

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDIA
AND
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
ON
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 KINGDOM OF CAMBODIA (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 human trafficking especially 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 women and children and that such transnational organized crimes have affected not only in the Republic of India and the Kingdom of Cambodia but also the region and the global community at large;

Confirming that the Parties share the common concern against transnational human trafficking especially 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 women and children by mutual cooperation through law enforcement and criminal procedures is an effective

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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 reached the following understanding:

I- SCOPE

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 Parties.

II- DEFINITIONS

Article 2

For the operational purpose of this Memorandum:

(a) Trafficking in persons, especially 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

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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 kind of the trafficking offences has been committed under the respective national laws of the Parties;

(c) "Traffickers" means persons, agencies or institutions engaged in acts considered within the concept of human trafficking:

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

(e) "Focal Point" means the designated official by the competent authority in the Ministry of Home Affairs of the Republic of India and the Ministry of Interior of the Kingdom of Cambodia.

III- PREVENTIVE MEASURES

Article 3

The Parties shall undertake necessary legal reform and other appropriate measures to ensure that the legal frameworks in their respective jurisdictions have conformity with the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and other human rights instruments as well as Conventions relating to the Suppression of Human Trafficking which they are parties.

Article 4

The Parties shall undertake preventive measures in the respective countries including strengthening of law enforcement agencies, border

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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.

Article 5

The competent authority and concerned Task Forces shall make best efforts to prevent human trafficking through the following preventive measures:

- (a) Coordinate with relevant Government authorities, Organizations and Non-Government Organizations 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 Ministry of Interior in Cambodia;
- (c) Capacity building programmes for concerned agencies of both countries including joint trainings;
- (d) Check and regulate the activities of manpower recruiting and travel agents through the appropriate authorities.

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IV- PROTECTION OF TRAFFICKED VICTIMS ESPECIALLY WOMEN AND CHILDREN

Article 6

Persons including women and children who have been found victims of trafficking based on investigation shall be treated as victims of trafficking and, not violators or offenders of the immigration law.

Therefore,

- (a) Trafficked persons especially women and children shall not be prosecuted for illegal entry to the country.
- (b) The relevant authorities shall ensure the protection and security at every step taken for the repatriation of trafficked persons especially women and children.
- (c) Women and child victims shall be treated with dignity, and confidentiality and non-discrimination to be ensured throughout the process of protection, repatriation and judicial proceedings.
- (d) 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.
- (e) Victims shall be treated humanely throughout the process of protection and repatriation, and the judicial proceedings;

Article 7

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

Article 8

The relevant government agencies where appropriate, in cooperation with non-governmental organizations, shall provide victims of trafficking

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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 in persons especially in women and children and also work according to the respective Standard Operating Procedure (SOP) for RRRI.

Article 10

The law enforcement authorities 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 both 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.

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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

The Parties shall establish a Joint Task Force, which shall comprise of competent authorities from both Parties. The joint task force shall assume the following responsibilities:

- (i) To monitor and assess the implementation of this Memorandum of Understanding and report to the respective Ministries at their annual meetings;
- (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 upon by both Parties.

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VIII- FINAL PROVISIONS

Article 14

This Memorandum of Understanding shall come into effect from the date of its signature by both the Parties.

Article 15

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

Article 16

This Memorandum of Understanding does not create any obligations whatsoever on any of the Parties and should be implemented in line with the laws and regulations and rules of each Party.

Cooperation under this Memorandum of Understanding does not affect the rights and obligations of the Parties arising from the international conventions to which they are Parties.

Article 17

Each Party reserves the right to suspend temporarily, either in whole or in part, the implementation of this Memorandum of Understanding, which shall take effect immediately after notification, such suspension or resumption notice, shall be in writing through diplomatic channels.

Article 18

This Memorandum of Understanding may be amended at any time by mutual written consent of the Parties.



Article 19

This Memorandum of Understanding shall remain in force, unless

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

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

Done atonin two originals, each in Hindi, Khmer & English languages, all texts being equally authentic. In case of divergence in interpretation, the English text shall be used.

**For and on behalf of the
Government of Republic of
India**



Shri Rajiv Gauba,
Home Secretary,
Ministry of Home Affairs (MHA)

**For and on behalf of the
Government of the Kingdom of
Cambodia**



Mrs. Chou Bun Eng,
Permanent Vice Chair of the
N.C.C.T, Secretary of State
Ministry of Interior Kingdom
of Cambodia