



UNITED NATIONS  
*Office on Drugs and Crime*

Government of India

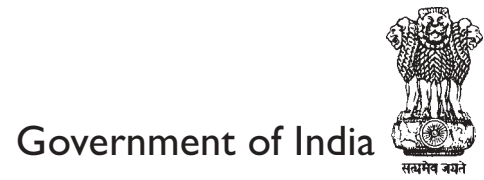


# **Journey to Justice**

**Manual on Psychosocial Intervention**



UNITED NATIONS  
*Office on Drugs and Crime*



Government of India

# **Journey to Justice**

## **Manual on Psychosocial Intervention**

Technical  
Assistance:



SAARTHAK

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## Author's Note

Words do not heal, what heals is the knowledge that you are treated as a person. In the maze of words sometimes the personal truths are lost. This document is derived from what the survivors have said to my team from Saarthak and me over the past seven years. It is a respectful tribute to their will to survive. It is an apology to those for whom we could not change things. It is our effort to continuously challenge our helplessness.

When you read this, please do remember that as a professional while you have the power to protect, unfortunately, you also have the power to hurt. What hurts and what protects a survivor is not a complex science. If only one listens to the survivor. A survivor only wants to be heard as a person.

I thank UNODC for the support and the focus on the psychological impact of trafficking on the survivor.

This document would not have been possible without the support and comments from my friend Aparna Bhat, human rights lawyer. In writing this document I had the unstinted support of Bharti Tiwari, Shweta Verma, Tasneem Jamal, Maneesha Srivastava, Shreya Jha, Divya Kumar, Nidhi, Vasudha and Abhijit. I depended on my colleague and friend Ratna Golaknath for the research for this document.

I am as ever in love with my editor and wife, Ashi.

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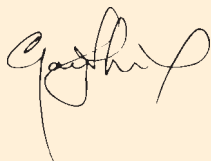
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## Foreword

Trafficking of women and children is one of the gravest organized crimes and violations of human rights, extending beyond boundaries and jurisdictions. Preventing and combating of human trafficking requires all stakeholders to integrate their responses on prosecution, prevention and protection. Keeping this philosophy in mind, Project IND/S16 of the United Nations Office on Drugs and Crime, which is a joint initiative of UNODC and Government of India, with support from the US Government, has undertaken several initiatives since its launch in April 2006 in India. Our project is focused on “Strengthening the law enforcement response in India against trafficking in persons, through training and capacity building”. The major activities in the project are training of police officials and prosecutors, setting up Integrated Anti Human Trafficking Units, establishing networks among law enforcement agencies and civil society partners as well as developing appropriate tools including Protocols, Manuals, Standard Operating Procedures (SOP), Compendiums and other training aids.

As the manual points out, trafficking in human beings is not just a crime, it is a systematic demolition of a person. ‘Journey to Justice’ is a manual for law enforcement officials, prosecutors and other officers of the legal and judicial process to enable them to treat the survivors of trafficking with dignity and without re-traumatizing them. It also addresses the appropriate responses that should be made by the civil society organizations and mental health professionals to a trafficked victim/ survivor. The manual provides a comprehensive and meticulous narrative of the first responses, interviewing process and techniques, as well as the journey of the survivor through the investigation and court processes and essential tools for counter trafficking professionals.

This manual, documented by SAARTHAK, New Delhi is a concise, practical and user-friendly tool that contains “best practice” principles and specific recommendations on working with trafficked victims/survivors by all stakeholders. It will be of use to all stakeholders working in the field of anti human trafficking.



**Gary Lewis**  
Representative  
UNODC, Regional Office for South Asia  
March 2008





# About the Manual

Journey to Justice is a manual for law enforcement officials, prosecutors and other officers of the legal and judicial process to enable them to treat the survivors of trafficking with dignity and without retraumatizing them.

To be able to work as a counter trafficking professional in the context of a law enforcement and judicial process with the survivors of trafficking, it is important for you to know the reality of their experiences.

Trafficking is not just a crime; it is a systematic demolition of a person.

The scene of the crime is the person's mind. There are irreversible scars on it.

You have to respond to the person and the crime. Do not forget the person while pursuing the truth behind the crime. The person and her reality is the biggest truth, and you are the person's custodian.

It takes courage to stop, listen, analyse and understand the reality faced by the survivor of trafficking, let alone live it.

**In Chapter 1, this manual encourages you to attempt to be with the survivor for a moment. It does so by bringing to you the reality of the survivors of trafficking in their own words and by words of those who have worked on trying to understand the impact of trafficking of the person's mind.** It is not a complete understanding of the mind of a survivor. That is not possible. It is perhaps a beginning *to be with the survivor's experiences, needs, thoughts and feelings*, rather than use the label of 'victim of trafficking'.

The manual also recognizes that you are used to the word 'victim'. This manual prefers to use the word 'survivor' to describe the victims of trafficking. The word victim and survivor are used interchangeably but the author salutes the survivors' ability to survive. Anyone who has faced and lived through so many traumas is a survivor. She needs to be acknowledged as a person with abilities to outgrow her pain, rather than a person who is going to be a dependent person pitying herself for the rest of her life.

When this manual describes the suffering of the survivor, the purpose is not to gain your sympathy, but to make you aware of which issues to discuss cautiously with the survivor, so that you do not violate her like others have done.

You have heard many stories of trauma in your life. At times trauma can put you off the person. The reality is that the survivor is a person and needs to be treated like one, whatever her experiences may have been.

**In Chapter 2 this manual helps you discover ways of forming trusting relationships with survivors by evolving a coordinated first response to the survivor.** How do survivors trust when all their experiences prove to them, *'If you trust, you will be abused'*? How do you

form a relationship when the survivor does not trust you? This chapter describes skills and processes which increase trust and decrease the chances of the survivor being traumatized again.

**In Chapter 3 the manual reinforces the skills of interviewing the survivor during the evidentiary stage, so that she can be an effective witness for prosecution.** This chapter is particularly useful for the investigating officer, but the skills of interviewing are universal and may help prosecutors and other professionals who come in contact with the survivors of trafficking.

When people describe their lives, they are likely to remember key milestones in their journeys. They have memories of achievement and loss. They have memories of relationships. They have memories of events. They have beliefs and feelings. They also have doubts about themselves as well as a sense of who they are and knowledge of their beliefs about themselves. You want them to describe the details of the crime, but what they want to talk about is their fears and experiences. You have to hear them, reassure them and investigate the crime. You have to be human and not just a professional. Your being an efficient interviewer not only helps you establish the events of the crime and consolidate the evidence, but also helps you to ensure that the survivor feels that she has been heard. She is able to challenge her beliefs about the rehabilitation process and is able to use the resources available to her. A good interview decreases the chances of re-trafficking significantly.

**Chapter 4 describes the survivor in the court and suggests what a prosecutor can do to help decrease the potential trauma related to being in the court.** It lists for the prosecutor possible *victim friendly judicial processes* which have a sanction either in the Indian case law or in the descriptions of international best practice.

**Chapter 5 is a collection of tools which could be helpful for professionals who work with survivors of trafficking in the context of law enforcement and judicial redress.** Some of these tools help the professionals look after themselves. Other tools are helpful in ensuring that professionals from other disciplines who are involved in the investigation and trial of a case of human trafficking have an aware response informed by the emotional state of the survivor.

All lives are journeys which have a **sense of dignity, a sense of control, a sense of belonging and a sense of purpose.** You may be a police officer, an officer of the court, you may be working in an NGO or you may be a health professional. All of us strive to achieve a balance of positive experiences in our lives, and this sustains us as individuals. A survivor of trafficking is no different. Her expectation from you as a professional is to ensure her rights. You have to ensure that her journey to justice is a journey of dignity, purpose, belonging and control. You have to ensure that you do not contribute to, nor are you witness to any further abuse, helplessness, isolation and suffering for the survivor. This manual helps you discover ways of being the guard of the journey to justice.

**This manual helps you reflect on your everyday activities and helps you discover what may or may not be helpful for the survivor. You have to guard her journey to justice. This manual describes skills which help you ensure that the interview process and processes in the court recognize the psychological state of the survivor and are sensitive to it.**

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## A Letter from Tara

Namaste, I am Tara. This is the story of my life. This is also the story of my friends. You too have been a part of this story. You have met me many times, but you do not know me. I have met you many times and I am afraid of you. I wish I had not met any of you, ever. I wish my life was a film and it could be replayed and I could banish my thoughts and memories.

But life is not a film and I cannot edit it or keep it aside. I have decided to outgrow my pain by sharing with you what happens to people like me everyday. I am sharing with you my story in the hope that you will not let what happened to me, happen ever again to anyone else.

Let me ask you a question. When you get up in the morning, do you remind yourself who you are? Do you tell yourself, "I am a police officer or I am a lawyer?" Do you tell yourself, "I am this colour, this caste, this height?" Do you tell yourself, "Yesterday I had a tooth ache, my family spoke rudely to me, my boss did not consider my effort and I will have sondesh today?" Do you tell yourself these things? No? I guess not. All this is a part of you. You do not have to remind yourself of your experiences.

But I am reminded repeatedly about my experiences. Every moment, every day I am told I am a victim of trafficking. There are stares and there are sniggers. There are frowns and there are pitying glances. The way my life is touched by all of you is through blame. I am defined by traumatic experiences by you. I am blamed by you for my experiences.

Let me ask you, when you read my story, can you stop for a moment and think of me as a person? A person not much older than your child! A person who smiles, who aspires, who works very hard at forgetting that she is a victim! I am a person. I think, I feel and I get hurt just like you. I have been hurt so many times and I am so afraid now that I do not do anything. It is better to be paralyzed than get hurt again. Please make sure no one hurts me again. Please! I am a person!

I do not even remember now where my story starts. The beginning is so misty and far away. I can perhaps tell you my story in flashbacks. I live my life in flashbacks. They are scary but that is all that is left.

A memory starts with a smell. The smell of overflowing diesel in a bus. It mingles with the noise of the engine and a feeling of nausea. This is the first time I am leaving my town. I am sitting next to him. He tries to reassure me and gives me some water. My eyes are aching and red. I have cried all night. I do not know where I am going. He told my father I would get a job. But I also saw him giving some money to my father. All through the night he kept touching me. I knew it was not right. But what could I say? I hate bus journeys now and I hate people offering me water when I am crying.

The scene fades away. I am lying in a corner of a large room. I am curled up. I can feel the hard floor pressing my body. I am scratched and hurting. I do not know what has happened to me. I am hiding my face in my arms. I am tired of sobbing. I lapse into being unconscious.

It seems easier that way. I do not have to fear what will happen next. From my corner sometimes the sounds of what must be the street envelope me. I can smell burning meat. For a moment I think I must be burning. I turn on my back. I see the ceiling. It is a disfigured white because of water. I can see faces in it. When anyone stares at me now, the faces come back. So many faces, uniformed, rough, fair, smooth, bearded faces... discolored teeth and nameless scary faces. Each face looming in and each face making me scream.

My screams must be my imagination. I do not remember the sound of my screams. But I must have screamed, must I not?

I can feel the slippery dirty notes. I remember the cigarettes and the burns. I remember the smell of alcohol. I remember my first drink, my first lip stick, the first time I was raped. When it happened I did not even have a word to describe it. Then, it all kept on happening so many times that it even began to seem normal. Aunty told me that I owed her twenty five thousand rupees, money she had spent on me. I had to pay off that loan and then I would be free to do what I wanted.

I remember being pushed into a hole behind the wooden partition. No windows, no doors, just a blue wooden wall in front of me with a small crack and another cold wall behind me. There were two of us there or maybe three. I remember Sonia breathing. She was more scared than I was. She had been through this before. Was the third one Laxmi? It does not matter. It was one of them. Then I remember Sonia screaming. She was yanked out of my sight by a hand pulling her hair. Then the same hand came in and pulled me out. The roots of my hair still hurt. I cut my hair after that so that no one should be able to pull me by hair again. They kept on saying something. I felt really scared. These were policemen.

Remember, the nasty things the police can do. Raghu had told me about a girl who was taken to the police station and was later found in the gutter. "Pieces.", he said, "No one could recognize her." Will they do that to me? I was shivering. I was so scared that I did not answer any questions they asked me. Aunty took them aside. But their boss was there. We were all pushed into a large bus like thing. It had no windows and one entered from the back. Aunty whispered to me loudly, "You speak a word and I will cut your tongue and throw it to the dogs." She meant it.

I did not speak for the next two months.

Sonia went back. It seems she was older. I do not know why that happened. Sonia and I are the same height. She did not want to go. Laxmi stayed with me, but her daughter Pinki was left behind. Who will feed Pinki now? No one listened to Laxmi. She cried. I cried. We were so scared. I used to think that after seeing so many faces I would never be scared now. I had come to believe that once I was dead, how could I be scared? But that night could have scared even the ghosts.

No one told me anything. I was asked the same questions about sixteen times. I kept quiet or lied. I did not want them to hurt me when they got hold of me. If you have been huddled in that large room once you do not want to be there again.

Some people kept on saying that they would help me go home. They did not understand, I could never go home. What will I tell my family? What was the job I was doing?

Are you still thinking of me as a person? Or do you feel safe now by calling me a victim?

I went through all this and lived. If only you could read my mind. What lives there is very murky. I fear to voice it. If I had voiced it then I would have been so angry that I would not have been able to help you stop this from happening to others.

I once told my counsellor, "I am so angry that I could kill the people who did this to me." She said that it would not be fair to them because they had a right to be heard and tried under law. She said that I am human, so I should not intentionally hurt anyone. I could not understand the logic that the law had to be fair to them and not fair to me.

I do not think I will ever kill anyone. But they killed me many times. Many times over. Many people with many faces. Will you catch those faces for me?

Again the faces come back. Now the faces are different. They are dressed well. They seem to listen. But they do not actually listen. When they get angry with me, they scold me. They do not tell me when I will go home. They call me to court every few months. They keep me locked and do not let me go out. I sing songs and make some handicrafts. But I do not want to do any of this. I do not know what the purpose of my life is. Is my life any different here than in that cold room with the smell of burning meat? I do not know. Once nameless faces stopped being nasty, at times they did smile at me. These faces that I live with now have names but I do not have a name as far as they are concerned. I am another victim. Or maybe a survivor. Or maybe a case study. Or maybe a voice that completes a conference. Or a witness.

I do not trust you. I am being honest. Why should I?

I am extremely angry with you and everyone else.

I blame myself for my miseries.

I do not think there is a future.

I do not think these flashbacks will ever leave me.

I hate faces. I hate kindness. I hate being a victim. I am paralyzed. I still cannot hear my screams. Can you hear the sounds of my silence? Will you dare to hear my screams?

I do not know the last time someone thought of me as Tara. Do you?

I do not know when was the last time I thought of myself as Tara. Tara does not smile now. Tara does not dream now. Tara exists. I am Tara. This is my story.

## Understanding Tara's Letter

### Common Mental Health Impacts on the survivors of trafficking due to their experiences in the process of trafficking

Let us first revisit the Journey of Exploitation that Tara described to us.

Let us give words to the survivors' pain by understanding what happens to the way they think and feel during the process of trafficking.

Tara first described the Journey of her life in five parts:

- Pre-recruitment
- Recruitment
- Transit
- Destination
- Exploitation

#### *Pre-Recruitment*

Remember, survivors may have faced poverty, discrimination and violence before they are recruited by the traffickers. A number of survivors have experienced violence in their homes. They have seen their mothers being beaten up. They learn to accept such behaviour of men towards women as normal. They have also witnessed helplessness through this violence and through other discriminatory experiences that their families may have faced. The experience of helplessness may also have been normalized. They may see themselves as duty bearers or saviours to support the rest of the family and their siblings. They may have experienced sexual abuse themselves.

All these experiences will determine their ability to cope with future stressful experiences that they may face on being trafficked. They are not likely to complain in the face of violence or try to escape because of the inherent helplessness of the situation. They are also likely not to communicate their anguish to strangers. They are unlikely to be aware of the provisions of law, the process of trafficking or that they have rights which cannot be violated.

The long term psychological impact of these experiences is the survivor thinking of herself as not a good enough human being and believing that nothing is in her control.

#### *Recruitment*

The survivor may be recruited through lure, manipulation, debt bondage, coercion and violence. The survivor may not have been involved in the discussion regarding the relocation or the purpose of the relocation. It maybe a discussion with the family which the survivor is not even told about. The family members may or may not sense the truth behind what they are being told. They may either overlook the risks or do not have a choice and keep quiet about the risk. Some families may actually collude with the traffickers.

Sometimes the survivor may be directly lured by the trafficker by a promise of love, job, an acting career or marriage. The trafficker sells a mirage to the survivor, a mirage that sounds definitely more attractive than the reality that the survivor faces in her own home. She may then seem to have consented to the travel. But the deception and lure is obvious and the consent which is given in this manner cannot be construed as a sanction to be trafficked. No individual can give consent for a crime to be committed against him or her, let alone a child who is made further vulnerable by the threats and manipulations that she faces.

Some survivors have been sexually abused during the course of recruitment. Some may also have been blackmailed due to pre-marital sexual relations or the fear of being pregnant. The long term impact of the recruitment process is that the survivor views everything through a lens of mistrust. She wonders if people who trust her have betrayed her how she can ever trust anyone. She also starts blaming herself

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for her own woes. She feels guilty for not having been able to protect herself from being abused and trafficked.

### *Transit*

The transit process reinforces her feelings of helplessness and guilt. She may experience sexual assault during the transit. She also feels angry at this point but does not know what to do with her anger and her feelings. She gradually detaches herself from painful experiences.

She is demolished, yet she survives.

### *Destination*

By the time the survivor reaches the destination she knows that she is being cheated. She has experienced life-threatening assaults on herself as a person. She has been humiliated, her privacy intruded upon and she thinks that she may die. She also knows that she is likely to be exploited sexually. Her integrity is challenged and her individuality destroyed. At this point the survivor may start developing a psychiatric disorder called Post Traumatic Stress Disorder.

Post Traumatic Stress Disorder is a significantly disabling disorder. The disorder starts after a life threatening event or events. It is characterized by marked anxiety and reliving of traumatic experiences through flashbacks. This anxiety and reliving of experiences leads to avoidance of all things and triggers related to the trauma. Each time the person experiences the triggers that remind the person of the trauma that she went through, marked anxiety returns and the person is unable to do everyday things. She becomes numb and detached.

Post Traumatic Stress Disorder is particularly disabling for survivors of trafficking because they are likely to experience retraumatizing triggers every moment of their life for many years. As we would learn later, retraumatization is a key risk that the survivor faces during the journey to justice. One of the key elements of an aware response by law enforcement and judicial process is to ensure that the survivor is not retraumatized. A survivor of trafficking may also experience the onset of symptoms of Post Traumatic Stress Disorder later on, particularly after being rescued.

### *Exploitation*

As the exploitation process continues, the psychological maltreatment increases. The survivor is belittled. There is name calling, humiliation and threats to life. At the same time there is episodic caring, bonding and protection. This confuses the survivor. To trust or not to trust? What should she make of this relationship that hurts so much and then suddenly indulges her?

She is told that her family is being sent the money. She is told that she is repaying a debt. She is also made to believe that she is being protected from the police who will imprison her for what she is doing. She is confused. She does not want to be exploited. She does not want to be raped. She has no options. She also feels indebted to the people who are exploiting her and she has to woo the people who traumatize her.

She continues to experience symptoms of post traumatic stress disorder and suffers in silence. She also tries to seek approval of the peer group and the environment by playing by the rules of the environment. She dresses up, her behaviour becomes sexualized, she eats different food from what she was accustomed to and she seems like a different person.

To the casual eye she may even seem compliant and consenting. However, her feeling of mistrust is permanent, her criticism of herself is permanent, her guilt that she is the cause of her problems is permanent and her trauma defines her.

---

## Negative Mental Health Impacts of interventions during the Journey to Justice

When the Journey to Justice begins, it can be divided into the following components:

- Rescue
- Rehabilitation
- Redress and judicial process
- Repatriation
- Reintegration

Unfortunately the negative experiences of the survivors continue during the Journey to Justice.

Over the past ten years, during individual and group counselling sessions for survivors, Saarthak team has documented examples of the following experiences that reinforce the negative mental health impacts across all phases of Journey to Justice:

### *Blaming the survivor*

The survivor gets blamed for her experiences.

For example,

- Survivors being called '*Gandi Nali ka Keera*' (A worm from a filthy drain) by Superintendent of a Protection Home

### *Denial of basic needs of the survivor*

For example

- Survivors not having access to underclothes on being rescued in a rescue operation in Delhi nearly seven years ago
- Survivors not being allowed to meet their children in a rescue operation in Delhi nearly seven years ago
- Survivors being denied food, if they do not get up on time in a government home
- Survivors not having shelter after being rescued in an operation by an NGO, local police, a television channel and a statutory body

### *Violation of dignity*

For example

- Survivors being pulled by their hair during rescue operations recently in Delhi
- Being leered at and sexually assaulted by the policemen rescuing them in Delhi
- Survivors being beaten up by the landlords of a home run by a non governmental organization in Bihar

### *Labeling of the survivor*

For example

- Being called 'goongi' (dumb) or 'mental', implying psychiatric disorder during evidentiary interview process when the survivor did not speak during the interview process
- Survivor being called a 'stray' woman during an interview with a prosecuting officer
- Survivor's sister who was living in the same home as her not being allowed to meet with the survivor and labeling the survivor as 'nympho'.

### *Survivor's behavior ascribed to her character*

For example

- Sexualized behavior being seen as evidence of a character fault, and blaming and 'labeling' the family of origin in Delhi, Kolkata, Hyderabad, Mumbai and Bihar by police officers, doctors, NGO workers, Judges and counsellors
  - Angry outbursts of a survivor being responded to by 'the caregivers' with the following comments: "*Hai hi aisi, Pata nahin kaise ma baap ki beti hai. Aap ko nahin pata, ye to aisi hi hoti hain. Inko sex ki aadat pad gayi hai, woh yahan milta nahin...*". ( "*She is like this only. Who knows what kind of parents she has. You do not know these girls. They are used to having sex. It is a habit and they do not get it here....*" )
-



*Re-triggering of trauma in the judicial process*

For example:

- Being asked to travel with the accused in the same vehicle while going to court
- Being charged under the Foreigners' Act and being pushed back across the border between India and Bangladesh
- Majority of the survivors being charged for soliciting
- Medical examinations which are insensitive and incomplete
- Cross-examination in the court which is traumatic and revictimizing
- Judges and officers of the court who blame the victim

*Lack of choices*

For example:

- Survivor's head being shaved to avoid lice
- No choices on training, food, clothes, films she can see or even the posters she can put on the walls
- Being made to sing the same song or follow the same dance movement or the same yoga lesson day after day, month after month, year after year

*Inordinate and unreasonable delays in the judicial process*

For example:

- Survivors who spend four months in a brothel after being trafficked and then another eight years waiting for repatriation

*Restriction on repertoire of activities of the survivor in the name of safety*

For example:

- Being locked and not allowed to go out of the rehabilitation home to pursue livelihood opportunities

*Primacy of institutional needs over the survivor's needs*

For example:

- Being forced to meet visitors and sing songs to praise the NGO who helped her
- Being forced to get up at 3 am to cook breakfast in the name of 'participatory activity'
- Being herded into one locked room, which is locked because of low staffing in the NGO

*Lack of acknowledgment of the survivor's development during the period of trafficking as a natural part of growing up*

For example:

- *"Iske nakhre to dekho, lipstick lagati hai, jabaan chalati hai. Itne bade breasts hain, jaroor silicon injection lagvaya hoga."* ("Just see her tantrums! She likes to wear lipstick. How she talks back. She has such large breasts, must have got silicon injections.")

*Lack of confidentiality and lack of consent*

For example:

- Featuring survivors in documentaries about the organization
- Media coverage with names and photos
- Publishing books with case studies about survivors without consent
- Being photographed without consent
- Being part of research without informed consent
- Changing the name of the survivor without consent
- Mandatory testing for HIV and sharing of survivor's HIV status with her family and peers

*Lack of information about intervention processes*

For example:

- Survivors in the government home not being informed about the status of their court case or not being met by anyone for months and years regarding their court case.
-

### *Lack of information about rights*

For example:

- When no information is shared with the survivors about their legal or human rights
- More often than not there is no access to legal aid
- Child survivors are isolated from other children in need of care and protection due to circumstances like parental death, sexual abuse, and violence in their lives

### *Lack of accountability of intervention processes and lack of good practice benchmarks*

contribute to the helplessness of the survivors and maintain them in a 'victim' role.

*There is also a lack of continuity of care. Interventions begin afresh with each new phase of rehabilitation process.* The survivor is rescued from the brothel and lives in a custodial environment for months or years without receiving much information. She is then sent to a local NGO in the country or region of origin and undergoes a similar process there for a few years. Everyone repeats the process of assessments and some intervention, without any knowledge or consideration of the survivor's needs. The same story continues after repatriation.

At the end of the journey, the person is best prepared for being a '*professional custodial home inmate*', and not a productive member of her community.

## Potential risks that the survivor faces during the investigation:

### *Risk of criminalization*

Even as late as August 2007 there are reports of reactive investigations arresting and charging survivors/victims of sexual exploitation in Delhi.

### *Risks of reprisal against survivors of trafficking by traffickers*

An investigation may lead to arrest of people fronting the trafficking business; the nexus that is organizing the crime continues to threaten the survivor and her family. Such fear of reprisal by traffickers who are left out of the net leads to the survivor being a reluctant witness.

### *Risks due to poor planning of the rescue process*

A poorly planned rescue (due to lack of time or resources) may lead to a sudden increase in the following risks to the survivor:

- Survivors may be returned to the exploitative situation
- Survivors may be left in exploitative situations
- Care and Support service providers may be unable and unprepared to take on all the rescued survivors

For example, in the year 2006, a police party from Andhra Pradesh visited Delhi to rescue some victims of trafficking with an NGO from Andhra Pradesh. The girls were rescued. However, it was alleged that as Delhi Police was unable to find a safe place for them in post rescue scenario, the girls were sent back to the brothel. The Delhi Police, however, claim that the girls who were rescued were not victims of trafficking as they were not children. The reality is that the poor planning of the rescue operation led to increased risks for the survivors.

### *Risk of retraumatization*

A reactive investigation has few sources of information. The need to seek evidence at times makes the investigative agencies become firm and aggressive with the survivor, rather than giving themselves time to build trust and allowing the survivor time to express what she wants to. This can be significantly retraumatizing for the survivor and may lead to her clamming up and not cooperating with the investigating process.

***Risk to privacy and dignity of the survivor***

A poorly planned rescue intervention may not be able to protect confidentiality of the survivor from the media. A hurriedly organized intervention may not be able to organize requisite resources like vehicles, clothes, places of safety, NGO support workers, counsellors and women police officers. There may be no time to organize a reconnaissance of the target of the intervention. Such lack of information and resources may lead to survivors feeling that they have been treated in an undignified manner. They may end up using such an experience as an evidence for the fear of the police that they carry in their mind. They may identify with the traffickers and may be uncooperative as witnesses.

**The net result of all these experiences is anger towards all the people who are supposed to help the survivor. The survivor believes the exploiters and identifies with them.**

This gives the exploiter a point of re-entry into the survivor's life and facilitates re-trafficking. There are reports of re-trafficking being as high as forty to sixty per cent. It also contributes to some trafficked survivors themselves becoming traffickers.

In most anti-trafficking processes this impact on the mind of the individual is overlooked. The personal tragedy is buried under a plethora of '*feel good*' activities ranging from conferences, workshops, visitors, short-term financial assistance, celebration of the success of the rescue, judicial activism, etc.

The Journey to Justice may end up being only a journey of silent screams for the survivor. Every player who supports the survivor in this journey has his/her assumptions about the survivor. The space to be heard and make sense of one's traumatic experience is almost non-existent. The process is usually not geared to protect the survivor from retraumatization. Silence pervades the life of a survivor. Silence exists in the midst of chaotic activity of statements to the police, visits to the court, testimonies and cross examinations. The return of the survivor to a state of being able to acknowledge herself as a person is rarely focused upon.

There is also a tokenistic livelihood program and some counselling. Notwithstanding the fact that this activity is perhaps well-intentioned and is trying to return the person to the mainstream of the society, the survivor continues to deteriorate and does not heal.

We started this manual with the story of Tara. This is not one person's life. This is a story of many realities that many survivors have shared with us. Tara is not any single person whom you may have met, but I have met many Taras. This is their voice. It is a story of survival. It is a reality which if you and I had to face, we might not have survived. They have. We need to respect their survival.

**Let us work with their abilities, and not just their problems.**

**Let us learn to respect Tara and her rights.**

The next time you meet Tara, please stop and think. Please do not be just a face. Stop and think. Stop and feel. Tara is a person, a person not much older than your child. Stop and be with her as a person. For a moment... Please!

Remember, to be able to work with Tara's reality, you will have to prepare yourself. This manual is a part of that preparation. Thank you for taking time out for this preparation.

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## Lessons learnt from Tara

Let us see what Tara has told us till now. When you respond to her you have to be aware of the following:

Trafficking begins with recruitment of the victim of trafficking.

Recruitment involves lure, deception and/ or coercion.

Even if the victim seems not to protest against the recruitment or later on believes that what she is doing is out of her own choice, this cannot be considered as her consent. Trafficking should be considered to have occurred, even if there is a possibility of consent obtained by lure, deception or coercion.

The victim is sexually abused even during transit.

The victim is likely to have been raped and traumatized on multiple occasions. Each instance of trauma maybe relived later. Each traumatic incident maybe stored as a memory that can be triggered by smells, sounds, words, people, questions, colors and any other thing linked to the trauma.

The victim may end up perceiving that she is somehow responsible for her misery.

The victim is made to feel that she is under a debt to traffickers.

The victim cannot trust anyone.

The victim does not like to be thought of as a victim, but wants to be considered as a person.

The victim is usually afraid of police. She is often scared about what the police may do to her. She may also have had experiences of witnessing collusion between some police officers and traffickers. She may also have been abused or hurt by some police officers.

The victim finds the process of rescue threatening and traumatic.

The victim needs to have more information regarding what is going to happen to her after rescue.

The victim is worried about her safety. The victim may lie and not speak against the traffickers because of fear of being hurt or fear of retribution to her children or family.

The victim finds the post rescue medical examination traumatic.

Some victims may not be rescued because of error in estimating age of the victim.

The victims find the court process repetitive and it leads to reliving of traumatic experiences.

The victims want to be heard and treated like a person by those who help them, and not treated like nameless cases.

The victims want to decide what they will do in future.

While there is a need to respect the survivor's need and right to decide for herself, it is also important to recognize that all of us need support to recover from our traumas. It is important to offer the same support to the survivor of trafficking. Survivor of trafficking is a person, with very similar needs that all people have.

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# First Response

First Response to the victim of the crime of trafficking is a psychosocial response that helps the victims cope with the traumatic impact of the crime. It treats the survivor as a person. It is a response that treats the survivors with dignity. It ensures that they are safe and not harmed further. It informs them about what is going to happen next. It provides for their immediate needs for food, shelter, clothing and any medical complaints.

It is the duty of all people who come in contact with the survivors of trafficking during time of rescue to coordinate their activities into a single way of working, so that all the survivors' needs and concerns are addressed. A coordinated first response can ensure that the best interest of the survivor is served.

As you are the first person who comes in contact with the survivor of trafficking, your response to her will help restore her sense of trust and security and help her feel in control of her life.

Ideally the first response to the victim should be a multi-disciplinary response. The law enforcement officer is a key part of the team and on most occasions leads such a team. The circumstances of crime and the mental state of the survivors are so complex that the law enforcement team by itself cannot provide an adequate first response. While it is important to seek support from others to ensure a complete first response, it is essential to ensure that survivors' safety and well being is not compromised due to delegation of responsibility.

Even today, when such multi-disciplinary response is not knit together, there are many professionals who come in contact with the survivors after the rescue from the exploitative situation. The survivor is likely to blame law enforcement officers in her mind for hurtful behaviour of any of these professionals. If a medical examination is humiliating it is likely to be attributed to the law enforcement. If the rehabilitation home is not welcoming, it is the law enforcement officers who are blamed.

It is imperative that law enforcement officers are watchful of the rights of the survivors of trafficking. This watchfulness needs to be reflected not only in their own behaviour, but also in the effort that they put into sensitizing and seeking support of other players in the first response. The key people amongst other professionals involved in the first response are health professionals, counter trafficking NGOs, child welfare committee, the prosecuting team and the judiciary. Law enforcement officers should prepare and rehearse the first response to the victims of crime where there is likely to be a significant psychological impact on the victim.

## YOU ARE THE DUTY BEARER

You are the upholder of the rights of the survivors. The survivors of trafficking have the following key rights that should form the basis of your first response:

- The right to be treated with dignity
- The right to feel safe and not to be harmed
- The right to have information regarding what is going to happen next
- The right to have access to resources like food, clothes and shelter
- The right not to be retraumatized
- The right not to be criminalized

Even if there is no other resource available, the way you interact with the victim/survivor determines whether these rights are fulfilled or not.

It does not require resources or sanctions, it just requires you.

### I. Ensure her right to be treated with dignity

Your duties to ensure this right are:

**You can ensure her right**

**DO**

#### a. Introduce yourself

Tell her your name, rank and the objective of your interaction

**Example:**

**My name is Ramnath Dinkar. I am a police officer in Danapur Police Station. My team and I have reasons to believe that some women and children are being exploited in this place. We feel that you may be one of the people who were being exploited. My team and I are here to protect you and ensure your safety. We will make sure that no further harm will come to you.**

***Mera naam Ramnath Dinkar hai. Main Danapur thane mai police officer hoon. Hame khabar milli hain ki is jagah par kuch bachchon aur auraton ka soshan kiya ja raha hain. Hame aisa lagta hai ki aap ke saath bhi anuchit aur burra vyavahar ho raha hai. Main aur mere saathi aap ki hifazat ke liye yahan aaye hain. Yeh humari poori koshish hogi ki ab aap ko koi nuksan nahin pahuncha paye.***

#### b. Address the person politely as you would address an elder

By addressing the person politely you are treating the person with respect. She has very little experience of being treated with respect in the recent past. This will definitely surprise her and will help build up trust.

**Example:**

**Do let me know if you face any difficulties. My team, members of the NGO and I are all here to help you. If you have any questions or face any difficulties, do let us know. We will try to help. Do talk to us.**

***Aap ko koi takleef ho to aap mujhe bata sakte hain. Aap ko koi bhi zarurat ho ya pareshani ho to mujhe khabar karen. Mere alawa yahan par NGO se didi log bhi aaye huye hain. Aap unse bhi baat kar sakte hain.***

### c. Seek permission

You must make the survivor feel in control of the situation. It helps the survivor feel in control if you seek her permission to begin a conversation with her after you have introduced yourself. It is helpful to seek permission from the person before you sit down next to her. You must seek permission before you continue to talk to her and to end the conversation. You also need to seek permission from the survivor before inviting someone else to be part of the conversation.

### d. Validate her anger and fear

Validation is a skill of communication. It involves letting the survivor know that her feelings are justified. It helps build trust between you and the survivor. Everyone has a right to his or her feelings. So, if a survivor feels angry with her trafficker and feels that she should kill him, it is important for the counter trafficking professional to acknowledge the survivor's feeling. As a police officer you will obviously not support the survivor's idea of killing the trafficker, but it is important for the survivor to know that her anger is justified.

Survivors of trafficking want to hear from people who respond to them that what they are feeling is justified. Most survivors of trafficking are extremely angry. When they hear from you that they are not to blame and that what has been done to them was wrong, it makes them feel that someone is actually concerned about their circumstances. This reassures them that they will not be harmed further. If on the contrary they hear and feel that the first response team has a blaming stance towards them, they are likely to feel humiliated and the anger of so many years is transferred on to the first response team and to you as the most important member of that team.

Validation is done through two direct methods by the first response professional:

- Justifying the survivor's feeling
- Expressing the survivor's feelings on her behalf.

Your response may be something like this:

#### **Example**

**Situation: The survivor is extremely angry and is aggressively saying that she will kill the trafficker.**

#### ***Usual Unhelpful Response***

**“What is the point of being angry now? All this is a drama. If you were so angry why did you continue to do what you did? At that time didn't you think it was fun? Now, you try to convince me that he did this to you.”**

#### ***Helpful Response Using Validation***

**“I can see that you are extremely angry about what was done to you. What was done to you was wrong and an act of exploitation. Just listening to what was done to you makes me feel angry.**

**You have experienced it. You are obviously very angry. I know that when one is angry one sees few solutions. Let us discuss what will be the best way to feel that you have been avenged, without hurting yourself further.”**

### e. Treat her mistrust as normal

Survivors have experienced betrayal so often that they find it difficult to trust anyone who offers to help them. The automatic and normal response of the survivor is to mistrust you. It is not about you, this is how she feels about everyone.

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**REFLECT**

Here is a task for you.

Imagine you are blindfolded and you have to cross a busy highway. Someone offers to help you cross it. He holds your hand and then takes you to the middle of the road and leaves you there. Imagine if you have experienced this many times. Would you trust the next person who might offer to help you? What would you do? What would anyone else in your position do? They would resist this offer of help. It is normal for them to resist this offer of help.

The same is true of the survivor of trafficking. She has trusted and her trust has been betrayed by people who were the most likely people to protect her. That she mistrusts you is normal. If you want to regain her trust and her ability to trust, then you have to respond to her mistrust with acceptance rather than anger.

Sometimes it is also helpful for people to know how other people would behave in similar situations. This allows them to feel that their response is not inappropriate. This is particularly relevant as most survivors mistrust the police and all people who try to offer help and support. Remember, this is because they have been betrayed so many times that it is difficult to trust. It is not about you. You have to reassure them that it is alright to mistrust you. This acceptance of their mistrust will help them trust you as they see you behaving differently from other people in the past.

If on the other hand you become upset with her silence or her changing her statements repeatedly, you will only increase her reason to mistrust you.

**Example:**

**“I know it is difficult for you to talk to me and trust me right now. This is expected and normal. I would also find it difficult to trust a stranger, especially when I am not sure whether I am safe.**

**My guess is that you have been through a lot. When I meet other survivors they also want to take their time and be sure about talking to me before they begin to trust me. I think it is alright not to trust me right now.**

**Do let me know if I can help you in any manner or if you need more information than what I shared with you or if you need clarifications about what I have said.”**

The acknowledgment and acceptance of their mistrust allows survivors to be more responsive to the information that is being provided to them.

**DO NOT LET ANYONE****Abuse her**

**Some examples of Abuse:**

**Touching her, sexual gestures, violence, use of obscene language and looking at her to convey a sexual intention**

**Label her or call her names**

**Calling her names like *randi* (whore), *gandi nali ka keera* (a worm from a drain), *behaya* (characterless)**

**Humiliate her**

**By blaming her for her predicament**

**Making fun of her**

**Being dismissive of her**



**Being dressed inappropriately like leaving your shirt buttons open**  
**Being too familiar with her**  
**Touching or scratching yourself inappropriately**  
**Staring at her**  
**Leaning forward towards her**  
**Using force**  
**Raising your voice**  
**Pointing fingers at her**  
**Threatening her**

## II. Ensure her right to be safe and not be harmed again

It is the right of every person that her safety is ensured when she is with the custodians of law. It is important that you take active steps to be able to ensure that all survivors/victims and their significant others are not exposed to any risk when you make contact with them or when you rescue them. There are certain do's and don'ts to be able to achieve this.

### REFLECT

Here is a task for you!

Imagine that you are at the site of a fire on the first floor. The fire brigade is still checking whether the fire has spread to other floors or not. What would be your response to people on the other floors? Would you help them come out or would you tell them, "Call me when the fire spreads to your floor." Also, what would you say to people who have come out of the fire and are standing in the middle of road in front of the building? Would you divert the traffic to make the people in shock safe or would you scold them for not using the footpath?

All of us can normally find out what would be a future risk if we look out for it.

## DO

### a. Make sure all people who are at risk are offered safety

The first rule of preventing further risk is to identify victims as victims. All victims who are left back in exploitative situations or in contact with people who have exploited or harmed them may be left behind for a lifetime of exploitation. Each victim who is not rescued because of an oversight in the rescue process is unlikely to be rescued soon and is doomed to continue to spend a significant time in the exploitative situation. Look out for covert signs of who is a victim when you are assigned to a rescue operation.

You must consider whether a person is at risk:

1. All persons under 18 years of age (definitely)
  2. When she is quiet and still
  3. She is restless
  4. She cannot make eye to eye contact
  5. She looks taut and tense
  6. She is trying to catch your eye
  7. She or others give indication that she may have come to the place of exploitation against her will or when she was a child
  8. She looks like a minor but is claiming to be an adult
  9. She is being asked to keep quiet when she wants to reveal something
  10. She does not have her travel documents with her
  11. She was a minor when she first traveled to the present destination
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12. She gives a history of being lured, of having to pay off loans, of her earnings being taken from her and her being restrained from leaving the premises

It is sometimes difficult to judge immediately whether the person is a victim or not. It is useful to err towards considering the person as a victim, even when there is doubt in your mind.

Sometimes there have been instances that some traffickers or people colluding with traffickers have posed as victims and thus have had access to the victims. This may pose a risk to other victims. It is important not to isolate and withdraw support from a person who is potentially a victim due to this reason. Please treat all potential victims as victims, but it is important to continue to be observant about the interactions between the victims. It should be ensured that workers from supporting NGO and peer counsellors are with victims all the time while formalities are being completed. It is a fine balance that needs to be created between watchfulness and trust.

### **b. Assess Future Risk**

All survivors who are rescued from exploitative situations are at further risk to be manipulated, coerced or exploited again. It is your duty to assess this risk and address it. It is similar to a situation where you know that someone has just faced an attempt to murder, where your first responsibility is to ensure that another attempt is not made. You will not leave this victim in the custody of someone who has attempted to murder her or in any situation where the potential perpetrator has access to the victim. The same is true of a survivor of trafficking as she may face a similar risk to her life and safety if she is exposed to traffickers.

1. Do make a list of all the victims/survivors. Reassure them as a group and individually.
  2. Ensure that a woman police officer (or a responsible woman member of an NGO) is always with the survivors.
  3. Ensure that NGO workers and counsellors are always with the survivors.
  4. First, make a statement to the survivors about how at times in the past the victims have sought help when they have been threatened, frightened or worried about their safety or the safety of their loved ones.
  5. After making the statement this should be followed by a reassurance that it is the duty of the police to protect them. Also, share with them information about routine measures which are taken to protect victims. This reassurance can also be in the form of a communication through a video of a senior woman police officer (for example a recorded video message by a senior person like Ms. Kiran Bedi, India's first woman police officer, ensuring the survivor that the police are there to help them). The reassurance can be further reinforced by the NGO workers talking to the survivors who have been rescued.
  6. You could also show a video of a survivor in which she shares and explains her own journey to the survivors rescued recently.
  7. Ask the victims/survivors whether they feel at risk or if someone significant to them may be at risk.
  8. Ask them, from whom they perceive risk to themselves.
  9. Make a list of significant people regarding whose safety the survivor is worried.
  10. Reassure them that no one amongst the people who have hurt them or who make them feel afraid can reach them.
  11. Keep a watch on interactions between the survivors.
  12. Look out for change of behaviour, isolation of some of the survivors or one of the survivors taking charge of all of the others, as all these could be indicators of the survivors' safety being compromised.
  13. As a routine make sure that the alleged traffickers do not have direct or indirect access to the victim.
  14. Ensure that the survivor and the traffickers travel in separate vehicles. If your station does not
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have two vehicles make sure that you use another vehicle, like an ambulance or a vehicle of the NGO. You can also use any private vehicle if there is an emergency.

15. Ensure that the victims do not have to share space or facilities with alleged traffickers. If there is a lack of space it is alright to identify places of safety which can be used at such times. Remember, in a crisis the police bandobast can be moved to any place of safety.
16. Let the survivors be aware of all these measures that you have taken for their safety.
17. Remember, it may be possible for the survivor to directly go to the place of safety for the night, rather than going to the police station.
18. During rescue operations the mobile phone may be used by the traffickers to reach and threaten the victims. The merits of unsupervised access to phone during the immediate circumstances of rescue should be reviewed on a case to case basis.

## DO NOT

**Allow the traffickers or those who represent the traffickers have any access to the victims/survivors**

**Threaten to turn over the victims/survivors to the traffickers**

**Do a detailed interview at this stage**

**Leave behind minors**

**Do not leave behind survivors' children or belongings**

### III. Ensure her right to information about what is going to happen next

All people who are faced with an uncertain stressful situation which affects their lives want to know what will happen to them next. Survivors of trafficking are no different.

#### REFLECT

Imagine that you have pain in your abdomen, and you are immediately rushed to a hospital. The doctor looks at you with a worried face and does not tell you anything. He goes away without saying anything. Another person comes in, draws a blood sample and walks away. Yet another person comes in and takes your blood pressure. Someone comes and applies a sticky substance to your chest, arms and legs and then attaches some wires and just looks at you quizzically for sometime.

Then they tell you to go home. No one tells you anything. You still have the pain in your abdomen.

How would you feel in such a situation?

## DO

#### a. Provide her information regarding the following

You need to give this information in parts so that the survivor can understand it.

Whenever you provide information, do so in the language the survivor is likely to understand. If you do not have access to someone who knows her language, reassure her through signs or pictorial representation. Use short sentences.

Give information before you ask questions. Repeat the information if you think the person may not have understood. Give the person opportunities to ask you questions or clarifications.

- Who are you?
- What is the purpose of this activity?
- Who all are participating in this activity?
  
- Inform her that she is not a criminal. No harm will come to her or people dear to her.
  
- What all will happen in the next twenty four hours?
- What will happen next week?
- What will happen later?
  
- Where are facilities like toilet?
- Where can they get food, water, some clothes, a blanket or bed sheet?
- Who do they ask if they want something?
- Who do they ask if they are not feeling well?
- Who do they talk to if they are feeling confused, angry, sad or hurt?
- To whom can they complain if they feel they are being mistreated?
  
- Before taking each person for medical examination inform the person about the reason and nature of the medical examination.
- Tell them that they have a choice not to undergo tests if they do not want to.
  
- Inform them of the safety measures that you have taken.
  
- Introduce them to the NGO and its personnel.

## **DO NOT**

**Give incomplete information**

**Make promises that you cannot keep**

**Confuse the person with too many details in one go**

**Give too many details in one go**

**Narrate scary stories of negative experiences**

**Be dismissive**

**Trivialize what survivors are asking and what they are saying**

**Sound extremely cheerful and hopeful**

The information can be provided in various formats.

- It is useful for the officer in-charge to address the group and introduce his/her colleagues.
  - It is also useful for a very senior officer to do a welcome reassurance address. This can be video taped and played back to the survivors.
  - The survivors may be provided a one page leaflet giving names of key people that they can contact.
-

#### IV. Ensure her right to have her immediate needs met

Each survivor has some immediate needs. The rescue process takes a significant amount of time. During the process of rescue some of the needs of the survivors may have to be addressed immediately.

- Arrange for a light meal and water.
- Make provisions for toilets.
- You may also need to organize enough clothing for the survivors appropriate for the season.
- It may be useful to arrange for a “welcome kit”, so that the survivors do not need to ask anybody for their basic requirements.
- Advise the victim if she needs to undergo a medical examination for rape or sexual assault

Even if the rescue operation is not able to organize all the things for the survivors, it is your attitude that matters more than the things that may be provided to them. Your attitude must convey, “You are important, your needs are important, and we will do all that we can to help you”.

#### V. Ensure her right not to be criminalized and retraumatized

##### a. Do not insist on making the first contact as the evidential interview

It is essential for the law enforcement officers or their NGO associates to interview the survivors very soon after the rescue. But this interview is the first contact interview and should restrict itself to establishing the fact (bare essentials like probable age of the person, issues which require immediate medical attention) and process of trafficking, rather than details and nature of the exploitation. It is alright even if the process of trafficking is not established on the basis of the victim’s first statement. There still may be enough material evidence that may be useful in establishing the prima facie fact of trafficking.

The first contact interview is essentially an introduction. It should aim to form a relationship of trust with the survivor. The hurry to treat the first contact interview as the evidential interview is likely to jeopardize the cause of justice that is being pursued. The victims may be traumatized by the process of this hurried interview. The interview may make the survivor revisit the details of her traumatic experiences. This is unnecessary and should definitely be avoided.

The list of what may be explored in the first contact meeting is mentioned below. This is the outer limit of what may be explored. This should be done after giving the survivor information, reassuring her, giving her time to settle down, validating her anger and normalizing her mistrust as mentioned above:

- Name: The survivor may not reveal her true name till much later in the process. We should accept it as normal.
- Age: The survivor may have been tutored to say that she is an adult whereas she is not. Rather than confronting what she is saying, just document the possibility of her age being lower in your view and treat her as you would treat a child in need of care and protection using the provisions of Juvenile Justice Act.
- Nationality: Even if the child is not an Indian national she needs to be recognized as a child in need of care and protection. In case of the survivor being an adult the provisions of **international covenants on human rights, trafficking, organized crime and victim assistance should be used** to provide support and care as a victim of trafficking, as opposed to making her answerable to the charge of illegal immigration.
- Family
- Any significant others

One can also explore the following in a non threatening manner:

- Which city has the survivor come from?
  - When did the survivor come to the present living arrangements?
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- Who accompanied the survivor when she first came?
- Were any promises made to her when she came?
- What were the means of transport that were used to bring her to this place?
- How did she spend her time in the present situation?
- What was her typical day like?
- Has she visited other parts of the city?
- Were there any restrictions on her movement?
- What would she do if she became unwell?
- What used to happen if people who were managing the place were unhappy with her?
- What made her feel happy in the present circumstances?
- What made her feel sad or angry?

Each question needs to be built into a conversation and the person asking the question should not insist on the answer. This is an exploratory interaction, not an interview for the purposes of evidence. This definitely is not an interrogation. It is important not to confront the survivor.

The first contact meeting should be closed by thanking the survivor for her help and a reassurance to ensure her safety. The person conducting the first contact interview should give his/her contact details to the survivor.

The first contact meeting should be documented and made a part of the case diary.

#### **b. Do not insist on the survivor being the complainant**

It is normally believed by the investigators that if the survivor is herself the complainant the evidence becomes more credible. However, this needs to be weighed against the fact that if the survivor were to be the complainant, her life and her healing process would have to wait for the closure of the case. She would be reminded of her traumatic experiences for a long time after the rescue. She would also remain under the threat from traffickers, as they might try to subvert the cause of justice by threatening her. There are many other possible people who can be complainants in the FIR. The list of these people is outlined in the standard operating protocols for the police published in this series by UNODC.

#### **Remember! The survivor may not agree to be a witness.**

Your investigation to establish the crime of trafficking can be based on material evidence and testimonial evidence. One of the key testimonial witnesses is the victim/survivor herself. All witnesses have a right to be informed about the process of giving evidence. They need to be helped to think through the advantages and disadvantages of being a witness. Sometimes the survivor may feel unable to be a witness. It is alright at this time not to pressurize the survivor. Give her time. She may change her mind over the next month after being at a safe place for some time and spending time with the NGO workers.

There is a misperception that if the survivors' statement is not obtained within twenty four hours it will be difficult to get custody of the alleged traffickers. It is important to recognize that early evidential interview may contribute to the victim changing her statement later and this can lead to a question of the veracity of the statement. It is best to allow a period of reflection and settling to the victim/survivor and then conduct the evidential interview.

#### **c. Do not charge her as the perpetrator of the crime**

For many years the victims of sex trafficking have been charged as themselves being the perpetrators of crime. This has been an unfortunate practice and is against the principles of natural justice. It is like blaming them for their exploitation. Here is an analogy to help reinforce why the victim should never be seen as a criminal for the acts that she may have done during the time she was being exploited.

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**REFLECT**

If I am forced to drink alcohol and then I am forced at gun point to drive a car, if I cannot keep the car straight on the road and end up hitting someone because of the fear of the gun and the influence of alcohol, can I be held responsible for the accident?

I have driven the car in a risky and dangerous manner knowing that I might hurt someone, but I have done so under threat to my life.

Similarly a survivor may have been forced to migrate in an illegal manner, solicit customers, live off the earnings of her own sexual exploitation and forced to harm other survivors like herself, but the overriding factor determining all these acts is the overt or covert threat or coercion which has influenced her during all this time. It would be unfair and unjust to view her as a criminal in this process.

The criminalization of survivors will only lead to furtherance of crimes like these, as the traffickers will be able to use the threat of the police to keep the survivors quiet and remain caught in the cycle of exploitation.

The criminalization will also compound the trauma that the survivor has faced in her life. One more time in her life someone with the role of protecting her would have betrayed and harmed her. It is difficult to survive when people who are likely to harm you cause harm to you, but it is more difficult to survive when people who have the duty to protect you end up harming you instead. Criminalizing the survivor is pushing them to be re-trafficked. Make sure you do not end up colluding with traffickers inadvertently.

**COMMON OBSTACLES IN FIRST RESPONSE*****Where is the time?***

Commonly what comes in the way of survivors' rights being addressed is the issue of time. Most police officers are overworked. They have to fulfill a number of investigative and law and order duties. Also police officers consider apprehending the suspect as their primary duty. The argument for counter trafficking work is that this helps not only the present victim but further potential victims as well. Lack of time is a real difficulty but victim care is a duty that cannot wait.

***She is not a victim!***

The second common obstacle in responding to these rights is the way one perceives the victim. Some police officers may have a moral viewpoint about 'prostitution' and in their mind may blame the victim for her behaviour. Some other police officer may be of the view that the person had consented to the "work" that she was doing and thus she cannot be seen as someone who has been exploited. There are many instances where police officers were more likely to wrongly charge the victim with the crime of soliciting or living off the earnings of prostitution, rather than charge the traffickers.

After due deliberation and collation of experience, national and international laws consider survivors of trafficking as victims who need to be supported and protected, and not criminalized.

**It is imperative that you are able to challenge your assumptions and stereotypes about the survivor.**

She is a human being who has been traumatized and is a victim of a multiple crimes. She needs your sensitivity and empathy.

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## Lessons

A coordinated first response to the survivor involves many professionals of different backgrounds and ensures that the survivor is safe and treated with dignity.

A law enforcement officer is the most visible and important part of the team. Law enforcement officers have to ensure that not only they but others also protect the rights of the survivors. Law enforcement officers must seek collaboration of NGO partners, health professionals, child care protection professionals and any other professionals who come in contact with the survivors.

The first response must work towards building a relationship with the survivor. This involves informing and reassuring the survivor about what happens to them, justifying their anger and acknowledging the mistrust that the survivor may hold.

The survivor should be treated as the victim of a crime, protected from further exploitation and trauma.

The survivor should not be forced to be the complainant.

The survivor should not be criminalized.

The initial contact with the survivor should not be used as an opportunity for an evidentiary interview. She should be given the space to be able to reflect on the events and calm down. The first response is about beginning a process of recovery and journey to justice. The first response is the time to protect your most important witness and not antagonize or traumatize her.

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# Interviewing the Survivor

Evidentiary interview is the interview that is conducted to enable the survivor to narrate her experiences which provide the statement of evidence against traffickers. The objective is to get an accurate and a reliable statement from the survivor. You do not have to determine what the survivor says. You only have to make it possible for the survivor to say what she wants to say.

The evidentiary interview may be the interview which is conducted by the Investigative Officer for the purposes of a statement under Section 161 Cr.PC (Criminal Procedure Code) or it may be an interview in front of the magistrate under Section 164 Cr.PC.

The present practice of the survivor being interviewed by multiple people with multiple objectives at multiple times can be and should be easily replaced by following a multidisciplinary approach to the interview and by working as a team. The present approach goes against the objective of being survivor friendly and also alienates the survivor.

This chapter is divided into following sections:

## **A The Interview Process**

### **B Interview Skills**

**Section A on The Interview Process** includes the following sub-sections:

#### **I Preparatory Stage of the Interview**

The process of preparing for the interview has the following stages:

- a. Preparing yourself for the interview
- b. Organizing a team for interview
- c. Analyzing the available information
- d. Preparing the survivor for the interview
- e. Preparing the space for the interview

#### **II The Stages of Interview:**

- a. The beginning of the interview
- b. The middle of the interview
  - Free Narrative
  - Seeking Clarifications
- c. The closure of the interview
- d. Documenting the Interview

**Section B on Interview Skills** includes five Helpful Methods:

- |                   |                                                    |
|-------------------|----------------------------------------------------|
| Helpful Method 1: | Be Non Judgmental                                  |
| Helpful Method 2: | Be an active and a good listener                   |
| Helpful Method 3: | Asking helpful Questions                           |
| Helpful Method 4: | Preventing Retraumatization                        |
| Helpful Method 5: | Managing Difficult Situations during the Interview |

## Section A: THE INTERVIEW PROCESS

### I. The Preparatory Stage

#### *a. Preparing yourself for the interview*

It is very important for the interviewers to have the background knowledge of the issues of trafficking and impact of trauma on children.

Counter trafficking is a significant area of your work. You should prepare yourself for working with the survivors.

You need to become familiar with the provisions of the law, best practices and Standard Operating Protocols and Legal Framework to address trafficking.

You should also obtain information about the process of trafficking and modus operandi of traffickers in your area. You should also try to understand possible source areas, transit points and destination areas for the survivors you may come across in your jurisdiction. Be aware of the modes of transport usually used, train routes, key junctions on such routes and road transport. You must gather information about points where exploitative 'work' takes place. If you have marked the journey, the traveller i.e., the survivor will feel at ease with you when you are listening to her story.

You must read Chapter 1 of this manual which outlines key psychosocial impact of trafficking. It will be helpful to meet a few survivors of trafficking who have been rehabilitated through your associate NGO. If they give their consent take feedback from them about what could have been done differently for them during the rescue and judicial process. Ask them what helped and what did not. This feedback is the most important way of learning, because it points out what goes wrong in investigative and judicial process from the survivors' perspective.

It is easy to understand all the above by associating yourself with the local NGO working on the issue of counter trafficking. If you know these details then it is easy for you to be aware of the issues and respond to the survivor in an informed manner. However, prior knowledge of the process of trafficking should not lead to any fixed assumptions about experiences of a particular survivor. Each survivor has her own story to tell, even if she went through the same traumatic process. The knowledge enables you to explore what the survivor is saying in a more facilitative manner.

Make a resource directory for your police station. It can be a file with a few pages containing information about local resources that you could seek support from for the care of the survivor during and after rescue.

- It should have list of possible NGOs and people who could be involved in the first response and during the interview process.
- It should also include a list of safe places and rehabilitation processes which can provide for the needs of the survivors.
- It should also have names of experts on the issue of interviewing children and survivors of trafficking who will be willing to support you in the interview process.

#### *b. Organizing a team to interview*

The Interviewing Team should include a police officer (Investigating Officer), a member of the NGO having interview skills, specially experience and training of conducting interviews with traumatized individuals and of providing support to the survivors of trafficking. It may be useful to include a counsellor who is trained to facilitate such a process of giving evidence. At least one of these three people should be a woman.

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It is important to try to ensure that people who have multiple skills can be part of the team. The counsellor or the person from the NGO should have knowledge of the rights of the survivor and local law which facilitates those rights. Another option could be that a Victim Assistance Lawyer is included in the team. The provision for a victim assistance lawyer exists in the case law in India, especially in cases of sexual violence. Such a lawyer would be aware of the rights of the survivors of trafficking and can also be trained in facilitative interviewing techniques.

A common argument as to how we will find such people in the interiors of India needs to be addressed squarely by policy makers by ensuring that all professionals who may come in contact with survivors of trafficking are at least trained in basic survivor friendly interviewing skills as a part of their continuing professional development.

### *c. Analyzing the available information*

Ideally the team should meet before the interview. This is to acquaint themselves with each other and with existing information about the case.

The existing information can be divided along two dimensions:

The first dimension is information that is available regarding:

- Recruitment
- Transit
- Destination
- Nature of exploitation and its impact on the survivor

You may have:

- Information that has already been corroborated
- Information that needs to be confirmed
- Information that you think the survivor is likely to have but you do not know the exact details of that you may not be aware of at all.

It is best to make a grid of the existing information so that unnecessary duplication is avoided and also nothing is missed out.

The second dimension that may help you prepare for the interview is to analyse the information that you have on the basis of what the survivor has already shared, what she has alluded to but not detailed, what she does not realize to be important and relevant because of how she has normalized her experiences.

<b>Analysis of Information Available from a Trafficking Investigation</b>			
	Information which has been corroborated, also specify sources	Information which needs further detailing by the survivor	Information that the survivors normally may be able to provide
Pre Recruitment			
Recruitment			
Transit			
Destination			
Exploitation and Its Impact			

After analyzing the existing information along these dimensions, it will be necessary to prioritize which areas of the survivor's experiences need to be explored further and exploration of which areas may retrigger the traumatic memories.

Such an approach will ensure that there is no duplication of questions that are explored with survivors by professionals from agencies of law enforcement and care and support.

#### **d. Preparing the survivor for the interview**

There are three steps in preparing the survivor for the evidentiary interview:

1. Assessing the survivor for fitness to be interviewed
2. Informing the survivor about the process of interview
3. Seeking Consent

##### **1. Assessing the survivor's fitness for interview**

A survivor may not be in a fit state of mind to be able to participate in the interview immediately after the rescue. The rescue is an end point of many years of trauma. It is like a fast train coming to a sudden halt. It jolts you. The rescue process itself may have been traumatic for the survivor. The survivor is unlikely to be able to have an accurate recall of the events in such a state of mind and is unlikely to cooperate with the process because she is preoccupied with her own safety.

Assessment of fitness of the survivor is best done by a counsellor through the process of observation and not the law enforcement officer.

##### **2. Informing the survivor about the process of interview**

If the survivor is fit for the interview then the survivor should be informed about the process and objective of the interview.

**While assessing whether the survivor is fit for participating in an evidentiary interview watch out for the following:**

- **Survivor is able to understand and communicate simple requests**
- **Survivor is accepting food and water**
- **Survivor is able to look after personal hygiene**
- **Survivor is able to understand what is required of her in the interview process**
- **Survivor is not silent**
- **Survivor is not isolating herself**
- **Survivor is not being irritable and aggressive**
- **Survivor has been able to sleep for a few hours after the rescue**
- **Survivor is orientated to time, place and person (we can check by asking simple questions as to whether she is aware where she is at present, what her name is and what time of day or night it is?)**
- **Survivor is not showing any abnormal behaviour (like smiling/laughing/crying inappropriately, talking to herself, gesticulating as if she can hear or see people who are not there, not being aware of herself, socially inappropriate behaviour, being extremely suspicious etc.), which shows that she may be suffering from a mental illness**

It will be useful for a counsellor to sit with the police officer and help the survivor understand the process of the interview. During this preparatory stage no questions regarding the process of trafficking and the trauma thereof should be asked of the survivor.

The survivor does not know the technical words or at times may not even recognize that she was trafficked. She perhaps does not know that there is a law which protects her rights as a person. She may not know that what was done to her was a crime.

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- So start with a statement which tells the survivor that the reason she is being interviewed is because law enforcement agencies and NGO are of the view that a crime was committed against her. Then describe the process of trafficking in general, without mentioning any details of this particular case, and what activities are recognized as criminal activity by the law.
- Then explain to her that her help is being sought to understand what was done to her and help the police ensure that the people who committed this crime are brought to justice. Let her know that it is not she who is going to 'take revenge', but the government whose laws have been broken, which ensure that people face the consequences of breaking the laws. The government has established a process of law to ensure that everyone's rights are protected and no one is harmed. She is only helping in the process because she may have been witness to things that happened.
- Remind and reassure her that she is not in any way being considered as a person who committed any crime.
- Reassure her that she will have full control of the interview process. She can see the room where she is going to be interviewed. She can meet the people who will interview her. She will have someone from the NGO working with her, a person whom she trusts to support her during the interview process.
- Explain to her the importance of her being able to say what happened and how it will help ensure that such a crime of trafficking decreases and also ensure that people who harmed her face consequences.
- Share with her how the purpose of the interview is to get her statement on record about events in her own words. Let her know that she is not being tested. There is no right or wrong answer to the questions that are asked. She just has to say what she knows. She does not have to make up things she does not remember and she does not have to know why things were done. She can only talk about what happened, when it happened, who were involved and how it happened. She can also talk about the impact it had on her. She can take her own time to say what she wants.
- Let her know she can stop the interview at any time, take a break, eat food and just be with the NGO counsellor if recounting of the events makes her upset. She can also reschedule the interview if she feels unable to continue with it.
- Explain to her that she will have to appear before a court to repeat what she says here. Let her know that there maybe a considerable period of time between the present statement and appearance in the court. Inform her that her life will not stop during this waiting period.
- Reassure her that the process of appearing before the court will be safe and she will get more information regarding that process. Let her know that the people who are accused of the crime may have access to her statement and may ask her questions about what she has said in the court. At the same time reassure her that such questioning is controlled by the judge to ensure her safety and dignity. She can also be informed that the judge can withhold any part of the statement from being given to the accused.
- Ask her if she has any more questions that come to her mind. Give her time to make up her mind. Arrange to meet her later to seek her consent to be interviewed.

The above session requires time. You need to practice sharing of information with a person who has already been part of such a session. It is important to remember that the survivor may not understand you if you use technical language (jargon), so simplify your language.

The survivor may feel threatened and confused if you rush through the process of sharing information.

**It is important for the survivor to know the answers to the following questions while you are interviewing her:**

- **What is the crime of trafficking and what is recognized as criminal activity by the law?**
- **What is the purpose of the interview?**
- **Where will the interview take place?**

- **Who all will be part of the interview process?**
- **How will the interview be recorded/ documented?**
- **How will the documentation be stored?**
- **Who will have access to the record of interview/ statement?**
- **How much time will the interview last for?**
- **Whether she can talk to her counsellor or lawyer during the interview process?**
- **Will she and her significant others be safe and what measures will be taken to ensure their safety?**
- **How can she stop the interview process if she feels distressed?**
- **Can she stop the interview if she does not want to talk any more, without ascribing any reason?**
- **To whom can she complain if she feels harmed or negatively affected by the process?**

### 3. Seeking consent

The survivor must be able to understand the information that you have provided and then it is useful if she gives the permission to be interviewed. Confronting the survivor or interviewing when she is not willing will not be helpful for her or for the judicial process.

#### *e. Preparing the space for the interview*

Ideally the interview should take place in a neutral environment and not the police station. The office or the counselling room facilities of the NGO working with the survivor may be a good place to interview the survivor.

If the interview/ statement is being conducted under Section 164 with the involvement of the magistrate, it is better to try and arrange this interview in the magistrate's chamber rather than in the court. If the court is the only option where the interview can be conducted then the survivor needs to be prepared beforehand regarding the process, the place and the people who will be present during the process.

#### **A survivor friendly place for interview**

##### *Should not be:*

- In a custodial environment
- A place where traffickers and their representatives have access to the survivor
- Make the survivor feel that she is being accused of any crime or misdemeanor
- Should not be used for other purposes during the course of the interview
- Should not allow access to any persons other than those responsible for the interview or supporting the survivor

##### *Should be:*

- A room which is not too large or too small, which offers privacy
- The room should be well lighted and airy, with light colors on the wall, with a simple decoration on the wall to make it look pleasant
- The room should have an arrangement of three to four comfortable chairs, with a centre table. The space between the chairs should be such as to allow enough leg space and chairs should not be so far apart from each other that it is difficult for people to listen to what the survivor is saying. Ideally only two to three other people should be in the room with the survivor
- If a room is not available for interviewing it may be possible to cordon off an area and use a screen to create privacy and safety. If it is not possible to do this it may be possible to create a tented room in the grounds to create a place for interviewing. It is also possible to use floor seating with *durrie* if chairs are not available

Even if police station is the place of interview it can be made into a neutral place.

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All places of interview need to make the survivor feel safe and comfortable.

In a rural environment where the interview is to be conducted away from the police station and resources of the NGO, the police officer can choose to use any of the community spaces that may exist. School classrooms, gram sabha room or primary health care centre could all be spaces for talking to the survivor. It is important to follow the process of having a woman officer or support worker with whom the survivor feels comfortable and let the survivor be in control of the process.

The reason these alternatives are being mentioned is to remind ourselves that it is the attitude and stance of the police officer to try to ensure the best interest of the survivor that matters to convey a sense of security to the survivor of trafficking, not just the presence of some soft toys in the room. Limitations of space and resources can never come in the way of a survivor friendly police officer.

If the location allows (the likelihood of this is rare, but with decreasing cost of such equipment it may soon be possible for police agencies to have access to such interview rooms) it may be possible to have other people to be in an adjacent room with a close circuit camera looking into the interview room and with cordless mikes for the survivor and the interviewers. Or there could also be a one way mirror between the two rooms. It is possible to use such technology during the court room process. (Please also refer to methods of court room and court process modification in the next chapter) But whenever such technology is used the survivor needs to know that such technology is being used and needs to give consent for the same.

The advantage of using the technology is that it decreases the need for multiple interviews as senior police officers can ask whatever is missed out through the interviewer in the room. The other advantage is that the interview can be recorded by a close circuit camera and such a videotaped interview may be cited as evidence.

## II. Stages of Interview

- a. The beginning of the interview
- b. The middle of the interview
  - Free Narrative
  - Seeking Clarifications
- e. The closure of the interview
- f. Documenting the Interview

### *a. The Beginning: Introduction and Rapport Building*

It is imperative to introduce yourself and the objective of the interview. Aspects of introduction and providing the information to the survivor have already been discussed and are not being repeated here.

You can use this phase to provide information to the survivor as described earlier.

This phase can also be used to get to know the survivor by talking about neutral things and their likes and dislikes.

Some survivors may get restless if this phase lasts for too long. So be flexible and see how she responds to the conversation about things other than what you are meant to discuss.

Reassure her that it is alright if she does not know all the answers. She can say, "I do not know", in response to questions for which she does not have answers.

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### *b. The Middle of the interview*

#### **Free Narrative**

After introducing yourself and having explained the process of interview the survivor should be helped to recount her experiences of trafficking. No clarifications should be sought at this stage. It is important to use the skills of listening during this stage. It is alright to set the context by saying,

*“Today we will talk about the time between your leaving home and family till now. I will like you to tell me about your experiences during this time.”*

The survivor is likely to talk about her problems, especially problems which she is facing now, rather than what happened in the past. Do not stop her. Hear her out.

She will want to talk only about her problems, but it is also important to understand her as a person.

The following issues should be kept in mind while trying to understand the survivor’s problems:

- She may have multiple problems.
- She may be very anxious while expressing these problems. She may be silent or she may be angry.

**The survivor will come up with an overwhelming amorphous mass as a problem, something that goes on like this:**

- Life is bad
- I am bad
- Everybody is bad
- No one loves me
- Everybody thinks I am no good
- My future is no good

**Common problems that the survivor may have:**

- Difficulties in making a choice about being a witness
- Difficulties in contradicting a statement that was understood incorrectly/ incompletely by the interviewer
- Relationship difficulties at the protection or shelter home
- Reliving the past
- Feeling low about herself
- Being very anxious about the future
- Being aggressive
- Being isolated
- Being unable to control her anger
- Being unable to express her needs
- Being unable to plan future
- Having negative thoughts and feelings about herself and her future
- Trying to please everyone
- Not being able to say ‘no’
- Being addicted to tobacco and/or alcohol
- Living with HIV/AIDS

As she narrates her problems, after some time summarize the problems and help her move towards recounting her experiences during the process of trafficking.

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**You could say something like:**

“From what you have told me it seems that you have faced a number of difficulties. Sometimes people have done things that you did not want them to do or did not expect them to do. This seems to have hurt you. You are now finding it hard to trust people and think about a future where there will be no problems. You also feel extremely helpless. Have I understood your difficulties to some extent when I say this? Would you want to tell me more? Or did you mean to say something different from what I understood? You are free to say what you want to, even if it is different from what you said earlier”.

You can then guide the conversation towards the process of trafficking.

As a broad framework it is useful to divide the time that elapsed between the survivor leaving home and present into smaller segments:

In the first instance you could divide the time elapsed into:

**Pre-recruitment stage**

This implies the condition of the survivor in her family of origin. Some survivors face difficult circumstances like violence and abuse even before they are trafficked. It is important to know this reality of the survivor because it affects her ability to be hopeful about future and she may normalize the experiences during the exploitative stage.

**Recruitment stage**

During the process of recruitment the survivor may not know that she was bought or sold, even till the time she starts this interview. The survivor may still be under the deception that she was brought to the destination point for work. It is essential to assess the survivor's perception about recruitment, because this will influence the level up to which she may cooperate with the law enforcement agency. If the survivor feels strongly that she was not recruited for trafficking and this is contrary to what you know, just make a note of it in the early stages of the interview. It is best not to confront her or clarify anything during free narrative stage of the interview.

**Transit**

The description of the transit of the survivor from the source area to the destination is extremely important, not only for the evidence in the present case, but it could also reveal a pattern across cases and thus expose the nexus of an organized crime. The interviewer must explore all forms of transportation, transit safe houses or guest houses, eating places etc. The transit process may also include temporary destination points where the survivor may have been exploited for a few months before moving her to the final destination.

**Destination and exploitation**

The description of destination overlaps with the description of the exploitative process. The description may include points of exploitation and methods of exploitation.

The survivor is likely to jump in her narrative from one phase of time to another phase. It is alright, do not get unruffled by this hopping from one time zone to another. The division is only to help you address all elements of the process of trafficking and analyse the information. The division is not to structure the interview in this manner.

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### Area/ Issue to be explored

Identification data, Name, Present Age, Age at the time of being recruited, Education, Place of origin, When she was rescued and Present status of the case

Interview date, Interviewers, Place of Interview, Consent for Interview

#### Pre recruitment

- Who all are at home?
- What do her parents do?
- What does she think about the family?
- What does she like about the family?
- What does she not like about her family?
- Whom does she hold responsible for her being trafficked?
- What does she think about her community?
- What contact has she had with her family after trafficking?
- What does the family know about her experiences?
- What does she want to tell her family about her experiences?
- Does she fear the family?
- Is someone from the family or the community in touch with the traffickers?
- Does she fear that someone from the family may be harmed by the traffickers?

#### Recruitment

The survivor obviously does not understand the word recruitment, so the word may be replaced by “brought to Delhi (or any other the place of destination)”

- What was she told at the time of recruitment?
- What were the means of recruitment?
  - Lure
  - Coercion
  - Manipulation
  - Deception
  - Debt Bondage
- Who all recruited her?
- Did they have any associates who helped them?
- What role did the family play in the recruitment process?

#### Transit

- How much time did it take from the place of origin to the final destination?
- What were the means of transport?
- Who helped in the process of transport?
- Was there any familiarity between the recruiting person and the person who helped in the transport?
- Where did they stop during the transit?
- Did the recruiting person seem to know the people whom they met during the transit?

#### Destination

- To whom did the recruiting person transfer the custody of the survivor?
- Were any other people involved in the transaction?
- Was the survivor witness to any agreement between the two parties? Did money exchange hands? Was any other promise made to the recruiting person by the person who took the custody of the survivor?
- Who all were aware of this transaction?
- Who all benefited from this transaction?
- What means of threat, lure, manipulation or coercion were used to begin the exploitation of the survivor?

### Seeking Clarifications

The free narrative of the survivor should be followed by a stage of seeking clarification. It is important to explore the following areas during the clarification stage to ensure completeness, at the same time enabling the survivor to go back to spontaneously recounting the experiences once you have triggered the conversation through a clarifying question.

#### *c. Closure of the interview*

It is important to bring the interview to closure by summarizing and thanking the survivor for her support. The closure of the interview should start at least half an hour before actually closing the interview, so as to help the survivor regain her composure and say anything that she might have wanted to say but avoided saying. So when you think you are nearing the close of the interview you could say, "We will soon be coming to the end of this interview I am going to think for sometime if I have missed out on anything that I wanted to know but have not been able to ask. I want you also to think if there is anything else that you wanted to tell me."

You could also acknowledge the psychological impact of the interview on the survivor by saying,

*"This conversation must have brought back many difficult memories to you. You have been brave by participating in this process. If any of the memories continue to bother you please do let your counsellor know, she will be able to help you put them to rest. And if there is a difficulty, please call any one of us."*

You could also leave scope for further disclosure and contact by letting her know how she can contact you or other members of the team if she has anything to ask or say regarding the case.

She may begin to trust you and she may contact you for her concerns beyond the judicial process. At that time it is best to guide her to establish contact with the counsellor.

#### *d. Documenting the interview*

- It is possible to keep the name and other identification details of the individual confidential and use only a pseudonym or girl or person in the records that are likely to be made public, so as to limit access to the survivor and protect her rights.
  - It is essential to transcribe the interview verbatim. As far as possible the words of the survivor should not be paraphrased.
  - The information should be categorized under different phases of the trafficking process to ensure no information is lost in the flowing verbatim account.
  - A videograph or audio recording of the interview may be helpful but may not be easily admissible as evidence. All the same if the survivor gives consent it is useful to videograph the interview as it can act as a good method of refreshing one's memory while transcribing and this can also be extremely useful as a way of helping the survivor refresh her memory before the court appearance.
  - The survivor, especially a child, may use other methods of communication like drawing the process of trafficking or make indicative representation of the sexual exploitation, rather than saying it in words. It is important to preserve this paper as part of evidence.
  - It is also useful to get the NGO counsellors/ mental health professionals of the interviewing team to document their perception of the survivor's mental state during the interview. They could be seen as experts and their comments be treated as those of an expert witness.
  - The description of the demeanor and the expressions of the survivor while she is telling her story is equally important to document and can be included in the case dairy.
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## Section B: INTERVIEW SKILLS

These are skills and principles which all of us use in our daily conversations. This part of the manual will allow you to recognize the *helpful methods* of interviewing which you already use and help you name them, so that you can rehearse and use the helpful methods over and over again.

This part of the manual will also describe some *unhelpful methods and skills* of interviewing which the survivors find difficult and they do not respond well to such methods.

- Helpful Method 1: Be Non Judgmental
- Helpful Method 2: Be an Active and a good listener
- Helpful Method 3: Asking Helpful Questions
- Helpful Method 4: Preventing Retraumatization
- Helpful Method 5: Managing Difficult Situations during the Interview

### Helpful Method 1: Be Non Judgmental

All of us are judgmental from time to time. We form judgments about people and things that we have an experience of and sometimes we form judgments about groups of people we have not met too often but have heard about in our everyday life.

#### REFLECT:

For example, if you see someone in a wheelchair you may form a judgment about the person's capacity to do things for herself/himself.

If you see a senior officer who is polite you may form judgments about his being able to control his officers.

These judgments may not be true representation of the facts and may just be generalizations which we have made based on very little information.

Obviously all of us have seen people on a wheel chair who are very effective workers and we know police officers who are polite and great leaders of their officers.

Similarly, we may carry judgments about the survivors of trafficking. These judgments stop us from observing the survivor accurately and also come in the way of our forming a professional relationship with the survivor.

#### Some **common judgments** which people carry about the survivors of trafficking include:

- She is doing it for easy money.
- She likes it.
- She is characterless and she deserves what happened to her.
- She could have stopped these people from harming her if she wanted to.
- She could have run away from that place.
- All of them are a part of the gang.
- She is used to lying.
- She is habituated to sex.
- She comes from a bad family.
- This is the only way she can survive her poverty.
- She keeps changing her statement. How can she be trusted?

It is difficult to respect someone if you have such judgments about them. If you have these judgments these will become mental blocks which may stop you from understanding the pain of the survivor. These judgments are likely to be reflected in your behaviour and use of language with the survivors.

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### ***Do you have these judgments about survivors?***

#### **Find out for yourself:**

For each of the statements given above say whether you Strongly Agree, Agree, Do Not Know, Disagree or Strongly Disagree.

If you do not know, disagree or strongly disagree, write down what is your alternative belief about the survivors as far as that statement is concerned.

If you, agree or strongly disagree, ask yourself, “What is the evidence that I have to support this belief?” Read the first chapter of this manual and help yourself challenge the belief.

#### **How to recognize if you are being judgmental?**

- If you try to avoid taking on cases of human trafficking
- If you have strong negative feelings towards survivors of trafficking
- If you become tense (your muscles become taut, you are worried, you become restless etc.) or detached while interviewing survivors of trafficking
- If you use adjectives or negative descriptions for survivors which treat them as a group (examples: ‘*Yeh sab ladkiyan to aisi hi hoti hain*’, ‘all these girls are the same.’)
- If you find yourself being dismissive of the survivors’ stories
- If you find yourself enjoying the stories told by the survivors
- If you find yourself mentally arguing with what the survivors are saying

If we think of the survivor in a judgmental manner then we are likely to blame her, moralize to her, become detached from her pain or be angry with her. If we act on the basis of our judgments about the survivors, rather what they are saying about their experiences and how they are feeling, we will end up being neglectful and hurtful.

While listening to evidence please do not form conclusions about the survivor, she is not on trial.

### **Helpful Method 2: Be an Active and a good listener**

Active listening involves listening in a manner so that the survivor knows that you are listening and you care. This can be done through non-verbal communication, not interrupting her, summarizing what she has said and asking clarifying questions after the survivor has finished what she wants to say.

#### **REFLECT**

Imagine you want to share something extremely important to you with your life partner. However, she/he continues to either keep on speaking or doing something else or she/he looks away or looks into distance or begins justifying herself/himself. Imagine how you would feel. Worse still if she/he starts arguing with you or blaming you. Would you continue to talk? It is quite likely that you would stop speaking or feel angry.

The survivor is no different.

#### **WHAT NOT TO DO WHILE LISTENING:**

**DO NOT keep on speaking while you are trying to listen:** If you do not give space or time to the survivor when you are interviewing, and you keep asking questions and answering them yourself or narrating your own experiences, it will become difficult for the survivor to say what she wants to.

**DO NOT be inflexible:** While it is important to know which areas you need to explore, you do not have to go sequentially through a structured form. Allow the survivor to take the lead in what she wants to

say. Follow her and explore what she is saying, as you would in any conversation. If there are things that are left out of what you wanted to explore, you can always come back to them. The best way to learn and document the experiences of survivor will be through an unstructured interview, with very few clarifying questions.

**DO NOT be straight faced:** Listening without reacting and showing any emotions is not helpful when you are listening to the survivors of trafficking. Survivors are looking for your response to know whether you blame them or understand them. However, in your response you have to be sure that you are not suggesting or directing the survivor to a particular statement. So respond to the pain and anguish by validating it, but refrain from guiding the survivor about what they should say.

**DO NOT be controlling of the survivor:** It is important that the survivor determines the process of the interview.

**DO NOT become overemotional in your response:** Sometimes the story told by the survivor or the resistance of the survivor during the course of the interview may make you angry or frustrated. It is important to recognize this response early and take a break in the interview at that point, so as to be able to refrain yourself from expressing the response in front of the survivor. It is, however, natural and helpful if you express anger at the fact that the survivor might have been traumatized by the traffickers.

**DO NOT make promises which you cannot keep:** The survivor may seek reassurances from you that you cannot provide. For example, the survivor may want you to promise that you will not share some parts of what she tells with anyone. It will be difficult to make a commitment to that effect. It is best to be transparent and say that you understand her anxiety and whatever she gives as a statement will only be available to those who are legally required to have access to it. Although it is important not to overreach in what you promise, there are things which you can say to reassure the survivor and these must be said. For example, you can say that the media will have no access to her.

**DO NOT interview the survivor repetitively:** The survivor of trafficking gets interviewed by many people, many times. Each interviewer asks the same questions over and over again. This is harmful to the survivor. After the first evidential interview any subsequent interviews which are conducted should be in consultation with the Investigating Officer (IO) and with a specific purpose, and with no repetition of exploring the areas that have already been explored. No interview with survivor should be conducted only for the reason that some colleague or senior officer needs to know the information first hand. The consultation with the senior officer should happen prior to the interview to prevent deficiencies.

**DO NOT go into unnecessary questioning about traumatic events repetitively:** It is not necessary for the purposes of evidence to go into the details of traumatic experiences that the survivor may have faced each time she is interviewed. It is important to document sexual violence and the extent of it and the alleged perpetrators of such violence, but it is not necessary to question in a manner that humiliates the survivor. When you ask details of the sexual violence and once you have established the nature of violence, and course of the events, ask yourself whether any further detail will be relevant for the purposes of the prosecution. If information is not needed to establish the crime and its perpetrator beyond reasonable doubt, restrict yourself.

**DO NOT hop from topic to topic:** It is necessary to be flexible, but it is also necessary not to change topics suddenly, and hop from what is being discussed to some other issue randomly and return back to the first issue almost equally randomly. This destroys the chain of thought that the survivor may be developing. However, sometimes it may be important to ask the survivor if she would want to talk about something else and come back to the traumatizing event later. This may be true specially if the survivor seems to be very distressed while talking about a particular memory. In such a situation a strategic

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change of topic may be helpful for the survivor. But this should be done only if the level of distress is extremely disturbing for the survivor.

**DO NOT break silences too quickly:** The survivor may pause to recollect something or may be experiencing a strong emotion after having told you about some event. If she pauses let her pause. There is no hurry.

**DO NOT get into a mental argument with the survivor:** If the survivor says something that you think is not true or which contradicts what you already know, make a mental note of it, and come back to it when you are clarifying the details of her story. Please do not get into an argument with her even in your mind. Such a mental argument will come in the way of your listening what she is saying to you subsequently.

**DO NOT be lost in your own thoughts:** If you are lost in your own thoughts while pretending to listen to the survivor, the survivor can notice that, as you would have a glazed look in your eye or it would seem to her that you are staring into the distance and not listening to her.

### SKILLS YOU MUST USE WHILE LISTENING

**Do show that you are listening:** Make appropriate eye to eye contact (do not stare at her but meet her eyes when she looks at you, and do so not in a hard and glaring manner, but in an encouraging manner). Nod when necessary and spontaneously, (do not nod like a spring doll monotonously after every few seconds, as she will be able to understand that you are pretending to listen).

**Do make non-verbal reassuring sounds** like 'hmm' or single words like 'achha', 'phir', 'uhoh!' But these have to be spontaneous, non-threatening and used at appropriate points. The tone always has to be soft and should not stop the survivor from saying what she is saying. Sometimes there may not be a need or space for such non-verbal communication. The survivor may be saying things at a fast pace and trying to add non-verbal communication on your part may seem completely inappropriate.

**Survivor Uma is telling you about how she was stopped from going to see a doctor and you are listening.**

**Uma:** I was very unwell. I had high fever and I was vomiting. I thought I would die that day. No one came to my bed. No one. No one asked me to have food.  
(Pauses)

**You:** (leaning forward ever so slightly, softly, almost not wanting to disturb her in her thought) Hmm...

**She:** You know how it feels when you are unwell. (She looks you in the eye)

**You:** (You look back at her, make eye to eye contact and nod briefly. She does not want you to speak. She wants to continue herself. Sense that and give her space.)

**She:** I felt so angry. Then I felt so helpless. I kept on crying till I fell asleep.

**You:** (Slowly, after a pause) That must have been a difficult night for you.

**Do Summarize:** It is important to repeat what the survivor is saying to you in brief. This is particularly helpful when the survivor is saying too many things at the same time. It is also helpful to summarize when there is a need to change topics or move from one phase of trafficking to the other. But it is unnecessary and at times funny if you repeat last few words of whatever the survivor says. This is evidence of lazy listening and is more a reassurance to yourself than the survivor.

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Here are some suggestions where using summarizing will be appropriate.

- When the survivor has shared a lot of information that spans a long period of her life.

#### **Example**

**“You have shared some very significant experiences with me. Let me see if I have heard it right. You talked about your experiences as a child when your mother had to go to work and you were left with your aunt who was hurtful to you.**

**Then you mentioned the time when you started going to school and how you were a quiet child and felt left out of what others were doing.**

**You then talked about one particular difficult event in your life when your uncle verbally abused you and you got extremely angry with him.**

**After this you described your current life situation where you feel you can trust no one.**

**I may have missed out some facts that you said. Do let me know if I have heard you correctly.”**

- When you want to structure the interview more and focus on a new area that the survivor has not talked about, you can summarize the conversation till then and explore the new area.

#### **Example**

**You: Till now you have shared with me how badly the people with whom you lived behaved with you. I have to talk to you about what will happen in the court tomorrow. So, can I briefly remind myself about what you have told me about the behavior of those people and then we talk about the court? We can talk about their behavior again if you wish to, either later today or tomorrow.**

- When the survivor has shared information about many areas of her problems or experiences or when the survivor has moved from one issue to another very quickly.

#### **Example**

**Veena: Life is bad, no one cares for me. Rakesh hurt me, so did Anjali. Even you hurt me sometimes. Why did you come late today? I am not important. I went to find out about the car driving lessons and they said, “Why should a girl want to be a driver? It is not a safe job.” I think I will sell bracelets... But no one buys them. When is my case date coming up?**

**You: I can see that you have been thinking about a lot of things at the same time. I am sorry about being late. Let me briefly go over what you have told me so that we do not forget anything and then we can discuss things one at a time.**

**Let me try to remember. You must remind me if I forget anything. First you said you were upset that people hurt you. Specifically you felt Rakesh, Anjali and I hurt you. Then you were thinking about what you want to do in future. You enquired about car driving lessons but those people tried to discourage you. You talked about other options like selling bracelets. You also wanted to know when your court case would come up.**

**So there seem to be three things that we need to talk about today: one, how you can tell Rakesh, Anjali and me about what makes you upset. Second, we need to think a bit about what you want to do in future, especially about being a driver. And then we need to talk about the court case and how to find out more about it. Is that alright or have I missed anything?**

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**Do Validate:** Validation is a skill which you have learned earlier. It is the skill to justify the feelings and actions of survivors. The survivor needs validation at all points of the interview process. A description of how to validate is already given in the first contact interview.

**Do Normalize:** It is important to normalize the experiences that the survivor is sharing.

**Example:**

**She:** All of you are the same. I will kill anyone who says that he will help me. Why should I tell you anything? You just want your photo to appear on the TV. I am just another girl from the street for you. Why should I trust you?

**You:** I can see that you are extremely angry. I think you have a reason to be angry. You have been hurt so many times. It also seems that people who promised to help you have hurt you the most and you find it difficult to trust now. I know anyone in your position would find it difficult to trust. (pause) I can only say that I will try to be transparent with you and not make promises which I cannot keep.

**Do reflect:** Reflection is an important skill of listening.

Reflection involves the listener sensing the feeling that the survivor is experiencing and giving a name to the feeling.

If the reflection process is accurate, it is an effective way of conveying that you understand how the survivor is feeling and thinking.

**Example**

A survivor was quiet and not saying too much and then seemed distracted.

The officer reflected: "It seems to me that you are preoccupied with something. Do you want to share it with me?"

**Example**

A survivor was overactive and trying to show that she was very happy. However, she was also wringing her hands from time to time.

The officer reflected back, "I see that you are trying very hard to be active and happy today, but I also see that you are wringing your hands. It made me wonder if you were tense about something."

On hearing this, the survivor started crying and said that she had received a threat from the Madam who had exploited her, warning her not to talk to the police.

**Do look out for** any patterns in what the survivor is saying or if there seem to be inconsistencies in accounts given by the survivor at different times.

**Do assess** the degree to which the survivor knows the language in which she is being interviewed. You may realize late in the interview that the silence that you attributed to the survivor being sad may actually be due to the survivor not understanding what was being asked.

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## Helpful Method 3: Asking Helpful Questions

Try not to ask the survivors too many questions.

Do not be surprised if after interviewing the survivor you realize that whatever information you have is not the real information. Do not be angry. You need to understand that it is her strategy to protect herself. Normalize it. Begin again.

There are some specific types of questions that help you inquire and clarify.

Let us first understand the nature of the questions and then see the application while understanding and assessing the person, her problems and her context.

### Open Questions

**Open questions are a tool for exploration.** Open questions are questions that help the survivor to share information about herself with you. These questions do not limit the answers to a particular issue or aspect of the issue. The survivor has a choice as to what information she provides or in which direction she takes the conversation forward.

#### Examples of open questions:

- o Tell me more about yourself.
- o How have you spent time these days?
- o How is it different from the way you spent time before you were rescued?
- o What experiences from your childhood still bother you?
- o What makes you happy?
- o What kind of people do you generally like to be with?

### Specific or Closed Questions

**Specific questions are a tool for clarification.** Questions that explore the details of one issue or an aspect of information that is being provided are called specific questions. These questions are linked to each other, and when asked in a series and together with using other listening skills, they can be a very effective method of clarifying information. The answers to the series of questions become more specific with each question. Very specific questions or closed questions expect a 'yes' or 'no' answer or some specific information like, "*What is the time?*"

#### Further Examples of specific questions:

- “What can I do to help you trust me?”
- “Is it alright for us to break for lunch and meet in half an hour?”
- “Would you like didi to bring you lunch here or would you like to go with didi and see what you want to eat?”

It is generally useful to begin the conversation with open questions and then gradually make them more specific to seek clarification.

A series of specific questions given below allows you to understand the experiences of the survivor during the transit when she was being trafficked.

Please notice how other skills of listening are used in an integrated manner in the conversation.

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**Example**

- You:** Thank you for talking to us today. How was the last week for you?
- Survivor:** Just like any other. Just waiting for the police to come and doing nothing.
- You:** *(using validation and reflection)* It seems the wait for this meeting has been upsetting for you. It is a difficult situation and it makes you feel helpless.
- Survivor:** Hmm...
- You:** I will like to ask you about the time that you traveled from your home to Delhi the first time. Is it alright for us to talk about it?
- Survivor:** I do not know. OK... I will tell you if I remember.
- You:** *(remaining neutral and not rushing to say anything)* *(Seeking permission)* Shall we start and see how it goes?
- Survivor:** OK.
- You:** When did you first come to Delhi?
- Survivor:** Many years ago.
- You:** Have you gone back since?
- Survivor:** No.
- You:** It must have been an important journey for you. Do you remember what you felt at the time when you started?
- Survivor:** Tired and Scared.
- You:** What made you feel tired and scared?
- Survivor:** We had been awake the whole night before we started and I did not know what kind of a job she would get me.
- You:** Did she say that she would get you a job? *(Making a note of the means of recruitment but not pursuing that line of questioning.)* Tell me from the beginning. You said you lived in Biratnagar. So how did you travel to Delhi?
- Survivor:** Well, my *mausi* and I traveled to Kathmandu by bus and there we stayed in a relative's house for the night and we met two other girls. I do not remember their names. My *mausi* said that we did not have the passport so we could not take the aeroplane to Delhi. That is when I knew she was lying. She had said earlier that we would go by plane but then she said we could not go by plane. We took another night bus. I do not know for where. I felt like vomiting.
- You:** Do you usually feel like that when you travel in buses?
- Survivor:** I do not know. I have never traveled in a bus after that.

So gradually you are getting to know the situation of the survivor more specifically.

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## Moving from Open Questions to Closed Questions

One can also move from Open Questions to Closed or Specific Questions and move from Specific Questions to Open Questions to move the conversation forward. Some examples are mentioned below.

**Situation:** You are exploring the environment of the brothel at night

**You:** What did you call the place you lived in Delhi?

**She:** Home.

**You:** How did you and your friends spend time at the home?

**She:** Nothing. Talking, washing clothes, eating food, sleeping in the day. And watching films. Buying make up and bangles. Fighting with each other.

**You:** What would you fight about?

**She:** I did not fight. Pinki used to fight. She would keep on fighting. Night and day she would fight.

**You:** How was the home different at night?

**She:** We had a lot of visitors at night. Every girl had to attend to visitors.

**You:** Who all visited at night?

**She:** Many men. I do not know.

**You:** How many visitors did each one of you have?

**She:** Twenty. Sometimes less. Sometimes more. (Becomes quiet for sometime)

**You:** That must have been difficult. What if you were not well and you did not want visitors.

**She:** No, no. You cannot say 'no'. Visitors have to be seen. If you do not attend to visitors then you get beaten up.

**You:** Did you get beaten up?

**She:** Not now. Before...when I came. All new girls get beaten up.

**You:** That must make people angry.  
(Smiles wryly. Shakes her head as if you will not understand, then looks away, her eyes welled up with tears but not crying.)

Pause. You lean just a bit forward, towards her and slowly move a box of tissues towards her. You do not touch her, do not say anything.

She wipes her face with her duppatta. Continues to look away for sometime and then looks back at you briefly. Says nothing.)

**You:** That seems to have triggered off a difficult memory. Do you want to share more about it?

**She:** (whispers) No.  
(You remain quiet for sometime letting her regain her composure and then ask her)

**You:** Is it alright for us to continue our conversation?

**She:** Yes.

**You:** What time did people sleep?

Examples of moving From Closed to Open Questions and then Back to Closed Questions

- What time did the visitors start coming?
- When they came, what happened next?
- After they had paid the money what used to happen?
- How did they behave with you?
- Is there anything more about that experience that you would like to share?
- So, when the visitors were angry, how did they respond to you?
- Did they hurt you?

### Helpful Method 4: Preventing Retraumatization

Do ensure that the survivor is not retraumatized. The reliving of traumatic experiences can be triggered by the interview process which asks the person to restate the trauma. For the survivor of trafficking restating the trauma is reliving it and experiencing it all over again.

To ensure that you are not traumatizing the person:

#### Be Aware

Be aware of what can be traumatizing and be extremely sensitive while exploring these issues

#### Possible areas/action which could precipitate retraumatization

- Memories of childhood
- Discussion about her family
- Memories of physical violence
- Memories of sexual violence
- Actions of the interviewer or events of the interview that trigger a feeling of helplessness
- Actions of the interviewer or events in the interview process which the survivor sees as threatening, and may include a touch, a stare or a gesture

#### Be Aware that the information provided by the survivor is likely to change

It is normal for a traumatized person not to trust the person interviewing her and provide information which is incomplete or not true. Once the trust builds the survivor may want to state new facts or even contradictory facts. Instead of getting angry with the survivor for this a better strategy would be to expect and accept such variations as a norm. Another explanation for an evolving statement may be that because of her anxiety and reliving a traumatic experience the survivor may not have remembered the details of some of the exploitative events in her initial interview.

#### Seek permission

**While interviewing the survivor check over and over again that you are seeking permission and that she feels safe and in control**

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**You can show that they are in control by:**

- o **Matching your pace with her pace**
- o **Let her choose which chair she wants to sit on**
- o **Seeking her permission if you need to take a break or if you need to attend a phone call**
- o **Not forcing her to stop crying or asking her to sit down if she feels better pacing up and down**
- o **If she wants to smoke during the interview and you work in a non smoking environment, it is best to take a break for her to be able to smoke**

Begin to explore the potentially retraumatizing areas with a pre-emptive statement,

**“We are going to talk about some issues which may make you anxious. It is important for us to explore and understand what happened during these traumatic times, but do stop me if you feel uncomfortable or anxious talking about these events. It will be alright to stop at any time that you want to.”**

### **Observe and reflect distress**

Look out for features of anxiety and stop the interview if the survivor seems to be extremely anxious

- **Change of expression on the face and in the eyes of the survivor**
- **Restlessness**
- **Muscles being taut**
- **Change in the tone of the survivor**
- **Survivor starts making errors in her language**
- **Survivor looks blank and aghast**
- **Survivor has a benumbed and shocked expression on her face**

### **Managing an anxious survivor during the course of the interview**

**In case you observe distress ask her what help she wants.**

- **If she is unable to say what she wants because of her anxiety, say to her:**

***“I know things are very difficult for you. You sound extremely anxious.***

***It will help me understand you better if you were to slow down a bit, and tell me what you are going through, one step at a time.”***

- **She will slow down after this and then you will need to use summarizing to keep on letting her know that she is being heard.**
- **It might also be useful to do frequent checks with her as to how she is feeling.**
- **If she does not slow down, it may be important to try and make her go through a breathing exercise.**
  - **I am going to help you breathe fully, so that you feel less anxious.**
  - **Put one hand on your abdomen, open your mouth.**
  - **Take a deep breath and see your hand rise. Do not breathe through the chest, but through your abdomen.**
  - **Let the breath out now, slowly. Let us try it once more. Gradually take a breath in. Slowly see your hand rise, hold for a few seconds and then slowly breathe out.**
  - **You must try to do about twelve breaths per minute.**

## Helpful Method 5: Managing Difficult Situations during the Interview

### *Survivor who blocks*

Survivors may block the interview by using some blocking statements. The reason a survivor blocks the interview is because talking about the issue is difficult for her or she feels threatened by someone.

#### **A few examples of possible blocking questions and statements include:**

- **It's a secret**
- **I can't tell you.**
- **What else could I have done?**
- **I did not do anything**
- **He said I would go to prison.**
- **Can I live with you?**
- **No one in my family will talk to me if I talk to you.**
- **Promise you won't tell anyone else?**
- **Will you look after me now?**

It is best to acknowledge these statements. The survivor will return to asking or saying these things whatever you may do, unless you respond to her satisfaction.

So when you hear these statements or questions during the interview, acknowledge the survivor's need to know answers about her future or clarifications about the past as the case may be. Answer to the best of your knowledge what you know. Do not give false reassurances.

If the survivor seems worried about whether she will be abandoned by her family you could respond by saying:

**"Both of us do not know what will be the response of your family if you tell me the truth about them. We can only hope that they will understand how you felt and what made you say what you said. If they care for you as much as you seem to care for them, it is possible that they will appreciate your being honest.**

**We can try to communicate with them and see how it works. Maybe they are only fearful and anxious and a reassurance that police will help them may make it easier for them to respond positively to you."**

If the survivor is worried about what will happen to her and she asks you if you will take her home, you could say:

**"I can see that you are anxious about how things will work out for you. I am aware that the government has many ways of helping you so that no harm comes to you and you will be able to grow to your full potential. We can discuss some of these measures today or now along with your counsellor who knows more about the support that is available to you."**

If the child starts crying or becomes silent you could try the following strategies to help the situation. If the situation does not respond to these techniques, it may be appropriate to take a break and discuss as a team what needs to be done to help the survivor continue with the interview process.

### *A survivor who cannot see any options and wants to hurt herself*

- **Any statement by a survivor that she wants to hurt herself must be considered very seriously by you.**
  - **Most people who want to hurt themselves do so. At some time, before they commit such acts, they may have shared the intent with someone whom they trust. Unfortunately, quite often the communication is lost because the person who is hearing it is not able to address it.**
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- If the survivor talks about harming herself, take it seriously. Do not be brave to try to manage it on your own.
- Whatever you do, do not panic. The survivor has trusted you and told you that she is going to harm herself. She is open to seeking help and you can enable her to do so.
- If the counsellor who is participating in the interview is the survivor's regular counselor and equipped to deal with such situations, get her to take the lead.
- If the counsellor has just met the survivor or if she has not dealt with the issue of self-harm you must seek help from a mental health professional for the survivor.
- It is important to document and assess each person's risk if she expresses the intent of self harm.
  - The person has a **low risk** when she is getting occasional thoughts of harming herself, she does not really see it as an option and the factors stopping her and supporting her are more than the reasons to harm herself.
  - The person has a **moderate risk** if she has thought about the self- harm event, if her support systems are not adequate and if she does not have any alternative coping strategy.
  - The person is likely to have a **high risk** when she has thought and planned the self-harm event, when she is also abusing substances like drugs or alcohol, when she has no emotional attachments and if there is a history of self-harm in the past.
- You must explore sensitively whether the survivor has been thinking about hurting herself, especially if she seems to hint hopelessness or helplessness or if she says that she is very distressed or if there is a sustained change in her mood or behavior.

### *A survivor who is silent*

- Do not switch off.
- If you are meeting her for the first time:
  - If the survivor is silent, introduce yourself and introduce the service.
  - Give her space to say something.
  - If she still does not speak, repeat the information in different words.
- If she still does not talk:
  - **Reflect**

“You may be finding it difficult to say what you want to. It is difficult to talk to a stranger about what you are feeling, but sometimes it may help.”
  - **Give space, if the silence continues.** You can use the silence by just being with the person. Remember, if you are thinking about her and trying to be with her, your posture and tone of voice will convey that. It will be easier for the survivor to respond.
  - **Highlight the need**

“I know that you are trying to make a decision whether to talk or not. It may be helpful to at least say what you are feeling about that; it may help you to clarify some things.”
  - **Highlight safety and non-judgmental nature of the service**
  - **Re-establish credibility** by talking about how people feel when they are able to use the service and **normalize the experience** of not being able to talk.

“We are a service to help young people who have gone through difficult circumstances in their lives. When I meet young people for the first time, initially there is a degree of

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hesitation in their minds. They have a fear of police. They do not know whether I will be able to understand them or not. They fear that I will act against their interests. What I say to them is, 'I will definitely try to understand your point of view and make sure that no harm will come to you.'

Most people who are able to participate in this kind of an interview, feel reassured that they have been heard. Of course, I do not have a magical wand, and everyone's difficulties are unique to that person.

What I do is that I try to help people express what they have experienced, so that people who have been responsible for exploiting them or harming them can face the course of law."

This is a gist of what to say. It is useful to say it with a lot of pauses and continuously observing any sound that you catch, even the change of breathing, or a change of expression or posture. **It is useful to reflect and use these as entry points for further conversation.** The sounds and changes can be explored and reflected.

- If you are not getting a response after quite some time, try this:

"May be if I ask you questions, it will help you to say to me what you are going through. It is alright if you do not want to speak.

I will ask you a question. You can tap once if the answer is 'yes' and twice if it is 'no'...You can then speak when you feel comfortable."

- If the survivor still does not respond, retry.
- **If the survivor has not responded for a significant time**, you could say:

"May be you are finding it difficult to take a decision right now. Do you want to think about it for some more time?

You have a choice: I could be with you while you think or you may want me to come back later. If you want me to be with you while you make up your mind, you can nod and let me know."

- **Never leave the space without planning the next meeting.** Also, you must discuss with the staff of the care home what happened in the session.
- If the survivor is silent for long periods, she may be going through some situations/issues that are still hurting her at present. You must **consider all survivors who are not talking as being at risk. Make sure the observation and attention levels are high for them.**

### *A survivor who is very angry*

- The survivor can be angry. She may be angry about the organization being too controlling, people not being accessible, not having information about the court case, when she will return home and people giving inconsistent messages to her.
  - **The best way to cope with the survivors' anger is to acknowledge it.** It is important to acknowledge people's feelings. Everyone has a right to feel what they are feeling. You may not agree with their reasons for feeling the way they do, but they have a right to their feelings.
-

“I hear you saying that you are angry with the service.

It will really help me to help you, if you tell me more about what you are feeling and thinking.”

- **Another way to cope with anger is to find a point of agreement with the survivor.**

“Yes, you are right, I should have informed you before arranging to meet you.

I can understand how you may be upset about it.”

- After acknowledging anger and accepting feedback, you could suggest going back to what the issues were before the survivor became angry.
- Do not be angry yourself, do not raise your voice, do not argue, and do not be defensive.
- **If a complaints and grievance procedure is available, you must help the survivor use the process** and feel in control of her own situation.
- Also, a responsible person should **make sure that there is a response to the complaint made by the survivor.**
- **Be careful that you do not end up criticizing your colleagues without understanding the complete issue.** If after understanding the complete issue and hearing all perspectives you do feel that the survivor has been wronged, it is important for you to deal with it.

#### *A survivor who wants a personal relationship with you*

- Sometimes the survivor may start seeing you in a role beyond that of a police officer. She may see you as a parent, fall in love with you or think of you as an aggressor. The survivor projects on to you what belongs to other relationships. This may happen to anyone who interacts with the survivor and seems to be trustworthy. You are one of the few caring and consistent relationships that she has had. It is possible for her to misinterpret this caring behaviour as a personal liking for her. This is called **transference**.
  - **It is important not to start seeing it as real.** You cannot start believing that you have a special relationship with the survivor or some special skill because she likes you.
  - **It is important to talk about this with your team. It is important to redefine your role.** You are a police officer, your role is to help people and investigate the crime. It is unhelpful for the survivor and you to have any other role or relationship. In the event that this happens it is useful for the counsellor to take lead in the interview process.
  - **It is also important to normalize the survivor's experience** by saying that it is not unusual for someone in her situation to feel the way she is feeling and this is more a result of the safety she feels in the relationship, as opposed to a special relationship.
  - If the survivor is unable to accept your role as a professional and challenges the boundaries of the relationship by making a special effort to meet you, trying to be too caring or too close, it is important to **discuss this with your supervisor to address the issue and changing your present role. You should definitely not meet the survivor without a neutral person being present.**
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- The important thing is **not to blame the survivor but to know the boundary of what is not acceptable in your role as a police officer.**
- The temptation to **use this relationship to motivate the survivor to do something for herself may carry a risk of hurting her** unwittingly. She may start having expectations from you which you cannot fulfill.
- **It is important for the officer to be consistent in his or her words and actions.** You cannot say that you have a professional role with the survivor and yet expect the survivor to do things for you that she does not do for others.
- **If the survivor has negative feelings towards you, acknowledge this feeling.** Ask her what it is about your behavior that makes her feel threatened or angry with you.
  - Be watchful of setting off triggers for such behavior by the survivor.
  - Remain consistent in your behavior and within the boundary of your role.
  - Do not feel personally hurt or see it as a reflection of you as a person.
  - Make sure there is no retribution or reprimand of the survivor because you have not been trusted.

*What if you have extremely positive or negative feelings towards a survivor?*

- Your role as a police officer and your knowledge of the boundaries of your role protect you from having extreme positive or negative feelings towards survivors.
  - Sometimes, however, all officers may have to interact with a survivor who can trigger a significant emotional response. This response may be an extreme response like anger, rejection or even compassion or love. This is your response and belongs to your own experiences as a person. You may project on to the survivor what does not belong to her. This is called **counter transference.**
  - It is not for the survivor to deal with these extreme emotions which you have towards her; it is for you to deal with them in your supervision process. It is important that you bring this up in your supervision.
  - If you see your emotions being expressed behaviorally, it is important that rather than impacting the survivor, you withdraw from the case and transfer the investigation to some other officer.
  - However, even if you transfer the case, it is still important to bring up the issue in your supervision process.
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**Lessons:**

You are an aware investigator.

You prepare for the interview to avoid multiple interviews by multiple people. Such preparation would also help in exposing the organized nature of the crime.

You challenge your judgments. You recognize that the survivor is also a person, no different from you, and will be hurt irreversibly by your judgments.

You know and believe that the interview of the survivor is not an interrogation. She has a right to control the process of the interview. You keep her informed about what will happen next and seek her consent for interviewing her.

You are able to set up a survivor friendly interview place at a low cost and with innovation.

You are able to listen to the survivor by using skills like validation, summarizing, normalizing and reflecting. You are able to let the survivor know that you are listening to her.

You ask questions only to seek clarifications. You use helpful questions and do not retraumatize her.

You are able to guide her telling of her story to be able to get a complete picture of the crime of trafficking from recruitment, transit, destination and exploitative phases of her journey. You focus not only on the facts, but also on how she feels about the facts.

You document the content and the process of the interview to convey the full meaning of what she is saying.

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# Survivor in the court

Survivors are the most crucial witnesses for providing evidence in criminal proceedings against the traffickers. Their role is crucial in securing conviction of the offenders.

A safe witness is a credible, valid and reliable witness. An informed witness is a proactive witness because she is not scared of the unknown in the judicial process. A witness who is treated with respect and dignity is more able to challenge the threats and manipulations that come her way.

You as the prosecutor are one of the most significant pillars to ensure this.

This chapter needs to be read together with the first two chapters of this manual to enable you to focus on the principles of interviewing and relating to the survivor of trafficking.

It also needs to be read together with existing legal framework and standard operating protocols for prosecution which are available with UNODC.

This chapter provides you with simple, 'doable' steps to decrease the negative psychological impact of the judicial process on the survivor. It also points towards what is already practiced under Indian case law to achieve physical and psychological safety of the survivor during the testimonial process.

The chapter describes the following:

## I. PRE-TRIAL STAGE

- a. Preparing yourself for the case
- b. Ensuring safety and effective care, support and protection of the survivor
- c. Maintaining contact with the designated NGO and the Victim Support Systems
- d. Preparing the survivor to be a witness
- e. Pre deposition plea for modifications in the testimonial process to make it survivor friendly

## II. DURING THE TRIAL

- a. Principles of survivor friendly court process
- b. Survivor friendly court room process modifications/ Best Practices
- c. Questions which retraumatize or harm the survivor
- d. Questions that help the survivor depose
- e. Using Expert Witness for mental health impact on the survivor

## I. PRE-TRIAL STAGE

### a. Preparing yourself for the case

Do make yourself familiar with facts of process of trafficking, review the law, the case law and legal framework for trafficking.

Review existing material and testimonial evidence that is available. Look at the direction of the evidence and also assess that various evidences are aligned to each other.

Find out if the survivor is available to be a witness for the case. Enquire if she has been told about the court room and the trial process. Try to meet her with her counsellor at a place where she is comfortable and safe.

Inquire if the survivor has received information about the judicial process and her rights. You could inquire about the availability of legal assistance to the survivor. If the survivor/ victim assistance lawyer is available then ensure that you have communication with the victim assistance lawyer at the preparatory stage. When the survivor does not have access to a victim assistance lawyer, try if the same can be arranged with your intervention. It is possible for the victim assistance lawyer to be present in the court. There is precedence in case law when the victim is a child or a woman surviving sexual abuse or violence.

Review immediate further investigative needs in relation to medical and forensic evidence on mental health impact of trafficking on the survivor–investigator’s responsibility and victim choice and consent.

Review the status of the survivor in relation to any disclosed offences she may have committed or violation of the Foreigner’s Act in the case of a foreign victim.

### b. Ensuring safety and effective care, support and protection of the survivor

At this stage, having met the survivor, if you have reason to believe that the witness may be at risk because of the traffickers or because of inadequate care and support, it is essential that you move the requisite authorities responsible for the care, support and protection of the survivor to strengthen the existing interventions for the survivor. If you feel that the present arrangements are completely inadequate, it is important to discuss that with law enforcement agencies, NGO, victim assistance lawyer and care and protection service providers, to ensure that the witness is not brought to any harm.

Sometimes it may happen that the traffickers may be able to form a liaison with the family of the survivor. The family may then approach the child welfare committee or the requisite authority for the survivor to be placed in their custody. Many times it may be that the people purporting to be family members may not actually be family members. At other times it may be that the placement with the family will further the risk of reprisal for the survivor.

It is imperative that a proper home assessment be carried out before making decisions about the placement of the survivor/victim. If the trial is proceeding and such decisions are likely to be taken, you must be informed about any such impending decisions, and try to ensure that the court has deliberated upon the matter with the best interest of the child in mind.

### c. Maintaining contact with the designated NGO and the Victim Support Systems

The law allows for the involvement of accredited NGOs for supporting the survivor and ensuring that their rights are not violated. The NGOs working on the issue of counter trafficking may have access to information about the mental state of the survivor and are also aware of the threats that the survivor may be facing and could help you form a relationship with the survivor. The NGO workers may have been

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able to build a trusting relationship with the survivor. They may be able to help you form your own relationship of trust with the survivor. The observations of the NGO counsellors and caregivers are extremely important and may give you insight into the survivor's fears and predict their ability to be a credible witness.

It is also useful for the survivor to have adequate legal assistance in the form of a victim assistance lawyer, a lawyer who would watch the process from the perspective of the rights of the survivor. Provision for such a lawyer has been sanctioned in many similar cases in the past. The role of the victim assistance lawyer is explained in the following section.

#### **d. Preparing the survivor to be a witness**

Introduce yourself, allow her to choose where she wants to sit, ask her if she wants water or tea.

Find out what she has been told about the meeting with you and what her expectations are.

Inform her about your role.

Advise her about her rights and the process of the court.

Do not assume that she has enough knowledge. She might not know even myths about the court process. She may just be carrying some images of it in her mind from depiction in a film that she may have seen.

You can draw a court room for her or use a model. You may even arrange for a pre trial visit to the court. Explain to her about various people who will be in the room. Let her know their roles. Inform her about the seating arrangement, the role of the judge, the role of the other officers of the court, the defense lawyers, the reason people keep on walking in and out of the court and how to address the court if she wants to.

Reassure her about her safety in the court room and allay all fears that she may have about reprisal.

Share information with her about the usual court process.

- Explain to her how she would arrive at the court premises.
- Where would she wait?
- How much time it may take? How long would she need to wait and how much time it may take on the witness stand? What is likely to cause delays?

Explain to her who all will talk to her. Start with how you will ask for her to be called as a witness and how she will be required to take an oath. That after that you will ask her questions about what she has already told the police. Explain to her how she can refresh her memory regarding what she has said before she comes to the court.

Explain the process of taking oath and the meaning of taking oath.

Explain the flow of questions that you may ask.

Explain that she has to try to answer to the best of knowledge and memory what she knows to be the truth. There is no right or wrong. She can ask for the question to be repeated if she has not understood it and she can ask the assistance of her counsellor to understand the question better. If she feels upset by the question she can take time. If she feels repeatedly upset about the questions being asked she can let her lawyer or counsellor know.

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Explain the process of cross-examination. Explain how the cross-examination may be done by different lawyers as there may be different accused. Reassure her that you will intervene if the cross-examination is hurtful or humiliating to her. She can indicate how she is feeling through her counsellor or any other supporting person who may be appointed by the court to help her during the court process and may be allowed to accompany her to the witness stand.

A similar concept is that of the Guardian ad litem – an international concept wherein the court appoints a person to watch for the rights of the survivor. There is no precedence of such a provision being allowed by the Indian courts. A supporting person was allowed to be with a child survivor of sexual abuse by The Delhi High Court in *Sheeba Abidi vs. State of Delhi* and another. The supporting person used in this case was the child's grandmother.

#### e. Pre deposition plea for modifications in the testimonial process to make it survivor friendly

Ask the survivor which parts of the court process may cause distress to her. Also consult her counsellor as to which court process modification may benefit her the most. Share with her the modifications in the court process that can be asked for from the court, given the precedence in matters relating to survivors of violence or abuse.

It is important to move the court early for the court process modifications that you want to request for. Though case law supports the court process modifications as a way of protecting the interests of the survivor, it is still important to lay down the rationale for such a process. Such laying down of a rationale before the survivor deposes is helpful, as then the court is better informed about her mental state, and has a lower threshold of tolerance for questions asked and situations created by the alleged offenders and their representative. The risk of the survivor being retraumatized is thus decreased.

## II. DURING THE TRIAL

- a. Principles of survivor friendly court process
- b. Survivor friendly court room process modifications / Best Practices
- c. Questions which re-traumatize or harm the survivor
- d. Questions that help the survivor depose
- e. Using Expert Witness for mental health impact on the survivor

#### a. Principles of survivor friendly court process

This section is based on ***Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power***, the text of which had been approved by consensus by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the ***Guide for Practitioners Regarding the Implementation of the Declaration*** which was prepared to promote the implementation of these principles. The Declaration defines the notion of victim of crime and abuse of power and specifies victims' rights of access to justice and fair treatment, restitution, compensation and assistance. The suggestions made in the following sections are derived from the Declaration of Basic Principles.

It is your role as the prosecutor to ensure a fair and survivor friendly trial. A survivor friendly trial is based on the following principles:

- A trial where there is no undue delay
  - Ensuring privacy and dignity
  - Ensuring timeliness
  - Ensuring prevention of retraumatization
  - Ensuring safe custody
  - Ensuring reparation
  - Ensuring early and safe repatriation
  - Ensuring permanency plans for the survivor
  - Ensuring a fair trial for the trafficker/offender
-



### *A trial where the witness and records are required to be in different courts*

If the process of trafficking has more than one accused and if the survivor is a witness for prosecution, in all these cases there is a need for the court to collaborate, so that the process of giving evidence is not repetitive and unduly delayed. Sometimes it happens that one of the offenders may be a child in conflict with law, the different jurisdiction of the courts sometimes may lead to difficulties in coordination between the two courts. This leads to delays and retraumatization of the survivor. The Investigative Officer could also ensure that there are three copies of the case diary, so that the diary is available to the different courts at the same time. This might help especially if there is concurrent trial of different accused in different courts for example if there is a child who has been accused of trafficking and inquiries being held under Juvenile Justice Act.

### *Ensuring privacy and dignity*

The court must ensure privacy and dignity of the survivor. Privacy must be ensured by in-camera trial, witness anonymity and other methods which decrease the chances of the witness being identified. It is important that the rule is enforced regarding no access of media to the survivor or even court room processes where the survivor's identity is revealed. A court must be requested not to entertain aspersions regarding the survivors' character as a way of justifying the actions of traffickers.

### *Ensuring timeliness*

There is a need to ensure speedy delivery of justice. Formation of fast track courts, exclusive courts, and exclusive days in a week scheduled by regular courts are some examples of mechanisms that might help. There is also a need to ensure that the deposition of the survivor is not delayed on various pretexts that may lead to awarding of dates. If the court process is hampering the rehabilitation of the survivor or the repatriation of the survivor, then it is useful to request the court for permission to interview the survivor as a witness over video conference.

### *Ensuring prevention of re-traumatization*

You need to be aware of the phenomenon of re-traumatization. When the survivors have experienced trauma during the trafficking, any trigger that reminds them of the trauma, makes them relive the experiences of trauma or makes them feel the same helplessness that they experienced during exploitation can be seen as retraumatizing. It is also important to inform the court about the phenomenon of retraumatization and provide a list of measures which will prevent it. Insensitive cross-examination is the most retraumatizing experience for the survivor. You must be able to predict the direction of the questioning and preempt questions which may harm the survivors.

### *Ensuring safe custody*

You have to ensure safe custody of the survivor by urging the court to consider placing the survivor under a Witness Protection Program, wherein custody of the survivor must be with an informed NGO while arrangements for permanent placement are being made. The court needs to be made aware of the instances where traffickers have influenced family members and obtained custody of the survivor.

### *Ensuring reparation*

You have to ensure that the survivor gets her entitlements for compensation both from the state and from the traffickers. The survivor must be encouraged by her victim assistance lawyer to also consider pursuing the civil compensation in parallel. While arriving at an appropriate compensation for the survivor it is helpful to request the court to consider the level of disability that the survivor may be suffering due to mental health problems, and not just the physical injury. The survivor might also have lost her valuables, savings or earnings during the process of the rescue. She might have been cheated of her possessions. These need to be added to her rightful compensation.

This is enshrined in the ***Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:***

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Principle 8: Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependents. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.

### *Ensuring early and safe repatriation*

The Child Welfare Committee or any other designated authority should order a home enquiry to enable the repatriation process for the survivor. This is required under the Juvenile Justice Act. When the home assessment has been done and it is possible to repatriate the survivor, it is important not to delay the process because of the testimony that the survivor has to give. The court should be requested to accept the testimony through the video link, rather than delaying the survivor's repatriation. It is useful to look into the repatriation process and find out if an appropriate link has been made with a local NGO. The travel details and plans of the survivor need to be kept confidential. It is imperative that the local NGO supports the survivor when she goes back to her family and community. The local NGO must also be guided about further legal assistance for survivor regarding her citizenship and pending civil compensation.

### *Ensuring permanency plans for the survivor*

You could help the court become aware of the survivor's long term best interest. Though the primary responsibility of developing the care and protection plan should be that of the child welfare committee, (in case of children) and the assigned NGO (in case of adults) the trial process could also guide and direct the care and protection processes to seek permanent solutions in terms of livelihood, shelter and independent living. This is especially important if lack of such a plan is likely to lead to the survivor not being able to participate in the judicial process due to fear and worry regarding her future. Such a direction from the court helps the care and protection processes to look beyond the stereotyped and tokenistic rehabilitation efforts and chart out plans that offer permanence for the survivor. You could be the catalyst for such a direction by the court.

### *Ensuring a fair trial for the trafficker/offender*

While it is important to protect the rights of the survivor, it is essential that you advocate a process that protects the rights of the alleged traffickers. For the cause of counter trafficking to be achieved it is important that the traffickers cannot question the fairness of their trial. However, a fair trial need not be a trial that overlooks the interests and the rights of the survivor. Remember, your task is to present the evidence for justiceable offences and you do not have to conduct a vendetta. The reason you are requesting the court process to be survivor friendly is not to leave the survivor defenseless; it is to enable the survivor to be treated fairly.

The court has to consider the evidence in its entirety and then decide the verdict. You are ensuring that there is no obstruction to the justice by the alleged offenders, their representatives or the court processes. You are also ensuring that the witness is protected and feels protected, as is the right of every witness. You are not undermining the rights of the alleged offenders by doing so.

### **b. Survivor friendly Court Process Modifications/ Best Practices**

As the court room processes may trigger traumatic memories of the survivors and thus decrease their ability to give evidence, it is important to modify the court room processes to decrease the risk of such retraumatization. Court room and judicial process modifications have been well defined in international conventions on victim assistance and witness protection. In India the two judgements that have allowed (with reference to children) some of the court room modifications are: Sakshi vs. Union of India AIR 2004 SC 3566; Sheba Abidi vs. State of Delhi and another 113 (2004) DLT 125.

The following is a list of court room and judicial process that are likely to help the survivor. However, it will be important to assess which modifications will help a particular individual. It will then be your duty as the prosecutor to provide the rationale for the modification and seek the modification from the relevant court.

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Some of these suggestions are made in line with the ***Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power***, which is interpreted as follows:

The duty to treat victims of crime “with compassion and respect for their dignity” (Principle 4 of the Declaration of Basic Principles) is particularly relevant in the context of the questioning of victims, whether the questioning is carried out by the police, a prosecutor or a judge in court. To give evidence in court may be a particularly intimidating experience, especially if the victim has had no earlier contact with the criminal justice system. Specific assistance for victims may be helpful “to ensure that the victim feels that he or she has been able to participate properly and that the court has the best evidence before it”. Special assistance to victims who have to testify in court may be of particular value to victims of rape and child abuse. The use of trained counsellors, video-taped evidence or direct video links may be helpful in this respect, as may legal aid to victims, so that they can have their own legal adviser. This is particularly important, *inter alia*, when the victim’s civil claim is heard at the same time as the criminal prosecution.

Wherever possible and needed it is necessary to seek the following modifications:

- Changing the Court Room Arrangement
- Witness Anonymity or Concealment
- In-camera trial
- Live witness in court with an opaque screen to protect the survivor
- Separate Waiting Areas for the survivors
- Close Circuit Television
- Allowing a support worker or a trusted adult to be present with the survivor
- Routing the question through the judge
- Routing the question through a mental health professional
- Video conferencing

#### ***Changing the Court Room Arrangement***

The usual stage like arrangement in a court room with the honorable judge being on one side of the room and normally being separated from client through a high table and with contesting parties on the opposite sides of the room can be a traumatizing experience for any survivor of trafficking. The noise, the smell and the lack of air could all be triggers for the survivor for reliving the exploitative experiences. This coupled with the rush of people in the court, with its long lists of continuous hearings, can be frightening for most survivors.

A request for change of venue of hearing may help. The judge may agree to hold the hearing in his/her chambers or a small conference room or even move the court hearing to a day when no other business is transacted.

In such a situation it is best to look for two adjacent rooms. The survivor and her assisting team can be in one room and this room may be connected to the other through means like a one way mirror, a window with a curtain or even technology like a close circuit television. The room where the survivor has to sit should be set up like any small meeting room with a few chairs and a centre table and should have enough light and ventilation.

#### ***Witness Anonymity or Concealment***

It is possible to document and proceed with the witness testimony without the name of the witness being revealed in the open court. The witness anonymity is difficult to maintain if the other processes are not modified.

**Case Law:** The Supreme Court has held that it is important to maintain the anonymity of the victim. However, this law is yet to be developed fully. The UNODC toolkit to combat trafficking in persons alludes to the possibility of using witness concealment as one of the strategies for protecting the survivor of trafficking who is a witness.

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### *In-camera trial*

The court room can be cleared of all the people not directly connected with the case. At times this can be threatening for the survivor. As the number of offenders is likely to be more than one and the lawyers representing them are also present, it is possible that the survivor may become isolated in such a situation. The benefits of In-camera trial have to be enhanced by asking for other support processes.

**Case Law:** In camera trial has been allowed in many anti-trafficking cases and also in cases where the victim has faced sexual violence.

### *Live witness in court with an opaque screen to protect the survivor from the interaction with the offenders and their representative*

This is a cheap and easy method where the survivor has no direct eye to eye contact with the defendant. However, the defendant's legal representative and the judge may not be able to see the emotional responses of the survivor and thus may argue that they have been treated unfairly as they did not have that input in their line of cross-examination. The survivor too may not feel secure enough as she may yet have to share the waiting space, entry and exit points to the court with the traffickers and their agents after the hearing is over. Though such provisions have been made only for children in the Sakshi judgment, it could be argued that survivors of trafficking are similarly vulnerable and thus should be allowed similar modifications.

### *Separate Waiting Area for the survivors*

Though difficult to organize given the infrastructure of the courts in India, it may be possible to cordon off an area in the existing waiting room to allow the survivor a safe place in which she can wait. Such a safe place could also be a temporary structure. The survivor could also wait in the vehicle that has brought her to the court together with her NGO escort.

### *Close Circuit Television*

Close circuit television is also an easy method to use. The cost of the equipment is low and the technology is fairly simple to handle and set up. The close circuit camera can be set up in a separate room in the court premises. A cordless microphone can be used to make the questions audible to the survivor and the replies audible to the court room.

### *Allowing a support worker or a trusted adult to be present with the survivor*

The survivor finds it useful to have a trusted adult alongside her during the trial. It decreases the chances of her being threatened or coerced. The survivor may also use the trusted adult to communicate with the court. In *Shiba Abidi Vs. Govt. Of India* and another the trial court allowed the child's grandmother to be present with the child during the examination of the child. The court may appoint the trusted adult as the commissioner of the court to interface between the court and the survivor. This strategy was used by the Supreme Court when it appointed a commission to interview the child in Baroda to rule out the possibility of sexual abuse as the child could not come to the court.

### *Routing the question through the judge*

The judge may choose to support the counsellor by routing all communication with the survivor through himself/herself. This allows the judge to screen questions which may be traumatizing and paraphrase the questions that may be difficult for the survivor. More than the actual support that such a routing of questions may provide, it is the message of fairness to survivor and her protection that it sends to the people in the court, which is more significant.

### *Routing all questions to the survivor through a mental health professional who is trained to talk and interview the survivors recovering from trauma*

This may be necessary, especially if the survivor shows symptoms of post traumatic stress disorder or if the survivor is a child.

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This is another strategy that can be used by the judge. The mental health professional can again be seen as *amicus curiae* or the commissioner of the court. It is international best practice that such an interview with a mental health professional may be recorded and used as evidence, rather than using live interview in the court as evidence.

### **Video conferencing**

As video conferencing equipment and access to it become cheaper it may be possible for the survivor to participate in the court process from wherever she is based. This conference could be between two locations in the same city or even different cities or countries. It may be possible to conceal the identity of the survivor at the time of the video conferencing by digitizing and also by using voice concealment methods. Technical experts may be required to be present to initiate and sustain a video link. The need to inform the survivor about the process remains even if such technology is used.

Good practice would require the court to advise the survivor about her right, take consent for the use of cameras and protect the information that is recorded.

Technology contributes to ensuring dignity and privacy of the survivor and preventing her re-traumatization. The prosecutor and the judge need to make an effort to ensure that the trial is substantively equal for the survivor. This can be done through by being sensitive to the impact of the process of being a witness on the survivor.

### **Cases where innovative methods of recording evidence have been laid down**

#### **Sakshi v. Union of India** *Citation- AIR 2004 SC 3566*

Held- a) Provisions of sub-section (2) of Sec. 327 Cr.P.C. would in addition to offences mentioned in the sub-section, would also apply in inquiry or trial of offences under Sections 354 and 377 IPC.

b) Direction given as to make arrangements for a screen in holding trial of child sex abuse or rape, questions put in cross-examinations on behalf of accused to be given in writing to the presiding officer, who may present it to victim and victim to be given sufficient breaks during the trials.

#### **State of Maharashtra v. Dr. Praful B. Desai** *Citation- 2003 (4) SCC 601*

Held- Recording of evidence by way of video conferencing vis-à-vis Sec 273 Cr.P.C. has been held to be permissible.

#### **State of Punjab v. Gurmit Singh** *Citation- 1996 (2) SCC 384*

Held- Trial of rape cases to be held in camera and trial to be conducted by lady judges wherever available, so that prosecutrix can make statement with greater ease.

#### **Amitabh Bagchi v. Ena Bagchi** *Citation- AIR 2005 Cal 11*

Held- Recording evidence by way of video-conferencing allowed in the matrimonial dispute case where both husband and wife reside outside the country.

#### **Sheeba Abidi v. State & Anr.**

Held- Where Court on facts and circumstances do not want the witness to personally attend the Court and answer, video conferencing can be used. In this case witness is a child who has been sexually exploited.

#### **M/s Alcatel India Ltd. & Anr. v. M/s Koshika Telecom Ltd. & Ors.**

*Citation- 2004 CLC 1582*

Held- Video conferencing can be used in the cases where the witness is unable to attend the Court due to his health. In this case witness was suffering from severe asthma.

**Kalyan Chandra Sarkar v. Rajesh Ranjan alias Pappu Yadav***Citation- 2005 CrLJ 1441(SC)*

Held- Video Conferencing allowed in cases where situation so warrants.

In this case Supreme Court ordered that the accused may be shifted to a jail outside Bihar and the trial in Patna might be held through video-conferencing

Other cases that may be of interest-

**Talab Haji Hussain***Citation- AIR 1958 SC 376*

Held- Evidence can be recorded in absence of the accused if he himself renders a fair trial impossible.

However the accused can reclaim his right to be present at the trial on his expression of bonafide willingness to behave properly as held in Ananta Singh's case (1972 CrLJ 1327)

**c. Questions which re-traumatize or harm the survivor**

- Questions which reinforce labeling and stereotypes
- Questions which imply consent
- Questions which argue with the survivor
- Questions which force the survivor to provide details of sexual violation
- Questions which entail a veiled threat

**Questions which reinforce labeling and stereotypes**

The oldest trick that is used by the cross-examination to devalue the statement of the survivor is to question the character of the survivor. The defense lawyer may ask the survivor questions about her lifestyle, personal choices, behavior and her sexual experiences to ensure that the survivor is demoralized. It is important to remember that through the amendment of the Indian Evidence Act this is not allowed. If the cross-examination is seen to level allegations about the character of the survivor it should be challenged. The implication that the survivor provoked the behavior of the traffickers is not sound in law. It is almost as if the legal expert defending the traffickers knows what will be re-traumatizing for the survivor and asks her those questions repeatedly.

Such a line of questioning needs to be challenged as often as it is used. Each time the question is raised its relevance and appropriateness needs to be challenged. Each time the question is struck down or allowed the trusted adult accompanying the survivor needs to be able to reassure the survivor that such a line of questioning is a strategy to make her anxious, it is not about her.

The court has no need to know about her personal choices or about her sexual experiences. The trusted adult, the court and the victim assistance lawyer must validate her anger regarding the questions making allegations about her character. A survivor needs to hear that such tactics will not be tolerated by the court.

If the court allows such a line of questioning then the victim assistance lawyer needs to step in and inform the court that the rights of her client are being compromised and needs to take the requisite legal options available to her client to protect her from such an onslaught. Precedence exists for the victim assistance lawyer approaching the higher court to restrain such a line of questioning.

**Questions which imply consent**

Some questions are raised by the defense lawyer to try to prove that the survivor had consented to being recruited into the process of 'sex work'. Such questions lead the survivor to say that she had agreed to go to the destination and she had traveled of her own accord. The challenge to such a cross-examination is to help the survivor narrate the lure or deception during the process of recruitment. You

can also reinforce the exploitative nature of the 'work' for which the consent was given. Remind the court that the consent was sought on false pretexts.

#### *Questions which argue with the survivor*

Questions can sometimes be asked in a manner which challenge the veracity of the facts told by the survivor and enter into an argument with the survivor regarding the facts. The objective of the questioning is not to challenge the facts, but to decrease the credibility of the witness. The intention is to create errors and inconsistencies in the statement of the survivor.

A traumatized survivor may tend to change her statement as she recognizes that there is no need to fear the judicial process or she may remember the details as her experiences as the judicial process proceeds. It is important to inform the court that this is an expected response from someone who has experienced the negative psychological impact of trafficking.

The survivor also needs to be helped by reassuring her following the cross-examination and she may be brought back as a witness to help her reaffirm what she had said in the first place or clarify what she meant by what she said during the cross-examination. Another way of supporting the statement might be to introduce an expert witness who gives her views about the mental health of the survivor and normalizes the inconsistencies, without decreasing the credibility of the statement. However, it is important to introduce the expert witness before the survivors' testimony, so that it does not seem like an afterthought.

#### *Questions which force the survivor to provide details of sexual violation*

Sometimes survivors are asked questions in the open court to narrate the details of sexual violation. The hidden motive is to embarrass the witness and silence her. The overt motive is to point out inconsistencies in her statement.

A sensitive court sees through the ploy and disallows such questioning. For the allegation of violation and exploitation to be proved or discarded the survivor may be open to questioning about these experiences. However, such questioning has to respect the dignity of the survivor. The questioning cannot be repetitive; the questioning cannot blame the survivor for her experience and the questioning cannot use colloquial expressions about sexual acts. Once the nature of the act, the force and threat used have been explained by the survivor there is no need to ask the survivor for details. The details of sexual acts that do not establish or refute the crime need not be asked for in the evidence. The defense needs to be challenged if it is based on inconsistency in the detail of the events which happened while the survivor was traumatized and threatened with her life.

#### *Questions which entail a veiled threat*

The questions asked by the alleged offenders' representatives may carry veiled threats. For example, questions about the family of the survivor and whether they know about the fact that the survivor was involved in sexual activity for money. How would the family members respond if they knew about survivor's involvement in prostitution? The survivor may perceive these questions as a veiled threat to inform her family. She may immediately clam up after such questions. The relevance of these questions needs to be challenged.

#### **d. Questions which help the survivor depose**

- Some methods of asking questions have been described in the chapter on interviewing the survivor. It may help you to read that chapter as well.
  - It is useful to ask questions in a simple language and in short sentences.
  - It is also useful to start with Open questions and then move to Specific questions (see descriptions of Open and Specific questions in the Chapter on evidentiary interview).
-

- Show that you are listening when the survivor is answering the questions as it increases her confidence.
- Do not ask multiple questions in one go. For example,  
"The day you traveled from Kathmandu, how did you come to Delhi? Who was with you? What did he say to you?"

The survivor will only answer the last question.

- It is helpful not to ask multiple choice questions.
- Do not ask questions that suggest the answer in the question.
- Do not ask questions which require the survivor to analyse the information that she may have about the event. For example,  
"That night when Police came to rescue you, who was frightened the most out of all the girls that were present?"

This question requires the survivor to remember the events of the night when she was rescued, then remember who all were there, then remember who all were frightened and then analyse who was frightened the most. She is not likely to answer this question accurately.

- **Downward Arrow Questions:** Downward Arrow questions are used by psychologists to help understand the impact of the traumatic event on the survivor. If used sensitively they may be a useful method for bringing out the impact of the traumatic event for the benefit of the judicial process.

You: I am going to ask you to help me reconstruct what happened with you every night.

Please stop me if it is distressing for you to answer any question that I ask.

What do you remember about the events that happened every night?

She: I had to sit with guests every night.

You: How many guests did you have to sit with?

She: About twenty... twenty two.

You: How did you feel when you had to sit with the guests?

She: I felt bad.

You: What was it about sitting with the guests that made you feel bad?

She: They asked me to do things I did not want to do.

You: What was the most difficult thing that they asked you to do?

She: They burnt me with a cigarette.

You: That must have been really painful. (Pause) How often did such things happen?

She: Every Night.

You: Could you share with the court in what other ways were you harmed?

The gradual nature of the questions and using the same vocabulary as the survivor allows you to sensitively help the survivor narrate to the court the trauma she experienced. If, however, you were to ask the same question in one go without being aware of the fact that the survivor may be traumatized, it may lead to her not responding to your questions.

**Cued questions:** When survivor is traumatized and finds it difficult to recount her experiences she can be asked questions which are preceded by description of time or events which occurred around the same time. This can be a cue to her memory and may enable her to recall the events.

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For example

You: I am going to ask you questions about the time when you first came to Delhi. I would like you to tell me about what used to happen around the time of Dussera in your village.

She: Many people came back to the village to celebrate.

You: So what happened on the Dussera before you came to Delhi?

She: My mausi was visiting. She always used to wear a lot of gold. She told my mother that if my family wanted to become well off, she could find a job for me in Delhi.

An example of how *not* to explore traumatic events:

You: Tell us more about what you had to do with the customers?  
(Pause. No Answer)

You: Were you forced to have sex with them?

She: (Pause) (Inaudible) yes... (Pause)

You: Say it loudly. (No Answer)

You: How many times did this happen?  
(Pause. No Answer.)

#### f. Using Expert Witness for Mental Health Impacts on the Survivor

Just as it is important to document any physical injuries to the person and use that as evidence against the traffickers, it is also important to document the impact on mental health of the survivors, and bring in that evidence to allow the court to have a complete picture of the impact of trafficking on the survivor.

As described in the first chapter, the mental health impact of trafficking and sexual exploitation on the survivor is significant and causes similar and at times more disability than the physical injury that they may have faced. By giving information to the court on the mental state of the survivor, the expert witness can comment on the level of permanent disability caused by such an exploitative process. The elements of coercion in the process of recruitment can also be confirmed by the expert witness on the mental health of the survivor.

The expert witness can also be used to give the rationale for court process modification and identify what may be retraumatizing for the survivor. The expert may also be used to corroborate the survivor's statement as being the account given to them during the therapeutic process. The expert witness can also inform the court of specific measures to be taken in the testimonial process, if the survivor is a child.

#### A Checklist for Using Expert Witness for Mental Health of the Survivor

- Did the expert have access to all relevant facts?
  - How much confidence can be placed in the facts underlying the expert's statement?
  - Does the expert have the experience and understanding of the important clinical and scientific principles of trauma in the context of trafficking?
  - Are the principles reviewed by the peers?
  - Did the expert employ appropriate methods of assessment?
  - Are experiences and conclusions defensible?
  - Is the expert objective?
-

## LESSONS

### **You are an aware prosecutor.**

You are aware because you know the law but you are also aware because you can use that law to protect the victim/survivor from re-visiting her trauma.

By doing this you are ensuring this person's faith not only in the judicial process, but you are also helping her experience a sense of equality and control that she has never experienced.

To have the opportunity to do so helps you fulfill the objective of being a prosecutor.

You may have had to let go of many goals that other advocates pursue, but if you ensure the dignity and rights of a young person who has been so traumatized, you have not done that in vain. Each survivor who benefits from your being an aware prosecutor helps you achieve your goals as a prosecutor.

### **As an aware prosecutor:**

- You prepare for the case by reviewing the evidence, meeting the survivor, explaining to her the court process and helping her by asking for a victim assistance lawyer.
  - You know that sometimes the survivors are threatened and coerced into changing their stance and they need protection from the traffickers and their representatives. Such protection requires you to work closely with the NGO responsible for the safety and well being of the survivor.
  - You know that sometimes the traffickers have access to the survivor's family and the court may need to be advised that the child should not be released precipitously into the custody of any adult who claims to be her family. The court or the child welfare committee should wait for the home investigation report before deciding the future placement for the child.
  - You will ensure that the survivor is not criminalized for disclosed crimes that she may have committed while under threat, manipulation or coercion during her exploitation by the traffickers.
  - You know what could be retraumatizing for the survivor and seek court room and judicial process modifications to ensure that the process is a survivor friendly process.
  - You look out for methods and strategies that the defense may use to increase the distress and anxiety of the survivor during the cross-examination.
  - You ensure that the court also decides for compensation to the survivor to ensure permanence for their future.
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# Tools for Aware Counter Trafficking Professional

You are the law enforcement officer or an officer of the court. You are likely to come in contact with many counter trafficking professionals from a multidisciplinary background. You may be working with NGO social workers or counsellors. You may be working with health professionals. You may be working with finance experts. You may find that you need some methods to help them become more *aware* professionals. Sometimes counter trafficking professionals other than those from your own profession may need your support in being able to take their work forward. Sometimes the highly stressful nature of your work may affect the way you feel and think.

This chapter has two sections.

**Section I** offers you some tools which you can use to help other professionals become aware professionals.

- Tool 1: SURVIVOR'S NEGATIVE THOUGHTS
- Tool 2: HOW CAN YOU FORM A RELATIONSHIP WITH OTHER COUNTER TRAFFICKING PROFESSIONALS?
- Tool 3: A NOTE TO PARTNER NGOS: HOW CAN AN NGO HELP IN INVESTIGATION AND TRIAL?
- Tool 4: MENTAL HEALTH PROFESSIONAL AS AN EXPERT WITNESS
- Tool 5: TIPS FOR HEALTH PROFESSIONALS EXAMINING VICTIMS / SURVIVORS OF TRAFFICKING

**Section II** outlines some tools that are useful for people working in the stressful environment of counter trafficking, so that they can look after themselves.

- Tool 6: ACCEPT
- Tool 7: UNDERSTANDING SYSTEMIC PROBLEMS AT WORK AND CHANGING YOUR RESPONSE TO THEM
- Tool 8: AN ACTION PLAN FOR BEING AN AWARE PROFESSIONAL

## SECTION I

### Tools which you can use to increase the awareness of professionals from other disciplines

#### Tool 1: Survivor's Negative Thoughts

**This tool is useful for any professional coming in contact with a survivor of trafficking.**

Survivors have many traumatic experiences and these lead them to have **permanent negative thoughts**. These thoughts are the windows through which they look at all their experiences and relationships. The survivors usually have the following negative thoughts:

- Self-blame and Guilt
- Identification with the Aggressor
- Unfairness
- Mistrust
- Helplessness and Hopelessness
- Risk taking
- Anger

#### Self-blame and Guilt

Survivors may develop thoughts that they were responsible for their abuse. They look for evidence in their behavior to prove this to themselves. These are the examples of thoughts that they may have.

- I could not save myself.
- I have no right to live.
- I must have asked for it.

#### Identification with the Aggressor

To be able to live through such traumatic experiences, the survivors may even start thinking like the aggressor. They start believing that whatever the aggressor is doing is to help them and fulfill their interest. Their thoughts may include:

- Even though he hurts me, he protects me from the police.
- He is the only one who is concerned about my welfare. He has a right to be angry with me some times.
- There is a reason for his anger.

#### Unfairness

Most of us want to believe that life is fair and that we should be treated fairly. The survivors have innumerable experiences of being abused and treated unfairly and they start believing:

- I do not have any rights.
- Life is unfair.

#### Mistrust

The survivors have two contradictory permanent negative thoughts about trust: one leads to difficulty in trusting and the other leads to trusting too easily.

- If I trust, I will be hurt.
- If I do not trust then I will not be liked.

#### Helplessness and Hopelessness

The survivors have been traumatized and they may believe that their situation is too difficult and nothing can help them. They may develop the following thoughts:

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- Nothing is in my control. I give up.
- What is the future?
- I have such silly problems. They do not matter at all.

### Risk taking

Survivors may start believing that they are invincible, that nothing or nobody can harm them any more. They may not recognize the risks they may face nor have fear of any consequences e.g., using harmful and addictive substances or practicing unsafe sex, without any precautions.

Their thoughts may be:

- If this has happened, anything can happen.
- I have to survive today.
- It does not matter what will happen tomorrow.
- Who can foresee tomorrow?

### Anger

The survivors may have thoughts which make them angry:

- Why me?
- Nobody helped me. I will not help anyone.
- I must have done something wrong to be hurt and punished like this.

These permanent negative thoughts are based in reality. These have developed due to the survivor being abused, exploited and traumatized. However, if these thoughts come back to her in situations that may not harm her and in relationships that are not exploitative, the survivor may not be able to use the opportunities which she is receiving now. Her mistrust may come in the way of accessing resources.

These thoughts are understandable and justified, yet they can be unhelpful and increase the pain of the survivor when they become rules by which the survivor lives her life.

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## Tool 2: How can you form a relationship with other counter trafficking professionals?

This tool is meant for the law enforcement team to take an initiative to form a multidisciplinary resource group of counter trafficking professionals.

It is important for the law enforcement officers and prosecutors involved in counter trafficking operations to seek collaboration with counter trafficking professionals from other disciplines such as NGOs, child care and protection, mental health, health and forensic science.

Such a multidisciplinary group can help make your response (law enforcement response) to be a rights based response and ensure that the survivor gets a seamless service from the people working with her. These professionals can be a source of information to initiate a proactive investigation process. They can also be a resource for ensuring the safety and well being of the survivor.

You can take the following steps to form a relationship with other counter trafficking professionals.

- Identification of potential partners in various geographical areas. Remember different disciplines may have different strengths and may have different skills. Some may be able to help you with information regarding trafficking and others may be able to support the survivor through counselling. Try to include as many professionals from various disciplines which are relevant to your counter-trafficking work.
  - Visit the partners, see their work and understand their perspective about trafficking. If they are unaware about the issue of trafficking, sensitize them by providing information.
  - Work in collaboration with them on issues like raising awareness in the community.
  - Establish a multi-disciplinary coordination group or a task force which meets regularly.
  - Organize joint training programs involving professionals from law enforcement agencies, NGOs, prosecution and health and forensic experts. Such a common forum will help different professionals learn each other's strengths and ways of thinking.
  - Jointly develop common strategies and procedures for rescue, investigation and survivor friendly trials.
  - Arrive at a memorandum of understanding between the organizations represented in the coordination group or a similar body, which spells out in detail the roles and functions of all professionals at different stages of the proceedings.
  - The ability of non-governmental organizations to understand the work of the judiciary and to cooperate improves when they participate in such a collaborative process. The ability of the law enforcement and legal professionals to understand the survivor and think from her point of view is also strengthened.
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**Tool 3: A note to partner NGOs: How can an NGO help in investigation and trial?**

This tool will help you enlist the help of NGOs in the investigative process.

*It is a format for a note that your department can write to potential NGO partners seeking their support and outlining their role in partnership with law enforcement agencies for ensuring the safety and well-being of the survivors.*

Thank you for being our partner in the counter trafficking operations. We value your support, abilities and look forward to putting an end to human trafficking with your help. This note outlines the ways in which our partner NGOs can help us. We are open to any suggestions from you regarding any other support you can offer us.

We feel it is important for the partner NGO be involved early on in the investigation process. We are committed to involving the NGO at the time of rescue of the survivors. As law enforcement professionals we value the help provided to us by the NGOs.

The partner NGO can help us understand the changing nature of trafficking at the local level and help us with information regarding instances of exploitation and trafficking when they hear about them.

The partner NGO can help us in forming a relationship of trust with the survivor. The NGO has means and credibility to listen to the survivor, validate her experiences and ensure that she is safe.

The NGO can ensure that a rights based process is followed during the rescue. The NGO can inform the survivor about her rights, what is going to happen next and provide for her immediate needs. The NGOs can also provide for the basic needs of the survivors at the time of rescue by developing an overnight bag to provide the survivors resources for personal hygiene.

The NGO partner may be helpful in identifying victims and in guiding the law enforcement officers about initial assessment of the survivors' age in borderline cases.

The NGO partners can be useful in helping the survivor reflect on the need to be a witness to provide reliable evidence against the alleged offenders. They can help the survivor while she is participating in the investigation and during her appearance in the court. The partner NGO can do this by decreasing the survivor's anxiety and ensuring that she is not retraumatized.

At times the partner NGO could help in communication with the survivor during the evidentiary interview process. This can be extremely helpful if the survivor is finding it difficult to communicate because of her anxiety, anger or identification with the exploiters.

The NGO can also help in communication with the survivor using media like art and play with children if it has access to services of mental health experts.

The NGO partner may be able to provide trusted adults to escort the survivor to the court and be with her during the court appearance.

The NGO partner may be able to organize legal counselling for the survivor. They may also be able to help protect the survivor's rights in the court by appointing a victim assistance lawyer.

The victim assistance lawyer may be able to request the court for modification of the court process to ensure that there is no re-traumatization of the survivor.

The NGO partner may also be able to ensure that the survivor does not give in to pressure of threat of reprisal by the traffickers.

The NGO partners decrease the risk of re-trafficking by helping the survivor learn skills and apply them in developing sustainable livelihoods for herself.

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## Tool 4: Mental health professional as an expert witness

This tool will help you enlist the help of mental health professionals as an expert witness.

The mental health professional should be called as an expert witness in three circumstances:

- To provide substantive inputs on the nature of mental health impact on the survivor and the level of disability it may cause
- The expert may also be used to provide inputs in the modifications of the court process, so as to make it survivor friendly and avoid retraumatization of the survivor
- To rehabilitate the survivor's evidence by explaining the causes for inconsistencies and commenting on the issues of consent

### A note to the Mental Health Expert Witness:

Thank you for helping us in supporting the survivors of trafficking. Your expert opinion regarding the survivor you have assessed or provided support to will help the survivor in the court and also help the court understand the survivor better.

It will help the court to know who you are and what expertise you have in understanding the survivors of trafficking. The court will want to know how often you have met the survivor and what other information you have about the survivor.

### The court may like to know from you:

- What trauma was faced by the survivor as narrated to you?
- Who traumatized her?
- What is the impact of this trauma on her mind?
- Does she suffer from any psychiatric disorder or any irreversible change to her personality or a disability as a result of the experience of trafficking?
- What is the support that the survivor is likely to need to return to independent living in the mainstream community?
- What is it which the survivor is likely to find difficult in the court process?
- What modifications can be made in the court process to help the survivor not experience trauma during the court process?
- Can there be a difference in the way she relates to the investigating process or the judicial process due to her experiences? Is it likely that her recall of events may change over time? Does she understand the questions being put to her?

### To be able to contribute to the court process in a valuable manner it will be helpful if you look at following checklist:

- Did you have access to all relevant facts?
  - Do the clinical and scientific principles support the facts underlying your statement?
  - Do you have relevant experience and understanding of mental health impact on survivors of trafficking?
  - Is your work reviewed by your peers?
  - Did you employ appropriate methods of assessment and treatment?
  - Are your experiences and conclusions defensible with the help of relevant evidence?
  - Is your opinion objective? Is there any conflict of interest that you may have?
-



**EXAMPLE OF AN AFFIDAVIT OF A MENTAL HEALTH PROFESSIONAL  
TO GIVE THE RATIONALE FOR COURT PROCESS MODIFICATION**

IN THE HIGH COURT OF DELHI AT NEW DELHI

AFFIDAVIT

I \_\_\_\_\_ s/o/ d/o Sh. \_\_\_\_\_ r/o \_\_\_\_\_, N. Delhi, 1100\_\_\_\_\_ do hereby solemnly affirm and declare as under:

That I am a Consultant Psychiatrist and Psychotherapist working at \_\_\_\_\_

That I did my MBBS from \_\_\_\_\_, N.Delhi in \_\_\_\_\_. I did my post graduation in Psychiatry from \_\_\_\_\_ in \_\_\_\_\_.

That I received further post graduation training in Psychiatry in \_\_\_\_\_.

That I have also worked and trained in specialized units working with Children, Adolescents and Families who were survivors of Sexual Abuse and human trafficking \_\_\_\_\_.

That I have been working in India for last \_\_\_\_\_ on issues related to child and adolescent mental health through \_\_\_\_\_. My experience of working with the survivors of human trafficking includes \_\_\_\_\_. My publications on the impact on mental health and human trafficking include \_\_\_\_\_. My affiliations with the counter trafficking efforts include\_\_\_\_\_.

That I have been able to examine the child \_\_\_\_\_ d/o \_\_\_\_\_ on three occasions and have been able to meet caregivers on three occasions over the month of \_\_\_\_\_. The objective of these meetings was to start providing the child with therapeutic support to recover from the trauma of her alleged sexual abuse experience.

That I have the following preliminary submissions to make regarding the mental state of the child.

That the child\_\_\_\_\_ is a bright and energetic young child of nearly\_\_\_\_years. Her cognitive and psychosocial development is appropriate for her age. She has good communication and social skills.

That she is showing difficulty in trusting and forming relationships.

That she is showing preoccupation with the experience of abuse and she talks about it in her everyday conversation repeatedly. Her abuse is reflected in the content and process of her play. She has been worried about the alleged perpetrator's ability to harm her and on two occasions last week has reported nightmares regarding "bad people" being after her. She has also had sleep disturbance from time to time over the last two weeks.

That I am in early stages of my work with \_\_\_\_\_ presently and have not explored the actual content of the abuse experiences, and this will be explored over the next few months. It would be inappropriate to do so without consolidating my relationship with the child.

---

That in my opinion the child may be showing early signs of Post Traumatic Stress Disorder, which is characterized by reliving of traumatic experiences, nightmares and anxiety. This disorder may develop any time after a traumatic experience like sexual abuse. The further development of these symptoms cannot be prevented. However, the impact of these experiences on the child can be decreased through psychotherapy. In the meanwhile it is important not to expose the child to triggers that may precipitate reliving of experiences.

That any events, which may trigger the memory about the traumatic experience for the child, are likely to make the child go through the emotions related to abuse over and over again. This will also make her recovery process even more difficult. These include: repetitive narration of the events of abuse by the child, blaming the child for the event of trafficking, coming face to face with the perpetrators of violence and crime and repetitive questions about details of the abuse and violence.

That it will not be in the best interest of the child to be exposed to the alleged perpetrator or the abuse to be explored by people who have not formed a therapeutic relationship with the child. Such a process may compound the impact of the abuse.

That in similar situations it will be helpful to the child to have a supportive person to be with her while she is presenting her evidence. It may also be helpful if she does not come face to face with the alleged traffickers by using technology like close circuit television or video conference link.

That the milieu of the court is child friendly.

That I state that the above affidavit has been given by me voluntarily and without undue pressure, duress or coercion, in the best interest of the child.

That the content of the above affidavit are based on my knowledge and experience in the field of psychiatry and working with children recovering from the trauma of sexual abuse and derived after two sessions with child and five sessions with her parents.

Deponent

#### VERIFICATION

Verified on this first day of March 20——. That the contents of this affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Deponent

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## Tool 5: Tips for health professionals examining victims/ survivors of trafficking

### This tool will help you sensitize the health professionals to the needs of a survivor of trafficking

You are a health professional working at senior level. You are required to examine survivors of trafficking as a mandatory rule of the law of the country.

Survivors of trafficking are mostly individuals who have experienced multiple traumas which have a significant psychological impact on the survivors.

Survivors of trafficking are mostly non consenting victims of crime who have been sexually exploited repeatedly and they have lost their ability to trust. They may come across as detached, extremely anxious or angry.

Sometimes the behavior of the health professional may be extremely re-traumatizing for the victim/survivor.

Such re-traumatizing experiences can cause an irreversible impact on the survivor of trafficking, including pushing them towards being re-trafficked.

You have a great responsibility. You have to fulfill four objectives:

- Ensure that the survivor is treated with dignity and respect
- Ensure that the survivor is not re-traumatized during your assessment
- Ensure that the survivor is offered ongoing medical support, if required
- Document your findings and the rationale for the same

#### Ensure that the survivor is treated with dignity and respect

- Introduce yourself
- Inform the survivor about the purpose of medical assessment
- Explain what will be done during the medical examination
- Ensure privacy during the examination
- Ensure that a woman doctor examines the survivor or in case this is not possible ensure that a woman chaperone is present during the examination

#### Ensure that the survivor is not re-traumatized during your assessment

- Do not ask her details of the experience of trafficking
- Do not ask her details of sexual exploitation

#### Ensure that the survivor is offered ongoing medical support, if required

- Help the survivor seek voluntary counselling and testing services if she so desires
- Explore mental health difficulties which the survivor may be facing. Specifically rule out symptoms of Post Traumatic Stress Disorder, Major Depressive Disorder and Substance Abuse. Record any disorders and help the survivor seek further support for them.

#### Document your findings and the rationale for the same

- While documenting be specific and not ambiguous
  - Use standardized peer reviewed formats for documentation of trauma
  - Avoid stereotyped phrases which do not mention anything specific about the survivor's health status
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## SECTION II

### Understanding the impact of your thoughts, feelings and actions on your role as a professional.

#### Tool 6: Accept

This is a tool to ACCEPT yourself. Your present situation may make you feel angry, detached, unhappy or worried. When you accept the situation you set the foundation for change. Acceptance is not stagnation. Acceptance is of our present situation, of our strengths as a person and of our limitations. Acceptance helps us to use our strengths to overcome our limitations and change our present situation.

This is a self-help tool which will provide you information about what is stressful for you and gives you a method of identifying unhelpful thoughts in your mind and changing such thoughts.

#### My Present Situation

Level of satisfaction	What I hate about it	What I love about it	How do I see it changing in 6 months? What can I do about changing the situation?
My job/My work			
My family life			
My health			
My relationships			
My leisure activities			
My view of myself			
My role as a professional			

#### My Strengths are

	Agree	Neither Agree nor Disagree	Disagree
I am a caring and sensitive person			
I am aware of my needs			
I can express myself well			
I can think clearly about my problems			
I have an ability to make and keep friends			
I know how to say 'no'			
I am realistic about what I can and cannot do			
I am intelligent			
I plan ahead to make good use of my opportunities			
I am not overly critical of myself			

### My Assumptions which become my Limitations

	Agree	Neither Agree nor Disagree	Disagree
I must be liked or accepted by every important person in my life for everything I do			
I have to be successful to the level of 100 % if I have to consider myself worthwhile			
The past is all that is important. So, if something has gone wrong in the past, it cannot be altered now			
My value as a person depends on what others think of me			
It is best to keep others happy, even if I have to overlook my interests			
If I fail at work, then I am a failure as a person			
If a person I love does not love me, then there must be something wrong with me			

### My Limitations

	Agree	Neither Agree nor Disagree	Disagree
To be a good person, I must help all those who come to seek help from me			
If I did nice things for other people, they would respect me and be nice to me when I needed them			
I am a bad person if I criticize someone close to me			
It is important to put on a brave face when one is hurt			
It is wrong to express my anger			
If you cannot achieve your full potential, it is best not to try			
I must be able to please everybody			
It is shameful for a person to display his or her emotions			
I must have answers to all the problems			
I should never get angry with my client			
I must warn people if they are doing wrong things			
I feel extremely helpless when faced with difficult situations			
I can handle most problems that clients bring to me			
I need to try harder if people are not recovering			

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**Are you in touch with your feelings?**

I am happiest when:

I am saddest when:

I feel most loved when:

I am most angry when:

I find it difficult to share this feeling with anyone:

The most common method that I use, is to hide what I am feeling:

I dislike this feeling the most:

**Are you in touch with your Judgments?**

Men must:

Men must not:

Women must:

Women must not:

Children must:

Children must not:

Survivors should:

Survivors should not:

Counselors should:

Counselors should not:

**About Sex**

Sexual behavior is:

Sex with people of the same sex is:

Expression of sexual needs is:

Masturbation is:

**What do I think of the following people?**

People with disability:

People living with a mental illness:

People living with HIV/ AIDS:

People living with cancer:

People living with obesity:

People with a history of crime:

People who are corrupt:

People who are abusive physically, sexually and emotionally:

People who cheat:



I have a special liking for some people. I am likely to go out of my way to help such people:

These are the kind of people that bring out the worst in me:

These are the kind of people I get most angry with:

These are the kind of people who I think need more help than others:

My common judgments about people which I can share with anybody:

My judgments which I could share with other people if I did not have to tell them my name:

My judgments which I will not share with anybody but myself:

**Understanding the Impact of your Work as a Professional on Yourself**

Describe a situation at work which made you unhappy	How did you <b>act</b> in the situation?	What were your <b>feelings</b> in the situation?	What were your <b>thoughts</b> in the situation?	Which <b>Error of thinking*</b> can you identify in your thoughts?

(\*see Errors of Thinking on the next page)

## Common Errors of Thinking

Errors of thinking are fixed ways of looking at all our experiences. These errors of thinking make us view all our experiences as negative. This then becomes further evidence in our mind that our situation cannot be changed.

The common errors of thinking include the following:

- All or None thinking
- Negative Focus
- Personalizing
- Catastrophising
- Jumping to conclusions

### All or None thinking

In this error of thinking we think in terms of 'black and white'. We label ourselves and our experiences as negative if they are not perfect. We say to ourselves, "If I cannot do any one thing right, then I cannot do anything right." or, "If I fail at a single thing, I cannot ever succeed."

### Negative Focus

In this error of thinking we try to find out only negative aspects in ourselves, our actions and experiences. We overlook or minimize our positive experiences or our strengths. When we succeed we say to ourselves, "Oh, that is nothing, anybody could have done that." It is as if we were looking at our negative aspects with a magnifying glass. We may also blame ourselves for all the negative outcomes in our lives.

### Personalizing

In this error of thinking we attribute a personal meaning to all our experiences.

### Catastrophising

When we think of the future we always worry that it will be disastrous.

### Jumping to conclusions

In this error of thinking we arrive at a decision about someone or some situation without having enough information. We do this by overgeneralization of the information which we have.

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## Tool 7: Understanding systemic problems at work and changing your response to them

You want to change the system. Here is how to start the change and be that change.

**Make a list of Problems you face at work which cause you distress.**

**For each problem answer these questions as a team or as individuals:**

- What is the most difficult thing about changing this situation?
- Have you had any similar experiences in the past?
- Who/What contributes to the problem?
- Who/What maintains the problem?
- Who/What should change if the problem has to be solved?
- What will come in the way of such a change?
- Who will lose what because of the changes that you are suggesting?
- What is your present response?
- What would be a more helpful response?
- What are the first steps which you can take to break the cycle of the current problem?

If you are feeling very distressed with a problem and it is recurring, please talk to your supervisor or mail us at [saarthakmembers@yahoo.co.in](mailto:saarthakmembers@yahoo.co.in)

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## Tool 8: An action plan for being an aware professional

This is a tool for all counter trafficking professionals. As the task of counter trafficking is difficult and psychologically exhausting, as a professional working in this field you may feel detached, judgmental or anxious.

Here are some steps to make your response an **aware response**.

### Your Possible Response: Detachment

A common response to being with a person who has been through multiple abuse experiences is to be detached:

- The experiences are too difficult to process, so one adopts an approach like: “*Such things happen, what can I do?*”
- It is easier to document the survivor’s story without allowing oneself to feel the impact of those experiences.
- This happens more often when there is a lack of a *debriefing process* in the organization and lack of peer support and supervision.

### Steps to manage Detachment

- **Ask yourself:**
  - “Do I perceive a sense of boredom when I talk to the survivor?”
  - “Am I not able to feel what the survivor may have gone through?”
  - “Is it so that I do not want to talk about my work with my peers?”

### Your possible response: Anxiety

You could be Anxious about meeting a survivor.

- This anxiety could be a reminder of your own experiences of not being in control of certain situations in the past.
- The anxiety could be related to the feeling of helplessness that the survivor’s condition generates in you.
- It could also be associated with the fact that you do not have a complete plan of action or resources to implement your plan.
- Trafficking may seem an unending process.
- Anxiety may also be associated with the fact that you are unable to focus on finding the right way of being with this person.
- You may feel unsupported by your organization.

### Steps to manage your Anxiety

- Accept your anxiety. This allows you not to put up a brave façade in front of the survivor. It allows you to be seen as more honest and human.
  - Accept that there is a way out of anxiety, otherwise it may become extremely paralyzing.
  - Learn to identify your anxiety.
  - Bodily symptoms of anxiety are: tense muscles, sweaty palms, restlessness, racy heart, dry mouth, abdominal discomfort, cold hands, fast and shallow breathing.
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- Thoughts that characterize an anxious person can be discovered by asking yourself the following questions:
  - “Do I want to avoid the situation?”
  - “Am I predicting disasters about my meeting with the survivor?”
- Manage this by asking yourself:
  - “What is the worst that can happen? What is so bad about that?”
  - “Am I magnifying my role in the process?”
- You do not have to perform miracles. The first step is just to be with the survivor.
- Write the needs of the survivor clearly. Document what resources exist at the organizational level, at the level that you are working and those within your personal capacity to fulfill the survivor’s needs. You can share this with the survivor and the process of prioritization can also be done jointly.

At times one overlooks the survivors’ capacity to adapt and evolve with the available resources.

### Your Possible Response: Being judgmental

- You could feel that you know what the person is going through because you have seen many people in similar situations.
- This feeling of having enough knowledge may lead you to assumptions about the person that may not be true.
- If you say to the person, “*I understand what you are going through*”, the person may turn back and say, “*But how can you, when I do not?*”

### Steps to manage your Judgments

- Ask yourself:
    - “Am I predicting her thoughts, feelings, and actions?”
    - “Am I generalizing events, metaphors and words from what I know of the scenario?”
  - Say to yourself repeatedly that however similar the story may seem, each person has been impacted differently.
  - Try to convey to the person that what she is going through is not abnormal, but happens to other people in similar circumstances.
  - Always try to link up your knowledge of possible feelings that the survivor may be experiencing to what she is saying.
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## ANNEXURE I

## Suggested Reading

- A Coordinated Response to Child Abuse and Neglect: The Foundation for Practice, US Department of Health and Human Services, 2003
  - Action against trafficking in human beings: prevention, protection and prosecution, Proceedings of the regional seminar, Bucharest, Romania, April 2006
  - Annotated Guide to the Complete UN Protocol for Human trafficking, Global Rights
  - Assessing Criminal Justice and Human Rights Model in the Fight Against Sex Trafficking: A case study of the Asean Region, Cheah Wuiling, Essex Human Rights Review, Vol. 3, No.1
  - Assisting victims of trafficking in human beings, Daphne Project, Committee against Modern Slavery (CCEM), January 2003
  - Awareness-Raising of Judicial Authorities Concerning Trafficking in Human Beings, Country Report Hungary, International Organization for Migration (IOM), 2005
  - Best Practice Statement: Separated Children in Canada, International Bureau for Children's Rights (IBCR), 2003
  - Child Physical and Sexual Abuse: Guidelines for Treatment, National Crime Victims and Treatment Center. Medical University of South Carolina, April 2004
  - Child Victims of Human Trafficking, Department of Health & Human Services, US
  - Combating the trafficking in children for sexual purposes: Questions and Answers, ECPAT Europe Law Enforcement Group
  - Commonwealth Guidelines for the Treatment of Victims of Crime: Best Practice, Commonwealth Secretariat, 2002
  - Council of Europe Convention on Action Against Trafficking in Human Beings and its Explanatory Notes, 16.V.2005
  - Court Involvement for Child Abuse and Neglect Litigation: What Next?, Mark Hardin, Director, National Child Welfare Resource Center on Legal and Judicial Issues
  - Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adoption by General Assembly Resolution 40/34 of 29 November 1985
  - Effective Countermeasures Against the Trafficking in Human Beings and Smuggling of Migrants, Richard L. Hoffman, Assistant US Attorney, Department of Justice, USA
  - Enable: Creating Enabling Environments for Rehabilitation of Survivors of Trafficking, by Saarthak, supported by UNIFEM and USAID, 2006
  - Ensure: A Self Study Audit for Anti-Trafficking Organizations, by Saarthak, supported by UNIFEM and USAID, 2006
  - Ensuring Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking, Conference Report, Helsinki, September 2004, ODIHR, Finland
  - Facts about Children and the Law, American Bar Association
  - Falling Short of the Mark: An International Study on the Treatment of Human Trafficking Victims, The Future Group, March 2006
  - First Response to Victims of Crime 2001, Office for Victims of Crime, US Department of Justice
  - Florida Responds to Human Trafficking, Chapter 6
  - General Assembly resolution 40/34 of 29 November 1985
  - Guidelines for Justice of Child Victims and Witnesses of Crime, International Bureau for Children's Rights, March 2003
  - Guidelines on International Protection, UNHCR, April 2006
  - Handbook for Parliamentarians, The Council of Europe Convention on Action against Trafficking in Human Beings, Reprinted June 2007
  - Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers, Chapter 15
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- \_ Human traffic, human rights: redefining victim protection, Anti-Slavery Organization, 2002
  - \_ Human Trafficking: Partnership in Prevention and Detection, Carolinas institute for Community Trafficking, US Department of Justice
  - \_ Human Trafficking: Recognizing the Victims, Critical response, Vol. 2, Issue 3, Winter 2004
  - \_ Human Trafficking: Reference Guide for Canadian Law Enforcement, May 2005, UNODC
  - \_ Improving Court's Handling of Child Abuse and Neglect Cases: A List of Suggested Reforms, Mark Hardin, Director, National Child Welfare Resource Center for Legal and Judicial Issues
  - \_ Information Needs and Sources in Child Abuse and Neglect Cases, Shaening & Associates Inc. and The New Mexico Supreme Court's Court Improvement Project Task Force
  - \_ International Dimensions of the Sexual Exploitation of Children: Global Report, International Tribunal for Children's Rights
  - \_ Law Enforcement Best Practice Manual for Fighting Against Trafficking of Human Beings, UNDP and USAID, 2002
  - \_ Let's Talk, Developing effective communication with child victims of abuse and human trafficking, UNICEF, September 2004
  - \_ Mind of the Survivor: A Report on Mental Health Interventions for Survivors of Trafficking in South Asia, by Saarthak, UNIFEM South Asia Regional Anti Trafficking Program
  - \_ National Victim Assistance Academy, Chapter 1 Scope of Crime/Historical Review of the Victims' Rights Discipline, 2002
  - \_ Needs Assessment for Service Providers and Trafficking Victims, Prepared by Caliber Associates Inc. for US Department of Justice, National Institute of Justice
  - \_ North Carolina Juvenile Court: Child Protection Hearings: A Handbook for parents, Guardians, Custodians and Children, Court Improvement Committee, 12/19/01
  - \_ Outgrowing the Pain: Individual Psychosocial Intervention for Survivors of Trafficking, Saarthak, Supported by UNIFEM and USAID, 2006
  - \_ Protocol for the Acute Care of Adult Patient Reporting Sexual Assault, State of New York, November 2004
  - \_ Recommendations addressed to International Bureau of Child Rights, May 2007
  - \_ Removing the Injustices of Human Trafficking through Tort law, 2006
  - \_ Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, AGIS Programme, European Commission
  - \_ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, National Council of Juvenile and Family Court Judges, Reno, Nevada, Spring 1995
  - \_ Resources: Messages for Communicating with Victims of Human Trafficking, Department of Health and Human Services, USA
  - \_ Resources: Messages for Communicating with Victims of Trafficking, Department of Health and Human Services, USA
  - \_ Standards for Victim Assistance Programs and Providers, National Victims Assistance Standards Consortium, University of South Carolina, May 2003
  - \_ Student Material to Victim Empowerment: Bridging the Systems Mental health and Victim Service Provider, Office for Victims of Crime, US Department of Justice
  - \_ Summary of research paper, Strategic Action Plan for the Protection of Victims of Child Trafficking in Quebec Part -I, IBCR, 2007
  - \_ The Sounds of Silence: A Manual for Forming Therapeutic Relationships, Saarthak, supported by UNIFEM (India) and USAID, 2002
  - \_ The Struggle between Migration Control and Victim Protection: The UK approach to Human Trafficking, Women's Commission for Refugee Women and Children, June 2005
  - \_ Toolkit to combat trafficking in persons, UNODC, 2006
  - \_ Trafficking for Sexual Exploitation and Other Exploitative Purposes, UNICEF, 2005
  - \_ Trafficking in Persons: A Guide for Non-Governmental Organizations, Women's Bureau, US Department of Justice, 2002
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- \_ Trafficking Women and Children: Handbook for Law Enforcement Agencies in India, Dr. P.M. Nair, UNODC and UNIFEM, Revised Edition 2007
  - \_ UN Convention on Justice and Support for Victims of Crime and Abuse of Power, Draft 14 November 2006
  - \_ UN Resolution on Guidelines for Justice of Child Victims and Witnesses of Crime, International Bureau for Children's Rights, The Economic and Social Council, 2004/27
  - \_ United Nations Expert Group Meeting on International Migration and Development, New York, July 2005
  - \_ United Nations Guidelines on Justice in matters involving child victims and witnesses of crime, child friendly version, UNODC and UNICEF, 2007
  - \_ Victim of Crime Handbook, Alberta Solicitor General and Public Security
  - \_ WHO Ethical and Safety Recommendations for Interviewing Trafficked Women, WHO
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# SHE IS...

KIDNAPPED,  
PROCURED ILLEGALLY,  
BOUGHT,  
SOLD,  
WRONGFULLY RESTRAINED,  
WRONGFULLY CONFINED,  
TORTURED / INJURED,  
MENTALLY HARASSED,  
REPEATEDLY RAPED,  
SUBJECTED TO UNNATURAL OFFENCES,  
VICTIM OF CRIMINAL CONSPIRACY.

## SHE IS TRAFFICKED



सत्यमेव जयते

# RESCUE IS HER RIGHT

