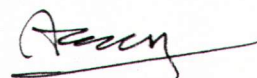


MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDIA
AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC
OF BANGLADESH
ON
BILATERAL COOPERATION
FOR
PREVENTION OF HUMAN TRAFFICKING
ESPECIALLY TRAFFICKING IN WOMEN
AND CHILDREN;
RESCUE, RECOVERY, REPATRIATION AND RE-
INTEGRATION OF VICTIMS OF
TRAFFICKING

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**THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH**
(hereinafter referred to as the "Parties"),

Having sought to strengthen the bonds of friendship between the two countries and to increase the bilateral cooperation on the issues of prevention, rescue, recovery and repatriation related to human trafficking especially women and children expeditiously,

Recognizing that trafficking in women and children is a gross violation of their rights and dignity,

Gravely concerned that human trafficking especially women and children has a negative impact on women and children's physical, sexual and mental health, moral development and is detrimental to the social norms and values of the society,

Taking into account that transnational criminal groups and organizations are actively involved in human trafficking especially of women and children and that such transnational organized crimes have affected not only Bangladesh and India but also the region and the global community at large,

Confirming that the Parties share the common concern against transnational human trafficking especially in women and children as addressed from time to time,

Recalling also the relevant international and regional instruments relating to prevention of trafficking in women and children,

Convinced that prevention and combating of the crime of human trafficking especially in women and children through mutual cooperation in law enforcement and criminal procedures is an effective measure to ensure justice against crime of human trafficking,

Emphasizing the need to strengthen cooperation to prevent all forms of human trafficking, especially women and children and to protect and assist them,

Ensure the speedy investigation and prosecution of traffickers and organized crime syndicates in either country.

Have agreed as follows:

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I- SCOPE OF THE MEMORANDUM OF UNDERSTANDING

Article 1:

This Memorandum of Understanding shall apply to all forms of human trafficking especially trafficking in women and children as defined in Article 2 of this Memorandum and with specific reference to the respective Standard Operating Procedures adopted by both the countries.

II- DEFINITION

Article 2:

For the operational purpose of this memorandum:

(a) "Trafficking in women and children" shall mean the selling, buying, recruitment, receipt, transportation, transfer, or harbouring of any person for the purpose of sexual- exploitation, labour-exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs or any other form of exploitation by means of

(i) threat or use of force or other forms of coercion, or

(ii) abduction, fraud or deception, or other types of vulnerability, or

(iii) giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

(b) "Victims of trafficking" or "victim" means a person against whom any of the trafficking offences under the respective laws of either countries has been committed.

(c) "Traffickers" means persons, agencies or institutions engaged in human trafficking especially women and children.

(d) "Child" means a person who has not completed the age of eighteen years.

(e) "Focal Point" means the designated officials from the Home Ministries of the respective countries.

(f) The consent of a victim of trafficking in person to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

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III- PREVENTIVE MEASURES

Article 3:

The Parties shall undertake necessary policies, programmes and appropriate measures to ensure that the respective countries conform to the international human rights instruments which both the Parties have ratified or acceded to are effective in eliminating human trafficking in women and children and in protecting the rights of victims of trafficking.

Article 4:

The Parties shall undertake preventive measures in the respective countries including strengthening of law enforcement agencies, border controls, raising awareness and life-skills, vocational and educational programs, community based prevention mechanisms in particular for women and children with special reference to human trafficking to increase the opportunity for employment and hence reduce vulnerability to trafficking in coordination with other relevant government agencies or non-government/development partners.

The Parties shall also strengthen immigration and border controls to prevent and detect trafficking in persons.

Article 5:

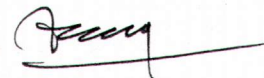
The Anti-trafficking Cells and Task Forces shall make best efforts to prevent human trafficking through the following preventive measures:

(a) Coordinate with relevant Government Organisations and Non-Government Organisations' activities regarding awareness raising programmes and setting up community based prevention mechanisms.

(b) Develop and share database on traffickers and also on victims of trafficking and regular exchange of such information through the designated focal points in the Ministry of Home Affairs in India and Bangladesh.

(c) Border guarding forces of India and Bangladesh will strive to prevent human trafficking through the implementation of simultaneous coordinated patrolling, activating nodal points, regular meetings of field commanders and sharing of intelligence inputs as agreed in CBMP 2011.

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(d) Capacity building programmes for concerned agencies of both countries including joint trainings.

(e) Check and regulate the activities of manpower recruiting and travel agents through the appropriate authorities.

IV- PROTECTION OF TRAFFICKED WOMEN AND CHILDREN

Article 6:

Women and children who have been found victims of trafficking based on investigation shall be treated as victims of trafficking.
Therefore,

(a) The relevant authorities shall ensure the protection and security at every step taken for the repatriation of trafficked women and children.

(b) Women and child victims shall be treated with dignity, ensure confidentiality and non- discrimination throughout the process of protection and repatriation, and judicial proceedings.

(c) Standard Operating Procedure adopted by the Governments for Rescue, Recovery, Repatriation and Integration [RRRI] will be followed for the repatriation of the victims of trafficking.

Article 7:

The Parties shall undertake appropriate measures on behalf of the victim of trafficking as per the laws and rules of the countries and may seek such mutual legal assistance as appropriate.

Article 8:

The relevant government agencies where appropriate, in cooperation with non-government organizations, shall provide victim of trafficking with safe shelters, health care, access to legal assistance, and other imperatives for their protection and safe guarding their best interest. In case of children specific measures included in the laws related to children will prevail.

Article 9:

The law enforcement agencies and other relevant agencies in both countries, especially at the border shall work in close cooperation to uncover domestic and cross border trafficking of children and women and

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Article 10:

The police and other relevant authorities in both countries shall cooperate in exchange of information concerning trafficking cases such as trafficking routes, places of trafficking, identification of traffickers, network of trafficking, methodologies of trafficking, information related to proceeds of crime, and data on trafficking through the focal points and Taskforces of both countries.

V- REPATRIATION

Article 11:

(a) The authorities in charge of repatriation shall follow the respective SOP to inform the other Party of repatriation arrangements of trafficked victims in advance and repatriation will be undertaken in accordance with the respective SOP adopted by the countries.

(b) Repatriation of trafficked victims shall be arranged and conducted expeditiously and cases pending beyond six months can be escalated to the higher authority.

VI- REINTEGRATION

Article 12:

The Parties shall make all possible efforts towards the safe and effective reintegration of victims of trafficking into their families and communities in order to restore their dignity, freedom, and self-esteem in their respective countries.

VII- JOINT TASK FORCE

Article 13:

(a) The Joint Task Force established between the two Parties shall be comprised of competent representatives from both Parties.

(b) The Joint Task Force existing between the two Parties and consisting of representatives of both Parties shall assume the following responsibilities:

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(b) The Joint Task Force existing between the two Parties and consisting of representatives of both Parties shall assume the following responsibilities:

- (i) To monitor and assess the implementation of this Memorandum of Understanding and report to the respective Ministries at its annual meeting;
- (ii) To initiate establishment of strategies, plan of action and implementing guidelines and other necessary framework to implement this Memorandum;
- (iii) To make recommendations toward further development of mutual cooperation against human trafficking;
- (iv) To review the implementation of this Memorandum of Understanding every two years;
- (v) The Joint Task Force shall be called to meet as and when the need arises. The date and venue of the meeting of the Joint Task Force shall be agreed by both the Parties.

VIII- FINAL PROVISIONS

Article 14:

This Memorandum of Understanding shall take effect on the date of signature by both the Parties.

Article 15:

The Parties shall endeavor to settle disputes concerning the interpretation or application of this Memorandum through negotiation.

Article 16:

Either Party may terminate this Memorandum of Understanding at any time by giving written notice to the other Party through diplomatic channels, and the termination shall be effective three months after the date of receipt of such notice.

Article 17:

This Memorandum of Understanding may be amended upon the agreement of the Governments of India and Bangladesh.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments have signed this Memorandum of Understanding.

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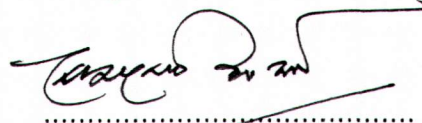


Done at Dhaka on Sixth of June Two Thousand and Fifteen in two originals each in Hindi, English & Bangla. In case of divergence in interpretation, the English text shall prevail.

For and on behalf of the
Government of
Republic of India

27.04.2015

For and on behalf of the
Government of
People's Republic of
Bangladesh



Dr. Md. Mozammel Haque Khan
Senior Secretary
Ministry of Home Affairs
Govt. of the People's Republic
of Bangladesh