



UNODC

United Nations Office on Drugs and Crime

STANDARD OPERATING PROCEDURES

TO COUNTER CROSS BORDER TRAFFICKING IN PERSONS:
INDIA - BANGLADESH

For First Responders



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Disclaimer:

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FOREWORD

The crime of trafficking in persons (TIP) is clandestine, complex and globally very challenging. It is controlled by highly organized transnational and transcontinental criminal networks that profit from its US \$150-\$200 billion industry (over ₹10 trillion). In South Asia alone, it is estimated that the industry profits \$52 billion annually (over ₹3 trillion) and is often referred to as one of the fastest growing transnational organized crimes.

According to the 2016 UNODC Global TIP report assessment, about 88 per cent of the detected victims in South Asia have been found to be trafficked domestically. This is not surprising as the region comprises vast countries with high levels of socio-economic inequalities, large populations and intense internal migratory flows. Although migration does not necessarily lead to trafficking, it can create conditions which make migrating women and children more vulnerable to being trafficked for labour and/or sexual exploitation. Desperation for survival and the lack of awareness of the possible risks involved have led migrants to increased vulnerability to human trafficking in the entire region. Natural calamities, such as floods or even the devastating earthquake that hit Nepal in 2015, have led to a spurt in human trafficking cases, transcending boundaries. More specifically, the countries of Bangladesh and Nepal serve as prominent origin countries for women, children and men being trafficked into and via India.

Recognizing the urgent need for collaboration between key officials and all the other stakeholders involved in dealing with cross border trafficking, the United Nations Office on Drugs and Crime, Regional Office for South Asia (UNODC ROSA) implemented a regional project titled "Strengthening service provision for protection and assistance to victims of cross-border trafficking between Bangladesh, India and Nepal" between 2014-2017.

This project was carried out in collaboration with relevant government counterparts and civil society partners from Bangladesh, India and Nepal, and aimed to:

- Establish/strengthen victim referral and protection mechanisms in these countries,
- Design and implement measures to prevent cross-border trafficking and
- Improve cross-border cooperation among relevant actors for rights based repatriation of victims

As an important part of this project, UNODC ROSA developed Standard Operational Procedures (SOPs) with assistance from Justice and Care, an anti-human trafficking organisation in India, to serve as a ready reckoner for *First Responders* to identify, rescue, and repatriate victims of cross-border trafficking at the Indo-Nepal and Indo-Bangladesh borders.

I am certain that these SOPs will go a long way in assisting law enforcement and border security officials, representatives from civil society organisations and the wider public in responding in a timely and victim-centred approach, when faced with a situation of cross border trafficking.



Sergey Kapinos (Mr.)
Representative
UNODC Regional Office South Asia

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UNODC is grateful to the team at Justice and Care for developing these Standard Operating Procedures.

[Project Working Group](#)

Adv. Adrian Phillips, Legal Counsel

Ms. Sayantoni Datta, Researcher

Ms. Mau Bhattacharyya, Researcher

Adv. Kishori Salunke, Legal Researcher

Adv. Somashree Das, Legal Researcher

Adv. Nancy Sara, Legal Researcher

Dr. Meha Dixit, Researcher

Ms. Sarbari Das, Leverage

[UNODC gratefully acknowledges contributions by:](#)

Mr. Dilip Kumar, Joint Secretary, Ministry of Home Affairs, Government of India

Mr. Arun Sobti, Under Secretary, Ministry of Home Affairs, Government of India

Mr. Md. Abdul Hannan, Additional Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka

Mr. Md. Saidur Rahman, Deputy Security, Public Security Division, Ministry of Home Affairs, Government of Bangladesh

Mr. Mohammad Aklem Abden, Director (Planning), Border Guard Bangladesh

Mr. Priya Ranjan Kumar, Deputy Commandant, Border Security Force, India

Mr. Rupesh Kumar, Deputy Commandant, Border Security Force, India

Mr. D Haokip, Deputy Inspector General East, FHQ, Border Security Force, India

Mr. RPS Jaswal, Deputy Inspector General, Frontier HQ BSF, South Bengal, Border Security Force, India

Mr. Naveen Chouhan, Deputy Commandant, Border Security Force, India

Mr. S. N. Mishra, Deputy Commandant, Border Security Force, India

[UNODC Regional Office for South Asia](#)

Dr. Suruchi Pant, Deputy Representative, UNODC ROSA

Ms. Ruchika Angela Nigam, Project Officer TIP & SOM

Mr. ABM Kamrul Ahsan, Programme Coordinator

Ms. Geeta Bhaskar, Administration and Finance Assistant

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Abbreviations

AHTU	Anti Human Trafficking Unit
ACP	Additional Commissioner of Police
BDHC	Bangladesh High Commission
BGB	Border Guard Bangladesh
BIT	Border Interaction Team
BOP	Border Out Post
BSF	Border Security Force
CBI	Central Bureau of Investigation
CWC	Child Welfare Committee
DWCD	Department of Woman and Child Development
FIR	First Information Report
FRRO	Foreigners Regional Registration Office
IB	Intelligence Bureau
IO	Investigating Officer
ITPA	The Immoral Traffic (Prevention) Act, 1956
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2015
MEA	Ministry of External Affairs
MHA	Ministry of Home Affairs
NGO	Non Governmental Organisation
NOC	No Objection Certificate
PO	Probation Officer
POCSO	Protection of Children from Sexual Offences Act, 2012
PP	Public Prosecutor
RRRI	Rescue, Recovery, Repatriation, Integration
SIR	Social Investigation Report
SOP	Standard Operating Procedure
SP	Superintendent of Police
SW	Social Worker

Executive Summary

India and Bangladesh are source, transit and destinations countries for trafficking in persons. India and Bangladesh share a regulated/controlled border, guarded by Border Security Force (BSF) on the Indian side and Border Guard Bangladesh (BGB) on the Bangladeshi side, which is mostly porous and unfenced, making it vulnerable to irregular migration, trafficking in persons, fake currency, drugs and arms. As far as cross border trafficking is concerned, bordering States in both India and Bangladesh are most affected.

Each day, a large number of Indian and Bangladeshi citizens attempt to cross over to either territory in search of better life, employment opportunities and medical treatment. This in turn, makes it extremely difficult for the First Responders, such as border guarding forces and the civil police, to identify/distinguish between an undocumented migrant and a victim of trafficking. Additionally, trafficking in persons may also take place through the 'border haats'. Since several parts of the Indo-Bangladesh border are extremely vulnerable to cross border trafficking, it has been critical to develop a Standard Operating Procedure for First Responders.

To this end, the following document begins by outlining indicators and identification of a trafficked victim. It focuses on interception of possible victims of human trafficking and suspected traffickers at the border by First Responders including Border Guards, Police / Anti Human Trafficking Units, Non Governmental Organisations, Airport, Land and Water transport authorities, Immigration authorities, Shelter Homes and Civilians. The document also outlines existing and suggested repatriation processes between India and Bangladesh. This document also takes into account possible interceptions in the form of Case Examples, for easy understanding of each of the procedures to be followed by First Responders at the border.

The document thus aims at being straightforward in its approach of apprising First Responders of victim friendly procedures of interception along with best practices, in combating human trafficking across the Indo-Bangladesh border.

I. Introduction

India and Bangladesh share an approximately 4,096.7 km long land boundary. The very porous Indo-Bangladesh borders have an inherited colonial history, which was drawn out arbitrarily in one and a half months by Cyril Radcliffe when the partition of India was accomplished in 1947. Therefore, there exist ethnic similarities and interlinked socio-economic relations on either side since the inception of these borders. Consequently, some old disputes persisted and new disputes arose leading to renewed tensions between India and Pakistan. To address the boundary disputes and to reduce tensions between the two countries, the Nehru-Noon agreement on the India-East Pakistan border was signed in New Delhi on September 10, 1958. This was followed by a series of other legal enactments. In 1974, three years after the liberation of Bangladesh, the then Prime Ministers of India and Bangladesh, Indira Gandhi and Sheikh Mujibur Rahman, had inked an agreement to settle the land boundary issue.

During Prime Minister Shri. Narendra Modi's visit to Bangladesh in June 2015, both countries signed a treaty to implement the Land Boundary Agreement (LBA) Protocol, based on the India-Bangladesh Land Boundary Agreement of 1971, which was signed between Prime Minister Indira Gandhi and President Sheikh Mujibur Rahman. During Shri. Modi's visit to Bangladesh, joint border management was emphasised. The two countries signed MoUs on Prevention of Smuggling of Fake Currency Notes, Cooperation between Coast Guards and Prevention of Human Trafficking. They also emphasised effective implementation of the Coordinated Border Management Plan (CBMP) to prevent cross border criminal activities and the like. The CBMP was initially signed in 2011 when India had assured that it would implement zero killing on the border for illegal trespassing. Other criminal activities, such as smuggling of goods and drugs, have made the border a hub of illegal activities. Shri. Narendra Modi's visit on 6 June 2015 has surely led to strengthening of bilateral ties. Along with the announcement of a fresh US\$ 2-billion line of credit from India to Bangladesh, 22 MoUs were signed between the two heads of State during this visit.

The specificities and constraints facing the very complex administrative processes, are the reason to prepare this Standard Operating Procedure to help aid first responders, including law-enforcement agencies to best respond to support victims of human trafficking, in accordance with already established Government programmes and policies.

Research Methodology

For the purpose of drafting this SOP, field research was carried out in three bordering states of India, West Bengal, Assam and Tripura. Besides this, interviews were also conducted in Murshidabad (West Bengal), Guwahati (Assam) and Agartala (Tripura). The SOPs are based on semi-structured interviews, observation field notes and discussions with the BSF, BGB, the Indian Police, the Bangladesh Police, Superintendent of Government Shelter Home (West Bengal) and NGOs.

Limitations

The rationale for selecting Assam, Tripura and selected parts of West Bengal was the magnitude of cross border trafficking along these areas. However, it may be noted that other regions such as North Bengal and Meghalaya are also quite vulnerable to cross border movement. However, given the limited time and resources, interactions in these regions were not possible.

Stakeholders in Bangladesh were interviewed over the telephone. Important meetings were attended with the Bangladesh Border Guards, the relevant points of which are included in the study.

Interactions with the victims of trafficking were limited, however, casework experiences along the Indo-Bangladesh border have been used to frame the Standard Operating Procedure.

Given the limited time to frame a regional SOP, the inclusion of all stakeholders was not possible to make it a comprehensive and representative document.

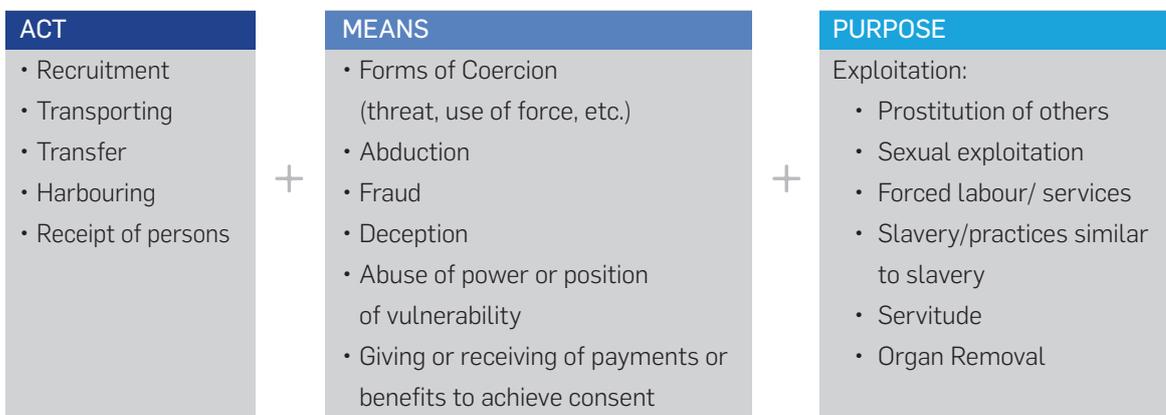
II. Definitions

i. Trafficking

a. United Nations:

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons - *"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."*

Components of Trafficking



b. India:

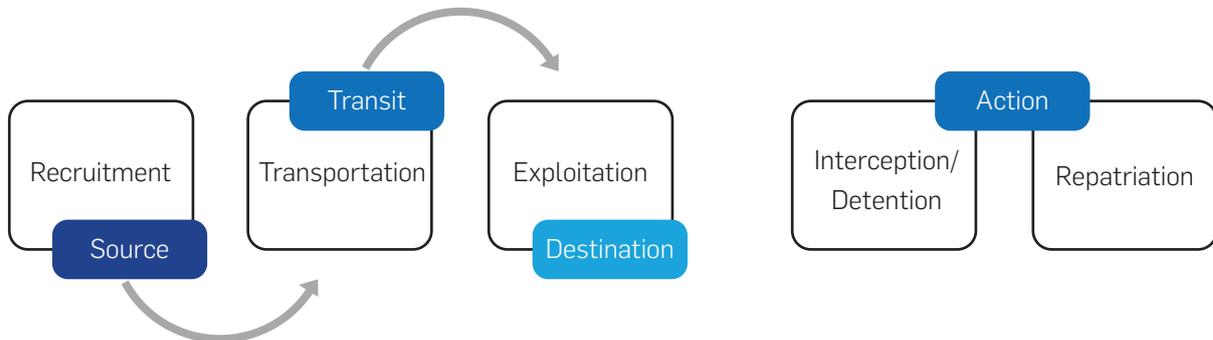
Section 370 Indian Penal Code - *Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by— using threats, or using force, or any other form of coercion, or by abduction, or by practising fraud, or deception, or by abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.*

c. Bangladesh:

Section 3 of the Prevention and Suppression of Human Trafficking Act, 2012 - *Human trafficking means the selling or buying, recruiting or receiving, departing or transferring, sending or confining or harbouring either inside or outside of the territory of Bangladesh of any person for the purpose of sexual exploitation or oppression, labour exploitation or any other form of exploitation or oppression by means of -*

- (a) Threat or use of force, or
 - (b) Deception, or abuse of his or her socio-economic or environmental or other types of vulnerability; or
 - (c) Giving or receiving money or benefit to procure the consent of a person having control over him or her.
- If the victim of trafficking is a child, it shall be immaterial whether any of the means of committing of the offence mentioned in clause (a) to (c) of subsection (1) is used or not.

The Trafficking Supply Chain



ii. “First Responder”

First responders are agencies, organisations or individuals with a responsibility to identify and interview a potential adult or child victim of human trafficking.

iii. Missing person

Anyone whose whereabouts is unknown, whatever the circumstances of disappearance. He / she will be considered missing until located and their well-being or otherwise established.

iv. Missing Child¹

A missing child is defined as a person below 18 years of age whose whereabouts are not known to the parents, legal guardians or any other person who may be legally entrusted with the custody of knowing the whereabouts / well-being of the child whatever may be the circumstances / causes of disappearance. The child will be considered missing and in need of care and protection, until located and / or his / her safety / well-being is established.

v. Found Child

- a. Any child i.e., a person below 18 years of age who had been missing and is found: by the police either on their own or on information of any third party;
- b. By the police during investigation pursuant to an existing FIR / Complaint filed by any third party such as school authorities, social workers, local leaders, passersby, NGOs, Childline, etc. (excluding parents / guardians / family or children’s institutions);
- c. By the police during rescue operations conducted against organised crime groups like traffickers, child labour cartels, kidnappers, etc.
- d. When the child himself / herself reaches the police station.

¹MHA India Advisory on missing children-measures needed to prevent trafficking and trace the children-regarding, dated 31st January, 2012 and Rule 92(1) of Juvenile Justice Model Rules (India) 2016.

vi. Non Governmental Organisation

A non-profit organisation that operates independently of any government, typically one whose purpose is to address a social issue. In this SOP, NGOs would mean registered NGOs working in the field of human trafficking / human rights / child protection.

vii. Inadvertent crossers

Any person who crosses the border unintentionally.

viii. Illegal Entry

United Nations

Article 3, subparagraph (b), Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime -
Illegal entry shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State.

ix. Overstaying

Any foreigner who stays in a country after the expiry of their visa.

x. Repatriation

The legal process of sending / bringing people back to their place / country of origin, in a time-bound and humane manner is known as repatriation. Repatriation is not the same as push-back or deportation.

xi. Push-back

The process followed when a person, who intentionally or unintentionally enters a foreign country and is immediately expelled, without having the opportunity to explain his / her personal circumstances or the possibility to claim asylum. Push-backs are illegal and prohibited under international human rights law.

xii. Deportation

Deportation is the forced displacement of persons by expulsion or other coercive acts for reasons not permitted under international law from an area in which they are lawfully present to an area under the control of another party.

xiii. Returning victims of trafficking

Any victim of trafficking returning from the destination (foreign land) to his / her own country.

xiv. Smuggled migrant

A person whose illegal entry or stay in a country of which he or she is not a national or permanent resident has been facilitated by another person for the purpose of deriving financial or other material benefit.

REMEMBER

If any payment (cash or kind), is made to a person before crossing the border, it **could** be a case of migrant smuggling

Trafficking in Persons and Migrant Smuggling

The following table helps understand the difference between Trafficking in Persons and Migrant Smuggling with respect to the consent, exploitation and transnationality involved in both offences.

Consent	Exploitation	Transnationality
<p>The smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.</p>	<p>Smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim in some manner to generate illicit profits for the traffickers. From a practical standpoint, victims of trafficking also tend to be affected more severely and to be in greater need of protection from revictimisation and other forms of further abuse than are smuggled migrants.</p>	<p>Smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another state or only moved from one place to another within the same state.</p>

III. Indicators and identification

People often exhibit certain physical signs that serve as primary indicators of being victimised. Listed below are some actions that can be adopted by first responders to observe indicators of potentially trafficked persons. However, it should be borne in mind that these indicators are not exhaustive and only serve as a guide, in addition to the existing hands-on experience of first responders at the ground level.

REMEMBER

- i. Use victim-friendly techniques in interviewing a presumed victim.
- ii. Make sure the victim is not intimidated in any way.
- iii. Unaccompanied children maybe victims of human trafficking.

A. Physical Indicators and Observations

- i. Person(s) entering a country illegally, i.e., is not in possession of any identity card or travel documents or is in possession of false papers provided by another person;
- ii. Shows signs of fear, anxiety, depression, submissiveness, tension, nervousness, distress, anxiousness, fidgetiness, emotional distress, especially in females;
- iii. Appears to have physical / visible injuries from weapons, such as knives, guns, clubs resulting in scars, cuts, bruises, burns, etc.;
- iv. Appears uncomfortable in expensive / flashy clothes, accessories (like possessing a mobile phone) or shoes;
- v. Appears to be under the influence of alcohol or drugs;
- vi. May have a distinct accent and language spoken;
- vii. Unwilling to disclose information but seems confident in conversations that sounds scripted;
- viii. Provides vague information on destination or home address;
- ix. Appears particularly fearful of law enforcement officers and expresses a heightened sense of fear for family's safety;
- x. Children may claim to be older than they appear;
- xi. Considerable age disparity among couples;
- xii. Within a group travelling together, there may be a stark cultural difference or disparity in appearance;
- xiii. Members of a group travelling together may not know the names or have any information about one another;
- xiv. The spokesperson of a group travelling together, who appears to have control over everyone's money / identification documents, may be a trafficker.

REMEMBER

Never disregard a suspicion. It is always wise to act on such suspicion, rather than risking someone being trafficked.

B. Enquiries to be made

- i. Possession of valid travel documents
 - Do you have a valid passport and visa?
- ii. Intention to cross over
 - Do you know where you are at present?
 - Why are you crossing over to India/Bangladesh?
 - Who has helped you get these travel documents?
- iii. Details of person(s) travelling with the presumed victim
 - Who is the person travelling with you? How do you know him / her?
 - What is his / her name, address and phone number?
 - Where does he / she work?
 - Did he / she promise you a job or a better life?
- iv. Details of journey
 - Where are you going?
 - How are you travelling to your destination?
 - What mode of transport are you using?
 - Who arranged your travel and what is your relationship with him / her? How much did they / you pay for your travel?
- v. Details of destination
 - Where will you be staying? How did you find this place?
 - Who are you staying with? How do you know this person? What is their address and phone number?
- vi. Mobile Phone
 - Do you have a mobile phone with you?
 - Who did you last call? Is this person in touch with your family? (*Check last dialed number*)
- vii. If travelling for employment:
 - What is the name of the company or employer? What is their address?
 - Did you sign a contract with them? Do you have a copy of the contract?
 - What kind of job will you be doing? How many hours do you have to work every day?
- viii. Details of family and financial background
 - Where are your parents / family?
 - Are you or your family in any debt?
 - Do you have any savings? Who has access to your savings?
- ix. Well-being of the presumed victim
 - When did you last eat?
 - Do you need some water?
 - Do you need medical help?
- x. If there is suspicion regarding the luggage of a presumed victim or a suspected trafficker, ensure to check the luggage thoroughly. In case medicines are found in it:
 - Why are you taking these medicines?
 - Who prescribed these medicines?

REMEMBER

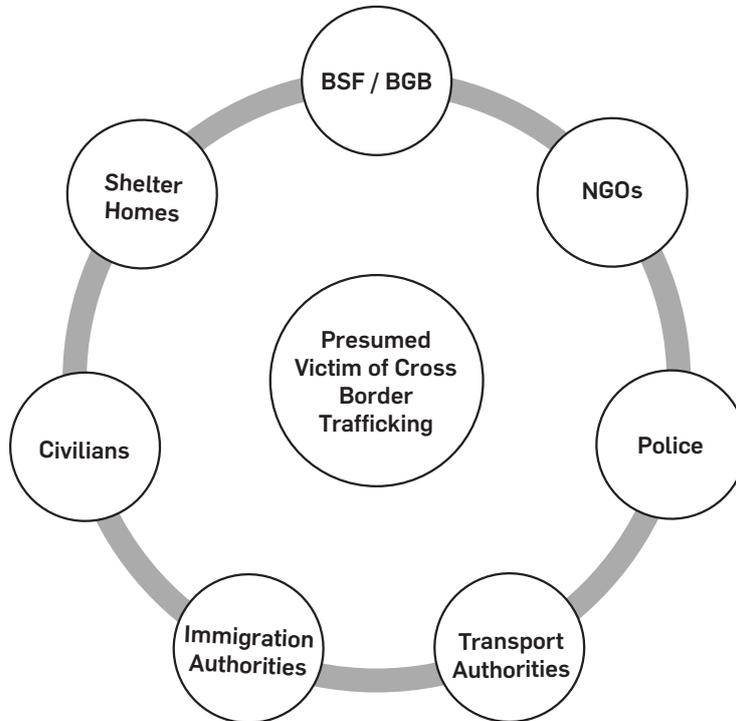
- i. Separate the presumed victim from the person he / she is travelling with, who may be a victim or trafficker.
- ii. Do not treat the presumed victim as a suspect. Be empathetic and converse in a friendly manner.
- iii. If the presumed victim is a child / girl / woman, ensure that a woman police personnel is dealing with him / her.
- iv. Ask open ended or descriptive questions that evokes more than a "yes" or "no" answer.
- v. Beware of fake documents along the border. A person without a passport / visa may be a victim of human trafficking.
- vi. Attend to the basic needs of the presumed victim like food, water or rest.
- vii. Try to provide assistance to any urgent medical need of the presumed victim.
- viii. Do not reveal the identity of the victim to the Media or Public.
- ix. Respect the person, despite their background i.e., socio-economic status, gender, caste or ethnicity.
- x. Emotional distress and psychological manifestations of trauma, such as depression, anxiety, post-traumatic stress, self-inflicted injuries or suicide attempts maybe exhibited in victims of trafficking.
- xi. Pressure to pay off exorbitant debts could be a telling sign.

IV. Interception at the Border

FIRST RESPONDERS

In the context of cross border human trafficking, a first responder is likely to be amongst the initial few people, within the first 24 hours, to initiate, assist, witness and arrive at the scene of interception.

The following diagram indicates who a likely first responder could be:



Detailed below are the roles of various First Responders, as indicated above, at the Indo-Bangladesh border upon interception of a victim of human trafficking or suspected trafficker.

1. Border Guards: Border Security Force, India (BSF) and Border Guard Bangladesh (BGB)

A. Mandate of the Border Guards

Border Security Force, India (BSF)

- i. Promote a sense of security among the people living at the border areas.
- ii. Prevent trans-border crimes, unauthorised entry into or exit from the territory of India.
- iii. Prevent smuggling and any other illegal activity.
- iv. Perform special tasks connected with intelligence including rescues.
- v. Assist in control of refugees.
- vi. Anti-infiltration duties in specific area.

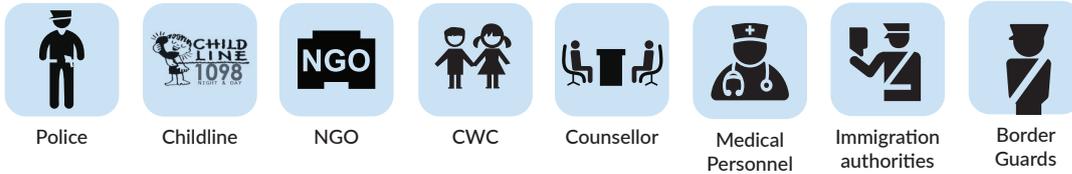
Border Guard Bangladesh (BGB)

- i. The main task of BGB is to actively protect the border
- ii. Prevent smuggling, human trafficking, trans-border crimes and internal security duties.

B. Involvement of partners

Involvement of partners is crucial in cases of trafficking

In India



In Bangladesh



C. Action to be taken

Proactive Steps

- i. Gather intelligence from informers.
- ii. Partner with Childline², NGOs, CWCs and other local entities.
- iii. Share information of potential human trafficking case from Border Out Posts (BOP) with:
 - o Police, Childline, NGOs, CWCs (in India) and Immigration Authorities;
 - o Other first responders as necessary.
- iv. If the person seems to be an inadvertent crosser, the person can be handed over to the border guards which should not be push back.

In India

If the victim is a minor, inform the nearest Childline / CWC of the interception of a victim of trafficking. The CWC is the appropriate authority to decide if the intercepted minor victim should be handed over to the family.

REMEMBER

In case a registered shelter home is not available nearby or is unavailable for some reason, Mahila Thanas or government barracks can be allotted and equipped with suitable amenities and female staff.

Identification

Refer to chapter on Indicators and Identification

²Specific to India

Cross Verification

- i. Based on the response of the presumed victim, check with the police if a missing person / child complaint has been lodged about the disappearance of the person.
- ii. As far as possible, involve the family of the victim to cross verify the information given by the presumed victim.
- iii. In case the intercepted person is a presumed victim of human trafficking, Childline or an NGO must be involved at the very first instance, to interview the presumed victim.
- iv. If the presumed victim is confirmed to be a victim of human trafficking, involve the Police and place the victim in the care of the appropriate authority i.e., Childline or an NGO.

Documentation of the Interception

Presumed victim	Suspected Trafficker
<ul style="list-style-type: none">• Border Guards can work with Childline / an NGO in preparing case details of victims that have been intercepted.• Even if the presumed victim is later allowed to cross the border by the Border Guard, the initial interception must be documented.	<ul style="list-style-type: none">• Interrogate the suspected trafficker.• The interception of the suspected trafficker must be documented to include all preliminary details (see the case detail sheet below).• Handover the suspected trafficker to the local police for further procedures, along with all information and observations documented.

The case detail sheet should ideally contain the following details:

PRESUMED VICTIM / SUSPECTED TRAFFICKER

- i. Name
- ii. Age
- iii. Sex
- iv. Father's Name
- v. Mother's Name
- vi. Photograph
- vii. Address (Details with land marks)
- viii. If possible, try to draw a map of the address
- ix. Phone numbers
- x. Visible birth marks, if any
- xi. Details of luggage carried (including money, jewellery or mobile)
- xii. Details of incidents:
 - The time when the person left home and when he / she tried to cross the border
 - Reason for crossing the border
 - Details of accompanying person(s)
 - Details of person(s) who brought / guided / escorted them to the border
 - Whether their family was aware of such a crossing
 - Time of interception
 - Documents on the person (ID card, visa, passport, employment contract) at the time of interception

D. Best Practices

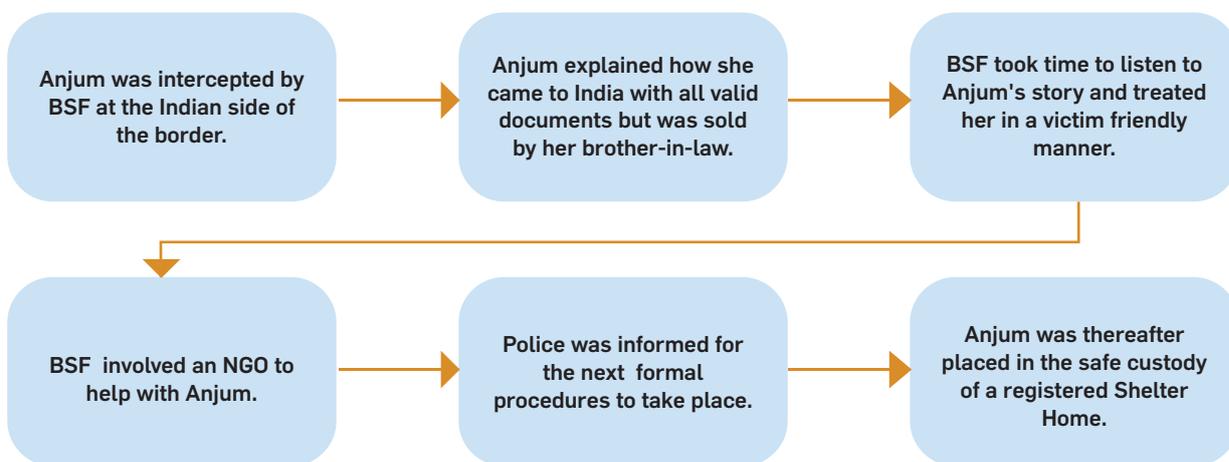
- i. Organise regular trainings and sensitisation workshops for border guards and officers posted at international borders to help identify and support victims of cross border trafficking.
- ii. BSF / BGB along with police should construct check posts every 10 km from the bordering areas to cities.
- iii. Conduct joint searches / rescues at regular intervals by BSF / BGB and police in the border areas to curb illegal activities³.
- iv. Arrange for joint presence of both BSF / BGB and Police at the integrated check posts along with immigration authorities for double verification of visas and passport.
- v. Border interacting teams should be constituted. Having specially trained, plain-clothed border guards all along the borders would help build a positive image of border guards in the minds of people and maximise operational achievements through meaningful intelligence based operation.

E. Case Example

Anjum, aged 18, travelled to India from Bangladesh with her cousin and brother-in-law, through Jessore crossing the Petrapole–Benapole Border. They had all documents in place and a one month valid visa to travel to India. Two days after her entry into India, Anjum was sold by her brother-in-law to a brothel in Mumbai. She was threatened of dire consequences if she tried to escape.

After seven months Anjum managed to escape from the brothel in Mumbai and reached the Indo-Bangladesh border to return to her country, Bangladesh.

What happens next:



First responders involved



³Pt. 6.2 of Advisory by MHA – Prevention and combating Human Trafficking in India, dated 09/09/2009

Key Takeaways

- Border guards were non-judgemental and interacted very sensitively with the girl in order to understand her story.
- The presumed victim was heard patiently; trust was built.
- The police were informed in time and appropriate action was taken.
- Timely involvement of partners was effective.

2. Police and Anti Human Trafficking Units

A. Involvement of partners

Involvement of partners is crucial in cases of trafficking

In India



Border Guards



Childline



NGO



CWC



Counsellor



Medical Personnel



Immigration authorities

In Bangladesh



Border Guards



Child Helpline 109



NGO



Counsellor



Medical Personnel



Immigration authorities

B. Action to be taken

Proactive steps

To strengthen intelligence and interception of potential cases of cross border human trafficking:

- Gather intelligence from informers;
- Share information with Border Guards and / or Border Out Posts;
- Partner with Childline, NGOs, CWCs and other local entities.

Identification

Refer to chapter on Indicators and Identification

Cross Verification

- Based on the response of the presumed victim, check for a missing person / child complaint / FIR lodged about the disappearance of the person.
- As far as possible, involve the family of the victim to cross verify the information given by the presumed victim.
- In case the intercepted person is a presumed victim of human trafficking, Childline or an NGO must be involved at the very first instance, to interview the presumed victim.
- If the presumed victim is confirmed to be a victim of human trafficking, place the victim in the care of the appropriate authority i.e., Childline or an NGO.

In India

- i. The Police / AHTU must inform the nearest CWC of the interception of minor victim, immediately.
- ii. If an FIR is filed, the Police / AHTU must arrange for preliminary medical checkups of the victim in a district hospital, at the earliest or within 24 hours of interception.
- iii. The Police / AHTU must produce the apprehended child victim before a CWC or a member of the CWC (if the CWC is not sitting) as soon as possible, with the help of Childline / an NGO (where possible).
- iv. The Police / AHTU must produce the apprehended major victim before a Magistrate, with the help of an NGO (where possible), within 24 hours of interception.
- v. The Police / AHTU must accompany the victim to the registered shelter home, provide protection in case of any anticipated threat or assist in handing the victim over to their family.

In Bangladesh

- i. The Police / Child Affairs Officer must inform the Children's Court of the interception of minor victim, immediately.
- ii. If an FIR is filed, the Police / Child Affairs Officer must arrange for preliminary medical checkups of the victim, at the earliest or within 24 hours of interception.
- iii. The Police / Child Affairs Officer must produce the apprehended child victim before a Children's Court / Magistrate as soon as possible, with the help of an NGO (where possible).
- iv. The Police / Child Affairs Officer must produce the apprehended major victim before a Magistrate, with the help of an NGO (where possible), within 24 hours of interception.
- v. The Police / Child Affairs Officer must accompany the victim to the registered shelter home, provide protection in case of any anticipated threat or assist in handing the victim over to their family.

Presumed victim

- If the presumed victim is found to be a victim of human trafficking and is without a valid passport or visa do not charge him / her under the Foreigners Act / Passport⁴ (Entry into India) Act / The Border Control of Entry Act (Bangladesh)
- Cross check if the presumed victim is a missing person.
- Record the statement of the victim verbatim to register an FIR.

Suspected Trafficker

- Interrogate the suspected trafficker.
- The interception of the suspected trafficker must be documented to include all preliminary details; this must include their name, address, reason for interception, person travelling with and so on.
- Check for possession of travel or other documents pertaining to a presumed victim(s).
- File an FIR under relevant provisions of law. (See FIR checklist below)
- In case a suspected trafficker is a foreigner then the Investigating Officer must immediately inform district Superintendent of Police (SP).
- The District SP should depute police officers entrusted with the responsibility of handling issues related to foreigners in the district.
- The specialist police officer (handling issues related to foreigners in district) should conduct a joint examination with the Investigation Officer.

FIR CHECKLIST

- i. Receipt of documented information, if any.
- ii. Place and time of interception.
- iii. Reason for interception of victim and / or suspected trafficker and by whom.
- iv. Description of documents and items seized, if any.
- v. Statement of the victim and other witnesses.
- vi. Role of the suspected trafficker.
- vii. Name, age, identification mark of victim and details of parents / guardian.
- viii. Details of source, transit and destination.
- ix. Details of offence committed against the intercepted victim.
- x. Details of the physical injuries and trauma.

⁴In India

Provisions of law that can be added in an FIR

India

Indian Penal Code, 1860 – Sections 366, 366A, 366B, 367, 370, 370A, 371, 372, 373, 374.
Prohibition of Child Marriage Act, 2006 - Section 12.
Immoral Traffic Prevention Act, 1986 – Sections 3 to 7 and 9.
The Transplantation of Human Organ Act - Section 18-20.
The Child Labour Prohibition and Regulation Act, 2016- Section 3, 3A.
The Bonded Labour System Abolition Act - Section 6.
Protection of Children from Sexual Offences Act, 2012 – Sections 2 to 18.
Juvenile Justice (Care and Protection) Act, 2015 – Sections 75 to 79, 81, 83 to 85, 87.
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 - Section 3.
Passport (Entry into India) Act (Not to be applied against victims).
Foreigners Act (Not to be applied against victims).

Bangladesh

Penal code - Section 120B, 131, 312, 213, 365, 366A, 366B, 367, 370, 371, 372, 373, 374, 375.
Ballo Bibaho Nirrodh Ain, 2017 [Child Marriage Restraint Act, 2017] - Section 7, 8, 9.
The Protection and Suppression of Human Trafficking Act, 2012 - Section 6, 7, 8, 9, 10, 11, 12, 13, 14.
Children Act, 2013 - Section 70 to 80.
The Extradition Act, 1974 - Schedule, Para 4 .
Repression of Women and Children Act of 2000 (amended in 2003) - Section 5, 6, 9, 10.
Transplantation of Human Organs Act - 1999 - Section 9, 10 (1).
Employment of Children Act, 1938 - Section 3 and 5.
The Childrens Act, 2013 - Section 70, 73, 77, 78, 80.
Factories Act 1965 and Rules 1979 – Section 25, 29, 66, 70, Rule 76 .
The Children (Pledging of Labour) Act, 1933 – Section 2 and 3.
Shops and Establishments Act – Section 2.
Overseas Employment and Migrants Act 2013 - Section - 34.
Bangladesh Passport Order, 1973 (President's Order No. 9 of 1973) (Not to be applied against victims).
The Border Control of Entry Act, 1952 (Not to be applied against victims).

C. Best Practices

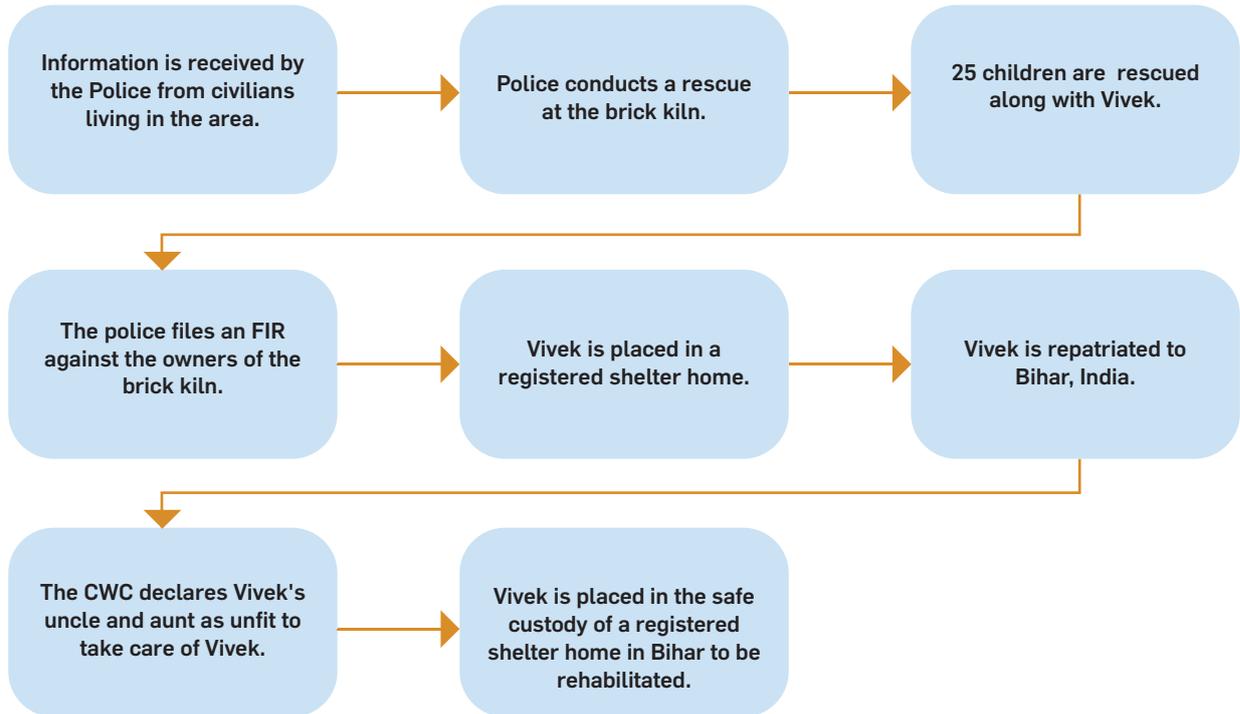
- i. **Multi Stakeholder Approach (which will include information sharing)**
 - a. Appointment of local nodal agency / officer for inter-country coordination to keep a check and close vigil on suspected movements especially with regard to cross border human trafficking between the two countries.
 - b. Information / intelligence from both countries should be made accessible by stakeholder of both countries.
 - c. Identify trafficking-prone areas and conduct effective patrolling and vigil at these locations.
 - d. Sharing of real-time intelligence and information between two countries should be encouraged, through direct (telephonic, face to face or any other means as decided by the two countries under the Coordinated Border Management Plan) or e-communication, access to common database for enforcement.
 - e. Seek help from Interpol / CBI through the Central Government to verify the identity and other details furnished by the suspect.
 - f. Conduct periodic checks in migration camps, to ensure no person is re-trafficked from such camps.

- g. Encourage joint presence of both BSF / BGB and police at the integrated check-posts along with immigration authorities, for double verification of visas and passport.
 - h. Convergence meetings between Investigation Officers and Public Prosecutors should be organised to ensure successful prosecution.
 - i. Cross-check data provided by State Anti Human Trafficking Units (in India) / Human Trafficking monitoring cells (in Bangladesh) with data provided to National Crime Records Bureau / State Crime Record Bureau.
- ii. **Training and sensitisation**
- a. Motivate local governance structures (panchayat / village head men) as well as community leaders to bring about awareness on trafficking.
 - b. To promote regular surveillance and intelligence gathering and joint rescues and searches, the local police along with BSF / BGB and civil society players may construct Anti-Human Trafficking "huts" along the border, especially along the borders which are porous.
 - c. Joint sensitisation of police officers and railway police force should be organised on the issue of human trafficking.
 - d. In order to safeguard migrant workers, the Police should ensure that the issue of illegal placement / recruitment agencies is listed in the agenda for monthly meetings.
- iii. **Victim centered approach**
- a. Be persistent to trace the home of a victim / apparent victim even if the home verification has been done and it did not match in the first instance.
 - b. Victims may be completely unaware of their rights or may have been intentionally misinformed about their rights. It is a good practice to inform the victim about each stage, i.e., what their rights are and the eventual process of repatriation and rehabilitation.
 - c. While ascertaining the age of a victim, proactive checks should be conducted on school authorities who are responsible to provide age verification certificate.

D. Case Example

Vivek, aged 9 years, from Bihar lost his parents in a bus accident and was under the guardianship of his uncle and aunt. Vivek was informed by his aunt that he could not be provided with free food anymore and that he needed to earn money as he was the eldest of all the children at home. A local agent named Rehman, aged 30, was contacted by Vivek's uncle agreed to find Vivek a job in exchange for Vivek's first month's wage. Within a week Vivek was informed that he would have to travel to Bangladesh to work in a brick kiln. Vivek travelled with two other children led by Rehman and Ismail. Rehman and Ismail walked ahead of a herd of cows, having all valid documents, while Vivek and the two other children were asked to hide among the cattle. After crossing the border they reached a shelter adjacent to a brick kiln very close to the border where there were many other children. They worked day and night and received only a day's meal.

What happens next:



First responders involved



Key Takeaways

- The traffickers took advantage of the vulnerability of the victim and his family.
- Trafficking is not limited to conventional methods of crossing borders with fake documents. Coaxing the victim to hide between cattle is one of the many innovative methods adopted by human traffickers.

3. Non Governmental Organisations (NGOs)

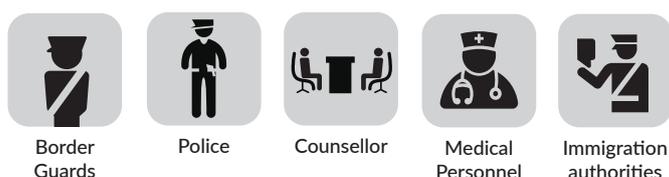
A. Involvement of partners

Involvement of partners is crucial in cases of trafficking

In India



In Bangladesh



B. Action to be taken

Proactive steps

- i. Share information with Border Guards, police, other NGOs, CWCs (in India) and other first responders working on the border for effective interception of cases of Human Trafficking.
- ii. Ensure that appropriate counseling is provided to the presumed victim especially if he / she is traumatised.
- iii. Through conversation, observation (eye contact, tone of voice, body movements) and if required, assistance from a counselor, try and understand how and why the presumed victim(s) had crossed the border.

Identification

Refer to chapter on Indicators and Identification

Cross Verification

- i. Based on the response of the presumed victim, check with the police if a missing person / child complaint has been lodged about the disappearance of the person.
- ii. As far as possible, involve the family of the victim to cross verify the information given by the presumed victim.
- iii. In case the intercepted person is a presumed victim of human trafficking, Childline or an NGO must be involved at the very first instance, to interview the presumed victim.
- iv. If the need arises, intimate the nearest registered Shelter Home of the interception of such victim and lodge a request for housing the victim.

Documentation of interception

- i. Inform the border guards and police of the interception of the presumed victim.
- ii. Support the border guards with documentation of case details.

In India

- i. If the presumed victim is confirmed to be a victim of human trafficking and is a minor, inform the nearest CWC of the interception of the victim, immediately.
- ii. If the case is taken over by the Police, i.e., if an FIR is filed, assist the police in the production of the victim before a CWC / Magistrate.
- iii. Make suggestions to the CWC for orders that are best suited to the physical and emotional condition / needs of the victim.
- iv. Ensure that the victim is not kept in the police station if procedures take place overnight.
- v. Accompany the victim to a safe house / registered shelter home before the victim is handed over to the family. If a registered shelter home is not available nearby, in coordination with the Police, arrange for Mahila Thanas or government barracks equipped with basic amenities and female staff to look after victims overnight.
- vi. Make sure there are periodic follow ups with the victim while at the registered shelter home, for holistic rehabilitation of the victim.

In Bangladesh

- i. If the presumed victim is confirmed to be a victim of human trafficking and is a minor, inform the nearest police / child affairs officer of the interception of the victim, immediately.
- ii. If the case is taken over by the Police, i.e., if an FIR is filed, assist the police in the production of the victim before a magistrate / Children's Court.
- iii. Ensure that the victim is not kept in the police station if procedures take place overnight.
- iv. Accompany the victim to a safe house / registered shelter home before the victim is handed over to the family. If a registered shelter home is not available nearby, in coordination with the Police, arrange for Mahila Thanas or government barracks equipped with basic amenities and female staff to look after victims overnight.
- v. Make sure there is a periodic follow up with the victim while at the registered shelter home, for holistic rehabilitation of the victim.

C. Best Practices

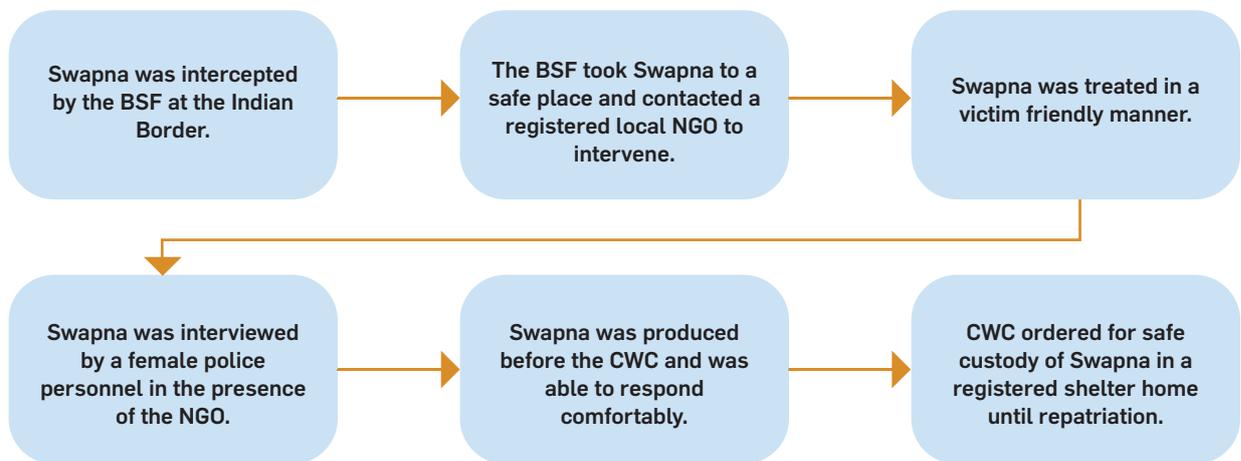
- i. Assist in the case, motivate the victim to narrate the entire incident in detail before the court / appropriate authority, and share with the police any new information received from the victim.
- ii. If required, facilitate the production of the victim(s) before the appropriate magistrate (CWC in case of children, i.e., person below 18 years).
- iii. Assist in conducting social / home investigation of victims on order from appropriate court (minor / major) / magistrate.
- iv. Assist with coordinating between the registered shelter home, police, BSF / BGB, immigration authorities and family of victim.
- v. Assist in the repatriation of the victim to his / her home country.

D. Case Example

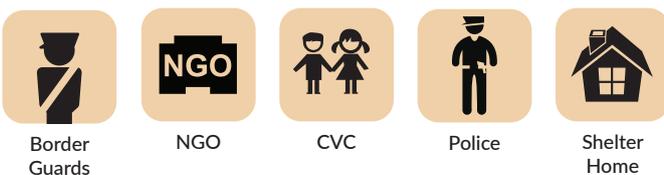
Swapna, aged 15 years, from Bangladesh, was in dire need of money when her friend Kajol, informed her about a lucrative job offer in India. Swapna and Kajol travelled to the border from their village in Bangladesh and entered West Bengal (India) in the middle of the night through an open border. They spent the night at Salima Chachi's hut, where there were two other girls as well and a man called Shanu. The next day Shanu drove them to Howrah station. From Howrah station (West Bengal), Swapna and Kajol travelled to Surat, Gujarat, where Swapna and Kajol were hired as domestic help. Kajol had a close friend named Puja, in Surat who was running a beauty parlour. Within a few days Kajol decided to leave for Bangladesh and thus suggested that Swapna should work for Puja in the parlour.

Swapna was forced into the sex trade by Puja. Swapna managed to escape with the help of a pimp, who helped her reach the border, in return for money.

What happens next:



First responders involved



Key Takeaways

- Swapna, being a victim of trafficking was not treated as an accused under the Foreigners Act, but provided support services.
- Presence of the NGO during the interview kept the victim at ease.
- Immediate production before the CWC ensured safe placement of the victim in a registered shelter home.

4. Airport / Land Transport / Coast Guards / Immigration authorities

A. Involvement of partners

Involvement of partners is crucial in cases of trafficking



Airport Authorities



Land Transport



Coast Guards



Immigration authorities

In India



Border Guards



Police



NGO



CWC



Counsellor



Medical Personnel



Immigration authorities



Shelter Home

In Bangladesh



Border Guards



Police



NGO



Counsellor



Medical Personnel



Immigration authorities



Shelter Home

B. Action to be taken

Proactive steps

Authorities must share information received of a possible human trafficking case that could be intercepted with Border Guards, police, NGOs, CWCs (in India) and other first responders working on the border for effective interventions to take place.

Identification

Refer to chapter on Indicators and Identification

Cross Verification

- i. Based on the response of the presumed victim, check with the police if a missing person / child complaint has been lodged about the disappearance of the person.
- ii. As far as possible, involve the family of the victim to cross verify the information given by the presumed victim.
- iii. In case the intercepted person is a presumed victim of human trafficking, Childline or an NGO must be involved at the very first instance, to interview the presumed victim.
- iv. If the presumed victim is confirmed to be a victim of human trafficking, place the victim in the care of the appropriate authority i.e., Childline or an NGO.

Presumed victim	Suspected Trafficker
<ul style="list-style-type: none">• Authorities must work with police and NGOs in documenting all details and reasons for the interception.	<ul style="list-style-type: none">• Interrogate the suspected trafficker.• Hand the suspected trafficker over to the Police for further procedures, along with all information gathered from the initial interrogation and observations.

Refer to case detail sheet in sub-chapter 1 on Border Guards (under documentation)

C. Best Practices

- i. Migration desks should be set up at all major border crossings – airports, ports, railway stations, bus stops.
- ii. Conduct joint trainings on use of emergency numbers / helplines, providing immediate assistance to victims (basic needs and medical attention).
- iii. Maintain a roster of registered NGOs working on the issue of human trafficking / human rights / child protection, to ensure immediate and quality services to be provided to the intercepted victim.
- iv. Take steps to check overstaying with appropriate mechanisms.

5. Shelter Home

A. Involvement of partners

Involvement of partners is crucial in cases of trafficking

In India



Border Guards



Police



NGO



CWC



Counsellor



Medical Personnel



Immigration authorities



Other first responders as necessary

In Bangladesh



Border Guards



NGO



Counsellor



Medical Personnel



Other first responders as necessary

B. Action to be taken

On receiving the victim from Childline / concerned NGO or Police or Border Guarding agency, a registered shelter home must:

- i. Ensure the immediate needs of the victims including food, medical needs and physical comfort as soon as the victim arrives, irrespective of the time of their arrival. Ensure that a medical checkup is also done.
- ii. Be in direct contact with relevant High Commission and counterparts in other countries, if possible (through NGOs).
- iii. A fresh photo should be taken of the victim and five copies should be made:
 - o One should be kept in their file and another should be fixed on the index card with the particulars of the victim.
 - o A copy should also be kept in a register serially numbered and a copy of the photograph sent to AHTU / Human Trafficking monitoring cell.
- iv. Record personal belongings of every person in need of care and protection in the Personal Belonging Register, along with a description of the articles.
- v. Assist in repatriation of victims of trafficking.
- vi. Do not give false hope of immediate repatriation.
- vii. If the victim is of another nationality, the staff of the registered shelter home should reassure them that they will not be jailed. Traffickers often instill the fear in those from neighboring countries that they will be imprisoned or deported and will never be able to return home.
- viii. Assist Childline staff / the NGO in production of the victim before a Magistrate / CWC.
- ix. Assist Childline staff / the NGO in locating the address of the victim's home, by undertaking a comprehensive intake interview session with the victim.
- x. Shelter home staff should assist the Magistrate not to release the victim to fake, self-styled or abusive parents / guardians by providing any information they have gathered from victim or otherwise.

REMEMBER

- i. Most victims of human trafficking experience severe trauma. This is usually exhibited through signs of hostility, anger, sleep or eating disorders, depression and so on, therefore care should be provided accordingly.
- ii. A shelter home must make efforts to be patient with such a victim and make available all necessary counseling services to these victims to ensure holistic rehabilitation of the victim.

Documentation

Every new arrival and departure should be formally recorded in the home's admission register and discharge register, with the full case information / description of the person.

C. Best Practices

- i. Victims come from different social, cultural and ethnic backgrounds, therefore the staff of the registered shelter home should be trained to handle the situation and seek the information in a gentle manner.
- ii. Trafficked victims are, most often, in a highly traumatised state of mind and may inflict self harm. In the case of a suicide attempt or self-harm, medical help must be sought immediately. The shelter home should keep emergency medical help numbers handy and follow the advice of the Medical Officer.
- iii. Security personnel at the registered shelter home should not be armed, but should have the skills and training to handle crisis situations (even violent), escape attempts, searches and frisking of visitors, security surveillance etc.
- iv. An adequate number of CCTV cameras, scanners and metal detectors should be placed to keep a vigil over those entering the Home.

The Ministry of Women Affairs, Bangladesh, runs a safe custody home at Gazipur, to provide shelter and protection to women, children and adolescents. Other shelter homes catering specifically to victims of trafficking are situated in Dhaka, Chittagong, Rajshahi, Barisal, Sylhet and Rangpur.

6. Civilians

A. Involvement of partners

Involvement of partners is crucial in cases of trafficking

In India



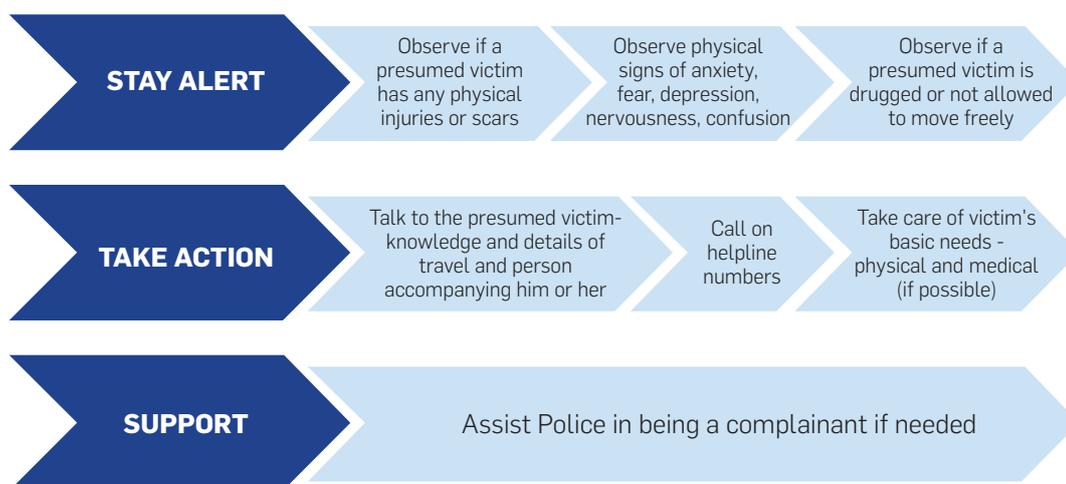
In Bangladesh



B. Action to be taken

Identification

Refer to chapter on Indicators and Identification



REMEMBER

Do not be afraid to assist the Police in being a complainant in a case

Helpline Numbers:

India	
Police	: 100
Childline	: 1098
Railway Helpline	: 1512; 182

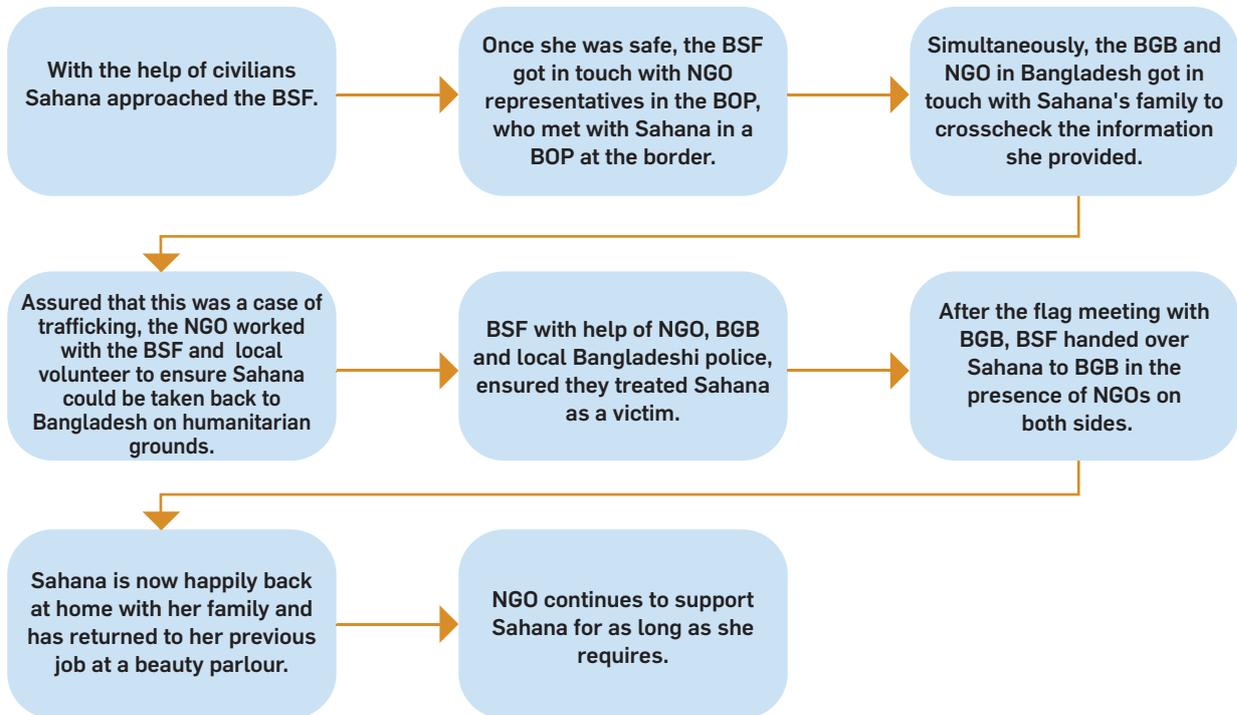
Bangladesh	
Child Help Line	: 1098
National Helpline Center (Women and Children)	: 109
Emergency Helpline	: 999
Women Support and Investigation Division*	
(Dhaka Metropolitan Police): 01755556644, 01755556645, 01733219005, 01733219030	

*Restricted to Dhaka

C. Case Example

Sahana, aged 22, travelled to India from Cox's Bazar, Bangladesh, on the promise of a job in Delhi from a friend, Asha, aged 26. After crossing the border at night, she was taken to a house where she overheard the trafficker say she had been sold and would be taken to Mumbai. After realising that she had been deceived, Sahana managed to escape from the house and asked civilians for directions to a BSF personnel.

What happens next:



First responders involved



Key Takeaways

- The civilian played a crucial part in connecting a victim to a first responder.
- The victim found solace in the support provided by the civilians.
- The civilians knowledge of appropriate response immediately benefited the victim.

V. Repatriation

A. Stakeholders involved

In India



Border Guards



CWC



Police



Probation Officers



Social Workers



DWCD



MEA



FRRO



BDHC



MHA



Intelligence Bureau



Shelter Home

In Bangladesh



Border Guards



Police



NGO



MHA



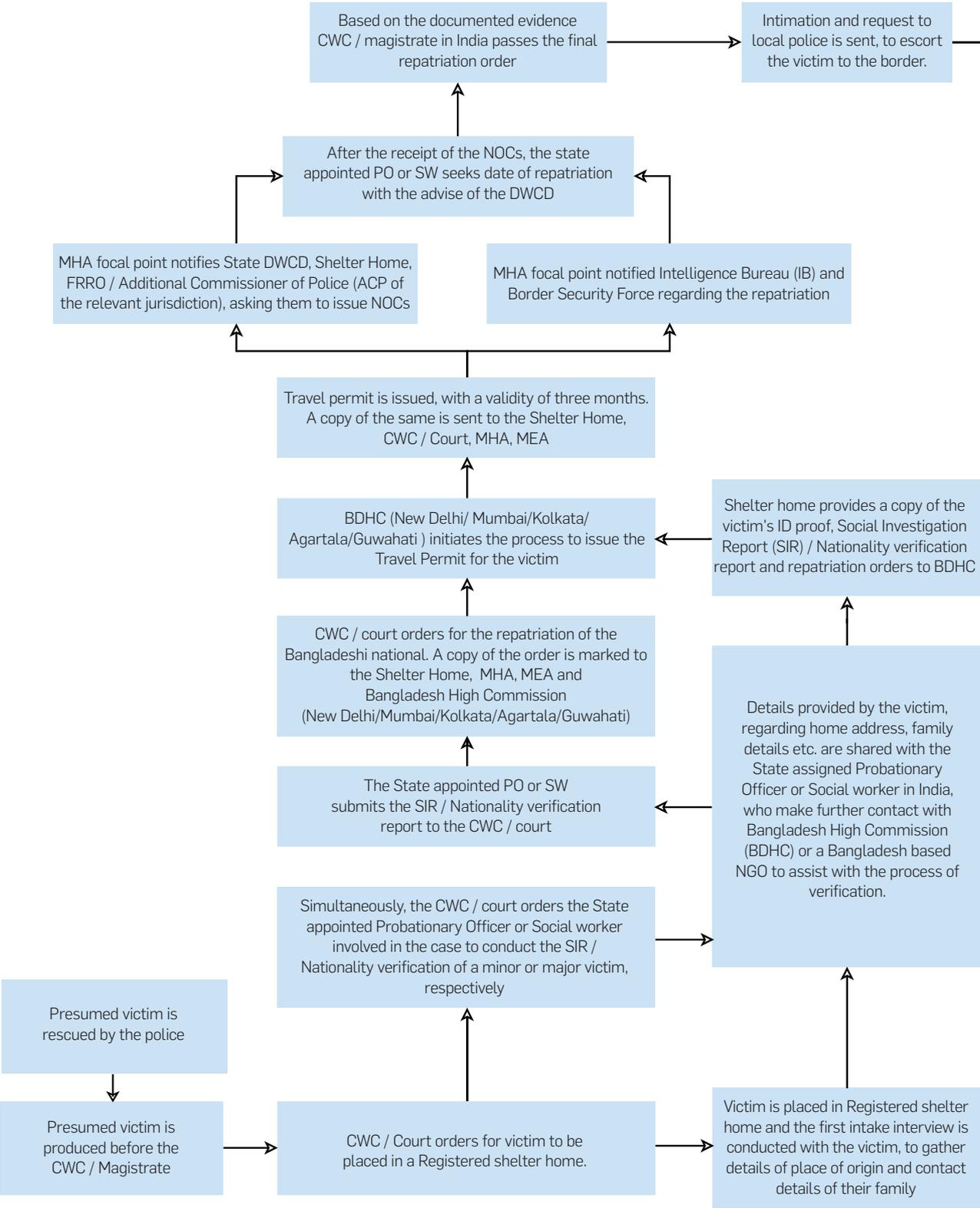
Shelter Home

B. Action to be taken

1. A summary of the long term plan developed by the assigned NGOs / Govt. Shelter Home should be shared with both countries to ensure continuity of care and services after trafficked person returns to their country (With reference to the Case Files, Treatment and Training Plans).
2. While handing over the victim, all documents related to victim's case including the case file, containing:
 - o the victim's individual care plan
 - o details of already imparted (during her / his stay in NGO / Government Shelter Home) or recommended education & vocational skills to the victim
 - o counselling reports, medical reports, case history should also be handed over to the respective counterparts and they should be briefed about the case.
3. Immigration authorities of both countries should handle repatriation according to Human Rights compliance.
4. After the safe handover, IG BSF / BGB will send the copies of the notes to the RRRRI Task Force / National Task Force for filing and recording with a copy to the High Commissions within 14 days. (2 weeks)
5. The Border Guards should maintain a register for the purposes of documenting all cross border repatriations, with the following details:
 - Date and place of Rescue / Interception
 - Registered shelter home where the victim was residing
 - City in which the FIR was filed
 - Place of Origin
 - Repatriation Documents
 - Date of Repatriation

Stepwise procedure for repatriation between India and Bangladesh

INDIA SIDE



BANGLADESH SIDE

With the help of the Probation Officer (PO) / Social Worker (SW) and the State Police trafficked victim is handed over via BSF to BGB

Local police / NGO in BD retrieves the accurate address of the victim's home and verifies nationality. These details are passed on to the BDHC and Shelter Home in India with a copy to MHA, BD .

The address provided by the victim and contact with his/her family can be made by two possible means:

- BDHC - forwards the case details to the MHA, Bangladesh who in turn task the local police to initiate the verification.
- Alternatively, the Bangladesh based NGO initiates the verification process by physically visiting the address.

