

# CODE OF CONDUCT FOR FOREIGN NGOS

INVESTIGATING HUMAN TRAFFICKING AND  
CHILD SEXUAL EXPLOITATION &  
PARTICIPATING IN RESCUES OF VICTIMS

**FREEDOM  
COLLABORATIVE**

TO END HUMAN TRAFFICKING. TOGETHER.



## FOREWORD

This document was created as an accompanying document to our “NGO Involvement in Raid/Rescue Operations” Webinar, which was held in May 2017.

The webinar examined the risks and benefits, how to conduct better operations, as well as provided options and successful alternatives. Our webinar panelists discussed if, and if so, in what circumstances NGOs can conduct raid and rescue operations. We also covered the importance of practices, standards, and principles organisations should hold themselves accountable.

The Code of Conduct is an attempt to set minimum standards for investigative NGOs operating in Southeast Asia. It seeks to set and uphold professional standards for the protection of victims of trafficking, NGO personnel, the integrity of the criminal justice process and the reputation of all parties in the sector.

We strongly encourage all investigative NGOs to review and adopt these standards and practices.

## AUTHORS

This Code of Conduct was developed in collaboration with Freedom Collaborative community members.

### **Ralph Simpson**

Nvader, Thailand

### **Eric Meldrum**

Agape International Missions, Cambodia

### **Ben Svasti**

British Consulate, Thailand

### **Archana Kotecha**

Liberty Asia, Hong Kong

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# INTRODUCTION

1.

Foreign NGO are those formed, registered, incorporated and/or controlled outside the Southeast Asian host country in which they are operating. As such they are guests of their host country and must respect its sovereignty and laws. They have no right to operate in that country and do so at the will of the Government. They must comply with the laws, memoranda of understanding, policies, directions or restrictions imposed by the Government.

2.

NGOs engaging in anti-human trafficking work in Thailand should be permanently based in the country and operate through a foundation or other juristic person registered under relevant legislation, or otherwise with the prior written consent of the Government. They must also have authorisation from the Government to engage in anti-human trafficking work.

3.

NGOs have no statutory powers. Those engaging in investigation or victim rescue activities must not operate in isolation from a law enforcement agency, the ministry of social development or other relevant government department. Therefore:

a.

Although it is permissible for NGOs to make preliminary inquiries in response to criminal intelligence to satisfy themselves that a crime is in fact being committed, once they reach that point, NGOs should only pursue investigations and victim rescue operations in consultation with local law enforcement or relevant Government officials authorised to do so by law;

b.

NGOs should only provide residential shelter care to children, victims of human trafficking or sexual exploitation if the NGO has first complied with all regulatory requirements, including registration to operate a shelter;

c.

NGOs should operate in accordance with a written child protection policy that reflects generally accepted values, standards, practices and restrictions.

4.

**At all times NGOs must act in accordance with the law, respecting their lack of statutory powers. For example:**

a.

They must not arrest or detain a person except as permitted by law (for example in Thailand, sections 79 to 84 of the Criminal Procedure Code);

b.

They must not take a child (a person under 18 years of age) into their custody, care of control without the prior consent of their parent, guardian, law enforcement, other government agency or a court order;

c.

They must not engage in any form of trespass by breaking into or entering another person's property without their consent or a lawful right to do so;

d.

They must not seize or take possession of another person's assets, documents, or other property without their consent or a lawful right to do so;

- e. They must not engage in surveillance activities on private property that is not open to the public.
5. **NGOs should only work with law enforcement agencies committed to a human rights based approach<sup>1</sup> in their treatment of victims. Such agencies must be open to receiving constructive criticism and feedback about substandard practices.**
6. **NGOs must recognise and respect the rights, interests and dignity of the following stakeholders:**
- a. Victims of trafficking and child sexual abuse and their parents/guardians;
- b. Non-trafficked adults who make a free and informed decision to work for the organisation or business that is the target of an investigation or law enforcement agency operation, and who may lose their source of income and their possessions as a consequence of an operation or who face the risk of a fine or other penalty (for example, adult women working in the sex industry);
- c. Irregular migrants, who also face arrest, detention and deportation as a consequence of a law enforcement agency operation;
- d. Law enforcement agencies and the state laws and policies they are required to uphold, including the enforcement of immigration laws.
7. **NGOs engaging in anti-human trafficking or child sexual abuse work should ensure that all relevant staff receive proper training, have no police criminal record and are qualified for the work they undertake. To that end:**
- a. NGO investigators should receive appropriate training from former or existing law enforcement officers to minimise the risk of putting themselves, victims or other people at risk or prejudicing criminal prosecutions of offenders;
- b. NGOs must not allow tourists, temporary volunteers or donors to participate in investigations or law enforcement agency operations.
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**THOSE ENGAGING  
IN INVESTIGATION  
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MINISTRY OF SOCIAL  
DEVELOPMENT OR  
OTHER RELEVANT  
GOVERNMENT  
DEPARTMENT.**

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<sup>1</sup>In this context an operational approach that respects, promotes and protects the human rights and dignity of victims respecting international standards and policies.

# INTELLIGENCE SYSTEM

Includes proactive law enforcement situation monitoring, checks, case build-up, and feedback

*The following diagram has been adopted from the Strategic Information Respond Network (SIREN) report 'RAIDS, RESCUES, RESOLUTION: REMOVING VICTIMS FROM SEX AND LABOR EXPLOITATION', 2008.*



**NON-POLICE MONITORING**

*Labor, workplace, community monitoring for sex or labor exploitation*



**CRIMINAL JUSTICE & LABOR CAPACITY BUILDING**

*Training, Anti-Corruption, Incentives*



**PRE-RAID PLANNING**

*Every team's role thoroughly planned, risk assessment*



*Pre-raid (and ongoing) systems*



**RAID/RESCUE OPERATION**

*Post-raid responses and outcomes*

ARREST SEIZE RESCUE

PROSECUTION TRACK

VICTIM PROTECTION TRACK



**CRIMINAL JUSTICE RESPONSE**

*Desired outcome for Criminals*

← **SERVICES, COMPENSATION, JUSTICE**

*Desired outcome for Victim*



**PUBLICITY TO INCREASE POLITICAL WILL**

*Positive feedback into the entire system; check against corruption; spark for more action*

A photograph of a dark, industrial interior. In the upper right, a glowing red 'EXIT' sign is mounted on a wall. Below it, a green light fixture is visible. The walls are textured and appear to be made of concrete or stone. A dark doorway is visible in the center. The overall atmosphere is dim and mysterious.

EXIT

# PRE-OPERATIVE INVESTIGATIONS



- 8.**  
NGOs should only participate in human trafficking and child sexual exploitation investigations in consultation with local law enforcement;
- 9.**  
All investigations should be carefully planned ahead of time. Precautions should be taken to protect the rights, welfare and safety of victims and investigators:
  - a.**  
NGOs should maintain and enforce strong policies as to what is and is not acceptable conduct by investigators, particularly those coming into contact with suspected victims of sex trafficking or child sexual exploitation. These policies must prohibit investigators from engaging in any form of sexual activity, violence, threats, verbal abuse, coercion, disrespectful forms of communication or other inappropriate behaviour towards suspected victims;
  - b.**  
If, as part of a covert investigation, an investigator will be alone with a suspected victim of sex trafficking or child sexual exploitation, they should take precautions (such as operating a concealed video or audio recording device) to protect victims from sexual advances or other forms of misconduct, and to protect investigators from false accusations of misconduct;
  - c.**  
Investigators should never operate alone, but only with appropriate support and back up;
  - d.**  
Contingency plans should include protocols in the event that things go wrong, e.g. emergency numbers, agreed upon assembly points, access to communications equipment, arrangements to call in law enforcement for assistance on short notice, GPS tracking of vehicles and phones;
  - e.**  
NGO investigators should not carry firearms or other weapons.
- d.**  
NGOs should operate in accordance with a written child protection policy that reflects generally accepted values, standards, practices and restrictions.
- 10.**  
Pre-operative investigations by NGOs should seek to identify all suspected offenders and victims (by description and/or name) so that they are readily identified, located and separated (i.e. victims separated from offenders) when the relevant law enforcement agency enters the target premises to execute search and arrest warrants or to take victims into safe care.
- 11.**  
NGOs should encourage law enforcement agencies to:
  - a.**  
Undertake title searches of properties, companies and vehicles and employ other investigative techniques, in an attempt to identify the involvement of more senior offenders who may not be on-site but who should be rounded up and arrested concurrently with any law enforcement operation arising from the investigation.
  - b.**  
Coordinate with law enforcement agencies from the country of origin of victims to identify, trace, arrest and prosecute relevant offenders in that country, including recruiters, facilitators, complicit border officials.

# OPERATIONAL

12.

All law enforcement operations should be well planned in advance. If NGOs are invited to consult or have input into operational planning, they should make reasonable endeavours to ensure that the following matters are addressed, recognising that the operation is under the control of the relevant law enforcement agency:

a.

Disclosure of location and timing of operations within the teams should be on a need to know basis to minimise the risk of tip-offs.

b.

The operational team should include social workers to manage the treatment and welfare of victims and to protect their dignity and human rights. There should be sufficient social workers of the same gender and whenever possible the same nationality as suspected victims to ensure that male victims are interviewed by male social workers and female victims by female social workers, unless the victim makes a request to the contrary. If young children are involved, the team should recruit social workers with the relevant child interview training and experience. If there are foreign victims or offenders, appropriate translators should be recruited to the operational team.

c.

The location and layout of the premises, including entries and exits, must be identified and provisions made to secure these once the operation begins.

d.

Printed victim identification questionnaires and a means of recording answers must be prepared and made available.

e.

Consideration should be given to the list of relevant evidence to be collected from the premises that are the subject of search or arrest warrants, and in those jurisdictions in which there are laws or procedures governing the collection of evidence, provision made for the methodical inspection of each room of the target premises and the surrounding grounds to locate and collect evidence. Evidence should be photographed in situ, bagged, labelled, details entered into an evidence register and the item placed in the possession of a nominated officer who is responsible for preserving the chain of custody for evidentiary purposes in Court. NGOs should not handle/touch evidence, but merely point out its existence and location to a law enforcement officer to take into custody. Relevant evidence might include:

i.

*Samples for DNA testing (e.g swabs of bodily fluids, used condoms);*

ii.

*Mobile phones which may be interrogated by cellulebrite or similar devices;*

iii.

*Computers, tablets, cameras, external hard drives, dvds, video tapes;*

iv.

*Accounting records, notebooks, tags, badges, tickets.*

# PLANNING

**g.**

A risk assessment should be undertaken in order to identify potential risks, e.g presence of firearms, security, likely resistance, threats to law enforcement agency, victims and others on site. For each identified risk, plans should be developed to eliminate or mitigate that risk to the extent reasonably possible.

**h.**

Logistical planning should extend to:

**i.**

*An assembly point in the event an emergency arises;*

**ii.**

*Equipment lists compiled and filled, including first aid kits, evidence collection, labelling and photographic and video recording;*

**iii.**

*Communications equipment acquired, assembled, synced and tested;*

**iv.**

*Transportation to transport the team to the location, and victims and offenders to their ultimate destination (separately);*

**v.**

*The person ultimately responsible for determining whether or not a person is a victim should be identified;*

**vi.**

*Refreshments arranged for teams, victims and offenders;*

**vii.**

*Planned rest breaks incorporated into the schedule for team members if the operation will run for an extended period.*

**i.**

If the crime under investigation involves cross border activities, then consideration should be given to collaborating with law enforcement agencies in the other jurisdictions. This will necessitate a high degree of timely coordination and cooperation between law enforcement agencies.

**j.**

Before undertaking any rescue operation, NGOs and law enforcement must have a plan in place for the medium term management of the welfare of victims. For example, NGOs should take responsibility for monitoring the welfare of victims while in Government shelters, including ensuring that they receive appropriate counselling, advice about their legal rights (including their rights to sue for compensation), support and representation in court.

**k.**

When planning rescue operations, every reasonable effort should be made to minimise the harm to all non-offenders, including non-trafficked adults, recognising the limited influence that NGOs have. However, if there is a conflict between the rights of minors and other trafficked adults and non-trafficked adults and irregular migrants working in the commercial sex industry or forced labour sectors, the rights and interests of minors and trafficked adults must prevail.

# OPERATIONAL STANDARDS

**AS A GENERAL RULE,  
RESCUES SHOULD  
ONLY TAKE PLACE  
IN THE CONTEXT  
OF OPERATIONS  
TO ARREST AND  
PROSECUTE  
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13. NGOs should carefully consider the merits of undertaking soft rescues, i.e. rescues without the arrest and prosecution of offenders. Such rescues have the potential to fuel trafficking and exploitation. As a general rule, rescues should only take place in the context of operations to arrest and prosecute offenders.

14. When the operation occurs, NGOs should make reasonable endeavours to ensure that the following practices apply, recognising that the operation is under the control of the relevant law enforcement agency:





- a.** Suspected victims and offenders immediately separated and the two groups prevented from communicating with one another.
- b.** Both groups should receive a prompt explanation as to what is happening and how they will be treated.
- c.** Offenders should be quarantined and kept under supervision so that they do not attempt to escape, intimidate others, destroy evidence or do anything to prejudice the collection of evidence or prejudice any subsequent prosecution.
- d.** Suspected victims should be removed to a safe destination (usually a police station or Government shelter), and then interviewed, preferably by social workers of the same gender and nationality who are trained in victim identification. Provision should be made for them to rest and unwind, be provided with food and drink, taken to the bathroom, given the opportunity to collect their possessions, and ask questions. At some stage they may be transported to a hospital for bone scans or a medical check. They may be taken to a police station or shelter. At all times they should be accompanied by trusted and trained social workers of the same gender, with whom they can develop some rapport, ask questions and receive assistance.

# POST- OPERATION RESPONSIBILITIES

16.

Following completion of any law enforcement agency operation involving the placing of victims into safe care, NGOs should actively monitor the wellbeing of that victim and ensure that they receive appropriate advice about their legal rights and support and assistance for any appearance as a witness in court proceedings. These responsibilities include:

a.

Undertaking a post-operation risk assessment of the safety and security of victims, witnesses and investigators;

b.

Periodically visiting victims in shelters to monitor their well being and discuss their appearances in court and their future plans once released from the shelter. It is important that victims are not held in shelters for prolonged periods, as they are can become easily demoralized and want to get on with their lives. All reasonable efforts should be made to hasten and facilitate the legal process so that the victims can give their evidence and return home. In cases where suspects cannot be arrested, then prior-deposition of evidence by the victim should be encouraged and the victim released from shelter and permitted to go home;

**FOLLOWING COMPLETION  
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**c.**  
Where permissible under law, ensure that a claim for compensation on behalf of victims against offenders is filed promptly and pursued in appropriate cases;

**d.**  
Arranging separate legal representation for victims to pursue compensation claims if public prosecutor does not intend to do so. Also NGOs should ask victims whether they would like an NGO social worker to accompany them throughout the court process;

**e.**  
Monitoring actions of the local law enforcement agency and public prosecutor to ensure there is no manipulation of charges or attempts to distort evidence. If so, the NGO should promptly report this to a trusted senior officer of the agency or an anti-corruption agency;

**f.**  
Similarly, if there is evidence of corruption or complicity by officials, refer that evidence to a senior law enforcement officer or anti-corruption agency;

**g.**  
Monitor any unlawful business that was the subject of the investigation to ensure that it is permanently closed down;

**h.**  
Consider encouraging the law enforcement agency to refer the case to the national anti-money laundering authority;

**i.**  
Consider whether further investigations are required to identify, locate, arrest and prosecute recruiters, transporters, organised criminal group leaders.

## FREEDOM COLLABORATIVE

*is an online, community-based platform, which brings together anti-trafficking organisations and stakeholders from around the world. It provides the space to identify and meet partners, as well as share updates and resources for improving and facilitating collaboration in the fight to end human trafficking.*

*We make use of web-based information-sharing approaches by providing a secure space that combines social networking and data-sharing services to improve communication between actors and stakeholders.*

*Join us now at [freedomcollaborative.org](https://freedomcollaborative.org).  
Contact us at [support@freedomcollaborative.org](mailto:support@freedomcollaborative.org).*