
SOP FIELDBOOK

STANDARD OPERATING PROCEDURES FOR
FIGHTING HUMAN TRAFFICKING IN NEPAL

SOPS FOR PROVIDING REHABILITATION SUPPORT TO SEX TRAFFICKING SURVIVORS

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*This photo does not depict or imply any association with sex trafficking survivors; it is for unrelated, general illustrative purposes

HUMAN TRAFFICKING FIELDBOOK
SOP's for Sex Trafficking Interventions
Procedure for Providing Rehabilitation Support to Sex Trafficking Survivors

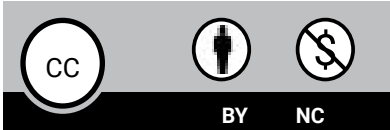
From
Human Trafficking Legal Refrence Toolkit
Standard Operating Procedures to Fight Bonded Labour and Sex Trafficking

A Handbook for NGOs and their Lawyers

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**OVERVIEW OF PROCEDURE FOR PROVIDING REHABILITATION
SUPPORT TO SEX TRAFFICKING SURVIVORS**



Step 1 Ensuring Immediate Access to Medical Care

NGO	ADVOCATE
The NGO should ensure that the sex trafficking survivors receive a medical examination and any required medical care and treatment.	The Advocate should ensure that medical examinations are carried out and urgent care is provided, with respect accorded to the survivor’s right to privacy and other rights.

Step 2 Placing Survivors in Safe Custody

NGO	ADVOCATE
The NGO should ensure that the survivor is safely transferred to a protective shelter home.	The Advocate should advise and assist the survivor and the NGO before government authorities to ensure that survivor is safely transferred to a protective shelter home.

Step 3 Facilitating Access to Counseling Services

NGO	ADVOCATE
The NGO should provide the survivor with access to trained and qualified female counsellors to help promote the healing process after obtaining due permission from the concerned authority	The Advocate should advise the survivor and the NGO about the survivor’s right to counselling and other aftercare services.

Step 4 Submitting a Victim Impact Report

NGO	ADVOCATE
The NGO should prepare detailed notes concerning the impact of the offence on the victim.	The Advocate should prepare a victim impact report for the prosecuting authority, detailing the damage or impact to the victim by the offence, prior to the filing of the charge sheet for the trafficking crime. The report should include the compensation sought.

Step 5 Securing Survivor Compensation

NGO	ADVOCATE
The NGO should assist the Advocate with filing compensation applications and accompany survivors when called to appear before court.	The Advocate should ensure that the charge sheet contains a demand for victim compensation.

Step 6 Repatriating or Rehabilitating Sex Trafficking Survivors

NGO	ADVOCATE
The NGO should assist with safe repatriation of survivors.	The Advocate should advise and assist the survivor and the NGO on legal matters related to repatriation of the survivor.

Step 7 Facilitating Access to Government Entitlements

NGO	ADVOCATE
The NGO should assist sex trafficking survivors with accessing govern-ment entitlements that is compensation.	The Advocate should help to get compensation from the rehabilitation fund.

Step 8 Facilitating Access to Private Sector Resources

NGO	ADVOCATE
The NGO should assist the sex trafficking survivors with accessing available private sector (NGO and business) resources related to education, employment, health care, counselling, and other entitlements.	

Step 9 Ensuring Survivors Enjoy Permanent Freedom

NGO	ADVOCATE
The NGO should maintain an ongoing relationship with the sex trafficking survivor for at least 24 months from rescue to ensure sustained rehabilitation and permanent freedom of survivors.	The Advocate should remain accessible to the survivor to provide advice and counsel regarding the survivor’s rights in the community.

PROCEDURE FOR PROVIDING REHABILITATION SUPPORT
TO SEX TRAFFICKING SURVIVORS

Step 1 Ensuring Immediate Access to Medical Care

NGO
The NGO should ensure that the sex trafficking survivors receive a medical examination and any required medical care and treatment.
NGO COMMENTARY
<p>The NGO should request that the court do the following:</p> <ul style="list-style-type: none">Order age-verification, medical examination, HIV test (to be taken only with informed consent of the survivor including pre-test and post–test counselling) and STI testing to be done at a hospital.Request the court to order the administration of sexual abuse tests.Allow Aftercare staff to accompany the survivors for medical examination.Order property recovery of all the survivors with the help of the police, accompanied by NGO staff. <p>The NGO should also suggest placement of the survivors in the best possible aftercare home.</p>
ADVOCATE
The Advocate should ensure that medical examinations are carried out and urgent care is provided, with respect accorded to the survivor’s right to privacy and other rights.
ADVOCATE COMMENTARY
<p>The Advocate should request that a record be maintained of all documents related to medical treatment.</p> <p>The victims’ details should be mentioned only as needed in the health examination and otherwise kept confidential.</p>
POINTS TO NOTE

Medical examinations are conducted after obtaining an order from the court following the rescue process and the recording of the victim’s statements. NGO aftercare staff will escort the rescued victims to the hospital for the medical exam along with a WPC and then escort them to the shelter home for safe custody. Informed consent of the survivor must be obtained prior to performing the medical examination.

What to do in the absence of a female doctor: In the absence of a female doctor, the Advocate should ensure that a female official or a female representative from the NGO is present during the process of medical examination. The Advocate must ensure that the rescued person is treated with dignity.

Age verification test: The Advocate must ensure that the age verification test is carried out as per the law. Section

83 of the Act Relating to Children, 2018 states that the that the following matters shall be taken as the basis for determining the age of a child:

- a. (a) The date of birth recorded in the child’s birth registration issued by the hospital;
- b. If the date of birth referred to in (a) is not available, the date of birth recorded in the child’s birth registration certificate issued by the Local Ward Office of related Municipality;
- c. If the certificate referred to in (b) is not available, the date of birth recorded in the child’s school character certificate or the date of birth recorded at the time of child’s admission to the school;
- d. If the certificate referred to in clause (c) or the date of birth is not available, the date recorded in the certificate of age issued by the hospital; and
- e. If the certificate referred to in (d) is not available, the age recorded in the Janmakundali (birth chart), Cheena (document prepared about a newborn baby by an astrologer on the basis of horoscope which mentions the exact date and time of birth), notes, or the age disclosed by the father, mother, guardian or any other family member of the child or similar other relevant evidence.

Step 2 Placing Survivors in Safe Custody

NGO
The NGO should ensure that the survivor is safely transferred to a protective shelter home.
NGO COMMENTARY
<p>Rescued victim must be handed over to the shelter home for minors managed by either NGO or government. Victim should be counseled by the aftercare staff about her temporary stay in protective custody and that she has been kept there for her safety and well-being.</p> <p>Aftercare staff must accompany the rescued victim whenever she leaves the home for visits to the court or local child rights committee.</p> <p>The NGO should ensure that the survivor gets orientation about the available services in shelter home, including healthy and psycho-social counseling services.</p>
ADVOCATE
The Advocate should advise and assist the survivor and the NGO before government authorities to ensure that survivor is safely transferred to a protective shelter home.
ADVOCATE COMMENTARY
<p>The Advocate should coordinate with the social worker to ensure that the victims are safely placed in a shelter home.</p> <p>The Advocate must also ensure that the child rescued is produced before the local child rights committee. In the event the age of the victim cannot be ascertained, the Advocate should assist the police in deciding whether to produce produce the victim before the local child rights committee.</p>

POINTS TO NOTE

Services and Support to Survivors. Section 36 of the Rehabilitation Center Operation Guideline, 2068 provides for the types of services that should be available to survivors:

- Healthcare services
- Immediate (within one week) test for HIV/AIDS, any transformative disease, TB, and any other sexual disease
- Arrangement of continual physical and mental health checkups and treatments
- If possible, same-gender health workers need to be available
- Separate rooms for primary health care for emergencies
- Vehicles to take survivors to hospital in case of emergency
- Must arrange expenditures for health treatment in case family is not available.
- Essential health care and vaccines should be available for children
- Collaboration with nearby hospital
- Socio-psycho social counseling and mental health treatment
- Arrangement of legal aid and counseling without any conditions
- Legal aid at the time of coordination and collaboration, investigation, pleading and implementation of decision
- Prior consent of survivor to appoint a guardian to present to the court on behalf of survivor
- Support for protecting evidence and prepare all required legal documents to be submitted to the court
- Entertainment activities, library for study and newspapers, radio and television use
- Rehabilitation and Family Integration; Priority for family integration with necessary counseling to family before sending home
- Victims can be provided shelter for a maximum six months
- Child victim must be referred to children center
- Shelter must ensure that victim can integrate back into family
- Shelter should give necessary support to victims before social and family integration, such as legal documents, skills training, economic support and monitoring institution.

When unsure if rescued person is a minor: Whenever in doubt, the victim must be treated as a minor. There is a medical examination known as bone ossification test that is conducted for the victim based on which the physician will determine if she is a minor or major.

Step 3 Facilitating Access to Counseling Services

NGO

The NGO should provide the survivor with access to trained and qualified female counsellors to help promote the healing process after obtaining due permission from the concerned authority.

NGO COMMENTARY

Once the rescued victim is admitted at the protective home, the aftercare team must visit the victim preferably within 24-48 hours of admission. The counsellors should have official permission from the home before providing after care support. The counsellors should also immediately be available upon any emergency requirement. Male counsellors should strictly be prohibited from providing counseling services.

NGO COMMENTARY

Counselors must develop individualized counseling plans for each survivor. Counsellors and social workers/ case managers must visit the survivor regularly at the aftercare homes to provide counselling and psychosocial support.

Case managers must develop treatment and recovery support plans for each survivor and share them with the shelter home staff.

Case managers will utilize their linkages with education, vocational and counselling organizations to help victims access these services to prepare them for entry into mainstream society or repatriation back to their home

ADVOCATE

The Advocate should advise the survivor and the NGO about the survivor’s right to counselling and other aftercare services.

ADVOCATE COMMENTARY

The Advocate should coordinate with the social worker to ensure that the victims are safely placed in a shelter home.

The Advocate should work in close collaboration with the NGO case managers/social workers to develop treatment plans for each individual survivor. The Advocate will have to provide regular updates to the court about the progress of the rescued victim.

Step 4 Submitting a Victim Impact Report

NGO

The NGO should prepare detailed notes concerning the impact of the offence on the victim.

ADVOCATE

The Advocate should prepare a victim impact report for the prosecuting authority, detailing the damage or impact to the victim by the offence, prior to the filing of the charge sheet for the trafficking crime. The report should include the compensation sought.

ADVOCATE COMMENTARY

The Crime Victim Protection Act provides that a victim is entitled to submit a victim impact report prior to the filing of the chargesheet or, if prevented from doing so by a force majeure event, within one month from the filing of the chargesheet. The court can use the victim impact report as the basis for making its sentencing determination.

POINTS TO NOTE

Damages: Pursuant to Section 2(m) of the Crime Victim Protection Act, damages caused by an offense against a victim can include:

- Physical deformities
- Pregnancy because of rape
- Transformative disease
- Mental trauma
- Damage to physical, intellectual, sexual and reproductive capacity
- Impact on social, cultural and family prestige of victims of rape
- Physiological and mental damage
- Economic and physical damage
- Damage on beauty of victims

Compensation: Section 17 of the HTTCA provides:

1. A court shall issue order to provide compensation to the victim which shall not be less than half of the fine levied as punishment to the offender.
2. If the victim dies before receiving the compensation under sub-section (1) and if he/ she does have children below the age of 18, the children shall receive the compensation. If the victim does not have any children, the dependent parents shall receive the compensation.
3. If there are no dependent parents and minor children to receive compensation under sub-section (2), the amount should be accrued in the Rehabilitation Fund.

Step 5 Securing Survivor Compensation

NGO

The NGO should assist the Advocate with filing compensation applications and accompany survivors when called to appear before court.

NGO COMMENTARY

NGO representatives must ensure that compensation is provided at the earliest possible and must provide the Advocate with all the information required to make any applications.

ADVOCATE

The Advocate should ensure that the charge sheet contains a demand for victim compensation.

ADVOCATE COMMENTARY

Section 17 of the HTTCA provides for compensation to the victim, which shall not be less than half of the fine levied as a punishment on the offender. The Advocate should be familiar with victim compensation laws at the state and central government level. The Advocate should also ensure that such applications are made and compensation received as expeditiously as possible.

POINTS TO NOTE

Demand compensation in chargesheet: The Government Attorney must demand victim compensation in the appropriate section of the charge sheet, *otherwise compensation will not be provided later*.

Offender unable to pay: The 2015 amendments to the HTTCA provides in Sec. 17A that if the accused is unable to pay the fine for whatever reason, the court can order that the amount be paid from the rehabilitation fund established under the HTTCA. For the treatment of the victim or providing compensation or relief amount immediately, the court can order for getting such amount from the fund. The accused person pays the amount of compensation or relief amount to the fund within 35 days from the date of judgment. The court may order that a reasonable amount to be paid as compensation to the victim while making final settlement or judgment.

Interim Compensation: Section 29 of the Crime Victim Protection Act empowers a court to make an order for interim compensation where a victim requires medical treatment or any kind of relief amount immediately. Where such an order is made, the victim is provided with compensation from the Victim Relief Fund.

Compensation amount: As per the HTTCA, compensation to the victim should not be less than half of the fine levied as punishment to the offender. If the victim dies before receiving compensation, the victim’s children below the age of 18 should get that compensation.

Step 6 Repatriating or Rehabilitating Sex Trafficking Survivors

NGO

The NGO should assist with safe repatriation of survivors.

NGO COMMENTARY

No rescued victim should be sent back to family without ensuring social acceptance and family support, to prevent re-trafficking and further exploitation. In case family is unfit to provide care and protection to the victim, the court may order extending the stay at protective home for further rehabilitation inform of counseling, education, and vocational training.

The NGO may assist in the administrative process by helping the concerned aftercare home to gather all needed documents and to put pressure on the government to follow up on the process.

ADVOCATE

The Advocate should advise and assist the survivor and the NGO on legal matters related to repatriation of the survivor.

POINTS TO NOTE

Cross-border/Inter-state trafficking: In the case of cross-border or inter-state trafficking stakeholders and NGO of both the countries must undertake effective measure to ensure quick repatriation of rescued victims of trafficking to its country of origin.

Responsibilities of National Committee on Combating Human Trafficking: Pursuant to Section 4(c) of the HTTCA Rules, the National Committee is obligated to assist those stranded in foreign countries and to return them to Nepal on their consent.

Repatriation procedures: The Nepali government has not yet established standard procedures with regard to the repatriation of trafficked victims back to India. There are some provisions set forth in the “Minimum Standard of Care and Protection of Trafficked Victims/Survivors,” but this was formulated in 2011 and needs to be updated. The Alliance against Trafficking of Women and Children in Nepal (AATWIN), a network of NGOs working against human trafficking, is currently working on a draft set of repatriation procedures to be completed by the end of 2020. Thus, currently NGOs in the countries involved with a repatriation matter are using a case-by-case approach.

How the rehabilitation center can assist: The rehabilitation center should search for the victim’s family to arrange a family reunion. A separate record should be kept for each victim. Victims should stay in the rehabilitation center until their rehabilitation or family reunion. The rehabilitation center should make arrangements for skills training and facilitate information regarding the employment market and employment training.

A minor victim should be transferred to child center after being in a rehabilitation center for six months.

Step 7 Facilitating Access to Government Entitlements

NGO
The NGO should assist sex trafficking survivors with accessing government entitlements that is compensation.
NGO COMMENTARY
The NGO can play a key role in helping survivors access government entitlements. The NGO should request the Advocate to provide trainings for the victims on accessing government entitlements.
ADVOCATE
The Advocate should help to get compensation from the rehabilitation fund.
ADVOCATE COMMENTARY
The Advocate should work towards empowering the survivors by sensitizing them about their rights and ways to access them.
POINTS TO NOTE

Compensation provided under HTTCA: Sec 17 provides for a victim to be compensated at least half the amount that the accused is fined. This doesn’t always work in practice, though. Often, the victim is not kept informed of the trial so she is not aware that a fine has been imposed; thus, it is important for the NGO to keep the victim informed of the trial progress. In addition, often the accused does not have any money or other means to pay the fine so it goes unpaid.

Step 8 Facilitating Access to Private Sector Resources

NGO
The NGO should assist the human sex survivors with accessing available private sector (NGO and business) resources related to education, employment, health care, counselling, and other entitlements.
NGO COMMENTARY
The NGO should facilitate access to private facilities by networking with partner organizations and relevant stakeholders who can provide specialized care in the form of alternate livelihoods, interim shelter, assistance with obtaining documentation, education, health care, counseling and other assistance.

Step 9 Securing Survivor Compensation

NGO
The NGO should maintain an ongoing relationship with the human trafficking survivor for at least 24 months from rescue to ensure sustained rehabilitation and permanent freedom of survivors.
NGO COMMENTARY
The NGO should work closely with the government authorities in providing them relevant information and documentation so as to prevent re-trafficking and ensure reintegration of survivors. The NGO should do necessary follow up as required from time to time.
The NGO should conduct family assessments, draft individualized treatment plans, work closely with the district administration to ensure that rescued survivors can access their welfare benefits and compensation.
Survivors should also be assisted with opening their individual bank accounts as government compensation cheques are deposited in these accounts.
ADVOCATE
The Advocate should remain accessible to the survivor to provide advice and counsel regarding the survivor’s rights in the community.
ADVOCATE COMMENTARY
The Advocate should assist with preparing training material for survivors to ensure they are aware of legal rights and not re-trafficked.

