

# TRAFFICKING

## STANDARD OPERATING PROCEDURE (SOP)



### HUMAN RIGHTS

Article 4, Universal Declaration of Human Rights, 1948

### SDG - GOAL 5

Gender Equality

### SDG - GOAL 8.7

Immediate & effective measures to eradicate modern slavery & human trafficking

### SDG - GOAL 16.2

End abuse, exploitation trafficking & all form of violence against children

### ILO SAYS



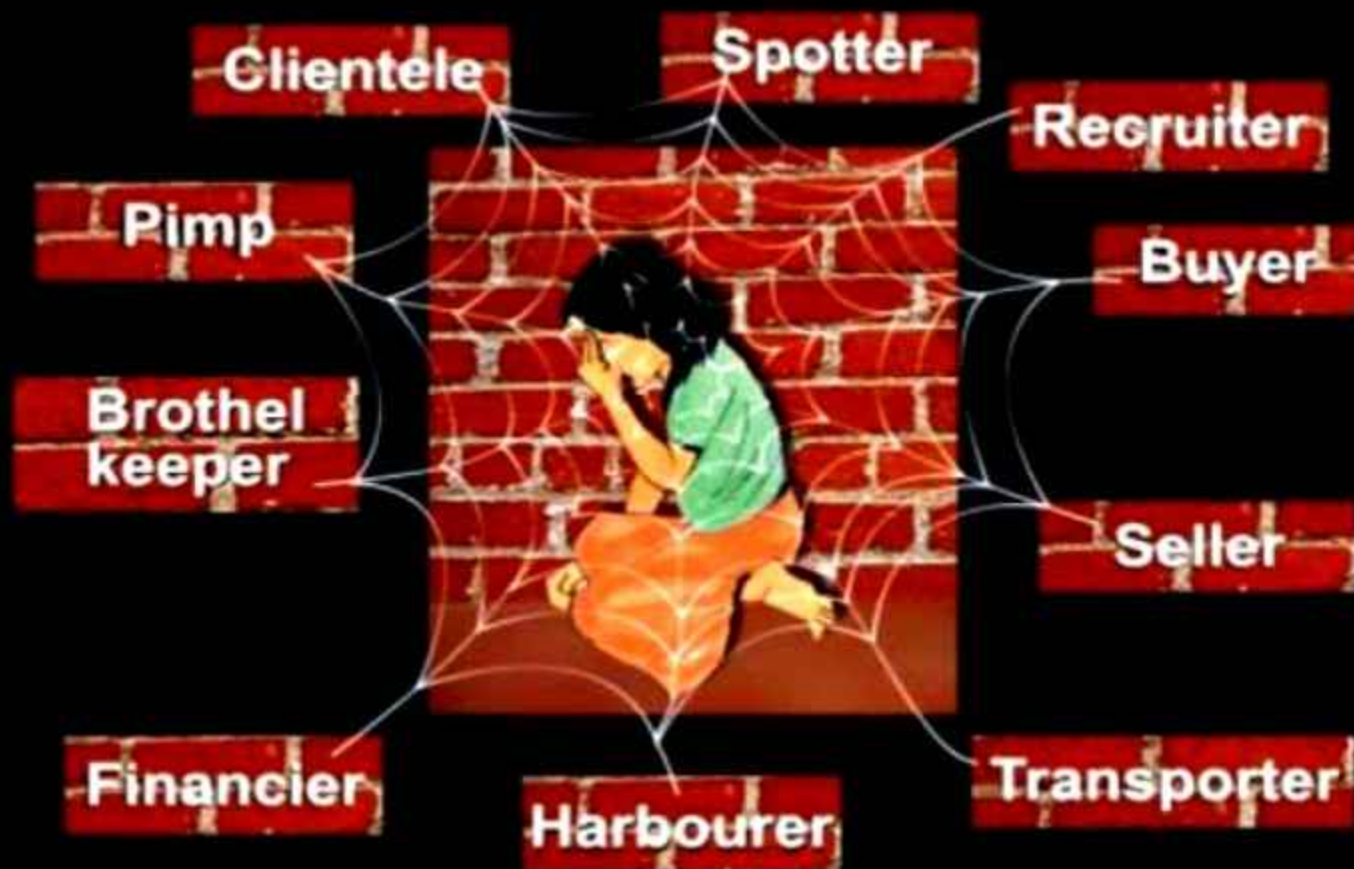
**DON BOSCO NATIONAL FORUM FOR THE YOUNG AT RISK  
NEW DELHI**

# HUMAN TRAFFICKING

Trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims. Human trafficking has been identified as the third largest source of profit for organized crime, following arms and drug trafficking, generating billions of dollars annually at the global level. An estimated 6,00,000 to 8,00,000 women and children are trafficked. This estimate does not include those trafficked within their own countries or missing children. Women and children are generally trafficked for Begging, Organ Trade, Drug smuggling, Bonded labour, Domestic work, Agricultural labour, Construction work, Carpet Industry, Forced prostitution, Sex Tourism, Pornography and also for entertainment and sports which include Beer Bars, Camel Jockey, Circus Troops.

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## TRAFFICKING IS AN ORGANIZED CRIME...



**BREAK THE NETWORK**



# TRAFFICKING

## WHAT IT IS?

Whoever for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by – First.- using threats, or Secondly.- using force, or any other form of coercion, or Thirdly.- by abduction, or Fourthly.- by practicing fraud, or deception, or Fifthly.- by abuse of power, or Sixthly.- by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

- Section 370 of the Indian Penal Code 1860

## UNDERSTANDING TRAFFICKING



### Through Act of

Recruitment, Transportation Transfer, Harboring or Receipt of a person



### By Means( Process)

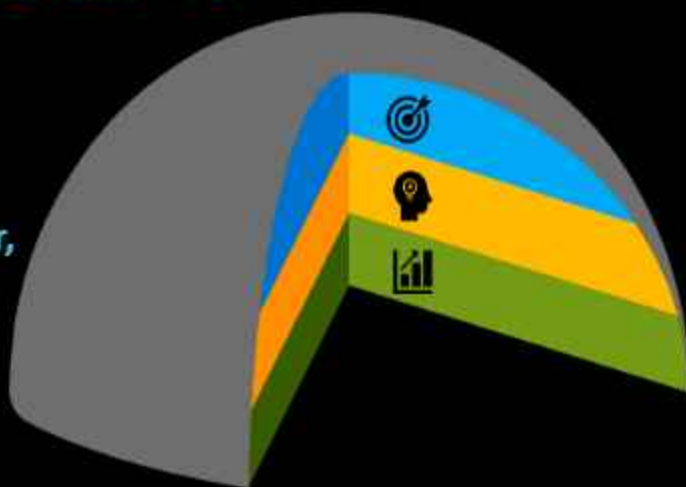
Threat, Force or Coercion, Abduction, Fraud or Deception, Of the abuse of power (or position of vulnerability), Inducement, including giving or receiving money or benefit



### For Purpose of

Exploitation: Including, at a minimum—Physical Exploitation, Sexual Exploitation Slavery or practice similar to slavery (like Forced Labour ) Servitude Forced Removal of organs

Consent of the victim is immaterial in determining the crime of trafficking



# MYTHS



# REALITY



**Trafficking only for Prostitution**

**Prostitution is only one of the reasons for trafficking.** Trafficking is done for various purposes, such as begging, forced labour, debt bondage, illicit adoption, marriage, organ transplant, camel jockeying, for performance in circus, for child sex - tourism, and for use of adults and children in pornography.



**Human smuggling or Voluntary illegal Migration is same as Trafficking**

**Human Smuggling** - is the facilitation, transportation, 'attempted transportation or illegal entry of a persons across an international border, in violation of one or more countries' laws, either clandestinely or through deception, such as the use of fraudulent documents.

**Human Trafficking** - unlike smuggling, which is often a criminal commercial transaction between two willing parties who go their separate ways once their business is complete, trafficking specifically targets the trafficked person as an object of criminal exploitation. The purpose from the beginning of the trafficking enterprise is to profit from the exploitation of the victim. It follows that fraud, force or coercion all play a major role in trafficking.



**Brothel Manager / Madam**

**Brothel Manager / Madam is only the visible face of the exploiter and trafficker is the main culprit.**



**Brothel is the only scene of Crime in Trafficking**

**The scene of Crime in Trafficking involves all places in Source, Transit and Destination.** It includes places where exploitation takes place under the façade of other enterprises, such as beauty and message parlours, friendship clubs, small hotels, exclusive clubs, under the guise of call centres, friendship clubs, and along national highways, etc.



**Customer is not an accused under ITPA**

**Customer is culpable under S. 5 (I) (d) and 7 (1) ITPA and related IPC offences**



# IMMEDIATE RESPONSE

Exploitation may happen at various stages by multiple traffickers during the chain of the crime of trafficking. Accordingly, efforts against human trafficking require



## Proactive & Coordinated Action

At community level at source, transit and destination



## Organized crime investigation



## Victim centric approach



## Rehabilitation

That ensures sensitive and convergent action from all stakeholders to ensure earliest reintegration into mainstream society and build strong provision to prevent



## Building strong prosecution

By planning for the same from pre-rescue



## Hitting the economics of trafficking

By ensuring that the place of exploitation is sealed and shut down, attaching the proceeds of trafficking and recovering fines especially those that can be accessed before the prosecution is complete is crucial to the crime of trafficking.



## Convergence and Coordination

To ensure that targeted actions are taken with thorough planning before rescuing the victim, during the process of rescue, prosecution and for rehabilitation and reintegration of the Victims.

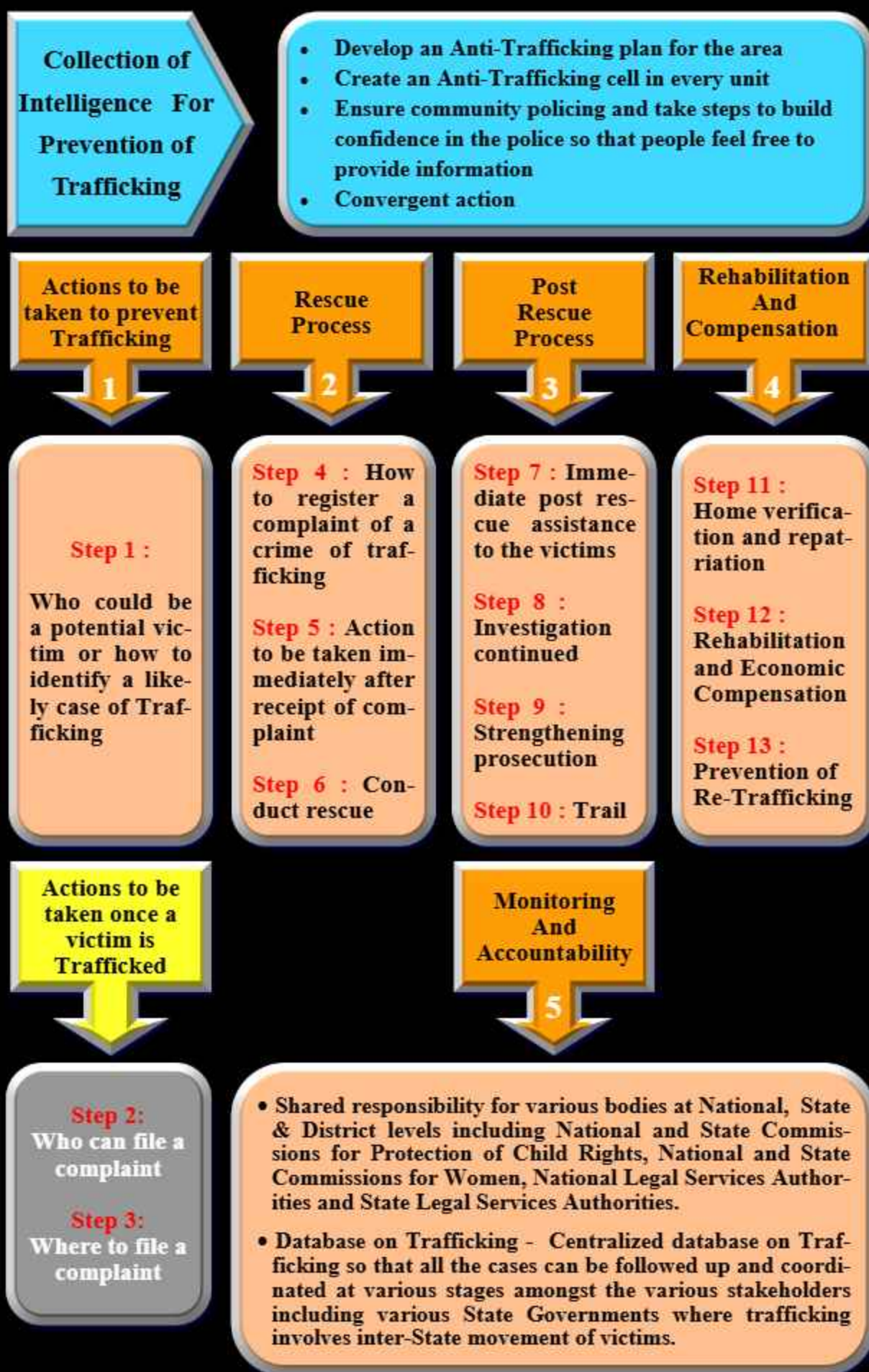


## Monitoring and Accountability

In addition, it is crucial that the stakeholder's role and responsibilities at each of the stages of the rescue, investigation and rehabilitation process are coordinated and are coherent; clear procedures are laid out for different stages of efficient justice delivery,

# STEPS TO DEAL WITH A CASE OF **TRAFFICKING**

## MONITORING & ACCOUNTABILITY





# 1. COLLECTION OF INTELLIGENCE FOR PREVENTION OF TRAFFICKING



## AN ILLUSTRATION

### SOURCE

- Tea Estates
- Areas where there are large number of migrant labourers
- Refugee camps
- Rehabilitation camps
- Disaster Areas
- Areas drought, flood
- Area of acute and abject poverty
- Child Care Homes
- Civil Unrest affected areas
- Schools
- Hospitals
- Crowded markets, railway stations, Bus Stands
- Tourist operators immigration agents
- Hotel Placement agencies
- Help Lines/help desks run by Government / NGO's
- Known source areas officials of other departments e.g. Labour Department

### TRANSIT

- Bus Stations
- Railway Stations
- State and National borders
- Airports
- Hotels
- Dharamshala's
- Immigration offices at borders
- Custom offices at borders

### DESTINATION

- Legal and illegal factories, mines, brick kilns
- Residential houses as Domestic Help
- Placement agencies
- Massage parlours, spas
- Brothels
- Areas with skewed sex-ratio
- Travel agents both authorized and unauthorized
- Illegal drug dealers
- Abortion clinics
- Dealers in legal / illegal liquor trade
- Tourist destinations
- Illegal and legal factories

## REMEMBER

During collection of Intelligence keep in mind following:

- Identify sources for information collections
- Analyse info of Clients and Complainants
- Be informed about important role players
- Intelligence of Beat constable is vital
- Do a reasonable SWOT analysis of the information
- Back ground study of area and people
- Stake holders involved - organized crime
- Identify possible stumbling blocks in your team



## 2. ACTIONS TO BE TAKEN BEFORE

Preparation for rescue is essential to ensure that the rescue procedures are carried out smoothly. Care must be taken that all the below mentioned steps are followed properly.

### STEP 1:

#### Who could be a potential victim or How to identify a likely case of Trafficking

Any man woman or child could be a potential victim of Trafficking. Given below is an illustrative list of scenarios that could be cases of trafficking.

### STEP 2:

#### Who can file a complaint?

Any person through phone, e-mail, helpline, in person, any other means can report an incident of trafficking/file a complaint.

A parent or a legal guardian, NGOs, Relative, DLSA / SLSA / NALSA, Social worker, Labour Inspector / Labour Department, Railway Police, All public servants, Nurse, doctor or management of a nursing home or hospital, Any person who has knowledge of incident, Any person concerned with safety and wellbeing of an allegedly

Additionally, the following sources can also report an incident of trafficking / file a complaint

#### IN CASE OF CHILDREN

- CWC
- Childline 1098 or other helpline services
- NCPCR
- SCPCR
- Child Welfare Officer (CWO)
- Child herself / himself
- Special Juvenile Police Unit (SJPU)
- District Child Protection Unit (DCPU)
- CMPO in case of child marriage
- Labour inspector / Labour Department

#### IN CASE OF WOMEN

- National Commission for Women (NCW)
- State Commission for Women (SCW)
- Women's Cell in Police Station
- Woman herself

### STEP 3:

#### Where to file a complaint?

A complaint of trafficking should be filed at a police station primarily.

The following authorities can take suo motu cognizance of a case of trafficking NHRC/SHRC, NCPCR/SCPCR, NCW/SCW, NALSA/SLSA/DLSA, Police, Railway Police, Labour Inspector/Labour Department

All these agencies will immediately forward a complaint of trafficking to the concerned police station except police and railway police which will swing into action themselves.

#### IN CASE OF CHILDREN

CWC (SJPU, Childline, CMPO)  
CWO, DCPU, SCPCR, NCPCR, DTF on labour

#### IN CASE OF WOMEN

NCW, SCW, Women's Cell in Police Station,  
Any helpline



### 3. RESCUE PROCESS

Preparation for rescue is essential to ensure that the rescue procedures are carried out smoothly. Care must be taken that all the below mentioned steps are followed properly.

#### STEP 1: Register a complaint of a crime of trafficking

1. SDF Call for a Comprehensive Team for Rescue
2. Ensure Logistical Support Food, Water, Clothes, Blankets, Medical Kit with First Aid, Sanitary napkins
3. Translator if required.
4. Inform nearest women's shelter or child care institution, or fit person, fit facility
5. Preparation of the rescue team: Sufficient equipment such as weapons, rope, ladder, torch, pad, pen paper audio recorder.
6. Cordon off the area, Ensure the division of team into separate group.
7. Collection of Evidence: Arrange for a videographer /photographer to support evidence collection
8. Medical support: Identify the nearest Government hospital for medical help
9. Information to Place for Immediate Care and Protection Notify Government/NGO run CCI's
10. Ensuring confidentiality for victim: Police shall ensure that identity of the victim is protected from media
11. Presence of Witnesses: At least 2 witnesses should be present during rescue and one should be woman
12. Ensuring Access to Legal Aid: A lawyer/ paralegal should be assigned by the DLSA/ SLA to accompany the rescue team and for the victim and family



#### REMEMBER

##### Assess the vulnerability of the situation

- If there is a risk to life, liberty or safety of the victim resources of the District Task Force under CLPRA, DCPU, Anti-Trafficking Cell in your unit etc. Safety of the victim is of paramount importance.
- A rescue may be conducted without a FIR under Section 15 & 16 (1) of the ITA 1956, and search of a premises can be conducted without warrant with prior approval of the special police officer.

##### Things to be remembered during Rescue

- No victim should be arrested by the police.
- No child or woman should be placed in a police station overnight.
- The victim and the offender must be separated immediately.
- Identity of the victims, especially women and children must be protected at all times.

#### STEP 2: Immediate post rescue assistance to the victim

As soon as a victim of trafficking is rescued, the following needs of the victim be met

1. Separate the victims from the trafficker
2. Provide food, water, and necessary clothing.
3. Make available access to a bathroom/ toilet.
4. Provide immediate medical care/aid.
5. If needed ensure that a translator is made available.
6. Explain to the victim in a sensitive manner about the situation at hand and what to expect in the immediate future.
7. Legal aid is to be provided to the victim
8. Remember a victim of trafficking should never be treated as an offender and not in lockup.
9. Record the Statement of Victim by metropolitan / Judicial magistrate only after due psycho social counselling but within a period of 14 days as far as possible.
10. Ensure protection of Victims and Witnesses
11. Children rescued have to be produced in front of the CWC or where that is not possible in front of one member within 24 hours from the time of rescue, excluding the time of travel.



# 4. REHABILITATION AND COMPENSATION

## Home Verification and Repatriation

After providing immediate rehabilitation and protection post rescue, assessment for repatriation to be done.

**Home Verification:** Profile of the victim including caste, address, landmarks, disabilities, Details of family members and familial relationships, History of family involvement in crime, Education and employment details of the victim including level of learning, salary earned, Details of the victim's health including addiction, push factors for trafficking of the victim, Acceptance and opportunities for the victim to reintegrate into society if the victim is sent back home

1

### Social Rehabilitation

- a) CWC to Monitor the progress through Rehabilitation Card. This is done with the help of PO/CWO / other concerned authority providing rehabilitation at the district.
- b) CWC to make an individual care plan (with information on health and nutrition needs, special needs educational training, emotional, psychological, restoration, follow-up, social mainstreaming, life skills, protection from all kinds of exploitation and abuse). This has to be reviewed after three months and modified as per progress
- c) For Children whose home verification reports are not approved they may be placed in a , Children's home, Fit facility, Fit person, Foster Care.
- d) Till they are 18 years old, with periodic monitoring of the CWC through the individual care plan. Subject to conditions under section 45 of JJ Act such child maybe provided sponsorship. After the Child attains 18 years under section 46 of JJ Act she/he may be provided with further financial support.

3

### Other Government benefits:

Get the victim's Aadhaar Card, BPL card made, any other identity card/address proof and bank account is required for availing benefit under various schemes

5

### Repatriation for Children:

- a) Produce before CWC
- b) Conduct home verification process and a social investigation report.
- c) CWC to pass orders for rehabilitation to her/his community/ home / NGO (long term support).

2

**Economic Compensation:** A victim of trafficking is eligible for the following compensation

- a) Immediate financial assistance of Rs 20000 under the Central Sector Scheme for Rehabilitation of Bonded Labourer 2016. This scheme is applicable to cases for trafficking, bonded labour, child labour, forced prostitution, begging rings etc. Additional compensation up to 3 lakhs is available on issuing of release certificate by the District Magistrate.
- b) DM/SDM/EM shall make arrangements for providing immediate relief under SC/ST Act in cash.
- c) Back wages at the rate of minimum wage is to be awarded to the victim for the period of employment in case of trafficking for forced labour.
- d) In case of child labour, a Child and Adolescent Labour Fund is to be formed in every district. An additional amount of Rs. 15000/- is to be credited by the Government for each child in such fund. The amount deposited and interest accrued shall be given to the child .

4

### Education:

Children shall be linked to suitable education facilities .

- a) Between 5-8 years: Sarva Shiksha Abhiyan
- b) Between 9-14 years: one year bridge education in the NCLP school then, sent to Sarva Shiksha Abhiyan
- c) Below 14 years: Sarva Shiksha Abhiyan program.
- d) Older children : local skill development.

6

## Prevention of Re-Trafficking

- a) **Educate families and communities:** on issue of trafficking. Myths versus reality of trafficking and related crimes.
- b) **Ensure registration of agents who facilitate migration for work:** Panchayats to monitor the movement of Migrants for work and their agents especially Children.
- d) **Registration of all placement agencies:** The State Government should ensure that all placement agencies in their region are registered, so as to prevent trafficking of children for child labour, for bonded labour / domestic servitude.
- d) **Convergence across various levels of governance:** Concerted effort to be taken at the district, state and centre to prevention of re-trafficking
- e) **CWC to monitor the child victims:** Through rehabilitation card to monitor progress of the individual care plan of the child
- f) **Transit points to be under continuous surveillance:** Railway stations, bus stops be kept under continuous surveillance



# 5. MONITORING AND ACCOUNTABILITY

## Monitoring and Accountability

Various bodies across National, State & District levels including National and State Commissions for Protection of Child Rights, National and State Commission for Women, the National Legal Services Authorities and State Legal Services Authorities to monitor the trafficking of people and children. Their activities should include to:

- |  |  |
|--|--|
| a) Review setting up of institutions created under the various laws;   | f) Develop information material detailing the rights of the child victims or witnesses and their families, and containing useful information in local languages, which may be provided to the victim and her/his family; |
| b) Develop Information, Education and Communication (IEC) material on child rights and gender sensitivity;   | g) Develop training module for stake holders along with the State and National level agencies.   |
| c) Develop protocols for rehabilitation and skill development of Men, Women and Children;  | h) Creation of a trafficking desk in all the monitoring agencies to ensure reporting.  |
| d) Create awareness about identification and reporting of crimes of trafficking;   | i) Annual Report of all monitoring agencies to have a specific section on trafficking of women and children.   |
| e) Conduct sensitisation workshops for Panchayati Raj Institutions and Municipal corporations about trafficking of Women and Children including identification and reporting of a crimes |  |

## Database on Trafficking

A centralised database on trafficking should be developed so that all the cases can be followed up and coordinated at various stages amongst the various stakeholders including various state Governments where trafficking involves inter state movement of victims of trafficking.

## MEDIA GUIDELINES



1. Tell the truth
2. Be accurate, Objective and fair
3. Use masking techniques to avoid revealing the identities of victims and their families
4. Delve into the reasons behind trafficking
5. Visit source areas to understand the complexities of the root causes
6. Be investigative. In tracking down perpetrators, co-operate with law enforcement authorities
7. Highlight the challenges that survivors face
8. Cover the story in court; focus on the law, its lacunae, its enforcement, delays, etc.
9. Choose your words carefully

LIVE  
**BREAKING**  
NEWS



1. Don't treat survivors as objects
2. Don't take photos of victims
3. Don't ask questions that violate the dignity of survivors (How many times were you raped? How many clients did you service each day?)
4. Don't distort or blur facts to sensationalize stories
5. Don't use tabloid-like or sensational headlines
6. Don't try to take victims to their place of exploitation or make them mentally relive their experience

**FOR MORE  
INFORMATION  
CLICK ON THE LINKS BELOW**



**STANDARD OPERATING  
PROCEDURE (SOP)  
FOR  
COMBATING TRAFFICKING  
OF PERSONS IN INDIA**

**National Human Rights Commission  
India**



UNITED NATIONS  
Office on Drugs and Crime

Government of India



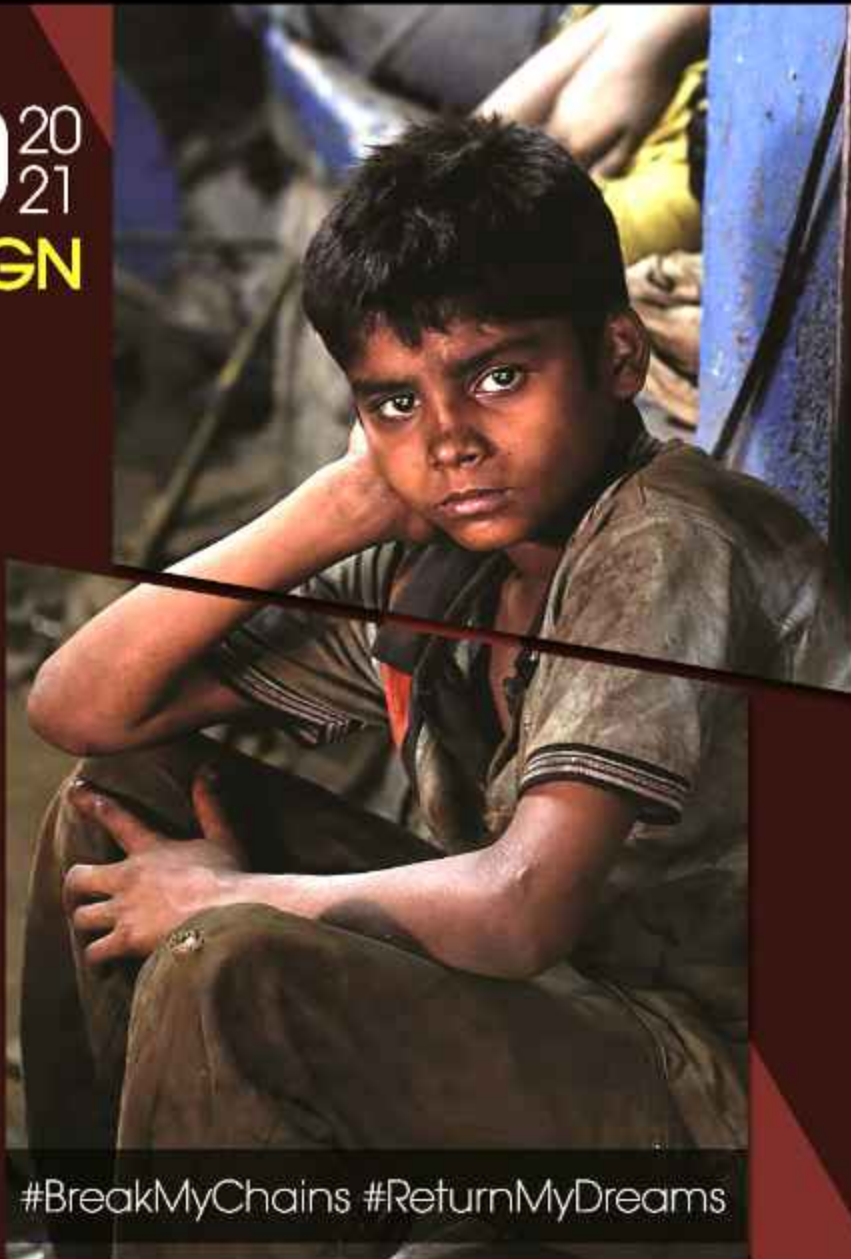
**Standard Operating Procedures (SOP)**

**On Investigating Crimes of Trafficking  
for Commercial Sexual Exploitation**





**YaR DAY 20<sup>20</sup><sub>21</sub>**  
**& CAMPAIGN**



#BreakMyChains #ReturnMyDreams

# **PREVENT TRAFFICKING OF CHILDREN**



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