

SUPPORTING QUEER AND TRANS* PERSONS IN CRISIS: A GUIDE FOR CASE WORKERS

While supporting others, it is important that you secure yourself first! Be safe!

This SOP might not be universally applicable, however, based on our experience of working on crisis intervention with survivors, police, and the legal systems, we are putting down some important steps that you can follow as a case worker or an organization while doing crisis intervention with queer women and transgender persons.

Cases that come to organisations are different in nature. Every case will have its own nuances and context. Our aim is not to universalise these procedures but to support case workers whenever they find themselves in dilemmas.

- Whenever a survivor or their friend or partner contacts you for support and help, it is important to make an assessment if they are in any immediate danger. This will impact how long they have to speak to you, whether they can express themselves freely, and the nature of intervention that might be required, and within what time.
- To the extent possible, it would be best to speak to the person concerned directly, as they would have the most accurate information about the situation and would also be able to inform you if any interventions may harm them.
- Ask them to write you a mail, or a message requesting support from you. It can be a simple WhatsApp message or a mail. A sample format:

Dear X,

I am YZ and identify as a I want your support in getting out of my violent home. I am an adult and want to leave my home on my own accord. My ID cards are attached with this mail/message. Please let me know how I can proceed.

Thanking you,

XYZ.

- Make sure you are not using your personal phone numbers, while talking to the survivor (Use an office number or Helpline Number)
- Make sure the survivor is 18+. To make sure of their age, ask for their class 10th certificate or Passport. (Aadhar is not an authentic proof of age if the survivor has said that they have just turned 18 years old.)
- If the survivor is more than 24-25 years of age, their Aadhar or Voter Id can be used.

Case Study 1

A queer woman calls on your helpline, saying that her family got to know about her sexual orientation a few weeks back and after that there has been constant surveillance on her. In addition to this, her family is also not letting her go out. Her family has also started looking for a "suitable man" for her. She wants to leave her home.

This is a case of House Arrest

- First look for the possibility if the survivor could leave the house by themselves. You can explore options with them.
- If the survivor cannot leave the house alone, the letter mentioned above could be sent to the organization.
- After receiving the letter, someone from the organization can approach the concerned police

station of the survivor for their rescue. If the police refuses to acknowledge a complaint, you can also send it by speed post.

- If it is not possible for the organization to approach the police station, then they can approach the District Offices under the Department of Women and Child Development (in cases concerning persons AFAB and Transwomen)
- You can also contact the Women's Cell of some states. In the States of Bihar, Assam, etc., the women's cells are active and supports queer and transpersons, but you have to be in constant touch with them.
- In cases concerning transgender persons, you can also contact the District Transgender Protection Cell or the State Transgender Welfare board where they have been constituted.
- If the above options don't work out, then you can approach the respective High Court with a Habeas Corpus Writ Petition. You can speak with your lawyers about filing a Habeas Corpus petition. Before doing this, the survivor should be made aware of the process. Sometimes survivors are made to feel guilty that their family would be sent to jail due to their case, it should be clarified that a habeas corpus case focuses on liberty of an adult and not punishing their family.
- If you are approaching the High Court, the person's friend or partner can act as the petitioner. However, this may also render them vulnerable to violence so please consider ensuring their safety during the process as well.

Case Study 2

A queer couple (Cis-woman and Transman) have been in a relationship for the last 2 years. They now want to stay together. But their families would not agree.

- Ask them to write a letter to the police station in the jurisdiction where they were staying with their families. The letter should be handwritten and signed by both the persons. It must indicate that they are adults who have voluntarily decided to live together, but are facing opposition from their families.
- A similar letter must also be sent to the police station in the jurisdiction where the couple is planning to stay. (These letters can be sent via Speed Post and Email to the SHO in charge of the police station, and the Superintendent of Police, District Magistrate, and Department of Women and Child Development can also be copied in it.)
- If the couple apprehends violence from their families, and the police has not accepted their application for police protection, the couple can file a case for protection in the High Court of that state. High Courts from across the country have granted queer couples such protection orders. Please note that if you approach the Court, the partner's address might have to be disclosed in the petition, and the Court might direct the local police to provide protection to the couple.

Case study 3

A queer woman left her home a week ago, she also sent a letter to her nearest police station that she is leaving her home on her own will. But a complaint/FIR got registered by her family that she is missing.

This is a case of complaint/FIR being registered against the woman/ survivor/client

- Keep a copy of the letter sent to the police station so that it can be shown to the police if they come to the queer woman's place of residence.
- As soon as you hear that a missing person's complaint/FIR is registered, it's important to consult a lawyer without delay.

- If the police come to the place where this queer woman is staying, they cannot forcibly take the person back to their home if the survivor says they don't want to return.
- The statement of the survivor under Section 161 CrPC (before the police) or Section 164 CrPC (before the Magistrate), as the situation requires, can be recorded where the person is residing. A statement to the police can be recorded either at the local police station or at the person's house.
- Note that if the survivor does not wish to go to the police station, they can insist that the statement be recorded on video, which is permitted under Section 161 CrPC.
- Note that if the complaint/FIR pertains to a missing person, there is no "accused" as the complaint is only that a person is missing. Such a case can be closed on the statement of the person themselves.

Case study 4

A person calls you from a different state and you are unable to reach there.

- In this case, it is best to contact with women's organisations or shelter homes located in those States to support you.
- However, if the survivor is reachable through phone, we can still follow the procedures mentioned above.

Case study 5

A transman wanted to leave his home and his partner (cis woman) helped him leave home. When the family got to know about the situation, they registered a kidnapping FIR against his partner.

- Whenever you get the information about an a FIR being registered on false allegations of kidnapping, naming the survivor's partner, it would

be important to have the survivor's statement recorded without delay, while also ensuring that their partner is not arrested in the false case. All steps must be taken to avoid the incarceration of their partner named in the FIR.

- Cases involving two states, that is, an FIR in the state where the person escaped from, and the couple are residing in another state, require consultation with a lawyer without delay.
- The person who has left their natal home has to give a statement under Section 164 CrPC in front of the Judicial Magistrate, so that the investigation into the FIR can be closed.
- Note that the police normally insist on taking the survivor back to the place they left in order to have their statement recorded before a magistrate. However, such a practice is not necessary and the statement can be recorded before a magistrate where the survivor is presently living.
- If the police arrest the transman's partner, along with other steps for bail, take immediate steps to record his statement in front of the Judicial Magistrate so that the investigation into the FIR is closed and the person is released.

Case study 6

A survivor/client leaves home and when they are on their way to a safe place, they contact you.

- The person should switch off their phone and take out the sim. Before doing that, they HAVE to send a mail to their nearest police station that they have left their home on their own accord and that they are an adult.

This procedure has to be followed in all scenarios. A letter to the nearest police station from the survivor HAS to be sent at all costs. The same letter can be sent to the parent's home.

After reaching your shelter or home

It is important that you inform your nearest police station about the existence of any shelter home of your organisation.

Once they reach your organization or your home, the nearest police station near your home/organisation/shelter home should be intimated that XYZ has come on their own accord, and they are staying with you from this date onwards.

To,
The SHO,
XYZ police station

Sub: Intimation and police protection for
Ms X

Sir/Ma'am

This is to inform you that, Ms X, aged ___years, has voluntarily left her natal home on account of the abuse she faced from her family. She apprehends threats to her safety from her family members and requires police protection. She has reached our Shelter home today (date), address The shelter home is run by

Yours Sincerely

Signature of Organisation representative

Date:

We want to reiterate that these are some of the procedures we have taken during our crisis intervention work. These are not universal, however, if you think that these might be useful in your line of work, please feel free to use them.

A few queer-trans organisations which work on crisis intervention are:

DELHI

Nazariya: A Queer Feminist Resource Group:

9818151707

(Monday to Friday 11 am to 6pm)

Dhanak: 7669078683

KOLKATA

Sappho for Equality: 9831518320

KERALA

Sahayatrika: 9744955866

BANGLORE KARNATAKA

Raahi: 9739780319

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