



HUMAN TRAFFICKING FIELDBOOK

**STANDARD OPERATING
PROCEDURES FOR
SEX TRAFFICKING
INTERVENTIONS**

**PROCEDURES FOR RESCUING
SEX TRAFFICKING VICTIMS**

HUMAN TRAFFICKING FIELDBOOK

SOP's for Sex Trafficking Interventions

Procedures for Rescuing Sex Trafficking Victims

From

Human Trafficking Legal Reference Toolkit

Standard Operating Procedures to Fight Bonded Labour and Sex Trafficking

A Handbook for NGOs and their Lawyers

2nd Edition, October 2019

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REFER TO HUMAN TRAFFICKING HANDBOOK FOR APPENDICES

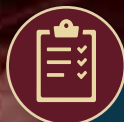


SUMMARY OF PROCEDURES FOR RESCUING SEX TRAFFICKING VICTIMS



IDENTIFYING SEX TRAFFICKING VICTIMS

District Administration (DA) inquires into existence of sex trafficking based on evidence provided by NGO.



PREPARING THE SEX TRAFFICKING RESCUE PLAN

Police prepare a confidential rescue plan with details of location, physical layout of rescue site, entry and exit points, hideouts, sketch map of rescue site, etc.; SPO notes in case diary.



INITIATING THE SEX TRAFFICKING RESCUE

Rescue Team (including women police constable) enters site and locates victims. Police coordinates with surveillance team and takes photos/videos of crime scene.



SUBMITTING THE SEX TRAFFICKING COMPLAINT

Local Special Police Officer (SPO) receives complaint; District/State AHTU or C.B.I. can also receive complaint but must coordinate investigation with Police.



CONDUCTING PRE-RESCUE MEETING WITH POLICE

SPO (preferably female officer) attends pre-rescue meetings with NGO to schedule rescue date and review checklist of responsibilities; rescue team should also include 2 panchas or reputable witnesses from locality, one of whom is female, and social worker.



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SEPARATING SEX TRAFFICKING VICTIMS FROM THE ACCUSED

Police separate victims from accused and takes victims to secure open area; women police constables interact with rescue victims; social worker engages with victims.



SECURING THE SEX TRAFFICKING RESCUE SITE

Police secures rescue site to ensure all victims are rescued and no material evidence is lost.



GATHERING SEX TRAFFICKING EVIDENCE

In presence of two or more independent witnesses, Police collects evidence (diaries and registers, ledgers, books of accounts showing networking with other traffickers, cash, bills for electricity, telephone, and water, ration card, municipal tax receipts, travel documents, photographs, albums, condoms).



RECORDING SEX TRAFFICKING VICTIM STATEMENT

Police and/or Probation Officer records statements, provide counselling and translation if necessary, refer children to CWC.



ENSURING PROTECTIVE CUSTODY FOR SURVIVORS

Police escorts rescued victims to Magistrate or CWC, if available; if unavailable, Police escorts victims to Shelter Home or Children's Home.



RESCUING SEX TRAFFICKING VICTIMS

STEP

1.1	IDENTIFYING SEX TRAFFICKING VICTIMS	
	NGO	The NGO should gather and verify facts supporting the existence of sex trafficking.
	ADVOCATE	The Advocate should confirm whether the facts gathered support the legal elements of sex trafficking under the Immoral Trafficking in Persons Act, IPC 370, and other applicable legal provisions.


STEP

1.2	SUBMITTING THE SEX TRAFFICKING COMPLAINT	
	NGO	The NGO should use the facts gathered to draft a sex trafficking complaint to be submitted to the police and other government officials.
	ADVOCATE	The Advocate should review the sex trafficking complaint to ensure it presents a persuasive legal argument for initiating a sex trafficking rescue (or rescue under another responsibility) and assist the NGO in submitting the complaint to the police and other government officials.


STEP

1.3	PREPARING THE SEX TRAFFICKING RESCUE PLAN	
	NGO	The NGO should prepare a comprehensive sex trafficking rescue plan in consultation with the police and relevant authorities, which should include a detailed physical map of the site.
	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 panch witnesses as required under the ITPA.


STEP

1.4 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.
ADVOCATE	The Advocate should advise and assist the NGO during the pre-rescue meeting by sensitizing the NGO and government representatives on legal provisions and important information relating to the rescue to be undertaken.


STEP

1.5 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.
ADVOCATE	The Advocate should participate in the sex trafficking rescue to ensure that it is carried out according to the law.


STEP

1.6 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.
ADVOCATE	The Advocate should advise the NGO and Police (if required) regarding the legal procedures for securing the rescue site.


STEP

1.7 SEPARATING SEX TRAFFICKING VICTIMS FROM THE ACCUSED	
 NGO	The NGO should assist the Police in separating the sex trafficking victims from the perpetrators and assuring survivors of their safety.
ADVOCATE	The Advocates should advise the Police that sex trafficking survivors should be separated from the perpetrators so as to ensure a safe and legal inquiry.


STEP

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

STEP

1.9 RECORDING SEX TRAFFICKING VICTIM STATEMENTS		
	NGO	The NGO should assist the police with recording the statements of the sex trafficking victims.
	ADVOCATE	The Advocate should brief the victims about their rights before the process of recording their statement begins.

STEP

1.10 ENSURING PROTECTIVE CUSTODY FOR SURVIVORS		
	NGO	The NGO should accompany the rescued persons while they are produced before the Magistrate or the CWC.
	ADVOCATE	The Advocate should advise and assist the NGO while the survivors are produced before the Magistrate or the CWC.

Step 1.1 Identifying Sex Trafficking Victims

Timeline: The process of identifying victims of sex trafficking could take between 1 to 7 days.

NGO	ADVOCATE
The NGO should gather and verify facts supporting the existence of sex trafficking.	The Advocate should confirm whether the facts gathered support the legal elements of sex trafficking under the Immoral Trafficking in Persons Act, Section 370 of IPC, and other applicable legal provisions.
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/ Survivor • NGO/ Community leaders • Anti-Human Trafficking Units (State and District level) • CWC • Any person having knowledge of the crime • Victim • Informant <p>The NGO may also acquire information through intelligence gathering at source and transit points, demand areas and from media reports.</p>	<p>The Advocate may receive information from one of the following sources:</p> <ul style="list-style-type: none"> • Victims or Victims Family/ Community/ Survivor • NGO/ Community leaders • Anti-Human Trafficking Units (State and District level) • CWC • Any person having knowledge of the crime • Victim • Informant <p>The Advocate should also advise the NGO on matters related to decoy operations and confidentiality while gathering information.</p>

Points to Note

Who is a victim of sex trafficking: For the purpose of investigation into trafficking for commercial sexual exploitation, a “victim” may be anyone who has been recruited, transported, harboured, transferred or received by using threats, using force or forms of coercion, by abduction, by practicing fraud or deception, or by abuse of power, or by inducement, for the purpose of sexual exploitation¹.

¹See the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000.

According to the ITPA, a victim of trafficking may be:

- o A child: Any person who has not completed the age of 16
- o A minor: Any person who has completed the age of 16 but has not completed the age of 18
- o Major: Anyone who has completed the age of 18.

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 –

- **Source Area:** Collect intelligence on victims and potential victims in source areas. Victims include women and children, who are forced to perform acts of a sexual nature. Keeping a close watch on vulnerable places and communities will help in preventing vulnerable victims from being trafficked. The NGO should sensitize and motivate the community members 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:** Depute team at transit points to collect intelligence on victims and perpetrators in transit. Transit points to include bus stops, railway stations, airports, immigration or custom offices at borders, tourist destination, etc.
- **Destination Areas:** Collect intelligence at areas or activities where commercial sexual exploitation is carried out such as at massage parlours, brothels, sex tourism operators, dance bars, 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 –

- o **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.
- o **Contact the local police:** If you believe you have identified someone or have received information from any source about a victim of sex 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.
- o **Drafting a complaint for submission to the local police/AHTU/C.B.I.:** NGO representatives may seek the assistance of an Advocate to prepare a written

complaint or a Legal Intervention Report (LIR). A written complaint or Legal Intervention Report should list all violations and invoke all applicable sections of law.

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 committal 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.

Role and Importance of Decoy Customer in ST interventions: The decoy customer is also known as a bogus customer, who ensures that the targeted victim is present in the brothel during the rescue operation. During decoy operations strong evidence about a girl being sexually exploited can be 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 can be a conviction for running a brothel based on the testimony of a decoy and independent witness, without which 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 a well repute. He shouldn't have any criminal background.
- He should not be a very young man.
- He should preferably be from the NGO.
- He should be familiar with Sex 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 (panchnama), 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't's by the SPO.

- 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 & Take Action

Who is a victim of Sex Trafficking (Trafficking for Commercial Sexual Exploitation): Section 5 of the ITPA provides information on who is a victim of trafficking for commercial sexual exploitation. Learn more about the elements of trafficking provided in **Chapter IV**.

Document the existence of sex trafficking: The NGO representatives should carefully document the existence of Sex Trafficking.

Sample documents and Practice Aids: Learn about the myths surrounding trafficking provided in **Appendix 21**.

Step 1.2 Submitting the Sex Trafficking Complaint

Timeline: The process of submitting the sex trafficking complaint could take between 1 to 2 days.

NGO

The NGO should use the facts gathered to draft a sex trafficking complaint to be submitted to the police and other government officials.

ADVOCATE

The Advocate should review the sex trafficking complaint to ensure it presents a persuasive legal argument for initiating a sex trafficking rescue and assist the NGO in submitting the complaint to the police and other government officials.

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 is duty bound 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.

The Advocate should ascertain if the elements of trafficking as defined in IPC and ITPA are satisfied and come to a conclusion if the person is trafficked or not and if other offences have been committed against the victim. The Advocate should be present in person at the Police Station or anywhere where the complaint is being submitted. The Advocate is required to be present to ensure that the appropriate sections of law are included and an explanation if required is given.

Points to Note

Who is the complainant: Prior to the rescue, the NGO may make a complaint in the name of the victim or victim's family/guardian. When the family member is not traceable, the NGO's representative may be made the complainant.

Who should the Sex Trafficking Complaint be submitted to: The Sex-Trafficking complaint (or information) under the ITPA Act is to be submitted to the local Special Police Officer (SPO) concerned with the jurisdiction or area within which the offences are committed against any persons or the District/State AHTU or C.B.I.26. The complaint should ideally be submitted to a SPO who is reliable and trustworthy to be taken to the rescue without any dangers of leaking information.

Making a Cross Border Enquiry: With respect to a Cross-Border Enquiry there are three specific channels which are available to district police for collection/corroboration of information from overseas:

- (a) Indian Missions (Embassies or High commissions) in the concerned country can be requested through proper channel for simple information of any kind.
- (b) The Ministry of Overseas Indian Affairs (MOIA), Government of India can also be requested through proper channel for information related to Indians emigrants.
- (c) The Interpol branch of the concerned country can be requested through the Interpol wing of the Central Bureau of Investigation (CBI) through the office of Interpol Liaison officers (ILO) of the state.

- (d) Ministry of Home Affairs (Government of India)
- (e) Ministry of External Affairs (Government of India) Standard Operating Procedures

Learn More & Take Action

Summary of offences: For details on penal provisions that may be invoked, refer to summary of offences provided in **Chapter IV**.

Sample documents and practice aids: If the Police fail to act, the Advocate should immediately approach higher authorities or an appropriate forum seeking directions to be passed to the concerned authorities to respond as required by law.

Refer to **Appendix 22A** on how to draft an application to a Magistrate to summon the presence of the accused and to request the SHO to register a First Information Report.

Step 1.3 Preparing the Sex Trafficking Rescue Plan

Timeline: Preparing a plan for carrying out an intervention in the form of a rescue could take 1 day.

NGO

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

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 panch witnesses/independent witness as required under the ITPA.

Commentary

The NGO must 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 reconnoitre of the place to be searched.

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 site of rescue 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 & Take Action

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

Sex Trafficking Intervention Checklist: Appendix 28 has a Checklist for a Sex Trafficking/CSE intervention rescue operation.

Step 1.4 Conducting a Pre-Rescue Meeting With Police

Timeline: The pre – rescue meeting with the Police can be completed in a day's time.

NGO

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

ADVOCATE

The Advocate should advise and assist the NGO during the pre-rescue meeting by sensitizing the NGO and government representatives on legal provisions and important information relating to the rescue to be undertaken.

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

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

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.

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.

Two Panch witnesses are recommended number of witnesses for ensuring sufficient evidence is recorded during a rescue.

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 the panch witnesses or independent witness required under ITPA. The Advocate must advise police officers to exercise caution while selecting pancha witnesses. (Government, quasi government semi government officials may be made pancha witnesses in order to ensure credibility so as to avoid witnesses from turning hostile during trial).

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/pancha. The police should give the transaction money to be given to pimp/brothel owner during the rescue in the presence of the Pancha.

Points to Note

Composition Of Rescue Team: The rescue team should consist of designated Special Police Officers or the trafficking police officer, NGO representatives and social worker of which one has to be a woman. The rescue team should comprise:

- **Two female staff of any rank. If a female police officer isn't available any female officer can be present along with a female social worker from an NGO. If no**

female staff is available, one can get in touch with Childline to ask one of their staff to come.

- **At least one police officer who is legally empowered to conduct a rescue or any police officer above the rank of SI duly authorized by the Magistrate² to conduct the rescue. Police officers authorized to investigate crimes under ITPA, 1956 are:³**
 - **Notified police officers under Sec. 13 (1), (2) ITPA,**
 - **Subordinated police officers authorized by the State Government under Sec. 13(3) (a), or**
 - **Central (Anti) Trafficking Police Officers under Sec. 13(4).**

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.

Being Familiar with Sex Trafficking Laws: Prior to participating in the rescue, team members must familiarize themselves with all laws relevant to sex trafficking.

Persons not to be involved in rescue: Under no circumstances should the team involved in identification/verification/intelligence gathering be involved in the rescue.

A 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 names of districts, list of names of villages, and police

² See Sec. 16 (1), ITPA

³ UNODC, *SOP on Investigating Crimes of Trafficking for Commercial Sexual Exploitation*, 2007, can be read here: < https://www.unodc.org/pdf/india/sop_investigation_131207.pdf>

stations within which jurisdictions victims belong, clothing, toiletries, food, drinking water, activity books, crayons, colour 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 District Magistrate or CWC and the Advocate so that the victims are sent to credible shelter homes. NGO's must strengthen their working relationship with credible shelter home by entering into a MOU wherever possible. Further, NGO representatives must approach the District Magistrate to make arrangements for their stay where shelter homes are not available. In the event the shelter homes cannot be made immediately available to survivors, care must be taken to ensure that the District Magistrate makes alternate arrangements for their stay and safety.
- **Security of Rescue team:** Ensure that the SPO involves adequate police personnel depending on the size of the rescue operation. In case of sensitive or high risk locations, the Advocate with the SPO must ensure that the rescue team is accompanied with sufficient police personnel. Under no circumstances should rescue operation be carried out without police protection. The SPO 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.

Step 1.5 Initiating the Sex Trafficking Rescue

Timeline: The actual rescue can be completed in 1 day

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.
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 much before the rescue and wait for the decoy or panch 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

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

- **Advice 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.
- **Pre trap Panchnama:** The Advocate should ensure that details with regard to the currency and denomination of the note to be used in the operation are recorded in the pre trap Panchnama. The Advocate must also ensure that the pre trap Panchnama must be signed by both the witnesses. The Advocate must ensure that the police explains the roles and responsibilities of the decoy customers as well as the Pancha witness.
- **Advocate who is a witness cannot represent victims at trial:** The Advocate can be a part of 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.

rescue operation but cannot represent the victim during the pre-trial and trial process if he/she is made a witness.

Points to Note

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 in to 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 (Special Police Officer or "SPO")** or any police officer above the rank of SI duly authorized by the Magistrate to conduct the rescue (Please see points to note under 1.4 for further details). There should be 2 panchas or independent witness of repute from the locality, one of whom should be a female.

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 and especially including women police constables (WPC). Under no circumstances should rescue operation be carried out without police protection.

FIR BEFORE THE RESCUE: According to the UNODC SOP on Investigating Crimes of Trafficking for Commercial Sexual Exploitation⁴, ***a rescue is possible before or after filing of the F.I.R.*** A rescue can be executed even before the F.I.R. is filed as an authorized rescue can be carried out under Section 15 and 16 of the ITPA:

Under Section 15, ITPA: When a Special Police Officer, or Central Anti- Trafficking Police Officer, notified by the Central Government have reasonable grounds to believe that an offence under the ITPA is being committed and the search must be made without delay, then such an officer can enter and search the premises without a warrant and remove persons found therein.

Under Section 16, ITPA: When a Magistrate (i.e. a MM, JMFC, DM or SDM) receive information about a person facing commercial sexual exploitation, he/she may direct a Police officer of the rank of SI or an SPO, or a Central Trafficking PO (notified by the Government) to rescue the person (s) being exploited. The said police official can rescue all victims and take all suspects into custody and produce them before the Magistrate who issued the order.

In most cases, the F.I.R. is filed after the rescue on the basis of the statement of the persons being rescued.

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**

⁴ *Standard Operating Procedures on Investigating Crimes of Trafficking for Commercial Sexual Exploitation*, 2007, A publication of United Nations Office on Drugs and Crime Regional Office for South Asia, available here: < https://www.unodc.org/documents/human-trafficking/India_Training_material/SOP_on_Investigation_of_Crimes_of_Trafficking_for_Commercial.pdf>

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 sex trafficking. While giving stories, ensure that the story does not receive a political colour or draws 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.

Never share a story without obtaining consent from the victim or survivor. 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 1.6 Securing the Sex Trafficking Rescue Site

Timeline: The site from which the rescue takes place can be secured on the same day of the rescue.

NGO

The NGO should assist the Police with securing the rescue site to ensure all victims are rescued and safe during the process.

ADVOCATE

The Advocate should advise the NGO and Police (if required) regarding the legal procedures for securing the rescue site.

Commentary

The NGO representatives should be careful to secure the site of the rescue so as to avoid losing important material evidence.

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 1.7 Separating Sex Trafficking Victims from the Accused

Timeline: The victims should be separated from the accused immediately after the rescue, on the same day itself.

NGO

The NGO should assist the Police in separating the sex trafficking victims from the perpetrators and assuring survivors of their safety.

ADVOCATE

The Advocates should advise the Police that sex trafficking survivors should be separated from the perpetrators so as to ensure a safe and legal inquiry.

Commentary

NGO representatives must assist the police to immediately separate the victims from the accused to prevent harassment and intimidation.

The Advocate must advise the NGO representatives to refrain from using physical force and violence on any of persons during the rescue.

NGO representatives must ensure that the victim is being treated with dignity and sympathy and not as criminals.

The Advocate should help facilitate the safe custody of victims with lady social workers/counsellors and thereafter to protective government custody.

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.

Points to Note

Treat victims with dignity: Victims have the right to be treated with dignity. NGO representatives and 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.

Do not get offended if the victims use abusive language or are uncooperative during the rescue process as they are under trauma.

Ensure that WPC and NGO social workers escort the victims throughout the process and until they are in safe custody in a government or private licensed shelter home.

The rescue team must include a professional counsellor or a social worker who is trained in managing trauma symptoms. This will help to allay the fears of the victim and help them understand that they are being assisted to leave the brothel site for their own safety, freedom and protection.

Best interest of victim is paramount: Do not force victims to disclose details of offences or abuse that they are not willing to share. The victim must be provided counselling by a trained counsellor. Use translators so that the victim is able to give her statements in her own language.

Learn More & Take Action

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power has suggested that the following measures be placed to protect the rights of the victims:

Victims should be treated with compassion and are entitled to access to mechanisms of justice (Principle 4)

Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures (Principle 5)

Proper assistance to victims must be provided throughout the legal process (Principle 6 (c))

Measures must be taken to minimise inconvenience to victims and the privacy of the victims must be protected where necessary, along with their safety as well as their families and witnesses on their behalf, from intimidation and retaliation (Principle 6 (d))

Provisions for compensation to victims must be made (Principle 12 (a)).

Avoid unnecessary delay in disposition of cases and execution of orders granting awards to the victims (Principle 6 (e)).

The text of the **Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power** can be accessed [here](#).

Step 1.8 Gathering Sex Trafficking Evidence

Timeline: Evidence from the site of rescue should be gathered within the same day itself.

NGO

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

ADVOCATE

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

Commentary

The NGO representatives should ensure

The Advocate should assist the police in

that all the possible 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 two or more independent witnesses,⁵ as they would form important piece of material evidence in the Court.

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

gathering material evidence and make sure that all relevant evidence is included in the Panchnama/seizure memo.

The Advocate must ensure that the Police make a Panchnama or seizure memo and a site map in the presence of witnesses/independent witnesses at 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.

Step 1.9 Recording Sex Trafficking Victim Statements

Timeline: Ideally, the victim’s statement should be recorded as soon as the victim is counselled and has visibly recovered from the trauma.

NGO	ADVOCATE
The NGO should assist the police with recording the statements of the sex trafficking victims	The Advocate should brief the victims about their rights before the process of recording their statement begins.
Commentary	
NGO representatives must ensure that the victim is not forced to speak and that counselling is provided to the victim by a	The Advocate must ensure that a detailed interview of the victim is taken in order to secure information such as

⁵ See Sec.15(2), ITPA

trained counsellor. The NGO representative must also ensure that arrangements for appropriate translators for victims who speak in a different language are made.

The NGO representative should build a good rapport with victims and obtain detailed information as to how they were trafficked, where they were trafficked to and how long they were abused.

personal details, age, address, family history etc. The Advocate must further ensure that the interview must be carried out by a women police officer or in the presence of female representatives of an NGO.

Points to Note

General guidelines for recording Statements:

Rapport building with the survivor – Rapport building with the survivor is a crucial element in obtaining truthful statements. One of the most important elements of building rapport is to spend time with the survivor. However, this is not always possible, especially when obtaining the 161 statement on the night of the rescue. Still, there are a few general ways to build rapport: making sure the survivor is comfortable while sharing her story, explaining the full process of obtaining the statement and explaining why it is important for the survivor to speak the truth.

Working together with the police and Probation Officer –In order to obtain a truthful statement NGO Legal Staff also has to work closely together with the police and/or the Probation Officer.

Confidentiality – In order to build trust with the rescued person, confidentiality is an important part. However, for the sake of a good and truthful statement it is equally important to encourage the rescued victim to speak up and share her story. With this said, a rescued victim should never be pressurized in an unethical way to share her story.

Refer to Step 2.6 for more information on recording Section 161 and 164 statements.

Safety of victims: At the rescue spot, ensure safety and security of all victims.

Be cautious when there is history of violent abuse by accused: Take special care in cases where the complaint suggests a history of violent abuse by the accused.

Rescue of minors and children: If the rescued victim is a minor or a child, they would

have to be referred to the Child Welfare Committee.

The Child Welfare Committee: The Child Welfare Committee or the “CWC” is a statutory body that has been set up under Section 27 of the Juvenile Justice Act, 2015. Each district is required to set up at least one CWC. The CWC is meant to comprise of a chairperson and four members, at least one of who should be a woman. The chairperson is expected to be thorough in matters of child welfare. The CWC’s powers are equivalent to those of a metropolitan magistrate or a judicial magistrate of the first class. The CWC is the exclusive body responsible for determining the welfare of a child in need of care and protection. Anyone can present before the CWC a child, who is considered to be “in need of care and protection”.

CWC and the new JJA 2015: The new JJA 2015 makes a few changes to the functioning of the CWC:

- **CWC no longer the final authority:** With the passing of the JJA 2015, the CWC is no longer the final authority in cases of children in need of care and protection. Section 27(10) of the JJA states that the District Magistrate shall be the grievances redressal authority for the Child Welfare Committee and anyone connected with the child, may file a petition before the District Magistrate, who shall consider and pass appropriate orders.
- **Social investigation on all children to be carried out and submitted within 15 days:** Under Section 36 of the JJA 2015, the CWC shall carry out an investigation on all children produced before it. Under this Section, a speedy social investigation has to be carried out by a social worker or Child Welfare Officer or Child Welfare Police Officer and submitted within 15 day.
- **Final order within 4 months:** The social investigation report has to be submitted before the CWC in 15 days so that the CWC may pass a final order within **4 months** from the time of first producing the child before the CWC.

After the rescue, the NGO representatives must take care to ensure that minors and children are presented before the CWC so that their statements are recorded and orders are passed to ensure their safe custody.

Learn More & Take Action

Contact JVI for more information on how to record a survivor’s statement with

sensitivity and accuracy.

Step 1.10 Ensuring Protective Custody for Survivors

Timeline: As much as possible, protective custody of the victims should be ensured on the day of the rescue itself.

NGO

The NGO should accompany the rescued persons while they are produced before the Magistrate or the CWC.

ADVOCATE

The Advocate should advise and assist the NGO while the survivors are produced before the Magistrate or the CWC.

Commentary

After step 2.2, the Magistrate or CWC will determine which home the rescued persons are to be placed in for a certain period of time. 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 counselled 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.-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 case the Magistrate/CWC is in office and the required documents (such as injury report, forwarding report) needs to be prepared, the rescued person may be escorted to the Magistrate/CWC.

In the event the rescue is conducted after sunset and the Magistrate or CWC is not available in office, the rescued person must be transferred to a Shelter Home or Children's Home.

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.



Prepared in collaboration with the Human Liberty Network.