds the piloting of the system effective with great impact to speedy complain selection process, monitoring and report generation tool, it could be linked with the BMET system and DEMO can be involved in the process to ensure smooth functioning of the process.[6]

SIMS plans to develop the web-based system by a consultancy firm which best matches the comparative selection criteria stipulated in detail in the consultant procuring Terms of References (ToR) and subsequent queries in selection process. The consultancy will include deployment of prototype of the CMDS and piloting, capacity building training of the users including designed/ printable version training manual, final deployment of the system (user manual, functional web based and mobile compatible versions of the CMS), post deployment maintenance support.

2. Features/ Characteristics of SIMS CDMS

In line with the aim for developing the web based CMDS, the system is expected to have the following features for better capturing and processing/ analyzing case related information, ensuring coordination among MNGOs (OKUP/ RMMRU/ PROTTYASHI) and Legal Aid NGO (BNWLA), tracking progress and result and finally generate tailored reports:

1. There should be sufficient scope of sharing and editing information in a multiuser system.
2. It should incorporate step and stage wise analysis and approval mechanism[7]
3. Similarly, supporting mechanism and provisions for multiple views of information should be incorporated.
4. Ensuring security of the system unauthorized access in the system should be restricted. So, each user must access the system through log in process after one time registration.
5. User and entitlement management (role-based access control)

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[6] According to BMET Arbitration system, we know how cases go to BMET, we know the Case criteria dealt by BMET and their process of dealing cases including the steps they follow – formation of committee> investigation> investigation report>decision (mediation or not)>mediation> awarding/ return money to MW (in exact term it is not compensation). Further, they monitor the status of the case and generate report.

[7] It indicates about the Steps and Stages of responsibilities and coordination among PNGOs. **STEPS & STAGES:** Input of case info (UPZ Coordinator)> Review for advisory (i.e. information are fine? Good to go ahead with consistency? What is next?) > either goes back to UPZ Coordinator for further information collection/ correction Or goes to BNWLA for Advisory/ refer to GMC/ to BMET or Court support. Responsible persons should have the scope to provide feedback/ comment within the system and then it moves to next STEP.

6. Ensure the principles of data protection and confidentiality in each individual case that indicates and stipulates the level of information accessible to a certain user and define strict code of conduct for every user on disclosing the information to others/ third part whether the information is partial or of full system.
7. Scope of backup and recovery facilities.
8. Scope of capturing/auditing data entry log in the system.
9. The system should use open-source database and web server.
10. The system should implement a security model and mechanisms which provide prevention of unauthorized access to resources and the use of a resource in an authorized manner as well as provide protection of the confidentiality and integrity of information throughout its entire lifecycle.
11. It should be linked with the reporting portal in a way that level and access of user can specified.
12. There should be scope of data importing (incorporating case information from a excel-based documentation) from different sources.
13. The system should be bi-lingual (English & Bangla)

3. The Design and Contents of Expected Wed-based CDMS

The design and content of the CDMS is expected to be in following surfaces –

1) Input surface – a) Primary Input b) Input after primary advisory

2) Actions Surface includes a) Primary Interventions b) Primary Analysis and Approval c) Internal Referral and subsequent interventions d) Follow up/ Update

4) Result and Post Analysis surface

5) Reporting portal/ surface.

The content, functions and roles of project staff is elaborated in the following sub-chapters.

3.1. Input Surface

a) **Primary Input:** All the relevant information of each identified case as per case category/ sub-category will be provided and captured in this surface. As the key source of the cases is community and MNGOs are assigned to identify cases and collect information, the filed level staff of MNGOs (UPZ Coordinator) will initiate the data input. Further, sources of cases can be from District and National level which directly received by Legal AID NGO (BNWLA) and can be recommended to Helvetas, thus PO-A2J/ PO-Case Management from BNWLA and Legal Aid & ADR Expert form Helvetas will have the access of data input.

- **Process and Information Capture:** Based on information collected by Social/ Community Mobilizers in hard copy **Case Identification Format,** UPZ Coordinator will input.
- *Where to input? Add New Case Button>Window for input. Specific path could be – Dashboard/ Case/ Add.*
- **Content and Input Method:**

Content	Input Method
1. Case Details	
Case Number	- Provide a case number (for this system)
Case Category	- A drop-down menu of all agreed case categories - Multiple Options to select
Sub-Category/ Type of Complain	- A drop-down menu of all sub-case categories under each case category - Multiple Options to select

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Content	Input Method
	- 'Others' options to write specific issue if not in the sub-category
Description of Case (5W1H)	Write the description
Date	Date of Input in the system
Case Source (How we get case information)	Drop down menu: - From Community - BNWLA - Helvetas - Referred by Others (specify)
Expected Remedy	Selection from menu
Complain/ Application/ Request Filed by	Selection (Victim/ On behalf of victim) If on behalf, specify information - Name: Write Address: Write Contact Number: Write
Number of Applicant	Input numeric
If Application/ Complaint Made before to GO-NGO mechanism	- Drop down (YES/ NO) If YES, then - Where? - When? - Copy of Application? - If applicable, complaint/ Case number?
2. Personal Detail of Justice Seeker/ MW	
Name	Write
Gender	Drop Down (M/F/Others)
Age	write
Address for Communication	Write
Permanent Address	Select from the menu (district, UPZ, Police Station, Union, Ward, Village)
Contact Number	Numeric input
Last Contact Number (used last to communicate)	Numeric input
Alternative/ Family Contact Number	Numeric input
Passport Number	Numeric input
Passport Issue Place	Write
Marital Status	Selection from drop down menu (married, single/ unmarried, widow, widower)
Family Information	Write in number (who are in family?)
Education	Drop down menu - primary education/ class 5, attended till Class 8, SSC, HSC, Honors)

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Content	Input Method
Religion	Selection from drop worn menu
3. Recruitment Information	
Country of Destination	Select from the menu
Recruitment Process	Select from the menu
RA Information	Name (selected from the menu – a list for all the licensed RA) Address: Write Contact Number:
Agent/ Sub-agent Information	Name: Write Address: Write Contact Number: Write NID: Write
Pre-departure Cost/ Migration Cost	Write
Departure date	Select from the Calendar
Departure Route	Select from drop down menu and write to specify.
4. Perpetrator Information	
Complain against Whom?	Select (Individual, Company)
Relative Check	YES/ NO YES, specify
Information on Perpetrator	Name: Write Address: Write Contact Number: Write NID (if individual): Write. **(option: same as RA/ Sub-agent)**
Attachments: - Tick the list (as per documentation suggestions in the case category matrix) and attach	
In last Step: - Input done by (Name, designation, Organization, Area) - Input Date - Seeking Advisory to PO-A2J MNGO and BNWLA (Name, designation, Organization, Area)	

b) **Input after advisory:** After the primary input, the information is visible to the uses capable to provide primary advisory and they will analyse the information, documentation, facts and provide to advisory in two ways-
   I.   Recommend collecting further information or evidence with specific notes.
   II. Accept the information, insert a short note to refer to GMC for Local Level ADR
   III. Accept the information, insert a short note and forward for final advisory to PO-A2J (BNWLA)
If any case is recommended to collect further information after primary advisory, it will be in the input surface. Here, there will scope for editing information.

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3.2.   Actions Surface includes

a) **Primary Intervention:** With information collection and input into the system also initiates the scope to identify the interventions by SIMS. *Please note that in this stage, services provided/ Intervention by SIMS Project will be limited to as follows:*
   o *Information on rights and redress channels shared with justice seeker.*
   o *Information and evidence collected as per pre-scribed format.*
   o *Contact with family Members of Victims.*
   o *Verify information and collect updated information collected.*
   o *Updated information on the complaint shared with justice seeker or family members.*
   o *Case Referred to GMC for ADR*

b) **Primary Analysis and Approval:** In this stage, case is ready to internally refer for dealt by the redress channels.

c) **Internal Referral and subsequent interventions:**
   o *Case Referred to BMET*
   o *Case Referred to Court*
   o *Complain made to BMET.*
   o *Case filed at Court.*
   o *Complain Tracking Number or Court case number.*
   o *Ensure Legal representation/ Appoint a Lawyer.*
   o *Follow up on cases and justice Seeker advised with next course of action – date to attend to BMET, police report provided, next court case date for witness, case date for hearing.*

d) **Follow up/ Update:** After each intervention, this section filled up with date update available till the end of case.

> *In this surface there would be **Drop-Down Menu** for selection.*
>
> **A. Redress Channel**
>   o *Referred to GMC*
>   o *Referred to BMET*
>   o *Referred to WEWB*
>   o *Rerred to Court*
>   o *Referred from GMC to BMET*
>   o *Referred from GMC to Court*
>   o *Refered from BMET to Court*
>
> **B. External Referral & Reason**
>   o *Referred to NGO for.....*
>   o *Referred to GO for.....*
>
> **C. Interventions by SIMS**
>   o *List of interventions (what are the support provided to MW or what is done by SIMS)*

3.3.   Case Status/ Result and Post Analysis surface

a) **Result of a Case:** This section is to indicate the result of case after end of the process in respective redress channel i.e. GMC, BMET and Court. In line with expected remedy by justice seeker a result could be inserted. A list of possible results could be as following:
   o *Amicable settlement with sub-agent*
   o *No settlement happened with sub-agent, case goes to BMET or Court.*
   o *Salary paid to MW*
   o *MW brought back to BD, expenses and compensation provided by RA*
   o *After investigation BMET did not call for arbitration.*
   o *Court verdict in favour or against complainant etc.*

b) **Post Analysis of Case:** Along with each result there should be a post analysis on each case to investigate the facts and results in light of procedure, laws & policies and external influencing factor which positively or negatively impacted the case. This is the key basis for evidence-based report generation and key basis for strategic litigation (PIL) and policy advocacy.

3.4.   Reporting portal/ surface

This is outcome part of Case Management process. The report portal should generate diversified (case category, status of case, MW favored result, gender, geography, redress channel, procedural and policy gap etc.) quantitative and qualitative report. The following areas can be key area:

- Summary of cases received and their status.
- District wise case status in a certain period with geographic and gender segregation/
- Gender wise case received Vs case solved.
- Case Category wise summary
- Destination Country Wise Summary Report
- Success rate of Cases and progress on cases
- Redress channel wise Case Status
- Route of Departure with Case and Disaggregation (gender and other criteria)
- Status of Documentation in Cases
- Report on psychosocial factors (minority/ DAG, classification of beneficiaries, contributing factors, age group, marital status,
- Generate Info-graphic Periodic reports (case analysis & statistics of supports)
- Generate key basis Case Studies or Success stories
- Check on policy and procedure (what went well and why? What went wrong?) and identify Policy issues (shortcomings of Law & Procedure)

4.   Next Steps

Following steps should be initiated based on the draft concept note:

- Thematic review from Migration, MEAL & Web-designer views.
- Reflections from expertise and experience who worked with the similar system.
- The document also should share with SDC for reflections considering the system as a key visible instrument in line with national level advocacy and policy reform initiatives and future acceptability of the system.
- This concept note should be accompanied by a detailed ToR for recruiting consultancy firm to design and deploy the system.
- Launching Tender for consultancy firm procurement

5.   Annexes

Annex – 1: ToR for Consultancy Firm Procurement

Annex – 2: Case Dealing Matrix of SIMS Project