
SOP **FIELDBOOK**

STANDARD OPERATING PROCEDURES FOR
FIGHTING HUMAN TRAFFICKING IN NEPAL

SOPS FOR RELEASE OF SEX TRAFFICKING VICTIMS

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HUMAN TRAFFICKING FIELDBOOK
SOP's for Sex Trafficking Interventions
Procedures for Release Of Sex Trafficking Victims

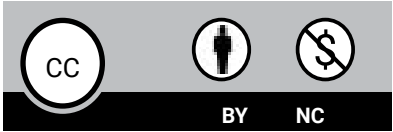
From
Human Trafficking Legal Refrence Toolkit
Standard Operating Procedures to Fight Bonded Labour and Sex Trafficking

A Handbook for NGOs and their Lawyers

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**OVERVIEW OF PROCEDURE FOR RELEASE OF
SEX TRAFFICKING VICTIMS**



Step 1 Identifying Sex Trafficking Victims

NGO	ADVOCATE
The NGO should gather and verify facts supporting the existence of human trafficking.	The Advocate should confirm whether the facts gathered support the legal elements of human trafficking under the Human Trafficking and Transportation (Control) Act, 2007/2064 and other applicable legal provisions.

Step 2 Submitting the Sex Trafficking FIR

NGO	ADVOCATE
The NGO should use the facts gathered to draft a sex trafficking first information report (FIR) to be submitted to the police office.	The Advocate should review the draft FIR and ensure it presents a persuasive legal argument for initiating a sex trafficking rescue and assist the NGO in submitting the FIR to the police office.

Step 3 Preparing the Sex Trafficking Rescue Plan

NGO	ADVOCATE
The NGO should prepare a comprehensive sex trafficking rescue plan in consultation with the police, Advocate and relevant authorities, which must include a detailed physical map of the site.	The Advocate should advise and assist the NGO in preparing the rescue plan, ensuring it includes the presence of an adequate number of decoy customers and independent witness.

Step 4 Conducting a Pre-Rescue Meeting with Police

NGO	ADVOCATE
The NGO should conduct a pre-rescue meeting in accordance with the rescue plan where roles and responsibilities are assigned to team members.	The Advocate should advise and assist the NGO during the pre-rescue meeting by sensitizing the NGO and government representatives (including members of the National Committee and District Committee formed pursuant to the HTTCA) on legal provisions and important information relating to the rescue to be undertaken.

Step 5 Initiating the Sex Trafficking Rescue

NGO	ADVOCATE
The NGO should initiate the sex trafficking rescue with the police and other stakeholders according to the rescue plan.	The Advocate should participate in the sex trafficking rescue to ensure that it is carried out according to the law.

Step 6 Securing the Sex Trafficking Rescue Site

NGO	ADVOCATE
The NGO should assist the Police with securing the rescue site to ensure all victims are rescued and safe during the process.	The Advocate should advise the NGO and Police (if required) regarding the legal procedures for securing the rescue site.

Step 7 Separating Sex Trafficking Victims from the Accused

NGO	ADVOCATE
The NGO should assist the police in immediately separating the sex trafficking victims from the perpetrators and assuring survivors of their safety.	The Advocate should advise the police that sex trafficking survivors should be separated from the perpetrators so as to avoid threat and ensure a safe and legal inquiry.

Step 8 Gathering Sex Trafficking Evidence

NGO	ADVOCATE
The NGO should ensure that the Police collect all available evidence relevant to identifying and proving sex trafficking.	The Advocate should advise the NGO on the laws related to the collection of evidence about human trafficking and ensure that the Police seize all available evidence.

Step 9 Ensuring Protective Custody for Survivors

NGO	ADVOCATE
The NGO should accompany the rescued persons while they are produced before the court to certify their statements.	The Advocate should advise and assist the NGO and victims while the survivors are produced before the court.

PROCEDURE FOR RELEASE OF SEX TRAFFICKING VICTIMS

Step 1 Identifying Sex Trafficking Victims

NGO
The NGO should use the facts gathered to draft a sex trafficking first information report (FIR) to be submitted to the police office.
NGO COMMENTARY
<p>The NGO may receive information from one of the following sources:</p> <ul style="list-style-type: none">Victims or Victims’ Family/Community/SurvivorNGOs/ Community leadersMedia reportsDistrict Committee on Combating Human Trafficking (DCCHT) or Local Committee on Combating Human Trafficking (LCCHTs)Child Rights Committee at state and local levelsChild rights officer at local levelInformantAny other person having knowledge of the crime <p>The NGO may also acquire information through intelligence gathering at source and transit points and demand areas. In communicating information about the trafficking, the victim’s identity must be kept secret.</p>
ADVOCATE
The Advocate should confirm whether the facts gathered support the legal elements of human trafficking under the Human Trafficking and Transportation (Control) Act, 2007/2064 and other applicable legal provisions.
ADVOCATE COMMENTARY
<p>The Advocate may receive information from one of the following sources:</p> <ul style="list-style-type: none">Victims or Victims’ Family/Community/SurvivorNGOs/ Community leadersMedia reportsDistrict Committee on Combating Human Trafficking (DCCHT) or Local Committee on Combating Human Trafficking (LCCHTs)Child Rights Committee at state and local levelsChild rights officer at local levelInformantAny other person having knowledge of the crime

ADVOCATE COMMENTARY
The Advocate should also advise the NGO on matters related to decoy operations and confidentiality while gathering information. In communicating information about the trafficking, the victim’s identity must be kept secret.
POINTS TO NOTE
<p>HTTCA: Under the Human Trafficking and Transportation (Control) Act, 2007/2064 (HTTCA), a person is deemed to have committed human trafficking when he/she undertakes:</p> <ol style="list-style-type: none">To sell or purchase a person for any purpose;To use someone into prostitution, with or without any benefit;To extract human organ except otherwise determined by law; orTo go for in prostitution. <p>The following acts are deemed to constitute human transportation:</p> <ol style="list-style-type: none">To take a person out of the country for the purpose of buying and selling; orTo take anyone from his/her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurement, influence, threat, abuse of power and by means of inducement, fear, threat or coercion to the guardian or custodian and keep him/her into one’s custody or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation. <p>Who is a “victim” under the HTTCA: A “victim” under the HTTCA is a person who is sold, transported or put into prostitution. A “child” is defined as any person who has not reached the age of eighteen years.</p> <p>Means of gathering information and intelligence. The following are means and places from which information on the incidence of commercial sexual exploitation can be identified:</p> <ul style="list-style-type: none">Source Area: Collect intelligence about victims and potential victims from source areas such as domestic worker industry, entertainment sectors, and informal sectors (garment factory, brick kilns, etc.), Keeping a close watch on vulnerable places and communities will help prevent vulnerable victims from being trafficked. The NGO should sensitize and motivate local activists and community leaders to keep a watch in the community for irregular movements of victims. Intelligence from source areas can also be gathered from interviews with survivors.Transit Points: Collect intelligence about victims and potential victims from source areas such as domestic worker industry, entertainment sectors, and informal sectors (garment factory, brick kilns, etc.), Keeping a close watch on vulnerable places and communities will help prevent vulnerable victims from being trafficked. The NGO should sensitize and motivate local activists and community leaders to keep a watch in the community for irregular movements of victims. Intelligence from source areas can also be gathered from interviews with survivors.Destination Areas: Collect intelligence from areas or activities where commercial sexual exploitation may be carried out, such as entertainment sectors (cabin restaurants, massage parlors, dance bars, khaja ghar, and dohori), brothels, hotels etc.Decoy Operations: Information may be obtained by conducting decoy operations.

Precautions to be taken. While obtaining information, the following precautions ought to be taken:

- Maintain confidentiality: Information relating to the victims, the rescue site to be searched, and the brothel owner or pimp must remain confidential. The NGO representatives or Advocates should not disclose information to any other persons who do not need to know.
- Contact the local police: If you believe you have identified someone or have received information from any source about a victim of human trafficking, alert the local police station immediately. Do not attempt to rescue or help the victim on your own. An NGO or any person cannot conduct a rescue on its own and needs assistance from law enforcement agencies.

Border monitoring: If the trafficking victim is identified while crossing the Indo-Nepal border, the NGO should refer to the SOPs set forth in the “Border Monitoring Intervention SOPs,” Chapter III(D).

Award for informants: Under Sec. 19 of the HTTCA, if an informant provides information leading to the rescue of a victim or arrest of a perpetrator, the informant shall receive 10% of the fine levied on the perpetrator as a punishment under Sec. 15. These awards to informants shall be granted only after the final verdict has been passed.

Punishment for contrary statements: Under Section 15(6) of the HTTCA, if a person involved in reporting an offence gives a statement contrary to a statement given earlier or if he/she does not appear before the court on its notice or does not assist to the court, he/ she shall be liable for three months to one year of imprisonment.

Destination Areas: Collect intelligence from areas or activities where commercial sexual exploitation may be carried out, such as entertainment sectors (cabin restaurants, massage parlors, dance bars, khaja ghar, and dohori), brothels, hotels etc.

Decoy Operations: Information may be obtained by conducting decoy operations. A decoy operation occurs when a person goes undercover (such person is called a “decoy”) and uses his/her guise to obtain information about the occurrence of commercial sexual exploitation. The decoy also helps gather any other information that could be useful to conduct a rescue operation but cannot be procured without such an operation. Decoy operations are dangerous and only a trained person should be deployed as a decoy.

Who can be employed as a decoy: A decoy can be a police official, a representative of the NGO, or any other person willing to be sent as a decoy.

- **Who can a decoy be disguised as:** A decoy can pose as a bogus customer.
- **Brief the decoy:** The decoy must be sensitized on the plight of the victims and the risks involved in carrying out such operations. The decoy must be made aware of the vulnerability of the trafficked person and should neither traumatize the victim further by his presence nor take advantage of the situation. Before deploying the decoy, document his participation in order to prevent the possibility of his being mistaken as an accused and getting arrested.

Role and Importance of Decoy Customer in trafficking interventions: The decoy customer is also known as bogus customer, who ensures that the targeted victim is present in the brothel during the rescue operation. Due to decoy operations strong evidence about the girl being sexually exploited is obtained. Recovery of marked transaction money in the presence of independent witness from the brothel keeper/ manager/ owner implicates them in the crime. Even if the victim is not traced during the trial, there are chances of conviction for running brothel based on the testimony of decoy and independent witness without which in the absence of the victim the trial will not move forward.

Important Points for decoy customer: The following points must be kept in mind by the decoy customer.

- Decoy customer should be of good repute with no criminal background.
- He should not be a very young man.
- He should preferably be from the NGO.
- He should be familiar with human trafficking or the working of the red light area.
- He should be introduced to the special police officer before he is sent to the brothel.
- During the pre-rescue report, the details of the decoy customer should be mentioned. He should be frisked and a note of all his possessions should be made.
- The importance of the operation should be explained to the decoy customer. He should be briefed about the do’s and don’ts by the senior police officer.
- The marked money for the transaction is to be given by the police to the decoy customer in the presence of the independent witnesses. The decoy customer should pay the marked/noted money to the brothel keeper/ manager/owner.
- He should not engage in sexual activities with the victim.
- As soon as the transaction is done he should inform the police in a predetermined code.
- As the police approach the brothel he should try and keep the girl with him and not allow her to leave the room.
- If he is forced to leave the girl (may be because of suspicion of raid/tips off), then he should accompany the girl so that he can see where the girl is hidden.
- The statement of the decoy customer should be reduced to writing by the police officer.
- The decoy customer should depose before the court during trial.

LEARN MORE AND TAKE ACTION

Document the existence of human trafficking: The NGO representatives should carefully document the existence of human trafficking.

Step 2 Submitting the Sex Trafficking FIR

NGO
The NGO should use the facts gathered to draft a sex trafficking first information report (FIR) to be submitted to the police office.
NGO COMMENTARY
The NGO should discuss the information in detail with the informant to verify the genuineness of the information. However, the NGO at all times should be alert to report the information to appropriate authorities immediately as time is of the essence. Decoy operations or reconnoiter visits may be carried out to authenticate the available information received from informants.
ADVOCATE
The Advocate should review the draft FIR and ensure it presents a persuasive legal argument for initiating a sex trafficking rescue and assist the NGO in submitting the FIR to the police office.

ADVOCATE COMMENTARY

The NGO should discuss the information in detail with the informant to verify the genuineness of the information. However, the NGO at all times should be alert to report the information to appropriate authorities immediately as time is of the essence. Decoy operations or reconnoiter visits may be carried out to authenticate the available information received from informants.

POINTS TO NOTE

Procedure for filing FIR: Section 4 of the National Criminal Procedure Code (NCPC), 2017 requires anyone with knowledge of a crime to file an FIR: “A person who knows that any offence set forth in Schedule-1 has been committed, is being committed, or is likely to be committed shall, as soon as possible, make a first information report in writing or give information verbally or through electronic means, on such offence, along with whatever proof or evidence which is in his or her possession or which he or she has seen or known, to the nearby police office in the form set forth in Schedule-5.” If the person making the FIR or giving information does not give it in writing, the concerned police employee must document such information in the form set forth in Schedule-5 and cause it to be signed by the person. Any FIR received must be forwarded to the separate investigating authority specified by law in relation to such report or information and, failing the specification of such separate investigating authority, to the concerned District Police Office.

Who is the complainant: As per Section 5 of the HTTCA, anyone who knows that the offence of human trafficking and/or transportation is being or may be committed can report it to the nearest police office.

Complaint for refusal to register FIR or information: Section 5(1) of the NCPC states that if the concerned police office refuses to register an FIR, the person making such FIR may make a complaint setting out such matter, accompanied by the FIR or information, to the concerned district government attorney office or the police office higher in level than the police office required to register such first information report or information.

Identity of informant: The informant’s identity should be clearly documented in the FIR in the event he/she needs to be presented as a witness for the case in the future.

Step 3 Preparing the Sex Trafficking Rescue Plan

NGO

The NGO should prepare a comprehensive sex trafficking rescue plan in consultation with the police, Advocate and relevant authorities, which must include a detailed physical map of the site.

NGO COMMENTARY

The NGO should prepare a strategic plan for the rescue operation. The plan should include details of the location, physical layout of the rescue site, entry and exit points, hideouts, sketch map of the rescue site etc. The above details must be obtained and compiled during reconnoiter of the place to be searched.

ADVOCATE

The Advocate should advise and assist the NGO in preparing the rescue plan, ensuring it includes the presence of an adequate number of decoy customers and independent witness.

ADVOCATE COMMENTARY

The Advocate may assist the NGO representatives in the preparation of a rescue plan and ensure that the rescue operation is planned in accordance with procedures laid down by law.

POINTS TO NOTE

Risk assessment: The NGO must conduct a systematic risk assessment and have a plan to prevent and minimize the risks involved in a rescue. Other important information such as the location of the place to be searched, the profile of the traffickers and the social standing of the accused, must be examined to assess the risks. Possible responses to mitigate risks along with a contingency plan in case of unforeseen circumstances must be planned with great care.

Avoid sharing rescue site information: The physical map of the rescue site should be kept confidential from as many as possible. Instances of victims going missing have taken place when information has leaked from various sources. It would be best to avoid sharing the information with too many stakeholders.

LEARN MORE AND TAKE ACTION

Pre-rescue plan: Contact JVI for a sample pre rescue plan that lists out the roles and responsibilities of team members.

Human Trafficking Intervention Checklist: Annexure 1 has a Checklist for a Human trafficking/CSE intervention rescue operations.

Step 4 Conducting a Pre-Rescue Meeting with Police

NGO

The NGO should conduct a pre-rescue meeting in accordance with the rescue plan where roles and responsibilities are assigned to team members.

NGO COMMENTARY

Appoint team leader who shall explain the strategy and steps to be taken during the rescue. The team leader shall assign responsibilities and explain the role of participants in the rescue operation. Divide participants into groups, depending on the targeted number of rescue locations and expected number of victims.

Appoint a team leader for each group. Share the names and contact details of each participant, team leaders and roles and responsibilities of each group.

Prior to participating in the rescue, team members must be familiar with the laws related to trafficking and commercial sexual exploitation of persons.

NGO COMMENTARY

Note: Under no circumstances should the team that was involved in identification/verification/intelligence gathering be involved in the rescue so as to protect their identity and to ensure an effective rescue operation.

ADVOCATE

The Advocate should advise and assist the NGO during the pre-rescue meeting by sensitizing the NGO and government representatives (including members of the National Committee and District Committee formed pursuant to the HTTCA) on legal provisions and important information relating to the rescue to be undertaken.

ADVOCATE COMMENTARY

The Advocate should be present at the pre-rescue meeting with the police and representatives from the NGO to convince the police to act swiftly.

During this meeting, the Advocate should sensitize NGO and government representatives on various issues related to trafficking, legal provisions on trafficking and myths and realities with regard to trafficking.

The Advocate should also explain the process of assembling an independent witness. The Advocate must advise police officers to exercise caution while selecting witnesses. Identify representatives of local bodies or otherwise those present at the time of activity as witnesses.

The Advocate should finally request the police to provide decoy customers for the rescue operation. In the event the police are unable to do so, the Advocate in consultation with the NGO may provide a decoy customer. The decoy customers should be introduced to the independent witness. The police should give the transaction money to be given to pimp/brothel owner during the rescue in the presence of the witness.

POINTS TO NOTE

Composition of rescue team for the arrest and investigation: The rescue team should consist of a police officer of the rank of Sub inspector or higher or the trafficking police officer, NGO representatives and social worker, one of which must be a woman.

Responsibilities of District Committees: Under Section 7(f) of the HTTCA Rules, the District Committee must relieve the persons who are in danger of being trafficked in that district.

Appoint a team leader: Appoint a team leader who will explain the strategy and steps to be taken during the rescue. The team leader should assign responsibilities and explain the role of participants in the rescue operation. Divide participants into groups, depending on the targeted number of rescue sites and expected number of victims. Appoint team leaders for each group. Share the names and contact details of each participant, names and contact details of team leaders and the roles and responsibilities of each group.

Pre–Rescue Checklist

Prepare a rescue kit: The kit is to include stationery, cameras, torches, batteries, video cameras, refreshments (drinking water, snacks), a first aid kit, vehicles, printer and cartridges, laptops and chargers, reference materials

such as case laws and bare acts, list of the districts villages, and police stations within the jurisdictions to which the victims belong, clothing, toiletries, food, drinking water, activity books, crayons, and colored pencils (in the event there are children among the rescued victims). Appoint a point of contact for arrangement of logistics well in advance before the rescue.

Alert shelter homes: Alert credible Government run/NGO shelter homes at the place of rescue regarding the approximate number of persons likely to be rescued and the date when they are likely to be brought to the home. Ensure that NGO-run shelter homes are licensed by the Government. This should be done in total confidentiality so that information about the rescue operation is not leaked. It is important for NGO representatives to identify credible shelter homes and maintain a database. NGO representatives must provide the list to the concerned district committee where the Chief District Officer (CDO) is chair of committee and the Advocate so that the victims are sent to credible shelter homes. In the event the shelter homes cannot be made immediately available to survivors, care must be taken to ensure that the district committee makes alternate arrangements for their stay and safety.

Security of rescue team: Ensure that the sub inspector involves adequate police personnel depending on the size of the rescue operation. In case of sensitive or high risk locations, the Advocate with the Sub inspector must ensure that the rescue team is accompanied by sufficient police personnel. Under no circumstances should a rescue operation be carried out without police protection. The Sub inspector or officer of higher rank must ensure police presence in relevant numbers depending on the size of the rescue.

Become familiar with useful questions: NGO representatives participating in the rescue must familiarize themselves with standard rescue protocol before going on a rescue.

Collaboration with government on rescues: Section 14 of the National Minimum Standard for Victim Care and Protection, 2011/2068 recommends that an NGO can collaborate with the District Committee in the following ways:

- Include representatives from local government, district police, health institution, and other service providers in the rescue team
- Collect information about potential and suspicious victims and perpetrators including suspicious places
- Rescue groups should be flexible in case of need to adjust the size of the team
- Clarify the role and responsibilities of members of the rescue team before heading for rescue. Members need to be clear about the privacy, confidentiality, and protection about the team and victims
- Include women police on the team; a representative from women police is compulsory.

Based on the situation, police can choose whether to use uniform

Step 5 Initiating the Sex Trafficking Rescue

NGO

The NGO should initiate the sex trafficking rescue with the police and other stakeholders according to the rescue plan.

NGO COMMENTARY

On the day of rescue, the NGO representatives may do the following:

- **Prior to rescue, meet at common location and wait for signal:** Rescue team members must meet at a common location well before the rescue and wait for the decoy or independent witnesses to give signal. The strategy that would be adopted for the rescue operations and its various steps should be explained at this time. To each team member, explain his/ her roles in the rescue operation and clear any doubts that she/ he may have.
- **Stationing of surveillance team:** A surveillance team must be stationed at strategic location near the place of rescue to provide information about any suspicious activity/tip offs.
- **On receiving signal enter site of rescue:** The NGO participant on reaching the strategic location as pre planned must immediately enter the rescue site where the victim is confined or kept and ensure that the site is fully searched. The victims may be kept hidden in boxes, attics, toilets, cubicles, cupboards, false ceilings, wall panels, bathrooms etc. The NGO can take the help of rescued persons in locating other hidden victims, children, offenders and other incriminating materials.
- **Video/Photos of the scene of crime to be captured by the Police:** The NGO representatives must also ensure that videography / photography of the scene of crime and offenders are carried out by the police. Ensure that no one from the NGO captures photos or videos of victims or in the brothel area without appropriate permissions.

ADVOCATE

The Advocate should participate in the sex trafficking rescue to ensure that it is carried out according to the law.

ADVOCATE COMMENTARY

On the day of rescue, the following tasks are the Advocate's responsibility:

- **Advise on collection of material evidence:** The Advocate must advise the NGO representatives on the legal procedures relating to the collection of material evidence. Under no circumstances should the NGO representatives collect material evidence by themselves.
- **Refrain from physical force:** The Advocate must also advise the NGO representatives to refrain from using physical force and violence on any person while conducting the rescue.
- **Police formalities:** The Advocate must ensure that all police formalities are completed.

An Advocate who is a witness cannot represent victims at trial: The Advocate can be a part of the rescue operation but cannot represent the victim during the pre-trial and trial process if he/she is made a witness.

POINTS TO NOTE

Rescue provisions under the HTTCA: HTTCA Sec. 7 gives extensive authority for investigation of actions that violate the HTTCA. A police officer of the rank of Sub-inspector or higher may carry out a rescue, investigation and arrest if there is reason to believe that trafficking is occurring and there is a chance that the offender will escape and/or evidence be will destroyed if action is not taken.

Custody of phones: To prevent leakage of information, prior to the actual rescue operation, mobile phones and any other instruments of communication belonging to the rescue operation team members including government officials may be taken into custody by the police officer leading the rescue.

Ensure legal composition of rescue team: Make sure that the composition of your rescue team is in accordance with law. Ensure the team has at least one police officer who is legally empowered to conduct a rescue.

Best practices upon rescue: Section 14 (4) of the National Minimum Standard for Victim Care and Protection, 2011/2068 provides that the rescue team should do the following:

- Help to collect and protect evidence/documents related to the identity of victims/ affected persons
- Always accompany victims/ affected persons who have come to the contact at the time of searching and rescuing.
- Exhibit respectful and gender-friendly behavior with the victims/affected person.
- Immediately arrange food and clothing for victims/affected persons.
- Make available emergency health services immediately to victims/affected persons if necessary.
- Avoid using mobile when exchanging information related to victims/affected persons which were used before rescue.
- Do not let suspicious perpetrators escape at the time of searching.
- Do not disclose the related information before submitting for legal action.

Recheck rescue kit: Ensure that your entire rescue tool kit is in place (details mentioned under Points to Note 1.5).

Ensure that shelter homes have been alerted: Ensure that credible and licensed Government /NGO shelter homes are ready to take in the number of survivors estimated (details mentioned under Points to Note 1.5).

Ensure security of rescue team: Ensure that the team is accompanied with sufficient police personnel, including women police constables (WPC). Under no circumstances should rescue operation be carried out without police protection.

Accused not to be present while moving rescued persons: NGO representatives must ensure that the accused persons are not present while the victims are being taken to a safe location.

Media engagement: Media should be engaged only after the rescue. While engaging with the media the following points should be kept in mind:

- State accurate facts. While giving numbers, it is important to cite sources as it gives credibility to the information being provided.
- Draft an organisation media policy that lists out the names of representatives who should speak to the media. It is important to appoint a designated person having experience to speak to the media.
- When wrongly quoted, the NGO representative must place a request for a correction in writing.
- It is always helpful to provide the media with a press release after the rescue operation has been successfully completed.

- The objective of sharing stories must always be to create awareness about trafficking, sensitize the general public and take action against human trafficking. While giving stories, ensure that the story does not receive a political colour or draw attention to the victim’s identity.
- NGO representatives must strive to build relationship with credible media houses. It is useful to prepare an internal database of media in your respective districts.
- Do not offer a story to the media if the survivor or victim is uncomfortable and does not want to share her story. Be sensitive to the power difference and to the lack of experience with the idea of consent that might mean that the victim expresses willingness without really being comfortable or understanding the implications. The safety of the victims and his family must be given primary consideration. Do not disclose information (such as names, photos or home villages).
- The NGO must familiarise themselves with standard international guidelines on reporting on children and develop an internal Child Protection Policy in conformity with these guidelines.

Best interest of victims: Section 16 (3) of the National Minimum Standard for Victim Care and Protection requires that the best interest of victims be considered during the publishing of information and that victim privacy be maintained.

Never share a story without obtaining consent from the victim or survivor. Under HTTCA Sec. 25, no one should publish or broadcast a victim’s name, photograph or other information without her consent. Develop a consent form and read and explain to the survivor before taking her signature/thumb print. **The actual name of victims should never be mentioned.** It is extremely important to also note that:

- The engagement of the media must never jeopardize a rescue.
- NGO representatives must never coerce or force a victim/survivor to share his/her stories without informed consent.
- An alias name can be used for the purpose of reportage.

Survivors should not be coerced: NGO representatives and/or Advocates should never coerce or force a victim/survivor to share her stories.

Step 6 Securing the Sex Trafficking Rescue Site

NGO
The NGO should assist the Police with securing the rescue site to ensure all victims are rescued and safe during the process.
NGO COMMENTARY
The NGO representatives should be careful to secure the site of the rescue so as to avoid losing important material evidence.
ADVOCATE
The Advocate should advise the NGO and Police (if required) regarding the legal procedures for securing the rescue site.

ADVOCATE COMMENTARY
The Advocate must assist the rescue team in securing the rescue site and must advise the NGO representatives about the legal procedures while conducting the rescue.
Step 7 Separating Sex Trafficking Victims from the Accused
NGO
The NGO should assist the police in immediately separating the sex trafficking victims from the perpetrators and assuring survivors of their safety.
NGO COMMENTARY
NGO representatives must assist the police to immediately separate the victims from the accused to prevent harassment and intimidation.
NGO representatives must ensure that the victims are being treated with dignity and sympathy and not as criminals.
NGO representatives must encourage the women police constables to interact with the potential rescue victims at the site.
NGO representatives must also be aware of their body language and should not make any unnecessary contact or use physical force on any victims in the brothel. They should sensitize the police officials and ensure that the police personnel do not use vulgar or inappropriate language or cause physical harm to inmates in the brothel. NGO representatives must also ensure that male members in the rescue team do not touch female victims.
ADVOCATE
The Advocate should advise the police that sex trafficking survivors should be separated from the perpetrators so as to avoid threat and ensure a safe and legal inquiry.
ADVOCATE COMMENTARY
The Advocate must advise the NGO representatives to refrain from using physical force and violence on any persons during the rescue.
The Advocate should help facilitate the safe custody of victims with female social workers/counsellors and thereafter to protective government custody.
POINTS TO NOTE

Treat victims with dignity: Victims have the right to be treated with dignity. NGO representatives and the Advocate must ensure that any action initiated by the law enforcement agencies must be based on victim-friendly procedures and must be engaged by a woman police constable (WPC) during the rescue process. The victim should always be

made aware of her rights and should not be subject to harassment. The victims must be kept informed about various stages of information and must be extended help and assistance during all stages of intervention.

Never share a story without obtaining consent from the victim or survivor. Under HTTCA Sec. 25, no one should publish or broadcast a victim’s name, photograph or other information without her consent. Develop a consent form and read and explain to the survivor before taking her signature/thumb print. **The actual name of victims should never be mentioned.** It is extremely important to also note that:

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Step 8 Gathering Sex Trafficking Evidence

NGO

The NGO should ensure that the Police collect all available evidence relevant to identifying and proving human trafficking

NGO COMMENTARY

The NGO representatives should ensure that all material evidence (such as diaries and registers in the brothel, ledgers, books of accounts showing networking with other traffickers, cash, electricity bill, telephone, water and other bills, ration card, municipal tax receipts, travel documents, photographs, albums, condoms (used/ unused) and other physical evidence) are collected by the police in the presence of independent witnesses like representatives of local bodies as they would form important piece of material evidence in the Court.

The NGO may ask police to collect material for forensic examination.

ADVOCATE

The Advocate should advise the NGO on the laws related to the collection of evidence about human trafficking and ensure that the Police seize all available evidence.

ADVOCATE COMMENTARY

The Advocate must advise the NGO representatives on the legal procedures relating to the collection of material evidence. Under no circumstances should the NGO representatives collect material evidence by themselves.

The Advocate should assist the police in gathering material evidence and make sure that all relevant evidence is included in the seizure memo.

The Advocate must ensure that the Police make a seizure memo and a site map in the presence of independent witnesses on the spot. This must be duly signed by two or more witnesses, one of whom must be from the

locality where the search is situated.

The Advocate must also ensure that at least one of the witnesses is a female. The female witness need not be from the same locality where the rescue operation is conducted. The Advocate should advise the police to involve a female witness from an NGO.

POINTS TO NOTE

Seizing evidence: Section 6 (7) and (8) of the NCPC state that the police employee shall take possession of exhibits and other proofs, evidence or things related to the offence, if any, found on the spot and execute a deed thereon, as required, in the presence of the eye witnesses, if any, present on the spot. Such thing, place or spot shall be protected as it is until the completion of the execution of such deed pursuant to the sub-section.

Preventing destruction of evidence: The police are empowered to take “necessary and effective” arrangements to prevent the destruction or disappearance of evidence relating to a crime. NCPC Sec. 6(1). Any police employee or investigating authority may ask any authority or person to render assistance in preventing the disappearance or destruction of any evidence related to an offence, and it shall be the duty of such body, authority or person to render necessary assistance wherever such assistance is so requested. NCPC Sec. 6(5).

Evidence provisions of HTTCA: Section 7 of the HTTCA provides that if there is a chance that evidence relating to an offence will disappear or be destroyed if immediate action is not taken, a police officer of the rank Sub-inspector or higher may prepare a report and carry out any of the activities listed below at any time:

- Enter, search or seize a house, land, place or vehicle;
- Break or open windows or doors in order to carry out the necessary activities in case he/she faces obstruction and opposition in performing the duties;
- Arrest or take a body search of a person engaged in such activity without an arrest warrant; or
- Seize and take in custody evidence found in such house, land, place or vehicle.

While carrying out such activity under Sub-section (1), police personnel shall, if possible, identify representatives of local bodies or otherwise those present at the time of activity as witnesses and provide a copy of the details of the activity to the owner of the house, land, place or vehicle. HTTCA Sec. 7(2).

Step 9 Ensuring Protective Custody for Survivors

NGO

The NGO should accompany the rescued persons while they are produced before the court to certify their statements.

ADVOCATE

The Advocate should advise and assist the NGO and victims while the survivors are produced before the court

NGO COMMENTARY

The rescued victim(s) must be handed over to the protective/children home that is either run by an NGO or the government. Survivors are to be counseled by the aftercare staff about their stay in protective custody and that they have been placed there for their own safety and well-being on a temporary basis.

The NGO Aftercare staff must accompany the rescued victim whenever she travels to and from her place of safety.

Protection for Victims: HTTCA Sec. 26 provides a right to security for victims who have reasonable grounds to request it. The NGO should advise victims that they are entitled to ask police for security, especially if they are receiving threats from the offenders. Providing security is important for effective prosecution, as victims who feel safe are less likely to withdraw their statements or otherwise cease pursuing a case.

ADVOCATE COMMENTARY

The Advocate should ensure that the brothel is locked and the keys are kept in safe custody of the police in order to ensure safe custody of the premise.

The Advocate must ensure the rescued persons are escorted by the police.

In the event the rescue is conducted after sunset the rescued person must be transferred to a shelter home or children’s home run by the NGO who is involved in the rescue with the permission of the local police.

The Advocate may prepare a letter to the police requesting security for the victims.

Under no circumstances should the rescued person be kept in the Police Station overnight.

The Advocate must also ensure that the FIR is promptly registered and that survivors receive a copy of the FIR.

